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This INDEX is a consolidation of contents entries appearing in this month's issue of the FEDERAL REGISTER. It will be published monthly, quarterly, and annually.

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Numerical Finding Aids. LIST OF CFR SECTIONS AFFECTED is published monthly and is cumulated each month, keyed to the revision dates of the various CFR volumes. A List of CFR Parts Affected by entries in this INDEX appears at the end of this INDEX, together with a table of FEDERAL REGISTER pages and dates.

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Animals	Agricultural Marketing Service. Agricultural Research Service. Animal and Plant Health Inspection Service. Fish and Wildlife Service. National Oceanic and Atmospheric Administration.
Armed Forces	Air Force Department. Army Department. Civil Aeronautics Board. Defense Civil Preparedness Agency. Defense Communications Agency. Defense Department. Defense Intelligence Agency. Defense Manpower Commission. Defense Nuclear Agency. Navy Department. Selective Service System.
Banks, Banking	Comptroller of the Currency. Export-Import Bank. Federal Deposit Insurance Corporation. Federal Home Loan Bank Board. Federal Reserve System. Fiscal Service. Internal Revenue Service. National Credit Union Administration.
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WHAT IT IS

The List of CFR Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

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For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
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135c.132 Added 28151
135c.133 Added 43628
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135c.135 Added 39034
135c.136 Added 36113
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(e) table CFR correction 25942
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141a.93 (a)(2) amended 18774
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1.876–1 (b) and (c) revised; (d) added 44229
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1.932 Amended 44230
1.932–1 (a) (1) revised 44230
1.959–3 (e) introductory text revised, examples (*1*) and (*2*) amended 44211

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1.960–1 (c)(1)(iii), (3) and (4) (example (6)) added 44211
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1.960–2 (c)(2) and (e) (examples (7) and (8)) added 44212
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1.963–3 (h) (example (2)) revised 44214
1.964–1 (c)(3)(ii) and (4)(iv) revised 30931
1.981 Added 38371
1.981–1 Added 38372
1.981–2 Added 38373
1.981–3 Added 38374
1.991—1.992–1 Added 34401–34405
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1.992–2—1.992–4 Added 34405–34409
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1.995—1.997–1 Added 35108
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1.1201–1 Revised 44975
1.1222 Amended 44978
1.1222–1 (h) added 44978
1.1232–1 (c) revised 11880
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1.1232–3A (f) added 11880
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1.1375–1 (e) redesignated as (f); new (e) and (f)(5) added 44978
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1.1402(a)–1 (a) introductory text revised 44445
1.1402(a)–2 (c) and (d) revised 44445
1.1402(a)–3 Revised 44445
1.1402(a)–17 Added 44446
1.1402(b) Amended 44446
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1.1402(c)–2 Revised 44448
1.1402(c)–3 (a) revised; (f) added 44448
1.1402(e)–2A Added 44448
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1.1402(e)–3A Added 44449
1.1402(e)–4A Added 44450
1.1493 Historical note added 44230
1.1493–1 Revised 44230
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1.6013–5 Added 28279
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1.6015(i) Redesignated as 1.6015(j) and revised; new (i) added 44232
1.6015(i)–1 Redesignated as 1.6015(j)–1; new (i)–1 added 44232
1.6015(j) Redesignated from 1.6015(i) and revised 44232
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20.2031–8 (b) revised 26723
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20.2055–1 (a)(2), (3), and (4) revised; (d) added 25452
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20.2106–1 (a)(2) revised 25457
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25.2512–6 (b) revised 26723

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25.2522(a)–2 Heading revised, (c) added 25457
25.2522(c) Revised 25457
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Chapter heading	revised	34035
DMO I–11	Removed	34035
DMO III–1	Removed	34035
DMO III–1, Supp. 1	Removed	34035
GAO I–2	Removed	34035
OCDM Reg. 1B	Removed	34035
ODM Reg. 2	Removed	34035
ODM Reg. 3	Removed	34035

Chapter VI—Domestic and International Business Administration, Department of Commerce

DMS Reg. 1	Amended	36480, 41529
DPS Reg. 1	Amended	36481

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Sec. 17	(c) revised	43218
Sec. 22	(g)(2), (3) and (4) revised	43218
Sec. 29	(e)(2)(iii) revised	43219
Sec. 32	(d) and (i)(1)(i) revised; (j) added	43219

Chapter XI—Oil Import Appeals Board

Chapter XI	Removed	45268

Chapter XII—Oil Policy Committee

Chapter XII	Removed	45268

Chapter XIII—Energy Policy Office

Chapter XIII	Removed	45268

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

OPR–4	Revised	24224

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3.05–10	Revised	32558
3.05–15	Revised	32558
3.05–20	Revised	32558
3.05–55	Removed	32559
3.05–60	Removed	32559
3.05–70	Removed	32559
3.40–10	Revised	32131
3.40–15	Revised	32131
3.40–20	Revised	32131
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3.40–55	Removed	32132
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3.55–10	Revised	44979
3.55–15	Revised	44980
3.55–55	Removed	44980
3.55–60	Removed	44980
26.09	Amended	44980
62.25–55	Revised	41362
62.25–55(c)	Redesignated as 62.25–60	41362
62.25–60	Redesignated from 62.25–55(c)	41362
74.20 (Subpart 74.20)	Revised	34036
110.73a	Added	† 2689
110.86	Added	24362
110.129a	Added	† 1017
110.229	Added	41849
110.230	(a)(12) removed; (a)(13) and (14) added	41849
110.238	(a)(1) and (2), and (b)(1) and (2) revised; (a)(3) removed	† 1017
117.75	(g) heading amended	33798
117.115	(c)(1) revised	43300
117.180	Revised	39721
	(m)(1) corrected	41362

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		Page
117.190	(f) (15) removed	28435
117.210	(g) added	31527
117.225	(f) (6) and (6–a) added	32987
117.241	Added	44452
		† 4419
117.245	(h) (8) revised	28434
	(i) (20–a) revised	31528
	(g) (14) (ii) removed	36334
	(i) (24) removed	36334
	(j) (21) removed	36334
	(i) (5) added	39040
	(f) (23) revised	41362
117.440a	Added	36335
117.441	Removed	26154
117.442	Revised	† 4307
117.442a	Added	† 4307
117.443	Revised	† 4307
117.446	(a) and (b) revised; (c) removed	36335
117.446c	(a) through (c) redesignated as (b) through (d); new (c) (3) amended; new (a) added	39040
117.536	Added	40156
117.540	(b) (2) amended	41849
	(b) (2) amended	†3290, 4307
117.553	Added	27649
117.641	(f) (3) and (4) revised	33671
117.645	Revised	27901
117.663	(j) added	† 4308
117.700	(k) added	† 4308
117.707	Heading and (a) and (b) revised	32986
117.707b	Added	† 4308
117.709	Added	28435
117.711	(b) (1) revised	33671
117.740	Revised	32986
117.755	(a) (2) amended	34529
117.759b	(f) (4) removed; (f) (10)—(15) added	32986
117.775	(b) (2) removed	26154
117.790	(b) (2) (i) (*a*), (ii), and (iv) amended	33798
117.795	(b) (1) (i), (ii), (iii), (iv), (v), and (vi) amended	33798
124.14	(b) (1) revised	† 4308
127.314	Added	36963
127.501	Added	41850
127.1401	(a) (3), (4), (5), and (6) removed; (b) (1) revised; (b) (4) added	† 1017
127.1701	Added	29355
128	Authority citation revised	32133
128.05	(c) added	32133
128.07	Added	32133
128.501	Added	32133
128.1401	Authority citation added	32134
135	Technical correction	43544, 44010
135.25	(b) revised; (c), (e), (f), and (g) amended; (d) added	41363
	Corrected	43057
135.35	Removed	41363
135.50	(b) removed; (d) and (f) amended	41363
151.50—151.53	Undesignated center heading added	30125
151.50	Added	30125
	Corrected	31901
151.53	Added	30126
159	Added	† 4624
	Subchapter P (Part 161) Established	25431
161	Added	25431

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204.54	(a) (3), (4) and (5) removed; (d) (1) revised	† 3993
204.120	(a) (1) revised	44752
204.140	Removed	32029
204.202a	(b) (2) and (3) revised	32912
204.203	(c) (9) revised	44661
204.220	Revised	44752
204.230	(a) and (b) (1) revised	27133
204.232	Removed	27133
204.234	Added	27133
209.145	Added	26636
210.4	Revised	† 2582
210.5	Removed	† 2585
341	Added	29540

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401	Schedule III amended	27797

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212	Added	26641
212.4	(c) (5) (ii) corrected	27322
	(c) (4) and (5) revised	32559
213	Added	32134
232	Appendix A revised	41250
	Appendix B revised	41251
	Appendix C revised	41251
232.4	Revised	† 3290
232.5	Revised	† 3290
232.8–1	Added	† 3290
233	Added	37367
253.6	Revised	24632
255	Added	27133
256	Added	35787
257	Added	42356
282	Added	29355

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Chapter I—Canal Zone Regulations

5.24	Amended	31631
5.26	Amended	31632
5.48	Amended	31632
5.61	Amended	31632
5.62	(a) amended	31632
67.46	Revised	† 3595
67.471	(b) revised	† 2204
67.472	(c) revised	† 2204
115.2	(a) and (b) amended	31529
119.141	Amended	37636
133.1	Revised	26024
253.4	Revised	† 3213

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TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

7.13	(e) amended	25652
	(g) (3) revised	25653
	(l) (1) (iv) and (3) added	33313
7.43	(c) (1) and (4) revised; (c) (5), (6), and (7) and (d) added	30833
7.57	Heading revised; (a) added	† 762
7.58	Heading revised; (c) (6) added	† 4135
7.65	(b) revised	31633
7.75	(a), (b), and (e) revised	40156
7.94	Added	24230

Chapter II—Forest Service, Department of Agriculture

211.2	Added	30916
211.23	(a) amended	30917
211.37	Revised	30917
212.9	(c) revised	27650
212.10	(b) removed	27650
212.11	(d) and (f) revised	27650
231.5	(a) (4) revised	† 3290
231.6	(c) added	25653
251.12	Removed	31317
252	Added	31317
252.13	(c) corrected	32029
291.9	Revised	30037
293.13	Revised	31321
293.14	Revised	31321
293.15	Revised	31321

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313.21	Added	† 4313
313.22	Added	† 4314
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601	Added	28279

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1.774 (l) revised 29175
1.955—1.970 Undesignated center heading added 26399
1.955—1.970 Added 26399
2.70 Revised 32987
2.85 Revised † 4135
2.88 Removed 26403
2.89 Removed 26403
3.3 (d)(3) revised 34529
3.4 (a), (b)(2) and (c) revised; (d) removed 34529
3.5 (a), (b) introductory text, (d) and (e) revised 34529
3.7 (t) and cross reference revised 41252
3.261 (a)(33) revised 28527
3.262 (o), (p), and (q) revised 28527
3.263 (a) revised 28527
3.304 (a) and (b)(3) revised 34530
3.305 Heading and (a) revised 34530
3.307 Heading and (a)(1) and (2) revised 34530
3.308 Revised 34530
3.309 (a) and (c) revised 34530
3.311 Removed 34531
3.321 (b)(2) and (3) revised 32988
3.350 Introductory text, (d), (h), and (i) revised; (a), (b), (c), (e) and (f) amended 34531
3.352 Revised † 1241
3.353 (a), (b) and (d) revised † 1241
3.358 (c)(5) and (6) revised 34531
3.371 Heading revised 34532
3.400 Introductory text and (b)(1) revised; (b)(2)(iii) and (c)(3)(iv) removed 32988
3.500 (r) revised 34533
3.551 (a), (b), (c), (d), (e)(2) and (f) revised 32988
3.552 (g) and (h) revised 34532
3.556 (a)(1) revised 34532
3.669 (a) and (c) revised 28630
3.670 Removed 28630
3.800 (a) introductory text and (b) revised 34532
3.801 (c)(2) revised 34532
3.850 (a) and (b) revised 34532
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9 Revised † 4135
13.200–13.217 Removed 26403
14.610 Revised 35656
14.615 (b) revised 35657
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17.48 (d) revised 32606
17.49 (a)(2) revised 32606
17.51a Revised 32606
17.64 Revised 26403
17.65 (a) revised 26403
17.65a Revised 26403
17.96a Removed 26403
17.170—17.176 Appendix A revised 35796
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17.173 (a)(4) and (c)(2) revised; (b)(7) and (c)(7) added 35356
17.300—17.306 Removed 26403
17.404 (d) revised 31901
17.405 (a)(2), (b)(1), and (c)(1) amended 31901
17.408 (a) revised 31901
21.201 (i)(1) through (4) correctly added 39040
(l)(4)(ii) and (j) revised; (k) added 45236
21.202 (b)(1), (2), and (3)(i) and (ii) revised 45236
21.268 Introductory text and (b) revised 28630
21.274 (a) revised 28630
21.278 Revised 28630
21.279 (a), (b)(3) and introductory text of (c) revised 28630
21.715 (c) revised 43219
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21.720 Revised 43219
21.735 (a) revised 43219
21.1030 Revised 43220
21.1032 (a) and (b) revised 43220
21.1041 (a)(3) and (4) revised; (d) introductory text revised 38227
21.1042 Revised 38227
21.1045 (a)(5) and (b)(2) revised; (f) and (g) added 31902
21.3030 Revised 43220
21.3031 (a) revised 43220
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21.3040 (c) and (d) revised 38227
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21.4102 Revised 37986
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21.4131 (a), (c), (d), and (e)(1)(i) revised 43220
21.4132 Revised 43220
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21.4136 (f), (g)(2), (h) and (j)(1), (2) and (3) revised 43220
21.4137 (g)(2) and (3) revised 31902
21.4200 (b)(1) revised 43221
21.4202 (b)(1) and (5) revised 43221
21.4203 (b) introductory text and (b)(1) and (f) revised 31903
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21.4204 (a) and (e) revised 31903
21.4205 (a) introductory text revised 31903
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21.4230 (e) revised 45236
21.4232 (a) revised 45237
21.4233 (a), (b) introductory text, and (c)(1) revised; (e) added 45237
21.4234 (d) and (e)(3) revised 34036
(a) introductory text and (b) revised 45237
21.4235 (a)(1) and (3), (e), and (f) revised 34027
21.4237 Heading and (d) revised; (a) amended; (e), (f) and (g) added 34037
(a) introductory text and (2) and (3) revised 41707
21.4270 (c) and (d) amended; footnote 7 added 45237
21.4271 (c) revised 45237
21.4279 (a)(2) revised 45237
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36.4231 (a) revised † 1514
36.4232 (a)(5) and (6) removed; (d) added † 1514
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13.3 Amended 27457
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21.2 (b)(2), (d)(4), (e)(1), (4), and (5) amended; (d)(5) revised 27457
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25.1 Revised 27462
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46.6 (a)(1)(iii) and (2) and (b) amended	27466
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53.4 Amended	27467
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232.2 (a)(12) amended; (a)(13) redesignated as (a)(15); new (a)(13) and (14) added	30116
243.2 (h) added	38376
257.4 (f) added	39017
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258.3 (a)(1) through (4) redesignated as (a)(3) through (6); new (a) (1) and (2)) added; (b) amended	39019
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320 Added	33212
320.3 (b) corrected	34533
601.103 (n), (o), and (p) revised; (q) added	26403
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52.129 (c)(7) and (d)(10) added	28285
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52.1147 (a)(2) and (3) revised	41253
52.1156 Added	34536
52.1170 (d) added	28158
(d)(2) added	32607
52.1175 (d) and (e) added	28158
(e) amended	32607
52.1177 Table corrected	30352
52.1270 (c)(2) amended	30127
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52.1274 Added	30127
(a) table amended †	3431
52.1275 (b) added	34536
52.1277 Added	34536
52.1327 Removed	26423
52.1335 Added	30835
(a) table amended †	3567, 4270
(b) table amended †	3567
52.1378—52.1379 Added	34536
52.1425 Added	40951
52.1473 (c) added	34537
52.1474 Added	34537
52.1478 (b)(7) added	28285
52.1482 (b) table amended; (c) table revised †	3995
52.1526 Added	34537
52.1574—52.1575 Added	34537
52.1586 Removed	40287
52.1587 (e) revised †	2802

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52.1588	Suspended	† 2586
52.1596	Removed	40287
52.1597	(a), (b), and (c) (1) and (3) revised	40287
52.1598	(e) (2) and (3) amended	41253
52.1623	Added	34537
52.1632	Added	34537
52.1670	(c) (5) added; (c) (3) revised	30038, 33314
52.1675	(a), (b), and (c) removed; (e) added	30038
52.1677	(b) amended; (b) and (d) amended	33314, 41254
52.1685—52.1686	Added	34537
52.1770	Amended; (c) amended	28880, † 3441
52.1774	(a) table amended	† 3441
52.1775	Removed	28880
52.1825—52.1826	Added	34537
52.1926	Added	34537
52.1983—52.1984	Added	34537
52.2024—52.2025	Added	34537
52.2036	(a) table amended	30350, 36482, 41364
52.2040	Suspended	† 2586
52.2042	(e) (2) and (3) amended	41253
52.2048	Interpretation	† 3995
52.2050	Interpretation	† 3995
52.2051	Interpretation	† 3996
52.2077—52.2079	Correctly designated as 52.2078—52.2080	29177, 37637
52.2077—52.2080	Correctly designated from 52.2077—52.2079	29177, 37637
52.2120	(c) (4) amended	32330
52.2123	(b) amended	† 3569
52.2220	Amended; (d) revised	26892, 24504
	(c) (4) amended; (c) (4) amended	28529, †3445, 3570
52.2223	(a) (1), (2) (vii), (3) (v), and (4) amended; (a) (8) added; (c) (1) table amended	28529, † 3445
	(e) added; (e) (1) table amended	† 3445, † 3570
52.2231	Added; Corrected	28529, 31903
52.2274	Added	34537
52.2292	(a) (3) added	27798
52.2300	Added	34537
52.2322	(f) added	32114
52.2330	(c) (1) and (4) revised	32114
52.2331	Revised	32116
52.2420	(c) revised	40018, 41254
52.2423	(a) revised	41254
52.2424	(b) added	34537
52.2430	(c) added	34537
52.2438	(e) (2) and (3) amended	41253
52.2443	Suspended	† 2586
52.2470	(c) (1) revised	40857
52.2486	Revised	40857
52.2520	(c) revised	31322
52.2524	(c) added; (c) table amended	32560, † 3569
52.2570	(d) added; (d) (2) added	28159, 32608
52.2578	(d) and (e) added; (d) and (e) amended	28159, 32608
52.2627	Added	24504
52.2628	Table amended	24505
52.2720	(c) added	30834
52.2724	Added	30834
52.2725—52.2726	Added	34537
52	Appendix A added	25300
60	Appendix A amended	39874
60.4	Amended	37987
60.11	(b) revised; (e) added	39873
60.41	(c) added	† 2803
60.44	(a) (3) and (b) revised	† 2803
60.62	(a) (2) revised	39874
61.04	Amended	37987
80	Appendices A and B added; Appendix A corrected	24891, 25653
	Appendix B corrected	25653, 26287
80.2	(n) added; (j), (l), (n) revised; (o) added	42360, 43283
80.3	Revised	24891
80.4	Revised	35653, 43283
80.21	Revised	42360, 43283
80.22	(a) revised; Heading, (a), (b), and (d) through (f) revised; (c) (3) revised and redesignated (c) (4); new (c) (3) and (i) added	42360, 43283
80.23	(a) (1) and (2) and (b) (2) revised; (c) redesignated as (e) and revised; new (c) and (d) added; (a) (1) and (2), (b) (1), and (c) through (e) revised; (b) (2) amended	42360, 43284
80.24	(b) (1) revised	34538
85.002	(a) (31) and (32) added	37301
85.003	Amended	37301
85.076–5	(f) revised	25321
85.076–7	(a) and (b) revised	25321
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85.076–11	Revised	25321
85.076–12	Revised	25322
85.077–4	(b) revised	37301
85.077–5	(b) (5) and (6) revised	37302
85.077–6	(b) revised	37302
85.077–7	(a) revised	37302
85.077–10	(a) revised	37302
85.077–30	(a) (1), (3), (4), and (5) and (b) (1) (i), (ii), and (iv) revised	37302
85.077–35	(a) (4) (iv) and (vi) revised	37303
85.077–38	(a) (3) and (4) revised	37303
85.102	(a) (24) and (25) revised	37303
85.103	Amended	37303
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85.177–7	(a) revised	37303
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85.277–5	(b) (5) and (6) revised	37304
85.277–6	(b) revised	37304
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85.277–10	(a) revised	37305
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85.277–35	(a) (4) (iv) and (vi) revised	37305
85.277–38	(a) (3) and (4) revised	37305
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85.1601—85.1610	(Subpart Q) Revised	32613
85.1701—85.1709	(Subpart R) Added	32611
85.1801—85.1807	(Subpart S) Added	44375
85.1806	Added; (b) corrected	44375, † 3447
85.1807	Added; (b), (d) (1), and (z) corrected	44375, † 3447
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120	Technical correction	41709
120.5	Added	43723
120.10	Amended; Amended	38645, 41255, 41709, 43723, † 1041
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122	Added	36179
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125.37	Redesignated from 125.35	27080
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171	Added	36449
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180.3	d(8) added; (e) (5) amended; (e) (5) corrected; (e) (6) amended; (e) (5) amended	38229, 29177, 34664, 32912, 25488, 40763
180.34	(e) (25) revised; (f) amended	28286, 28977
180.108	Added	38229
180.121	Amended	39878
180.142	(a) revised	43292
180.144	Amended	31904
180.147	Revised	28978
180.147a	(b) amended	28978
180.147b	Revised; Removed; new 180.147b redesignated from 180.147c	28978, † 2179, 2452
180.147c	Redesignated as 180.147b	† 2179, 2452
180.153	Amended	25487
180.157	Heading and introductory text revised	28286
180.184	Amended	43291
180.200	Amended	40763
180.202	Revised	31635
180.203	Heading and introductory text revised	28286
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180.223	Introductory text revised, undesignated paragraphs added	28286
180.225	Revised	36588
180.234	Amended	29359
180.242	Amended	33314, 38229
180.249	Amended	29359
180.253	Amended	24505
180.254	Amended	† 4657
180.267	Heading and introductory text revised; text amended	29177
	Amended	36588
180.275	Heading and introductory text revised	28286
180.281	Revised	43290
180.285	Amended	26155
180.288	Revised	38230
180.292	Heading and introductory text revised	28286
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180.301	Amended	43724
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180.328	Revised	26893
180.332	Heading and text revised	† 2804
180.338	Added	26892
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180.1001	(c) table amended	33315
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408.20	Revised	† 4593
408.30	Revised	† 4593
408.40	Revised	† 4593
408.50	Revised	† 4593
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408.150—408.153	(Subpart O) Added	† 4595
408.160—408.163	(Subpart P) Added	† 4596
408.170—408.173	(Subpart Q) Revised	† 4596
408.180—408.183	(Subpart R) Added	† 4597
408.190—408.193	(Subpart S) Added	† 4598
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408.210—408.213	(Subpart U) Added	† 4599
408.220—408.223	(Subpart V) Added	† 4600
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408.240—408.243	(Subpart X) Added	† 4601
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427.100—427.106	(Subpart J) Added	† 1877
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1–1.307–3 Revised † 2810
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1–1.507–3 (b) revised 28437
1–1.701–1 (b) (1) revised 35657
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1–1.1002–1 Added † 2811

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1–3.605–5 (f) revised 28438
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1–3.805–1 (a) (1) revised 28438
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1–3.12 (Subpart) Added 43058
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1–15.201–4 Introductory text revised 43074
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3–7.51 (Subpart) Added 43546
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3–16.5001 Amended 43545
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4–5.5101—4–5.5106 (Subpart 4–5.51) Removed † 3998
4–5.5601—4–5.5608 (Subpart 4–5.56) Removed † 3998
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916 Revoked in part by PLO 5461 44757
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1087 Revoked in part by PLO 5456 43549
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144.4a Added 37384
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176.1 Amended 37987
176.4 (b) amended 37987
176.16 (c) amended 37987
176.20 (e) (3) amended 37987
176.21 (a) amended 37987
177.4 (c) (3) (xxi) revised 36967
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213.21 Revised 40850
220 Effective date 45238
220.61 (f) (1) amended 38380
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221 Effective date 45238
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248.3 (b) (5) and (c) (2) (i) and (ii) amended 36590
248.21 a) (3) (ii) (A) and (B) amended 36590
249.10 (b) (6) revised 37637
(b) (4) (i) (b) revised; (b) (15) (vi) added 40019
(b) (1) and (14) (i) (a) revised 41611
249.33 (a) (1) amended 41611
249.40 (a) (2) and (b) revised 36590
(a) (2) (ii) table corrected 39267
250.18 Added 41611
250.19 Added 41612
250.20 Amended; (a) (3) added 35778
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250.23 Amended 41618
(a) (1) (ii) revised; (b) (2) removed; (b) (1) redesignated as (b); (c) added 41618
250.24 (a) (1) (ii) revised 41618
250.30 (b) and (d) revised 43632
250.120 (d) amended 36590

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

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403—408 Removed 42504
409 Revised 42504

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5.20–165 (b) table corrected 39723
5.30–1 (g) revised 39723
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50.10–30 Table amended 40158
73.35–20 (c)(2) amended 35798
75.20–15 (b) and (gg) amended 35798
75.30–15 (a) amended 35798
77.05–1 (b) amended 35798
78.21–1 (Subpart 78.21) Added ..... † 2689
78.47–40 (b) amended 35798
97.19–1 (Subpart 97.19) Added ..... † 2689
146.04–5 Table amended 40294
146.23–100 Table F amended 40294
147A.11 (a)(5) corrected 37771
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160.062–4 (c), (d) (2), (3), and (4), and (e) amended; (f) revised ..... † 4422
160.062–6 (b) revised ..... † 4422
160.062–7 Added ..... † 4422
160.062–8 Added ..... † 4422
160.064–1—160.064–9 (Subpart 160.064) Heading revised 36967
160.064–2 (a), (b), (c) amended; (d) added 36967
160.064–3 (a), (b), and (e) amended; (d) revised 36967
160.064–4 (a) amended 36967
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1.89 (a) amended 41257
1.401 (d) added 44022
1.405 (d) added 44022
1.415 (e) added 43301
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1.573 Note 1 amended 45263
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2.106 Footnote amended 38904, 40586
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73.66–73.69 Undesignated center heading removed 38654
73.70 Added 38654
73.92 (b) revised 38655
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89.519 (d) revised	38904
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, Section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under Section 22 on certain cheese. The change from 78 to 84 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) has been increased.

The subpart, Section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is amended to read as follows:

§ 6.16 Price determination.

The price referred to in terms 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 84 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 84 cents per pound.

The foregoing amendment shall be effective January 16, 1975. In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment would not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 78 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 10th day of January 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-1407 Filed 1-15-75;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Fresh Tomatoes [1]

COLOR CLASSIFICATION

The United States Department of Agriculture is amending the United States Standards for Grades of Fresh Tomatoes (7 CFR 51.1855–51.1877) to reference newly developed U.S.D.A. visual aids. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon payment of a fee to cover the cost of such service.

Statement of considerations leading to the amendment of the standards. This document amends the United States Standards for Grades of Fresh Tomatoes by referencing a new U.S.D.A. Tomato Visual Aid TM–L–1. This visual aid consists of a chart containing the Color Classification § 51.1860 of the Standards and twelve color photographs illustrating guides of the shade and percentage of surface color specified for the color terms "Green", "Breakers", "Turning", "Pink", "Light Red" and "Red". This visual aid was developed by The John Henry Company, Lansing, Michigan, with the collaboration of and approval by the U.S. Department of Agriculture in cooperation with United Fresh Fruit and Vegetable Association. This visual aid is designed to promote more uniform interpretation and better understanding of the grade standards.

The Administrator has designated United States Department of Agriculture Visual Aid TM–L–1, as official tomato color standards and has authorized its manufacture and sale by The John Henry Company.

Section 51.1860 is amended by the addition of the following paragraph (d):

§ 51.1860 Color classification.

* * * * *

(d) Tomato color standards U.S.D.A. Visual Aid TM–L–1 consists of a chart containing twelve color photographs illustrating the color classification requirements, as set forth in this section. This visual aid may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of this visual aid may be purchased from The John Henry Co., Post Office Box 1410, Lansing, Michigan 48904.

It is hereby found that notice of proposed rulemaking and public procedure thereon is impracticable, unnecessary, contrary to the public interest in that this amendment is necessary to reference the newly developed color standards illustrating the color terms set forth in § 51.1860 of the U.S. Standards for Grades of Fresh Tomatoes.

It is hereby found that good cause exists for not postponing the effective date of this amendment 30 days beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) the 1975 packing season for Fresh Tomatoes has already started and it is in the interest of the public and the industry that this amendment be placed in effect as soon as possible; and, (2) no special preparation is required for compliance with this amendment on the part of members of the fresh tomato industry or of others.

Accordingly, this amendment shall become effective February 1, 1975.

(Sec. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; (7 U.S.C. 1622, 1624))

Dated: January 10, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-1404 Filed 1-15-75;8:45 am]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 73, Amdt. 4; Export Reg. 24, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Requirements

These amendments lower the minimum grade requirement applicable to fresh shipments of Murcott Honey oranges, grown in the production area in Florida, to those grading Florida No. 1 Golden. These amendments also lower the minimum diameter requirement for such shipments to 2-6/16 inches. The specification of such lower minimum grade and size for Florida Murcott Honey oranges is necessary to satisfy the current and prospective demand for such oranges. The amended regulations recognize the quality of much of the Murcott Honey oranges currently available for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for fresh Murcott Honey oranges by domestic and export market outlets. Less restrictive grade and size requirements for such fruit are consistent with the external appearance and available supply of such oranges in the production area. Fresh 1974–75 shipments of Florida Murcott Honey oranges are currently estimated at 1,200 carlots.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. 1. The provisions of paragraph (b) (7) and (b) (8) and paragraph (c) of § 905.555 (Orange Regulation 73; 39 FR 32976, 37186, 40745, 42899) are amended to read as follows:

§ 905.555 Orange Regulation 73.

* * * * * * *

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

* * * * * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 Golden Grade shall have the same meaning as provided in Section (1) (b) of Regulation 105–1.02, as amended, of the Regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1180) or the United States Standards for Florida Tangerines (7 CFR 51.1810–51.1835).

* * * * * * *

2. In § 905.559 (Export Regulation 24; 39 FR 32976, 37186) the provisions of paragraph (b) (7) and (b) (8) and paragraph (c) are amended to read as follows:

§ 905.559 Export Regulation 24.

* * * * * * *

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

* * * * * * *

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meanings as are given to the respective terms in said amended marketing agreement and order; Florida No. 1 Golden Grade shall have the same meaning as provided in Section (1) (b) of Regulation 105–1.02, as amended, of the Regulations of the Florida Citrus Commission, and all other terms relating to grade, except Improved No. 2 grade, and diameter, as used herein shall have the same meanings as are given to the respective terms in the following United States Standards, as applicable: United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1180 of this title), United States Standards for Florida Grapefruit (§§ 51.750–51.784 of this title), or the United States Standards for Florida Tangerines (§§ 51.1810–51.1835 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, January 13, 1975, to become effective January 20, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1526 Filed 1–15–75;8:45 am]

[Navel Orange Reg. 235]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 17–23, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.635 Navel Orange Regulation 335.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fair. Prices f.o.b. averaged $3.41 per carton on a reported sales volume of 928 carlots last week, compared with an average f.o.b. price of $3.56 per carton and sales of 787 carlots a week earlier. Track and rolling supplies at 368 cars were up 13 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 14, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 17, 1975, through January 23, 1975, are hereby fixed as follows:

(i) District 1: 1,032,000 cartons;

(ii) District 2: 144,000 cartons;

(iii) District 3: 24,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: January 15, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1711 Filed 1–15–75;11:42 am]

[Lime Reg. 34, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Shipments

This amendment sets the minimum size requirement for shipments of Persian type limes grown in Florida at 1¾ inches for the period January 13 through April 13, 1975, rather than 1⅞ inches currently established for the period. This requirement is designed to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Shipment of Persian type limes 1⅞ inches in diameter and larger is currently authorized under Lime Regulation 34, Amendment 2 (39 FR 15097) through April 30, 1975. However, this requirement should be modified to allow the shipment of limes 1¾ inches in diameter and larger during the period January 13 through April 13, 1975, as limes are maturing at smaller sizes than normal this season, particularly late bloom fruit, which is not sizing normally. These smaller limes are of good quality, and they meet the minimum juice content requirements. The release of these smaller-sized limes would make more fruit available for market during the remainder of this season. The minimum size requirement would return to 1⅞ inches on April 14, 1975, when new crop fruit becomes available and the higher minimum is necessary to prevent the shipment of immature fruit.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes.

Order. The provisions of paragraph (a) (3) of § 911.336 Lime Regulation 34 (38 FR 12324; 13385; 39 FR 15097) are amended to read as follows:

§ 911.336 Lime Regulation 34.

Order. (a) * * *

(3) Any limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided,* That during the period January 13 through April 13, 1975, any handler may handle limes of such group that are smaller than 1⅞ inches in diameter providing such limes are not smaller than 1¾ inches in diameter.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, January 13, 1975, to become effective January 13, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1528 Filed 1–15–75;8:45 am]

[Lime Reg. 5, Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Limitation of Shipment

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), paragraph (a) (3) of § 944.204 (Lime Regulation 5; 36 FR 10774; 22008; 38 FR 12603) is amended to read as follows:

§ 944.204 Lime Regulation 5.

(a) * * *

(3) Such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varities) are of a size not smaller than 1⅞ inches in diameter: *Provided,* That during the period January 13 through April 13, 1975, such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1¾ inches in diameter; and

* * * * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter

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specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Lime Regulation 34, Amendment 3 (§ 911.336), which becomes effective January 13, 1975; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, January 13, 1975, to become effective January 13, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1527 Filed 1–15–75;8:45 am]

[Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Handling

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order and upon other available information.

Below freezing temperatures are predicted for the production area during the weekend of January 11–12. This amendment is necessary so that growers can market currently available lettuce as quickly as possible and to fully utilize remaining supplies.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, or to engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparations on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Regulation, as amended. In § 971.315 (39 FR 38888) the introductory paragraph is hereby amended by adding the following thereto:

§ 971.315 Handling regulation.

* * * except that the prohibition against the packaging of lettuce on Sundays shall not apply on January 12 and 19, 1975.

* * * * *

Effective date. Issued January 10, 1975, to become effective upon issuance.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

JANUARY 10, 1975.

[FR Doc.75–1405 Filed 1–15–75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

Visitors for Pleasure; Ineligibility for Extension of Temporary Stay

Reference is made to the Notice of Proposed Rule Making which was published in the Federal Register of September 12, 1974 (39 FR 32919) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments of §§ 214.1(a) and 214.2(b) of Part 214, Chapter I, Title 8 of the Code of Federal Regulations, pertaining to the period of admission of a temporary visitor for pleasure and his eligibility for extension of his temporary stay.

The amendment to § 214.1(a), as proposed, provided that a nonimmigrant within the class defined in section 101(a)(15)(B) who is visiting the United States temporarily for pleasure is ineligible for an extension of his temporary stay. The amendment to § 214.2(b), as proposed, retained the existing provision that a temporary visitor for pleasure could be admitted for an initial period of not more than six months, but deleted the provision that he could be granted extensions of temporary stay in increments of not more than six months.

A number of representations were received concerning the proposed rules of September 12, 1974, and were duly considered. No change has been made in the proposed amendment of § 214.1(a). A modification has been made in the proposed amendment of § 214.2(b) which, while providing that a B–2 nonimmigrant will ordinarily be admitted for a period not exceeding six months, would permit his admission for a period not exceeding one year in certain circumstances.

The prohibition against extensions of stay for B–2 nonimmigrants contained in the rules as proposed and as adopted herein shall apply to any alien who is admitted as a B–2 nonimmigrant or whose status is changed to that of a B–2 nonimmigrant on or after February 16, 1975. The prohibition shall also apply to any alien admitted as a B–2 nonimmigrant or whose status was changed to that of a B–2 nonimmigrant prior to February 16, 1975, who submits an application for extension of temporary stay on or after the latter date and has previously been granted an extension of his temporary stay.

While under the rules adopted herein a B–2 nonimmigrant will not be eligible to apply for and be granted an extension of stay beyond the period for which he has been initially admitted by an immigration officer, existing and long-established Service procedures permit a district director of this Service to grant an alien permission to remain in the United States beyond the alien's previously authorized stay, if such officer determines the existence of compelling circumstances warrant such action.

The proposed rules, as modified, and as set forth below, are hereby adopted:

1. In § 214.1, the third sentence of paragraph (a) is amended to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

(a) *General.* * * * A nonimmigrant other than one in the classes defined in section 101(a)(15)(A)(i) or (ii) or (G)(i), (ii), (iii), or (iv) of the Act (members of which classes are not required to obtain extensions of stay if they continue to be so recognized by the Secretary of State as members of such classes); section 101(a)(15)(B) who is visiting the United States temporarily for pleasure and section 101(a)(15)(C), (D), or (K) of the Act (members of which classes are ineligible for extensions of stay); or section 101(a)(15)(F) or (J) of the Act, and whose period of admission has not expired, shall apply on Form I–539 and may be granted or denied, without appeal, an extension of his period of temporary admission by an officer in charge of a suboffice or a district director. * * *

* * * * *

2. In § 214.2, paragraph (b) is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(b) *Visitors.* The classification of visitors in the Act has been subdivided for visa, admission, and extension purposes into visitors for business (B–1) and visitors for pleasure (B–2). A B–1 visitor may be admitted for an initial period of not more than six months and may be granted extensions of temporary stay in increments of not more than six months. A B–2 visitor shall ordinarily be admitted for a period of not more than six months, but may be admitted for a longer period not exceeding one year if the admitting immigration officer determines that emergent, compelling, or other special circumstances exist warranting such longer admission period.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rules are to exclude nonimmigrant visitors for pleasure from the classes of nonimmigrants eligible to apply for or to be granted extensions of temporary stay, thereby reducing the workload of applications requiring adjudication which is necessitated by manpower considerations.

Effective date. The amendments to the regulations contained in this order shall become effective February 16, 1975.

Dated: January 10, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75–1457 Filed 1–15–75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 210—GENERAL ALLOCATION AND PRICE RULES

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Clarifications to the Definitions of Covered Products

On September 6, 1974, the Federal Energy Administration issued a notice proposing a number of significant changes in the Mandatory Petroleum Price Regulations, including possible clarifications to the definitions of covered products (39 FR 32718, September 10, 1974). Comments were invited from interested persons by September 27, 1974, and more than 80 comments were received. A public hearing on the proposal was held September 30 and October 1, 1974, at which approximately 20 interested persons presented statements. The FEA has considered carefully all comments and statements submitted in this proceeding, and has concluded that action should be taken to clarify the definitions of covered products, as was proposed in the September 10, 1974, notice, to be effective immediately.

The FEA has previously amended its regulations with respect to certain of the changes proposed in the September 10 notice while action on certain other proposals has been deferred pending further study and analysis by the FEA. Those proposals which have not yet been acted on continue to be under active consideration by FEA for decision in this proceeding.

With respect to "covered products" (i.e., those products which are subject to FEA price regulations), the intent of the FEO, and now the FEA, has always been to exercise its regulatory authority under the Emergency Petroleum Allocation Act of 1973 (Pub. L. No. 93–159), with respect to all products that are subject to that Act. Previous definitions of "covered products," as set forth in the Mandatory Petroleum Price Regulations, were in no way intended to restrict the scope of the price regulations to anything less than all the products subject to the Act. FEA has, however, concluded that the clarifying amendments adopted today are needed to provide more specific guidance as to those products which fall within the more general categories of products that have been set forth in the Act and in the FEA regulations.

The Emergency Petroleum Allocation Act of 1973 directs the President to promulgate regulations providing for the allocation and pricing of "crude oil, residual fuel oil, and refined petroleum products." While crude oil and residual fuel oil are not defined in the Act, the term "refined petroleum products" is further defined in section 3(5) to include "gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils or diesel fuel." LPG is further defined in section 3(6) to mean "propane and butane, but not ethane."

Although this statutory language speaks in terms of certain enumerated products, Congress intended to provide for the regulation of a broader range of petroleum products than only those that meet the technical specifications of the products enumerated in the Act. The accompanying conference report evidences Congress' understanding that an effective allocation program "must be comprehensive in scope and therefore must include the major refined components of a barrel of crude oil." *Conf. Rep. No. 628, 93d Cong., 1st Sess. 20 (1973).* The report also makes clear Congress' intent that the regulatory mandate not be constrained by technical definitions of the terms used in the Act:

> Special mention should be made of the term "refined petroleum product" which is taken from the House amendment. This term is defined to mean kerosene, gasoline, distillates (including Number 2 fuel oil), LPG (as further defined to mean propane and butane), refined lubricating oils, or diesel fuel. The conference committee considers the term "kerosene" to also encompass jet fuel and the term "diesel fuel" to also refer to light commercial heating oil. It is understood that the term "distillates" when applied in a technical sense would encompass only Numbers 1, 2, and 4 fuel oils. It is the committee's intent, however, that this term also reach to include naphtha and benzene so as to require the allocation of these products as may be necessary to accomplish the objective of restoring and fostering competition in the petrochemical sector of industry. In this respect the conference committee wishes to emphasize that, in expressing congressional concern with fostering competition in the petrochemical industry, the committee intends to also identify petrochemical feedstock needs as important end-uses for which allocation should be made.

Id. at 16–17.

Pursuant to this congressional directive, FEA (and before that FEO) has since its inception sought to discharge completely its statutory obligation by adopting Mandatory Petroleum Price Regulations that encompass the full spectrum of products within its regulatory responsibility. However, in the September 10 notice, FEA recognized the possible need "for a more comprehensive and definitive listing of products which are covered . . . ." (39 FR 32724) Comments were therefore solicited from interested parties as to any areas in which there might be some question whether particular products are covered by the regulations.

Comments addressed to this issue ranged from the suggestion that FEA adopt a comprehensive listing of petroleum products, subject to the regulations, to the suggestion that FEA list only those products explicitly exempt from mandatory price regulations. FEA has considered all the comments and the information presented at the public hearings and has concluded that any attempt to provide an all encompassing listing of each specific petroleum product that Congress intended to be covered by mandatory price regulations would be an impossible task, fraught with practical problems of drafting and implementation, since derivative products of crude petroleum number well in the thousands.

FEA has concluded, however, that a somewhat more comprehensive listing of the products covered by its regulations would serve to ensure that the price regulations have uniform applicability to each entity in the industry. This clarifying amendment, therefore, sets forth more explicitly the covered product categories to which the FEA regulations are applicable. The amendment does not, by its explicitness, broaden or narrow the scope of the regulations, or include or exclude any products for the first time.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Parts 210 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective immediately.

Issued in Washington, D.C. on January 10, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Section 210.21 is amended to revise the definition of "Covered products" to read as follows:

§ 210.21 Definitions.

* * * * *

"Covered Products" means crude oil, residual fuel oil, and refined petroleum products and is coextensive with the term covered products as defined in § 212.31.

* * * * *

2. Section 212.1 is revised in paragraph (a) to read as follows:

§ 212.1 Scope.

(a) This part sets forth the price rules for firms engaged in the production and sale of covered products and the leasing of real property used in the retailing of

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gasoline, effective 11:59 p.m., e.s.t., January 14, 1974.

* * * * *

3. Section 212.31 is amended to delete the definitions of "LPG", "Propane-butane mix", and "Refined petroleum products", and to revise the definitions of "Aviation fuels", "Butane", "Covered products", "Crude oil", "Domestic crude petroleum', "Gasoline", "Propane", and "Residual fuel oil", to read as follows:

§ 212.31 Definitions.

"Aviation fuels" means aviation fuel (kerosene-type), aviation fuel (naphtha-type), and aviation gasoline.

* * * * *

"Butane" means a hydrocarbon whose chemical composition is predominantly C_4H_{10}, whether recovered from natural gas or crude oil.

* * * * *

"Covered products" means aviation fuels, benzene, butane, crude oil, gas oil, gasoline, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1–D diesel fuel, No. 2 heating oil and No. 2–D diesel fuel, No. 4 fuel oil and No. 4–D diesel fuel, propane, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

"Crude oil" means a mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, and lease condensate, which is a natural gas liquid recovered in associated production by lease separators.

* * * * *

"Domestic crude petroleum" means crude oil produced in the United States or from the "outer continental shelf" as defined in 43 U.S.C. § 1331.

* * * * *

"Gasoline" means all of the various grades, other than aviation gasoline, of refined petroleum naphtha which, by its composition, is suitable for use as a carburant in internal combustion engines.

* * * * *

"Propane" means a hydrocarbon whose chemical composition is predominantly C_3H_8, whether recovered from natural gas or crude oil.

* * * * *

"Residual fuel oil" means those fuel oils commonly known as ASTM Grades No. 5 and No. 6 fuel oils, heavy diesel, Navy Special, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F. in the ASTM D86 standard distillation test.

* * * * *

4. Section 212.31 is amended to add the following definitions:

§ 212.31 Definitions.

* * * * *

"Aviation fuel (kerosene-type)" means a relatively low freezing point distillate of the kerosene type and includes all kerosene products with an average gravity of 40.7° API and 10% to 90% distillation temperatures of 390° F. to 470° F. covered by ASTM D1655 specifications, and including JP–5 and other fuels meeting military specifications (MIL–T–5624G Amend. 1).

"Aviation fuel (naphtha-type)" means all fuels in the heavy naphtha boiling range with an average gravity of 52.8° API and 10% to 90% distillation temperatures of 210° F. to 420° F., including JP–4 and other fuels meeting military specifications MIL–F–5624 and MIL–T–5624G, used for turbojet and turboprop aircraft engines, primarily by the military.

* * * * *

"Aviation gasoline" means all of the various grades of aviation gasoline as defined in ASTM D910–70.

* * * * *

"Benzene" means an aromatic hydrocarbon whose chemical composition is predominantly C_6H_6.

* * * * *

"Gas oil" means all liquid petroleum distillate having a viscosity intermediate between that of kerosene and lubricating oil.

* * * * *

"Greases" means all lubricating greases which are solid to semi-fluid products comprising a dispersion of a thickening agent in a liquid lubricant.

"Hexane" means a hydrocarbon whose chemical composition is predominantly C_6H_{14}.

* * * * *

"Kerosene" means all refined petroleum distillate suitable for use as an illuminant when burned in a wick lamp.

"Lubricant base oil stocks" means all refined petroleum products that are primary components used in the compounding and blending of lubricants and greases, including but not limited to bright stocks, solvent neutrals, coastal oils, pale oils and red oils.

"Lubricants" means all grades of lubricating oils that have been blended with the necessary lubricating oil composition in a form that is designed to be used for lubricating purposes wherein said lubricating oils are comprised of greater than ten (10) percent by weight of refined petroleum products.

* * * * *

"Naphthas" means all petroleum fractions, not otherwise defined as aviation fuels, gasoline, or special naphthas, made up predominantly of hydrocarbons whose boiling point falls within the temperature range of 85° to 430° F.

"Natural gas" means natural gas as defined by the Federal Power Commission.

"Natural gas liquids" means a mixed hydrocarbon stream containing, in whole or in substantial part, mixtures of ethane, butane (iso-butane and normal butane), propane or natural gasoline.

"Natural gasoline" means all liquid hydrocarbon mixtures, containing substantial quantities of pentanes and heavier hydrocarbons, that have been extracted from natural gas.

* * * * *

"Other finished products" means all finished products, not otherwise defined as a particular covered product, such as, but not limited to, petrolatum, absorption oils, ram jet fuel, petroleum rocket fuels, and other finished products except finished petrochemicals.

* * * * *

"Special naphthas (solvents)" means all finished products within the gasoline range, not otherwise defined as aviation fuels or gasoline, specially refined to specified flash point and boiling range, for use as paint thinners, cleaners, solvents, etc.

* * * * *

"Toluene" means an aromatic hydrocarbon whose chemical composition is predominantly C_7H_8.

* * * * *

"Unfinished oils" means all oils requiring further processing, i.e., any operation except mechanical blending.

* * * * *

"Xylene" means a mixed stream of aromatic hydrocarbons whose chemical composition is predominantly C_8H_{10} containing, in whole or in substantial part, the isomers para-xylene, meta-xylene, and ortho-xylene.

[FR Doc.75–1368 Filed 1–13–75;9:28 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

Grant and Loan Program

Part 304 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Section 304.9 is amended by adding paragraph (e) to read as follows:

§ 304.9 Revised OEDP.

* * * * *

(e) Before any revised OEDP for a district is approved by EDA, it shall be reviewed by appropriate governmental bodies and all organized interested groups, especially the appropriate State agency, those organizations with OMB Circular A–95 review authority, and the EDA Regional Office.

(Sec. 701, Pub. L. 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10–4, April 1, 1970 (35 FR 5970))

Effective date: This amendment becomes effective on January 16, 1975.

Dated: January 10, 1975.

D. J. CAHILL,
Acting Assistant Secretary for Economic Development.

[FR Doc.75–1397 Filed 1–15–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13243; Amdts. 21–42; 36–4]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Noise Standards for Propeller Driven Small Airplanes

Correction

In FR Doc 74–30537 appearing at page 1029 in the issue of Monday, January 6, 1975, the following changes should be made on page 1034:

In the third column, paragraph (3), beginning "If the airplane * * *" the words "Appendix E" in the third line should read "Appendix F".

[Airworthiness Docket No. 74–WE–54–AD; Amdt. 39–2064]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP660–4 and –4R Auxiliary Power Units (APU)

Correction

In FR Doc. 75–177 appearing at page 1036 in the issue of Monday, January 6, 1975 the docket number should read as set forth above.

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–895, Amdt. 1]

PART 228—EMBARGOES ON PROPERTY

Contents of Embargo Notice

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 13, 1975.

By regulation OR–90, adopted November 7, 1974, the Board's Office of Consumer Affairs was redesignated as the Office of the Consumer Advocate. The reference, in § 228.4(h) of the Board's Economic Regulations (14 CFR 228.4 (h)), to the "Director of the Office of Consumer Affairs" must be changed to reflect the redesignation. The purpose of this amendment is to make such change.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel, in 14 CFR 385.19 and shall become effective on February 5, 1975. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385. (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends paragraph (h) of § 228.4 (14 CFR 228.4 (h)), effective February 5, 1975, to read as follows:

§ 228.4 Contents of embargo notice.

* * * * *

(h) A note which reads as follows:

Any interested person may make an informal complaint concerning the embargo described in this notice by addressing such complaint to the Director, Office of the Consumer Advocate, Civil Aeronautics Board, Washington, D.C. 20428. In addition, any interested person may make a formal complaint against such embargo (see 14 CFR 302.201).

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] THOMAS J. HEYE,
General Counsel.

[FR Doc.75–1519 Filed 1–15–75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75–21]

PART 171—FINES, PENALTIES, AND FORFEITURES

Voluntary Disclosures

Subpart A of Part 171 of the Customs Regulations revised to set forth present Customs policy in regard to voluntary disclosures of Customs violations and to establish a prepenalty notice procedure.

It has been the established policy of the United States Customs Service with respect to voluntary disclosures of violations of Customs laws of the type referred to under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), which may result in a loss of revenue, to mitigate the statutory liability in such cases, upon the filing of a petition for relief, to an amount not exceeding the total loss of revenue, provided a tender, as withheld duties, of the actual loss of revenue was made. In order that all interested parties may be informed of Customs policy in regard to such voluntary disclosures, it has been decided to set forth this policy in the Customs Regulations.

It has also been decided to set forth in the Customs Regulations a new prepenalty notice procedure, which will introduce an additional element of flexibility in the Customs processing of certain penalty cases and afford parties against whom Customs contemplates issuing a claim for forfeiture value under § 162.31 of the Customs Regulations (19 CFR 162.31) an opportunity to refute the allegations prior to the issuance of the claim.

Under the prepenalty notice procedure, the appropriate district director of Customs would issue such a notice to a party against whom he contemplates issuing a claim for forfeiture value exceeding $25,000 for a violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592). The prepenalty notice would set forth the nature of the alleged violation and would provide that unless the importer makes a written presentation within 30 days of specific evidence either to refute the purported violation or to establish that he had reasonable cause to believe that his action in the case was proper, a claim for forfeiture value will be issued against him. The procedure would also authorize the district director to afford the party to whom the prepenalty notice was issued an opportunity to make an oral presentation in his behalf. A decision as to whether a claim for forfeiture value would be issued would take into account both written and oral presentations of arguments made pursuant to the prepenalty notice.

Accordingly, Part 171 of the Customs Regulations (19 CFR Part 171) is revised in the following manner:

Subpart A of Part 171 of the Customs Regulations is amended to read as follows:

Subpart A—General Provisions

Sec.

171.1 Special procedures for certain liabilities incurred under section 592, Tariff Act of 1930, as amended.
171.2 Limitations on consideration of petitions.

Subpart A—General Provisions

§ 171.1 Special procedures for certain liabilities incurred under section 592, Tariff Act of 1930, as amended.

(a) *Voluntary disclosure.* Any voluntary disclosure of violations of Customs laws which may result in a loss of revenue and which would subject either the merchandise involved or its value to forfeiture under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), accompanied by a tender of the loss of revenue, shall be immediately referred by the district director to Headquarters, U.S. Customs Service.

(1) *Mitigation of statutory liability.* If appropriate investigation establishes that the disclosure was truly voluntary and not prompted by a Customs inquiry or an ongoing Customs investigation, and that the violation was due to negligence or fraudulent intent, a notice of penalty shall be issued. However, it shall be the established policy of the Customs Service in a case subject to this voluntary disclosure procedure, upon the filing of a petition for relief, to mitigate the statutory liability to an amount not to exceed one time the total loss of revenue, provided the actual loss of revenue is deposited as withheld duties, regardless of whether the disclosed violation was intentional when committed. Further mitigation beyond the foregoing maximum may be justified in individual cases on the basis of relevant circumstances,

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such as diligence in disclosing a violation following its discovery.

(2) *Detection of undisclosed violations resulting from a voluntary disclosure.* Undisclosed violations discovered by Customs as a result of the investigation of a voluntary disclosure and tender will be treated in the same manner as set forth above unless it is determined that such other violations were intentional when committed.

(b) *Prepenalty notice procedure.* (1) *Issuance of prepenalty notice.* Prior to the issuance of a claim for forfeiture value under § 162.31 of this chapter in excess of $25,000 for violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), with respect to the entry, or attempted entry, of merchandise the district director shall notify the owner, importer, consignee, agent, or other person entering, or attempting to enter, the merchandise, in writing, of his intention to issue such a claim. The notice shall contain a description of the merchandise and shall set forth the circumstance of entry or attempted entry, specifying the provisions of the law alleged to have been violated and describing the acts or omissions by virtue of which the liability is alleged to have been incurred. In the event one year or less remains prior to the expiration of the 5-year statute of limitations with respect to such an alleged violation, the prepenalty notice procedure shall not be utilized.

(2) *Reply to prepenalty notice.* The person to whom the district director's prepenalty notice is addressed shall have a period of 30 days from the date of its issuance to file a written reply with the district director showing why the claim for forfeiture value should not be issued. The reply should answer the allegations made in the prepenalty notice and should set forth evidence either refuting the allegations or establishing that reasonable cause existed for believing that the acts or omissions described in the allegations were proper. In addition to a written reply, the district director may, upon request, allow an oral presentation of arguments as to why a claim for forfeiture value should not be issued. Absent a showing of extraordinary circumstances, an extension of time to reply beyond the 30-day period shall not be granted.

(3) *Action on reply.* Each reply to a prepenalty notice shall be carefully considered by the district director. In those cases in which the district director determines that the allegations set forth in the prepenalty notice have been disproved or that the issuance of a claim for forfeiture value would otherwise be inappropriate, he shall notify the person to whom the prepenalty notice was addressed that the issuance of the claim for forfeiture value is no longer contemplated. In all other cases, including those in which no reply is received, the claim shall be issued.

(4) *Exception to prepenalty notice procedure.* The procedure described in this paragraph does not apply in any case in which criminal prosecution is under consideration.

171.2 **Limitations on consideration of petitions.**

(a) *Case referred for institution of legal proceedings.* No action shall be taken on any petition if the civil liability has been referred to the United States attorney for institution of legal proceedings. The petition shall be forwarded to the United States attorney.

(b) *Vessel or vehicle awarded for official use.* When a vessel or vehicle is awarded for official use, a petition shall not be considered unless:

(1) It is filed before final disposition of the property is made; or

(2) It is a petition for restoration of proceeds of sale filed in accordance with Subpart E of this part.

(R.S. 251, as amended, secs. 592, 618, 624, 46 Stat. 750, as amended, 757, as amended, 759 (5 U.S.C. 301, 19 U.S.C. 66, 1592, 1618, 1624))

That portion of the above amendments which pertain to voluntary disclosures of Customs violations merely conforms the Customs Regulations with an existing administrative practice. The remaining amendments concern the establishment of a prepenalty notice procedure, which places no affirmative duty or burden on the public, or set forth provisions which were previously contained in Subpart A of Part 171. Therefore, good cause exists for dispensing with notice and public procedure there as unnecessary, and good cause is found for the amendments to become effective on the earliest date possible under 5 U.S.C. 553.

Effective date. These amendments shall become effective January 16, 1974.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: December 31, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-1401 Filed 1-15-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Jelly and Preserves Standards; Confirmation of Effective Date

The Commissioner of Food and Drugs issued a final order, which was published in the FEDERAL REGISTER of August 28, 1974 (39 FR 31304), amending 21 CFR Part 29 by revising the standards of identity for fruit jellies (21 CFR 29.2) and preserves, jams (21 CFR 29.3). The order specified that all labeling used after December 31, 1974 must comply with the revised regulations.

One comment from a trade association commended the Commissioner on his conclusion that "lactose" may be declared as such or, alternatively, as "milk sugar." This conclusion is consistent with the Commissioner's proposal to clarify food labeling requirements published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20888).

The National Preservers Association (NPA), 64 Perimeter Center East, Atlanta, GA 30346, has requested that the December 31, 1974 compliance date be extended to June 30, 1975, to provide for additional time in which to accomplish the required label revisions. Two manufacturers also have initiated similar requests.

In support of its request, NPA stated that: (1) Prior to the revision of §§ 29.2 and 29.3, ingredient labeling was not required for jams and jellies; (2) the industry's voluntary guideline for ingredient disclosure did not fully conform to the approach ultimately adopted by the Commissioner for the disclosure by specific name of certain technical ingredients; (3) it was not clear, prior to the issuance of the final order, how the Commissioner would rule on such matters as the free use of all nutritive carbohydrate sweeteners, the reduction in soluble solids and adjustment in fruit input, and the use of added flavoring materials; and (4) it was thus not possible prior to the issuance of the final order for any firm to finalize labeling for compliance with the revised standards.

In view of the relatively short period of time between the publication of the order and the December 31, 1974 date, the Commissioner concludes that the requested extension is justified.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919; 21 U.S.C. 341, 371(e)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the order of August 28, 1974, and the effective date for full compliance with the order is extended to June 30, 1975 consistent with the notice on uniform effective date for new food labeling regulations published in the FEDERAL REGISTER of November 14, 1974 (39 FR 40184).

Dated: January 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-1446 Filed 1-15-75;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHANGE IN TEST PROCEDURES FOR OCTYLTIN STABILIZERS IN VINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs proposed in the FEDERAL REGISTER of August 12, 1974 (39 FR 28899) that § 121.2602(b) (21 CFR 12.2602(b)) be amended to (1) provide for use of food-simulating solvents rather than actual foods to determine octyltin stabilizer migration from vinyl chloride plastics, and (2) to delete the current 1.0 part per million (ppm) tolerance of the permitted octyltin stabilizers in food and replace it with a 0.5 ppm tolerance of the permitted octyltin stabilizers in food-simulating solvents.

One comment was received in response to the proposal. The comment requested clarification of the status of stocks of existing packaging materials whose compliance with § 121.2602 was established by testing with actual food.

The Commissioner concludes that existing stocks of packaging materials whose compliance with § 121.2602 was established by testing with actual food need not be retested to determine compliance with the food-simulating solvent limitation. The petitioner, through exhaustive testing, has established that packaging material tested with actual food and found to be in compliance with the 1.0 ppm tolerance of permitted octyltin stabilizers will also be in compliance with the 0.5 ppm tolerance of permitted octyltin stabilizers in food-simulating solvents.

As the comment raised no substantive issue, the Commissioner concludes that the proposed amendment should be adopted without change.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2602 is amended by revising paragraph (b) to read as follows:

§ 121.2602 Octyltin stabilizers in vinyl chloride plastics.

* * * * *

(b) The vinyl chloride plastic containers, film or panels in the finished form in which they are to contact food, shall meet the following limitations:

(1) The finished plastics intended for contact with foods of the types listed in this section shall be extracted with the solvent or solvents characterizing those types of foods as determined from table 2 of § 121.2526(c) at the temperature reflecting the conditions of intended use as determined therein. Additionally, extraction tests for acidic foods shall be included and simulated by 3-percent acetic acid at temperatures specified for water in table 2 of § 121.2526(c). The extraction tests shall cover at least three equilibrium periodic determinations, as follows:

(i) The exposure time for the first determination shall be at least 72 hours for aqueous solvents, and at least 6 hours for heptane.

(ii) Subsequent determinations shall be at a minimum of 24-hour intervals for aqueous solvents, and 2-hour intervals for heptane. These tests shall yield di(*n*-octyl)tin *S,S'*-bis(isooctylmercaptoacetate) or di(*n*-octyl)tin maleate polymer or any combination thereof not to exceed 0.5 part per million as determined by an analytical method available upon request from the Commissioner of Food and Drugs.

(2) In lieu of the tests prescribed in paragraph (b)(1) of this section, the finished plastics intended for contact with foods only of types II, V, VI-A (except malt beverages), and VI-C may be end-tested with food-simulating solvents, under conditions of time and temperature, as specified below, whereby such tests shall yield the octyltin residues cited in paragraph (b)(1) of this section not in excess of 0.5 ppm:

Food-simulating solvent		Time	Temperature
		Hours	*Degrees F*
Type II	Acetic acid, 3%-	48	135
Type V	Heptane-	2	100
Type VI-A	Ethyl alcohol, 8%-	24	120
Type VI-C	Ethyl alcohol, 50%-	24	120

Any person who will be adversely affected by the foregoing order may at any time on or before February 18, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective January 16, 1975.

(Sec. 409(d), 72 Stat. 1787; (21 U.S.C. 348(d)).)

Dated: January 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-1444 Filed 1-15-75;8:45 am]

[FRL 322-4]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

4-AMINO-6-(1,1-DIMETHYLETHYL)-3-(METHYLTHIO)-1,2,4-TRIAZIN-5(4*H*)-ONE

A petition (FAP 5H5076) was filed by Chemagro Division of Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in processed potatoes at 3 parts per million, resulting from application of the fungicide to the growing raw agricultural commodity potatoes. (For a related document, see this issue of the FEDERAL REGISTER, page 2803.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under section 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data submitted in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), the following new paragraph is added to Part 121, Subpart D:

§ 121.1266 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one.

A tolerance of 3 parts per million is established for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in processed potatoes (including potato chips), resulting from application of the herbicide to the raw agricultural commodity potatoes.

Any person who will be adversely affected by the foregoing order may at any time on or before February 18, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 16, 1975.

(Sec. 409(c)(1), (4), 72 Stat. 1786 (21 U.S.C. 348(c)(1), (4)))

Dated: January 13, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-1551 Filed 1-15-75;8:45 am]

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SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin Sodium, Zinc Bacitracin

Correction

In FR Doc. 74-29321 appearing at page 43628 in the issue of Tuesday, December 17, 1974 the first entry in the table on page 43629 under the first column now reading, "7. Monensin" should read, "6. Monensin".

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER C—FEES AND FUNDS

[Dept. Reg. 108.710]

PART 22—FEES AND CHARGES, FOREIGN SERVICE

Passport Fees

22 USC 214, as amended by Pub. L. 93-417 of September 17, 1974, provides that the Secretary of State shall prescribe, by regulation, the amount of the fee charged for the execution of an application for a passport. Pursuant to that authority, § 51.61 of 22 CFR was amended prospectively on September 9, 1974 (39 FR 32984) to establish, at $3.00, the fee to be charged for the execution, in the United States, of an application for a passport. It was the intent of Pub. L. 93-417 that the fee should be uniform no matter where the service is performed. In order to comply with the intent of Pub. L. 93-417, the Secretary has determined that Item No. 1 of § 22.1(a) must be amended.

§ 22.1 [Amended]

By virtue of the authority vested in the Secretary of State by 22 USC 214, as amended by Pub. L. 93-417 of September 17, 1974, and authority delegated to me by the Secretary, the "Fee" entry following Item No. 1 of § 22.1(a) is amended by substituting "$3.00" for "$2.00".

If a fee is not prescribed by the Secretary by regulation, there would be no authority to charge a fee for execution of an application for a passport outside the United States, and officers of the Foreign Service of the United States might be compelled to suspend this service. Since immediate action is required, it is considered that notice, procedure, and effective date requirements of 5 USC 553 are unnecessary, impracticable, and contrary to the public interest.

However, in accordance with the spirit of the public policy set forth in 5 USC 553, and since the amount of the fee is subject to periodic review and change, consideration will be given during such periodic reviews and changes to any comments, suggestions, or objections thereto which are submitted in writing to the Passport Office, Bureau of Security and Consular Affairs, Department of State, Washington, D.C. 20524, Atten: Legal Division.

(Secs. 3, 4, 63 Stat. 111, as amended; 22 USC 811a, 2658, E. O. 10718, 22 FR 4632; 3 CFR, 1954-1958 Comp., page 382)

Effective date. This amendment is effective as of November 17, 1974.

Dated: January 9, 1975.

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.75-1396 Filed 1-15-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-313]

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Changes in Interest Rates

The following miscellaneous amendments have been made to this chapter to reduce from 9½ percent to 9 percent the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interpret or apply sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 **Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9 percent, except that where an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

Section 205.50 is amended to read as follows:

§ 205.50 **Maximum interest rate.**

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 1011, formerly sec. 1010, 79 Stat. 464, (12 U.S.C. 1749jj)); renumbered Pub. L. 89-754, sec. 401(a), 80 Stat. 1271)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage shall bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 207, 52 Stat. 16, as amended; (12 U.S.C. 1713))

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

1. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 **Maximum interest rate.**

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interpret or apply sec. 213, 64 Stat. 54, as amended; (12 U.S.C. 1715e))

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

2. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interpret or apply Sec. 213, 64 Stat. 54, as amended; (12 U.S.C. 1715e))

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 **Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 220, 68 Stat. 596, as amended; (12 U.S.C. 1715k))

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

• • • • • •

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 221, 68 Stat. 599, as amended; (12 U.S.C. 1715l))

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies sec. 232, 73 Stat. 663 (12 U.S.C. 1715w))

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

• • • • • •

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 234, 75 Stat. 160; (12 U.S.C. 1715y))

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

Section 235.540 is amended to read as follows:

§ 235.540 **Maximum interest rate.**

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 235, 82 Stat. 477; (12 U.S.C. 1715z))

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.15 is amended to read as follows:

§ 236.15 **Maximum interest rate.**

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 236, 52 Stat. 498; (12 U.S.C. 1715z-1))

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.75 is amended to read as follows:

§ 241.75 **Maximum interest rate.**

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in

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monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 241, 82 Stat. 506; (12 U.S.C. 1715z–b))

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 242, 82 Stat. 5999; (12 U.S.C 1715z-7))

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before November 25, 1974, or an application for commitment was received by the Secretary before November 25, 1974, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec. 1104, 80 Stat. 1275; (12 U.S.C. 1749aaa–3))

Effective date. These amendments shall be effective on November 25, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.75–1409 Filed 1–15–75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXAELE YEARS BEGINNING AFTER DECEMBER 31, 1953

Special Rules for Determining Tax Credit for Foreign Income Taxes Payed by Controlled Foreign Corporations

Correction

In the correction to FR Doc. 74–29867 appearing in the issue of Monday, January 6, 1975 make the following changes:

1. The total in the final line of the table in item 3 on page 1015 reading "87.06" should read "37.06".

2. In the second line of the Foreign income taxes section under A Corporation in the table to item 4 on page 1015 the figure "$50" should read "$150".

3. The third and fourth lines to the Earnings and profits section under A Corporation in the table to item 4 on page 1015 reading:

"Attributable to dividends received from B Corpora-

Attributable to other income:"

should appear as follows:

"Attributable to other income:

Attributable to dividends received from B Corpora-"

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 321–3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Prevention of Significant Air Quality Deterioration; Correction

In FR. Doc. 74–28353, published at page 42515 in the issue dated Thursday, December 5, 1974, in § 52.21, paragraph (c)(2)(i), the engineering units "g/m" are incorrectly used to indicate the increases in pollutant concentrations over baseline air quality found in the area designations table. The units are corrected to read "μg/m³" and are appropriate to all pollutant concentrations in paragraph (c)(2)(i).

Dated: January 9, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75–1364 Filed 1–15–75;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

[FRL 316–1]

New Jersey Transportation Control Plan; Revisions

On November 13, 1973, EPA published in the FEDERAL REGISTER (38 FR 31388) the New Jersey Transportation Control Plan containing plans to reduce parking in the Central Business Districts (CBD's) of the cities of Trenton, Camden and Newark (§ 52.1587). Generally, the CBD of a city is defined as the section wherein land uses involving business, commerce and industrial activities predominate. The CBD usually does not include residential areas.

Representatives of the planning bodies of the three cities have stated that the respective CBD's as presently defined either include large residential tracts or omit substantial sections of the business sector. It was recommended that these definitions be revised to describe the true business districts.

Consequently, in order to achieve the intended effect of the CBD-oriented strategies, EPA is redefining these districts to conform with the definitions submitted by the respective planning agencies.

Because of the importance of proceeding promptly with the planning necessary to carry out the on-street parking limitation program and because the nature of this revision is to more precisely define the areas affected at the request of the cities involved, the Administrator finds good cause to declare the regulations effective immediately upon publication.

(Sec. 110(c), 301(a), Clean Air Act (42 U.S.C. 1857–5(c), 1857(g)))

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulation is amended as follows:

Subpart FF—New Jersey

1. Section 52.1587 is amended to read as follows:

§ 52.1587 Regulation limiting on-street parking.

• • • • •

(e) For purposes of this section, the CBD's for each of the following cities shall be bounded and described as follows:

(1) *Camden.* Beginning at a point formed by the intersection of US–30 and Mickle Street extended; thence south along Mickle Street, arcing to the south and west, to the intersection of Mickle Street and Third Street; thence north along Third Street to the Benjamin Franklin Bridge; thence east along the line of the Bridge to US–30; thence finally east along US–30, arcing to the east and south, to the intersection of US–30 with Mickle Street extended, the point of beginning. Streets forming boundaries shall be included in the CBD.

(2) *Newark.* Beginning at a point formed by the intersection of Center Street and McCarter Highway (Highway 21); thence north along McCarter Highway to Lombardi Street; thence west along Lombardi Street to Atlantic Street; thence north on Atlantic Street to Bridge Street; thence west on Bridge Street to Broad Street; thence north on Broad Street to Orange Street; thence west on Orange Street to Essex Street; thence north on Essex Street to James Street; thence east on James Street to Washington Street; thence south on Washington Street to Warren Street; thence west on Warren Street to University Avenue; thence south on University Avenue to Market Street; thence west on Market Street to Arlington Street; thence south on Arlington Street to William Street; thence east on William Street to Broad Street; thence south on Broad Street to Walnut Street; thence east on Walnut Street to Mulberry Street; thence north on Mulberry Street to Park Street; thence west on Park Street to Kitchell Street; thence north on Kitchell Street to Center Street; thence finally east on Center Street to its intersection with McCarter Highway, the point of beginning. Streets forming boundaries shall be included in the CBD.

(3) *Trenton.* Beginning at a point formed by the intersection of Armory Drive and Front Street; thence west on Front Street to Willow Street; thence north on Willow Street to State Street; thence east on State Street to Warren Street; thence north on Warren Street to Hanover Street; thence east on Hanover Street to Stockton Street; thence south on Stockton Street to Merchant Street; thence east on Merchant Street to West Canal Street; thence south on West Canal Street; across State Street, to its intersection with Armory Drive; thence finally south on Armory Drive to its intersection with Front Street, the point of beginning. Streets forming boundaries shall be included in the CBD.

[FR Doc.75–1547 Filed 1–15–75;8:45 am]

[FRL 306–3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Coal Refuse

On December 23, 1971 (36 FR 24876), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated standards of performance for nitrogen oxides emissions from fossil fuel-fired steam generators of more than 63 million kcal per hour (250 million Btu per hour) heat input. The purpose of this amendment is to clarify the applicability of § 60.44 with regard to units burning significant amounts of coal refuse.

Coal refuse is the low-heat value, low-volatile, high-ash content waste separated from coal, usually at the mine site. It can prevent restoration of the land and produce acid water runoff. The low-heat value, high-ash characteristics of coal refuse preclude combustion except in cyclone furnaces with current technology, which because of the furnace design emit nitrogen oxides (NO_x) in quantities greater than that permitted by the standard of performance. Preliminary test results on an experimental unit and emission factor calculations indicate that NO_x emissions would be two to three times the standard of 1.26 g per million cal heat input (0.7 pound per million Btu). At the time of promulgation of § 60.44 in 1971, EPA was unaware of the possibility of burning coal refuse in combination with other fossil-fuels, and thus the standards of performance were not designed to apply to coal refuse combustion. However, since coal refuse is a fossil fuel, as defined under § 60.41(b), its combustion is included under the present standards of performance.

Upon learning of the possible problem of coal refuse combustion units meeting the standard of performance for NO_x, the Agency investigated emission data, combustion characteristics of the material, and the possibility of burning it in other than cyclone furnaces before consideration was given to revising the standards of performance. The investigation indicated no reason to exempt coal refuse-fired units from the particulate matter or sulfur dioxide standards of performance, since achievement of these standards is not entirely dependent on furnace design. However, the investigation convinced the Agency that with current technology it is not possible to burn significant amounts of coal refuse and achieve the NO_x standard of performance.

Combustion of coal refuse piles would reduce the volume of a solid waste that adversely affects the environment, would decrease the quantity of coal that needs to be mined, and would reduce acid water drainage as the piles are consumed. While NO_x emissions from coal refuse-fired cyclone boilers are expected to be up to three times the standard of performance, the predicted maximum ground-level concentration increase for the only currently planned coal refuse-fired unit (173 MW) is only two micrograms NO_x per cubic meter. This predicted increase would raise the total ground-level concentration around this source to only five micrograms NO_x per cubic meter, which is well below the national ambient standard. For these reasons, § 60.44 is being amended to exempt steam generating units burning at least 25 percent (by weight) coal refuse from the NO_x standard of performance. Such units must comply with the sulfur dioxide and particulate matter standards of performance.

Since this amendment is a clarification of the existing standard of performance and is expected to only apply to one source, no formal impact statement is required for this rulemaking, pursuant to section 1(b) of the "Procedures for the Voluntary Preparation of Environmental Impact Statements" (39 FR 37419).

This action is effective on January 18, 1975. The Agency finds good cause exists for not publishing this action as a notice of proposed rulemaking and for making it effective immediately upon publication because:

1. The action is a clarification of an existing regulation and is not intended to alter the overall substantive content of that regulation.

2. The action will affect only one planned source and is not ever expected to have wide applicability.

3. Immediate effectiveness of the action enables the source involved to proceed with certainty in conducting its affairs.

(42 U.S.C. 1847c–6, 9)

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.41 is amended by adding paragraph (c) as follows:

60.41 Definitions.

• • • • •

(c) "Coal refuse" means waste-products of coal mining, cleaning, and coal preparation operations (e.g. culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material.

2. Section 60.44 is amended by revising paragraphs (a)(3) and (b) as follows:

60.44 Standard for nitrogen oxides.

(a) • • •

(3) 1.26 g per million cal heat input (0.70 pound per million Btu) derived from solid fossil fuel (except lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse).

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\frac{x\,(0.38)+y\,(0.54)+z\,(1.26)}{x+y+z}$$

where:

x is the percentage of total heat input derived from gaseous fossil fuel,
y is the percentage of total heat input derived from liquid fossil fuel, and
z is the percentage of total heat input derived from solid fossil fuel (except lignite or a solid fossil fuel containing 25 percent, by weight, or more of coal refuse).

When lignite or a solid fossil fuel containing 25 percent by weight, or more of coal refuse is burned in combination with gaseous, liquid or other solid fossil fuel, the standard for nitrogen oxides does not apply.

[FR Doc.75–1544 Filed 1–15–75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 322–5]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one

A petition (PP 5F1559) was filed (39 FR 40326) by Chemagro Division of Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the herbicide 4-amino-6-(1, 1-dimethylethyl) -3-(methylthio) - 1,2,4-triazin-5 (4*H*)-one and its triazinone metabolites in or on the raw agricultural commodity potatoes at 0.6 part per million.

Subsequently, the petitioner amended the petition by proposing tolerances for combined residues of the herbicide and its triazinone metabolites in the meat, fat, and meat byproducts of cattle, goats, hogs, horses poultry and sheep at 0.2 part per million and in eggs and milk at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 2799).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerances are being established.

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2. The proposed tolerances are adequate to cover residues in eggs, meat, milk, and poultry.

3. The tolerances established by this order will protect the public health.

4. The old chemical name of the herbicide (4-amino-6-*tert*-butyl-3-(methylthio)-as-triazin-5-(4*H*)-one) as listed in the Code of Federal Regulations should be changed to the new name as written in this order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.332 is revised in the heading and text to read as follows:

§ 180.332 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-5(4*H*)-one; tolerances for residues.

Tolerances are established for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in or on raw agricultural commodities as follows:

0.6 part per million in or on potatoes.
0.2 part per million in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.
0.1 part per million in or on soybeans.
0.01 part per million in eggs.
0.01 part per million in milk.

Any person who will be adversely affected by the foregoing order may at any time on or before February 18, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 16, 1975.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: January 13, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-1552 Filed 1-15-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 321-4]

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards

On August 26, 1974, notice was published in the FEDERAL REGISTER (39 FR 30892), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the wet storage, the log washing, the sawmills and planing mills, the finishing, the particleboard manufacturing, the insulation board manufacturing, and the insulation board manufacturing with steaming or hardboard production subcategories of the timber products processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the timber products processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, Part 429 by adding thereto the wet storage subcategory (Subpart I), the log washing subcategory (Subpart J), the sawmills and planing mills subcategory (Subpart K), the finishing subcategory (Subpart L) and the particleboard manufacturing subcategory (Subpart M). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the wet storage, the log washing, the sawmills and planing mills, the finishing, the particleboard manufacturing, the insulation board manufacturing, and the insulation board manufacturing with steaming or hardboard production subcategories. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Wet Storage, Sawmills, Particleboard and Insulation Board Segment of the Timber Products Processing Point Source Category" (August 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, the Timber Processing Industry" (August 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) Summary of comments.

The following responded to the request for comments which was made in the preamble to the proposed regulation (includes only those commenters applicable to subparts I, J, K, L and M): the National Forest Products Association, the Northern Hardwood & Pine Manufacturers Association, Inc., State of Mississippi, Air and Water Pollution Control Commission, and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) A commenter questioned the application of a single number guideline to subcategories in the timber products processing industry, i.e., the limitations do not acknowledge or accommodate the great amount of variation which exists among individual plants in this category.

The effluent limitations guidelines and standards take differences within an industry into account through subcategorization. The subcategorization considers process employed, raw materials, treatment options available, process water requirements, the cost of treatment and other factors. The guidelines and standards development effort also included consideration of reasonable water use and process control. A provision allowing flexibility in the application of the limitations representing best practicable control technology currently available (BPCTCA) is included in the regulation to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(2) A comment stated that the technologically based proposed regulations do not adequately consider the energy requirements, ground water supplies, land use, and air quality environmental trade-offs involved.

The effluent guidelines and standards development program took into consideration many factors in the determination of BPCTCA. Included was the cost of pollution control, the capability of industrial segments to handle these costs, the nonwater quality environmental impact of these limitations, and the energy requirements.

(3) A comment was received that questioned the Agency's interpretation of the Act. The commenter stated that the Agency is administering the Act as if zero discharge by 1985 is a requirement rather than a goal, i.e., instead of focusing on "end-of-pipe" treatment in identifying BPCTCA, inplant process changes and modifications were considered as part of BPCTCA.

Section 304(b)(1)(B) of the Act states that "the engineering aspects of the application of various types of demonstrated control techniques" shall be a factor in determining the control measures and practices to be applicable to any point sources. Procedures that are practiced in the subcategory to which these regulations are applicable are considerations in the determination of best practicable control technology.

(4) A comment was received that noted that the wet storage regulation, as proposed, does not include log ponds which received influent water from surface streams or springs. The question was raised regarding how limitations for these facilities are to be applied.

Adequate information was not available during the guidelines development program to present limitations for these facilities. Wet storage facilities currently in existence total more than 1,000. The variations in hydraulic throughput rate, geographical layout of the wet storage facility and drainage area, type of raw material stored, the length of the period of storage are such that further study in this area is necessary before limitations on these facilities can be proposed.

(5) A comment was received that the comment and response section of the preamble to the proposed regulation (Comment 1) implied that glue waste and wash up water from glue systems should be discharged to log storage ponds.

The regulations promulgated April 18, 1974 (40 CFR, Part 429, Subpart C) prohibit any discharge of process waste water pollutants from plywood manufacturing facilities that do not store or hold raw materials in wet storage conditions. The Development Document supporting that regulation presents information on operating practices and procedures to minimize the generation of process waste water from plywood manufacturing operations, and control technologies available to dispose of these waste waters. It is the intent of this regulation to eliminate the discharge of process waste water from plywood manufacturing to navigable waters. The development document to support the Subpart C regulation establishes that the elimination of the discharge of process waste water pollutants either directly to the navigable waters or indirectly through a wet storage facility is achievable.

An amendment to Subpart I—Wet Storage Subcategory is being simultaneously proposed that will establish a limit on the allowable discharge of biochemical oxygen demand from wet storage facilities.

(6) Commenters indicated that the volume limitation on discharges from wet storage facilities essentially eliminated the construction of log ponds as a wood storage facility and that the precipitation, evaporation relationship, as presented in the proposed regulations is incompatible with the NPDES permit program.

Wet storage operations are located in a variety of geographical situations. The physical placement of existing facilities was determined by many factors. The practicability of determining, with the necessary degree of accuracy, the drainage area into the wet storage facility is in many situations limited. For a newly constructed wet storage facility, considerations of location, design, and operating practices, including the exclusion of other process waste waters from the wet storage water system, indicate that it is usually practicable to control the discharge of process water during periods when evaporation is greater than precipitation. Because of the variety and interrelationships of these factors, it is not feasible to implement an absolute volume limitation for new sources in the wet storage subcategory. These factors should, however, be considered. Information on the relationship between precipitation and evaporation is available in the "Climatic Atlas of the United States," published by the Department of Commerce, June 1968, and also is available through the National Climatic Center, National Oceanic and Atmospheric Administration.

(7) One comment questioned the ability of the industry to achieve no discharge from log washing operations.

Section VII of the development document states that at least two facilities are achieving total recycle of settled effluent. The operation of log washing is not widely practiced at the present time, although it is anticipated that the practice will increase in the future because of the industry's efforts to maximize utilization of the raw material. The costs related to retrofitting an existing log washing operation may require modification or relocation of associated equipment, and the benefits associated with the elimination of discharge of process waste water pollutants from this operation may be less than the back fitting costs. The costs required to install a closed system in a new installation are usually less as a result of planning in the design stages of installation of a new facility. An effluent limitation of 50 mg/l total suspended solids and pH within the range of 6.0 to 9.0 is included in the regulation as BPCT because these levels of effluent discharge are readily achievable.

(8) A commenter stated that the forest products industry is typified by many small privately owned firms. These firms are sensitive to small cost increments such as might be required to implement the regulations as proposed, and these firms may not have access to the funds necessary to comply with pollution control requirements.

The effluent guidelines and standards development program included the collection of cost information. This information was used in a separate study, "Economic Analysis of Proposed Effluent Guidelines, Timber Processing Industry" and determined the financial status of the various segments of the timber products processing industry. Included were considerations of internal and external costs, financial impact in terms of cost/profit-ability changes, forced mill closures, and employment impact. The conclusion of the economic impact study was that the associated costs are small and will not significantly affect profit margins or present a capital availability problem.

(9) A comment questioned the applicability of the proposed regulations to process waters such as boiler blowdown and cooling water.

The regulations promulgated below are not applicable to boiler blowdown and non-contact cooling water. The Agency has studies underway to establish effluent guidelines and standards for discharges of boiler blowdown and cooling water. Regulations applicable to boiler blowdown and cooling water discharges from subcategories in 40 CFR Chapter I, Subchapter N, Part 429 will be proposed in the near future.

(10) An internal comment was received that indicated that materials used in the various operations included in the finishing subcategory may either pass through untreated or have an adverse effect on a publicly owned treatment works.

It is recognized that this situation may exist. However, because of the variety of materials used and the differences in biodegradability, possible toxicity, treatability and control of these materials as well as the differences in the capabilities of municipal treatment systems to handle these waste waters, it is not feasible to establish a national standard. Operators of a publicly owned treatment works will exercise judgment in controlling wastes that will interfere with the treatment systems efficiency.

(11) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40

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CFR 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) Sections 429.111, 429.121, and 429.131 entitled "Specialized definitions" now include specific clarifying statements regarding waters subject to these limitations.

(2) Subpart I, Wet Storage Subcategory was modified to eliminate the volume limitation on discharge from wet storage operations and also was modified to make the pH limitation consistent with limitations required for other dischargers.

(3) Sections 429.92, 429.93 and 429.95 of Subpart I—Wet Storage Subcategory were modified to present the limitations in a narrative form rather than tabular, as they were proposed. This modification was made to more clearly state the regulation and eliminate the possibility of misinterpretation of the limitation.

(4) Subpart J, Log Washing subcategory was modified to allow a discharge from existing log washing facilities.

(5) The pretreatment standards for new sources promulgated below for the wet storage (Subpart I), the log washing (Subpart J), the sawmills and planing mills (Subpart K), the finishing (Subpart L), and the particleboard manufacturing (Subpart M) subcategories were modified to indicate the pollutants present in process waste waters generated by these subcategories and to allow the discharge of pollutants in amounts that can be adequately treated by publicly owned treatment systems.

(6) The Agency originally proposed regulations applicable to two additional subcategories not included in this regulation: Subpart N—Insulation Board Manufacturing Subcategory and Subpart O—Insulation Board Manufacturing with Steaming or Hardboard Production Subcategory. As a result of public comments received on the proposed regulation additional information is being gathered concerning these subcategories. After this data is obtained and analyzed, final regulations applicable to these subcategories will be published.

(c) Economic impact.

The changes to the regulations mentioned above will have no adverse effects on the conclusions of the economic impact study conducted as part of the effluent guidelines development program. In none of the subcategories for which these limitations apply are the regulations more stringent. The clarification of the definitions of process waste waters for the point sources affected by these limitations will decrease the volume of water requiring treatment or disposal. The changes therefore will only result with economic impact being less severe.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the wet storage, sawmills, particleboard and insulation board segment of the timber products processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Wet Storage, Sawmills, Particleboard and Insulation Board Segment of the Timber Products Processing Point Source Category" (August 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, the TIMBER PROCESSING INDUSTRY" (August 1974). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the timber products processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Wet Storage, Sawmills, Particleboard and Insulation Board Segment of the Timber Products Processing Point Source Category," will be published and available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 429 Timber Products Processing Point Source Category, is hereby amended by adding additional subparts I, J, K, L and M to read as set forth below. This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609-73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective January 16, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective February 18, 1975.

Dated: January 7, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart I—Wet Storage Subcategory

Sec.
429.90 Applicability; description of the wet storage subcategory.
429.91 Specialized definitions.
429.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.94 Reserved.
429.95 Standards of performance for new sources.
429.96 Pretreatment standards for new sources.

Subpart J—Log Washing Subcategory

429.100 Applicability; description of the log washing subcategory.
429.101 Specialized definitions.
429.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.104 Reserved.
429.105 Standards of performance for new sources.
429.106 Pretreatment standards for new sources.

Subpart K—Sawmills and Planing Mills Subcategory

429.110 Applicability; description of the sawmills and planing mills subcategory.
429.111 Specialized definitions.
429.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.
429.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.114 [Reserved]
429.115 Standards of performance for new sources.
429.116 Pretreatment standards for new sources.

Subpart L—Finishing Subcategory

429.120 Applicability; description of the finishing subcategory.
429.121 Specialized definitions.
429.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.124 [Reserved]
429.125 Standards of performance for new sources.
429.126 Pretreatment standards for new sources.

Subpart M—Particleboard Manufacturing Subcategory

429.130 Applicability; description of the particleboard manufacturing subcategory.
429.131 Specialized definitions.
429.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.134 [Reserved]
429.135 Standards of performance for new sources.
429.136 Pretreatment standards for new sources.

AUTHORITY: Sec. 301, 304(b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c), 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart I—Wet Storage Subcategory

§ 429.90 Applicability; description of the wet storage subcategory.

The provisions of this subpart are applicable to discharges resulting from the holding of unprocessed wood, i.e., logs or roundwood with bark or after removal of bark in self-contained bodies of water (mill ponds or log ponds) or land storage where water is sprayed or deposited intentionally on the logs (wet decking).

§ 429.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "self-contained body of water" shall mean a body of water that does not have a continuous natural influent of water, either surface water or groundwater, and that is used to store, sort, grade, or feed wood raw materials by an establishment in Major Group 24, according to the U.S. Department of Commerce, Standard Industrial Classification (SIC) Manual (1972).

(c) "Debris" means a woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1.0 in) diameter round opening that might be present in the discharge from a wet storage facility.

§ 429.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no debris discharged and the pH shall be within the range of 6.0 to 9.0.

§ 429.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no debris discharged and the pH shall be within the range of 6.0 to 9.0.

§ 429.94 [Reserved.]

§ 429.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no debris discharged and the pH shall be within the range of 6.0 to 9.0.

§ 429.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the wet storage subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

Subpart J—Log Washing Subcategory

§ 429.100 Applicability; description of the log washing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process of passing logs through an operation where water under pressure is applied to the log for the purpose of removing foreign material from the surface of the log before further processing.

§ 429.101 Specialized definitions.

For the purpose of this subpart:

The general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

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§ 429.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters containing a total suspended solids concentration greater than 50 mg/l and the pH shall be within the range of 6.0 to 9.0.

§ 429.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.104 [Reserved]

§ 429.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the log washing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

Subpart K—Sawmills and Planing Mills Subcategory

§ 429.110 Applicability; description of the sawmills and planing mills subcategory.

The provisions of this subpart are applicable to discharges resulting from the timber products processing procedures that include all or part of the following operations: bark removal (other than hydraulic barking as defined in Section 429.11 of this part) sawing, resawing, edging, trimming, planing and machining.

§ 429.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) Specifically excluded from the term "process waste water" for this subpart are processed wood storage yard runoff and fire control water.

§ 429.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable. There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.114 [Reserved]

§ 429.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(C) of the Act for a new source within the sawmills and planing mills subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

Subpart L—Finishing Subcategory

§ 429.120 Applicability; description of the finishing subcategory.

The provisions of this subpart are applicable to discharges resulting from the operations following edging and trimming. These operations include drying, planing, dipping, staining, end coating, moisture proofing, fabrication, and by-product utilization not otherwise covered by specific guidelines and standards.

§ 429.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "by-product utilization" shall be the manufacture of products from bark and wood waste materials, but does not include the manufacture of insulation board, particleboard, or hardboard.

(c) Specifically excluded from the term "process waste water" for this subpart is fire control water.

§ 429.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.124 [Reserved]

§ 429.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the finishing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

Subpart M—Particleboard Manufacturing Subcategory

§ 429.130 Applicability; description of the particleboard manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of particleboard.

§ 429.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "particleboard" means board products that are composed of distinct particles of wood or other lignocellulosic materials not reduced to fibers which are bonded together with an organic or inorganic binder.

(c) The term "dry deck storage" shall mean logs stored on land where water is not sprayed or deposited on the logs by the facility operator.

(d) Specifically excluded from the term "process waste water" for this subpart are material storage yard runoff (dry deck storage) and fire control water.

§ 429.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different

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from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.134 [Reserved]

§ 429.135 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.136 Pretreatment Standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the particleboard manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters) shall be the same standard as set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

[FR Doc.75-1361 Filed 1-15-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 139]

PROCUREMENT BY FORMAL ADVERTISING

This amendment of the Federal Procurement Regulations implements suggestions in the Comptroller General's report "Use of Formal Advertising for Government Procurement Can, and Should, be Improved," B-176418, dated August 14, 1973. The amendment changes Subparts 1-1.3, General Policies, 1-1.10, Publicizing Procurement Actions, 1-2.1, Use of Formal Advertising, 1-2.2, Solicitation of Bids, 1-2.4, Opening of Bids and Award of Contract, and 1-7.1, Fixed-Price Supply Contracts, to provide for increased efficiency and economy in the use of formal advertising.

PART 1-1—GENERAL

The table of contents for Part 1-1 is amended to add the following new entry:

Sec.
1-1.1002-1 Availability of procurement information and publications.

Subpart 1-1.3—General Policies

1. Section 1-1.307-1 is amended to change paragraph (b) as follows:

§ 1-1.307-1 Applicability.

* * * * *

(b) Purchase descriptions used in competitive procurement shall not specify a product having features which are peculiar to the product of one manufacturer, producer, or distributor, and thereby preclude consideration of a product of another company, unless it has been determined in writing by the user that those particular features are essential to the Government's requirements, and that similar products of other companies lacking those features would not meet the minimum requirements for the item. Purchase descriptions shall not include either minimum or maximum restrictive dimensions, weights, materials, or other salient characteristics which would tend to eliminate competition by other products which are only marginally outside the restrictions, unless such restrictions are determined by the user in writing to be essential to the Government's requirements

* * * * *

2. Section 1-1.307-2 is revised as follows:

§ 1-1.307-2 General requirements.

Except as otherwise provided in §§ 1-1.307-3 and 1-1.307-4, purchase descriptions shall clearly and accurately describe the salient technical requirements or desired performance characteristics of the supplies or services to be procured without including restrictions which do not significantly affect the technical requirements or performance characteristics and, when appropriate, shall describe the testing procedures which will be used in determining whether such requirements or characteristics are met. When necessary, preservation, packaging, packing, and marking requirements shall be included. Purchase descriptions may include references to formal Government specifications and standards which are to form a portion of the purchase description.

§ 1-1.307-3 Commercial, and State and local government specifications and standards.

Purchase descriptions may include or consist of references to specifications and standards issued, promulgated, or adopted by technical societies or associations, or State and local governments, if those specifications and standards (a) are widely recognized and used in commercial practice, (b) conform to the requirements of § 1-1.307-2, (c) are readily available to suppliers of the supplies or services to be procured, and (d) it has been determined, in writing, by the user that any features peculiar to the product of one manufacturer, producer, or distributor, or any restrictions are essential to the Government's requirements.

4. Section 1-1.307-4 is amended to change paragraph (a) as follows:

§ 1-1.307-4 Brand name products or equal.

(a) Purchase descriptions which refer to one or more brand name products followed by the words "or equal" may be used only in accordance with this § 1-1.307-4 and §§ 1-1.307-5 through 1-1.307-9. The term "brand name product" means a commercial product described by brand name and make or model number or other appropriate nomenclature by which that product is offered for sale to the public by the particular manufacturer, producer, or distributor. All known acceptable brand name products should be listed in the solicitation. When a "brand name or equal" purchase description is used in connection with a primary item, or a major component, prospective contractors must be given the opportunity to offer products other than those specifically referenced by brand name if those other products will meet the needs of the Government in essentially the same manner as those referenced. If modifications to standard products of prospective contractors to meet the purchase description requirements are anticipated, a minimum of 30 calendar days shall be allowed between issuance of the solicitation and opening of bids or receipt of proposals, provided that periods of less than 30 calendar days may be set in cases of urgency or when the contracting officer has reason to believe that bidders can bid effectively on the basis of a shorter period.

* * * * *

Subpart 1-1.10—Publicizing Procurement Actions

1. Section 1-1.1002-1 is added as follows:

§ 1-1.1002-1 Availability of procurement information and publications.

Procuring activities shall make information available to potential suppliers concerning formal advertising and negotiation procedures and shall encourage potential suppliers to utilize the Commerce Business Daily which is a valuable source of information on proposed procurements.

2. Section 1-1.1003-6 is revised as follows:

§ 1-1.1003-6 Time of publicizing.

To allow concerns which are not on current bidders mailing lists time to request and receive invitations for bids or requests for proposals from the procuring activity in ample time to prepare bids or proposals before the time set for bid opening or receipt of proposals, procuring activities shall publicize proposed procurements 10 calendar days before issuance of the invitation for bids or request for proposals. If this is not feasible, the synopsis shall be forwarded to the Commerce Business Daily to arrive not later than the date of issuance of the invitation for bids or request for proposals.

3. Paragraph (a) of § 1-1.1003-7 is revised as follows:

§ 1-1.1003-7 Preparation and transmittal.

(a) Each procuring activity shall transmit synopses of proposed procurements. Synopses shall be:

(1) Issued in a timely manner in accordance with §§ 1-1.1003-2 and 1-1.1003-6;

(2) Forwarded daily via airmail unless proximity of the procuring activity to Chicago, Illinois, makes the use of surface mail more appropriate; and

(3) Addressed to:

U.S. Department of Commerce,
Office of Field Operations, Commerce Business Daily Section, P.O. Box 5999, Chicago, IL 60680.

* * * * *

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 1-2 is amended to add the following new entries:

Sec.
1-2.106 Procurement management reviews.
1-2.202-6 Final review of invitations for bids.

Subpart 1-2.1—Use of Formal Advertising

Section 1-2.106 is added as follows:

§ 1-2.106 Procurement management reviews.

Each agency shall maintain a procurement management review program for examining on a continuing basis the effectiveness and efficiency of its formal advertising procurement operations. Specific attention shall be given to solicitation content and form, distribution of solicitations, bidders mailing lists, review and evaluation of bids received, response rates, personnel training, and any other matters which affect meaningful competition and the overall efficiency and economy of formal advertising.

Subpart 1-2.2—Solicitation of Bids

1. Section 1-2.202-1 is amended by revising paragraph (c). As revised paragraph (c) reads as follows:

§ 1-2.202-1 Bidding time.

* * * * *

(c) *Minimum bidding time.* As a general rule, bidding time shall be not less than 20 calendar days when procuring standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles or services. (Where brand name or equal purchase descriptions are used involving a modification of the brand name product, see § 1-1.307-4 of this chapter.) This rule need not be observed in special circumstances or where the urgency of the need for the supplies or services does not permit such delay. Procurement activities shall develop procedures for ensuring that these bidding time requirements are observed.

2. Section 1-2.202-6 is added as follows:

§ 1-2.202-6 Final review of invitations for bids.

The contracting officer shall ensure that each invitation for bids is thoroughly reviewed prior to its issuance to detect and correct discrepancies or ambiguities which could limit competition or result in the receipt of nonresponsive bids.

3. Section 1-2.203-4 is revised as follows:

§ 1-2.203-4 Synopses of invitations for bids.

Synopses of invitations for bids shall be prepared and publicized in the Commerce Business Daily in accordance with § 1-1.1003. Requests for invitations for bids received by the procuring activity as a result of publicizing shall be honored to the extent that copies are available. The names of prospective bidders who are furnished invitations for bids in response to their requests shall be added to the bidders mailing list for the particular procurement. However, when the request is made by a person or an organization known not to be a prospective bidder, no entry shall be made on the bidders mailing list.

4. Section 1-2.204 is revised as follows:

§ 1-2.204 Records of invitations for bids and records of bids.

(a) Each agency shall retain a record of every invitation for bids issued by it and of each abstract or record of bids. Agency purchasing offices shall review this record at the time of each subsequent procurement action for the same and, when appropriate, similar items, to ensure that the information available in the file is utilized in connection with the new procurement.

(b) The file of the invitation for bids shall show the distribution which was made and the date thereof. The names and addresses of prospective bidders requesting the invitation for bids who were not included on the original solicitation list shall be added and made a part of the record.

5. Paragraph (a) of § 1-2.205-1 is revised as follows:

§ 1-2.205-1 Establishment of lists.

(a) Bidders mailing lists shall be established by procuring activities to assure access to adequate sources of supply and service and to obtain meaningful competition except where the requirements of the procuring activity can be obtained within the local trade area through utilization of simplified small purchase procedures. (See Subpart 1-3.6.) Procuring activity bidders mailing lists may be established as (1) a central list for use by all purchasing offices within the procuring activity or (2) local lists maintained by each purchasing office.

* * * * *

6. Paragraph (a) of § 1-2.205-2 is revised as follows:

§ 1-2.205-2 Removal of names from bidders mailing lists.

(a) The name of each concern failing to either (1) submit a bid, (2) respond to a preinvitation notice (see § 1-2.205-4(c)), or (3) otherwise respond either formally or informally shall be removed from the bidders mailing list without notice to the concern but only for the item or items involved in that invitation or notice. For any case where this procedure will ultimately result in very limited bidders mailing lists, the contracting officer should request an explanation from the concerns that did not respond to determine the reason for the failure to respond before deciding to remove the firms from the bidders mailing list.

* * * * *

7. Section 1-2.205-3 is revised as follows:

§ 1-2.205-3 Reinstatement on bidders mailing lists.

Concerns which have been removed from bidders mailing lists may be reinstated upon written request, by filing a new application on Standard Form 129, by the submission of a bona fide bid, or by requesting an invitation for bids (after publication in the Commerce Business Daily) in accordance with § 1-2.203-4, above. No concern which is debarred or suspended shall be reinstated during the period of debarment or while suspended.

Subpart 1-2.4—Opening of Bids and Award of Contract

1. Section 1-2.407-1 is revised as follows:

§ 1-2.407-1 General.

(a) Unless all bids are rejected, award shall be made by the contracting officer by written notice, within the time for ac-

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ceptance specified in the bid or extension thereof, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. (For discussion of other factors to be considered, see § 1–2.407–5.) Award shall not be made until all required approvals have been obtained.

(b) If less than three bids have been received, the contracting officer shall examine, to the extent deemed appropriate in accordance with agency procedures, the reasons for the small number of bids received. The purpose of this examination is to ascertain whether the small number of responses is attributable to an absence of any of the prerequisites of formal advertising. (For discussion of the prerequisites of formal advertising, see § 1–2.101.) Award shall be made; however, the record of the invitation for bids (see § 1–2.204) shall include a recommendation by the contracting officer for corrective action which should be taken to increase competition in future procurements of the same or similar items.

(c) Award shall be made by mailing or otherwise furnishing to the successful bidder a properly executed award document or notice of award. When an advance notice of award is issued, it shall be followed as soon as possible by the formal award. When more than one award results from any single invitation for bids, separate award documents shall be executed, each suitably numbered. When an award is made to a bidder for less than all of the items which may be awarded to that bidder and additional items are being withheld for subsequent award, the first award to that bidder shall state that the Government may make subsequent awards on those additional items within the bidder's bid acceptance period. All provisions of the invitation for bids, including any acceptable additions or changes made by a bidder in the bid, shall be clearly and accurately set forth (either expressly or by reference) in the award document, since the award is an acceptance of the bid, and the bid and the award constitute the contract.

2. Paragraph (a) of § 1–2.407–7 is revised as follows:

§ 1–2.407–7 Statement and certificate of award.

(a) In connection with each contract made by formal advertising, the contracting officer shall include in the contract file evidence of compliance with § 1–2.103. Where required by agency procedures, Standard Form 1036 (Statement and Certificate of Award) may be used for this purpose. Where the preparation of Standard Form 1036 is not required, information of a similar nature shall be filed with the General Accounting Office copy of the contract.

• • • • •

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.102 is revised as follows:

§ 1–7.102 Required clauses.

The clauses set forth in this § 1–7.102 shall be attached, included in, or incorporated by reference when appropriate in all fixed-price supply contracts. When incorporated by reference, the section numbers and captions are to be listed; i.e., § 1–7.102–2 Changes, § 1–7.102–3 Extras, etc. Standard forms containing the clauses may be incorporated by reference in lieu of listing. (See § 1–16.101 for incorporation of standard forms by reference.)

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective February 24, 1975, but may be observed earlier.

Dated: January 8, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–1488 Filed 1–15–75;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–1—GENERAL

PART 14–3—PROCUREMENT BY NEGOTIATION

Responsibility and Authority; Circumstances Permitting Negotiation

Correction

In FR Doc. 74–29284 appearing at page 43629 in the issue of Tuesday, December 17, 1974, the following changes should be made on page 43630:

1. In § 14–1.402:

a. In the seventh line of paragraphs (a) and (c), the word "officers" should read "offices".

b. In the last line of paragraph (b), "(Part 14 of this chapter)" should read "(41 CFR 14)".

2. In the fifth line of § 14–1.450–1(d), the word "Charges" should read "Changes".

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2365]

PART 4110—GRAZING ADMINISTRATION

Subpart 4115—Records and Administrative Procedures

ESTABLISHMENT OF GRAZING FEES

The purpose of the rule is to amend the provisions of paragraph (k) of 43 CFR 4115.2–1 which relate to fees charged for livestock grazing on the public lands and the distribution of receipts received therefrom.

43 CFR 4115.2–1(k)(1)(ii) currently provides for adjusting the grazing fee annually to attain fair market value of the forage consumed by the 1980 fee year. Fair market value was established by the Western Livestock Grazing Survey of 1966. This amendment changes subdivision (ii) by deferring for 1 year (the grazing use year beginning March 1, 1976) the implementation of the annual increment to the range forage fees to reach fair market value by 1980.

In the past, the fees have been adjusted to maintain comparability between public and private grazing charges. The adjustment establishes the rate of increase or decrease of the fees based on private land lease rates for similar types of rangeland. Because of the bleak economic conditions within the segment of the livestock industry using the public lands, grazing fees for the 1975 fee year will be maintained at the 1974 level.

Subdivision (iv) of 43 CFR 4115.2–1(k)(1) is changed to establish the range improvement portion of the total grazing fee at a minimum of 50 percent. The percentage of the fee designated for range improvements was established at 40 percent for the 1974 fee year.

It is hereby determined that this amendment is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) is required.

It is the policy of the Department of the Interior to give notice of proposed rulemaking and to invite the public to participate in rulemaking except where such participation would be impractical, unnecessary, or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is impracticable in this case since grazing fee billings must be made prior to the March 1, 1975, beginning of the grazing season.

The amendment is hereby adopted as set forth below and shall become effective March 1, 1975.

Paragraph (k)(1) of § 4115.2–1 Chapter II, Title 43 Code of Federal Regulations is amended as follows:

1. Subdivision (ii) is revised to read as follows:

2. Subdivision (iv) is amended by deleting the first sentence thereof and substituting the following:

§ 4115.2–1 License and permit procedures, requirements and conditions.

• • • • • •

(k) • • • (1) • • •

(ii) Fees will be established by the Secretary in five annual increments, effective with the fee year beginning March 1, 1976, to attain fair market value of range forage at the 1980 fee year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by a similar study which may be conducted periodically to update the fee base, if deemed necessary. Annual adjustments will also be made for any of the 1976–80 fee years and thereafter to reflect current market value.

• • • • • •

(iv) Range improvement fees shall be at least 50 percent of the total grazing fees charged or as otherwise provided by law. Other special range improvement fees may vary in accordance with the character or requirements of the various districts or portions thereof. • • •

• • • • • •

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 10, 1975.

[FR Doc.75–1402 Filed 1–15–75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), *Special allowances*, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Pub. L. 91–95) is amended to provide for the payment of such an allowance for the period October 1, 1974, through December 31, 1974, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, before lenders could receive the special allowance for such period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Section 177.4(c)(3) is amended as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

• • • • • •

(c) Special allowances. • • •

(3) Special allowances are authorized to be paid as follows:

• • • • •

(xxii) For the period October 1, 1974, through December 31, 1974, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of three percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: December 31, 1974.

(Catalog of Federal Domestic Assistance No. 13,460, Guaranteed Student Loan Program)

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: January 13, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75–1563 Filed 1–15–75;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–3]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

In the matter of amendment of Part 2 of the Commission's rules and regulations to delete footnote US96 from the Table of Frequency Allocations.

1. Footnote US96 to the Table of Frequency Allocations, Section 2.106 of the Commission's Rules and Regulations, specifies conditions under which certain frequencies in the non-Government band, 1990–2110 MHz, may be used by Government earth stations in support of the Apollo Space Program, primarily during launchings. The footnote carried a termination date of December 31, 1973. Since the termination date has passed and the Apollo Space Program has been completed, there is no longer any need for the provisions of this footnote. Accordingly, footnote US96 is being deleted from the Table of Frequency Allocations. Because this amendment is editorial, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

2. Accordingly, *it is ordered*, That, effective February 18, 1975, § 2.106 of the Rules is amended as set forth below. Authority for this action is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: January 3, 1975.

Released: January 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, § 2.106 is amended as follows:

1. The Table of Frequency Allocations is amended by deleting footnote designator US96 in column 6 for the band 1850–2200 MHz and by deleting the text of footnote US96 from the list of footnotes following the Table.

[FR Doc.75–1482 Filed 1–15–75;8:45 am]

[Do. No. 20004; FCC 75–4]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

Telemetering of Scientific Data

In the matter of amendment of Part 2 and Part 5 of the Commission's rules and regulations to provide for the use of frequencies in the bands 40.66–40.70 and 216–220 MHz for the tracking of, and telemetering of scientific data from, ocean buoys and animal wildlife.

1. On April 16, 1974, the Commission, in response to a request from the Committee on Radio Frequencies of the National Academy of Sciences (CORF) and other Government agencies, issued a notice of proposed rule making (NPRM) to amend Parts 2 and 5 of the Rules and Regulations for the purpose stated in the above caption. The NPRM was published in the FEDERAL REGISTER on April 22, 1974 (39 FR 14225). Timely comments were filed by the Forest Conservation Communications Association (FCCA), the Educational Broadcasting Corporation (EBC), the Academy of Model Aeronautics, Inc. (AMA, Inc.) and the Department of Natural Resources, State of Indiana. Reply comments were filed by the Educational Broadcasting Corporation.

2. In its comments, the FCCA, representing various conservation agencies involved in the preservation of forests, fish and game, supported the proposal to designate the two bands for wildlife tracking and telemetry. However, the FCCA questioned the requirement for equipment type acceptance because of the time required in applying for and receiving type acceptance. The FCCA expressed concern that many projects would be jeopardized as a result of this provision.

3. The Educational Broadcasting Corporation, in its comments, opposed airborne wildlife operations in the band 216–216.050 MHz because of potential TV interference. In an engineering statement attached to the comments, there was concern that a transmitter operating on 216.000 MHz would interfere with the aural carrier of Channel 13, which is 250 kHz away.

4. The Academy of Model Aeronautics, Inc., asked that the Commission "permit aircraft modelers licensed in the Class C Citizens Radio Service to use frequencies in the range 40.66–40.70 MHz and 216–220 MHz for radio control and telemeter-

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ing operations in the remote control of model aircraft."

5. In its comments, the Indiana Department of Natural Resources, a licensee in the Experimental Radio Service, opposed the subject rule making stating that it appeared less practical than existing licensing procedures. This licensee presently operates in the 150 MHz band with input power limited to .015 watts. Also included in the comments was a suggestion that if the proposal was adopted as set forth, an amortization period of 3 years be allowed for existing equipment in other bands.

6. The Educational Broadcasting Corporation reiterated in its reply comments the contention that interference would be caused to TV Channel 13 by airborne wildlife telemetering operations. The Educational Broadcasting Corporation further suggested that if type acceptance was not required, as suggested by the Forestry Conservation Communications Association, the Commission should amend its original Notice to confine wildlife tracking operations to the 217–220 MHz portion of the band. In addition, EBC opposed the request by the Academy of Model Aeronautics, Inc. to use the 216–216.050 MHz band by radio controlled aircraft modelers because of potential interference to Channel 13.

7. The requirement for equipment type acceptance is necessary to provide adequate protection to those operations which have primary use of the bands. The comments by the FCCA which argued that type acceptance would severely hinder projects which must adhere to a specific time table are well taken. However, as more equipment is developed for these two bands, the probability of equipment not being available for a specific scientific experiment would be reduced. Also, type acceptance is necessary to minimize the possibility of interference to adjacent band operations such as TV Channel 13.

8. In reaction to the comments by the Educational Broadcasting Corporation, the Commission made an inquiry into the requirements for use of the proposed band 216–216.050 MHz with respect to airborne wildlife telemetry. Based on information provided by the Fish and Wildlife Service of the Department of Interior, airborne telemetry contributes approximately 10–20 percent of the total wildlife telemetry requirement. The 200 MHz band is ideal for this purpose because it allows the use of smaller antennas than would be possible in the lower bands. Therefore, our proposal to provide for the use of the 216 MHz band for airborne wildlife telemetry appears to be justified from a requirement view point. However, to minimize potential interference to TV Channel 13, a maximum output power of one milliwatt (mw) will be authorized for airborne telemetry applications in lieu of the 10 mw proposed. We understand from the Fish and Wildlife Service that 1 mw is presently being used satisfactorily in existing wildlife telemetering systems. The Fish and Wildlife Service also pointed out that the proposed 50 kHz of spectrum would only allow 8 to 10 usable channels for simultaneous transmission in any one area, which is about half the expected requirement. To meet this total requirement, the 100 kHz band 216.000–216.100 MHz, is being made available for airborne use.

9. In addressing potential interference by airborne wildlife to TV Channel 13, the Commission is of the opinion that this is not a significant problem for a number of reasons. First, the power of the telemetering transmitter is being reduced from 10 milliwatts to one milliwatt, as previously stated. Second, the antennas used in bird telemetering applications are necessarily inefficient radiators because of length and weight restrictions. In addition, a bird in flight would be in proximity to a TV antenna for only a short period of time. Further, due to the size restrictions for an airborne transmitter, the battery life is a maximum of three months. Taking the above factors into account, the chance of adjacent channel interference to TV Channel 13 is very small, and any interference which would be detected would be of short duration and akin to usual atmospheric interference sources, e.g. airplanes ignition noise, lightning, etc. Airborne telemetering operations will not be permitted in the upper portion of the band (216.100–220 MHz) because of potential cochannel interference to Government stations.

10. The technical standards which will be applicable to these types of scientific devices are set forth in a new section which will be added to Subpart C of Part 5 of the rules. This new section will contain the type acceptance standards with regard to allowable frequencies, emission limitations, power restrictions and other equipment specifications. The text of this new section and the necessary changes to the Table of Frequency Allocations in Part 2 are reflected in the appendix hereto.

11. The Notice specifically invited comments relating to the proposed use of the bands 40.66–40.70 and 216–220 MHz for scientific research in the fields of oceanography and wildlife biology. The comments filed by AMA, Inc. proposing the use of these bands for model airplanes, are outside the scope of this proceeding.

12. Although this rulemaking does not preclude biological and oceanographic experiments in other bands, under Part 5 of the rules, as implied in the comments filed by the Indiana Department of Resources, the ready availability of equipment and the established coordination procedures will encourage many future scientific projects of this nature into these two bands. The Commission is not specifying any time frame in which to move these types of operations because that is not the intent of this rule making. The Commission believes that a shift to these two bands will be voluntary on the part of the scientific community because of the benefits stated above.

13. The designating of these specific bands for such use by the scientific community will assist them in their planning efforts and serve as a guide for the future design and development of biological behavior and oceanographic experiments.

14. In view of the foregoing, the Commission finds that adoption of a rule amendment permitting the use of the frequencies in the bands 40.66–40.70 and 216–220 MHz for the tracking of, and telemetry of scientific data from, ocean buoys and animal wildlife will be in the public interest. The conditions and limitations on the use of such systems are set forth in the Appendix.

15. Accordingly, Pursuant to authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, *It is ordered*, That effective February 18, 1975, Parts 2 and 5 of the Commission's rules are amended, as shown below.

16. *It is further ordered*, That proceedings in Docket 20004 are hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

I. Part 2 of the rules is amended as follows:

1. Section 2.106 is amended by adding a new footnote designator, US 210, to the Table of Frequency Allocations and by adding the text of a new footnote, US 210, in proper numerical sequence to the list of footnotes following the Table as follows:

§ 2.106 Table of Frequency Allocations.

UNITED STATES

Band (MHz)	*Allocation*
5	6
40–42 (236)	G (US 94) (US 210)
216–220	G, NG (US 114) (US 210)

US 210. Use of frequencies in the bands 40.66–40.70 and 216–220 MHz may be authorized to Government and non-Government stations on a secondary basis for the tracking of, and telemetering of scientific data from, ocean buoys and wildlife. Airborne wildlife telemetery in the 216–220 MHz band will be limited to the 216.000–216.100 MHz portion of the band. Operation in these two bands is subject to the technical standards specified in § 5.108.

II. Part 5 of the rules is amended as follows:

1. New sections, § 5.108 and § 5.109, are added to Part 5 which read as follows:

§ 5.108 Wildlife tracking and ocean buoy tracking operations.

Except as provided in §§ 5.101 through 5.107, the use of the frequencies in the bands 40.66–40.70 MHz and 216–220 MHz for the tracking of and telemetry of scientific data from, ocean buoys and animal wildlife, are subject to the following conditions:

(a) All transmitters used at stations first licensed after (effective date of the rules) shall comply with the technical requirements in paragraph (b) of this section and shall be type accepted as provided in § 5.109.

(b) Technical requirements for transmitters used for these operations are as follows:

(1) In the 40.66–40.70 MHz frequency band, the bandwidth required for frequency tolerance plus the occupied bandwidth of any emissions must be adjusted so as to be confined within this band, except as permitted by subparagraph (6) of this paragraph.

(2) In the 216–220 MHz frequency band, the carrier frequency shall be maintained within 0.005 percent of the assigned frequency.

(3) Classes of emission will be limited to A0, A1, A2, F1, F2 and/or F9.

(4) Occupied bandwidth shall not exceed 1 kHz.

(5) The maximum carrier power shall not exceed 1 milliwatt for airborne wildlife applications, 10 milliwatts for terrestrial wildlife applications and 100 milliwatts for ocean buoys.

(6) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the schedule shown in § 5.103(b) of this subpart.

§ 5.109 Acceptability of transmitters for licensing.

All transmitters used at stations licensed for wildlife and ocean buoy tracking and telemetering operations pursuant to § 5.108 which are marketed after (one year after effective date of the rules) shall be type accepted pursuant to Subpart J of Part 2 of this Chapter.

2. Section 5.203 is amended by adding a footnote as follows:

§ 5.203 Frequencies for Experimental Service (Research).

Stations operating in the Experimental Service (Research) may be authorized to use any Government or non-Government frequency designated in the Table of Frequency Allocations set forth in Part 2 of this chapter as available for assignment of this service: *Provided*, That the need for the specific frequency or frequencies requested is fully justified by the applicant.[1]

[FR Doc.75-1483 Filed 1-15-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on January 16, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Post Office Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing extends from January 1 through December 31, 1975, inclusive, in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats is prohibited below the river control gates at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

ROBERT C. FURLOW,
Acting Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

JANUARY 6, 1975.

[FR Doc.75-1506 Filed 1-15-75;8:45 am]

[1] Notwithstanding the broad frequency provision for this Service, applicants desiring authorization for the purpose of wildlife or ocean buoy telemetering and/or tracking should, to the extent practicable, use frequencies in the bands 40.65–40.70 MHz or 216–220 MHz, in accordance with footnote US 210 to the Table of Frequency Allocations, § 2.106 of this Chapter. Transmitters to be used in these bands for this purpose shall comply with the requirements set forth in section 5.108 of this Part.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Department of the Army

[33 CFR Part 209]

PUBLIC HEARINGS

Proposed Policy, Practice, and Procedure

Notice is hereby given that the regulation set forth in tentative form below is being proposed by the Secretary of the Army (acting through the Chief of Engineers) to prescribe the policies and procedures to be followed by all District and Division offices in the conduct of public hearings. This regulation is applicable to Corps of Engineers permit actions under section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), (See 33 CFR 209.120) as well as Corps of Engineers projects involving the disposal of dredged material which fall under the latter two authorities (See 33 CFR 209.145).

Prior to adoption of this regulation, consideration will be given to any objections to this proposed regulation which are submitted to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN–CWO–N, on or before February 18, 1975. This proposed regulation will serve as interim guidance to all Corps Division and District offices in their conduct of public hearings until a final regulation is promulgated by the Secretary of the Army (acting through the Chief of Engineers).

Dated: January 10, 1975.

KENNETH E. MCINTYRE,
Brigadier General, USA,
Acting Director of Civil Works.

Section 209.133 is added to read as follows:

§ 209.133 Public hearings.

(a) *Purpose.* This regulation prescribes the policy, practice and procedures to be followed by the U.S. Army Corps of Engineers in the conduct of public hearings conducted in the evaluation of a proposed Department of the Army permit action or Federal Project as defined in subparagraph (d) below including those held pursuant to section 404 of the FWPCA (33 U.S.C. 1344) and section 103 of the MPRSA (33 U.S.C. 1413).

(b) *Applicability.* This regulation is applicable to all Divisions and Districts responsible for the conduct of public hearings.

(c) *References.* (1) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(2) Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) (hereafter referred to as FWPCA).

(3) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) (hereafter referred to as MPRSA).

(4) 33 CFR 209.120, Permits for Work in Navigable or Ocean Waters.

(5) 33 CFR 209.145, Federal Projects Involving the Disposal of Dredged Material in Navigable and Ocean Waters.

(d) *Definitions.* (1) Public hearing, means a public proceeding conducted for the purpose of acquiring information or evidence which may be considered in evaluating a proposed Department of the Army permit action, or Federal Project, and which affords to affected persons the opportunity to present their views, opinions and information on such permit actions or Federal Projects. Federal Project is further defined in paragraph (d) (4) of this section.

(2) Permit action, as used herein, means the review of an application for a permit pursuant to section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), section 404 of the FWPCA, (33 U.S.C. 1344), and section 103 of the MPRSA of 1972 (33 U.S.C. 1413), or the modification or revocation of any Department of the Army permit. (See 33 CFR 209.120)

(3) Affected person means (i) any agency or Department of the Federal Government, or a State or local government, or (ii) any other person or persons which have an interest that may be affected by a Department of Army permit action or Federal Project; (iii) the applicant(s) for or permittee under a Department of the Army permit, or (iv) in cases under the MPRSA, any person entitled to brirg a citizen's suit, pursuant to 33 U.S.C. 1415.

(4) Federal Project means a Corps of Engineers project (work or activity of any nature for any purpose which is to be performed by the Chief of Engineers pursuant to Congressional authorizations) involving the discharge of dredged or fill material into navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters subject to section 404 of the FWPCA (33 U.S.C. 1344), or section 103 of the MPRSA (33 U.S.C. 1413); and 33 CFR 209.145.

(e) *General Policy.* (1) A public hearing will be held in connection with the consideration of a Department of the Army permit action under Section 404 of the FWPCA or section 103 of the MPRSA, or a Federal Project, or when it is proposed to modify or revoke a permit, whenever a hearing is requested by an affected person, or when the District Engineer in his discretion determines that a public hearing will assist him in making a decision on such permit action or Federal Project. Unless the public notice specifies that a public hearing will be held, any affected person may request, in writing, within 30 days of the issuance of a public notice on a Department of the Army permit action under section 404 of the FWPCA or section 103 of the MPRSA, or on a Federal Project, or within 10 days of receipt of notice that a Department of the Army permit is proposed to be modified or revoked, in whole or in part, that a public hearing be held to consider the material matters in issue in the permit action or federal project. Upon receipt of any such request, stating with particularity any material objections to such permit action or federal project and containing sufficient information to enable the District Engineer to identify the effect of the proposed action on the person so requesting, the District Engineer shall promptly set a time and place for the public hearing, and give due notice thereof, as prescribed in paragraph (1) of this regulation. Requests for a public hearing under this paragraph shall be granted, unless the District Engineer makes a written determination that the person requesting the hearing is not an affected person within the meaning of this regulation, or that the objections raised to such permit action or federal project are insubstantial (see paragraph (d) (3), of this section).

(2) In cases involving the issuance or denial of a permit arising only under section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), public hearings will be held upon written request whenever the District Engineer determines that there is sufficient public interest to warrant such action. Among the instances warranting public hearings are general public opposition to a proposed work, or requests from Congressional interests or responsible local authorities, or controversial cases involving significant environmental issues.

(3) In case of doubt, a public hearing shall be held. Prior to officially denying any request for a public hearing, HQDA (DAEN–GCK) and (DAEN–CWO) shall be informed of the proposed denial including the facts involved at least 24 hours before the effective date of such action.

(f) *Presiding Officer.* (1) The District Engineer, in whose District a matter arises, shall normally serve as the Presiding Officer. When the District Engineer is unable to serve he may designate the Deputy District Engineer as such Presiding Officer. In any case, he may request the Division Engineer to designate another Presiding Officer. In cases of unusual interest, the Chief of Engineers reserves the power to appoint such person as he deems appropriate to serve as the Presiding Officer.

(2) Hearing file: The Presiding Officer in each case shall establish a hearing file. The hearing file shall include a copy of any permit application or permits and supporting data; any public notices issued in the case; the request or requests for the hearing and any data or material submitted in justification thereof; and such other material, in the discretion of the Presiding Officer, as may be relevant or pertinent to the subject matter of the hearing. The hearing file shall be available for public inspection subject to any reasonable time limitation.

(g) *Legal Adviser.* In each public hearing, the District Counsel or his designee shall serve as legal adviser to the Presiding Officer in ruling upon legal matters and issues that may arise.

(h) *Representation.* At the public hearing, any person may appear on his own behalf, and may be represented by counsel, or, in the discretion of the Presiding Officer, by other representatives.

(i) *Conduct of Hearings.* (1) Hearings shall be conducted by the Presiding Officer in an orderly but expeditious manner. Any person shall be permitted to submit oral or written statements concerning the subject matter of the hearing, to call witnesses who may present oral statements, and to present recommendations as to an appropriate decision. Any person may present written statements for the hearing record prior to the time the hearing record is closed.

(2) The Presiding Officer shall have discretion to establish reasonable limits upon the time allowed for statements of witnesses, and for arguments of parties, or their counsel or representatives.

(3) Cross-examination of witnesses shall not be permitted.

(4) All public hearings shall be reported verbatim. Copies of the transcripts of proceedings may be purchased by any person from the Corps of Engineers or the reporter of such hearing. A copy will be available for public inspection at the office of the appropriate District Engineer.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, subject to exclusion by the Presiding Officer for reasons of redundancy, be received in evidence and shall constitute a part of the hearing record.

(6) At any hearing, the Presiding Officer shall make an opening statement, outlining the purpose of the hearing and prescribing the general procedures to be followed. The Presiding Officer shall afford participants an opportunity for rebuttal and argument.

(7) The Presiding Officer shall allow a period of 10 days after the close of the public hearing for submission of written comments. After such time has expired, unless such period is extended by the Presiding Officer or the Chief of Engineers for good cause, the hearing record shall be closed.

(8) In appropriate cases, the District Engineer may participate in joint public hearings with other federal or state agencies, provided the procedures of those hearings meet the requirements of this regulation.

(9) The procedures in paragraphs (4) (6) (7) of this section may be waived by the Presiding Officer in appropriate cases.

(j) *Filing of Transcript of the Public Hearing.* Where the Presiding Officer is the initial action authority, the transcript of the public hearing, together with all evidence introduced at the public hearing shall be made a part of the administrative record of the permit action or federal project. The initial action authority shall fully consider the matters discussed at the public hearing in arriving at his initial decision or recommendation. Where a person other than the initial action authority serves as Presiding Officer, such person shall forward the transcript of the public hearing and all evidence received in connection therewith to the initial action authority together with a report summarizing the issues covered at the hearing. The report of the Presiding Officer and the transcript of the public hearing and evidence submitted there shall in such cases be fully considered by the initial action authority in making his decision or recommendation to higher authority as to such permit action or federal project.

(k) *Powers of the presiding officer.* Presiding Officers shall have the following powers:

(1) To regulate the course of hearing including the order of all sessions and the scheduling thereof, after any initial session, and the recessing, reconvening, and adjournment thereof;

(2) To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authority under which the Chief of Engineers functions, and with the policies and directives of the Chief of Engineers and the Secretary of the Army.

(l) *Public notice.* Public notice shall be given of any public hearing to be held pursuant to this regulation. Such notice shall provide for a period of not less than 30 days following the date of public notice during which time interested parties may prepare themselves for the hearing, except that, in cases of public necessity, a shorter time may be allowed. Notice shall also be given to all federal agencies affected by the proposed action, and to state and local agencies having an interest in the subject matter of the hearing. Notice shall be sent to all persons requesting a hearing and shall be posted in appropriate government buildings and published in newspapers of general circulation. One copy of each public notice under this paragraph shall be sent to HQDA (DAEN–CWO–N and DAEN–GCK).

(m) *Applicability of Other Regulations.* (1) The provisions of 33 CFR 209.-405 insofar as they apply to permit actions are rescinded on the effective date of this regulation.

(2) Paragraph (k) of 33 CFR 209.120 is rescinded on the effective date of this regulation.

(3) All references to public meetings in 33 CFR 209.145 are rescinded.

[FR Doc.75-1391 Filed 1-15-75;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 103]

FEES AND REQUESTS FOR RECORDS UNDER THE FREEDOM OF INFORMATION ACT

Proposed Rule Making

Pursuant to the provisions of 5 U.S.C. 553 (80 Stat. 383) and 5 U.S.C. 552(a) (4) as amended by Pub. L. 93–502 (88 Stat. 1561), notice is hereby given of the proposed amendment of 8 CFR 103 pertaining to fees and requests for record search and duplication under the Freedom of Information Act, as amended (88 Stat. 1561).

Under the Act of November 21, 1974 (Pub. L. 93–502; 88 Stat. 1561) amending 5 U.S.C. 552, the Freedom of Information Act, agencies are required to conform to new statutory standards, particularly with respect to fees and time limits.

The Immigration and Naturalization Service hereby proposes to revoke its separate schedule of fees relating to production of records and to charge such fees only in accordance with the Department of Justice regulation, 28 CFR 16.9. However, the Service proposes to continue to charge fees, in accordance with the user fee statute, 31 U.S.C. 483a, for services which heretofore have been grouped with Freedom of Information Act services for the convenience of the public but which are not performed pursuant to that Act. Such services include certifications, attestations, and verifications for particular purposes.

The Service will continue to have Freedom of Information Act regulations separate from but coordinated with those of the Department of Justice, concerning matters other than fees and appeals. Regarding time limits, the Service presently is engaged in a study to develop improved means to shorten the time it will take to determine a request for a record, and it is anticipated that a proposal to amend the regulations, based on this study, will be published shortly. The present proposed rule is intended primarily to bring the regulations into technical conformity with the Act of November 21, 1974 within the statutory time limit.

In accordance with the provisions of 5 U.S.C. 553 (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the

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proposed rule. Such representations may not be presented orally in any manner. All relevant material received by February 12, 1975, will be considered.

In the light of the foregoing and pursuant to the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, it is proposed to amend §§ 103.7 and 103.10 of Part 103, Chapter I, Title 8 of the Code of Federal Regulations, as set forth below:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.7 [Amended]

1. In § 103.7, amend subparagraph (b) (1) by adding at the end thereof the following:

For filing application on Form I-550 for verification of lawful permanent residence of an alien	$3.00
For certification of true copies, each	1.00
For attestation under seal	3.00

2. In § 103.7, amend subparagraph (b) (2) by deleting in its entirety the existing material and by substituting in lieu thereof the following:

(2) Fees for production or disclosure of records under 5 U.S.C. 552 shall be charged in accordance with the regulations of the Department of Justice, 28 CFR 16.9.

3. In § 103.7, add a new paragraph (d)—by transfer without change of existing content of § 103.10(b)(4), which is being revoked—to read as follows:

(d) *Authority to certify records.* Whenever authorized under 5 U.S.C. 552 or any other law to furnish information from records to persons entitled thereto, the following officials have authority to make certifications, as follows:

(1) The Associate Commissioner, Management—copies of files, documents, and records in the custody of the Central Office.

(2) A regional commissioner or district director—copies of files, documents, and records in the custody of his office.

(3) The Chief, Records Administration and Information Branch, Central Office—the nonexistence of an official record in the records of the Service.

4. Amend the heading of § 103.10 to read as follows:

§ 103.10 Requests for records under the Freedom of Information Act.

5. In § 103.10, amend subparagraph (a)(2)—by revising the second and third sentences and by deleting the fourth and fifth sentences thereof—to read as follows:

(2) *Manner of requesting records.* Requests for records may be made in person or by mail. Each request made under this section pertaining to the availability of a record shall include or consist of Form N-585 and shall describe the record with sufficient specificity with respect to names, dates, subject matter, and location to permit it to be identified and located. A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if it can reasonably be determined which particular records come within the request, and the records can be searched for, collected, and produced.

6. In § 103.10, revoke subparagraph (b) (4) in its entirety.

7. In § 103.10, revise paragraph (c) to read as follows:

(c) *Prompt response.* Ordinarily a request shall be decided within 10 working days, following receipt, or sooner if practicable. The time limit may be extended by written notice, stating the reason for the extension and the date (adding not more than 10 working days) on which a determination is expected to be dispatched. As used in the statute and in this subsection "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

In a situation wherein the deadlines stated above can not be met, a written notice shall be sent to the requester explaining the reason for the delay and the date on which a determination is expected to be dispatched, and asking for the requester's forbearance. Such notice shall include advice to the requester that he can elect to ask a court to deem that he has exhausted his administrative remedies and to issue an order in his favor.

8. In § 103.10, amend paragraph (d) by deleting the word "additional" from the first sentence thereof and by adding the words "or in the District of Columbia" at the end of the second sentence thereof to read as follows:

(d) *Disposition of requests.* When a requested record is available, appropriate notification, including notice of any applicable fees, shall be furnished the requester. A reply denying a request shall be in writing signed by the Commissioner and shall include: (1) A reference to the specific exemption under the Freedom of Information Act authorizing the withholding of the record, and such further explanation, if any, as is deemed appropriate; and (2) a statement that the denial may be appealed within 30 days to the Attorney General as prescribed by 28 CFR 16.7, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated or in the District of Columbia.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: January 13, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-1458 Filed 1-15-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2920]

SPECIAL LAND USE PERMITS

General Principles and Procedures

Many legitimate uses of the public land are authorized by special land use permits issued in accordance with the regulations at 43 CFR 2920. These regulations now require that for each permit a $10 service charge and a minimum of $10 in rental be paid. The approved forms and procedures currently used for special land use permits do not lend themselves to authorizing very temporary uses of modest impact.

One purpose of this proposed amendment is to provide for a short form application and permit to facilitate a more efficient process for very temporary uses of modest impact. A second purpose is to revise the service charge and rental required for authorizing such uses. The third effect is to modify in certain instances the period of time authorized. The maximum time which may be authorized by the short form permit is 90 days. The proposed amendment also clarifies the authority of the authorized officer to terminate special land use permits at his discretion in accordance with recent court decisions.

There are no changes proposed for service charges, rentals, procedures, or duration authorized for the more complex, longer term uses. The special land use permit now in use will continue to be used for these more complex uses.

It is, therefore, proposed that the special land use permit regulations be amended to provide for a short form special land use permit for which no service charges or rentals will be required, and which may be issued for up to 90 days were the proposed use of the public lands does not involve construction or the erection of improvements or structures, and in the opinion of the authorized officer will not alter the character of the land or its resources.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until February 21, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regulatory Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:15 a.m.-4:15 p.m.).

Subpart 2920 of Chapter II is amended as follows:

1. Section 2920.2 is revised to read as follows:

§ 2920.2 Fees.

Each application for a special land-use permit or a renewal thereof, except those under § 2920.7 for which no service charge is required, must be accompanied by a nonrefundable application service fee of $10. However, no charges will be made for applications by agencies of the Federal Government or agencies of the States and political subdivisions thereof.

2. Paragraph 2920.3(a)(1) is revised to read as follows:

§ 2920.3 Terms.

(a) *General.* (1) A special land-use permit is revocable in the discretion of the authorized officer at any time upon notice to the permittee.

• • • • • •

3. Paragraph 2920.4(a) is revised to read as follows:

§ 2920.4 Rental charges.

(a) Except as to permits issued under § 2920.7, for which no rentals are required, each permittee will be required to pay to the Bureau of Land Management, in advance, a rental determined by the authorized officer as the fair market value of the privileges granted. The authorized officer will determine whether payments will be annual or otherwise; he may adjust the rental at the end of each payment period. In no case will the minimum rental charge be fixed at less than $10 per payment.

• • • • • •

4. A new § 2920.7 is added to read as follows:

§ 2920.7 Short form.

The authorized officer may issue a short form special land use permit for temporary use of the public lands not to exceed 90 days where the proposed use of these lands does not involve construction or the erection of improvements or structures, and in the opinion of the authorized officer will not alter the character of the land or its resources.

ROLAND G. ROBINSON, Jr.,
Deputy Assistant Secretary.

JANUARY 9, 1975.

[FR Doc.75-1393 Filed 1-15-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

[Amdt. 1]

ONION IMPORTS

Proposed Minimum Grade and Size Requirements

This proposal would amend minimum grade and size requirements for imported onions.

Notice is hereby given of a proposed amendment of § 980.113 Onion import regulation (39 FR 26290), applicable to the importation of onions into the United States to become effective March 17, 1975, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e of the act (7 U.S.C. 608e-1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.113 (39 FR 26290), became effective July 18, 1974, and sets forth similar grade, size, quality, and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Eastern Oregon.

Grade, size, quality, and maturity requirements become effective for the period March 10 through May 11, 1975 (39 FR 45208) under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handing of onions grown in South Texas. It is anticipated that imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 17 and the proposed changes will be necessary to bring import regulations into line with domestic regulations covering South Texas onions.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than February 3, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

Section 980.113 Onion import regulation (39 FR 26290), is hereby amended to read as follows:

§ 980.113 Onion import regulation.

Pursuant to section 8e of the act (7 U.S.C. 608e-1) and except as otherwise provided herein, during the period beginning March 17, 1975, and continuing through May 11, 1975, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

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(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance Notice
All Texas points.	L. M. Denbo, P.O. Box 107 San Juan, Tex. 78589 (Phone 512-787-4091 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602-287-2402).	Do.
All California points.	D. F. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8750).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-541-3071).	1 day.
All Puerto Rico points.	Darrell McNeal, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-783-2230 or 4116).	2 days.
New York City.	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans....	Anthony Gennaro, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-527-6741 or 6742).	Do.
Miami.....	Lloyd W. Boney, 1350 North West 12th Ave., Room 538, Miami, Fla. 33136 (Phone 305-324-6116 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (Phone 813-294-3511, Ext. 33 and 813-294-2089).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity being made effective for onions grown in South Texas.

(i) *Definitions.* For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable United States Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

Dated: January 13, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1525 Filed 1–15–75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMALS

Abandonment Provisions Regarding Illegal Importation

On January 15, 1974, final regulations governing the Taking and Importing of Marine Mammals as required by Title I of the Marine Mammal Protection Act of 1972 (Pub. L. 92–522) were published in the FEDERAL REGISTER (39 FR 1851–1859). An addition to the published regulations is now proposed.

A new § 216.64 will be added explaining that in the event an illegally imported marine mammal or marine mammal part or product is abandoned to the United States Customs Service, the Director or his designee may take such abandonment into consideration in deciding whether to initiate a formal action or, if initiated, whether to consider compromising the proposed penalty in view of the abandonment.

The proposed amendment is issued under authority of Title I of the Marine Mammal Protection Act of 1972 86 Stat. 1027 (16 U.S.C.) 1361–1407), Pub. L. 92–522.

Issued at Washington, D.C., and dated January 13, 1975.

JACK W. GEHRINGER,
Acting Director.

The proposed amendments are described below.

1. A new § 216.64 is added and the present §§ 216.64 and 216.65 are renumbered. The new subsection reads as follows:

§ 216.64 Abandonment provisions.

When it has been alleged that a marine mammal or marine mammal part or product has been unlawfully imported, the National Marine Fisheries Service has no objection to the owner of the marine mammal or marine mammal part or product abandoning same to the United States Customs Officials in accordance with existing Customs procedures. In determining whether formal action should be initiated for any alleged violation of the Act or these regulations or, if initiated, whether a proposed penalty should be compromised, the Director or his designee may take into consideration the fact that the alleged violator voluntarily abandoned the item to an appropriate authority.

3. Present § 216.64 is renumbered 216.65 as follows:

§ 216.65 Holding and bonding.

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4. Present § 216.65 is renumbered § 216.66 as follows:

§ 216.66 Enforcement officers.

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[FR Doc.75–1518 Filed 1–15–75;8:45 am]

[50 CFR Part 219]

ENDANGERED SPECIES OR ENDANGERED SPECIES PART OR PRODUCTS

Seizure and Forfeiture Procedures; Abandonment Provisions

On November 27, 1974, final regulations dealing with endangered species importation permits and enforcement (civil procedures, seizure and forfeiture procedures, designated ports) were published in the FEDERAL REGISTER (39 FR 41367–41377).

Section 219.15 will be amended so that in the event an illegally imported endangered species or endangered species part or product is abandoned to the United States Customs Service, the Director or his designee may take such abandonment into consideration in deciding whether to initiate a formal action or, if initiated, whether to consider compromising the proposed penalty in view of the abandonment.

The proposed amendment is issued under authority of the Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205.

Issued at Washington, D.C., and dated January 13, 1975.

JACK W. GEHRINGER,
Acting Director.

The proposed amendment is described below.

1. A new § 219.15 reads as follows:

§ 219.15 Abandonment provisions.

When it has been alleged that an endangered species or endangered species part or product has been unlawfully imported, the National Marine Fisheries Service has no objection to the owner of the endangered species or endangered species part or product abandoning same to the United States Customs Officials in accordance with existing Customs procedures. In determining whether formal action should be initiated for any alleged violation of the Act or these regulations or, if initiated, whether a proposed penalty should be compromised, the Director or his designee may take into consideration the fact that the alleged violator voluntarily abandoned the item to an appropriate authority.

[FR Doc.75–1517 Filed 1–15–75;8:45 am]

Office of the Secretary

[15 CFR Part 4]

PUBLIC INFORMATION

Proposed Uniform Schedule of Fees

Section 1(b)(2) of Pub. L. 93–502 (88 Stat. 1561), the recently enacted amendments to the Freedom of Information Act (5 U.S.C. 552), requires each agency subject to the Act to promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency, in connection with requests for records under the Freedom of Information Act.

Notice is hereby given that the Department of Commerce, in accordance with this statutory requirement, proposes to amend its regulations to provide such a uniform schedule of fees. These amendments are intended to comply with the statutory requirements of 5 U.S.C. 552 (4)(A) that: (a) Fees be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication; and (b) documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

This proposal also contains certain procedural requirements intended to assure that parties do not incur unanticipated obligations when making requests for Department of Commerce records. In addition, for convenience, charges for forwarding records to the requesting party and for certification or authentication of records requested by the party, which are established under 15 U.S.C. 1525, are included. The user charges for other services not required under the Freedom of Information Act but chargeable under 15 U.S.C. 1525 and other applicable laws are not included.

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views or statements as they may desire to the U.S. Department of Commerce, Central Reference and Records Inspection Facility, Room 7043, Washington, D.C. 20230. Comments received before February 13, 1975, will be considered before final action is taken on this proposal. All comments received in response to this proposal will be available for public inspection during normal business hours at the above address.

It is, therefore, proposed to amend 15 CFR Part 4, by revising § 4.8 to read as follows:

§ 4.8 Fees.

(a) *Fee schedule.* Unless waived or reduced as provided in paragraph (b) of this section, the following fees shall be charged in connection with requests for records subject to this part.

(1) *Searches other than for computerized records.* $2.50 for each one-quarter hour per person for time spent in trying to find the records requested. This includes the time spent by clerical, professional and supervisory personnel in examining records in order to find records which are within the scope of the request, and transportation of personnel and records necessary to the search.

(2) *Searches for computerized records.* Actual direct cost of the computer time to the government agency to use the equipment involved in the search, not to exceed $270 per hour ($4.50 per minute). This fee includes machine time, and related operator and clerical personnel. If programming is necessary to conduct the search, there will be an additional fee of $2.50 for each one-quarter hour per person for programmer/analyst time. Computer printouts shall be 20 cents per page for the original and carbon copies concurrently printed.

(3) *Copying of records.* 7 cents per copy of each page.

(4) *Copies of microfilm or microfiche.*

16 mm (100 ft. roll)—$6.00
35 mm—$7.00
105 mm fiche—$0.25 each
Aperture cards—$0.25 each
$0.25 per page for each microform frame printed on paper.

(5) *Certification or authentication of records.* $3.00 per certification or authentication.

(6) *Forwarding records to requesting party.* Actual cost of postage, insurance and special fees, if they exceed $1.00.

(b) *Waiver or reduction of fees.* No fees shall be charged for a request for records under this part where:

(1) The fees total less than $25. In so determining, the fees for other contemporaneous requests made by the same party or related parties shall be aggregated.

(2) The records are requested by a Federal agency, Federal court, congressional committee or subcommittee, the General Accounting Office, or the Library of Congress.

(3) The records are requested by a State or local government, an intergovernmental agency, a foreign government, an international organization, or any agency thereof, for purposes that are determined to be in the public interest and will promote the objectives of the act and the agency. Alternatively, it may be determined that the fees shall be reduced instead of waived.

(4) It is determined, either upon petition therefor submitted by the party requesting the records, or by the responsible official on his own initiative, that waiver of the fee is in the public interest because furnishing the information in the records requested can be considered as primarily benefiting the general public. Alternatively, it may be determined that the fees shall be reduced instead of waived. Any such petition shall include and specify the intended purpose to which the records requested will be put and why all of them are necessary, in order to show how the information furnished in all or part of the records will primarily benefit the general public.

(5) It is determined by the responsible official, based upon a petition therefor, that the requesting party is indigent, that the request for records has a strong public interest justification, and that agency resources permit a waiver of the fee. A person is deemed to be indigent if he does not have income or resources sufficient to pay the fees involved. Alternatively, it may be determined that the fees shall be reduced instead of waived. All statements made in any such petitions are subject to the criminal code provisions of 18 U.S.C. 1001 concerning false reports to the Government.

(c) *Payment of fees.* The following conditions for payment of fees charged under this section shall apply.

(1) Search fees provided in paragraph (a) of this section are chargeable even when no records responsive to the request for records are found, or when the records requested are determined to be exempt from disclosure.

(2) If the party requesting records has stated in or with his request that he is willing to pay an amount sufficient to cover the estimated fees, a search may be made for the records without further notice by the agency, unless the requesting party is delinquent in making past payments, or the estimated fees exceed $100.

(3) If the party requesting records has stated in or with his request that he is willing to pay estimated fees up to a specified limit not exceeding $100, a search may be made for the records without further notice if the estimated fees are less than the specified limit or are less than $25, unless the requesting party is delinquent in making past payments.

(4) If the estimated fees (1) exceed $100 for a request covered within sub-

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paragraph (2) of this paragraph, or (ii) exceed the specified limits covered within subparagraph (3) of this paragraph, or (iii) otherwise exceed $25, or the requesting party is delinquent in past payments, the requesting party shall be notified immediately (by wire or confirmed telephone call) of the estimated total fee and shall be requested to prepay such fee before the search continues. The notice may advise the requesting party to confer with specified Department personnel so as to attempt to reformulate the request for records to reduce the fee.

(5) The administrative time deadlines prescribed in 5 U.S.C. 552(a)(6) shall be tolled from the time the notice described in subparagraph (4) of this paragraph is sent by the agency to the requesting party, until the time that the agency receives payment of the estimated fee from the requesting party, unless the responsible official determines otherwise.

(6) In any instance where a specific fee is ultimately determined to be payable and notice thereof has been sent to the requesting party, the payment of such fee shall be received by the agency before the records requested are made available.

(7) Payment of fees shall be made in cash or preferably by check or money order payable to "U.S. Department of Commerce" and shall be sent to the agency address stated in the billing notice from the agency.

(8) If an advance payment of an estimated fee exceeds the actual total fee by $5.00 or more, the difference shall be refunded to the requesting party. If the estimated fee is less than the actual fee later determined, any difference in excess of $5.00 may be further billed to and is payable by the requesting party.

Signed at Washington, D.C., this 13th day of January, 1975.

Dated: January 13, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-1530 Filed 1-15-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-11]

OCCUPATIONAL NOISE EXPOSURE

Proposed Requirements and Procedures; Extension of Time for Comments

On Thursday, October 24, 1974, a notice of proposed rulemaking regarding an occupational safety and health standard on occupational noise exposure in general industry was published in the FEDERAL REGISTER (39 FR 37773). Interested persons were given until December 9, 1974, to submit written data, views, and arguments with respect to the proposal and to file objections and request a hearing thereon. Of the first 40 comments received, 16 requested additional time to submit such materials. The additional time requested ranged from 13 days to 120 days. In view of the complexities of the issues raised and the breadth of application of the proposed standard, the period for the submission of written comments and for the filing of objections on the proposal was thereby extended until January 22, 1975, on December 9, 1974 (39 FR 42929). Subsequent comments have requested a further extension of time for comments. In view of these requests the period for the filing of comments and objections on the proposal is hereby extended until March 21, 1975. Written data, views, and arguments concerning the proposal may be mailed to the Docket Officer, Docket OSH-11, Occupational Safety and Health Administration, Room 230, 1726 M Street NW., Washington, D.C. 20210. Such data, views, and arguments will be available for public inspection and copying at the above address.

Signed at Washington, D.C. this 10th day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-1451 Filed 1-15-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 132, 133]

DRUG PRODUCT SALVAGING

Proposed Rule Making

The Food and Drug Administration is concerned that drugs which have been subjected to prolonged or improper storage or to abnormal environmental conditions are being salvaged and returned to the marketplace. To prevent salvage and consumer use of bad drug products resulting from age, poor storage, fire, flood, freezing, etc., the Commissioner of Food and Drugs is proposing regulations relating to such drugs and firms that engage in drug product salvaging operations.

Although methods are available to estimate the type and the extent of abnormal exposure, the usual methods for salvaging "good" drug products from "bad" drug products are by visual and organoleptic examinations. Such examinations are not effective in demonstrating that drug products have maintained their original identity, strength, quality, and purity. Analytical examinations are not regarded as entirely adequate since the sampling process cannot account for intralot variables presented by prolonged or improper storage or by abnormal environmental conditions.

Any drug products subjected to extremes of temperature, humidity, smoke, fumes, pressure, age, or radiation are considered as having been subjected to prolonged or improper storage or to abnormal environmental conditions. Abnormal environmental conditions develop from fire, flood, freezing, explosion, etc. Factors contributing to possible abnormal environmental conditions are faulty heating, refrigeration, or air conditioning; improper storage in winter and summer resulting in abnormally high or low storage temperatures; water damage; and improper control over drugs returned from retailers. There is no practical way to detect the kinds or extent of damage that may occur in lots of drug products subjected to prolonged or improper storage or to abnormal environmental conditions. Unless it can be shown that the lots of drug products were not subjected to abnormal environmental conditions, efforts to salvage seemingly good drug products compromise the safety and effectiveness of such drug products.

There are some situations whereby a judgment can be rendered that the integrity of a drug product lot has not been affected by abnormal environmental conditions. Examples of such situations are:

(1) An isolated fire in a warehouse other than in the vicinity of drug storage, and there is evidence that the drug products were not subjected to abnormal environmental conditions.

(2) A mechanical failure in refrigeration, but where automatic temperature recordings show that the temperature did not rise above an established maximum during the failure.

(3) Where it can be shown that flood waters did not reach a drug product storage level and conditions do not exist whereby high humidity would develop or, if it did, the drug products in question would not be affected by such humidity.

Any drug products subjected to prolonged or improper storage or subjected to abnormal environmental conditions are regarded as being adulterated within the meaning of section 501(a)(2) (A) and (B) of the Federal Food, Drug, and Cosmetic Act and shall be subject to regulatory action.

The Commissioner of Food and Drugs proposes to amend "Part 133—Drugs; Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Holding" (21 CFR Part 133) by adding a new § 133.20 *Drug Product salvaging.* Section 133.20 will prohibit the salvaging and returning to the marketplace of drug products which have been subjected to prolonged or improper storage or to abnormal environmental conditions. Whenever there is any possibility that drug products have been subjected to prolonged or improper storage or to abnormal environmental conditions, salvaging operations may be conducted only if there is: (1) Substantial evidence from laboratory tests and assays (including animal feeding studies where applicable) showing that the drug products meet all applicable standards of identity, strength, quality, and purity; and (2) substantial evidence that the drug products and their associated packaging have not been subjected to prolonged or improper storage or abnormal environmental conditions. Visual or organoleptic examinations shall be acceptable only as supplemental evidence that the drug products have maintained their original identity, strength, quality, and purity.

The Commissioner proposes to amend 21 CFR 132.1 by adding a new paragraph (k) to define "drug product salvaging" as the act of segregating drug products which have been subjected to prolonged or improper storage or to abnormal environmental conditions such as extremes of temperature, smoke, humidity, fumes, pressure, age, or radiation when such segregation is for returning some or all of the drug products to the marketplace.

In addition, the Commissioner notes that every person who owns or operates an establishment engaged in the salvaging of drug products is required to register such establishment pursuant to section 510 of the act and 21 CFR Part 132. For clarity, the Commissioner proposes to amend § 132.1 to specify that establishments required to register include those engaged in the salvaging of drug products; however, such establishments are not required to submit a drug list. The Commissioner also proposes to amend § 132.2 to clarify that drug listing is not required at this time for establishments engaged in the salvaging of drug products.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 510, 701, 52 Stat. 1049–1050 as amended, 1055–1056 as amended, 76 Stat. 794 as amended; 21 U.S.C. 351, 360, 371) and the Drug Listing Act of 1972 (Public Law 92-387; 86 Stat. 559–562) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

1. In Subpart A of Part 132 by revising paragraph (b) of § 132.1 and adding a new paragraph (k) to read as follows:

§ 132.1 Definitions.

• • • • •

(b) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, independent laboratories that engage in control activities for registered drug establishments, e.g., "consulting" laboratories, manufacturers of medicated feeds and of vitamin products that are "drugs" within the meaning of section 201(g) of the act, human blood donor centers, animal facilities used for the production or control testing of licensed biologicals, and establishments engaged in the salvaging of drug products.

• • • • •

(k) "Drug product salvaging" is the act of segregating drug products which may have been subjected to prolonged or improper storage or to abnormal environmental conditions such as extremes of temperature, humidity, smoke, fumes, pressure, age, or radiation for the purpose of returning some or all of the products to the marketplace.

§ 132.2 [Amended]

2. In Subpart B of Part 132 by adding a comma and the phrase "nor is drug listing required for establishments engaged in the salvaging of drug products" before the period at the end of paragraph (a) of § 132.2.

3. In Part 133 by adding a new § 133.20 to read as follows:

§ 133.20 Drug product salvaging operations.

Drug products which have been subjected to prolonged or improper storage or to abnormal environmental conditions such as extremes in temperature, humidity, smoke, fumes, pressure, age, or radiation due to natural disasters, fires, accidents, or equipment failures shall not be salvaged and returned to the marketplace. Whenever there is any possibility that drug products have been subjected to prolonged or improper storage or to abnormal environmental conditions, salvaging operations may be conducted only if there is substantial evidence (a) from laboratory tests and assays (including animal feeding studies where applicable) showing that the drug products meet all applicable standards of identity, strength, quality, and purity and (b) that the drug products and their associated packaging have not been subjected to prolonged or improper storage or abnormal environmental conditions. Visual or organoleptic examinations shall be acceptable only as supplemental evidence that the drug products have maintained their original identity, strength, quality, and purity.

Interested persons may, on or before March 17, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 9, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-1445 Filed 1-15-75;8:45 am]

Office of the Secretary

[42 CFR Part 59]

FAMILY PLANNING SERVICES TRAINING GRANTS

Notice of Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare proposes to revise the regulations governing grants under section 1003 of the Public Health Service Act (42 U.S.C. 300a-1), which authorizes the Secretary of Health, Education, and Welfare to make grants to public or nonprofit private entities to provide the training for personnel to carry out the family planning service programs described in sections 1001 or 1002 of the Act (42 U.S.C. 300, 300a). The regulations governing grants under section 1003 are set forth in Part 59, Subpart C of Title 42 of the Code of Federal Regulations. Section 59.203(b) thereof states that eligible projects are not to exceed three months in duration. However, experience in administering the family planning training grants has shown that occasionally a longer period of time is needed to meet unusual or special training needs. The revision of § 59.203(b) set out below is designed to accommodate such needs.

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed revision of § 59.203(b) to the Director, Bureau of Community Health Services, Health Services Administration, Room 7-05, 5600 Fishers Lane, Rockville, Maryland 20852, on or before February 18, 1975. All comments received in response to this Notice will be available for public inspection in the above-named office during regular business hours.

It is therefore proposed to amend Subpart C of Part 59 of Title 42 as set forth below.

Dated: December 16, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: January 13, 1975.

CASPAR W. WEINBERGER,
Secretary.

Paragraph (b) of § 59.203(b) is revised to read as follows:

§ 59.203 Eligibility.

• • • • •

(b) *Eligible projects.* Grants pursuant to section 1003 of the Act and this subpart may be made to eligible applicants for the purpose of providing programs, not to exceed three months in duration, for training family planning or other health services delivery personnel in the skills, knowledge, and attitudes necessary for the effective delivery of family planning services: *Provided*, That the Secretary may in particular cases approve support of a program whose duration is longer than three months where he determines (1) that such program is consistent with the purposes of this subpart and (2) that the program's objectives cannot be accomplished within three months because of the unusually complex or specialized nature of the training to be undertaken.

[FR Doc.75-1562 Filed 1-15-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36]

[Docket No. 13243; Notice No. 74-39]

NOISE STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES

Proposed Regulations Submitted to the FAA By the Environmental Protection Agency

Correction

In FR Doc. 74-30538 appearing at page 1061 in the issue of Monday, January 6, 1975 the signature on page 1069 reading "Charles R. Foot" should read "Charles F. Foot".

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[14 CFR Part 71]

[Airspace Docket No. 74-EA-96]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lancaster, Pa., Control Zone (39 FR 398) and Transition Area (39 FR 525, 37632).

A new VOR/DME Rwy 26 instrument approach procedure has been developed for Lancaster Airport, Lancaster, Pa., and will require alteration of the control zone and transition area to provide controlled airspace for aircraft executing the new procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications on or before February 18, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lancaster, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Lancaster, Pa. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial, extending from the VORTAC to 8.5 miles west; within 3 miles each side of the Lancaster VORTAC 128° radial, extending from the VORTAC to 8.5 miles southeast; within 2 miles each side of the Lancaster VORTAC 055° radial, extending from the VORTAC to 5 miles northeast. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Lancaster, Pa. Transition Area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa.; within 3 miles each side of the Lancaster VORTAC 260° radial, extending from the 7.5-mile radius area to 8.5 miles west of the VORTAC; within 9.5 miles northeast and 4.5 miles southwest of the Lancaster VORTAC 128° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; within 3.5 miles each side of the Lancaster Airport ILS southwest localizer course, extending from the 7.5-mile radius area to 10.5 miles southwest of the OM; within 2 miles each side of the Lancaster VORTAC 055° radial, extending from the 7.5-mile radius area to 16.5 miles northeast of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 6, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-1372 Filed 1-15-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-95]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Sussex, N.J., Transition Area (39 FR 599).

Because of alteration of the use of the VOR-1 instrument approach procedure to Sussex Airport from part to full time use, the transition area must be similarly altered.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 18, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Sussex, New Jersey proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 Federal Aviation Regulations so as to alter the description of the Sussex, N.J. 700-foot floor transition area by deleting, "This transition area is effective from sunrise to sunset, daily.".

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 6, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-1373 Filed 1-15-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CL-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dowagiac, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before February 18, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Cass County Memorial Airport, Dowagiac, Michigan, and additional controlled airspace is required to protect this procedure.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Sussex, New Jersey proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 Federal Aviation Regulations so as to alter the description of the Sussex, N.J. 700-foot floor transition area by deleting, "This transition area is effective from sunrise to sunset, daily.".

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 6, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-1373 Filed 1-15-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CL-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dowagiac, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before February 18, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Cass County Memorial Airport, Dowagiac, Michigan, and additional controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

DOWAGIAC, MICHIGAN

That airspace extended upward from 700 feet above the surface within a seven-mile radius of Cass County Memorial Airport (Latitude 41°59'30" N, Longitude 86°07'37" W.); within two miles each side of the Keeler, Michigan 181° radial extending from the seven-mile radius area to the VOR, excluding the portion which overlies the South Bend, Indiana transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]

Issued in Des Plaines, Illinois, on December 30, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-1377 Filed 1-15-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-78]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Starkville, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 18, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Starkville transition area described in § 71.181 (40 FR 441) would be amended as follows:

"• • • excluding the portion within Columbus, Miss.," transition area • • •" would be deleted and "• • • within 3 miles each side of the 350° bearing from BRYAN RBN (Lat. 33°25'53" N, Long. 88°51'01" W), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within Columbus, Miss., transition area • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for aircraft executing the new NDB A Instrument Approach Procedure to George M. Bryan Field, utilizing the Starkville (private) nondirectional radio beacon.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 6, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-1376 Filed 1-15-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-94]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Corry, Pa., Transition Area.

A new NDB instrument approach procedure is in development to serve Lawrence Airport, Corry, Pa. To provide controlled airspace for instrument arrival and departure procedures at this airport will require the designation of a 700-foot floor transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 18, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Corry, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the Corry, Pennsylvania 700-foot floor Transition Area as follows:

CORRY PENNSYLVANIA

The airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 41°54'30" N., long. 79°38'30" W. of Lawrence Airport, Corry, Pennsylvania and within 3 miles each side of the 305° bearing from the Corry RBN (lat. 41°54'44" N., long. 79°38'54" W.) extending from the 5-mile radius area to 8.5 miles northwest of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 6, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-1374 Filed 1-15-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-90]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Williamson, N.Y., Transition Area.

A new VOR/DME instrument approach procedure to Runway 10 at Williamson-Sodus Airport, Williamson, New York, is in development. To provide controlled airspace for instrument arrival and departure procedures at this airport will require the designation of a 700-foot floor transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 18, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Williamson, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the Williamson, New York 700-foot floor Transition Area as follows:

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WILLIAMSON, NEW YORK

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, lat. 43°14'10" N., long. 77°07'20" W. of Williamson-Sodus Airport, Williamson, N.Y., extending clockwise from a 055° to a 320° bearing from the airport; within a 5-mile radius of the center of the airport extending clockwise from a 320° to a 055° bearing from the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 6, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-1375 Filed 1-15-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 310, 385, 389]

[PDR-38, ODR-10; Docket No. 27378; Dated January 13, 1975]

DOCUMENT SEARCH AND DUPLICATION

Proposed Fee Schedule

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 310 of its Procedural Regulations and Parts 385 and 389 of its Organization Regulations (14 CFR Parts 310, 385 and 389). The proposed amendments relate to fees for search and duplication services, and are designed to bring the Board's Regulations into conformity with recent amendments made by P.L. 93-502 to the Freedom of Information Act (5 U.S.C. 552).

The principal features of the proposed amendments are further described in the Explanatory Statement, and the proposed amendments are set forth in the Proposed Rule. This regulation is proposed under the authority of section 204 (a) of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324), Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140), and 5 U.S.C. 552, as amended by Pub. L. 93-502, 88 Stat. 1561.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before January 30, 1975, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding, may do so through submission of comments in letter form to the Docket Section at the above-indicated address, without the necessity of filing additional copies thereof.

It should be noted that because the proposed revisions to the above-named parts are to be adopted pursuant to recent amendments to the Freedom of Information Act, the Board intends to move forward as expeditiously as possible in order to put into effect final rules relating thereto by February 19, 1975, the date upon which said amendments will become effective. Therefore, the Board is allowing for less than the normal 30 days in which comments may be filed, and the Board does not contemplate the granting of any extensions of time for the filing of comments with respect to this matter.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Part 389 of the Board's Organization Regulations (14 CFR Part 389) establishes a system of fees for filings, licenses, and special services, including searches for documents and their duplications. Recently, Congress enacted Pub. L. 93-502, amending the Freedom of Information Act[1] so as to require, inter alia, that:

• • • [E]ach agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

The Board, upon review of its schedule of fees for special services affected by Pub. L. 93-502, and the foregoing legislative mandate, proposes hereinto modify Part 389 in several respects and to modify related provisions in Parts 310 and 385, to reflect the proposed changes to Part 389.

1. *Search fees.* The Board's current fee schedules include a coordinated charge for search and duplication, i.e., no separate charge is made for locating documents or records; instead, such charge is a component of the charge for photocopying. Continuation of this practice would not appear to be compatible with Pub. L. 93-502, which seems to contemplate that, if an agency charges for such services, a separate fee must be set for each service. The Board has accordingly reviewed its fee schedules, and has tentatively concluded that, based on our past experiences, the administrative burden and expense of establishing a separate fee schedule for document searches would not be commensurate with the revenues likely to be derived from charges for this service. The Board has therefore tentatively determined that it will no longer charge a fee for services performed in connection with searching for documents requested by members of the public, whether in connection with photocopying or otherwise. However, recognizing that Pub. L. 93-502 could itself result in increased requests for access to Board records, including increased requests for search services, we shall closely monitor this area of special services with a view towards establishing a schedule of reasonable fees for searches, should the extent of the burden on our staff resources prove to warrant imposition of a separate charge for this service.

2. *Copying fees.* The Board also proposes to reduce its fees for photocopying documents, and to eliminate existing minimum fees for such services. Since Pub. L. 93-502 requires fees for duplication services to be based on "reasonable standard charges" and to provide for the recovery of only the "direct costs" of duplication, we have tentatively determined that the fee for photocopying, excluding costs related to search, as discussed above, and other indirect costs, should be 15 cents per page, and that we should no longer impose any minimum charge for copying services.

3. *Waivers or modifications of fees.* The legislative directive in Pub. L. 93-502 also requires that duplication and search fees be waived or reduced where the agency determines that such action would be in the public interest because furnishing the information "can be construed as primarily benefiting the general public." The Board therefore proposes to amend its fee schedules to provide for waivers or modifications for photocopying fees in consonance with this statutory requirement. As reflected by the proposed amendments to § 389.14 requests for waivers or modifications will be processed pursuant to procedures now applicable for appeals from staff action denying access to Board records.

4. *Advance payment.* Finally, in connection with our review of the Board's fees and related practices, we have tentatively concluded that we should take this occasion to insure that fees prescribed in Part 389 are actually collected. We therefore propose to amend our fee schedules to provide that in situations involving copying fees in excess of $100.00, requesters shall be required to pay in advance for the service to be provided. As indicated by the proposed revisions to § 389.14, when payment in advance is required, requesters will be promptly notified of the amount due and, after payment has been received by the Board, the requested service will be provided.

PROPOSED RULE

It is proposed to amend Part 310 of the Board's Procedural Regulations and Parts 385 and 389 of its Organization Regulations (14 CFR Parts 310, 385 and 389) as follows:

[1] Pub. L. 90-23, 5 U.S.C. 552.

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS AND RECORDS

1. Amend the Table of Contents so as to revised the caption of § 310.5, as follows:

Sec.
310.5 Fees for locating and copying records.

2. Amend § 310.5 to read as follows:

§ 310.5 Fees for locating and copying records.

Appropriate fees for locating and copying Board records are prescribed in Part 389 of this chapter.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

3. Amend § 385.12, by adding a new paragraph (d), to read as follows:

§ 385.12 Delegation to the Managing Director.

• • • • • •

(d) Receive and determine applications for waiver or modification of prescribed fees for search and duplication services when such applications accompany requests for such services pursuant to § 389.14 of this chapter.

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

4. Amend the Table of Contents, so as to revised the caption of § 389.14, as follows:

Sec.
389.14 Locating and copying records and documents.

5. Amend § 389.11, by revising paragraph (a), to read as follows:

§ 389.11 Services available.

Upon request • • •

(a) Locating and copying records and documents.

• • • • • •

6. Amend § 389.14 to read as follows:

§ 389.14 Locating and copying records and documents.

Public records and documents on file with the Civil Aeronautics Board will be located, and such copies thereof as may be practicable to furnish will be provided, upon request therefor and payment of fees as set forth below:

(a) There shall be no charge in connection with searches for records or documents under this chapter.

(b) Copies of records or documents are made by Board facilities, or by non-Government contractors.

(1) The fee for photocopying will be at the rate of 15 cents per page.

(2) The fee for copying by non-Government contractors will be that established in the contracts with the Board and will be billed directly by such contractors.

(c) Where the fee for service requested hereunder will exceed $100.00, the service will not be performed until payment has been received. In such cases, the requester will be notified promptly of the amount of the fee, and the requested service will be performed as expeditiously as practicable following receipt of such payment.

(d) Applications may be filed requesting waivers or modifications of any fees required to be paid under this section in accordance with the following:

(1) Each applicant shall set forth briefly and succinctly the relief that it seeks and the reasons why such relief should be granted. Waivers or modifications of stated fees shall be granted only where it is demonstrated that such action is in the public interest because furnishing of the information requested can be considered as primarily benefiting the general public.

(2) Applications requesting waivers or modifications of fees under this section shall be addressed to the Managing Director, who has been delegated authority by the Board to decide such applications in § 385.12 of this chapter, and shall accompany the request for service under this section.

(3) The Managing Director shall either rule on the application, or at his discretion, pass the matter on to the Board for its determination. In acting upon such applications the Managing Director and the Board, where applicable, shall be guided by the procedures and requirements of § 310.9(d) of this chapter.

(4) A decision by either the Managing Director or the Board pursuant to paragraph (d)(3) of this section is final and will not be subject to petitions for reconsideration.

[FR Doc.75-1520 Filed 1-15-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

CERTAIN PREPARATIONS CONTAINING IRON

Proposed Child-Resistant Packaging Standards

The purpose of this document is to propose child-resistant packaging standards for certain preparations containing iron. The accidental ingestion of such preparations has been a significant cause of hospitalizations and fatalities of children younger than 5 years of age.

Background. Acute accidental poisoning from iron began to occur with greater frequency when iron became widely used as a therapeutic agent for the treatment of anemia in 1947. Since that time, a significant number of iron poisonings in children younger than 5 years of age has occurred.

Acute iron poisoning produces a corrosion of the gastrointestinal tract (primarily the stomach and the ilium). Death may occur from shock within 4 to 6 hours or from cardiovascular collapse within 1 to 3 days.

Data from the National Clearinghouse for Poison Control Centers on accidental ingestions of iron preparations of children under 5 years of age for the period 1969-1972 show 543 hospitalizations. Data from the death certificates for 1969-1972 show 31 deaths of children younger than 5 years of age from the accidental ingestion of these products. These data do not specify the exact amounts ingested by the children, nor does the medical literature in the field recognize any precise lethal or toxic dose. Evidence does establish, however, that a 3-gram dose of ferrous sulfate (the most common iron salt) is fatal for a human being. On the basis of this evidence, it has been estimated that a dose of one gram of iron could produce death in a child younger than 5 years of age. This figure, however, does not leave room for variability in body weight of children under 5 years of age or for variable susceptibility in children of the same size.

Conclusion and proposal. Therefore, considering the available data on injuries and the lack of concrete data on hazardous levels of iron, and after consultation, pursuant to section 3, with the Technical Advisory Committee established in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commission proposes that any animal and human drugs (except for injectable drugs) and any dietary supplements as defined in proposed 16 CFR 1700.1(a)(3) below, that provide an equivalent of 500 milligrams or more of elemental iron per package shall require special packaging. This level provides a reasonable and necessary margin of safety in order to protect even the small toddler from serious illness. Since the Commission recognizes that neither the true toxic dose nor the lethal dose of iron has been established for children younger than 5 years of age, interested persons are invited to submit any data that would enable the Commission to establish a more accurate level of iron below which serious illness in children younger than 5 years of age would not occur.

On the basis of preliminary contact with a number of packaging manufacturers, and pursuant to section 3(a)(2) of the act, the Commission finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards.

2. Practicable in that the special packaging is susceptible to modern mass production and assembly line techniques.

3. Appropriate since such special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

The Commission recognizes that the packaging manufacturers' ability to supply closures prior to the effective date of special packaging standards is partially dependent upon the speed with which packagers of substances subject to the standards place orders for packaging. Given the number of hospitalizations and

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fatalities that have occurred as a result of the accidental ingestion of iron-containing preparations by children under 5 years of age, the Commission suggests that packagers of iron preparations subject to these proposed requirements begin immediately to obtain the necessary special packaging. Due to the serious danger posed by these iron preparations, the Commission intends that these regulations, if adopted, be made effective 6 months after their date of promulgation in the FEDERAL REGISTER and invites comments on this intention.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72 (15 U.S.C. 1471(4), 1472, 1474)) and under authority vested in the Commission by the Consumer Product Safety Act (Sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079 (a))), the Commission proposes that 16 CFR Part 1700 be amended:

1. By adding new subparagraph (3) to § 1700.1(a), as follows:

§ 1700. Definitions.

(a) • • •

(3) "Dietary Supplement" means any vitamin and/or mineral preparation offered in tablet, capsule, wafer or other similar uniform unit form; in powder, granular, flake, or liquid form; or in the physical form of a conventional food but which is not a conventional food; and which purports to be or is represented for special dietary use by humans to supplement their diets by increasing the total dietary intake of one or more of the essential vitamins and/or minerals.

2. By adding a new subparagraph (12) to § 1700.14(a), as follows (although unchanged, the introductory text of § 1700.14(a) is included below for context):

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

• • • • •

(12) *Iron preparations.* Animal and human drugs (except for injectable drugs), and dietary supplements, as defined in § 1700.1(a)(3), that provide an equivalent of 500 milligrams or more of elemental iron per total package, shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

Interested persons are invited to submit, on or before March 17, 1975, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: January 13, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-1439 Filed 1-15-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20319; RM-2236]

TABLE OF ASSIGNMENTS

FM Broadcast Stations

1. Notice of proposed rule making is hereby given of proposed amendment of § 73.202(b) of the rules, the FM Table of Assignments. The proposed amendment would add a Class A FM assignment at Bangor, Maine which presently has two Class B assignments.

2. Bangor, Maine (pop. 33,168),[1] is the seat of Penobscot County (pop. 125,393). It is the third largest city in Maine and is located in the eastern portion of the State, approximately 50 miles from the Atlantic Ocean. Penobscot Valley Broadcasting System, Inc. (Penobscot), the petitioner, states that Bangor's industrial base consists of shoe manufacturing, woodworking, forging and food processing and that new area industry includes operations in aircraft maintenance, food processing, machine parts, house and vacation home manufacturing, and chemical processing. The petitioner cites the deactivation of Dow Air Force Base in 1968 as a critical event for Bangor. It quotes an article which appeared in a nationwide magazine, detailing how Bangor planned and carried out the conversion of this base into an international airport adding 800 civilian jobs to the area instead of merely bemoaning the shutoff of military spending. Penobscot avers that Bangor's sharp growth in various economic sectors has been more than paralleled by the city's emerging status as an educational center. It indicates that the University of Maine's principal campus at Orono, eight miles northeast of Bangor, has burgeoned to 7,500 students, that campus sports and conference activities draw several thousands of persons to the area each year and that the recently established South Campus at Bangor International Airport, which in 1970 was inaugurated as a new area-wide community college, has 1,200 students.

3. Penobscot submits three alternative proposals. One of these proposals requests that Channel 232A, presently assigned to Ellsworth, Maine, be deleted from Ellsworth and assigned to Bangor. Alternatively it is proposed that a hyphenated Bangor-Ellsworth assignment of Channel 232A be made. The petitioner indicates that these proposals would involve short-spacing of 8.1 miles to first adjacent Channel 233C at Woodstock, New Brunswick. Under the 1947 U.S.-Canadian Working Agreement the contemplated assignment would require the concurrence of the Canadian Government. It is the Commission's view that this course should not be taken where, as here, other channels that could provide equal service are available. Therefore, the Commission will not consider these two alternative proposals.[2]

4. The remaining proposal requests the assignment of Channels 265A and 280A to Bangor. Penobscot has indicated that it will apply for authorization to operate on either of these channels if they are assigned. The Commission will not propose assignment of both channels but will propose alternate assignments instead. A staff study indicates that assignment of Channel 265A would result in preclusions affecting a significantly greater number of persons than would the 280A proposal. However, in order to keep its options open, the Commission is considering both alternatives. The Channel 265A proposal would result in significant preclusion on Channels 264, 265A and 266; the Channel 280A proposal would result in significant preclusion on Channels 278 and 280A Penobscot, in its engineering statement, indicates that the only communities within the preclusion areas of the proposed assignments with populations of 5,000 or more are Bangor, Millinocket and Belfast. Millinocket was recently assigned Channel 249A [3] and Penobscot avers that Channels 269A or 272A may be assignable to Belfast. Penobscot further states that there are a number of unoccupied assignments within and near the precluded areas that could serve those areas. These, it avers, are 224A at Calais, 261A at Holton, 237A at Machias, 257A at Lincoln [4] and 276A at Dover-Foxcroft, all in Maine.

5. The Commission is particularly concerned about possible preclusions resulting from the proposed assignments because amendment of the FM Table of Assignments to add channel assignments to the state is already complicated by Maine's proximity to Canada. Further, the areas involved are made up of small communities (most with populations under 2,500). For example, approximately half of Penobscot County's population is centered in only five communities (Bangor, 33,168; Brewer, 9,300; Millinocket, 7,742; Old Town, 9,057; and Orono, 9,989). The remainder of the population is contributed by 58 separate communities, all with populations under 5,000 (70 percent under 1,000). As such, a showing of preclusions caused to communities with population of 5,000 or more is inadequate in the instant proceeding. An assignment predicated on such data could result in foreclosure from future assignments to clusters of communities within the preclusion area that are presently receiving inadequate local service. The petitioner should therefore submit a showing as to communities in the preclusion areas that have populations greater than 2,500 and should indicate what FM channels or service, if any, are assigned or available for assignment to each such community.

6. Bangor is presently served by 2 full-time AM stations, 1 daytime-only AM station and one Class B FM station. In addition, applications are pending for a construction permit to operate on Class B Channel 225, assigned to Bangor.[5] Ordinarily, such service is regarded as adequate for a city of Bangor's size and population. Penobscot should therefore justify the need for another assignment to Bangor. Penobscot may wish to consider, among other things, the social and economic relationships that exist between Bangor and the communities of Brewer (pop. 9,300), Old Town (pop. 9,057) and Orono (pop. 9,989), all of which are located within 10 miles of Bangor and none of which have commercial AM or FM facilities or assignments of their own.[6] In addition, the Commission is interested in considering counterproposals proposing assignments to these communities and expressing an intent to apply for a license to operate on them if the counterproposals are granted.

7. Bangor Broadcasting Corporation, an applicant for the Channel 225 Bangor assignment, has filed comments supporting the assignment of a third FM channel to Bangor.[7] However, it contends that a Class A assignment could not render adequate service to this area which presently has two Class B assignments. Bangor Broadcasting therefore urges that the Commission assign another Class B channel to Bangor.[8] It would appear that a Class B assignment would be more appropriate than a Class A assignment. This would avoid intermixture of classes and would thereby place all competitors for the Bangor market on an equal footing. As such, interested parties may indicate whether a Class B assignment is available and, if one is, should submit a preclusion study along lines set out above in paragraph 5. In addition, if a Class B channel is available and desired, proponents of such an assignment should state their intent to apply for authorization to use the channel if it is assigned, and if authorized, to build the station promptly.

8. It is the Commission's opinion that the aforementioned alternate proposals merit further exploration in a rule making proceeding. Therefore, pursuant to authority contained in sections 4(i), 303, 307(b) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as follows:

§ 73.202 Table of assignments.

• • • • • •

(b) • • •

City	Channel No.	
	Present	Proposed
Bangor, Maine	225, 246	225, 246, 280A
or alternatively:		
Bangor, Maine	225, 246	225, 246, 265A

9. *Showings required.* Comments are invited on the proposals discussed and set forth above. Penobscot Valley Broadcasting System, Inc. is expected to file comments even if it only resubmits or incorporate by reference its former pleadings. Penobscot Valley Broadcasting System, Inc. should also restate its present intention to apply for authorization to use the channel if it is assigned, and if authorized, to build the station promptly. Failure to file may lead to denial of the request.

10. *Cut-off procedure.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d))

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

11. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments on or before March 11, 1975, and reply comments on or before March 31, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

Adopted: January 7, 1975.

Released: January 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-1484 Filed 1-15-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

RELEASE OF INFORMATION FROM OTHER THAN CLAIMANT RECORDS

Proposed Regulatory Development

Notice is hereby given that the Veterans Administration is considering amending §§ 1.550 through 1.559 of Title 38, Code of Federal Regulations. The proposed revision implements the provisions of Pub. L. 93-502 (88 Stat. 1561) of November 21, 1974, effective February 19, 1975, which amends section 552, title 5, United States Code.

The § 1.550 series, Part 1, Code of Federal Regulations, concern availability and release of information from files, records, reports, and other papers and documents in Veterans Administration custody other than those pertaining to claims under any of the laws administered by the Veterans Administration (for which see §§ 1.500 through 1.527).

Section 1.551 is amended to update position titles. Section 1.552 is amended to update position titles and to define indexing requirements in accordance with 5 U.S.C. 552(a)(2). Section 1.553 is amended to substitute "reasonably described" for "identifiable" records, and to add the requirement that requests conform with published rules, in accordance with 5 U.S.C. 552(a)(3). Section 1.553 is also amended to correct a title. Section 1.553a is new and implements the provisions of 5 U.S.C. 552(a)(6) regarding time limitations on Veterans Administration responses to requests for records, in accordance with amendments made by Pub. L. 93-502. Section 1.554(a) is amended to provide for disclosure of reasonably segregable portions of material otherwise exempted therein. Section 1.554(a)(1) is amended to provide that material required to be exempted under this category be authorized under criteria established by executive order and be in fact properly classified pursuant to such executive order. Section 1.554(a)(7) is amended to substitute investigatory "records" for "files," to implement 5 U.S.C. 552(b) and to enumerate six grounds for withholding disclosure in lieu of the superseded ground of availability by law to a private party. Section

[1] All population figures are from the 1970 U.S. Census.

[2] In view of this decision, the Commission need not consider a statement in opposition to the 232A proposals submitted (by letter) by Norman R. Alpert, President of Alpine Broadcasting Corporation, the licensee of Station WMTQ, Mount Washington, New Hampshire.

[3] 47 F.C.C. 2d 787.

[4] However a construction permit for this channel was granted on July 22, 1974.

[5] See footnote 7.

[6] Noncommercial educational Station WMEB-FM, operating on Channel 220A at Orono, is licensed to the University of Maine as is WMEH-FM operating on Channel 215B at Bangor. Also WHSN at Bangor holds a construction permit for 10 watts on Channel 207.

[7] There are competing applications for this assignment and they were designated for a comparative hearing. In that proceeding (Docket Nos. 19165 and 19166) Bangor Broadcasting Corporation was granted a permit to construct on Channel 225. However, the other party to the proceeding, Penobscot Broadcasting Corp. (not the petitioner in the instant rule making) has filed exceptions to this grant as has the Broadcast Bureau which recommends that the Bangor Broadcasting Corp. application be denied.

[8] Bangor Broadcasting does not propose a specific channel for assignment to Bangor.

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1.555 (a) and (b) is amended to implement the provisions of 5 U.S.C. 552(a)(4) which provides that charges be made in accordance with a uniform schedule of fees, pursuant to notice and receipt of public comment, designed to recover only the reasonable, standard, direct costs for manhours and resources expended in the areas of document search and duplication regarding materials to be made available to the public under §§ 1.552 and 1.553. Section 1.555(g) is new and has been added to implement the provisions of 5 U.S.C. 552(a)(4)(A), which provides that documents will be furnished without charge or at a reduced rate where the Veterans Administration determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Section 1.555(h) is new. It provides for a uniform schedule of fees, limited to reasonable, standard charges for the recovery of direct costs for document search and duplication, as authorized by 5 U.S.C. 552(a)(4), in order to carry out its provisions. Section 1.556 is amended to substitute "reasonably described" for "identifiable" in the heading in accordance with 5 U.S.C. 552(a)(3). The text is amended to correct a position title and the former paragraph (b) is amended and transferred to § 1.557. Section 1.557 is amended to add former paragraph (b) of § 1.556 as amended, to provide that requesters, when informed in writing of denials, in addition to other information be informed of the names and titles or positions of each person responsible for the denial of such request, as provided by 5 U.S.C. 552(a)(6)(C), and that denials may be appealed to the Administrator. Section 1.558 is amended to update the legal reference. Section 1.559 is new. It is added to implement the provisions of 5 U.S.C. 552(d), which requires that the Administrator submit an annual report to Congress on or before March 1 of each calendar year, consisting of compilations of various data. This report will be compiled by the Controller. In addition minor editorial changes are made to reflect agency policy of using precise terms denoting gender.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before February 18, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make these amendments effective February 19, 1975.

1. The note immediately preceding § 1.550 is revised to read as follows:

NOTE. Sections 1.550 through 1.559 concern the availability and release of information from files, records, reports, and other papers and documents in Veterans Administration custody other than those pertaining to claims under any of the laws administered by the Veterans Administration. As to the release of information from Veterans Administration claimant records, see §§ 1.500 through 1.527. Section 1.550 series implement the provisions of 5 U.S.C. 552.

2. Section 1.550 is revised to read as follows:

§ 1.550 General.

The Veterans Administration's policy is one of disclosure of information from agency records to the extent permitted by law. This includes the release of information which the Veterans Administration is authorized to withhold under 5 U.S.C. 552(b) (see § 1.554) if it is determined (a) by the Administrator of Veterans Affairs or the Deputy Administrator that disclosure of such information will serve a useful purpose or (b) by a department, staff office, or field station head or designee under § 1.556(a) that disclosure will not adversely affect the proper conduct of official business or constitute an invasion of personal privacy.

3. In § 1.551, paragraph (a) and the introductory portion of paragraph (b) preceding subparagraph (1) are revised to read as follows:

§ 1.551 Publication in the Federal Register as constructive notice of information that affects the public.

(a) The Assistant Administrator for Planning and Evaluation, with the approval of the Administrator, will submit to the Director of the Federal Register, for publication for the guidance of the public, descriptions of Veterans Administration organization and functional responsibilities, Central Office and field, and the designations of places at which the public may secure information, obtain forms and applications, make submittals or requests, or obtain decisions. Such descriptions and designations will be maintained current through submission, for publication, of all amendments, revisions, or repeals of the foregoing.

(b) Department and Staff office heads will develop, with the approval of the Administrator, for submission by the Assistant Administrator for Planning and Evaluation to the Director of the Federal Register, for publication for the guidance of the public, Veterans Administration regulations containing:

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4. In § 1.552, paragraph (a) and (b) are revised to read as follows:

§ 1.552 Public access to information that affects the public when not published in the Federal Register as constructive notice.

(a) All final orders in such actions as entertained by the Contract Appeals Board, those statements of policy and interpretations adopted by the Veterans Administration but not published in the FEDERAL REGISTER, and administrative manuals and staff instructions that affect any member of the public, unless promptly published and copies offered for sale, will be kept currently indexed by the office of primary program responsibility or the Manager, Administrative Services, as determined by the Administrator or designee. Such index or indexes or supplements thereto will be promptly published, quarterly or more frequently, and distributed (by sale or otherwise) unless the Veterans Administration determines by order published in the FEDERAL REGISTER that publication would be unnecessary and impracticable, in which case the Veterans Administration will nonetheless provide copies of such index or indexes or supplements thereto on request at a cost not to exceed the direct cost of duplication. Both the index and the materials indexed as required by this paragraph will be made available to the public, for inspection and copying. Public reading facilities for this purpose will be maintained in Veterans Administration Central Office and Veterans Administration field stations, open to the public during the normal duty hours of the office in which located. Orders made in the adjudication of individual claims under laws administered by the Veterans Administraiton are confidential and privileged by statute (38 U.S.C. 3301) and so are exempt from this requirement.

(b) The voting records of the Contract Appeals Board will be maintained in a public reading facility in the Office of the Board in Central Office and made available to the public upon request.

5. Section 1.553 is revised to read as follows:

• • • • •

§ 1.553 Public access to other reasonably described records.

Reasonably described records in Veterans Administration custody, or copies thereof, other than records made available to the public under the provisions of §§ 1.551 and 1.552, requested in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, will be made promptly available, except as provided in § 1.554, to any person upon request. Such request must be in writing, over the signature of the requester and must contain a reasonable description of the record desired so that it may be located with relative ease. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Director or Veterans Services Officer in the nearest Veterans Administration regional office or to the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 am to 4:30 pm Monday through Friday for

Veterans Administration Central Office and most field stations.

6. Section 1.553a is added to read as follows:

§ 1.553a Time limits for Veterans Administration response to requests for records.

(a) When a request for records made under §§ 1.551, 1.552 or § 1.553 is received it will be promptly referred for action to the proper employee designated in accordance with § 1.556 to take initial action on granting or denying requests to inspect or obtain information from or copies of the records described.

(b) Any such request will then be promptly evaluated and a determination made within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of the request whether the Veterans Administration will comply with the request. Upon determination to comply or deny the request the person making the request will be notified immediately of the determination and the reasons therefor, and of the right of the person to appeal to the Administrator of Veterans' Affairs any adverse determination. Records to be furnished will be supplied promptly.

(c) Upon receipt of such an appeal from an adverse determination it will be evaluated and a further determination made within 20 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of the appeal. If on appeal the denial is in whole or in part upheld the Veterans Administration will notify the requester of the provisions for judicial review of this determination. (See §§ 1.557 and 1.558.)

(d) In unusual circumstances, specifically as follows, the time limits in paragraphs (b) and (c) of this section may be extended by written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. The date specified will not result in an extension for more than 10 working days. "Unusual circumstances" will be interpreted to mean, but only to the extent reasonably necessary to the proper processing of the particular request, as follows:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Veterans Administration having substantial subject-matter interest therein.

(e) Pursuant to section 552(a)(6), title 5, United States Code, any person making a request to the Veterans Administration for records under section 552(a)(1), (2) or (3) (see §§ 1.551, 1.552 and 1.553) will be deemed to have exhausted his or her administrative remedies with respect to such request if the Veterans Administration fails to comply with the applicable time limit provisions of this section. If, however, the Government can show exceptional circumstances exist and that the Veterans Administration is exercising due diligence in responding to the request, the statute also permits the court to retain jurisdiction and allow the Veterans Administration additional time to complete its review of the records.

(f) Requests for the release of information from files, records, reports, and other papers and documents in Veterans Administration custody pertaining to claims under any of the laws administered by the Veterans Administration (covered by §§ 1.500 through 1.527) may also be initiated under 5 U.S.C. 552. Such requests will also be evaluated, a determination made within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of the request whether the Veterans Administration will comply with the request, and the requester notified immediately of the determination and the reasons therefor, and of the right of the person to appeal to the Administrator of Veterans' Affairs any adverse determination. Records to be furnished will be supplied promptly.

7. In § 1.554, paragraph (a)(1) and (7) is revised to read as follows:

§ 1.554 Exemptions from public access to agency records.

(a) The exemptions in this paragraph constitute authority to withhold from disclosure certain categories of information in Veterans Administration records except that any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this paragraph.

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive order.

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(7) Investigatory records compiled for law enforcement purposes but only to the extent that the production of such records would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures; or

(vi) Endanger the life or physical safety of law enforcement personnel.

• • • • •

8. In § 1.555, paragraphs (a) and (b) are revised and paragraphs (g) and (h) are added so that the added and revised material reads as follows:

§ 1.555 Fees.

(a) Charges will not be made for the use of reading facilities for examination of materials which are to be available to the public under § 1.552. Charges will be made, except as provided in paragraphs (c), (d), (e), (f), and (g) of this section, in accordance with the uniform schedule of fees in paragraph (h) of this section, established pursuant to notice in the FEDERAL REGISTER, and receipt of public comment, to recover only the reasonable, standard, direct costs for document search and duplication of such materials in response to requests from the public. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned.

(b) Charges will be made, except as provided in paragraphs (c), (d), (e), (f), and (g) of this section, on each request from the public to examine, copy, or to be furnished copies of other reasonably described records under § 1.553. Such charges, in accordance with the uniform schedule of fees in paragraph (h) of this section will be made to recover only the reasonable, standard, direct costs for such document search and, if required, duplication of copies. Searches will not be undertaken until the requester has paid, or has provided sufficient assurance of payment of whatever fee is determined to be appropriate. Desired copies will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned. When a deposit is received with a request, such a deposit will be returned if the request is denied.

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(g) Documents and services will be furnished without charge or at a reduced charge where the station heads or responsible Central Office officials determine that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(h) Schedule of fees:

(1) Photocopy reproductions from all types of copying processes, each reproduction image $0.05

(2) Searching, per hour (minimum charge one-half hour) $3.50

(3) The above search fee is not applicable to computerized record searches. In situations involving the use of computers to locate and extract the requested information, charges will be based only on the direct cost to the agency, including labor, material and computer time.

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(4) Where the Veterans Administration undertakes to perform for a requester or for any other person services which are very clearly not required to be performed under section 552, title 5, United States Code, either voluntarily or because such services are required by some other law (e.g., the formal certification of records as true copies, attestation under the seal of the agency, creation of a new list, etc.), the question of charging fees for such services will be determined by the official or designee authorized to release the information under § 1.556, in the light of the federal user charge statute, 31 U.S.C. 483a, any other applicable law, and the provisions of § 1.526(i).

9. Section 1.556 is revised to read as follows:

§ 1.556 Requests for other reasonably described records.

Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of § 1.553. This responsibility includes maintaining a uniform listing of such requests. Data logged will consist of: Name and address of requester; date of receipt of request; brief description of request; action taken on request, granted or denied; citation of the specific section when request is denied; and date of reply to the requester. Any legal question arising in a field station concerning the release of information will be referred to the appropriate District Counsel for disposition as contemplated by § 13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head. All denials or proposed denials at the Central Office level will be coordinated with the Director, Information Service as well as the General Counsel.

10. Section 1.557 is revised to read as follows:

§ 1.557 Administrative review.

(a) Upon denial of a request, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial, cite the specific exemption in § 1.554 upon which the denial is based, set forth the names and titles or positions of each person responsible for the denial of such request, and advise that the denial may be appealed to the Administrator.

(b) The final agency decision in such appeals will be made by the Administrator or Deputy Administrator.

11. Section 1.558 is revised to read as follows:

§ 1.558 Judicial review.

Any person from whom the Veterans Administration has withheld information or records after proper request as provided in § 1.553 may file a complaint in the appropriate United States district court as provided in 5 U.S.C. 552(a)(4). The district court review is designed to follow final action at the agency head level.

12. Section 1.559 is added to read as follows:

§ 1.559 Annual report to Congress.

(a) On or before March 1 of each calendar year the Administrator will submit a report to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress.

(b) The report will be compiled by the Controller and will include:

(1) The number of determinations made by the Veterans Administration not to comply with requests for records made to the Veterans Administration under § 1.550 series and the reasons for each such determination.

(2) The number of appeals made by persons under § 1.550 series, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(3) The names and title or positions of each person responsible for the denial of records requested under § 1.550 series, and the number of instances of participation for each.

(4) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(5) A copy of every regulation made by the Veterans Administration regarding 5 U.S.C. 552.

(6) A copy of the fee schedule and the total amount of fees collected by the Veterans Administration for making records available under 5 U.S.C. 552.

(7) Such other information as indicates efforts to administer fully 5 U.S.C. 552.

Approved: January 13, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-1455 Filed 1-15-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 285-4]

CONNECTICUT

Control of Air Pollution From Facilities Owned, Operated or Under Contract With Connecticut Transportation Authority

On May 31, 1972 (47 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator initially approved the State Plan for implementation of the National Ambient Air Quality Standards in the State of Connecticut. The Administrator's approval of the Legal Authority section of that Plan was based on the assumption that the State had the legal authority required by 40 CFR 51.11, including authority to prevent construction, modification or operation of any stationary source where emissions from such sources will prevent the attainment or maintenance of a national standard:

Subsequently, the Connecticut Supreme Court ruled in "Town of Greenwich v. Connecticut Transportation Authority et al.", (Connecticut Law Journal, May 7, 1974, at 7) that Connecticut General Statutes Section 16-344 exempts facilities owned, operated or under contract with the Connecticut Transportation Authority from the State Implementation Plan. Therefore, under the present state of the law in Connecticut, the State does not have the legal authority required by the Clean Air Act and EPA regulations to control a group of facilities controlled by the State in accordance with the State's Implementation Plan. Insofar as such facilities are exempt from the Connecticut Implementation Plan, the Plan does not meet the requirements of 40 CFR 51.11(a) and EPA hereby proposes under authority of Section 110 of the Act, to disapprove them to that extent.

Section 110(c)(2) of the Clean Air Act directs the Administrator to publish proposed regulations to be substituted for any portion of a plan submitted by a state which he determines not to be in accordance with the requirements of section 110 of the Act, which regulations shall become a part of the state implementation plan. The Administrator hereby proposes to promulgate regulations applicable to all Connecticut Transportation Authority facilities, which regulations are identical to Connecticut Regulations for the Abatement of Air Pollution Sections 19-508-1 through 19-508-25 inclusive.

Copies of the regulations which are being proposed are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Room 2203, John F. Kennedy Building, Boston Massachusetts 02203, and at the Air Compliance Unit, Connecticut Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115.

Notice is hereby given of a public hearing concerning the proposed regulation to be held on February 11 at 8 p.m., Town Hall, Greenwich. The hearing will be conducted informally. Technical rules of evidence will not apply. Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intention to make a statement no later than fifteen days prior to the hearing and, if practicable, to submit five copies of the proposed statement to the Regional Administrator of the Environmental Protection Agency, Region I, JFK Building, Boston, Massachusetts 02203. Interested parties are also invited to participate in this rulemaking by submitting written comments, preferably in triplicate, to Mr. Thomas Devine, Chief, Air Branch, Region I, U.S. Environmental Protection Agency, J. F. Kennedy Federal Building, Boston, Massachusetts 02203. All comments received within 30 days of the publication of this proposal will be considered.

A copy of all public comments will be available for inspection at the Office of Public Affairs, Region I, U.S. Environmental Protection Agency, Room 2203, J. F. Kennedy Federal Building, Boston, Massachusetts 02203.

(Sec. 110(c), Clean Air Act, as amended (42 U.S.C. 1857c-5(c)))

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is hereby proposed to be amended as follows:

Subpart H—Connecticut

1. In § 52.377, paragraph (b) is added as follows:

§ 52.377 Legal authority.

* * * * *

(b) The requirements of § 51.11(a) of this chapter are not met because the State does not have the legal authority to enforce approved implementation plan regulations against facilities owned, operated, or under contract with the Connecticut Transportation Authority.

2. A new § 52.380 is added, as follows:

§ 52.380 Rules and regulations.

Connecticut Regulations for the Abatement of Air Pollution Section 19-508-1 through 19-508-25 inclusive, as approved by the Administrator, shall apply in all respects to facilities owned, operated or under contract with the Connecticut Transportation Authority.

[FR Doc.75-1545 Filed 1-15-75;8:45 am]

[40 CFR Part 52]

[FRL 322-6]

REVISIONS TO NEW JERSEY TRANSPORTATION CONTROL PLAN AND PLANS FOR ATTAINMENT AND MAINTENANCE OF SECONDARY STANDARD FOR SULFUR OXIDES IN NEW JERSEY

Notice of Public Hearing

On October 3, 1774 (39 FR 35686), the Administrator published in the FEDERAL REGISTER a notice which announced a proposed plan for attainment and maintenance of the national secondary standard for sulfur oxides. In this notice of proposed rulemaking the Administrator signified his intention of holding a public hearing on the proposed plan and indicated that such hearing would be held no sooner than 30 days following publication of the notice of proposed rulemaking.

On November 15, 1974 (39 FR 40306), EPA published in the FEDERAL REGISTER two proposed regulations for the New Jersey Transportation Control Plan. These proposed regulations are § 52.1586, Heavy-duty retrofit, and § 52.1596, Organic materials. Also in this FEDERAL REGISTER notice EPA proposed to amend § 52.1583, Regulation for annual inspection and maintenance, to provide for emissions inspection of heavy-duty, gasoline-fueled vehicles. In this notice of proposed rulemaking, the Administrator indicated that public hearings would be held no sooner than 30 days following publication of the proposed rules.

In addition, on October 16, 1974 the Commissioner of the New Jersey State Department of Environmental Protection submitted to the U.S. Environmental Protection Agency (EPA) two revisions to N.J.A.C. 7:27-15.1 et seq., Control and Prohibition of Air Pollution from Light-Duty Gasoline-Fueled Motor Vehicles. These revisions delay implementation of Phases II and III of the emissions inspection program from July 1, 1974 and July 1, 1975 to February 1, 1975 and February 1, 1976, respectively, and allow an exemption from the program for any pre-1968 model year vehicle or classification of light-duty gasoline-fueled vehicles. Even though EPA public hearings are not required on this subject, since the State already held hearings, EPA will also entertain comments on the above subject in order to gather more data for the EPA final decision.

As was previously announced in the "Trenton Times" of January 10, 1975 and the "Newark Star Ledger" of January 1, 1975, the dates, times, and places when the public hearings on these proposals for the New Jersey plan will be held are the following:

NEW JERSEY

January 20, 1975 at 10 a.m.
1st Floor Auditorium
Health & Agriculture Building
John Fitch Plaza
Trenton, New Jersey

January 21, 1975 at 10 a.m.
Room 313—College Center
Newark College of Engineering
150 Bleeker Street
Newark, New Jersey

Hearing Officer: Paul Bermingham

Persons wishing to participate in the public hearing should specify their intentions to the Regional Administrator or contact the hearing officer at the site and time of the public hearings.

Copies of the material which will be considered at the public hearing are available for public inspection at the Freedom of Information Center, 401 M Street, SW., Washington, D.C. 20460 and at the Region II Office, 26 Federal Plaza, New York, New York 10007, Room 907. Public comments on the proposals under consideration can be submitted to the Regional Administrator, U.S. Environmental Protection Agency, Room 1009, 26 Federal Plaza, New York, New York 10007. Comments received before February 15, 1975 will be considered.

Dated: January 14, 1975.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.75-1681 Filed 1-15-75;8:57 am]

[40 CFR Part 429]

[FRL 321-6]

TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Proposed Effluent Limitations and Guidelines

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR 429—Timber Products Processing Point Source Category, Subpart I—Wet Storage Subcategory, §§ 429.92, 429.93 and 429.95 as set forth below. 40 CFR 429 was promulgated on April 18, 1974 pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

During the development of Subpart I, it was determined that the information available to the Agency was not presented in a form adequate to propose limitations and standards on the biologically related parameters measurable in effluents from wet storage operations. Because of the time constraints on the Agency as a result of the order by the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609-73) regulations are being concurrently promulgated for Subpart I. The regulations being promulgated include limits only on particle size allowed to be discharged and pH.

Additional anlaysis of the data available and the collection and analysis of additional information has determined that it is feasible to propose limitations on the allowable level of discharge of biochemical oxygen demand concentrations from wet storage facilities.

It is recognized that a wet storage operation can serve as a biological type treatment system if there is adequate detention time. It is also recognized that wet storage water bodies are utilized as receivers of process waste water generated by other operations in timber products processing facilities. Pollutants discharged to wet storage water bodies from such operations as glue system wash ups, veneer dryer wash downs, finishing and fabrication operations may have an adverse effect on receiving waters if not adequately treated.

Evaluation of data from a number of wet storage bodies indicates that biochemical oxygen demand (BOD5) levels average less than 40 mg/l with only one of 40+ data points greater than 70.

On the basis of this information it is proposed that Subpart I be modified to include a BOD5 limitation of 50 mg/l concentration in process waste water discharge.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as

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to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing effluent limitation guidelines, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act. All comments received on or before February 18, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

In consideration of the foregoing it is proposed to amend 40 CFR 429 in the manner set forth below.

Dated: January 7, 1975.

RUSSELL E. TRAIN,
Administrator.

1. § 429.92 is amended to read as follows:

§ 429.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no debris discharged, the BOD5 shall be no greater than 50 milligrams per liter and the pH shall be within the range of 6 to 9.

2. § 429.93 is amended to read as follows:

§ 429.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no debris discharged, the BOD5 shall be no greater than 50 milligrams per liter, and the pH shall be within the range of 6 to 9.

3. § 429.95 is amended to read as follows:

§ 429.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart: There shall be no debris discharged, the BOD5 shall be no greater than 50 milligrams per liter, and the pH shall be within the range of 6 to 9.

[FR Doc.75-1363 Filed 1-15-75;8:45 am]

[40 CFR Part 429]

[FRL 321-5]

TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Proposed Pretreatment Standards for Existing Sources

Notice is hereby given pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will amend 40 CFR 429—Timber Products Processing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources within the wet storage, log washing, sawmills and planing mills, finishing, and particleboard manufacturing subcategories of the timber products processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards (40 CFR 429) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 429.96, 429.106, 429.116, 429.126, and 429.136 of the proposed regulation for point sources within the wet storage, log washing, sawmills and planing mills, finishing, and particleboard manufacturing subcategories (August 26, 1974; 39 FR 30892) contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 429.96, 429.106, 429.116, 429.126, and 429.136 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Wet Storage, Sawmills, Particleboard and Insulation Board Segment of the Timber Products Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, The Timber Processing Industry" (August 1974) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the processing of timber products, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of timber products. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the timber products processing category (39 FR 30892; August 26, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR 429) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the wet storage, log washing, sawmills, and planing mills, finishing and particleboard manufacturing subcategories, the Agency has, essentially three options. The first is to allow unrestricted discharge to publicly-owned treatment works of materials known to be adequately treated in such works (commonly classed as compatible pollutants). The second is to require the application of BPT based (1977) limitations to those pollutants which interfere with, pass through or otherwise are incompatible with such works. The third is to establish a different discharge limitation for those pollutants which are treated to a known degree in publicly owned treatment works but such treatment is relatively inadequate.

Process waste waters from the wet storage, log washing, sawmills, and planing mills, and the particleboard manufacturing subcategories primarily contain biochemical oxygen demand (BOD), suspended solids, and minimum quantities of organic materials resulting from the raw materials themselves. Machinery and mechanical equipment is used in the various processing steps and there is a possibility that the lubricating material used in the timber products processing subcategories subject to these proposed regulations may be present in the discharge to a municipal treatment system. Many municipal treatment systems currently have ordinances regulating industrial waste water discharges which limit oil and grease concentrations in the influent to the collection system to 100 milligrams per liter.

Waste water from finishing operations may contain a wide variety of materials, depending on the finishing activity. Some of these materials are present as BOD, suspended solids or pH and are effectively treated by a municipal treatment system. Other materials such as some organic solvents, soluble heavy metals, nonbiodegradable organic materials and chlorinated rubbers may be present in discharges from finishing operations. It is not possible to quantify the presence of these materials in process waste water from this subcategory. Depending on the products being processed, the length of the production run, and the nature of the finishing operations, the mass of pollutant discharged and the volume of water associated with the pollutant are subject to extreme variation.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative aproach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 429 be amended to add sections 429.94, 429.104, 429.114, 429.124 and 429.134 as set forth below. All comments received on or before February 18, 1975, will be considered.

Dated: January 7, 1975.

RUSSELL E. TRAIN,
Administrator.

1. Subpart I is amended by adding § 429.94 as follows:

§ 429.94 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the wet storage subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), consistent with the requirements in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property	*Pretreatment Standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

* * * * *

2. Subpart J is amended by adding § 429.104 as follows:

§ 429.104 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the log washing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), consistent with the requirements in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

* * * * *

3. Subpart K is amended by adding § 429.114 as follows:

§ 429.114 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source

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within the sawmills and planing mills subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), consistent with the requirements in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

* * * * *

Subpart L is amended by adding § 429.124 as follows:

§ 429.124 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the finishing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR. 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), consistent with the requirements in 40 CFR 128, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

* * * * *

Subpart M is amended by adding § 429.134 as follows:

§ 429.134 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the particleboard manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), consistent with the requirements in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

[FR Doc.75-1362 Filed 1-15-75;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

CUSTOMER-BANK COMMUNICATION TERMINALS

Notice of Hearing

Notice is hereby given of a public hearing before the Comptroller of the Currency beginning at 10 a.m. April 2, 1975, in Monet I and II of the L'Enfant Plaza Hotel, Washington, D.C. to receive comments on whether 12 CFR 7.7491, Customer-Bank Communication Terminals, as amended December 24, 1974 (39 FR 44416), should be further modified or amended.

The December 24, 1974, amendment was an interpretive rule and was issued, as is permitted by statute, without formal solicitation of public comments. The ruling contained the following limitation:

National banks are urged prior to July 1, 1975, not to establish a CBCT in any state in which state law would prohibit a state chartered bank from establishing a similar facility.

The accompanying statement reviewed the reason for this limitation, and recited that during May 1975 the Comptroller would examine the then existing situation to determine whether equitable considerations indicated further policy statements.

In addition to the further examination referred to in the Comptroller's statement, the Comptroller is aware of continued public interest in the CBCT ruling. The Comptroller believes that a public hearing, although not required, may be a useful vehicle for evaluating the experience with CBCT's established in accordance with the December 24, 1974, ruling and for affording any interested person an opportunity to make his views known to the Comptroller.

Any person who wishes to appear and testify at this hearing should give written notice on or before March 26, 1975, to the Chief Counsel, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Such notice should state the name of the person or persons to appear, the group such person or persons represent, if any, and the amount of time desired for a presentation. The Comptroller will establish a schedule for the presentation of statements and may limit the amount of time given to any participant.

Ten copies of any prepared statements or other written materials to be submitted to the Comptroller at the hearing should be filed with the Special Assistant for Public Affairs, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219 on or before 2 p.m., March 28, 1975. Persons desiring to submit written statements but not to appear at the hearing, may do so by filing ten copies of their written statements with the Special Assistant for Public Affairs on or before 2 p.m., March 28, 1975. All writings so filed will be available for public inspection.

Dated: January 13, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-1454 Filed 1-15-75;8:45 am]

Office of the Secretary

[31 CFR Part 1]

DISCLOSURE OF RECORDS

Uniform Fee Schedule

Notice is hereby given in accordance with 5 U.S.C. 553 that, pursuant to 5 U.S.C. 552(a)(4)(A) (as added by Pub. L. 93-502), the Department of the Treasury proposes to adopt the following amendments to its rules regarding disclosure of records in order to adopt a uniform schedule applicable to all constituent units of the Department covering the fees for search and duplication of records requested under 5 U.S.C. 552, the Freedom of Information Act. Prior to the final adoption of such rules, consideration shall be given to any comments pertaining thereto which are submitted in writing to Richard R. Albrecht, General Counsel, Room 3000, Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220 and received on or before February 18. Pursuant to 31 CFR 1.4(b), 36 FR 13835, comments submitted in response to this notice of proposed rule making are available to the public upon request therefor unless confidential status for the submission has been requested and approved.

It is recognized that the fee schedule herein proposed may not provide for full recovery of the direct cost of search and duplication. Notice is, therefore, also given that if experience over a reasonable period so indicates, the fee schedule herein proposed may be revised to provide for such recovery as more closely approximates costs.

Further, notice is given that, on or before February 19, 1975, this Part 1 will be amended to comport with the requirements of Pub. L. 93-502 and, in such connection, will be made uniformly applicable to all constituent units of the Department of the Treasury.

Subject to the receipt of comments, it is proposed that 31 CFR Part 1, § 1.6 be deleted and that the following be substituted therefor:

§ 1.6 Fees for Services.

(a) *In General.* (1) This fee schedule is applicable uniformly to all constituent units of the Department and supersedes fee schedules heretofore published by any constituent unit of the Department. The fees indicated are to be charged only for search and duplication and under no circumstances will a fee be charged for determining whether an exemption can or should be asserted, deleting exempt matter being withheld from records to be furnished, or monitoring a requestor's inspection of agency records made available in this manner.

(2) While certain relevant publications which are available for sale through the Government Printing Office will be placed on the shelves of the reading rooms, such publications will not be available for sale there. Persons desiring to purchase such publications should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, copies of pages of such publications on the reading room shelves may be obtained at the reading rooms in accordance with the schedule of fees set forth in this section.

(b) *When charged.* (1) Unless performed without charge, waived or reduced in accordance with paragraphs (c) or (d) of this section, fees shall be charged in accordance with the schedule contained in paragraph (g) of this section for services rendered in responding to requests for records.

(2) The fees may be waived or reduced at the discretion of the official who determines the availability of records, when the record is not located for any reason or when it is determined to be exempt from disclosure.

(c) *Services performed without charge.* (1) No charge shall be made for providing records to Federal, state or foreign governments, international governmental organizations, or local governmental agencies or offices thereof submitting requests in their official capacities.

(2) The heads of offices and bureaus are authorized to determine in accordance with 5 U.S.C. 553 which classes of records under their control may be provided to the public without charge, or at a reduced charge.

(d) *Waiver or reduction of fees.* (1) Fees may be waived or reduced in accordance with this paragraph by the official who determines the availability of the records, provided such waiver or reduction has been requested in writing. Fees shall be waived or reduced by such official when he determines that:

(i) The records are being requested by, or on behalf of, an individual who demonstrates in writing under penalty of perjury that he is indigent and compliance with the request does not constitute an unreasonable burden on the constituent unit of the Department; or

(ii) The person making the request has demonstrated in a written statement that waiver or reduction of the fees is in the public interest because furnishing the information primarily benefits the general public.

(2) Appeals from denials of requests for waiver or reduction of fees shall be decided in accordance with the criteria set forth in (1) above by the official authorized to decide appeals from denials of access to records. Appeals shall be addressed in writing to such official within thirty days of the denial of the initial request for waiver or reduction and shall be decided promptly.

(e) *Avoidance of unexpected fees.* In order to protect the requestor from unexpected fees, all requests for records shall contain an amount which the requestor has set as an acceptable upper limit to cover the cost of processing the request. When the costs estimated by the constituent unit of the Department for processing the request exceed that limit, or when the requestor has failed to state a limit and the costs are estimated to exceed $50.00, and the relevant constituent unit has not been determined to waive or reduce the fees, a notice shall be sent to the requestor. This notice shall:

(1) Inform the requestor of the estimated costs;

(2) Extend an offer to the requestor to confer with personnel of the relevant constituent unit of the Department in an attempt to reformulate the request in a manner that will reduce the fees and still meet the needs of the requestor; and

(3) Inform the requestor that the running of the time period, in which the relevant constituent unit of the Department is obliged to make a determination on the request, has been tolled pending a reformulation of the request or receipt of an agreement from the requestor to bear the estimated costs.

(f) *Form of payment.* (1) Payment shall be made by check or money order payable to the order of the Treasury of the United States or the relevant constituent unit of the Department.

(2) When the estimated costs exceed $50.00, the relevant constituent unit of the Department shall require the requester to enter into a contract for the payment of actual costs, which contract may provide for prepayment of the estimated costs.

(g) *Amounts to be charged for specified services.* The fees for services performed by the relevant constituent unit of the Department shall be imposed and collected as set forth in this paragraph. Should services other than those described be requested and rendered, appropriate fees shall be established by the head of the relevant constituent unit of the Department, or his delegate, and such fees shall be imposed and collected pursuant to 31 U.S.C. 483a, but subject to the constraints imposed by 5 U.S.C. 552(a)(4)(A).

(1) Duplication.

	Each
(i) Photocopies:	
Per page up to 8½" x 14"	$0.10
U.S. Savings Bond	0.50
Marketable security	1.50
Additional copies	0.75
(ii) Photographs, films and other materials—actual cost.	

The constituent unit of the Department may furnish the records to be released to a private contractor for copying and will charge the person requesting the records the actual cost of duplication charged by the private contractor. No fee will be charged where the requestor furnishes the supplies and equipment and makes the copies at the government location.

(2) Unpriced printed materials. Otherwise unpriced printed material, which is available at the location where requested and which does not require duplication in order that copies may be furnished, will be provided at the rate of $0.25 for each twenty-five pages or fraction thereof.

(3) Search Services.

(i) The fee charged for services of personnel involved in locating records shall be $3.50 for each hour or fraction thereof.

(ii) Where, because of the nature of the records sought and the manner in which such records are stored, a computer search is required, the fee shall be $3.50 for each hour (or fraction thereof) of personnel time associated with the search plus an amount which reflects the actual costs of extracting the stored information in the format in which it is normally produced, based on computer time and supplies necessary to comply with the request.

(4) Shipping charges to transport records from one location to another, or for the transportation of an employee to the site of requested records when it is necessary to locate rather than examine

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the records, shall be at the rate of the actual cost of such shipping or transportation.

Dated: January 14, 1975.

[SEAL] STEPHEN S. GARDNER,
Deputy Secretary of the Treasury.

[FR Doc.75-1696 Filed 1-15-75;10:04 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 105-60]

FEES PERTINENT TO FREEDOM OF INFORMATION REQUESTS

Notice of Proposed Rulemaking

Recent amendments to the Freedom of Information Act (5 U.S.C. 552) require each agency to publish a uniform schedule of fees pertinent to Freedom of Information requests. This proposed GSA schedule is published in new § 105-60.-307.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments in duplicate to the General Services Administration (KALIP), Washington, D.C. 20405. Comments received before February 12, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Office of Communications, Room 6117, General Services Administration, 18th and F Streets, NW, Washington, DC 20405.

It is proposed to amend Chapter 105 of Title 41, Code of Federal Regulations, as follows:

PART 105-60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS

The table of contents for Part 105-60 is amended by the addition of the following new entries:

105-60.307 Fees.
105-60.307-1 Scope of section.
105-60.307-2 Record material available without charge.
105-60.307-3 Copy of GSA records available at a fee.
105-60.307-4 Exemptions from fee.
105-60.307-5 Searches.
105-60.307-6 Prepayment of fees over $25.
105-60.307-7 Form of payment.
105-60.307-8 Fee schedule.

Subpart 105-60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

New § 105-60.307 is added as follows:

§ 105-60.307 Fees.

§ 105-60.307-1 Scope of section.

This section sets forth policies and procedures to be followed in the assessment and collection of fees from a requester for the search and reproduction of GSA records.

§ 105-60.307-2 Record material available without charge.

Each GSA Business Service Center reading room provides a rack displaying GSA records available to the public in that region. Normally, material related to bids (excluding construction plans and specifications) and any material displayed on the rack may be obtained without charge upon request to the Business Service Center staff.

§ 105-60.307-3 Copy of GSA records available at a fee.

One copy of GSA records not available free of charge will be provided at a fee as provided in § 105-60.307-8. A reasonable number of additional copies will be provided for the applicable fee where reproduction services are not readily obtainable from private commercial sources.

§ 105-60.307-4 Exemptions from fee.

When the agency official handling the request for GSA records determines that at least one of the following conditions exists, he shall waive the fee requirement and provide one copy of the GSA records without charge to the requester:

(a) When the incremental cost of collecting the fee would be an unduly large part of or an amount greater than the fee;

(b) When the reproduction is for a foreign, State, or local government or international agency and furnishing it without charge is an appropriate courtesy;

(c) When furnishing the records without charge conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former employees; or

(d) When the requester is indigent.

§ 105-60.307-5 Searches.

(a) The time spent in the following activities may be computed in determining "search time" subject to applicable fees as provided in § 105-60.307-8:

(1) Time spent in trying to locate GSA records which come within the scope of the request;

(2) Time spent either in transporting a necessary agency searcher to a place of record storage or in transporting records to the location of a necessary agency searcher (GSA must document in writing the necessity of transporting either the searcher or the records.); and

(3) Direct costs involving the use of computer time to locate and extract requested records.

(b) The time spent in the following activities may not be computed in determining search time subject to applicable fees as provided in § 105-60.307-8:

(1) Time spent in examining a requested record for the purpose of determining whether an exemption can and should be asserted;

(2) Time spent in deleting exempt matter being withheld from records to be made available;

(3) Time spent in monitoring a requester's inspection of agency records made available to him; and

(4) Time spent in operating reproduction facilities.

(c) If the requester has been given prior notice of the eventuality, the agency may charge a search fee even if no records are located which fall within the scope of the request, or if all records located which fall within the scope of the request are exempt from disclosure.

§ 105-60.307-6 Prepayment of fees over $25.

(a) When the agency official handling a request for GSA records determines that the anticipated total fee is likely to exceed $25, he shall notify the requester that he must prepay the anticipated fee prior to GSA's making the records available. GSA will remit the excess paid by the requester, or bill the requester for an additional amount, in the case of variations between the final fee charged and the amount prepaid.

(b) When a GSA official notifies a requester of the necessity of prepayment as provided in paragraph (a) of this subsection, the official also shall notify the requester that the computation of the applicable time limits for GSA's response to an initial request for records or an appeal will be tolled from the mailing date of the notification until the receipt of the prepayment.

§ 105-60.307-7 Form of payment.

Payment shall be by check or money order payable to the General Services Administration and shall be addressed to the official designated by GSA in correspondence with the requester or to the official to whom the request is addressed.

§ 105-60.307-8 Fee schedule.

In computing applicable fees, GSA will consider only its direct costs in providing the requested records.

(a) *Reproduction fees.*—(1) The fee for reproducing copies of GSA records (by routine electrostatic copying) up to and including material 8 x 13 inches shall be $0.10 per page.

(2) The fee for reproducing copies of GSA records over 8 x 13 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing

the records through Government or commercial sources.

(b) *Search fees.*—(1) The standard search fee shall be $4 per hour or fraction thereof beyond the initial half hour used to locate the requested records.

(2) When professional staff must be used to search for the requested records because clerical staff would be unable to locate them, the search fee shall be $8 per hour or fraction thereof beyond the initial half hour used to locate the requested records.

(3) When the search includes non-personnel expenditures to locate and extract requested records, such as computer time or transportation expenses, the applicable fee shall be the direct cost to GSA.

Dated: January 15, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-1725 Filed 1-15-75;12:28 pm]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

SMALL BUSINESS ADVISORY COMMITTEE TO THE COMMISSIONER OF INTERNAL REVENUE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463), the Commissioners of Internal Revenue announces the establishment of an advisory committee titled the Small Business Advisory Committee to the Commissioner of Internal Revenue.

The purpose of the Committee is to provide communication and liaison between the Internal Revenue Service and the small business community in order to assist this segment of the economy in understanding and meeting its tax obligations and to provide constructive criticism of Service policies, procedures and programs as they relate to small business. The Committee will suggest ways in which the Service can improve its operations, will offer advice on lessening the reporting and paperwork burden on small business and on other specific problems and problem areas, and will serve as a sounding board for new policies and programs relating to small business.

It is in the public interest to create this Committee in order to determine the best and most effective way of communicating with this vital segment of the economy, estimated to include over 90 percent of the approximately 12 million business enterprises in the United States and to provide about one-half the jobs and over one-third of the gross national product. Establishment of the Committee is necessary because the advice, recommendations and constructive criticism of the Committee must represent the viewpoints of the small business community itself. Membership of the Committee will be balanced in terms of points of view represented and will include representatives from a wide variety of small business organizations and their advisors, such as accountants and lawyers, as well as public interest groups, and will also include representatives from various geographical regions and those having backgrounds or experience in various governmental agencies or organizations that deal with small business.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75–1564 Filed 1–14–75;9:13 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

COMMUNITY COLLEGE OF THE AIR FORCE ADVISORY COMMITTEE

Notice of Meeting

JANUARY 9, 1975.

The Community College of the Air Force Advisory Committee will hold an open meeting on February 11, 1975, beginning at 8:30 a.m., in the Billy Mitchell Conference Room, Building 900, Randolph Air Force Base, Texas.

Agenda items include affiliation and association procedures, relationships with professional organizations, Community College of the Air Force and civilian community and junior colleges and a summary of consultant reports of external validation of credit awarded.

For additional information on this meeting, contact Major W. A. Wojciechowski, Community College of the Air Force (ATC), Randolph Air Force Base, Texas 78148, 512–652–5013.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75–1390 Filed 1–15–75;8:45 am]

Department of the Army

WATER QUALITY PROGRAMS AND IMPLEMENTATION PLANS

Final Agreement

CROSS REFERENCE: For a document regarding joint agreement for interagency coordination of areawide waste treatment management planning assistance to State and Local Governments between the Environmental Protection Agency and the Department of the Army, see FR Doc. 75–1546, Environmental Protection Agency, Part III of this agency, *supra*.

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, dated October 6, 1972, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held starting at 0830 on Wednesday and Thursday, February 12 and 13, 1975, at Andrews Air Force Base, Maryland.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 13, 1975.

[FR Doc.75–1509 Filed 1–15–75;8:45 am]

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, February 4, 1975
Tuesday, February 11, 1975
Tuesday, February 18, 1975
Tuesday, February 25, 1975

These meetings will convene at 9:45 a.m. and will be held in Room 1E–801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 U.S.C. 552 (b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

JANUARY 13, 1975.

[FR Doc.75–1510 Filed 1–15–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74–7]

NATIONAL ORGANIZATION FOR THE REFORM OF MARIHUANA LAWS, ET AL.

Hearing

On May 18, 1972, the National Organization for the Reform of Marihuana Laws (NORML) and others petitioned the Bureau of Narcotics and Dangerous Drugs (Now the Drug Enforcement Administration (DEA)) to institute proceedings to remove marihuana from control under the Controlled Substances Act or to transfer marihuana from Schedule I to Schedule V of the Act.

NORML's petition was rejected by the Director of the Bureau by Notice in the FEDERAL REGISTER on Thursday, September 7, 1972 (37 FR 18097).

NORML sought review of this rejection in the Court of Appeals for the District of Columbia and on January 15, 1974, the court remanded this matter to DEA for further proceedings.

On June 26, 1974, DEA filed a notice of proposed hearing in this matter in the FEDERAL REGISTER, indicating that the hearing, if requested by the petitioners or any of them, would be held:

for the purpose of receiving factual evidence and expert opinion on the issue and by the method described by the court as "whether there is any latitude (on the scheduling of marihuana under the Controlled Substance Act) consistent with treaty obligations, and herein receive expert testimony limited to this treaty issue".

On July 19, 1974, NORML and the American Public Health Association requested a hearing in this matter.

Therefore, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on January 28, 1975, in Room 1210, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C.

Dated: January 13, 1975.

JERRY N. JENSON,
Acting Deputy Administrator.

[FR Doc.75–1531 Filed 1–15–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

EYAK, ALASKA

Eligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a)(6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue to the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92nd Congress; 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 26, 1974, his Final Decision determining the eligibility of the unlisted Native village of Eyak, said decision appearing in 39 FR 7469, 7470 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council; Philip R. Holdsworth; the Sierra Club, Alaska Chapter; and the United States Forest Service, Department of Agriculture.

The Ad Hoc Board directed that a hearing be held on July 16, 1974 at Cordova, Alaska by an Administrative Law Judge who submitted to the Board his Recommended Decision, dated August 22, 1974.

The respondents, Native village of Eyak and Chugach Natives, filed a Motion for Reconsideration of the Remand Order, together with a Request for Hearing on the Motion for Reconsideration, which was denied by the Board on September 11, 1974. A request for disclosure of the Recommended Decision of the Administrative Law Judge filed by the Respondents, Native village of Eyak and Chugach Natives on September 9, 1974, was denied by the Board on September 11, 1974, pursuant to the provisions of the Public Information Act, 5 U.S.C. 552, and the regulations in 43 CFR Part 2.

Subsequently, pursuant to the Order Remanding for additional hearing, a hearing was held on October 9 and 10, 1974, at Cordova, Alaska, the parties filed additional post-hearing briefs, proposed findings and conclusions, and the Administrative Law Judge submitted a second Recommended Decision to the Board, dated November 19, 1974.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on December 10, 1974 determined the unlisted Native village of Eyak, pursuant to section 11(b)(3) of said Act, 43 U.S.C. section 1610(b)(3), is now eligible to receive land benefits under section 14(a) of the Act, 43 U.S.C. section 1613(a).

In accordance with the Ad Hoc Board's decision, approved on December 17, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974, from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs to certify the unlisted Native village of Eyak as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of Eyak is eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Eyak a Certification of Eligibility.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.75–1394 Filed 1–15–75;8:45 am]

ALEXANDER CREEK, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2 (a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92nd Congress; 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 21, 1974, his Final Decision determining the eligibility of the unlisted Native village of Alexander Creek, said decision appearing in 39 FR 6623 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc.; Philip R. Holdsworth; the State of Alaska; the Sierra Club, Alaska Chapter; and the Matanuska-Susitna Borough.

The Ad Hoc Board directed that a hearing be and was conducted on July 11, July 12 and July 13, 1974 at Anchorage, Alaska by an Administrative Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on October 23, 1974 determined the unlisted Native Village of Alexander Creek, pursuant to section 11(b)(3) of said Act, 43 U.S.C. section 1610(b)(3), is not eligible to receive land benefits under section 14(a) 43 U.S.C. section 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Alexander Creek as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval by the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974 by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Roystan C. Hughes, authorized the Director, Juneau Area Office,

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Bureau of Indian Affairs, to certify the unlisted Native village of Alexander Creek as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Alexander Creek is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Alexander Creek a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1490 Filed 1-15-75;8:45 am]

ANTON LARSEN BAY, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER. (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92d Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 21, 1974, his Final Decision determining the eligibility of the unlisted Native village of Anton Larsen Bay, said decision appearing in 39 FR 6624 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc.; Philip R. Holdsworth; the State of Alaska; Sierra Club, Alaska Chapter; Ralph & Ethel Beamer; the U.S. Forest Service, Department of Agriculture; and the U.S. Fish and Wildlife Service. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a hearing be and was conducted on August 2, 1974 at Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on October 3, 1974 determined that the unlisted Native village of Anton Larsen Bay, pursuant to section 11(b)(3), 43 U.S.C. Sec. 1610 (b)(3) of the Act is not eligible to receive land benefits under section 14(a), 43 U.S.C. sections 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Anton Larsen Bay as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on October 23, 1974 by the Secretary of the Interior, Rogers C.B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Anton Larsen Bay as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Anton Larsen Bay is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Anton Larsen Bay a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1491 Filed 1-15-75;8:45 am]

AYAKULIK, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on May 31, 1974, his Final Decision determining the eligibility of the unlisted Native village of Ayakulik, said decision appearing in 39 FR 19238 (1974).

The decision was appealed by the Alaska Conservation Society, Kodiak-Aleutian Chapter; Alaska Professional Hunters Association, Inc.; and the U.S. Fish & Wildlife Service. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a de novo hearing be and was conducted on July 27, 1974 in Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on September 26, 1974 determined that the unlisted Native village of Ayakulik, pursuant to section 11(b)(3), 43 U.S.C. sec. 1610(b)(3) of the Act is not eligible to receive land benefits under section 14(a), 43 U.S.C. section 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Ayakulik as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on October 3, 1974, by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Ayakulik as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Ayakulik is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Ayakulik a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1492 Filed 1-15-75;8:45 am]

BELLS FLATS, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a)(6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 22, 1974, his Final Decision determining the eligibility of the unlisted Native village of Bells Flats, said decision appearing in 39 FR 6740 & 6741 (1974).

The decision was appealed by the U.S. Fish & Wildlife Service; the State of Alaska; the Sierra Club, Alaska Chapter; Ralph and Ethel Beamer; Philip R. Holdsworth; and the Alaska Wildlife Federation & Sportsmen's Council. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a hearing be and was conducted on July 31, 1974 and August 1, 1974, at Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on September 20, 1974 determined that the unlisted Native village of Bells Flats, pursuant to section 11(b)(3), 43 U.S.C. sec. 1610(b)(3) of the Act is not eligible to receive land benefits under sec. 14(a), 43 U.S.C. sec. 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted village of Bells Flats as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on October 3, 1974 by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Bells Flats as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Bells Flats is not eligible for benefits under said Act, said decision is not further appealable, therefore issues to the unlisted Native village of Bells Flats a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1493 Filed 1-15-75;8:45 am]

KASILOF, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 26, 1974, his Final Decision determining the eligibility of the unlisted Native village of Kasilof, said decision appearing in 39 FR 7471 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc.; Philip R. Holdsworth; the State of Alaska; the Sierra Club, Alaska Chapter; U.S. Fish & Wildlife Service; and the Kenai Peninsula Conservation Society. The Ad Hoc Board directed that a hearing be and was conducted on July 17, 1974 at Soldotna, Alaska by an Administrative Law Judge.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on September 12, 1974 determined the unlisted Native Village of Kasilof, pursuant to section 11(b)(3) of said Act, 43 U.S.C. section 1610(b)(3), is not eligible to receive land benefits under section 14(a), 43 U.S.C. section 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Kasilof as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval by the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on September 24, 1974 by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Kasilof as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Kasilof is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Kasilof a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1494 Filed 1-15-75;8:45 am]

LITNIK, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92d Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on May 31, 1974, his Final Decision determining the eligibility of the unlisted Native village of Litnik, said decision appearing in 39 FR 19239 (1974).

The decision was appealed by the State of Alaska; the Alaska Conservation Society; Alaska Professional Hunters Association, Inc.; and the U.S. Forest Service, Department of Agriculture. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a hearing be and was conducted on August 5, 1974 at Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on September 25, 1974 determined that the unlisted Native village of Litnik, pursuant to section 11(b)(3) of the Alaska Native Claims Settlement Act, 43 U.S.C. sec. 1610(b)(3), the unlisted Native village of Litnik is not eligible for benefits under section 14(a), 43 U.S.C. sec. 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Litnik as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on October 3, 1974, by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Litnik as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Litnik is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Litnik a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1495 Filed 1-15-75;8:45 am]

POINT POSSESSION, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a)(6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the

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Ad Hoc Board, published on February 26, 1974, his Final Decision determining the eligibility of the unlisted Native village of Point Possession, said decision appearing in 39 FR 7471 (1974).

The decision was appealed by the State of Alaska; U.S. Fish & Wildlife Service; Sierra Club, Alaska Chapter; Alaska Wildlife Federation and Sportsmen's Council; the U.S. Forest Service, Department of Agriculture; and Philip R. Holdsworth. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a hearing be and was conducted on July 21, 1974 at Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on October 17, 1974 determined that the unlisted Native village of Point Possession, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act, 43 U.S.C. Sec. 1610(b)(3), the unlisted Native village of Point Possession is not eligible for benefits under Section 14(a), 43 U.S.C. Sec. 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Point Possession as eligible, shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall then become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974, by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Point Possession as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Point Possession is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Point Possession a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1496 Filed 1-15-75;8:45 am]

PORT WILLIAM, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on May 31, 1974, his Final Decision determining the eligibility of the unlisted Native village of Port William, said decision appearing in 39 FR 19241(1974).

The decision was appealed by the U.S. Forest Service, Department of Agriculture; Alaska Professional Hunters, Assoc.; the State of Alaska; Ralph & Ethel Beamer; and the Alaska Conservation Society.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a hearing be and was conducted on August 6, 1974 at Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on October 21, 1974 determined that the unlisted Native village of Port William, pursuant to section 11(b)(3), 43 U.S.C. section 1610(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971, is not eligible to receive land benefits under Sec. 14(a), 43 U.S.C. Sec. 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Port William as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974 by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Port William as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Port William is not eligible for benefits under said Act, said decision is not further appealable, therefore issues to the unlisted Native village of Port William a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1497 Filed 1-15-75;8:45 am]

SOLOMON, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on May 31, 1974, his Final Decision determining the eligibility of the unlisted Native village of Solomon, said decision appearing in 39 FR 6745 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc.; Philip R. Holdsworth; the State of Alaska; and the Sierra Club, Alaska Chapter. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a hearing be and was conducted on July 10, 1974 at Nome, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on September 16, 1974 determined that the unlisted Native village of Solomon, pursuant to section 11(b)(3), 43 U.S.C. 1610(b)(3) of the Act is not eligible to receive land benefits under section 14(a), 43 U.S.C. sections 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Solomon as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on October 3, 1974, by the Secretary of the Interior, Roger C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Solomon as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Solomon is not eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Solomon a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1498 Filed 1-15-75;8:45 am]

UGANIK, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER (38 FR 14223).

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on May 31, 1974, his Final Decision determining the eligibility of the unlisted Native village of Uganik, said decision appearing in 39 FR 19241 (1974).

The decision was appealed by the Alaska Conservation Society, Kodiak-Aleutian Chapter; Alaska Professional Hunters Association, Inc.; and the U.S. Fish & Wildlife Service. The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, directed that a de novo hearing be and was conducted on July 25, 1974 in Kodiak, Alaska by an Administrative Law Judge.

The Ad Hoc Board, on October 21, 1974 determined that the unlisted Native village of Uganik, pursuant to Section 11(b)(3), 43 U.S.C. 1610(b)(3) of the Act is not eligible to receive land benefits under Section 14(a), 43 U.S.C. 1613(a), of the Act.

The Ad Hoc Board thereby notified the Director that his Final Decision certifying the unlisted Native village of Uganik as eligible shall become ineligible for benefits under the Alaska Native Claims Settlement Act which shall become final upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974 by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Uganik as not eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Uganik is not eligible for benefits under said Act, said decision being not further appealable therefore issues to the unlisted Native village of Uganik a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

JANUARY 9, 1975.

[FR Doc.75-1499 Filed 1-15-75;8:45 am]

Bureau of Land Management

[NM 23682]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

JANUARY 8, 1975.

The National Park Service, U.S. Department of the Interior, has filed application NM 23682 for withdrawal of the land described below from location and entry under the public land laws only. The applicant desires the lands for use in connection with the Capulin Mountain National Monument.

On or before February 18, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, New Mexico 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 28 E.,
Sec. 5, NE¼ of lot 3, N½SE¼ of lot 3 and NE¼SW¼ of lot 3.

The area described aggregates 17.464 acres in Union County.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1500 Filed 1-15-75;8:45 am]

[NM 24248]

NEW MEXICO

Application

JANUARY 9, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,
Sec. 33, NW¼SW¼ and S½SW¼.

This pipeline will convey natural gas across .363 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan Amercan Freeway, NE, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1501 Filed 1-15-75;8:45 am]

[NM 24249]

NEW MEXICO

Application

JANUARY 9, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 4, Lots 10 and 11.

These pipelines will convey natural gas across .283 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, 1717 West Second Street, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1502 Filed 1-15-75;8:45 am]

[NM 24250]

NEW MEXICO

Application

JANUARY 9, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act

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of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 29 N., R. 11 W.
Sec. 9, SE¼NE¼.

This pipeline will convey natural gas across .215 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1503 Filed 1-15-75;8:45 am]

[NM 24071]

NEW MEXICO

Application

JANUARY 8, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 12-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 29 E.,
Sec. 19, E½SE¼, NW¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 28, S½SW¼, NW¼SW¼;
Sec. 29, SW¼NE¼, E½NW¼, NW¼NW¼, N½SE¼;
Sec. 33, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 34, SW¼NW¼, E½SW¼, NW¼SW¼ and SW¼SE¼.
T. 23 S., R. 29 E.,
Sec. 3, Lots 1, 2, S½NE¼, NE¼SE¼;
Sec. 11, SW¼NE¼, E½NW¼, NW¼NW¼, E½SE¼, NW¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, W½NE¼ and N½NW¼.

This pipeline will convey natural gas across 6.838 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1504 Filed 1-15-75;8:45 am]

[NM 24235, 24236, 24237, 24238, 24239, 24240]

NEW MEXICO

Applications

JANUARY 7, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch and one 2⅜-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 6 W.,
Sec. 30, Lot 3, NE¼SW¼, and NW¼SE¼.
T. 30 N., R. 8 W.,
Sec. 29, Lots 12 and 13.
T. 27 N., R. 9 W.,
Sec. 3, Lots 5 and 6.
T. 27 N., R. 10 W.,
Sec. 12, Lot 4, and SW¼SE¼.
T. 29 N., R. 11 W.,
Sec. 5, SW¼SW¼;
Sec. 8, NW¼NW¼.

These pipelines will convey natural gas across 1.517 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1505 Filed 1-15-75;8:45 am]

NORTHWEST PIPELINE CORP.

Notice of Pipeline Application

JANUARY 9, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right of way for a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 102 W.,
Section 14: SE¼NE¼, SW¼NE¼, Garfield County, Colorado.

The pipeline is an addition to Northwest Pipeline Corporation's natural gas gathering system in Garfield County, Colorado. The purpose of this project is to enable the applicant to meet increasing demands for natural gas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.75-1392 Filed 1-15-75;8:45 am]

Bureau of Reclamation

EL PASO COAL GASIFICATION PROJECT

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the El Paso Coal Gasification Project. This statement (INT DES 74-77) was made available to the public on July 16, 1974.

The draft environmental statement deals with the construction and operation of a development gasifier and mine project, two commercial coal gasification complexes, and the mine, all of which would be located about 35 miles southwest of Farmington, New Mexico, on the Navajo Indian Reservation. The first complex, capable of producing 288 million cubic feet per day (MMCF/D) of substitute pipeline gas would be operational in 1978. The two complexes, with a total production capacity of 785 MMCF/D would be operational in 1981. Water for the project will be supplied from the Bureau of Reclamation's Navajo Reservoir.

A public hearing will be held in Farmington, New Mexico, at the Holiday Inn from 10 a.m. until noon, from 1:30 p.m. to 5:30 p.m., and from 7 p.m. to 10 p.m. on February 18, 1975, and in Window Rock, Arizona, at the Window Rock Civic Center from 10 a.m. until noon, from 1:30 p.m. to 5:30 p.m., and from 7 p.m. to 10 p.m. on February 19, 1975, to receive views and comments relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letters or telephone requests whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order, and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 5 p.m., February 14, 1975, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Each organization or individual desiring to present a statement at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592, and announce the intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing, should be received by February 26, 1975, for inclusion in the hearing record.

Dated: January 13, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-1532 Filed 1-15-75;8:45 am]

National Park Service

[Order No. 6]

ASSISTANT SUPERINTENDENT ET AL.

Delegation of Authority

1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve and administer contracts and issue purchase orders not in excess of $10,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount. This authority may be exercised by the Assistant Superintendent in behalf of any office or area administered by Mammoth Cave National Park.

2. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts and issue purchase orders not in excess of $10,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Mammoth Cave National Park.

3. *General Supply Specialist.* The General Supply Specialist may execute, approve and administer contracts and issue purchase orders not in excess of $5,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount. This authority may be exercised by the General Supply Specialist in behalf of any office or area administered by Mammoth Cave National Park.

4. *Great Onyx Job Corps Civilian Conservation Center Director and the Administrative Officer.* The Great Onyx Job Corps Civilian Conservation Center Director and the Administrative Officer may execute, approve and administer contracts and issue purchase orders not in excess of $2,500 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount.

5. Redelegation. The authority delegated in this Order No. 6 may not be redelegated.

6. Revocation. This order supersedes Order No. 5, dated June 28, 1972 (37 FR 12735).

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 5 (37 FR 7721) as amended)

Dated: September 11, 1974.

JOSEPH KULESZA,
Superintendent, Mammoth Cave National Park.

[FR Doc.75-1366 Filed 1-15-75;8:45 am]

[Order No. 10]

ASSISTANT SUPERINTENDENT ET AL.

Delegation of Authority

Delegation of authority regarding execution of contracts for supplies, equipment, or services.

1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve, and administer contracts not in excess of $75,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Assistant Superintendent in behalf of any office or area administered by Natchez Trace Parkway.

2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Natchez Trace Parkway.

3. *General Supply Officer.* The General Supply Officer may execute, approve, and administer contracts not in excess of $25,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by Natchez Trace Parkway.

4. *Supervisory Park Rangers.* The Supervisory Park Rangers in grades GS-9 and above may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

5. *Park Rangers (General).* The Park Rangers (General) in grades GS-9 and above may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

6. *Maintenance Supervisors.* Maintenance Supervisors in grades GS-11 and above may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

7. *Maintenance Foremen.* Maintenance Foremen may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

8. *Automotive Mechanic.* The Automotive Mechanic may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

9. *Clerk (Typing).* The Clerk (Typing) at Ridgeland may issue field purchase orders (SF-44) not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

10. *Revocation.* This Order supersedes Order No. 9 which was issued May 19, 1972 (37 FR 18406).

(National Park Service Order No. 77 (38 FR 7478), as amended, Southeast Region Order No. 5 (37 FR 7721) as amended)

C. W. OGLE,
Superintendent, Natchez Trace Parkway.

SEPTEMBER 19, 1974.

[FR Doc.75-1365 Filed 1-15-75;8:45 am]

Office of the Secretary

LIVESTOCK GRAZING ON PUBLIC LANDS

Schedule of Fees, 1975

Pursuant to the authority vested in the Secretary of the Interior, notice is hereby given of the schedule of fees for the 1975 fee year beginning March 1, 1975, and ending February 29, 1976, for livestock grazing on the public lands.

For the purpose of establishing charges, one animal unit month (AUM) shall be considered equivalent to grazing use by one cow, five sheep, or one horse for one month. The charge for one horse is at twice the rate for one cow.

V40N11 JAN 16 75 XUM

Bills shall be issued in accordance with the rates prescribed in this notice.

INSIDE STATUTORY GRAZING DISTRICTS

Pursuant to departmental regulations (43 CFR 4115.2-1(k)) as amended January 16, 1975 (40 FR 2812), fees within districts, except as otherwise provided herein, shall be $1 per AUM of which 50 cents is the grazing use fee and 50 cents is the range improvement fee.

Exceptions to the above rates are hereby set as follows for certain LU project lands (national grasslands) in order to continue the basis of fees that has heretofore been established:

Arizona. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $1.46 per AUM of which 50 cents is the grazing use fee and 96 cents is the range improvement fee.

Colorado. For the Great Divide project transferred to the Department by Executive Order 10046, the fees shall be $1.13 per AUM of which 50 cents is the grazing use fee and 63 cents is the range improvement fee.

Montana. For all LU lands within districts transferred to the Department by Executive Order 10787, the fees shall be $1.14 per AUM of which 50 cents is the grazing use fee and 64 cents is the range improvement fee.

New Mexico. For the Hope Land project transferred to the Department by Executive Order 10787, the fees shall be $1.08 per AUM of which 50 cents is the grazing use fee and 58 cents is the range improvement fee. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $1.46 per AUM of which 50 cents is the grazing use fee and 96 cents is the range improvement fee.

OUTSIDE STATUTORY GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to departmental regulations (43 CFR 4125.1-1(m)), the rate for grazing leases except as otherwise provided herein, shall be $1 per AUM of which 25 percent is the range improvement fee.

Exceptions to the above rate are hereby set as follows for certain LU project lands and for all O&C and intermingled public domain lands in western Oregon in order to continue the basis of fees that has heretofore been established:

Montana. For those Milk River Land project lands outside districts transferred to the Department by Executive Order 10787, the fee shall be $1.14 per AUM of which 25 percent is the range improvement fee.

Wyoming. For the northeast Wyoming project transferred to the Department by Executive Order 10046 and amended by Executive Order 10175, the fee shall be $1.13 per AUM of which 25 percent is the range improvement fee.

Western Oregon. For western Oregon the fee shall be $1.14 per AUM.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 10, 1975.

[FR Doc.75-1403 Filed 1-15-75;8:45 am]

DIRECTOR, OFFICE OF EQUAL OPPORTUNITY

Delegation of Authority

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1). The Secretary of the Interior has issued a new delegation of authority to the Director, Office for Equal Opportunity, regarding nondiscrimination under Trans-Alaska Pipeline permits. The Director, Office for Equal Opportunity is designated the Department of the Interior Compliance Officer to perform functions assigned to such Officer under regulations implementing section 403 of Pub. L. 93-153 (43 CFR 27). The delegation and designation were issued by Manual Release Number 1705 dated December 19, 1974, which added a new paragraph .2 to the delegation of authority to the Director, Office for Equal Opportunity, published in Part 210, Chapter 7 of the Department of the Interior Manual. The delegation is published in its entirety below.

Further information regarding the delegation of authority may be obtained from Ms. Sharon L. White, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-2162.

Dated: January 8, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

DELEGATION-PART 210 OFFICE FOR EQUAL OPPORTUNITY

CHAPTER 7 DIRECTOR, OFFICE FOR EQUAL OPPORTUNITY; 210.7.1

.1 *Delegation of Authority.* Except as provided in 200 DM 1, the Director, Office for Equal Opportunity is authorized to exercise the authority of the Secretary of the Interior with respect to all phases of civil rights and equal opportunity. This authority includes:

A. Direction of compliance and investigative activities relating to civil rights and equal opportunity.

B. Making final decisions on complaints filed by employees and applicants alleging discrimination on grounds of race, color, religion, sex or national origin.

.2 *Nondiscrimination Under Trans-Alaska Pipeline Permits.* The Director, Office for Equal Opportunity is designated the Department Compliance Officer to perform functions prescribed in 43 CFR 27, and is delegated the authority of the Secretary of Interior granted by section 403 of Pub. L. 93-153, 87 Stat. 576 necessary to perform functions of the Department Compliance Officer as specified in regulations implementing section 403 of Pub. L. 93-153, 43 CFR Part 27.

[FR Doc.75-1395 Filed 1-15-75;8:45 am]

[INT DES 75-1]

PROPOSED MILL CREEK METROPOLITAN PARK

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Mill Creek Metropolitan Park Acquisition project and invites written comments on or before March 3, 1975. Comments from interested members of the public should be addressed to the Regional Director, Lake Central Region, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, Michigan 48104.

The environmental statement considers the acquisition of 3501 acres of land in Lima and Freedom Townships, Washtenaw County, Michigan, for intensive, multiple-activity, day-time recreation use focused around a 618-acre impoundment to be created on Mill Creek. Future development would help satisfy regional needs for water-based outdoor recreation in southeastern Michigan. Adverse impacts include removal of 3501 acres from agricultural use and the tax rolls, relocation of 44 families, relocation and reconstruction of several roads and utility lines, disruption of local traffic patterns, acceleration of residential development placing urban pressure on farm operations, alteration of three miles of stream habitat to acquatic habitat, and temporary dust, erosion, and noise in the future from construction activities.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Michigan 48104.
Bureau of Outdoor Recreation, Office of Environmental Affairs, Department of the Interior, Washington, D.C. 20240.
Michigan Bureau of Programs and Budget, Division of State Planning, 2nd Floor, Lewis Cass Building, Lansing, Michigan 48913.
Southeast Michigan Council of Governments, 8th Floor, Book Building, 1249 Washington Boulevard, Detroit, Michigan 48226.
Washtenaw County Metropolitan Planning Commission, County Building, Ann Arbor, Michigan 48108.
Chelsea Village Offices, 104 East Middle Street, Chelsea, Michigan 48118.
Chelsea Community Library, 221 South Main, Chelsea, Michigan 48118.

Copies may be obtained by writing the Environmental Law Institute, Suite 614, 1346 Connecticut Avenue, NW., Washington, D.C. 20036, or the Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Michigan 48104. Please refer to the statement number above.

Dated: January 9, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1507 Filed 1-15-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A121]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska:

Cherry
Lincoln
Nance
Pierce
Platte

The Secretary has found that this need exists as a result of a natural disaster consisting of drought from June 1 to October 31, 1974, in all five counties, early frost September 3, 1974, in Pierce County and hail May 30 and June 3, 7, and 10, 1974, and freeze September 3, 1974, in Lincoln County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 7, 1975, for physical losses and October 7, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 10th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-1529 Filed 1-15-75;8:45 am]

Forest Service

1974 MAINE SPRUCE BUDWORM

Availability of 1975 Draft Addendum

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service has prepared for 1975 activities, a Draft Addendum to the USFS 1974 Cooperative Spruce Budworm Suppression Project in Maine, USDA-FS-NA(Adm.)-1.

The Draft Addendum concerns a proposed cooperative aerial spray project on a maximum of 3,500,000 acres of state and private woodlands in Aroostook, Piscataquis, Penobscot, Somerset and Washington Counties, Maine, to protect forest resources from mortality by the spruce budworm. To accomplish these objectives the insecticides mexacarbate, fenitrothion and carbaryl will be applied by aircraft.

This Draft Addendum was filed with CEQ on January 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St., & Independence Ave., SW.
Washington, DC 20250

USDA, Forest Service
6816 Market Street, Room 409
Upper Darby, PA 19082

A limited number of single copies are available upon request to Robert D. Raisch, Director.

Northeastern Area
State and Private Forestry
6816 Market Street
Upper Darby, Pennsylvania 19082

Copies of the Draft Addendum to the Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert D. Raisch, Director, U. S. Forest Service, Northeastern Area, State and Private Forestry, 6816 Market Street, Upper Darby, Pennsylvania 19082. Telephone 215/597-3760. Comments must be received by March 11, 1975 in order to be considered in preparation of the Final Addendum.

ROBERT D. RAISCH,
Director, Northeastern Area, State and Private Forestry.

JANUARY 10, 1975.

[FR Doc.75-1406 Filed 1-15-75;8:45 am]

TIMBER MANAGEMENT PLAN REVISIONS BIGHORN NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan Revisions for the Bighorn National Forest. The Forest Service report number is USDA-FS-R2-DES(Adm) FY-75-07.

The environmental statement concerns a proposal to revise the 1962 (Rev.) Timber Management Plan for the Bighorn National Forest in Northern Wyoming. Such Plans are required to regulate the flow of timber products from National Forest lands.

This draft environmental statement was transmitted to CEQ on January 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
11177 West 8th Avenue
P.O. Box 25127
Denver, Colorado 80225

USDA, Forest Service
Bighorn National Forest
Columbus Building
P.O. Box 2046
Sheridan, Wyoming 82801

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225. Comments must be received by March 11, 1975, in order to be considered in the preparation of the final environmental statement.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

JANUARY 10, 1975.

[FR Doc.75-1305 Filed 1-15-75;8:45 am]

SILVERLEADS PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Silverleads Planning Unit, Salmon National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-3.

A final environmental statement has been prepared on the proposed land use plan of the Silverleads planning unit in the Salmon National Forest, Lemhi County, Idaho. Approximately 24,000 acres are involved and have been divided into two management areas. The plan sets forth the allocation of land to various uses and activities; establishes objectives; and documents management direction, decisions, and coordination.

This final environmental statement was transmitted to CEQ on January 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

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Forest Supervisor
Salmon National Forest
Forest Service Building
P.O. Box 729
Salmon, Idaho 83467

District Forest Ranger
North Fork Ranger District
North Fork, Idaho 83466

A limited number of single copies are available upon request to Forest Supervisor John L. Emerson, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: January 10, 1975.

VERN HAMRE,
Regional Forester.

[FR Doc.75-1477 Filed 1-15-75;8:45 am]

ENVIRONMENTAL STATEMENT

Availability of Draft Addendum

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft addendum to the final environmental statement for vegetation management using selective herbicides on the Siskiyou, Siuslaw, and Umpqua National Forests, Oregon, for the period July 1, 1975 through July 1, 1976. USDA-FS-R6-DES(Adm) 75-07.

The draft addendum concerns a proposed use of herbicides 2,4-D, 2,4,5-T, 2,4,5-TP, Amitrole-T, atrazine, picloram, dalapon and dicamba to reduce the competition from native vegetation where it hampers forest management activities in Oregon. The proposed uses of the herbicides are for site preparation, release of conifers, right-of-way maintenance, maintenance of physical facilities, range improvement work, and thinning and weeding of conifer plantations.

This draft addendum was transmitted to CEQ on January 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97208

Siskiyou National Forest
504 NW 6th Street
Grants Pass, Oregon 97526

Siuslaw National Forest
545 SW 2nd
Corvallis, Oregon 97330

Umpqua National Forest
Federal Office Building
Roseburg, Oregon 97470

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the draft addendum have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Written comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by March 8, 1975 in order to be considered in the preparation of the final addendum.

Dated: January 10, 1975.

FRANK J. KOPECKY,
Deputy Regional Forester, Region 6.

[FR Doc.75-1479 Filed 1-15-75;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1975 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1975 is 1,150 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1975 is 1,074.3 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1975 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Pub. L. 88-482 at this time.

Done at Washington, D.C., this 13th day of January 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-1408 Filed 1-15-75;8:45 am]

Soil Conservation Service

COUNTRY LINE CREEK WATERSHED PROJECT, NORTH CAROLINA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Country Line Creek Watershed Project, Rockingham and Caswell Counties, North Carolina, USDA-SCS-EIS-WS-(ADM)-75-4(D)-NC.

The environmental impact statement concerns a plan for watershed protection, flood prevention, municipal and industrial water and recreation. The planned works of improvement include conservation land treatment and two multiple-purpose structures. One structure will store 3,190 acre-feet of water for municipal and industrial use. The recreational structure will provide 104,200 visitor-days of recreation annually. Structural measures in combination with the land treatment measures will reduce flooding and flood damages on 1,920 acres of flood plain land downstream from the two structures.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 27307, Raleigh, North Carolina 27611.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse Hicks, State Conservationist, Soil Conservation Service, P.O. Box 27307, Raleigh, North Carolina 27611.

Comments must be received on or before February 26, 1975, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: December 30, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-1389 Filed 1-15-75;8:45 am]

ELK CREEK WATERSHED PROJECT, WEST VIRGINIA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973; and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Elk Creek Watershed Project, Barbour, Harrison, and Upshur Counties, West Virginia, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-WVa.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 12 single-purpose floodwater retarding structures, one multiple-purpose structure for flood prevention and recreation, and 1.3 miles of channel work. The channel work will enlarge and deepen the natural channel and generally follow the present channel alignment. About 0.4 mile of the channel will be concrete-lined, and 0.9 mile will be lined with grouted rock. This work involves a perennial stream through an industrialized and urbanized area. The recreational development will provide 164,700 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 865, Morgantown, West Virginia 26505.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to James S. Bennett, State Conservationist, Soil Conservation Service, P.O. Box 865, Morgantown, West Virginia 26505.

Comments must be received on or before February 28, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: December 30, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-1388 Filed 1-15-75;8:45 am]

LITTLE SANDY CREEK AND TRAIL CREEK WATERSHED PROJECT, GEORGIA

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the portion of Little Sandy Creek and Trail Creek Watershed Project, Clarke, Jackson, and Madison Counties, Georgia, that has not been installed.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Charles W. Bartlett, State Conservationist, Soil Conservation Service, USDA, 200 Federal Building, 355 East Hancock Street, Athens, Georgia 30601, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and public recreation. The remaining planned works of improvement include conservation land treatment supplemented by four single purpose floodwater retarding structures, one multiple purpose structure for floodwater retardation and recreation water storage, and a recreational development adjacent to the multiple purpose reservoir.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 228 Federal Building, 355 East Hancock Street, Athens, Georgia 30601.

Requests for the negative declaration should be sent to the above address. No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: December 30, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-1387 Filed 1-15-75;8:45 am]

MISSION CREEK WATERSHED PROJECT NEBRASKA & KANSAS

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mission Creek Watershed Project, Pawnee and Gage Counties, Nebraska and Marshall County, Kansas.

The environmental assessment of this federal action indicated that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement as described in the negative declaration include conservation land treatment supplemented by twelve single purpose floodwater retarding structures and four grade stabilization structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
134 South 12th Street, Room 604
Lincoln, Nebraska 68508

Requests for the negative declaration should be sent to the above address.

No administrative action in implementation of the proposal will be taken until January 31, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives reference Services)

Dated: January 9, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-1386 Filed 1-15-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SS CANADA MAIL

Invitation for Sealed Bids for Bareboat Charter of Vessel; Amendment

Notice is hereby given that Invitation for Bids No. 1, dated November 26, 1974, inviting sealed bids for the bareboat charter of the SS CANADA MAIL, Official No. 297579, notice of which was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42703), has been amended by Addendum No. 2, dated January 8, 1975, so as to extend the time for the receipt of bids from January 21, 1975, to 11:00 a.m., e.s.t., February 18, 1975, and to provide for public opening of such bids at 11:30 a.m., e.s.t., on said date at the office of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C. 20230.

Dated: January 8, 1975.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-1389 Filed 1-15-75;8:45 am]

MERCANTILE NATIONAL BANK

Approval of Applicant as Trustee

Notice is hereby given that Mercantile National Bank at Dallas, with offices at

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1704 Main Street, Dallas, Texas, has been approved as Trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

BURT KYLE,
Director, Office of Domestic Shipping.

[FR Doc.75–1540 Filed 1–15–75;8:45 am]

National Oceanic and Atmospheric Administration

AMERICAN TUNABOAT ASSOCIATION

Marine Mammals; Issuance of General Permit

Notice is hereby given that as a result of hearings held on December 10 and 11, 1974, and subsequent changes in regulations promulgated in accordance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) 50 CFR 216.24 of the regulations, the Director, National Marine Fisheries Service issued amendment No. 1 to the General Permit (GP–1) issued to the American Tunaboat Association, 1 Tuna Lane, San Diego, California on January 3, 1975.

Copies of the amendment are available for public view at the offices of the Director, National Marine Fisheries Service, Washington, D.C., and the Regional Director, Southwest Region, National Marine Fisheries Service, Terminal Island, California.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

JANUARY 10, 1975.

[FR Doc.75–1515 Filed 1–15–75;8:45 am]

MARINE MAMMALS

Receipt of Waiver Request

Notice is hereby given that pursuant to provisions of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1371(a)(3)(A), and the regulations promulgated under that Act, the Fouke Company of Greenville, South Carolina, submitted a request on November 26, 1974, to Dr. Robert M. White, Administrator, NOAA, for a waiver of the moratorium on the importation of fur seal skins from the Republic of South Africa. The request is for 70,000 fur seal skins to be taken during the 1975 harvest.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

JANUARY 13, 1974.

[FR Doc.75–1516 Filed 1–15–75;8:45 am]

STATE FISH AND WILDLIFE DIRECTORS FROM COASTAL AND GREAT LAKES STATES

Public Meeting

Notice is hereby given of a meeting with State fish and wildlife directors from coastal and Great Lakes States on Wednesday and Thursday, February 12 and 13, 1975. The meeting will commence at 9:00 a.m. on Februray 12 and at 8:30 a.m. on February 13, in the Woodward Room at the National Wildlife Federation, 1412 16th Street, NW., Washington, D.C.

The topics to be discussed at the meeting are related to development of a National Fisheries Plan and will include the following:

1. State-Federal Relationships Under Extended Fisheries Jurisdiction.
2. Recreational Fisheries Management.
3. Environmental Protection.

The meeting will be open to the public throughout February 12 and 13. Seating space will be available for approximately 25 persons in addition to those participating in the meeting. The public will be admitted to the extent of seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman.

Additional information concerning this meeting may be obtained by contacting Mr. Robert W. Schoning, Director, National Marine Fisheries Service, whose mailing address is: National Marine Fisheries Service, Washington, D.C. 20235. The telephone number is 634–7283.

Issued at Washington, D.C., on January 9, 1975.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

JANUARY 9, 1975.

[FR Doc.75–1480 Filed 1–15–75;8:45 am]

Office of the Secretary

CTAB PANEL ON PROJECT INDEPENDENCE BLUEPRINT

Meeting Cancellation

This is to announce the cancellation of the meeting of the Flue Gas Desulfiurization Subcommittee of the CTAB Panel on Project Independence Blueprint which was scheduled for January 20, 21, 22, and 23, 1975 in Room 3708 of the Main Commerce Building, Washington, D.C. The meeting was announced on page 43649 of the December 17, 1974 issue of the FEDERAL REGISTER.

Please note that the meeting of the full Panel on Project Independence Blueprint to review the draft final report of the project's energy study scheduled for January 21, 22 and 23, 1975 in Suite 210, 1522 K Street, NW, Washington, D.C., which was announced on pages 43648–9 of the same issue of the FEDERAL REGISTER, will take place as scheduled.

Dated: January 13, 1975.

BETSY ANCKER-JOHNSON,

[FR Doc.75–1630 Filed 1–15–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

BOARD OF SCIENTIFIC COUNSELORS, NIMH

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Alcohol, Drug Abuse, and Mental Health Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, on December 30, 1974, with the concurrence of the Office of Management and Budget Committee Management Secretariat of the following advisory committee:

Designation. Board of Scientific Counselors, NIMH.

Authority for this committee will expire January 4, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated:

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–1442 Filed 1–15–75;8:45 am]

Center for Disease Control

COAL MINE HEALTH RESEARCH ADVISORY COMMITTEE

Rechartering

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Center for Disease Control announces the rechartering by the Secretary, DHEW, on December 24, 1974, of the Coal Mine Health Research Advisory Committee.

Dated: January 9, 1975.

DAVID J. SENCER,
Director, Center for Disease Control.

[FR Doc.75–1541 Filed 1–15–75;8:45 am]

Food and Drug Administration

[NADA No. 2–115]

H. CLAY GLOVER CO., INC.

Glover's Imperial Capsules, Veterinary; Withdrawal of Approval of New Animal Drug Application

H. Clay Glover Co., Inc., Toms River, NJ 08753, holder of new animal drug application (NADA) No. 2–115 for Glover's Imperial Capsules, Veterinary, has requested in a letter dated October 1, 1974 that the application be withdrawn and has waived the opportunity for hearing. The application was approved on February 20, 1940, as an over-the-counter oral anthelmintic capsule containing *n*-butyl chloride for use in dogs. It is not for use in food-producing animals.

In accordance with § 135.28 (21 CFR 135.28), this notice is issued based upon a finding by the Commissioner that manufacturing control information is inadequate by today's standards. The firm has been advised that an update of such information is required to continue marketing its product as approved. In lieu of the submission of the requested information and in view of the fact that the drug is no longer being distributed, the firm has requested withdrawal of approval and has waived an opportunity for hearing.

Accordingly, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347, 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), approval of NADA No. 2–115 and all supplements and amendments thereto for Glover's Imperial Capsules, Veterinary, for dogs is hereby withdrawn effective January 16, 1975.

Dated: January 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–1443 Filed 1–15–75;8:45 am]

Office of Education

CAREER OPPORTUNITIES AND URBAN/RURAL SCHOOL DEVELOPMENT PROGRAMS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title V, Part D of the Higher Education Act of 1965 as amended (20 U.S.C. 1119), applications are being accepted for noncompeting continuation grants under the Career Opportunities and Urban/Rural School Development Programs. No applications for new grants under these programs will be accepted, nor will applications be accepted to continue Career Opportunities Program projects which have already received full funding under this program for five years.

In reviewing applications for continuation projects to be awarded in Fiscal Year 1975, the Commissioner will utilize the review criteria set forth in 45 CFR 100a.–26, will evaluate the extent to which the project is meeting the objectives set forth in its previously approved work statement and the extent to which it is meeting the funding criteria used in making the previous award, and will consider whether the trainees to be served by the project would be able to obtain reasonable access to comparable services provided by other projects, institutions or agencies serving the same area.

In order to be assured of consideration for funding from appropriations for Fiscal Year 1975, applications for the national projects under these programs should be received by the U.S. Office of Education Application Control Center on or before February 10, 1975.

All other applications should be received by the appropriate U.S. Office of Education Regional Office on or before February 10, 1975.

A. Applications sent by mail. An application for a national project grant sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. The address for applications for national project grants in the Career Opportunities Program should be marked: Attention 13.421. The address for applications for national project grants in the Urban/Rural School Development Program should be marked: Attention 13.505.

Applications for all other Career Opportunities and Urban/Rural School Development project grants sent by mail should be addressed to the appropriate U.S. Office of Education Regional Office as follows:

REGION I—BOSTON

Ms. Ruth Moran
Application Control Center
Office of Education/DHEW
J. F. Kennedy Federal Bldg.—Room 2303
Boston, Massachusetts 02203

REGION II—NEW YORK

Application Control Center
Office of Education/DHEW
26 Federal Plaza—Room 3954
New York, New York 10007

REGION III—PHILADELPHIA

Mr. James Roberts
Office of Education/DHEW
3535 New Gateway Bldg.—Room 16200
Philadelphia, Pennsylvania 19108

REGION IV—ATLANTA

Mrs. Gussie Rudin
Office of Education/DHEW
Application Control Center
50 Seventh Street, NE.
Atlanta, Georgia 30323

REGION V—CHICAGO

Application Control Center
Office of Education/DHEW
300 South Wacker Drive—32nd Floor
Chicago, Illinois 60606

REGION VI—DALLAS

Mrs. Virginia Lynn
Application Control Center
Office of Education/DHEW
1114 Commerce Street—Room 1011
Dallas, Texas 75202

REGION VII—KANSAS CITY

Application Control Center
Office of Education/DHEW
New Federal Office Bldg.—Room 458
601 East 12th Street
Kansas City, Missouri 64106

REGION VIII—DENVER

Application Control Center
Office of Education/DHEW
Federal Regional Office Bldg.—Room 11023
1961 Stout Street
Denver, Colorado 80202

REGION IX—SAN FRANCISCO

Application Control Center
Office of Education/DHEW
50 Fulton Street—Room 334
San Francisco, California 94102

REGION X—SEATTLE

Application Control Center
Office of Education/DHEW
Arcade Plaza Building
1321 Second Avenue—Room 508
Seattle, Washington 98101

An application sent by mail will be considered to have been received on time by the U.S. Office of Education Application Control Center in Washington, D.C., or by a U.S. Office of Education Regional Office if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the Department of Health, Education, and Welfare, U.S. Office of Education mail room in Washington, D.C., or the appropriate U.S. Office of Education Regional Office mail room. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education and its Regional Offices.)

B. Hand delivered applications. An application for a national project grant to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

All other applications to be hand delivered must be taken to the appropriate U.S. Office of Education Regional Office at the address listed under Part A of this notice. No application will be accepted after the normal close of business time by a U.S. Office of Education Regional Office on the closing date.

C. Program information and forms. Information and application forms for national project grants may be obtained from the Division of Educational Systems Development, Bureau of Occupational and Adult Education, Office of Education, Room 3032, Regional Office Building Three, 7th & D Streets, SW., Washington, D.C. 20202.

Information and application forms for all other project applications may be obtained from the Education Professions Development Act (EPDA) Project Officer in the appropriate U.S. Office of Education Regional Office, at one of the addresses which follow:

REGION I

Office of Education/DHEW
J. F. Kennedy Federal Building
Boston, Massachusetts 02203

REGION II

Office of Education/DHEW
26 Federal Plaza
New York, New York 10007

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REGION III

Office of Education/DHEW
407 N. Broad Street
P.O. Box 12900
Philadelphia, Pennsylvania 19108

REGION IV

Office of Education/DHEW
50 Seventh Street, NE.
Atlanta, Georgia 30323

REGION V

Office of Education/DHEW
300 South Wacker Drive
Chicago, Illinois 60606

REGION VI

Office of Education/DHEW
1114 Commerce Street
Dallas, Texas 75202

REGION VII

Office of Education/DHEW
601 East 12th Street
Kansas City, Missouri 64106

REGION VIII

Office of Education/DHEW
Federal Office Building
19th and Stout Streets
Denver, Colorado 80202

REGION IX

Office of Education/DHEW
50 Fulton Street
San Francisco, California 94102

REGION X

Office of Education/DHEW
Arcade Plaza Building
1319 Second Avenue
Seattle, Washington 98101

D. Applicable regulations. The regulations applicable to these programs include the Office of Education General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and the Education Professions Development Regulations (45 CFR Part 174) published in the FEDERAL REGISTER on March 21, 1974 at 39 FR 10566. (20 U.S.C. 1119)

(Catalog of Federal Domestic Assistance numbers 13.421 (Educational Personnel Training Grants—Career Opportunities) and 13.505 (Educational Personnel Development—Urban/Rural School Development))

Dated: January 11, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-1571 Filed 1-15-75;8:46 am]

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the National Advisory Council on Equality of Educational Opportunity will convene at 9:00 AM on Friday, February 28 until 4:00 PM and reconvene at 9:00 AM on Saturday, March 1 until 1:00 PM at the Holiday Inn, Rivermont, Memphis, Tennessee.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The proposed agenda includes subcommittee reports from the Evaluation Subcommittee, the Legal and Interagency Subcommittee, and the State Departments of Education Subcommittee. The Report Writing Committee will submit its recommendations for the Council's final report. There will be a special report by the Office of the Deputy Commissioner for Planning, U.S. Office of Education as well as a status report on the Emergency School Aid Program by the Associate Commissioner for Equal Educational Opportunity, U.S. Office of Education.

Signed at Washington, D.C. on January 10, 1975.

HERMAN R. GOLDBERG,
Associate Commissioner for Equal Educational Opportunity.

[FR Doc.75-1489 Filed 1-15-75;8:45 am]

National Institutes of Health

AD HOC REVIEW GROUP ON BREAST CANCER TREATMENT

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Ad Hoc Review Group on Breast Cancer Treatment, National Cancer Institute, February 9, 1975 and February 11, 1975, El Tropicano Motor Hotel, Central American Room, San Antonio, Texas.

This meeting will be open to the public on February 9, 1975 from 7:30 P.M. to 8:00 P.M., to diseuss general programs associated with the treatment of breast cancer. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 9, 1975 from 8:00 P.M. to 11:00 P.M. and on February 11, 1975 from 8:00 P.M. to 11:00 P.M. for the review, discussion and evaluation of individual research contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. No session of the meeting will be held on February 10, 1975.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and rosters of committee members.

Mary E. Sears, M.D., Executive Secretary, Landow Building, Room A-416, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will furnish substantive program information.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

[FR Doc.75-1428 Filed 1-15-75;8:45 am]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers, National Cancer Institute, at 9 a.m. on February 24, 1975, in Conference Room 8, C Wing, Building 31.

This meeting will be open to the public from 9 a.m. to 9:30 a.m. to discuss the purpose of the meeting, the membership and identification of those present, and rules for conducting meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. to 5 p.m. or to adjournment for the review, discussion, and evaluation of individual grant applications. The individual applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. John W. Yarbro, Executive Secretary, Westwood Building, Room 832, Division of Cancer Research Resources and Centers, NCI, National Institutes of Health, Bethesda, Maryland 20016 (301/496-7427) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312, National Institutes of Health)

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-1431 Filed 1-15-75;8:45 am]

ADVISORY COMMITTEES

Charter Renewals

The Director, National Institutes of Health, announces the renewal of charters on December 20, 1974, of the advisory committees indicated below by the Director, National Cancer Institute. Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees. These committees will terminate on December 20, 1976, unless renewed by appropriate action as authorized by law.

Committees established under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d) are:

Biometry and Epidemiology Contract Review Committee
Board of Scientific Counselors of the Division of Cancer Biology and Diagnosis
Board of Scientific Counselors of the Division of Cancer Treatment (formerly Cancer Treatment Advisory Committee)
Breast Cancer Diagnosis Committee
Breast Cancer Epidemiology Committee
Breast Cancer Experimental Biology Committee
Breast Cancer Treatment Committee
Committee on Cytology Automation
Committee on Cancer Immunobiology
Committee on Cancer Immunodiagnosis
Committee on Cancer Immunotherapy
Diagnostic Radiology Committee
Diagnostic Research Advisory Group
Third National Cancer Survey Utilization Advisory Committee
Tobacco Working Group

Committees established under the authority of section 410A(a) of the Public Health Service Act (42 U.S.C. 286e) are:

Cancer Clinical Investigation Review Committee
Cancer Special Program Advisory Committee

Dated: January 9, 1975.

R. W. LAMONT-HAVERS,
Acting Director, National Institutes of Health.

[FR Doc.75-1419 Filed 1-15-75;8:45 am]

BEHAVIORAL SCIENCES RESEARCH CONTRACT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Behavioral Sciences Research Contract Review Committee, National Institute of Child Health and Human Development, February 20-21, 1975, Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public from 2:00 p.m. to 5:00 p.m. on February 20 for progress reports and program plans by the staff of the Behavioral Sciences Branch and discussion of major research needs in the social and behavioral sciences relating to population. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 21 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1756, will provide summaries of meetings and rosters of committee members. Dr. Jerry Combs, Chief, Behavioral Sciences Branch, Center for Population Research, NICHD, Landow Building, Room C-719, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1174, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-832, National Institutes of Health.

Dated: January 9, 1975

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-1427 Filed 1-15-75;8:45 am]

BOARD OF REGENTS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on March 13-14, 1975, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, March 12, 1975, from 2:00 to 5:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on March 13 and from 9:00 to 9:30 a.m. on March 14 for administrative reports and programs and operation discussions. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the entire meeting of the Subcommittee on March 12 will be closed to the public, and the regular Board meeting on March 14 will be closed from 9:30 to adjournment, for the review, discussion and evaluation of grant applications. The applications contain information of a proprietary nature—including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information about individuals associated with the applications in the field of biomedical communications.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-6308, will furnish summaries of the meeting, rosters of Board members, and substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.353—National Institutes of Health)

Dated: January 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-1414 Filed 1-15-74;8:45 am]

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Experimental Biology Committee, National Cancer Institute, on February 10, 1975, in the South American Room, El Tropicano Motor Hotel, San Antonio, Texas.

The entire meeting will be open to the public on February 10, 1975, from 8:00 p.m. until adjournment to discuss scientific ideas for new program projects. Attendance by the public will be limited to space available.

Mrs. Marjorie Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will provide summaries of the meeting and rosters of the committee members.

Dr. D. Jane Taylor, Executive Secretary, Landow Building, Room A404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6718) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: January 6, 1975.

R. W. LAMONT-HAVERS,
Acting Director, National Institutes of Health.

[FR Doc.75-1436 Filed 1-15-75;8:45 am]

CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Community Activities Review Committee, National Cancer Institute, February 13-14, 1975, National Institutes of Health, Building 31, Conference Room 8.

This meeting will be open to the public on February 13, 1975, from 9:00 a.m. to 11:00 a.m., for an orientation to the organizational structure and program activities of the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 13, 1975, from 11:00 a.m. to 5:00 p.m. and on February 14, 1975, from 9:00 a.m. until adjournment for the review, discussion and evaluation, of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

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Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A01, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7943) will furnish substantive program information.

Date: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

[FR Doc.75-1426 Filed 1-15-75;8:45 am]

CANCER CONTROL GRANT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, on February 27, 1975, Building 31, C Wing, Conference Room 7.

This meeting will be open to the public on February 27 from 9:00 a.m. until 9:30 a.m. to discuss new administrative developments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 27, 1975, from 9:30 a.m. to adjournment for the review, discussion and evaluation of approximately 15 individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708), will furnish summaries of meetings and rosters of committee members.

Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 809A, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7565), will furnish substantive program information.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.399, National Institutes of Health)

[FR Doc.75-1430 Filed 1-15-75;8:45 am]

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Intervention Programs Review Committee, National Cancer Institute, February 18, 1975, National Institutes of Health, Building 31, Conference Room 7.

This meeting will be open to the public on February 18, 1975 from 9:00 a.m. to 9:30 a.m. for opening statements by the staff. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 18, 1975, from 9:30 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Robert T. Bowser, Executive Secretary, Blair Building, Room 7A01, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7943) will furnish substantive program information.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

[FR Doc.75-1422 Filed 1-15-75;8:45 am]

COMMITTEE ON CANCER IMMUNOBIOLOGY

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunobiology, National Cancer Institute, February 24, 1975, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on February 24, 1975, from 2:00 p.m. to 2:30 p.m. to discuss general business and plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 24, 1975, from 2:30 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Barbara H. Sanford, Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will furnish substantive program information.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

[FR Doc.75-1420 Filed 1-15-75;8:45 am]

CONTRACEPTIVE DEVELOPMENT CONTRACT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Contraceptive Development Contract Review Committee, National Institute of Child Health and Human Development, March 7-8, 1975, Building 31, Wing C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:45 a.m. to 9:15 a.m. on March 7 for the discussion on the criteria for the review of contract proposals and an administrative review of the chemical contraceptive program. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 7 from 9:15 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1756, will provide summaries of meetings and rosters of committee members. Dr. Marvin J. Karten, Health Scientist Administrator, Contraceptive Development Branch, Center for Population Research, NICHD, Landow Building, Room A-704, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1661, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health)

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-1429 Filed 1-15-75;8:45 am]

NATIONAL INSTITUTE OF DENTAL RESEARCH

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee; National Institute of Dental Research, February 24-25, 1975, National Institutes of Health, Building 31-C, Conference Room 7, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on February 24, and from 9:00 a.m. to adjournment on February 25, to discuss research progress and plans of the National Caries Program for FY 1975. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014, (phone number 301-496-7239) will provide summaries of the meeting and rosters of the committee members.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland, 20014, (phone number 301-496-7239) will provide substantive program information.

Dated: January 6, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827, National Institutes of Health)

[FR Doc.75-1435 Filed 1-15-75;8:45 am]

MAMMALIAN MUTANT CELL LINES COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mammalian Mutant Cell Lines Committee, National Institute of General Medical Sciences, March 5, 1975, 9 a.m., at the Institute for Medical Research, Camden, New Jersey. This meeting will be open to the public on March 5 from 9 a.m. to 2 p.m. for opening remarks and general discussion on the storage and distribution of biochemical mutant and chromosome variant cell lines. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 5 from 2-4 p.m., for the review of a contract proposal containing information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposal.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301-496-5676, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William J. Gartland, Executive Secretary, Westwood Building, Room 922, Bethesda, Maryland 20014, Telephone: 301-496-7714.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program 13-862, General Medical Sciences—Genetics Program)

[FR Doc.75-1421 Filed 1-15-75;8:45 am]

MENTAL RETARDATION RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, February 13-14, 1975, Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on February 13 from 8:00 p.m. to 10:00 p.m., to discuss items relative to the committee's activities including announcements by the Head of the Mental Retardation Branch and the Executive Secretary of the Committee. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 14 from 8:30 a.m. to adjournment on February 14 for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1756, will provide summaries of meetings and rosters of committee members. Dr. Lyle Lloyd, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room C-704, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1383, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-1432 Filed 1-15-75;8:45 am]

MOLECULAR CONTROL WORKING GROUP

Charter Renewal

The Director, National Institutes of Health, announces the renewal of a charter on December 20, 1974, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d) and section 410A(a) of the Public Health Service Act (42 U.S.C. 286e). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Molecular Control Working Group.

Purpose: The Committee provides to the Director, NCI and the Director, Division of Cancer Research Resources and Centers, advice on grant applications of molecular biology to the National Cancer Program, and assistance in the technical and scientific review of contract proposals. The Committee shall also review the various disciplines encompassed by molecular biology and make recommendations for elimination of existing gaps in knowledge of these disciplines as they pertain to cancer.

This Committee will terminate on December 20, 1976, unless renewed by appropriate action as authorized by law.

Dated: January 9, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-1418 Filed 1-15-75;8:45 am]

NANDS COUNCIL PLANNING SUBCOMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the NANDS Council Planning Subcommittee, March 6, 1975, at 8:30 a.m. in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on March 6, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from

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10:30 a.m. on March 6, 1975, to adjournment on March 6, for the preliminary review, discussion and evaluation of individual grant applications before final consideration by the full Council at its meeting on March 20–22, 1975. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants, Teacher-Investigator Awards, and Institutional National Research Service Awards.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, Bethesda, Maryland, telephone (301) 496–7220, will provide substantive program information.

Dated: January 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health)

[FR Doc.75–1417 Filed 1–15–75;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, March 20–21, 1975, Conference Room 8, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. to 10:30 a.m. and from 1:30 p.m. to recess on March 20, at which time general information announcements will be made and administrative matters will be discussed. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of P.L. 92–463, the meeting will be closed to the public from 10:30 a.m. to 1:30 p.m. on March 20, and from 9:00 a.m. to adjournment on March 21, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of meetings and rosters of committee members. Dr. William I. Gay, Executive Secretary of the Council, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Westwood Building, Room 703, telephone (301) 496–7291, will furnish substantive program information.

Dated: January 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health)

[FR Doc.75–1415 Filed 1–15–75;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, March 17–18, 1975, in Building 31, conference room No. 4, National Institutes of Health, Bethesda, Maryland. This meeting will convene and be open to the public on March 17 from 1 p.m. to 5 p.m. for reporting on items of general interest by the Institute Director, and a discussion of proposed cooperative clinical trial on the use of vitrectomy surgery in the treatment of diabetic retinopathy. On March 18, this meeting will be open to the public from 1:30 p.m. to adjournment for a discussion of plans to implement National Eye Institute program priorities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S.C., and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 18, 1975, from 9 a.m. to 12:30 p.m., for the review, discussion, and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mr. Julian Morris, Information Officer, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A27, telephone (301) 496–5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A03, telephone (301) 496–2234.

Dated: JANUARY 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health)

[FR Doc.75–1416 Filed 1–15–75;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, February 20–21, 1975, National Institutes of Health, Building 31–C, Conference Room 7, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on February 20, and from 9:00 a.m. to adjournment on February 21, for discussion of the use of forecasting techniques to plan future research programs on the prevention and control of dental plaque, to plan for manpower development, to plan for the establishment of research centers, and the feasibility of establishing cooperative clinical research units. Attendance by the public will be limited to space available.

Dr. Anthony A. Rizzo, Special Assistant to the Associate Director, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014, (phone number 301–496–7784), will provide summaries of the meeting and rosters of the committee members.

Dr. Anthony A. Rizzo, Special Assistant to the Associate Director, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014, (phone number 301–496–7784), will furnish substantive program information.

Dated: JANUARY 6, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13,325 and 13,827, National Institutes of Health)

[FR Doc.75–1434 Filed 1–15–75;8:45 am]

RESEARCH STATUS OF SPINAL MANIPULATIVE THERAPY

Meeting

Notice is hereby given of an NINDS Workshop on the Research Status of Spinal Manipulative Therapy, National Institutes of Health, February 2, 3, and 4, 1975, in the Clinical Center, Building 10, NIH, Bethesda, Maryland, starting at 7:30 p.m. on February 2, 1975.

The entire Workshop will be open to the public from 7:30 p.m. on February 2, 1975, until 10:00 p.m.; from 8:30 a.m. until 6:00 p.m. on February 3, 1975; and from 8:30 a.m. until 5:00 p.m. on February 4, 1975, for the discussion of the research status of spinal manipulative therapy. Attendance by the public will be limited to space available.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, telephone (301) 496–5751, will furnish summaries of the workshop.

Dr. Murray Goldstein, Chairman, Planning Committee; Associate Director, NINDS, Westwood Building, Room 757, Bethesda, Maryland, telephone (301) 496–7705, will furnish substantive program information.

Dated: January 6, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer.
National Institutes of Health.

[FR Doc.75–1437 Filed 1–15–75;8:45 am]

TOBACCO WORKING GROUP

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Tobacco Working Group, National Cancer Institute, February 18–19, 1975, Building 31, Conference Room 4, Bethesda, Maryland.

This meeting will be open to the public on February 18–19, 1975 from 9:00 a.m. to 5:00 p.m. to discuss the current activities and plans of the Tobacco Working Group. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. Thomas B. Owen, Executive Secretary, Building 31, Room 11A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6271) will furnish substantive program information.

Dated: January 6, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer.
National Institutes of Health.

[FR Doc.75–1433 Filed 1–15–75;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee A, National Cancer Institute, February 9, 1975, El Tropicano Hotel, Central American Room, San Antonio, Texas.

This meeting will be open to the public on February 9, 1975, from 9:00 a.m. to 10:00 a.m. to discuss the general plans and activities of the Breast Cancer Virus Program and the minutes of the previous meeting will be presented. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 9, 1975, from 10:00 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6927) will furnish substantive program information.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer.
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

[FR Doc.75–1425 Filed 1–15–75;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee A, National Cancer Institute, February 13, 1975, Building 37, Room 1B04, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on February 13, 1975, from 9:00 a.m. to 9:30 a.m. to discuss management practices. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 13, 1975, from 9:30 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6927) will furnish substantive program information.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer.
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13,825, National Institutes of Health)

[FR Doc.75–1424 Filed 1–15–75;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee B, National Cancer Institute, February 26 and 27, 1975, Building 31, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on February 26, 1975, from 8:30 a.m. to 9:00 a.m. to discuss management practices. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 26, 1975, from 9:00 a.m. to adjournment on February 27, 1975, for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6927) will furnish substantive program information.

Dated: January 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institute of Health.

(Catalog of Federal Domestic Assistance Program No. 13,825, National Institutes of Health)

[FR Doc.75–1423 Filed 1–15–75;8:45 am]

V401I JAN16 75 XUM

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, March 20–21, 1975, at the National Institutes of Health, Bethesda, Maryland, Building 31–C, Conference Room 9.

This meeting will be open to the public on March 20, 1975, at 9 a.m. to report on legislative and interagency activities, and to discuss NIEHS intramural and extramural program activities, budgeting plans and other items of interest. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 20, 1975, from 1 p.m. to adjournment on March 21, 1975, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 404, Bethesda, Maryland, 20014, (301) 496–7483, will provide summaries of meetings and rosters of committee members. Dr. Cobert D. LeMunyan, Acting Associate Director for Extramural Programs, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, (919) 549–8411, extension 3353, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–328, National Institutes of Health)

Dated: January 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–1413 Filed 1–15–75;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological Diseases and Stroke Council, National Institutes of Health, March 20, 21, and 22, 1975, at 9:00 a.m. in Building 31–C, Conference Room 7, NIH, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until 1:30 p.m. on March 20, 1975, and from 11:00 a.m. to 1:30 p.m. on March 21, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1:30 p.m. on March 20, 1975, until 11:00 a.m. on March 21, 1975, and from 1:30 p.m. on March 21, 1975, until the conclusion of the meeting on March 22, 1975, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants, Teacher-Investigator Awards, and Institutional National Research Service Awards.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg., 31, Room 8A03, NIH, Bethesda, Maryland, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Murray Goldstein, Executive Secretary, Westwood Building, Room 757, Bethesda, Maryland, telephone (301) 496–7705, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health)

Dated: January 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–1412 Filed 1–15–75;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, March 13–14, 1975, Conference Room 9, Building 31, Bethesda, Maryland 20014.

This meeting will be open to the public from 9:00 a.m. to recess on March 13, 1975 for: The conduct of Council business; reports of the Director and Assistant Director, DRR; review of the Minority Biomedical Support Program; a discussion of the research program of the City of Hope; discussion of the status of the revised General Research Support Program; status of comments on Minority Biomedical Support Program Regulations; review of the Forward Plan 1976–1980 and the President's fiscal year 1976 Budget; and a discussion on conflict of interest in relation to resource sharing. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)4 and section 552(b)6 of Title 5 U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 14 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and, personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014, (301) 496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, National Institutes of Health, Room 5B05, Building 31, Bethesda, Maryland 20014, (301) 496–6611, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.371, 13.375, National Institutes of Health)

Dated: January 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–1411 Filed 1–15–75;8:45 am]

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Renewal

I hereby determine, after consultation with the Director, Office of Management and Budget, that renewal of the Board of Advisors to the Fund for the Improvement of Postsecondary Education beyond January 4, 1975, is in the public interest in connection with the performance of duties imposed on the Department by law, that such duties can best be performed through the advice and counsel of such a group and, therefore, the committee is continued until September 30, 1976.

I further deem that it is not feasible for the Department or any of its existing committees to perform these duties, and that a satisfactory plan for appropriate balance of committee membership has been submitted.

Dated: January 4, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75–1399 Filed 1–15–75;8:45 am]

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Meeting

The Child and Family Development Research Review Committee will meet on Wednesday, February 5, 1975 through Friday, February 7. The meeting will be held daily from 9 a.m. to 5 p.m. in Room 5030, Office of Child Development, 400 Sixth Street NW., Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Acting Director, Office of Child Development, followed by the review of research proposals concerned with child abuse and neglect which have been submitted to the Office of Child Development for the award of grants. These applications are exempt from mandatory disclosure under 5 USC 552(b)(4) and (6) in that they contain trade secrets, commercial and financial information obtained from a person and privileged or confidential, and other personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755–7758

Dated: December 24, 1974.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.75–1398 Filed 1–15–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

FEDERAL AVIATION ADMINISTRATOR

Delegations of Authority Regarding Transportation of Hazardous Materials

The purpose of this notice is to reaffirm and continue certain delegations of authority with respect to the transportation of hazardous materials.

Title I of the Transportation Safety Act of 1974 (Pub. L. 93–633) vests the Secretary of Transportation with new duties and responsibilities regarding the safe transportation of hazardous materials. It also amends and continues in effect earlier legislation governing the same subject. Through delegations of authority set forth in §§ 1.46 (b) and (n), 1.47(a), 1.48(d), and 1.49(f) of title 49, Code of Federal Regulations, the Commandant of the Coast Guard, the Federal Aviation Administrator, the Federal Highway Administrator, and the Federal Railroad Administrator have been delegated authority to exercise the powers and perform the duties of the Secretary under the hazardous materials transportation laws as they existed prior to enactment of Pub. L. 93–633. Those delegations will continue in effect until further notice.

In addition, the Federal Aviation Administrator is hereby delegated the authority vested in the Secretary of Transportation to issue regulations in accordance with section 108 of Pub. L. 93–633 with respect to the transportation of radioactive materials on passenger-carrying aircraft and to establish procedures for monitoring and enforcing those regulations. In this connection, the Federal Aviation Administrator is also delegated authority to exercise the powers and perform the duties vested in the Secretary by section 105 of Pub. L. 93–633 to the extent necessary in carrying out section 108.

This notice is issued under the authority of section 9(e) of the Department of Transportation Act (49 U.S.C. 1657(e)).

Issued in Washington, D.C., on January 10, 1975.

JOHN W. BARNUM,
Acting Secretary of Transportation.

[FR Doc.75–1438 Filed 1–15–75;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–321 and 50–366]

GEORGIA POWER CO.

Issuance of Amendments To Facility Operating License No. DPR–57 and Construction Permit No. CPPR–90

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 7 to Facility Operating License No. DPR–57 and Amendment No. 2 to Construction Permit No. CPPR–90 issued to Georgia Power Company for the operation of Edwin I. Hatch Nuclear Plant Unit 1 (Hatch–1) and for the construction of Edwin I. Hatch Nuclear Plant Unit 2 (Hatch–2), respectively. These units are boiling water reactors and are located in Appling County, Georgia. The amendments are effective as of the date of issuance.

The amendments reflect a change in ownership of facilities Hatch–1 and 2. As a result of the change, the Oglethorpe Electric Membership Corporation is authorized to acquire a thirty percent undivided interest in the ownership of the facilities. Georgia Power Company retains sole responsibility for planning, design, construction, operation, maintenance, and disposal of the facilities.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendments.

For further details with respect to this action, see (1) the application for amendments dated November 27, 1974, and supplement dated December 19, 1974, (2) Amendment No. 7 to Facility Operating License No. DPR–57 and Amendment No. 2 to Construction Permit No. CPPR–90, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 8th day of January, 1975.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief Operating Reactors Branch #3, Directorate of Licensing.

[FR Doc.75–1378 Filed 1–15–75;8:45 am]

[Docket No. 50–245]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment To Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 5 to Provisional Operating License No. DPR–21. The license authorizes the Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company to operate the Millstone Nuclear Power Station Unit No. 1 located in Waterford, Connecticut. The amendment is effective as of date of issuance.

The amendment revises the license to extend the fuel exposure restriction of 1000 MWD/ST to 3400 MWD/ST.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 20, 1974, (2) Amendment No. 5 to License No. DPR–21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief Operating Reactors Branch #3, Directorate of Licensing.

[FR Doc.75–1379 Filed 1–15–75;8:45 am]

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[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Scriba, Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment corrects a typographical error in the reactor high water level trip setting.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1974, (2) Amendment No. 1 to License No. DPR-59, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 19th day of December 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.75-1380 Filed 1-15-75;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.16 (Rev. 3), "Reporting of Operating Information—Appendix A Technical Specifications," describes a reporting program acceptable to the AEC Regulatory staff for meeting the reporting requirements of Appendix A technical specifications. Revision 3 reflects comments received on the guide and additional staff review.

Regulatory Guide 1.91, "Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites," describes a method acceptable to the Regulatory staff for determining safe distances from a nuclear power plant to a transportation route over which explosive material may be carried.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.91 will, however, be particularly useful in evaluating the need for an early revision if received by March 14, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Primary Reactor Containment (Concrete) Design and Analysis.
Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Investigation of Material Underneath Nuclear Power Plant Foundations.
Protective Coatings for Light-Water Nuclear Reactor Containment Facilities.
Quality Assurance Requirments for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel during the Construction Phase of Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Design of Main Steam Line Isolation Valve Leakage Control Systems for Direct Cycle Boiling Water Reactor Nuclear Power Plants.
Fuel Oil Supplies for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 8th day of January 1975.

For the Atomic Energy Commission.

ROBERT B. MINOGUE,
Acting Director of Regulatory Standards.

[FR Doc.75-1381 Filed 1-15-75; 8:45 am]

[Docket No. P-527-A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed in April, 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-527-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75-1301 Filed 1-15-75;8:45 am]

[Docket No. P-556-A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic energy Act of 1954, as amended, has filed one part of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20545. Docket No. P-556-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1-2, Directorate of Licensing.

[FR Doc.75-1302 Filed 1-15-75;8:45 am]

PLUTONIUM POWERED CARDIAC PACEMAKERS

Availability of Generic Draft Environmental Statement on Wide-Scale Use

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the widescale use of plutonium powered cardiac pacemakers is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Acting Deputy Director for Fuels and Materials, Directorate of Licensing—Regulation.

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and Agreement State agencies are being provided with copies of the Draft Environmental Statement. Comments are due by March 10, 1975. Comments by Federal and State officials and by other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the draft environmental statement from interested persons of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Acting Deputy Director for Fuels and Materials, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland this 10th day of January, 1975.

For the Atomic Energy Commission.

BERNARD SINGER,
Chief, Materials Branch, Fuels and Materials, Directorate of Licensing.

[FR Doc.75-1584 Filed 1-15-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27349]

AIRSPAN FLIGHT CHARTER, LTD. AND CANADA-UNITED STATES (SMALL AIRCRAFT)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 27, 1975, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 14, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., January 13, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-1523 Filed 1-15-75;8:45 am]

[Docket No. 25280; Order 75-1-47]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1975.

By Order 74-10-120, October 23, 1974, the Board set procedural dates for the

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receipt of carrier justification, comments, and/or objections relating to an agreement among the carrier members of the International Air Transport Association (IATA). The agreement proposes a general 8 percent increase in North/Central Pacific cargo rates, and also proposes introduction of rates for B–747F containers in North/Central Pacific markets. Finally, it would revalidate through September 30, 1975, the entire North/Central Pacific cargo rate structure currently scheduled to expire December 31, 1974.

Statements of justification and supporting data have been submitted by The Flying Tiger Line Inc. (Tiger); Pan American World Airways, Inc. (Pan American); and Trans World Airlines, Inc. Similar data has been received from Northwest Airlines, Inc. (Northwest), a non-IATA carrier providing transpacific service. Japan Air Lines Company, Ltd. (JAL) has also filed a statement supporting the agreement. Objections to the proposed rate increase have been submitted by the Western Electronics Manufacturers Association (WEMA);[1] RCA; Motorola, Inc. (Motorola); and General Instrument Corporation (GIC).

With the exception of TWA, the four U.S. carriers operating transpacific services have provided complete financial forecasts of operating results and return on investment (ROI) for the year ending September 30, 1975 under both existing and proposed rates. The carrier forecasts are summarized in Appendix B.[2]

Tiger cites substantial cost increases in fuel as well as other categories, contending that "as a result of inflation, FTL's return on investment on international common carriage operations has significantly declined absent the rate relief requested herein," and forecasts an ROI of 11.7 percent at present rates and 16.5 percent at the proposed rates.[3] Tiger states that its forecast of a moderate, 10 percent traffic growth over the 12 months ended Setember 30, 1974, reflects "the present economic uncertainty affecting world trade and the softness of present traffic conditions." The carrier has also submitted data in support of the proposed rates for B–747F aircraft containers, which are set at the same effective rate per kilogram and cubic foot as now apply to other North/Central Pacific container rates already in effect.

Pan American states that although the increase could be justified on the basis of fuel costs alone,[4] the subject agreement was, in fact, adopted to cover non-fuel costs as well, and Pan American's overall earnings position in North/Central Pacific freighter service is clearly inadequate and warrants a general rate increase. Cost increases in labor, landing fees and commission expense have already been experienced amounting to $1.7 million over those for the year ended June 30, 1974, while the proposed increase will augment revenues by $2.3 million; at these levels, Pan American's ROI will improve from −0.7 percent to only 3.9 percent, still below any reasonable standard.

TWA cities present fuel costs of 38.87 cents/gal. which, at the projected consumption level for calendar 1975, represents a total fuel cost increase of $2.51, $2.55 or $2.56 million depending on the base period.[4] Total recovery from previous fuel-related rate increases, as well as the proposed increase, is estimated at $1.9 million for calendar 1975 so that even under the most favorable assumptions, TWA alleges, it will come nowhere near recovering its actual fuel cost increase. In all-cargo service, TWA forecasts operating losses of $0.7 million under existing rates and $0.2 million under proposed rates; in total Pacific cargo service (including belly cargo carried in combination service) the corresponding estimates are $0.7 million and $0.1 million, respectively.

Northwest's financial forecast shows a return on investment in freighter operations of −11.4 percent at present rates and −9.3 percent at proposed rates.

JAL has submitted figures purporting to show that its experienced fuel cost increase of 278 percent (July 1974 vs. the second quarter 1973) requires a 28.6 percent increase in both passenger fares and cargo rates to achieve full recovery whereas the cumulative increase in North/Central Pacific cargo rates, including the proposal before us, will amount to only a 25.4 percent increase. JAL also cites third and fourth-round fuel-related rate increases in other world areas, contending that the subject agreement only represents a catch-up for the North/Central Pacific, where there have been only two fuel "pass-through" increases in cargo rates.

The shippers generally allege, inter alia, that the carrier justifications are inadequate and show no need for an additional rate increase on the North/Central Pacific, where the carriers have already received two fuel-related increases in 1974;[5] that Pacific cargo rate yields are already considerably higher than Atlantic cargo yields and the Pacific rates should therefore remain at status quo until rates in other world areas "catch up"; and that the proposed increases are highly inflationary and the electronics industry, now faced with severe problems due to the general economic situation, simply cannot afford to pay the higher rates. Specifically, the shippers submit that Tiger, by its own admission, will experience excess earnings under the proposed rates; that the carriers virtually ignore the effects of the increase on cargo revenues in combination service but this factor must be carefully considered since a substantial portion of Pan American and Northwest's revenues are derived from belly cargo; that although Pan American shows disappointing financial results under both existing and proposed rates, its losses are attributable to continuing low load factors and inefficiency rather than inadequate yields; that TWA, which also exhibits inadequate earnings, is an insignificant factor in the market and wishes to pull out entirely; and that the Board, in its consideration of a rate increase wholly or in part fuel-related, should consider the substantial economies in fuel consumption achieved by the carriers in recent months, as well as the impact of the more efficient B–747F aircraft on that element of carrier costs.

The shippers also allege that the carrier forecasts contain inadequate supporting data on traffic, capacity and unit costs. In this connection they contend that Tiger's earnings are understated due to the inclusion of anticipatory and invalid revenue-related cost increases, and an unreasonably moderate traffic forecast; and that Northwest and TWA's forecasts are also suspect in that Northwest's projections reflect an unrealistically low load factor, and TWA's operating expenses apparently include anticipatory cost increases contrary to Board policy.[7]

Motorola also refers to Agreement C.A.B. 24488, which substantially increased North/Central Pacific commodity rates for electronic components and was approved by the Board in Order 75–1–46, January 13, 1975, and opposes any approval of the revalidation resolution in the agreement now before the Board

[1] Hewlett-Packard Company; Fairchild Camera and Instrument Corporation; Rockwell International; Intel Corporation; National Semiconductor; Electronic Memories and Magnetics Corporation; Litronix, Inc.; Signetics Corporation; Intersil, Inc.; and American Microsystems, Inc.

[2] Filed as part of the original document.

[3] By a letter dated December 17, 1974, Tiger submitted revised figures to reflect the Board's recent action revoking its approval of a three percent devaluation-related surcharge on U.S.-originating North/Central Pacific fares and rates (Order 74–11–153, November 29, 1974) as well as corrections to its original submission on revenue departures, revenue aircraft wheel hours, wheel-hour utilization and, revenue aircraft days assigned. Tiger's revised financial forecast shows an ROI of 14.8 percent at present rates and 19.7 percent at proposed rates.

[4] Pan American's data show a total fuel cost increase of $6.8 million in North/Central Pacific all-cargo operations based on actual September 1974 vs. September 1973 prices at the forecast consumption level, while total recovery from past fuel-related rate increases, as well as the increase now proposed, amounts to only $5.6 million.

[5] TWA's base periods are years ended December 31, 1972, June 30, 1973 and September 30, 1973, respectively.

[6] Motorola and GIC apparently contend that because procedural Order 74–10–120 referred only to fuel costs, this agreement must be justified solely on that basis. The background documentation for Agreement C.A.B. 24714 clearly indicates, however, that the agreement was adopted to cover other cost escalations as well as fuel and in any event, as discussed further in this order, the Board must consider the overall economic position of the U.S. carriers in evaluating the agreement.

[7] Northwest's use of its July/August mail rate yield of 17.47 cents per revenue ton-mile (rtm) is also faulted because the Board recently, in Order 74–10–125, established increased Pacific temporary mail rates.

which could be construed as approval of the protested increases in commodity rates for these items. Finally, Motorola objects to the proposed rates for B–747F containers, contending that the proposed rates are much higher on a per kilogram basis than comparable B–747F rates over the Atlantic.

Upon full consideration of the agreement, the justification and comments, and all other relevant factors, the Board has concluded to disapprove the proposed rate increase. Although the carriers contend that the increase is justified by escalations in fuel prices and other costs, our review of their justifications indicates that the proposed increase is not warranted by current cost levels. Tiger, Pan American and Northwest forecast rates of return on investment of 19.7, 3.9 and −9.3 percent, respectively, under the proposed rates in all-cargo service,[8] yet there is reason to believe these results are significantly understated.

Tiger's traffic forecast reflects a growth of 10.2 percent over the most recent period (year ended September 30, 1974). We note, however, that last year's fuel crisis resulted in substantial cutbacks in both traffic and capacity, and it is therefore more appropriate to compare the carriers' traffic and capacity forecasts with results experienced during the last "normal" year before the fuel crisis. Tiger forecasts traffic growth of only 1.5 percent over the year ended September 30, 1973, and a decline in load factor from 64.9 to 63.4 percent. (See Appendix A)[9] This forecast appears to be overly conservative in light of the other carriers' forecasts which show substantial growth in traffic and/or load factor. We have therefore adjusted Tiger's traffic and revenue forecast to maintain the same load factor as that experienced during the year ended September 30, 1973. In addition we have excluded from Tiger's financial forecast increases in cost categories where the cost is expressed as a fixed percentage of freight revenue or other operating expenses.[10] These adjustments result in return on investment of 16.9 percent under present rates and 22.6 percent under proposed rates.

Pan American's forecast also includes cost increases in categories defined as a percentage of revenues or other costs. Moreover, Pan American's forecast, based on unit costs for fiscal 1974, incorporates fuel cost escalations which are in part anticipatory. The Board has recalculated Pan American's fuel cost escalation to reflect only actual, experienced fuel price increases, and finds that on this basis the carrier's earnings compute to an ROI of 3.9 percent at present rates and 7.9 percent at proposed rates.

Northwest's forecast for all-cargo operations is limited to freight only, and does not include revenues or expenses for mail. From other data included in Northwest's submission, however, we have constructed a revised financial forecast reflecting both freight and mail, which shows ROI's of −8.7 and −6.8 percent, respectively, under existing and proposed rates.[11]

On a composite basis, these adjustments show the three carriers at a 7.8 percent ROI under present rates, and a 12.5 percent ROI under proposed rates. Tiger, the most profitable Pacific operator, which carries over 60 percent of the traffic, would experience earnings in excess of the Board's 12 percent standard if the increase were approved. Moreover, we believe even these figures to be understated.

Our upward adjustment to Tiger's traffic forecast is conservative, reflecting a growth of only 3.9 percent over the year ended September 30, 1973. We also have serious reservations concerning Northwest's earnings position, which shows serious losses in freighter operations. Data included in Northwest's submission indicate that only 30 percent of the carrier's Pacific cargo traffic (mail and freight) is carried in freighter service, and the bulk of the rate increase, if approved, would apply to cargo carried in combination service. The Board agrees with the shippers' objections that the effect of a cargo rate increase on belly revenue must be considered. Northwest's overall ROI in Pacific operations reported for the year ended September 30, 1974 was 11.38 percent. Yet Northwest's forecast ROI in Pacific passenger operations (submitted in its September 17 justification for an eight percent fuel-related fare increase) for the year ending September 30, 1975 was only 5.53 percent, and it now forecasts a −9.3 percent return in all-cargo operations. The balance represents either a huge return on cargo carried in combination service, or a drastic decline in Northwest's overall earnings position—or both. Without further explanation, the Board is not persuaded of Northwest's need for a cargo rate increase.

In summary, the information available to the Board indicates that Tiger is currently in an above-standard earnings position which would rise if the proposed rate increase were approved, and the three primary Pacific carriers, on a composite basis, would be somewhat above the Board's 12 percent standard. If the other carriers operated at as efficient load factors as Tiger's their profits would be even higher. In these circumstances the Board cannot conclude that the increase is warranted, and accordingly it will be disapproved.

We will, however, approve the proposed rates for B–747F containers. Although these rates would be somewhat higher than comparable B–747F rates on the Atlantic, most transpacific rates are somewhat higher than the comparable transatlantic rates, and the effective rates per kilogram for the B–747F containers would be virtually identical to rates for other Pacific containers already in effect. The proposed revalidation of the overall North/Central Pacific structure through September 30, 1975 will also be approved.

Pursuant to sections 102, 204(a) and 412 of the Act, the Board makes the following findings:

1. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B. 24714	*IATA resolution*
R–2 -----	JT31(Mail 278)003uu.
R–3 -----	JT31(Mail 278)002.
	JT123(Mail 741)002, insofar as it would revalidate resolution 022p from U.S. points.
24806	
	JT31(Mail 281)314.
	JT123(Mail 744)314.
24820	
	JT31(Mail 279)314a.
	JT123(Mail 743)314a.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24714 as indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B. 24714	*IATA resolution*
R–1 -----	JT31(Mail 278)536a.
R–3 -----	JT31(Mail 278)002.
	JT123(Mail 741)002, insofar as it would not revalidate resolution 022p from U.S. points.

Accordingly, It is ordered, That:

1. Those portions of Agreements C.A.B. 24714, C.A.B. 24806 and C.A.B. 24820 set forth in finding paragraph 1 above be and hereby are disapproved;

2. Those portions of Agreement C.A.B. 24714 set forth in finding paragraph 2 above be and hereby are approved;

3. The direct air carriers and indirect air carriers are hereby authorized to file tariffs reflecting the provisions of Agreement C.A.B. 24714, R–1, on not less than one day's notice for effect not earlier than January 15, 1975. The authority in this paragraph expires February 15, 1975; and

4. Tariffs reflecting the provisions of Agreement C.A.B. 24714, R–3 shall be marked to expire not later than September 30, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–1521 Filed 1–15–75;8:45 am]

[8] Forecast returns under present rates are 14.8, −0.7, and −11.4 percent, respectively. See Appendix B.

[9] Filed as part of the original document.

[10] Reservations and sales; advertising and publicity; and general and administrative.

[11] Our estimates of Northwest's mail revenues is based on a revised yield of 19.80 cents/rtm reflecting the recent 13.36 percent surcharge on mail rates, rather than the 17.47-cent yield used by Northwest.

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[Docket No. 25280; Order 75-1-46]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1975.

By Order 74-7-113, July 25, 1974, the Board set procedural dates for the receipt of justification, comments and replies pertaining to an agreement of the carrier members of the International Air Transport Association (IATA) concerning North/Central Pacific specific commodity rates (SCR's) for various electronic components. The agreement was concluded following the Board's disapproval in Order 74-6-93, June 19, 1974, of earlier IATA agreements (CAB 24265/24300) establishing rates for commodity Item Nos. 4416, 4417, 4435, 4506, 9902 and 9903.[1] Generally, the agreement proposes consolidation of rates now published under six separate item numbers into one item number (4416) and involves increases in most of the previously disapproved rates. (See Appendix A).[2]

Statements of justification and supporting data have been filed by Pan American World Airways, Inc. (Pan American), The Flying Tiger Line Inc. (Tiger), and Trans World Airlines, Inc. (TWA). The carriers variously assert that the new agreement meets the Board's objections to the rates previously disapproved, and represents a decided improvement over the presently effective rates for these items. In this connection the carriers state that directional differentials have been eliminated entirely, and the wide variations in yields per revenue ton-mile among the various markets have been substantially alleviated.[3] While the presently effective rates allegedly reflect differences in yield ranging up to 12.4 cents per revenue ton-mile, and the recently disapproved rates up to 10.5 cents, the instant agreement would reduce the differentials to a maximum of 3 cents.[4] The carriers also allege that consolidation of the present rates into one commodity item description will alleviate confusion due to overlapping descriptions, and eliminate the discrimination inherent in the present availability in certain markets of some commodity rates only in one direction, or at a certain weightbreak, while the same traffic in a competing market could move on a different item number at a lower rate.

With regard to the level of the proposed rates, the carriers cite Order 74-6-93, in which the Board supported substantial increases in the rates here at issue (even though the rates were disapproved on the grounds of preference and prejudice), and contend that the new agreement reflects basically the same levels which the Board previously found reasonable. Pan American refers further to the Board's frequently stated position that commodity rates no longer considered promotional should be increased substantially, and the carriers generally assert that notwithstanding the increases here proposed, the new rates will still offer the shippers significant discounts from general cargo rates.[5] TWA alleges further that the proposed increases will have little effect on the final selling prices of the products transported, and will not weaken the various shippers' ability to compete.[6] Pan American and TWA also submit that the increases will produce badly needed revenue improvements, and in this connection cite their previous 1974 forecasts of financial results in North/Central Pacific freighter service which show operating losses of $2.5 million and $2.0 million, respectively.

Comments opposing the agreement have been submitted by electronics manufacturers which are heavily engaged in the shipment of electronic components between the United States and the Far East.[7] The shippers submit, inter alia, that although they are willing to pay their fair share of legitimate, demonstrable cost increases incurred by the airlines, the proposed increases are exorbitant; are even higher than previously proposed rates already disapproved by the Board; would put the electronics firms in the position of paying a disproportionate portion of carrier costs; are unrelated to the costs of transporting electronic components and do not reflect the cost savings to the carriers involved in the carriage of this traffic; would disadvantage the IATA carriers through loss of traffic and revenue; and are of such magnitude that the shippers would be unable to absorb the increases or to pass them on to their customers. The shippers' arguments are described at greater length in Appendix D.[8]

Replies to the carrier justifications have been submitted by all of the shippers who filed initial comments in opposition to the increases, and are presented in detail in Appendix D. The shippers generally contend that the carriers have not submitted adequate cost justification as required by the Board; that the carriers' reliance on the Board's statement in Order 74-6-93 is misplaced in that the proposed rates in Agreement CAB 24488 are much higher than those previously

[1] In Order 74-6-98, June 19, 1974, which generally approved the overall IATA North/Central Pacific cargo rate structure for effect through December 31, 1974, the Board said: "Turning to the objections expressed by the electronics shippers, the Board finds that the structure of rates proposed for various of these items still contains serious anomalies, does not eliminate the preference and prejudice on which last year's disapproval was predicated, and accordingly the rates will be disapproved. Generally speaking we have no particular problem with the levels proposed for these rates. Although the shippers cite extraordinary increases ranging over 70 percent for certain rates in some weightbreaks, it appears that the actual impact will be much less severe. From information supplied by the shippers themselves it appears that most of this traffic moves on the highest available weightbreaks, where the increases are not so great as at lower weightbreaks-* * * The proposed increases do not appear unreasonable in light of the uncommonly low level of the present rates, and would result in rates which still afford substantial discounts (ranging from 15 to 39 percent) from the lowest available general cargo rate. For whatever reasons these rates were introduced during the open-rate period, there now appears to be no basis for maintaining such low levels, and there is no reason why they should not be brought into line with other commodity rates." On July 2, 1974 RCA filed a petition for reconsideration of Order 74-6-93, questioning the Board's rationale in its consideration of Agreements CAB 24265/24300. A similar joint petition was filed by Fairchild Camera and Instrument Corporation and Intel Corporation on July 16, and answers opposing the respective petitions were filed by The Flying Tiger Line on July 11 and 26. The petitions will be denied herein on the grounds that the protested rate increases were disapproved in any event; the issues presented by the petitioners are virtually identical to those submitted in opposition to Agreements CAB 24265/24300, as well as the new agreement now before us; and these issues are adequately dealt with in the instant order.

[2] Filed as part of the original document.

[3] The method of computing the new rates was to take the Tokyo/Los Angeles rates for item 4417 from the previous agreement as a base, and apply the existing 500 kg. general cargo rate differential between Tokyo and other Asian points to the base rates. Multiplication of the Tokyo/Los Angeles yield by the appropriate mileage for other points was found to be unsatisfactory because this would have produced commodity rates nearly equal to the general cargo rates in some instances.

[4] Tiger states they do not interpret the Board's position on yields in Order 74-6-93 as a ruling that in the future all rates must be constructed by strict adherence to application of a yield per ton-mile over a particular market's mileage. That is not the basis on which transpacific general rates have been constructed, Tiger contends, nor is it an established principle of ratemaking that there may be no variation in yield among various markets.

[5] Tiger cites discounts of 12 to 36 percent at all weightbreaks, and from 14 to 20 percent at the 1,000 kg. weightbreak.

[6] For example, TWA states that although the rate for semiconductors between Los Angeles and Hong Kong/Taiwan would increase by 20 cents per lb., the U.S. Department of Commerce Foreign Trade data for 1973 shows an average value of $31.72/lb. for semiconductors in those markets, for an increase of only 0.6 percent in value including transportation.

[7] RCA; General Instrument Corporation (GIC); Motorola, Inc. (Motorola); Hewlett-Packard Co. (Hewlett-Packard); Fairchild Camera & Instrument Corporation (Fairchild); Rockwell International (Rockwell); Intel Corporation (Intel); National Semiconductor Corporation (National Semiconductor); Electronic Memories & Magnetics Corporation (EMM); Western Electronics Manufacturers Association (WEMA).

[8] Filed as part of the original document.

considered; that the arguments in support of the agreement's alleged simplification of the structure of electronic commodity rates are faulty in that the proposed structure is still erratic, irrational and in any event does not remove the requirement for cost justification; and that the economic forecasts of Pan American and TWA are meaningless because they give no consideration to elasticity of demand and the decline in traffic which would result from the proposed rate increases.[9]

Replies to the shipper comments have been submitted by Tiger, Pan American and by Japan Air Lines Company, Ltd. (JAL). In summary, the carriers assert that the proposed rates are, in fact, warranted by their inherent value of service and the shippers have provided no evidence to the contrary; and the alleged cost savings due to density and handling are minimal. (See Appendix D).

Findings. As was the case with previous IATA agreements attempting to establish a structure of North/Central Pacific commodity rates for electronic components, there are two central issues to be considered by the Board:

(1) The relationship among the rates in various markets; and

(2) The overall level of the rates.[10]

The Board concludes that the instant agreement represents an acceptable solution to the problem of removing the discrimination inherent in the present pattern of commodity descriptions and rates for these items, which were introduced on a somewhat haphazard basis during the open-rate period beginning in October 1971. Present rates reflect anomalies such as conflicting and overlapping item descriptions; significant directional differentials unrelated to the costs of service and the movement of traffic; wide variations in yields among competing markets; and lower rates for more distant points. Consolidation of the previously disapproved rates into one set of rates under one commodity description eliminates the confusion and discrimination whereby a given commodity can be shipped under a number of different classifications, but rates under each item number are not available to competing markets, or in both directions. The proposed structure also removes the undue preference and prejudice among markets reflected by the irrational variance in yields among the several markets cited by the shippers. While the current spread in yield (cents per revenue ton-mile) is 12.91 cents, the proposed rates show a spread of only 4.39 cents.[11] The Board's prior statement in Order 74-6-93 that "there appears to be no reason for the variations in yield among the various cities" was not meant to imply that any variation in yield was unacceptable; rather, that the extreme variations in yields reflected by the rates then proposed displayed no rational pattern, and clearly appeared to create undue preference and prejudice among competing markets. It appears that the structure now proposed produces relatively small yield variations, which the complainants have not shown to be unjustly discriminatory.[12]

The Board further concludes that the proposed rate levels are reasonable and justified. In reaching this conclusion, the Board has considered the facts that the proposed rates are approximately 17 percent lower (generally ranging between 15 and 21 percent lower) than the general cargo rate level which the Board has approved; that the carriers' costs have increased significantly in the recent period; that the presently effective electronic parts rates are significantly below the carriers' costs of service; and the Board's established policy of leaving to the carrier's initiative considerable flexibility in publishing specific commodity rates while at the same time generally considering specific commodity rate increases as a source for increased yields when increased revenues are justified.[13]

The Board has approved the present Pacific general commodity rate level, but has found carrier proposals to increase it unwarranted.[14] In these circumstances of increasing costs, it is not at all unreasonable for the carriers to look to the increased specific commodity rates as a source for increasing yields. As indicated, the rate level complained against is about 17 percent below the applicable rates for use by those whose traffic moves under general commodity rates.

The Board has carefully considered the shippers' contentions that the rate increases on electronic parts would be unduly sharp, could not be absorbed by the shippers or passed on to the ultimate consumer, and will result in potential losses of traffic to IATA carriers. We cannot find, however, that these assertions warrant disapproval of the agreement.

It is true that substantial increases are proposed in some of the electronic parts rates. However, the greatest increases would apply to eastbound rates, which are significantly below comparable westbound rates, in order to remove the directionality and discrimination inherent in the existing pattern. In other cases, the magnitude of the increases results from removal of anomalies such as lower rates for more distant points. The uncommonly low eastbound levels are a direct result of the availability of empty backhaul capacity generated by one-way MAC operations during the open rate period, as well as intervention by foreign goverments. These rates were permitted to become effective consistent with the Board's policy to permit considerable flexibility to the carriers to experiment with specific commodity rates between the parameters of fully allocated and incremental costs, subject to Board review. The unusual combination of circumstances which produced these rates, and may have justified their acceptance at the time, no longer exists and there is no reason to require the carriers to maintain these rates at levels so far below the general run of commodity rates, particularly when the Board has recently approved a general increase in all other commodity rates.

Further the Board cannot find that the alleged competition and declining profitability in the electronics industry make it impossible to pass through higher transportation costs, or alternatively, absorb the cost increases. We recognize that GIC has submitted data in support of its contention that the rate increase will raise the selling price of its products significantly, but in general the shippers' allegations in this regard are not sufficiently definitive to support disapproval. In view of the high value per pound of the items concerned, as well as the large numbers of pieces per pound, the rate increases will apparently have very little effect on the price of each piece.[15]

The shippers also contend that a great deal of traffic will be lost by the IATA

[9] GIC has also submitted a motion requesting an evidentiary hearing in which it states that for the Board to approve the subject agreement, it must find it not adverse to the public interest, i.e., that the proposed rates are just and reasonable and that they will promote economical and efficient air freight service. Such a finding, GIC alleges, must be based on "substantial evidence," and since the carriers have not provided sufficient facts on which to base such a finding, the Board is legally bound to set the matter for a full evidentiary hearing if it wishes to approve the agreement.

The three U.S. carriers, in opposition to GIC's motion, state that procedural Order 74-7-113 afforded all parties ample opportunity to submit comments opposing the agreement, and sufficient material has been filed to form a basis for the Board's decision; the GIC motion presents no new issues of fact requiring resolution in an evidentiary hearing; no requirement in the Act or in court decisions mandates hearings in connection with IATA agreements; the motion is only another attempt to delay revisions repeatedly directed by the Board; and a hearing would only cause further delay and the perpetuation of an uneconomic and discriminatory commodity rate structure for electronic goods.

GIC, in an answer to Tiger's reply, alleges that Tiger has misrepresented GIC's position in contending that GIC would find approval of the agreement and concurrent institution of an investigation acceptable. As discussed subsequently, GIC's motion will be denied.

[10] See Orders 72-8-138; 73-8-124; and 74-6-93.

[11] The rates proposed in Agreements C.A.B. 24265/24300, which were disapproved by the Board, reflected a spread of 10.39 cents. See Appendix C.

[12] Cf. Order 74-8-54, August 13, 1974, and prior orders in "Agreements Adopted by IATA Relating to North Atlantic Cargo Rates," Docket 20522.

[13] In its decision in Docket 22157 "United Air Lines, Inc., Specific Commodity Rates on Periodicals, Order 72-11-78, November 20, 1972, the Floral Products, and Seafood," Board stated, "Because of their inherently preferential nature, the Board does not normally require carriers to publish SCR's, but leaves the offering and justification of SCR's to the carriers' initiative. Once a carrier institutes a particular SCR it is still afforded a fairly broad area of discretion in revising such rates between the parameters of fully-allocated and incremental costs, subject to the Board's review." See also Orders 74-5-88 and 74-10-128.

[14] Orders 72-6-138, June 29, 1972; and 73-8-124, August 24, 1973.

[15] Cf. fn 5 supra.

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carriers to charters, non-IATA carriers or surface transportation because of their inability to pay the increased rates. Although most of the shippers suggest alternatives to scheduled IATA carriage, and some include estimates of potential losses of traffic and revenue to the IATA carriers, only Fairchild, Motorola and Intel have provided any concrete data on measures already taken in response to the proposed increases, or due to previous increases already in effect.[14] These contentions are not persuasive. Even if we were to assume, arguendo, the shippers' difficulties as to cost pass through, or absorption of high air rates, or the dangers of diversion, the Board is not convinced that such assumption would warrant disapproval.

In a general sense, specific commodity rates are intended to develop new traffic which would not otherwise travel by air, or in limited cases, to permit carriage of low-value, "space-available" traffic." Discounted commodity rates are not meant to carry the majority of traffic, as is now the case (60 percent of the total) in the North/Central Pacific market. The electronic parts rates alone move approximately 30 percent of total North/Central Pacific traffic, and at such volume, regularity and frequency they can no longer be considered as truly promotional rates whose central purpose is developing new traffic. In these circumstances, increases in specific commodity rates to levels still 17 percent below the general commodity rates do not warrant disapproval. If carriers are to continue to provide service, their revenues must meet their costs. We consider the carrier's proposal a legitimate effort to improve their yield to meet the increased cost to which they are subject.

The Board recognizes that there are other commodity rates in the North/Central Pacific structure at levels lower than those proposed for electronic parts in the same markets. As noted above, some are fresh produce rates whose use is strictly limited. Where manufactured articles are involved, it appears that they do not move in the same volume as the electronic items and may still fall into the category of truly promotional commodity rates. This is not to say there may not be good reason for further increases in rates for these goods.

In fact, Pan American's forecast still shows a marked share of traffic/share of revenue disparity in the overall balance of North/Central Pacific commodity rates in that even under the subject agreement, commodity rates will carry almost 66 percent of total traffic but will generate only 38.7 percent of revenue.

In short, the electronics firms have no inherent right to the lowest freight rates in the Pacific. Although they have cited the high density of their products in connection with capacity costs as justification for low rates, nothing indicates that electronic components have a density significantly greater than other manufactured commodities in these markets. Furthermore, Tiger's and Pan American's assertions that their aircraft tend to become weight rather than space-limited on the long transpacific stage lengths must be considered.

The data available to the Board also indicate clearly that the yields derived from the present electronic parts rates are significantly below the carriers' costs. For example, Tiger's average unit costs during the third quarter 1974 were 20.63 cents per RTM, but the presently effective electronic parts rates produce an average yield of only 18.24 cents, clearly insufficient even to enable the carrier to break even on carriage of this traffic.[15] The U.S. carriers' average yield for all scheduled freight traffic during the third quarter was 24.91 cents, due to substantial increases in other commodity rates approved in Order 74–6–93. The increases now proposed, which would produce an average electronic parts yield of 24.79 cents, would only bring the rates for electronic items into line with other North/Central Pacific rates.[16]

The Board has found general commodity rate levels to be adequate, and has disapproved proposals to increase them. At the same time, we have encouraged the carriers to increase specific commodity rates which are moving the bulk of the traffic, and the carriers responded with an agreement raising all commodity rates which was generally approved in Order 74–6–93. The preference and prejudice which precipitated disapproval of the electronics commodity rates at that time has now been removed, and there is no reason to delay further an increase in rates which move such a large portion of transpacific traffic.

The Board will also approve amendments to several unrelated and unprotested existing commodity rates, as detailed in Appendix E which were adopted at the same meeting which adopted the protested electronic rates.

Finally, the Board will herein deny GIC's motion for an evidentiary hearing. The shippers have had full opportunity to comment on the subject agreement, and have responded with voluminous objections. In any event, section 412 of the Act does not require evidentiary hearings in connection with Board consideration of IATA agreements.[17]

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof:

It is not found that the specific commodity rates listed in Appendices A and E hereto, and which are incorporated in Agreements C.A.B. 24488 and C.A.B. 24569, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter stated.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 24488 and C.A.B. 24569 set forth in the finding paragraph above be and hereby are approved: *Provided,* That:

(a) Approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of service of this order; and

(b) Specific commodity rates established pursuant to Resolution 590 with any United States point as an origin or destination shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages, at levels no greater than those established for the more distant point;

2. The petitions of RCA, Fairchild Camera and Instrument Corporation and Intel Corporation for reconsideration of Order 74–6–93 be and hereby are denied; and

3. The motion of General Instrument Corporation in Docket 25280 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–1522 Filed 1–15–75;8:45 am]

[Docket 26494; Agreement C.A.B. 24837; Order 75–1–24]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North Atlantic Passenger Fares

Correction

In FR Doc. 75–931 appearing in the issue of Friday, January 10, 1975 the seventh line of the final paragraph in the first column on page 2255 reading "74–10–106. We are not prepared to per-" should read "74–10–106. We would add that this".

[14] The WEMA shippers state: "The changes which would be required as a result of the proposed rate increases could be so drastic that it is impossible to state with complete certainty at this time precisely what steps would be taken to keep out of the clutches of the IATA cartel." Fairchild states Tiger has already lost $500,000 of Fairchild's annual business, and the shipper has taken other steps to divert traffic to non-IATA carriers worth $1,250,000 in annual revenue. Motorola indicates that the proportion of its total traffic moving in surface increased from 42.1 percent during the first half of 1973 to 47.7 percent (by weight) during the same period of 1974; and Intel states that it has diverted 30 percent, or $175,000 of its traffic to surface.

[15] The latter case applies with respect to the various rates for fresh produce criticized by the electronics shippers. Not only are fruits and vegetables highly perishable, they also have a very low value per pound, and are subject to space-available, non-priority carriage restrictions.

[16] Yields for electronic parts traffic represent an arithmetic average of the rates analyzed in Appendix C. Although this method of computation has its shortcomings, none of the parties have submitted information to permit computation of an accurate, weighted average.

[17] We cannot accept the shippers' contentions that their position is justified by calculations based on the Bureau of Economics "cost-based formula" in the "Domestic Air Freight Rate Case." That formula, and the Bureau's brief and exhibits in general result from analysis of U.S. domestic operations only; many cost items, particularly fuel, are higher in international operations.

[18] "National Air Carrier Association v. C.A.B.," 436F 2d 185 (C.A.D.C. 1970).

[Docket No. 27367]

LOS ANGELES AIRWAYS CERTIFICATE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 20, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 5, 1975, and the other parties on or before February 13, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C. January 13, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–1524 Filed 1–15–75;8:45 am]

[Docket 26494; Agreement C.A.B. 24823 R–1 through R–14; Order 74–12–102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares and Currency Matters

Correction

In FR Doc. 75–53, appearing at page 1124 in the issue of Monday, January 6, 1974, the first paragraph should be preceded by the paragraph reading:

"Issued under delegated authority, December 26, 1974."

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR FLAMMABLE FABRICS ACT

Meeting

Notice is given that a meeting of the National Advisory Committee for the Flammable Fabrics Act will be held on Tuesday, January 28 (10 a.m. to 4 p.m.) and Wednesday, January 29 (9 a.m. to 1 p.m.) in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C.

The National Advisory Committee provides advice and recommendations on the Commission's proposals and plans for reducing the frequency and severity of burn injuries involving flammable fabrics.

The tentative agenda includes discussion of the following topics: Proposed amendments to the standard for flammability of children's sleepwear, sizes 7–14 (FF 5–74); labeling apparel and household textile products; future activities under the Flammable Fabrics Act, i.e., additional standards required and possible amendments to the Act; summary of Fire Incident Survey; proposal for alternate laundering procedures; new test concept of general wearing apparel; and CPSC activities related to possible development of standards for fabric ignition sources.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and final agenda may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: January 13, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75–1441 Filed 1–15–75;8:45 am]

DELAWARE RIVER BASIN COMMISSION

PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 29, 1975, commencing at 2 p.m. The hearing will be held in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia. The subjects of the hearing will be as follows:

A. Pennsylvania Power and Light Company Water Supply Contract: A proposed contract between the Delaware River Basin Commission and Pennsylvania Power and Light Company whereby the Commission will supplement the flows of the Delaware River by operation of those water supply facilities under its control to enable the Company to withdraw water required to operate new units No. 3 and No. 4 at its Martins Creek electric generating station located on the Delaware River in Lower Mount Bethel Township, Northampton County, Pa., at River Mile 195.25. The Company agrees to pay for the water withdrawn at rates duly established in the Commission's Administrative Manual, Part III, Basin Regulations, and to make minimum payments as set forth in the contract.

B. A proposal to amend the Commission's Administrative Manual by adding a new body of regulations under the Freedom of Information Act Amendments, Public Law 93–502, enacted November 21, 1974. These proposed regulations relate to public access to Commission records. They establish certain requirements as to time of agency response to requests for records, criteria for compliance, fees for staff services necessary to locate and duplicate records, exemptions and other related issues. Copies of the proposed regulations are available at no charge upon request.

C. Applications for approval of proposed projects listed below. The Commission will consider these applications as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Borough of Quakertown (D–74–200 CP).* Dualization of the Beaver Run interceptor sewer in the Borough of Quakertown, Bucks County, Pa. Approximately 3,100 feet of interceptor will be installed to serve the upgraded treatment plant.

2. *Borough of Quakertown (D–74–86 CP).* Expansion of the pumping station at the Borough's sewage treatment plant in Quakertown, Bucks County, Pa. Facilities will be provided at the plant to treat an average of 2.3 million gallons per day of sewage flow.

3. *New Jersey Water Co. (D–74–185 CP).* A well water supply project to augment public water supplies in the company's service area in the City of Beverly and several adjacent townships and boroughs in Burlington County, N.J. Designated as Well No. 33, the facility will be limited to a maximum withdrawal of 31 million gallons during any month.

4. *East Vincent Municipal Authority (D–74–87 CP).* An interceptor sewer project serving the southeast portion of East Vincent Township, Chester County, Pa. The project will convey an average of 1.4 million gallons per day of sewage to the proposed Spring City sewage treatment plant for treatment prior to discharge to the Schuylkill River.

5. *Philadelphia Electric Co. (D–74–22).* An industrial wastewater discharge at the company's Tilghman Street gas plant in Chester, Delaware County, Pa. Approximately 3.4 million gallons per day of cooling water and condensate from heat operations will discharge to the Delaware River.

D. Application for water quality certification for the project listed below pursuant to Section 401 of the Federal Water Pollution Control Act:

1. Burlington County Board of Chosen Freeholders, replacement of Coleman's Bridge over the North Branch Rancocas Creek in Pemberton Township, Burlington County, N.J.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

JANUARY 10, 1975.

[FR Doc.75–1481 Filed 1–15–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 322–3]

MAINTENANCE OF NATIONAL AMBIENT AIR QUALITY STANDARDS

Public Hearings on Proposed Air Quality Maintenance Areas

In the FEDERAL REGISTER of August 12, 1974, the Administrator proposed a list of "Air Quality Maintenance Areas" (AQMA's) pursuant to 40 CFR 51.12(e) and (f) which have the potential for violation of the national air quality standards through 1985 (39 FR 28906) including several AQMAs in Michigan. Previously, the State of Michigan had held two public hearings on its designated AQMA on May 6, 1974, in Detroit and Grand Rapids. Because the Administrator's proposed AQMAs vary from the State's designations, the Administrator proposes to hold Federal hearings on the proposals for the State of Michigan, with exception of the Detroit AQMA for total suspended particulates which AQMA is to be designated in a future FEDERAL REGISTER. The purpose of this notice is to specify the dates, times, and locations of these hearings, which will address the remaining AQMA proposals.

MICHIGAN

January 28, 1975, at 9:30 a.m. at the Olds Plaza Hotel, Michigan Room South,

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125 West Michigan Avenue, Lansing, Michigan 48933. Hearing Officer: Peter Kelly.

January 29, 1975, at 9:30 a.m. at the Mr. President's Motor Hotel, State Room, 322 Plainfield Road, Grand Rapids, Michigan 49505. Hearing Officer: Peter Kelly.

Copies of the technical documents supporting the USEPA proposed designations may be inspected during the normal business hours at the Region V Office, 230 S. Dearborn Street, Chicago, Illinois 60604, and at the Michigan Department of Natural Resources Office, Stevens T. Mason Building, Lansing, Michigan 48926. Also written comments on the proposals may be submitted, preferably in triplicate, to Mr. Peter Kelly, Enforcement Division, Region V Office. Written comments received not later than 30 days from the date of the public hearings will be considered. After the comment period, all comments will be available for public inspection during normal business hours at the Region V Office and at the Freedom of Information Center, EPA, Room 329, 401 M Street, SW., Washington, D.C. 20460.

Dated: January 10, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-1550 Filed 1-15-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 736]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 13, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE.

20920-CD-P-(4)-75, Airsignal International, Inc. (KKG561). C.P. to change antenna system operating on 35.22 MHz at Loc. #2: 2901 Frick Road, Houston, Texas; change antenna system operating on 35.22 MHz at Loc. #3: 401 Mayo Shell Road, Houston, Texas; change antenna system operating on 35.22 MHz at Loc. #4: East Hampton Circle, Houston, Texas; and add antenna Loc. #5 to operate on 35.22. MHz to be located at 7000 Fannin Street, Houston, Texas.

21003-CD-AL-(2)-75, Loftin's Transfer & Storage Co., Inc., dba Mobilphone Systems. Consent to Assignment of License from Mobilphone Systems, Assignor, to Alvin D. Eckie dba Telpage of Dothan, Assignee. Stations: KTS265, KTS276, Dothan, Alabama.

21004-CD-AL-75, Hillsdale County Telephone Company. Consent to Assignment of License from Hillsdale County Telephone Company, Assignor, to Camden Rural Telephone Company, Assignee. Station: KQK-719, Pittsford, Michigan.

21005-CD-P-(2)-75, DPRS, Inc. t/a Zipcall (KSV958). C.P. for additional facilities to operate on 158.70 MHz at a new site to be located at Wood Hill, Andover, Massachusetts; and additional facilities to operate on 158.70 MHz at a new site to be located on Oak Street, 0.4 mile North of Route #6, Barnstable, Massachusetts.

21006-CD-P-(4)-75, Schuylkill Mobile Fone, Inc. (KGA580). C.P. for additional facilities to operate on 152.06 MHz at Loc. #1: Sharp Mountain, N. Manheim Twp., Pottsville, Pennsylvania; and add antenna Loc. #2 to operate on 152.18, 454.175, and 454.275 MHz to be located at Broad Mountain, St. Clair, Pennsylvania.

21007-CD-TC-(2)-75, Radiofone Corporation of Pennsylvania, Inc. Consent to Transfer of Control from Radiofone Corporation, Transferor, to Tri-State Radio Corporation, Transferee. Stations: KGC222, Lemoyne, and KGI278, York, Pennsylvania.

21008-CD-P-(2)-75, RCC of Virginia, Inc. (KIY595). C.P. for additional facilities to operate on 152.03 & 152.21 MHz located at 3004 North Main Street, Danville, Virginia.

Major Amendment

20617-CD-P-75, Island Telepage Systems, Blvn, Washington (new). Amend base frequency 152.18 MHz to read 454.250 MHz. All other particulars to remain as reported on PN #726 dated November 4, 1974.

Correction

Correction to PN #732 dated December 16, 1974. J & S Communications Co., Cape Girardeau, Missouri, 20827-CD-TC-75, should have read delete Station KRS635. All other particulars remain as reported.

Informative

On December 16, 1974 the Commission released a Report and Order in Docket No. 19555 (FCC 74-1042) adopting rules implementing the National Environmental Policy Act of 1969. Applicants are reminded that these rules will become effective for all applications filed on or after January 20, 1975. Such applications which would involve a "major action", as defined by Section 1.1305 of the Rules, must contain the environmental information specified by § 1.1311 in order to be considered acceptable for filing.

RURAL RADIO SERVICE

60240-CR-P-75, RCA Alaska Communications, Inc. (KFK62). C.P. to replace transmitter change antenna system, change frequency from 454.575 to 454.650 MHz and to add frequency 454.375 MHz located at remote repeater site at Hill 2758 on the Alyeska Pipeline route; 60 miles NW. of Fairbanks West, Alaska.

60241-CR-P-75, RCA Alaska Communications, Inc. (KFK60). C.P. to replace transmitter, and change frequency from 459.575 to 459.650 MHz located at Alyeska Pipeline construction site near Livengood Village; 47 miles NW. of Fairbanks, Livengood Camp, Alaska.

60242-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new interoffice station to operate on 459.375 MHz to be located on Elliott Hwy. 42 miles S. of Glennallen, Pump Station #7, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2045-CF-P-75, CPI Satellite Telecommunications, Inc. (WPE35), Dallas, Texas. Lat. 32°46'49" N., Long. 96°48'07" W. C.P. to add frequencies 11465V and 11225V MHz towards Cedar Hill, Texas, on azimuth 217 degrees/07 minutes.

2046-CF-P-75, Same (new), Cedar Hill, Texas. Lat. 32°34'42" N., Long. 96°58'56" W. C.P. for a new station on frequencies 11175V and 10936V MHz towards Dallas, Texas, on azimuth 37 degrees/00 minutes.

2047-CF-P-75, Midwestern Relay Company (new), Western Union Satellite Earth Station, Lake Geneva, Wisconsin. Lat. 42°37'19" N., Long. 88°25'56" W. C.P. for a new station on frequencies 10735V and 10895V MHz towards Lake Geneva, Wisconsin, on azimuth 114 degrees/35 minutes.

2110-CF-P-75, MCI-New York West, Inc. (new), 214 West 77th Street, Chicago, Illinois. Lat. 41°45'17" N., Long. 87°37'49" W. C.P. for a new station on frequencies 10735.0H MHz towards Chicago, Illinois, on azimuth 181 degrees/52 minutes.

2111-CF-P-75, Same (WLI71), 200 Block of West 87th Street, Chicago, Illinois. Lat. 41°44'08" N., Long. 87°37'52" W. C.P. to add 11226.0H MHz towards a new point of communication at Chicago 77, Street, Chicago, Illinois, on azimuth 01 degrees/52 minutes.

2101-CF-ML-75, United Telephone Company of the Carolinas, Inc. (KJH37), Lobeco, South Carolina Lat. 32°33'17" N., Long. 80°44'59" W. Mod. of C.P. to add 6256.5H MHz towards Beaufort, South Carolina, on azimuth 152 degrees/53 minutes; 6256.5V MHz towards Ridgeland, South Carolina, on azimuth 248 degrees/58 minutes.

2106-CF-P-75, Munising Telephone Company (new), 2 miles SE. of Munising, on Cemetery Hill Road, Michigan. Lat. 46°23'38" N., Long. 86°38'07" W. C.P. for a new station on 2116.5H MHz towards Hiawatha Forest, Michigan, on azimuth 180 degrees/21 minutes.

2107-CF-P-75, Same (new), 0.5 mile South of Hidden Lake, on Highway #13, Hiawatha Forest, Michigan. Lat. 46°08'42" N., Long. 86°38'15" W. C.P. for a new station on 2166.5H MHz towards Munising, Michigan, on azimuth 00 degrees/21 minutes.

2108-CF-P-75, Same (new), 1.4 miles South of Eckerman, on Highway #28, Michigan. Lat. 46°20'41" N., Long. 85°02'05" W. C.P. for a new station on 2116.5V MHz towards Paradise, Michigan, on azimuth 359 degrees/00 minutes.

2109-CF-P-75, Same (new), 0.25 miles Northwest of Paradise, on Highway #123, Michigan. Lat. 46°37'43" N., Long. 86°02'31" W. C.P. for a new station on 2116.5V MHz towards Eckerman, Michigan, on azimuth 176 degrees/59 minutes.

2119-CF-P-75, Continental Telephone Company of Utah. (KPS97), 6 miles ENE. of Prombontory, Utah. Lat. 41°49'51" N., Long. 112°26'41" W. C.P. to change azimuth path, length, and replace transmitters on 11365V and 11685H MHz towards Little Mountain, Utah, on azimuth 158 degrees/56 minutes.

2123-CF-P-75, General Telephone Company of Kentucky (KGG27), 301 West Washington Street, Glasgow, Kentucky. Lat. 36°59'-46" N., Long. 85°54'53" W. C.P. to add 2172.0H MHz towards a new point of communication at Cyclone Repeater Station, on azimuth 126 degrees/29 minutes.

2124-CF-P-75, Same (new), 2.3 miles South of the intersection of Kentucky #90 & 163, Cyclone, Kentucky. Lat. 36°51'01" N., Long. 85°40'11" W. C.P. for a new station on 2122.0H MHz towards Glasgow, Kentucky, on azimuth 306 degrees/37 minutes; 2117.2V MHz towards Grandview Terminal, Tompkinsville, Kentucky, on azimuth 188 degrees/37 minutes.

2125-CF-P-75, Same (new), At the end of American Legion Road, Tompkinsville, Kentucky. Lat. 36°43'08" N., Long. 85°41'-40" W. C.P. for a new station on 2167.2V MHz towards Cyclone Repeater Station, Kentucky, on azimuth 08 degrees/36 minutes.

2148-CF-P/L-75, RCA Global Communications, Inc. (new), 2.6 miles NW. of Dededo, Mariana Islands (Guam). Lat. 13°32'31.8" N., Long. 144°48'35.5" W. C.P. and License for a new station on 6675V MHz towards Yona, via passive reflector.

2149-CF-P/ML-75, Same (KUA53), 2 miles NW. of Yona, Mariana Islands (Guam). Lat. 13°25'00" N., Long. 144°44'57" E. C.P. and Mod of License to add 6635V MHz towards Dededo, via passive reflector.

2152-CP-P-75, RCA Alaska Communications, Inc. (WAS454), Pump Station #9, 4.1 miles SSW. of Big Delta, Airport, Alaska. Lat. 63°-55'53" N., Long. 145°56'05" W. C.P. to add 2178.0V MHz towards Donnelly Dome, Alaska, on azimuth 196 degrees/02 minutes.

2153-CF-P-75, Same (WAH417), White Alice Communication site at 248 Richardson Highway, 14.5 miles South of Delta Junction, Donnelly Dome, Alaska. Lat. 63°-47'14" N., Long. 145°51'42" W. C.P. to add 2128.0V MHz towards a new point of communication at Pump Station #9, Alaska, on azimuth 15 degrees/57 minutes.

2166-CF-P-75, RCA Alaska Communications, Inc. (WAS451), Pump Station #6, Yukon River Valley, 90 miles NW. of Fairbanks, Alaska. Lat. 65°51'16" N., Long. 149°44'05" W. C.P. to add 2112.4V MHz towards Hamlin, Alaska, on azimuth 304 degrees/44 minutes.

2167-CF-P-75, Same (KPJ63), Hamlin Remote repeater site near Hill 3911 on Alyeska Pipeline route; 128 miles NW. of Fairbanks, Alaska. Lat. 66°08'33" N., Long. 150°46'24" W. C.P. to add 2162.4V MHz towards a new point of communication at Pump Station #6, Alaska, on azimuth 123 degrees/47 minutes.

2170-CF-MP-75, United Telephone Company of the Carolins, Inc. (KIC29), Saveall Street at Highway #2, Greenwood, South Carolina. Lat. 34°10'19" N., Long. 82°-08'32" W. Mod. of C.P. to add 6256.5V MHz towards Troy, South Carolina, on azimuth 214 degrees/26 minutes; 6256.5H MHz towards Saluda, South Carolina, on azimuth 118 degrees/43 minutes.

2177-CF-P-75, Northwestern Bell Telephone Company (KPF31), 2 miles South of Sutherland, Nebraska Lat. 41°07'41" N., Long. 101°07'51" W. C.P. to corerct coordinates as stated above; change azimuth and antenna system on 6315.9H MHz towards Sutherland, via passive reflector.

2178-CF-ML-75, American Telephone and Telegraph Company (KYM98), 1.4 miles NNW. of Ida, Kentucky. Lat. 36°47'12" N., Long. 85°10'31" W. Mod. of License to change polarity from Vertical to Horizontal on 3710, 3790, 3870, 3950, 4030, 4110, and 4190; from Horizontal to Vertical on 3850, 3930, 4010 4009, and 4170 MHz towards Allons, Tennessee, on azimuth 204 degrees/24 minutes.

2179-CF-ML-75, Same (KYM99), 1.8 miles NNW. of Allons, Tennessee. Lat. 36°28'08" N., Long. 85°21'13" W. Mod. of License to change polarity from Vertical to Horizontal on 3750, 3830, 3910, 3990, 4070, 4150, and 4198 MHz; from Horizontal to Vertical on 3810, 3890, 3970, 4050, and 4130 MHz towards Ida, Kentucky, on azimuth 24 degrees/17 minutes.

2180-CF-ML-75, Same (KYN27), 4.9 miles SSW. of Olivehill, Tennessee. Lat. 35°-12'26" N., Long. 88°03'39" W. Mod. of License to change polarity from Horizontal to Vertical on 3710, 3790, 3870, 3950, and 4030 MHz towards Waynesboro, Tennessee, and from Vertical to Horizontal on 3770, 3850, 3930, 4010, 4090, and 4170 MHz towards Waynesboro, Tennessee, on azimuth 69 degrees/14 minutes.

2181-CF-ML-75, Same (KYN26), 3.7 miles East of Waynesboro, Tennessee. Lat. 35°-19'11" N., Long. 87°41'50" W. Mod. of License to change polarity from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, and 4130 MHz; from Horizontal to Vertical on 3750, 3830, 3910, 3990, and 4070 MHz towards Olivehill, Tennessee, on azimuth 249 degrees/26 minutes.

2202-CF-P-75, Southwestern Bell Telephone Company (KAD24), 3.2 miles South of Basehor, Kansas. Lat. 39°05'32" N., Long. 94°56'42" W. C.P. to add 3830V MHz towards Oskaloosa, Kansas, on azimuth 282 degrees/44 minutes; 3830H MHz towards Mission, Kansas, on azimuth 105 degrees/38 minutes.

2203-CF-P-75, Same (KAD25), 4 miles South of Oskaloosa, Kansas. Lat. 39°09'31" N., Long. 95°19'33" W. C.P. to add 3790H MHz towards Topeka, Kansas, on azimuth 252 degrees/36 minutes; 3790V MHz towards Basehor, Kansas, on azimuth 102 degrees/30 minutes.

2204-CF-P-75, Southwestern Bell Telephone Company (KAD26), Third and Oakley Streets, Topeka, Kansas. Lat. 39°03'46" N., Long. 95°42'56" W. C.P. to add 3750H MHz towards St. Marys, Kansas, on azimuth 304 degrees/50 minutes; 3830H MHz towards Oskaloosa, Kansas, on azimuth 72 degrees/22 minutes.

2205-CF-P-75, Same (KAD27), 4 miles North of Saint Marys, Kansas. Lat. 39°15'36" N., Long. 96°04'52" W. C.P. to add 3710H MHz towards Manhattan, Kansas, on azimuth 261 degrees/09 minutes; 3710H MHz towards Topeka, Kansas, on azimuth 124 degrees/36 minutes.

2206-CF-P-75, Same (KAD28), 0.5 mile North of Manhattan, Kansas. Lat. 39°11'-57" N., Long. 96°34'27" W. C.P. to add 4090V MHz towards Junction City, Kansas, on azimuth 231 degrees/07 minutes; 3750H MHz towards St. Marys, Kansas, on azimuth 80 degrees/50 minutes.

2207-CF-P-75, Same (KAE25), 2 miles SW. of Junction City, Kansas. Lat. 39°00'42" N., Long. 96°52'18" W. C.P. to add 4050H MHz towards Talmage, Kansas, on azimuth 263 degrees/34 minutes; 4050V MHz towards Manhattan, Kansas, on azimuth 50 degrees/56 minutes.

2208-CF-P-75, Same (KAE26), 4.3 miles SW. of Talmage, Kansas. Lat. 38°58'21" N., Long. 97°18'26" W. C.P. to add 4090H MHz towards Salina, Kansas, on azimuth 240 degrees/40 minutes; 4090H MHz towards Junction City, Kansas, on azimuth 83 degrees/17 minutes.

2209-CF-P-75, Same (KAE27), 137 South Seventh Street, Salina, Kansas. Lat. 38°50'-21" N., Long. 97°36'35" W. C.P. to add 3970H MHz towards McPherson, Kansas, on azimuth 180 degrees/06 minutes; 4050H MHz towards Talmage, Kansas, on azimuth 60 degrees/29 minutes.

2210-CF-P-75, Same (KAE28), 7 miles NNE. of McPherson, Kansas. Lat. 38°28'15" N., Long. 97°36'38" W. C.P. to add 4010H MHz towards Hutchinson, Kansas, on azimuth 219 degrees/51 minutes; 4010H MHz towards Salina, Kansas, on azimuth 00 degrees/06 minutes.

2211-CF-P-75, Same (KAE40), 4 miles NNW. of Hutchinson, Kansas. Lat. 38°08'42" N., Long. 97°57'16" W. C.P. to add 4050V MHz towards Haven, Kansas, on azimuth 153 degrees/12 minutes; 3970H MHz towards McPherson, Kansas, on azimuth 39 degrees/38 minutes.

2212-CF-P-75, Same (KAE59), 4.5 miles SSE. of Haven, Kansas. Lat. 37°50'05" N., Long. 97°45'25" W. C.P. to add 4090V MHz towards Wichita, Kansas, on azimuth 113 degrees/35 minutes; 4090V MHz towards Hutchinson, Kansas, on azimuth 333 degrees/19 minutes.

2213-CF-P-75, Southwestern Bell Telephone and Telegraph Company (KAE76), 154 North Broadway, Wichita, Kansas. Lat. 37°41'15" N., Long. 97°20'05" W. C.P. to add 4050V MHz towards Haven, Kansas, on azimuth 293 degrees/50 minutes.

2214-CF-P-75, Same (WAY86), 5400 Foxridge Drive, Mission, Kansas. Lat. 39°01'-52" N., Long. 94°39'59" W. C.P. to add 3790H MHz towards Basehor, Kansas, on azimuth 285 degrees/48 minutes.

2215-CF-ML-75, The Mountain States Telephone and Telegraph Company (KPK21), 301 Kinsley Avenue, Winslow, Arizona. Lat. 35°01'29" N., Long. 110°41'49" W. Mod. of License to correct coordinates as states above; change azimuth on 11445H and 11685V MHz towards Mount Elden, Arizona, to 288 degrees/25 minutes; change kilometers, and azimuth on 11405V and 11645H MHz towards Joseph City, Arizona, to 111 degrees/05 minutes.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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2216–CF–P–75, American Telephone and Telegraph Company (KGN87), 0.5 mile SW. of Faulkner, Maryland. Lat. 38°26'02" N., Long. 76°58'58" W. C.P. to add 6093.5H MHz towards Corbin, Virginia, on azimuth 233 degrees/14 minutes.

2217–CF–P–75, Same (KJH91), 4 miles East of Powhattan, Virginia. Lat. 37°32'11" N., Long. 77°50'50" W. C.P. to add 6345.5H MHz towards Coatsville, Virginia, on azimuth 36 degrees/49 minutes; 6345.5H MHz towards Amelia, Virginia, on azimuth 199 degrees/44 minutes.

2218–CF–P–75, Same (KRS93), 5 miles ESE. of Dahlonega, Georgia. Lat. 34°30'49" N., Long. 83°53'53" W. C.P. to add 6093.5H MHz towards Lula, Georgia, on azimuth 123 degrees/41 minutes.

2219–CF–P–75, Same (KRS94), 5 miles North of Elberton, Georgia. Lat. 34°11'26" N., Long. 82°53'00" W. C.P. to add 6345.5V MHz towards Pocataligo, Georgia, on azimuth 270 degrees/59 minutes; 6345.5V MHz towards Level Land, South Carolina, on azimuth 67 degrees/49 minutes.

2220–CF–P–75, Same (KRS99), 0.5 mile SE. of Lula, Georgia. Lat. 34°22'54" N., Long. 83°39'35" W. C.P. to add 6345.5V MHz towards Dahlonega, Georgia, on azimuth 303 degrees/49 minutes; 6345.5V MHz towards Pocataligo, Georgia, on azimuth 122 degrees/16 minutes.

2221–CF–P–75, Same (KRT20), 1 mile SW. of Pocataligo, Georgia. Lat 34°11'47" N., Long. 83°18'27" W. C.P. to add 6093.5H MHz towards Lula, Georgia, on azimuth 302 degrees/28 minutes; 6093.5H MHz towards Elberton, Georgia, on azimuth 90 degrees/44 minutes.

2222–CF–P–75, American Telephone and Telegraph Company (KRT31), 3.8 miles NE. of Bunn, North Carolina. Lat. 36°01'33" N., Long. 78°13'31" W. C.P. to add 6093.5V MHz towards Wendell, North Carolina, on azimuth 204 degrees/53 minutes; 6093.5H MHz towards Warrenton, North Carolina, on azimuth 359 degrees/00 minutes.

2223–CF–P–75, Same (KRT32), 3.8 miles NNE. of Coats, North Carolina. Lat. 35°27'-59" N., Long. 78°38'46" W. C.P. to add 6093.5H MHz towards Pine View, North Carolina, on azimuth 244 degrees/04 minutes; 6093.5H MHz towards Wendell, North Carolina, on azimuth 37 degrees/38 minutes.

2224–CF–P–75, Same (KRT33), 3 miles NNW. of Ellerbe, North Carolina. Lat. 35°07'08" N., Long. 79°47'04" W. C.P. to add 6345.5V MHz towards McFarlan, North Carolina, on azimuth 209 degrees/17 minutes; 6345.5H MHz towards Southern Pines, North Carolina, on azimuth 89 degrees/10 minutes.

2225–CF–P–75, Same (KRT34), 3.5 miles East of Pine View, North Carolina. Lat. 35°18'-50" N., Long. 79°01'38" W. C.P. to add 6345.5V MHz towards Southern Pines, North Carolina, on azimuth 237 degrees/00 minutes; 6345.5V MHz towards Coats, North Carolina, on azimuth 63 degrees/51 minutes.

2226–CF–P–75, Same (KRT35), 1 mile north of McFarlan, North Carolina. Lat. 34°49'-36" N., Long. 79°58'59" W. C.P. to add 6093.5V MHz towards Pageland, South Carolina, on azimuth 257 degrees/39 minutes; 6093.5H MHz towards Ellerbe, North Carolina, on azimuth 29 degrees/10 minutes.

2227–CF–P–75; Same (KRT36), 3.5 miles SSE. of Southern Pines, North Carolina. Lat. 35°07'23" N., Long. 79°23'02" W. C.P. to add 6093.5V MHz towards Ellerbe, North Carolina, on azimuth 269 degrees/23 minutes; 6093.5H MHz towards Pine View, North Carolina, on azimuth 56 degrees/48 minutes.

2228–CF–P–75, Same (KRT37), 5 miles SW. of Warrenton, North Carolina. Lat. 36°20'-44" N., Long. 78°13'56" W. C.P. to add 6345.5V MHz towards Bunn, North Carolina, on azimuth 178 degrees/59 minutes; 6345.5H MHz towards Boydton, Virginia, on azimuth 345 degrees/24 minutes.

2229–CF–P–75, Same (KRT38), 2.8 miles SSW. of Wendell, North Carolina. Lat. 35°44'17" N., Long. 78°23'20" W. C.P. to add 6345.5V MHz towards Coats, North Carolina, on azimuth 217 degrees/47 minutes; 6345.5H MHz towards Bunn, North Carolina, on azimuth 24 degrees/47 minutes.

2230–CF–P–75, Same (KRT39), 1.8 miles W. of Cross Keys, South Carolina. Lat. 34°-39'24" N., Long. 81°48'05" W. C.P. to add 6093.5V MHz towards Hickory Tavern, South Carolina, on azimuth 246 degrees/59 minutes; 6093.5H MHz towards Shelton, South Carolina, on azimuth 113 degrees/32 minutes.

2231–CF–P–75, American Telephone and Telegraph Company (KRT40), 3.2 miles WNW. of Heath Springs, South Carolina. Lat. 34°35'55" N., Long. 80°44'08" W. C.P. to add 6345.5V MHz towards White Oak, South Carolina, on azimuth 245 degrees/35 minutes; 6345.5H MHz towards Pageland, South Carolina, on azimuth 60 degrees/00 minutes.

2232–CF–P–75, Same (KRT41), 1.2 miles South of Hickory Tavern, South Carolina. Lat. 34°30'21" N., Long. 82°10'52" W. C.P. to add 6345.5V MHz towards Level Land, South Carolina, on azimuth 293 degrees/57 minutes; 6345.5H MHz towards Cross Keys, South Carolina, on azimuth 66 degrees/46 minutes.

2233–CF–P–75, Same (KRT42), 0.2 mile East of intersection of State Highways #24 and #201, Level Land, South Carolina. Lat. 34°19'45" N., Long. 82°28'23" W. C.P. to add 6093.5H MHz towards Elberton, Georgia, on azimuth 248 degrees/03 minutes; 6093.5H MHz towards Hickory Tavern, South Carolina, on azimuth 53 degrees/47 minutes.

2234–CF–P–75, Same (KRT43), 2.3 miles SW. of Pageland, South Carolina. Lat. 34°44'45" N., Long. 80°25'33" W. C.P. to add 6093.5V MHz towards Heath Springs, South Carolina, on azimuth 240 degrees/10 minutes; 6345.5H MHz towards McFarlan, North Carolina, on azimuth 77 degrees/24 minutes.

2235–CF–P–75, Same (KRT44), 1.2 miles East of Shelton, South Carolina. Lat. 34°29'44" N., Long. 81°24'09" W. C.P. to add 6345.5V MHz towards Cross Keys, South Carolina, on azimuth 293 degrees/45 minutes; 6345.5H MHz towards White Oak, South Carolina, on azimuth 95 degrees/06 minutes.

2236–CF–P–75, Same (KRT46), 4.2 miles South of Amelia, Virginia. Lat. 37°16'35" N., Long. 77°57'50" W. C.P. to add 6093.5H MHz towards Powhatan, Virginia, on azimuth 19 degrees/40 minutes; 6093.5V MHz towards Victoria, Virginia, on azimuth 220 degrees/56 minutes.

2237–CF–P–75, Same (KRT47), 5 miles North of Boydton, Virginia. Lat. 36°44'37" N., Long. 78°21'40" W. C.P. to add 6093.5H MHz towards Victoria, Virginia, on azimuth 12 degrees/30 minutes; 6093.5V MHz towards Warrenton, North Carolina, on azimuth 165 degrees/19 minutes.

2238–CF–P–75, Same (KRT50), 2.4 miles SW. of Corbin, Virginia. Lat. 38°12'44" N., Long. 77°31'26" W. C.P. to add 6345.5V MHz towards Faulkner, Maryland, on azimuth 53 degrees/00 minutes; 6345.5H MHz towards Coatsville, Virginia, on azimuth 202 degrees/24 minutes.

2239–CF–P–75, Same (KRT51), 3.8 miles NW. of Victoria, Virginia. Lat 37°02'23" N., Long. 78°16'45" W. C.P. to add 6345.5V MHz towards Amelia, Virginia, on azimuth 46 degrees/44 minutes; 6345.5V MHz towards Boydton, Virginia, on azimuth 192 degrees/33 minutes.

1989–CF–MP–75, Taft Broadcasting Corporation. (WAM43), 4800 San Felipe Rd., Houston, Texas. Lat. 29°44'59" N., Long. 95°27'-29" W. Mod. of C.P. to change point of communication.

2114–CF–P–75, Eastern Microwave, Inc. (KTP96), Italy Hill, New York. C.P. to increase power on 6212.0V MHz and 6271.4V MHz toward Seneca Falls, New York, and add new point of communication at Canandaigua, New York, on 6212.0H MHz and 6271.4H MHz.

2048–CF–MP–75, United Weheo, Inc. (KEX75), Walker's Mill, Texas. Mod. of C.P. to add new point of communication at Carthage, Texas, on 5974.8V MHz and 6034.2V MHz.

2053–CF–P–75, Western Tele-Communications, Inc. (KYP30), Baldy Mtn., Montana. C.P. to add new point of communication at Blackhorse, Montana, on 6137.9V MHz. (A waiver of Section 21.701 (i) requested by applicant).

2052–CF–P–75, (Same) (KSQ33), Blackhorse, Montana. C.P. to add 6212.0V MHz toward Great Falls, Montana. (A waiver of Section 21.701 (i) requested by applicant).

2084–CF–MP–75, West Texas Microwave Company (KLU89), Breckenridge, Texas. Mod. of C.P. to power split frequencies 5974.8H MHz, 60C 8V MHz, 6152.8H MHz, and 6034.2H MHz toward Eastland, Texas.

2085–CF–P–75, Alabama Microwave, Inc. (KJJ57), Capshaw Mtn., Alabama. C.P. to add a point of communication at Athens, Alabama, on 6345.5H MHz, 6404.8H MHz, and 6236.9V MHz.

2240–CF–P–75, American Telephone and Telegraph Company (KRT45), 2.5 miles East of White Oak, South Carolina. Lat. 34°28'15" N., Long. 81°04'27" W. C.P. to add 6093.5V MHz towards Shelton, South Carolina, on azimuth 275 degrees/17 minutes; 6093.5H MHz towards Heath Springs, South Carolina, on azimuth 65 degrees/23 minutes.

2241–CF–P–75, Same (KRT49), 4.2 miles SE. of Coatsville, Virginia. Lat. 37°51'40" N., Long. 77°2'25" W. C.P. to add 6093.5H MHz towards Corbin, Virginia, on azimuth 22 degrees/17 minutes; 6093.5V MHz towards Powhatan, Virginia, on azimuth 217 degrees/00 minutes.

[FR Doc. 75-1486 Filed 1-15-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

MARKET SHARES QUESTIONNAIRES

The Federal Energy Administration announces the implementation of a survey of market shares of refined petroleum products. Questionnaires to be used in this survey were announced previously in 39 FR 41220 (November 25, 1974). These questionnaires will collect data on the aggregate shares of marketers of refined petroleum products pursuant to section 4(c)(2)(A) of Pub. L. 93–159 (Emergency Petroleum Allocation Act of 1973). Additional information relating to the distribution of these products is being collected pursuant to the provisions of sections 5 and 13 of Pub. L. 93–275 (Federal Energy Administration Act of 1974).

FEA Form P305–S–0 entitled Refiner/Importer Historical Report of Petroleum Product Distribution is a survey to obtain information on historical sales of refined petroleum products. This one-time questionnaire will be mailed on or about January 10, 1975 to all U.S. parent companies of firms which refine or import petroleum products and which are not directly or indirectly controlled by another petroleum refiner or importer. FEA Form P306–M–0 entitled Refiner/Importer Monthly Report of Petroleum Product Distribution will be mailed to the same firms in early 1975 for monthly reporting of similar data.

FEA Form P303–S–0 entitled Historical Survey of Nonbranded Independent Marketers is a survey to identify historical trends in the aggregate market share of this class of marketers for motor gasoline. This one-time questionnaire will be mailed on or about January 10, 1975 to an identified universe of nonbranded independent marketers of motor gasoline. FEA Form P304–M–0 entitled Monthly Survey of Nonbranded Independent Marketers will be mailed in early 1975 to a sample of gasoline distributors drawn from this universe for monthly reporting of volume sales.

Further information about these questionnaires may be obtained from the Office of Data Services, 202–961–8033. Firms which are required to report may obtain additional copies of the questionnaires from Federal Energy Administration, Code 2896, Washington, D.C. 20461.

Dated: January 10, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.75–1367 Filed 1–13–75;9:28 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01088---	Schulte & Bruns: *Johann Schulte.*
01106---	N.V. Stoomvaart-Maatschappij "Oostzee": *Farmsum.*
01318---	Aug. Bolten, Wm. Miller's Nachfolger: *August Bolten.*
01330---	Shell Tankers (U.K.) Limited: *Felipes, Fusus, Labiosa, Lanistes.*
01340---	Compagnie Auxiliaire de Navigation: *Iseult, Isis.*
01613---	Reardon Smith Line Limited: *Lymings.*
01758---	Chotin Transportation Inc.: *CH–1792X, CH 3292, Margaret O.*
01935---	Partnership Between Steamship Company Svendborg Ltd. and Steamship Company of 1912 Ltd.: *Marchen Maersk.*
02038---	Polskie Linie Oceaniczne: *General Stanislaw Poplawski.*
02039---	Gryf Deep Sea Fishing Company: *Zulawy.*
02043---	Suomen Tankkilaiva oy Finska Tankfartygs AB: *Wisa.*
02158---	Koraal Scheepvaart Maatschappij N.V.: *Coral Rubrum.*
02190---	Bugsier-Reederei-und Bergungs-Aktiengesellschaft: *Titan.*
02199---	Atlantic Richfield Company: *Arco Heritage.*
02330---	Oriental Shipping Corporation: *World Finance, World Supreme.*
02500---	Collier Carbon and Chemical Corporation: *Hedges.*
02622---	Ernst Russ on Behalf of Partenreederei M.V. Reinhart Lorenz Russ: *E. R. Montreal.*
02719---	Berwick Bay Transportation Co., Inc.: *BC–1.*
02727---	Societe Maritime des Petroles BP: *Chambord, Chinon.*
02734---	Italia Societa per Azioni di Navigazione: *Americana.*
02911---	Sig. Bergesen D.Y. & Co.: *Berge Tasta.*
02956---	Ashland Oil Inc.: *AO–99.*
02976---	Arthur-Smith Corporation: *AS 2002.*
02982---	The Shipping Corporation of India Ltd.: *Vishva Apurva.*
03047---	E. I. Dupont de Nemours & Co.: *EIDC–61, EIDC–62, EIDC–63, EIDC–64, EIDC–65, EIDC–66.*
03215---	Rederiaktiebolaget Salenia: *Sea Serpent.*
03279---	Delta Steamship Lines, Inc.: *Larymar.*
03301---	Prudential Lines, Inc.: *Santa Ines.*
03441---	Japan Line K.K.: *Japan Violet.*
03705---	Grunstads Rederi A/S: *Gruno Ove.*
03774---	Penn Tanker Co.: *Ogden Challenger, Ogden Champion.*
03916---	Mobile Oil Francaise: *Athos.*
04007---	Egon Oldendorff: *Birte Oldendorff.*
05014---	American Marine Corporation: *Abocol.*
05091---	Dansk Esso A/S: *Esso Hafnia.*
05098---	Esso Tankers, Inc.: *Esso Kawasaki.*
05367---	Eiko Kisen Kabushiki Kaisha: *Wakashio Maru.*
05520---	Union Carbide Corporation: *CC–479, CC–481, CC–482, CC–132, CC–133.*
05537---	Empresa Navegacion Mambisa: *Vietnam heroico, XX Aniversario.*
05549---	Polska Zegluga Morska: *Powstaniec Wielkopolski, General Jasinski, Profesor Bohdanowicz, Siarkopol.*
	Polska Zegluga Morska: *Tarnobrzeg.*
05579---	Black Sea Shipping Company: *Kapitan Vasily Kulik.*
05581---	Latvian Shipping Company: *Vasilly Fesenkov.*
05704---	Murmansk Shipping Company: *Ugleuralsk, Ustilug, Urgentch, Urshum, Uritsk, Usolye, Urjupinsk, Ustyushna.*
05770---	C A Venezolana de Navigacion: *Orinoco.*
05866---	Efmariners Cia S.A.: *Mereantes.*
06578---	Van Nievelt, Goudriaan & Co. NV: *Asuncion, Villarrica.*
06934---	Chevron Navigation Corp.: *Chevron Pernis.*
07532---	Fomentos Armadora S.A. of Panama: *Michalis.*
07778---	Sea Drilling Corp.: *Spirit of Webb.*
08087---	Ferruzzi S.P.A.: *Mariasperanza F.*
08131---	Empresa Navegacion Caribe: *Comandante Pinares.*
08222---	Rail & Water Terminal (Quebec) Inc.: *Aigle D'Ocean, Aigle Marin, Guard Mavoline, Jaz Desgagnes.*
08599---	Kalamos Compania Naviera S.A. Panama: *Eptanissos.*
08627---	Terminales Maracaibo C.A.: *Temar I.*
08746---	N V Bocimar: *Hasselt.*
08912---	Drummond & Bronneck Inc.: Steve P Rados Inc. Garrison 8 International Corp.: *ABT–14, Barge No. 19.*
08955---	Lonberg Shipping A/S: *Tobias Lonborg, Nina Lonberg, Amigo Express.*
08999---	Sause Bros. Ocean Towing Co., Inc.: *Alsea, Skipanon, Yaquina, Kilchis, Nehalem, Rogue, Siletz, Miami, Trask, Nestucca.*
09002---	Commercial Transport Corporation: *Chem 307, Chem 501, Chem 406, Chem 407, Chem 408.*
09003---	VTG Vereinigte Tankiager und Transportmittel GMBH: *Magnitor.*
09054---	A/S Geir: *Enigheden, Shikoku Geir.*
09146---	Western Marine Construction, Inc.: *ZB 9.*
09165---	Evans Cooperage Company, Inc.: *McDermott #5.*
09205---	Trusa Shipping Company S.A.: *Santa Elena.*
09256---	Cordoba Shipping Company Ltd.: *Albamar.*
09263---	Trumbull Asphalt Company: *JPW 109, JPW 119.*
09319---	Odajima Kaiun, Ltd.: *Seiryu Maru.*
09331---	Dissen & Juhn Corporation: *Destroyer, Wawasee.*
09437---	J & J Osborne: *Lady Sorcha.*
09472---	Rederiet for T/T "Sea Saint": *Sea Saint.*
09473---	Stemil, Inc.: *LRL–200.*
09515---	Ta Chi Navigation (Panama) Corp., S.A.: *Eurytion, Eurybates, Eurymachus.*
09548---	Gambo Line S.A.: *Rio Bayano.*
09568---	Productos Del Pacifico, S.A.: *El Sargacero.*
09569---	Ebony Company Ltd. of Liberia: *Arma, Aspidoforos.*
09577---	Intermaritime Transportation Limited S.A.: *Daphne.*
09578---	Transcoast Navigation Limited S.A.: *Athena.*
09607---	Anthony Shipping Company S.A.: *Anthony.*
09613---	Iolkos Compania Naviera S.A. Panama: *Stolt Capricorn.*
09621---	Gatx Bulk-Carriers Belgium N.V.: *Ruth.*
09627---	Hariz Tankers Corporation: *Pine.*
09628---	Silver City Shipping Co. S.A. of Panama: *Aristoklis.*
09638---	Ms "Devon"—Von Colin Schiffahrts Kg: *Devon.*
09645---	Caspian Sea Shipping Co., Ltd.: *Caspian Sea.*
09646---	Panama International Shipping Co.: *Robert Clifton.*
09647---	Highness Shipping Corp. S.A.: *Eucaly II.*
09648---	Derwent Shipping Inc.: *Sun Begonia.*
09649---	Ogden Missouri Transport Inc.: *Ogden Missouri.*

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Certificate No.	Owner/operator and vessels
09650---	Ogden Platte Transport, Inc.: *Platte.*
09652---	Maple Maritime Corporation, Incorporated: *Unique Enterprises.*
09653---	The Oceanic Freighters Corp.: *Sauda.*
09655---	International Tanker, Ltd.: *Ocean Gentian.*
09656---	Liberian Bulk Transport Inc.: *Ocean Wistaria.*
09657---	Leslie Tankers Inc.: *Orion Constellation.*
09658---	Marmando Compania Naviera S.A.: *Ivory Moon.*
09659---	Burnside Marine Services Company, a joint venture of Leonard J. Buck & Co., Inc., Harlan O. Hall: *No. 15.*
09660---	Golden Chase Steamship Inc.: *Golden Chase.*
09662---	Maritima Del Caribe S.A.: *Moctezuma.*
09666---	Persian Oil Tanker Corporation: *Manhattan Prince.*
09667---	Inersea Carriers S.A.: *Caroline P.*
09669---	I/S 983: *Belfri.*
09670---	Mie Ken: *Taisei-Maru.*
09671---	I/S 422: *Stove Caledonia.*
09672---	Greenville Navigation Company, Inc.: *Calli.*
09674---	Alnavi-Societa Di Navigazione Marittima S.P.A.: *Sardinia Iglesias.*
09675---	Premuda Societa Di Navigazione Per Azioni: *Premuda Rosa.*
09676---	Liberty Bay Shipping Co., Ltd.: *Al-Mohsin.*
09677---	Bridgestone Multina Shipping Co.: *Bridgestone Multina.*
09678---	Hullgates Shipping Co., Ltd.: *Bengate.*
09683---	Gave Shipping Company, S.A.: *Stolt Margareta.*
09684---	Marenomos Armadora S.A.: *Zephyros.*
09685---	Koyu Gyogyo Seisan Kumiai: *Koyu Maru No. 18.*
09689---	Soochow Shipping Inc.: *Soochow.*
09692---	Multitank Westfalia Tankrederei Ahrenkiel GMBH & Co. KG. Hamburgh: *Multitank Westfalia.*
09693---	Luna Steamship S.A.: *Luna.*
09694---	Jin Yung Fisheries Co., Ltd.: *Jin Yung No. 505, Jin Yung No. 506.*
09695---	Overseas Oil Transports Corporation: *Acgean Dolphin.*
09697---	Reinato Armadora S.A. Panama: *Aristonimos.*
09699---	Forell, Inc.: *Scotiacliffe.*
09701---	Nipayia Maritime Company Limited: *Irenes Spirit.*
09702---	Korean Overseas Fishing Co. Ltd.: *Kum Bong No. 201, Kum Bong No. 202.*
09704---	Northern Tanker Corporation: *Northern Victory.*
09706---	Molena Trust Incorporated: *Andwi, Nanfri.*
09707---	Japco Navegacion S.A.: *Gardenia.*
09710---	Continental Mariner Investment Company Limited: *Sun Chong.* Continental Mariner Investment Company Limited: *Hing Chong, Hop Chong, Justina.*
09711---	Albatross Maritime Co., Ltd. (Panama) S.A.: *Pacific Ocean.*
09712---	Carina Shipping Limited: *Golden Sunray.*
09713---	Iwakiri Suisan K.K.: *Yashima Maru No. 3, Yashima Maru No. 5.*
09714---	Mid-Coast Barge Lines, Inc.: *MC 100, MC 200.*
09715---	Island Towing Co.: *RV–52, RV–53.*
09717---	The Academy of Sciences of the USSR: *Akademik Kurchatov, Dmitry Mendeleev.*
09718---	Hosei Kaiun Shoki Kabushiki Kaisha: *Sanyo Maru.*
09721---	Carnival Cruise Lines, Inc.: *Mardi Gras.*
09723---	Golden Hill Co., Ltd., S.A. Panama: *Golden Jade.*
09724---	Kagaya Matsuei: *Yachiyo Maru No. 15.*
09725---	Okochi Kaiun K.K.: *Sumiho Maru.*
09726---	Fujioka Kaiun K.K.: *Daioh Maru.*
09727---	Fukuho Kaiun Sangyo K.K.: *Shuwa Maru.*
09728---	Martriunfo Armadora S.A. Panama: *Perla.*
09729---	Oil Navigation Corporation: *Andros Chryssi.*
09730---	Cimba S.A.: *La Maire.*
09733---	Gastanker-Reederei MT "Fritz Haber" Gasocean Schiffahrtsgesellschaft MBH & Co. Kg.: *Fritz Haber.*
09737---	Trikera Compania Naviera S.A.: *Aegis Progress.*
09738---	Skepasti Compania Naviera S.A.: *Aegis Majestic.*
09739---	Arditos Compania Naviera S.A.: *Aegis Magic.*
09740---	Kommandittselskapet Kristina Joachim Grieg & Co. Holdings A/S: *Kristina.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–1536 Filed 1–15–75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01015---	A/S Rederiet Odfjell: *Olga.*
01022---	Smedviga Tankrederi A/S: *Venita.*
01039---	Den Norske Amerikalinje A/S: *Drammensfjord, Tanafjord.*
01113---	A/S J. Ludwig Mowinckels Rederi: *Horda.*
01139---	Navidad Barge Co.: *Navidad.*
01185---	Aksjeselskapet Kosmos: *Japana.*
01232---	Rolf Wigands Rederi A/S: *Andwi, Nanfri.*
01247---	Tonnevolds Tankrederi A/S: *Thorhild.*
01400---	Evan Thomas Radcliffe and Company Ltd.: *Llanishen.*
01465---	Scottish Ship Management Limited: *Baron Cawdor.*
01578---	Harald Jacobsen Shipping A/S: *Janca.*
01661---	The Bank Line Limited: *Yewbank.*
01758---	Chotin Transportation Inc.: *M/G 20, M/G 21, M/G 22, M/G 23, M/G 24, M/G 25.*
01841---	Chas. Kurz & Co., Inc.: *North Field.*
02284---	Dr. Erich Retzlaff: *Erich Retzlaff.*
02428---	The Kinsman Marine Transit Company: *Kinsman Voyager.*
02443---	Panama Transoceanic Co., S.A.: *Barbara Jane Conway.*
02548---	Compania Maritima San Basilio S.A.: *Eurylochus, Eurypylus.*
02713---	T. L. James & Co., Inc.: *Tom James, Lewis James, BT–51, Clark, Geo D. Williams, BT–103, Bobby James, Gnat, TLC 16, TLC 23, TLC 33, Atlas I.*
02725---	West Line, Inc.: *West Star.*
02793---	Gothic Shipping Co., S.A.: *Speedway.*
02863---	Naviera Aznar S.A.: *Monte Urquiola.*
02891---	Harbor Towing Corporation: *MP No. 23, Wm. J. Bryan, Delmarva 145.*
02975---	Venture Shipping (Managers) Limited: *Sacramento Venture.*
03195---	Compania Naviera Magdalena S.A.: *Magdalena.*
03214---	Salenrederierna Aktiebolag: *Sea Serpent.*
03233---	Pangalante Compania Naviera S.A.: *North Viscountess.*
03245---	Rederiaktieselskabet Danneborg: *Weco Supplier II.*
03329---	Hudson Waterways Corporation: *Seatrain Puerto Rico.*
03413---	Baba-Daiko Shosen K.K.: *Hawaii Maru.*
03438---	Inui Kisen Kabushiki Kaisha: *Awobasan Maru.*
03441---	Japan Line K.K.: *Japan Oak.*
03447---	K.K. Kyokuyo: *Chiyoda Maru.*
03458---	Matsuoka Kisen Kabushiki Kaisha: *Akibasan Maru.*
03468---	Nihonkai Kisen Kabushiki Kaisha: *Hamburg Maru.*
03492---	Sawayama Kisen K.K.: *Shoto Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Hudson Maru*
03505---	Showa Yusen Kabushiki Kaisha: *Mikumo Maru, Sanuki Maru,*
03513---	Tanda Sangyo Kisen Kabushiki Kaisha: *Tomiura Maru.*
03566---	Skibsaktieselskapet Aino, Skibsaksjeselskapet Viator, Skibsaksjeselskapet Viva: *Viator.*
03778---	Anthony Special Shipping Co. Ltd.: *Anthony.*
03841---	American Export Lines, Inc.: *Exbrook.*
03869---	Silver Coast Shipping Company Ltd. of Cyprus: *Silver Coast.*
03923---	Shinwa Kaiun Kaisha, Ltd.: *Tetsukuni Maru.*
03958---	Zim-Israel Navigation: *Shiqma.*
03991---	Partenreederei M.S. "Susanne Reith": *Susanne Reith.*
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Nieuw Holland.*
04007---	Egon Oldendorff: *Johanna Oldendorff.*
04018---	A/S Olymp: *Anniken.*
04019---	Nord-Transport Strandheim & Stensaker: *Kings River, Leikvin.*
04040---	Halfdan Ditlev Simonsen & Co.: *Venabu.*
04127---	Samband Isl. Samvinnufelaga: *Jokulfell.*
04289---	Dixie Carriers, Inc.: *Butcher 2, Butcher 1, Dxe 900–T, Colle 150.*
04318---	Overseas Minerals Ltd.: *Athena, Daphne.*
04455---	Balboa Navigation Lines, S.A.: *Sta. Maria.*
04564---	Yamashita-Shinnihon Kisen Kaisha: *Yamaaki Maru.*
04801---	Three R Towing Co., Inc.: *BBL–102.*
04843---	Rederei Ferdinand Muller: *Arktos.*

Certificate No.	Owner/operator and vessels
04934---	Jahncke Service, Inc.: *Cameron, Congaree, Fritz Jahncke, Iberia, Jahncke 209, Jefferson, Lafayette, Lafourche, Livingston, Manchac, Maurepas, Orleans, Paul F. Jahncke, Plaquemine, Pontchartrain, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Landry, St. Martin, St. Mary, St. Tammany, Tchefuncta, Vermillion.*
05020---	Bamar Marine Co., Ltd.: *Belvoir.*
05067---	Pericles E.A.N.E. Piraeus: *Pericles Halcoussis.*
05122---	Sanyu Kisen K.K.: *Mayaharu Maru.*
05329---	Gem Shipping Co., S.A.: *Sandoval.*
05426---	Owens-Illinois, Inc.: *Pulpwood No. 2, Lin Den.*
05444---	Europa Societa Generale D'Armamento S.P.A.: *Anita M.*
05621---	Valera Compania Naviera S.A.: *Areti S.*
06210---	Cia Hermanos de Navegacion S.A.: *Metfi.*
06399---	Tokumaru Kaiun K.K.: *Daitoku Maru No. 31.*
06578---	Van Nievelt, Goudriaan & Co. NV.: *Villarrica, Asuncion.*
06667---	Renate Jacob Seetransport Jacob & Co.: *Renate Jacob.*
06687---	Globus Shipping & Trading Co. (PTE) LTD.: *Vavajo, Alderjo.*
06768---	Sea Contracting Corporation: *Volta Wisdom.*
06775---	Whitco (Marine Services) Ltd.: *Gladiola.*
06820---	Carnival Cruise Lines, Ltd.: *Mardi Gras.*
06850---	Katrien N.V.: *Kathy.*
06877---	Societe Francaise de Transports Maritimes Paris: *Armagnac.*
07290---	Hollywood Terminals, Inc.: *T 700.*
07455---	Hagby Corporation: *Hampton Bridge.*
08069---	Bellatrix Navigation Corporation: *Akron.*
08179---	Sanshin Corporation: *Sanshin Trader.*
08268---	Taos Maritime Company Limited: *Taos.*
08302---	D/S A/S Ibis: *Anne Reed.*
08322---	Navisud S.P.A.: *Egnazia.*
08471---	Villere Marine Corporation: *PP CO 303.*
08494---	Pisces Navigation Corporation, Monrovia: *Tekton.*
08499---	Central Soya Company, Inc.: *CO 209.*
08518---	T. I. Shipping Enterprises Ltd. of Turks Island: *Mereghan IV.*
08755---	Agence Maritime Inc.: *Fort George.*
08833---	General Metals of Tacoma, Inc.: *Yukon Star.*
09386---	Pearl Shipping Corporation: *Caribbean Pearl.*
09445---	Marevia Corporation: *Regent.*
09467---	Reederei Hans Bellken OHG: *Germanic.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–1537 Filed 1–15–75;8:45 am]

CONFERENCES IN THE TRADES TO, FROM AND BETWEEN UNITED STATES ATLANTIC AND GULF PORTS IN CENTRAL AND SOUTH AMERICA AND THE CARIBBEAN

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 5, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

John R. Mahoney, Esquire,
Casey, Lane & Mittendorf
26 Broadway
New York, New York 10004

A petition filed in behalf of the conferences listed below has been assigned the following respective agreement numbers:

Atlantic & Gulf/West Coast of South America Conference, 2744–36.
East Coast Colombia Conference, 7590–22.
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference, 6190–29.
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference-Oil Companies Contract Agreement (Proprietary Cargo), 6870–17.
West Coast South America Northbound Conference, 7890–11.

The petition is to extend their intermodal arrangement provisions, as amended, for a period of 24 months beyond the present termination date of February 27, 1975.

By order of the Federal Maritime Commission.

Dated: January 13, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–1534 Filed 1–15–75;8:45 am]

GLOBAL TERMINAL AND CONTAINER SERVICES AND PART CONTAINERLINE CO., LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 5, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Conrad H. C. Everhard
President
Dart Containerline Incorporated
Five World Trade Center
New York, New York 10048

Agreement No. T–2623–1, between Global Terminal and Container Services, Inc. (Global) and Dart Containerline Co., Ltd. (Dart), modifies the basic agreement which is a 20-year container terminal services agreement, whereby Global will furnish Dart container terminal and stevedoring services at its facility at New York Harbor. The purpose of the modification is to provide for the assessment of demurrage charges in accordance with the provisions of the carrier's conference or independent

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tariffs on file with the Federal Maritime Commission.

By Order of the Federal Maritime Commission.

Dated: January 13, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-1535 Filed 1-15-75;8:45 am]

TULSA PORT OF CATOOSA AND TALOMA STEVEDORING, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 5, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Imogene Harris, Esq.
City of Tulsa Oklahoma
200 Civic Center
Tulsa, Oklahoma 74103

Agreement No. T-3042, between Tulsa Port of Catoosa (Port) and Tuloma Stevedoring, Inc. (Tuloma) grants Tuloma the nonexclusive right for a period of 3 years to provide loading, unloading, storage, transfer, and transportation services for cargo at Port's terminal facilities. Tuloma shall provide the above services in accordance with the Port's currently published tariff. In return, Port shall receive wharfage assessments and tollage fees. The wharfage portion of this compensation is subject to a minimum annual guarantee as further provided for in the basic agreement. Tuloma shall also be responsible for the cost of utilities incurred as a result of its operations on the said premises.

By order of the Federal Maritime Commission.

Dated: January 13, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-1533 Filed 1-15-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI75-388]

CALIFORNIA CO.

Application

JANUARY 10, 1975.

Take notice that on December 17, 1974, The California Company, a Division of Chevron Oil Company (Applicant), 1111 Tulane Avenue, New Orleans, Louisiana 70112, filed in Docket No. CI75-388 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the Breton Sound Block 45 Field, Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on December 3, 1974, from the subject acreage to Southern within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell 50 percent of the gas produced from State Lease 5905 Well No. 1 on the subject acreage, or approximately 1,500 Mcf per day, at 60.9969 cents per Mcf at 15.025 psia, which includes a base rate of 52.0214 cents per Mcf, tax reimbursement of 7 cents per Mcf, a Btu adjustment of 1.4755 cents per Mcf for gas containing 1,025 Btu per cubic foot, and a gathering allowance of 0.5 cent per Mcf.

Applicant states that the aforesaid rate conforms to the national rate prescribed in Commission Opinion 699-H issued December 4, 1974. Applicant's contract, dated December 12, 1974, with Southern for the sale of said gas provides for a rate of 55.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, and subject to escalation to any higher rate, including national rate, prescribed by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1460 Filed 1-15-75;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Further Extension of Procedural Dates

JANUARY 8, 1975.

On December 20, 1974, Colorado Interstate Gas Company filed a motion to extend the procedural dates fixed by order issued May 1, 1974, as most recently modified by notice issued August 28, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, February 18, 1975.
Service of Company Rebuttal, March 4, 1975.
Hearing, March 11, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1462 Filed 1-15-75;8:45 am]

[Docket No. CP75-79]

COLORADO INTERSTATE GAS CO.

Order Directing the Filing of Evidence, Setting Date for Prehearing Conference and Hearing Date

JANUARY 10, 1975.

Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG) requests authorization to reallocate peak day and annual volumes among certain of its existing customers beginning January 1, 1975. By the original application, filed September 9, 1974, CIG proposed to revise only its peak day sales, shifting 22,000 Mcf per day from boiler fuel use in FPC Order No. 467 End Use Priority 5, to Priority 1, with a small amount, about 141 Mcf per day, to Priority 4. This gas is allegedly available because two of CIG's firm direct sale customers, Public Service Company of Colorado and Great Western Sugar Company have agreed to reduce their firm daily entitlements. The reasons for this magnanimity are not entirely clear, and the circumstances should be fully explained in the record we herein order to be developed. It appears that Great Western Sugar Company may have agreed to the reduction since its peak day requirement in previous periods has been less than its entitlements. If this is the case, savings realized from a voluntary agreement to reduce entitlements may be illusory and may not support the additional high priority service which CIG proposes to render in its place. No reason was given for Public Service Company of Colorado's agreement to reduce entitlements, but it is noted that the 20,000 Mcf per day proposed reduction will be partially offset by an increase of 11,969 Mcf per day in CIG's jurisdictional sales to Public Service Company of Colorado. As a direct sale, the 20,000 Mcf presumably differs greatly from the 11,969 Mcf in terms of the curtailment priorities in CIG's tariff. In any event, these reductions should be treated as abandonments under section 7(b) of the Natural Gas Act, and subjected to the showings required by the Commission regulations concerning abandonment.

Subsequent to filing the original application, CIG filed an amendment requesting authorization to reallocate annual volumes to its existing customers by shifting 4,342,000 Mcf annually from nonjurisdictional sales in FPC End Use Priorities 5 through 9 to jurisdictional sales in Priorities 1 through 3. In addition, some shifts among jurisdictional customers to higher priority uses are proposed. Although CIG alleges that these revisions will result in no net change in annual delivery obligations, it is not shown that CIG has developed or will develop sufficient storage and other system flexibility to meet peak demand needs of additional high priority service. In addition, CIG should be required to show the revenue impact of its proposal, as well as the consistency of its proposal with its curtailment situation. Finally, in Colorado Interstate Gas Company, Docket No. CP74-144 in an order issued on July 12, 1974, — FPC —, the Commission set down for hearing a transportation and exchange agreement commenced by CIG and Mountain Fuel Supply Company under § 157.22 of the Commission's regulations. Section 157.22(a) of the regulations provides for temporary actions to be taken by jurisdictional pipelines without prior certificate approval where interruption or serious curtailment of service exists or is threatened. For the record, CIG should reconcile the claim of emergency in Docket No. CP74-144 with the additional high priority service sought to be rendered in this docket. Looking to the future when lower priority sales might be eliminated completely, this proposal might be viewed as an expansion of high priority markets. Without additional gas supply, existing high priority markets could be jeopardized.

Although no comments or interventions have been filed, the public interest requires a formal record in support of CIG's proposal as hereinafter ordered.

The Commission finds. It is necessary and appropriate that the application of Colorado Interstate Gas Company in Docket No. CP75-79 be set for hearing and decision.

The Commission orders. (A) Colorado Interstate Gas Company shall file testimony and exhibits in support of its application on or before February 13, 1975.

(B) A Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR 3.5 (d)] shall preside in these proceedings and shall prescribe all procedures not herein provided for, subject to the Commission's rules of practice and procedure.

(C) A pre-hearing conference is to be convened on February 20, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to discuss procedural matters as may be appropriate for the expedition of this proceeding.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 7, and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, at 10 a.m. on March 13, 1975, concerning the matters involved in and the issues presented by this application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1461 Filed 1-15-75;8:45 am]

[Docket No. RP72-157 PGA75-4]

CONSOLIDATED GAS SUPPLY CORP.

Changes in FPC Gas Tariff

JANUARY 9, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on December 26, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective February 1, 1975. The proposed rate increase would generate $10.8 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation and Transcontinental Gas Pipe Line Corporation, all to be effective February 1, 1975.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on February 1, 1975.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1463 Filed 1-15-75;8:45 am]

[Docket No. RP75-1]

FLORIDA GAS TRANSMISSION CO.

Further Extension of Procedural Dates

JANUARY 8, 1975.

On December 20, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 31, 1974, as most recently modified by notice issued November 4, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, March 10, 1975.
Service of Intervenor's Testimony, March 31, 1975.
Service of Company Rebuttal, April 28, 1975.
Hearing, May 13, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1465 Filed 1-15-75;8:45 am]

[Docket No. CP75-20, Docket No. C175-116]

FLORIDA GAS TRANSMISSION CO. AND PETROLEUM MANAGEMENT, INC.

Postponement of Hearing

JANUARY 9, 1975.

On January 6, 1975, Staff Counsel filed a motion to extend the hearing date fixed by order issued December 23, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above

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matter is postponed until February 11, 1975 at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1464 Filed 1-15-75;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Substitute Gas Tariff Sheets

JANUARY 9, 1975.

Take notice that on January 2, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1, designated as Substitute Eighth Revised Sheet No. 3-A (superseding Seventh Revised Sheet No. 3-A) and Substitute Eighth Revised Sheet No. 18-B (superseding Seventh Revised Sheet No. 18-B).

Lawrenceburg states that the proposed changes contained therein would increase revenues from jurisdictional sales by $289,156 as compared to revenues at the current rates in effect since August 1, 1974, based on the 12 months ending November 30, 1974.

Lawrenceburg states that, pursuant to the purchased gas adjustment (PGA) provision in its FPC Gas Tariff, Original Volume No. 1, it filed by letter dated December 19, 1974, Eighth Revised Sheets Nos. 3-A and 18-B in order to track a proposed increase in its cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), filed December 16, 1974 and proposed to become effective February 1, 1975. According to Lawrenceburg, by letter dated December 19, 1974, Texas Gas revised its December 16, 1974 filing in order to reflect additional increases by its suppliers, thereby prompting Lawrenceburg to file substitute tariff sheets as noticed herein.

Lawrenceburg requests waiver of the Commission's regulations to permit its substitute tariff sheets to become effective February 1, 1975; and Lawrenceburg states that copies of its filing have been mailed to its two wholesale customers, Lawrenceburg Gas Company and The Cincinnati Gas & Electric Company, and also to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1466 Filed 1-15-75;8:45 am]

[Docket No. RP74-100; PGA 75-3]

NATIONAL FUEL GAS SUPPLY CORP.

Order Granting Waiver, Accepting for Filing Proposed PGA Rate Increase Subject to Condition, and Reserving Issue for Hearing

JANUARY 10, 1975.

On November 27, 1974, National Fuel Gas Supply Corporation (National) tendered for filing pursuant to its purchased gas adjustment (PGA) clause First Interim Revised Sheet No. 4 to its FPC Gas Tariff Original Volume No. 1. This sheet reflects a PGA increase designed to track increases in the cost of gas purchased from Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation, which increases all became effective prior to or on December 1, 1974. Accordingly, National has requested waiver of the 45-day notice requirement of § 17.5 of the general terms and conditions of its FPC tariff and waiver of any of the Commission's rules and regulations as may be required to permit this filing to become effective as of December 1, 1974. By this revised sheet, National proposes to increase its G-1 and G-1A interim rates by .77¢ per Mcf [1] which will effect on annual revenue increase of $1,688,245 over the revenues which would be generated from the rates set forth in National's present Revised Sheet No. 4.

Notice of National's filing was issued on December 10, 1974, with protests, notices of intervention and petitions to intervene due on or before December 23, 1974. No such filings were received in response to this notice.

Our review of National's filing indicates that included in National's base average cost of purchased gas are two purchases of manufactured gas (from Donner-Hanna Coke Company and Semet-Solvay Division of Allied Chemical Corporation) and one emergency purchase (from Cabot Corporation) at a price in excess of rate levels prescribed by Opinion No. 699-H.[2] Although the instant filing reflects no rate change associated with these three purchases, the inclusion of manufactured gas costs in PGA adjustments without prior Commission approval is prohibited by § 154.38(d)(4) of our regulations and by Order No. 452-A,[3] and therefore, such costs should be eliminated from National's base average cost of purchased gas. Accordingly, we shall accept National's tariff changes for filing upon the express condition that within fifteen days of the date of issuance of this order National shall file revised tariff sheets which reflect the elimination of costs associated with manufactured gas.

In regard to emergency purchases, we note that the question of the standards which the Commission must use in determining the justness and reasonableness of the prices for such purchases is presently the subject of court action.[4] We further note that by order issued August 9, 1974, in the instant docket, the rates in which the aforementioned emergency purchase is included were made subject to refund and set for hearing. Accordingly, we shall set aside the issue of that emergency purchase as a reserved issue in the proceedings to be held in accordance with our August 9, 1974 order, pending resolution of the aforementioned court proceedings concerning emergency purchases.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that National's First Interim Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 be accepted for filing subject to the condition that within fifteen days of the date of issuance of this order National shall file a revised tariff sheet which reflects the elimination of all costs associated with manufactured gas from the average base cost of gas contained in its PGA increase.

(2) Good cause exists to grant waiver of the 45-day notice requirement of § 17.5 of the general terms and conditions of National's FPC Gas Tariff and waiver of our Regulations to permit National's First Interim Revised Sheet No. 4 to become effective December 1, 1974, subject to the aforementioned condition.

(3) Good cause exists to set aside the issue of the aforementioned emergency purchase as a reserved issue in the proceedings to be held in accordance with our August 9, 1974 order, pending resolution of the issue regarding emergency purchases which is presently the subject of court action.

The Commission orders. (A) National's First Interim Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 is hereby accepted for filing and permitted to become effective December 1, 1974, *Provided,* That, within fifteen days of the date of issuance of this order National shall file a revised tariff sheet which reflects the elimination of all costs associated with manufactured gas from the average base cost of gas contained in its filing.

(B) Waiver of the 45-day notice requirement of § 17.5 of the General Terms and Conditions of National's FPC Gas Tariff and waiver of our regulations to permit National's First Interim Revised Sheet No. 4 to become effective December 1, 1974, are hereby granted.

(C) The issue of the aforementioned emergency purchase is hereby set aside as a reserved issue in the proceeding to be held in accordance with our August 9, 1974 order, pending resolution of the aforementioned court proceedings regarding emergency purchases.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1467 Filed 1-15-75;8:45 am]

[Docket No. RP74-88]

NORTH PENN GAS CO.

Extension of Procedural Dates

JANUARY 8, 1975.

On December 23, 1974, Corning Natural Gas Corporation filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued November 21, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, January 31, 1975.
Service of Company Rebuttal, February 14, 1975.
Hearing, March 4, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1468 Filed 1-15-75;8:45 am]

[Docket No. E-8882]

PUBLIC SERVICE CO. OF COLORADO

Further Extension of Procedural Dates

JANUARY 9, 1975.

On January 7, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, March 21, 1975.
Service of Intervenor's Testimony, April 4, 1975.
Service of Company Rebuttal, April 18, 1975.
Hearing, April 29, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-1470 Filed 1-15-75;8:45 am]

[1] The G-1 rate will be increased from 78.85¢ per Mcf to 79.62¢ per Mcf, and the G-1A rate will be increased from 85.27¢ per Mcf to 86.04¢ per Mcf.

[2] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[3] Order No. 452-A, 47 FPC 1510, 1513 (1972).

[4] "Consumer Federation of America v. F.P.C.," CADC Docket No. 73-2009, petition filed September 21, 1973.

[Docket No. E-8882]

PUBLIC SERVICE CO. OF COLORADO

Order Denying Motion To Dismiss or for Alternate Relief

JANUARY 10, 1975.

On July 1, 1974, the Public Service Company of Colorado (PSCC) submitted for filing proposed increases in its rates for firm power service to its seven wholesale customers.[1] The proposed rates would result in an increase in jurisdictional revenues of $943,834 based on a twelve-month test period ended March 31, 1974. PSCC stated that the proposed increase was necessary because of the adverse financial effects of inflation and the additional capital requirements necessitated by environmental programs.

Notice of PSCC's filing was issued on July 18, 1974. On August 30, 1974, we issued an order accepting for filing and suspending for one day PSCC's proposed rate increase. We further set the matter for hearing and granted intervention to Central Telephone & Utilities Corporation (CTU) and the Public Utilities Commission of the State of Colorado.

On December 5, 1974, CTU filed a motion to dismiss PSCC's July 1, 1974 filing, or in the alternative, to require PSCC to file Period II data under § 35.13(b)(4)(iii) supporting its requested rate relief. In its motion, like the petition to intervene it has previously filed in this proceeding, CTU maintains that PSCC has not complied with the filing requirements of § 35.13(b)(4)(iii). CTU alleges that PSCC's filing, although on its face falling within the exception [2] to the requirement that Period II data be filed, does not accurately reflect the true increase in revenue which will be experienced by PSCC in a Period II. CTU maintains that the $943,834 increase stated by PSCC is below the one million dollar cut-off point only because PSCC had served CTU for only two months of Period I. CTU argues that if the service to CTU for an entire year were considered PSCC's rate increase to its seven wholesale customers would result in $1,491,281, or substantially in excess of one million dollars. CTU concludes, therefore, that without filing Period II cost of service data PSCC has not met the filing requirements of § 35.13(b)(4)(iii) and should have been rejected. CTU has requested the Commission to dismiss the proposed increase in rates filed by PSCC or that PSCC be required to file Period II data under § 35.13(b)(4)(iii).

Although we did not specifically address a response to CTU's argument in our original suspension order of August 30, 1974, we did consider whether PSCC met the filing requirements of § 35.13(b)(4)(iii) as amended in Order No. 487 in Docket No. R-463. By our action in accepting PSCC's July 1, 1974 proposed rate increase for filing we found CTU's argument to be without merit. We affirm that finding here and hold that PSCC has met the filing requirements set out in § 35.13(b)(4)(iii) since it qualifies under the exemption from being required to file Period II cost of service data. After a review of PSCC's filing of July 1, 1974 and the pleadings filed in this proceeding, we conclude that our purview of the twelve months incorporated as Period I is a reasonable basis on which to determine whether PSCC has qualified for the exemption from filing Period II cost data. Upon such a review we found, and still do find, that PSCC substantially met our filing requirements as set out in § 35.13(b)(4)(iii). Because PSCC has complied with those requirements we shall deny CTU's Motion To Dismiss or For Alternate Relief filed with this Commission on December 5, 1974.

We note that our action taken herein is directed only to a determination of compliance with the filing requirements of § 35.13(b)(4)(iii). Our finding that PSCC is exempt from filing Period II cost of service data does not foreclose any party, including our Staff, from introducing cost data into evidence in the course of these proceedings to assist us in adjudging the reasonableness of PSCC's proposed rates.

The Commission finds. Good cause does not exist to grant Central Telephone & Utilities Corporation's Motion to Dismiss or For Alternate Relief filed on December 5, 1974 in Docket No. E-8882 is hereby denied.

The Commission orders. (A) Central Telephone & Utilities Corporation's Motion to Dismiss or For Alternate Relief filed on December 5, 1974, in Docket No. E-8882 is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1469 Filed 1-15-75;8:45 am]

[Docket No. E-9001]

ROCKLAND ELECTRIC CO.

Extension of Procedural Dates

JANUARY 9, 1975.

On January 7, 1975, Staff Counsel filed a motion to extend the procedural dates

[1] City of Aspen, Town of Lyons, Home Light & Power Company, City of Glenwood Springs, Colorado-Ute Electric Association, Inc., Central Telephone & Utilities Corporation, and Intermountain Rural Electric Association, Colorado.

[2] Order No. 487, 50 FPC 125 (July 17, 1973), provided that the requirement for filing Period II data, by any company filing for a rate increase in an amount less than one million dollars, would be voluntary (50 FPC 128). By order issued October 21, 1974, in Docket No. R-463, the Commission formally added the exemption to § 35.13(b)(4)(iii) of its regulations.

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fixed by order issued September 27, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 4, 1975.
Service of Intervenor's Testimony, February 18, 1975.
Service of Company Rebuttal, March 4, 1975.
Hearing, March 18, 1975, (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1471 Filed 1-15-75;8:45 am]

[Project No. 516; Docket No. E-7791]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Order Consolidating Proceedings

JANUARY 10, 1975.

On December 16, 1974, South Carolina Electric and Gas Company, licensee for the Saluda Project No. 516, filed an Application to Exclude Certain Lands from Project Area. The lands involved would be used for the construction, operation, and maintenance of an ash pond for the McMeekin Steam Electric Station which is located on non-project land below the dam. Licensee further requested that their application be considered separate from the matters pending in Docket No. E-7791.

By order issued September 10, 1973, in Project No. 516, 50 FPC 700, we provided for a hearing to consider, inter alia, certain applications related to the present and future utilization of project lands and waters at the project. In that order we stated that we were:

> referring this application for an easement and causeway to hearing so that it may be considered together with other applications on file related to Lake Murray . . . *and any additional applications of a similar nature. Id* at 703 (emphasis added).

In ordering paragraph (E) of that order, we characterzied one purpose of the hearing as the development of a formal record on anticipated future utilization of Lake Murray and project lands including proposed developments and easements. We believe that the instant application should be consolidated with the matters set for hearing by our order of September 10, 1973. A decision on this application can best be made in light of the comprehensive analysis of use of project lands and waters, the purpose of the ongoing evidentiary proceeding in this docket. We, therefore, deny licensee's request for separate consideration of this application.

We note that the Presiding Administrative Law Judge issued a notice of hearing and related procedures on July 29, 1974, which set a January 7, 1975, date for filing of testimony and a January 28, 1975, date for commencement of the hearing. While we believe that consolidation of these proceedings is desirable, we do not wish to see the hearing delayed. We believe the hearing can go forward as presently scheduled. The Presiding Administrative Law Judge should set such schedule for the filing of testimony related to the instant application as he may deem necessary or appropriate.

The Commission finds. (1) It is appropriate and in the public interest for the purposes of administration of the Federal Power Act that the application of South Carolina Electric and Gas Company to exclude certain lands from the project area be consolidated with the matters currently the subject of a hearing in Project No. 516 and Docket No. E-7791.

The Commission orders. The above-noted application is hereby consolidated with the matters currently set for hearing in this docket.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1472 Filed 1-15-75;8:45 am]

[Docket No. RP72-156, PGA75-2]

TEXAS GAS TRANSMISSION CORP.

PGA Rate Increase

JANUARY 10, 1975.

Take notice that on December 16, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Third Substitute Tenth Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1.

Texas Gas states that the revised tariff sheet is being filed to reflect changes in the cost of gas purchased pursuant to the provisions of Texas Gas' Purchased Gas Adjustment Clause. Texas Gas also states that its December 16, 1974, filing reflects the recovery of demand charge adjustments. Furthermore, Texas Gas states that, pursuant to Opinion No. 699-G, it has included in its unrecovered purchased gas costs the estimated amounts to be incurred during the months of November and December, 1974, and January, 1975, as a result of increases under Opinion No. 699. Texas Gas proposes an effective date of February 1, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1473 Filed 1-15-75;8:45 am]

[Docket Nos. RP75-16-1, etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP., ET AL.

Order Consolidating Proceedings

JANUARY 9, 1975.

In the matter of Transcontinental Gas Pipe Line Corporation; Eastern Shore Natural Gas Company and Stauffer Chemical Company, Docket Nos. RP75-16-1, RP75-17-1; Penn Fuel Gas, Inc. and New Jersey Zinc Company, Docket No. RP75-16-4; City of Linden, Alabama, Marengo Corporation, and Gulf States Paper Corporation, Docket No. RP75-16-5; City of Danville, Virginia, Docket No. RP75-16-6; The Commission of Public Works of the City of Laurens, South Carolina, Docket No. RP75-16-7; North Carolina Natural Gas Company and Farmers Chemical Association, Inc., Docket No. RP75-16-8.

On November 16, 1974, an interim curtailment plan was made effective for Transcontinental Gas Pipe Line Corporation (Transco) by order of the D.C. Circuit Court of Appeals.[1] The interim plan requires the curtailment to be invoked on the basis of 50 percent pro rata and 50 percent end-use. Subsequent to implementation of that plan, Transco notified its customers that it will have to increase its curtailment level above the level anticipated during the settlement negotiations that resulted in the Court-ordered plan.[2] As a result of the increased level of curtailment, the Court-ordered plan places in jeopardy service to high priority consumers (priority one and two) on some distribution systems served by Transco. Since any grant of temporary relief may intrude on gas service to residential consumers, we will not act on those requests for relief pendente lite.[3]

[1] "Consolidated Edison Company of New York, Inc., et al. v. FPC, Nos. 73-1999, et al." Court of Appeals for the District of Columbia (November 26, 1974).

[2] By order issued January 8, 1975, the Commission ordered an investigation into the reasons underlying the increased level of curtailment on Transco's system. "Order Instituting Investigation and Order to Show Cause, Setting Hearing, and Establishing Procedures," Docket No. RP75-51, issued January 8, 1975.

[3] During negotiations, Transco anticipated allocating winter season entitlements to its large contract demand customers in the amount of 317,253 MMcf. Of this volume, 283,814 MMcf was reserved for Priority 1 requirements (generally residential, commercial and storage injection needs). The remaining 33,439 MMcf was reserved for Priority 2 requirements (generally the industrial requirements classified in Priority 2 of our Order 467-B set of priorities). Information contained in a filing by Farmer's Chemical Association, Inc., in Docket No. RP75-16-2 reveals that Transco has reduced the total winter entitlements of its customers down to 291,325 MMcf, a reduction of 25,928 MMcf. This reduction leaves an allocation of only 7511 MMcf for Priority 2 requirements for the total winter season. The outstanding petitions for relief on Transco's system, if extrapolated for the total winter season (November 15, 1974-April 15, 1975) for comparative purposes, would total approximately 10,476 MMcf. Thus, granting relief would require all of Transco's customers to curtail into Priority 1.

Instead, we will require petitioners to justify those requests in an evidentiary hearing that will show, inter alia, the intrusion, if any, on service to the residential consumers and the necessity for granting such relief. Accordingly, we will consolidate all of the requests for temporary and permanent extraordinary relief from Transco's Court-ordered curtailment plan, require the relief to be justified on the basis of an evidentiary record, and, require the Presiding Administrative Law Judge to rule on the requests for temporary and permanent relief expeditiously as hereinafter ordered.

Transco serves natural gas consumers in the states of Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and New York. The consequences of granting or denying the instant relief requests may result in addition to the possible curtailment of residential consumers, an increase in unemployment and economic recession throughout those states. Therefore, the hearing hereinafter ordered should explore fully the potential economic effect of this proceeding on each state. Accordingly, we invite each state through its Governor, State Regulatory Commission, Resources Agency, Unemployment Commission, and/or any other responsible state agency to present evidence on the economic effect of granting or denying the requests for temporary and/or permanent relief in this consolidated proceeding. In this regard we also invite the participation of the United States Department of Commerce and the Department of Labor as well as any other responsible Federal agency.

The petitioners in Docket Nos. RP75-16-1 and RP75-17-1 have filed for rehearing of our order issued December 13, 1974, which, inter alia, dismissed their petition for interim and permanent relief. We will grant rehearing and consolidate those proceedings with the above docketed proceedings for purposes of hearing and decision.

In Docket No. RP75-16-4, a petition for rehearing was filed requesting rehearing of our order issued December 27, 1974, that, inter alia, denied interim relief and set for hearing the request for permanent relief. We will grant rehearing and modify the order to permit consolidation of this request for interim and permanent relief in the hearing hereinafter ordered. Additionally, New Jersey Zinc Division of Gulf Western Corporation of Palmerton, Pennsylvania (NJZ) notified the Commission by telegram of January 8, 1975, that if relief is not granted by Saturday, January 11th, its plant will have to shut-down causing irreparable damage to that plant. Under § 13.4 of its tariff, Transco is authorized to grant unilaterally emergency relief to prevent irreparable damage to life or property. The alleged damage to NJZ's plant falls within the scope of that provision. Accordingly NJZ's distributor should seek relief from Transco under § 13.4 of its tariff and upon meeting the buyer's obligation contained therein, Transco shall deliver such emergency volumes as are necessary to permit an orderly shutdown of the Palmerton facility.[4] This relief is specifically limited to those volumes needed for plant protection and shall not include any volumes for production purposes. Transco shall immediately report to the Commission the amount of relief granted and the estimated duration. As hereinafter ordered, the issue of extraordinary relief and continuation of any emergency relief granted by Transco will be the subject of the hearings herein set.

On January 7, 1975, the State of North Carolina and North Carolina Utilities Commission filed in Docket No. RP75-52 a document entitled "Petition of State of North Carolina and North Carolina Utilities Commission For Investigation of Transco's Supply Situation; For Extraordinary Relief From Curtailment; And For Immediate Relief Pendente Lite". Insofar as interim relief is requested, Petitioners have not met the minimal requirements of Order No. 467-C, 18 CFR 2.78(a) (ii) and, consequently, the data required to evaluate the request for immediate relief on the merits are not before us. Therefore, we have not included the North Carolina request for interim relief in this consolidated proceeding. We will give expeditious consideration at such time as a proper petition is filed in accordance with § 2.78(a) (ii). As to North Carolina's additional requests contained in the subject document, we construe that filing as a complaint filed under section 5(a) of the Natural Gas Act and we will address the issues and allegations made therein in a separate order.

The Commission finds. (1) The above-entitled proceedings contain common questions of fact and law that require the consolidation of those proceedings for the purposes of hearing and decision.

(2) Good cause exists for granting the petitions for rehearing that were filed in Docket Nos. RP75-16-1, RP75-17-1, and RP75-16-4 and for modifying the hearing dates and procedures established by our order issued December 27, 19.., in Docket No. RP75-16-4.

(3) Good cause exists for setting the proceeding consolidated herein for formal hearings, expediting the determination of this consolidated proceeding, and establishing the procedures for this proceeding as hereinafter ordered.

The Commission orders. (A) The applications for interim and permanent extraordinary relief filed in Docket Nos. RP75-16-1, RP75-17-1, RP75-16-4, RP75-16-5, RP75-16-6, RP75-16-7, and RP75-16-8 are hereby consolidated for purposes of hearing and decision.

[4] In an earlier filing NJZ stated that 4,000 Mcf per day would be the minimum amount necessary to prevent physical damage to the plant. In this regard, we note Transco's representation in its answer of January 8, 1975, to New Jersey Zinc's petition that the company's declined an offer to purchase SNG from Penn Fuel [Union's parent].

(B) The petitions for rehearing filed in Docket Nos. RP75-16-1, RP75-17-1, and RP75-16-4 are hereby granted.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing January 14, 1975, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, concerning the applications for interim and permanent extraordinary relief filed in the proceedings consolidated in ordering paragraph (A) hereof.

(D) The hearing and procedures established by order issued December 27, 1974, in Docket No. RP75-16-4 are hereby modified to permit that proceeding to be heard in the consolidated proceeding initiated by this order.

(E) Petitioners, the States, Federal agencies, and any other party in the proceeding shall present their evidence in the form of testimony and exhibits in support of, or in opposition to, the applications for interim and permanent extraordinary relief as requested in each of the proceedings consolidated herein. In their presentation, Petitioners shall include, inter alia, evidence reflecting:

(a) Compliance with subparagraph 2.78(a) (ii) of the Commission's General Policy and Interpretations, adopted by Order No. 467-C issued April 4, 1974 (mimeo pp. 5-6),

(b) The priority in which the customer for whom relief is sought are placed under Order No. 467-B categories,

(c) The disposition of volumes received from Transco, for September, October, November, and December 1974, by FPC priorities, and by customer for each of the FPC categories in which the customer for whom relief is sought are placed. Estimate, to the extent feasible, similar data for the period following actual data through May 1975. Include, separately identified, disposition of volumes not sold, e.g. storage injection volumes and company use and unaccounted for volumes, and

(d) End use data and information for the firm industrial customers of each Petitioner whose requirements are 300 Mcf per day or more.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see delegation of authority, 18 CFR 3.4(d)] shall preside at the hearings in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(G) On or before January 24, 1975, the Presiding Administrative Law Judge shall issue his initial decision on the requests for interim extraordinary relief pendente lite that are involved in the proceedings consolidated herein, inclusive of a determination on the issue of

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continuation of any emergency relief received by New Jersey Zinc Company. Simultaneously therewith, he shall certify to us the record related thereto. On or before February 13, 1975, the Presiding Administrative Law Judge shall issue his initial decision on the requests for permanent extraordinary relief involved in the proceedings consolidated herein.

(H) Notices of intervention and petitions to intervene in this consolidated proceeding may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 13, 1975, in accordance with the Commission's rules of practice and procedure [18 CFR 1.8 or 1.37].

(I) Transco may commence such deliveries as it finds are necessary to permit an orderly shutdown of New Jersey Zinc's Palmerton facility, limiting volumes specifically to those required for plant protection and excluding any volumes required to maintain production. No later than 5 p.m., January 10, 1975, a report shall be made by Transco to the Federal Power Commission of what, if any, emergency volumes have been delivered and are proposed to be delivered to meet New Jersey Zinc's plant protection needs.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-1474 Filed 1-15-75;8:45 am]

[Docket No. CP75-15]

UNITED GAS PIPE LINE CO.

Amendment to Application

JANUARY 10, 1975.

Take notice that on December 18, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75-15 an amendment to the application filed in the subject docket pursuant to section 7(c) of the Natural Gas Act reflecting changes in the point of receipt, the daily exchange volumes and the transportation charge of natural gas to be transported on behalf of the State of Louisiana (Louisiana), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

On July 16, 1974, Applicant filed in the subject docket an application[1] for a certificate of public convenience and necessity seeking authorization to transport up to 4,500 Mcf of natural gas per day for Louisiana from a point of receipt at approximately M.P. 18.8 on Applicant's Lake Raccourci Main Line, Lafourche Parish, Louisiana, to New Orleans Public Service Inc. (NOPSI) for the account of Louisiana at various points in the city of New Orleans where Applicant is presently delivering gas to NOPSI. The application indicated that the initial charge for the proposed transportation service would be 7.71 cents per Mcf transported. Said application was filed prior to the November 7, 1974, execution of a definitive agreement between Applicant and Louisiana.

Applicant states that pursuant to the November 7, 1974, gas transportation agreement, Louisiana will deliver, or cause to be delivered for its account, to Applicant up to 5,000 Mcf of gas per day at an existing point of interconnection between the facilities of Exxon Company, U.S.A. (Exxon), and Applicant at the tailgate of Exxon's processing plant in Terrebonne Parish, Louisiana. Applicant will redeliver equivalent volumes to NOPSI for the account of Louisiana. Applicant initially proposes to charge Louisiana 10.23 cents per Mcf transported, which reflects Applicant's Southern Zone jurisdictional cost of service proposed in Docket No. RP74-83.[2]

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Parties which have heretofore filed protests, notices of intervention or petitions to intervene need not do so again.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-1475 Filed 1-15-75;8:45 am]

[Docket Nos. RP72-41, PGA75-1 and PGA75-1-A]

WESTERN TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed PGA Rate Change, and Granting Waiver

JANUARY 10, 1975.

On December 13, 1974, Western Transmission Corporation (Western) tendered for filing a purchased gas cost adjustment (PGA) increase[1] pursuant to its PGA clause. This filing reflects an increase in Western's current cost of gas purchased from its producer suppliers and a revenue surcharge to recover the balance accumulated in the Company's Unrecovered Purchased Gas Cost Account. The proposed PGA increase reflects a 16.46¢ per Mcf increase in the system's average cost of gas, amounting to $617,024 annually, and includes a surcharge to recover the $2,218 balance accumulated in the Unrecovered Purchased Gas Cost Account as of October 31, 1974. The instant filing also modifies Western's PGA clause to permit the Company, in the future, to file a single rate sheet each time a PGA rate change is requested.

On December 16, 1974, Western amended its filing to correct the surcharge figure included in the tariff sheets filed on December 13, 1974.

Western has requested an effective date of December 15, 1974, the date on which the Company will commence gas purchases from two new suppliers. Accordingly, Western has requested waiver of the notice requirements of § 154.22 of the Commission's regulations. Since Western's PGA clause provides for PGA increases to become effective concurrently with the attachment of new gas supplies, we believe that good cause exists to grant the requested waiver.[3]

Western's December 13, 1974, filing was noticed with comments, protests and petitions to intervene due on or before January 7, 1975. To date, no comments, protests or petitions have been received.

Our review of Western's December 13, 1974, filing indicates that it is based in part upon two small independent producer purchases at rates in excess of the rate levels established by Opinion No. 699-H.[4] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Western's December 13, 1974, filing, suspend it for one day to become effective December 16, 1974, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[4] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of Western's December 13, 1974, filing indicates that the claimed increased costs other than those costs associated with that portion of the small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, Western may file a substitute tariff sheet to become effective December 15, 1974, reflecting increased costs other than that portion of those increased costs associated with small

[1] Notice of the application was published in the FEDERAL REGISTER on August 8, 1974 (39 FR 28324).

[2] A proposed rate increase was filed in Docket No. RP74-83 on April 15, 1974.

[1] The revised tariff sheets reflecting the proposed increase are designated as Original Sheet No. 3-A and Third Revised Sheet No. 4 to FPC Gas Tariff, Original Volume No. 1.

[3] See § 154.51 of the Commission's regulations.

[3] Opinion No. 699-H, Docket No. R-389-B issued December 4, 1974.

[4] "Federal Power Commission v. Texaco, Inc., et al.," Docket Nos. 72-1490 and 72-1491, Opinion issued June 10, 1974.

producer purchases in excess of the rate levels prescribed in Opinion No. 699-H referred to in this order.

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

(1) The proposed filing submitted by Western on December 13, 1974, as amended on December 16, 1974, be accepted for filing, suspended and permitted to become effective December 16, 1974, subject to refund.

(2) The claimed increased costs other than those increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

(3) Good cause exists to grant Western's request for waiver of the notice requirements of § 154.22 of the Commission's regulations.

The Commission orders. (A) Western's Original Sheet No. 3-A and Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, are hereby accepted for filing, suspended, and permitted to become effective December 16, 1974, subject to refund, pending further Commission order in this docket.

(B) Waiver of the notice requirements of § 154.22 of the Commission's regulations is hereby granted.

(C) Western may file to become effective December 15, 1974, substitute tariff sheets reflecting that portion of Western's rates as filed December 13, 1974, as amended December 16, 1974, which reflect increased costs other than those increased costs associated with that portion of small producer purchases which are in excess of the rate levels prescribed in Opinion No. 699-H.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-1476 Filed 1-15-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1, February 3, 1975, from 10 a.m. to noon, Room 711, John W. McCormack Post Office and Courthouse Building, Post Office Square, Boston, Massachusetts 02109. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed new Federal Office Building — Pittsfield, Massachusetts. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

Dated: January 7, 1975.

ALAN E. GORHAM, *Acting Regional Administrator.*

[FR Doc.75-1487 Filed 1-15-75;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meetings

The Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on February 20, 21, and 22, 1975 at the Pepper Tree Motor Inn, 3850 State Street, Santa Barbara, California.

The Commission and Committee will meet together from 11 a.m. to 7 p.m. on February 20, from 8:30 a.m. to 7 p.m. on February 21, and 8:30 a.m. to 12:05 p.m. on February 22 to discuss and consider the status of activities and problems affecting marine mammals including matters relating to:

(1) Status of the Commission, including staffing and budget.

(2) The review of permit applications to take marine mammals for research purposes and/or public display.

(3) International efforts affecting the protection and conservation of marine mammals including the Convention for the Conservation of Antarctic Seals, the Interim Convention for the Conservation of North Pacific Fur Seals, the International Whaling Convention and the US-USSR Cooperative Agreement.

(4) Applications for waivers of the moratorium including those of the State of Alaska and the State of California.

(5) Protection of marine mammal populations on San Miguel Island and other areas.

(6) Taking of porpoises incidental to commercial yellowfin tuna fishing.

(7) Recommendations on general permits.

(8) The national marine mammal research programs, and other matters.

These sessions of the meeting will be open to the public, and seating will be available to accommodate up to 100 observers.

The remaining sessions of the meeting will consist of a meeting of the Commission in executive session, a meeting of the Committee in executive session, and a consultative meeting of the Commission and Committee. These sessions will be devoted to the exchange of opinions and deliberations concerning internal operations, personnel, policy, interagency liaison, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence. These sessions involve matters which are within the exemptions of 5 U.S.C. 552 (b) (2), (4), and (6) and will therefore not be open to the public.

Suggestions from interested persons concerning issues and subjects to be considered at the meetings should be submitted to the Commission in writing. For further information, contact the Marine Mammal Commission, 1625 Eye Street, NW., Washington, D.C. 20006.

JOHN R. TWISS, JR., *Executive Director, Marine Mammal Commission.*

JANUARY 9, 1975.

[FR Doc.75-1400 Filed 1-15-75;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Electromagnetic Radiation Management Advisory Council (ERMAC) will meet at 9:00 a.m. in Room 712, 1800 G Street, NW., Washington, D.C., on Thursday, February 6, 1975.

The principal agenda item will be a discussion on measurements, surveys, and other means of characterizing the general electromagnetic environment.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Lt. Cmdr. David C. Brown, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-4737).

Dated: January 13, 1975.

BRYAN M. EAGLE, *Advisory Committee Management Officer.*

[FR Doc.75-1478 Filed 1-15-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5471]

ALABAMA POWER CO. ET AL.

Post-Effective Amendment Regarding Issuance and Sale of Notes to Banks by Subsidiary Company

Notice is hereby given that Alabama Power Company ("Alabama"), P.O. Box 2641, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed with this Commission a post-

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effective amendment to the application-declaration in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") regarding the following transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By Orders dated March 27, 1974 (HCAR No. 18340) and November 7, 1974 (HCAR No. 18645), the Commission, among other things, authorized Alabama to issue and sell unsecured notes to banks and/or commercial paper to dealers from time to time through March 31, 1975, up to an aggregate principal amount of $135,000,000 outstanding at any one time.

Alabama now proposes to increase its proposed borrowings up to an aggregate of $235,000,000 outstanding at any one time. In addition to the arrangements heretofore set forth in this proceeding, Alabama will borrow from nonterritorial banks in accordance with terms proposed to be provided by a credit agreement ("Agreement") to be entered into among Southern, Alabama, and Georgia Power Company ("Georgia") and the banks. Subject to certain limitations described in the Agreement and subject to their respective authority in this proceeding, the maximum aggregate principal amount Southern, Alabama, and Georgia would be permitted to borrow under the Agreement would be approximately $500,000,000 ("Commitment"), and the maximum aggregate amount which Alabama would be permitted to borrow at any time would be equal to the amount of the Commitment less borrowings by Southern and Georgia from time to time outstanding ("Alabama Commitment").

The borrowings by Alabama under the Agreement will be evidenced by notes to the banks maturing not later than 9 months from the date of issuance thereof, and in any event not later than December 31, 1975. It is proposed that each such note will bear interest at a fluctuating interest rate per annum equal to 115 percent of the higher of (a) the prime rate in effect from time to time or (b) ½ of 1 percent above the latest three-week moving average interest rate payable on 90 to 119-day dealer-placed commercial paper. Alabama will be permitted, on the terms and under the conditions to be provided in the Agreement, to prepay borrowings from time to time, in whole or in part without penalty or premium, to reborrow up to the maximum amount of the Alabama Commitment from time to time and, together with Southern and Georgia, to reduce or terminate the Commitment.

It is proposed that under the Agreement the banks will charge fees consisting of a commitment fee (based on the unused portion of the Commitment) from January 1, 1975, through the term of the Agreement at the rate of ½ of 1 percent per annum, a facility fee (based on the Commitment, whether used or unused) from January 1, 1975, through the term of the Agreement at the rate of ¼ of 1 percent per annum, and an additional fee (based on the unused Commitment and outstanding borrowings) at the rate of 10 percent of the interest rate in effect from time to time on outstanding borrowings. Giving effect to these fees, assuming full utilization of the Commitment and based on a prime rate of 10¼ percent per annum and the three-week moving commercial paper rate of 9.24 percent for the terminal week of January 1, 1975, the effective interest rate on borrowings would be 13.06 percent per annum.

Pending the effectiveness of the Agreement, Alabama proposes from time to time to make borrowings hereunder as available on terms comparable to but not more burdensome than those proposed to be provided by the Agreement.

Alabama will use the proceeds of its short-term borrowings to finance construction, to reimburse its treasury for prior construction expenditures, and to pay at maturity bank notes and commercial paper issued for such purposes. Certificates of notification under Rule 24 in respect of the proposed borrowings are to be filed quarterly.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1512 Filed 1-15-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-Disapproval of Amendments to Option Plan

Notice is hereby given that on January 8, 1975, the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The CBOE proposed to amend Rule 4.13(a) which was originally noticed at 39 FR 40203 on November 14, 1974.

The CBOE amendment would require members to report only their customer's aggregate positions of 100 or more option contracts in any single class of options that are listed on the Exchange. If dual trading of options is initiated (i.e., trading of options in respect of the same underlying stock on more than one exchange) pursuant to the amendment, members would be required to report such aggregate positions in options dealt in on the Exchange regardless of on which exchange the position was acquired.

All interested persons are invited to submit their views and comments on the amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

JANUARY 9, 1975.

[FR Doc.75-1511 Filed 1-15-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

JANUARY 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 13, 1975 through January 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1513 Filed 1-15-75;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

JANUARY 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 13, 1975 through January 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1514 Filed 1-15-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

SIZE STANDARDS APPEALS

Procedures and Regulations Review

Mr. Gene F. VanArsdale has been appointed Director of the Size Procedures Study Project for the purpose of conducting a thorough review and analysis of SBA procedures and regulations pertaining to the processing and adjudication of appeals from size standard determinations.

Objectives of the study are: 1. Develop new and improved guidelines for SBA personnel in rendering size standard determinations and improve the processing of appeals to final resolution.

2. Provide for more expeditious processing and adjudication of appeals at all levels.

3. Provide for such reforms in Size Appeals procedures and Size Appeals Board functions as may be necessary to assure that appeal decisions are rendered fairly and equitably.

The study has been commissioned for two months, commencing January 2, 1975. It is anticipated that in early March, final recommendations stemming from the study will be presented to the Administrator for approval.

Comments and recommendations in regard to the above are invited and may be filed with the Small Business Administration on or before February 18, 1975. All correspondence shall be addressed to:

Gene F. VanArsdale, Director
Size Procedures Study Project
Small Business Administration
1441 L Street NW.
Washington, D.C. 20416

Dated: January 13, 1975.

LOUIS F. LAUN,
Chairman,
Size Appeals Board.

[FR Doc.75-1502 Filed 1-15-75;8:45 am]

SELECTIVE SERVICE SYSTEM

RECONCILIATION SERVICE MANUAL

Notice of Availability

The Reconciliation Service Manual is an internal manual of the Selective Service System. It transmits procedures for the administration of the program is reconciliation services by returnees in accord with the President's program to afford reconciliation to Vietnam era draft evaders and military deserters.

This manual may be examined in the office of any State Director of Selective Service or at the National Headquarters, Selective Service System, 1724 F Street, NW., Washington, D.C. It may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The price of a subscription is $18.75 ($4.75 additional for foreign postage). The Superintendent of Documents catalogue number is Y3.SE4:10-2R24/974.

BYRON V. PEPITONE,
Director.

JANUARY 10, 1975.

[FR Doc.75-1371 Filed 1-15-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated November 7, 1974, from M. Keith Wilson, Chairman, Workmen's Compensation Board to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted proof documents concerning Subpart S of Part 1910, Title 29, Code of Federal Regulations. These standards, which are contained in Oregon Safety Code for Places of Employment, were promulgated by the State after a Notice of Intent was published in the Department of State's Administrative Rule Bulletin Vol. 13, No. 23 dated June 1, 1974. No request for a public hearing was received.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, WA 98104; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, OR 97310; and Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) or 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be unnecessary.

This decision is effective January 16, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 10th day of January 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-1452 Filed 1-15-75;8:45 am]

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Notice of Meeting

Notice is hereby given that a Standards Advisory Committee on Marine Terminal Facilities, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, February 11; Wednesday, February 12;

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and Thursday, February 13, 1975, starting at 9 a.m. in the Gold Room, Royal Inn Motel, 18220 Pacific Highway South, Seattle, Washington 98118. The meeting will be open to the public.

The Standards Advisory Committee on Marine Terminal Facilities will continue review of the proposed safety regulations for longshoring, with respect to marine terminal facilities, for the purpose of making recommendations to the Assistant Secretary of Labor for Occupational Safety and Health.

Written data, views, or comments may be filed, together with 20 duplicate copies thereof, with the Committee Management Officer by close of business January 31, 1975. Any such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

Persons wishing to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer no later than the close of business January 31, 1975. The request must contain the name of the person who wishes to make a presentation, whom he represents, a short summary of the intended presentation, and an estimate of the amount of time that will be needed. Oral presentations will be scheduled at the discretion of the Committee Chairman.

Communications should be addressed to:

Joanne L. Goodell
Committee Management Office
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, N.W. Room 200
Washington, D.C. 20210
Phone: 202/961-2248, 3181

Signed at Washington, D.C., this 10th day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-1453 Filed 1-15-75;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

MEETINGS AND HEARINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section Pub. L. 91-452, Part D, sec. 804-808 of the Organized Crime Control Act of 1970, will meet on February 4-5, 1975, in Room G308 of the Dirksen Senate Office Building, and will hold hearings on February 19-20, 1975, in Room 1202 of the Dirksen Senate Office Building, Washington, D.C.

The purpose of the hearings on February 4-5 is to conduct an orientation of newly appointed Congressional Members and to discuss and decide the contents of the Commission's First Interim Report.

The purpose of the meetings on February 19-20 is to elicit testimony from organized sports directors and player representatives regarding the feasibility of legalized sports betting.

The meetings and hearings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are the same as those previously published by this Commission in the FEDERAL REGISTER.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.75-1538 Filed 1-15-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 674]

ASSIGNMENT OF HEARINGS

JANUARY 13, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

FF-29 Sub 2, Florida-Texas Freight, Inc., now assigned February 3, 1975, at New York, N.Y., will be held in Room A-238, Court of Claims, 26 Federal Plaza.

I&S 8998. Coal, Southwestern, Western Trunk Line & Central Territories and FSA 42890, Coal From Illinois, Indiana, Kentucky, and Missouri; now assigned February 4, 1975, at Chicago, Ill., will be held on The 3rd Floor, 230 S. Dearborn St.

MC 128270 Sub 8, Rediehs Interstate, Inc., now assigned February 7, 1975, at Chicago, Ill., will be held on The 3rd Floor, 230 S. Dearborn St.

MC 29079 Sub 72, Brada Miller Freight System, Inc., now assigned February 10, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC-F-12232, Cordin Motor Freight, Inc.—Control and Merger—R. T. Skewes Freight Lines, Inc., now assigned February 12, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC-F-12090, Cedar Rapids Steel Transportation, Inc.—Purchase—The Kinnison Trucking Company, MC 114273 Sub 158, Cedar Rapids Steel Transportation, Inc., now assigned January 15, 1975, at Columbus, Ohio, is postponed to a date to be hereafter fixed.

MC 61592 Sub 320, Jenkins Truck Line, Inc., now assigned January 19, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 107515 Sub 892, Refrigerated Transport Co., now assigned January 20, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 124170 Sub 38, Frostway, Inc., MC 124170 Sub 41, now assigned January 24, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1560 Filed 1-15-75;8:45 am]

[Fifth Reivsed Exemption No. 91; Ex Parte No. 241]

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exception.)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Railroad Company
Reporting marks: AWP
Bangor and Aroostook Railroad Company
Reporting marks: BAR
Central Vermont Railways, Inc.
Reporting marks: CV-CVO
Duluth, Winnipeg and Pacific Railway
Reporting marks: DWP
Illinois Central Gulf Railroad Company
Reporting marks: ICG-CLG-GMO-IC
The Kansas City Southern Railway Company
Reporting marks: KCS-LA
Lehigh Valley Railroad Company (John F. Nash and Robert C. Haideman, Trustees)
Reporting marks: LV
Maine Central Railroad Company
Reporting marks: MEC
St. Louis Southwestern Railway Company
Reporting marks: SSW
Southern Pacific Transportation Company
Reporting marks: SP
The Western Pacific Railroad Company
Reporting marks: WP
The Western Railway of Alabama
Reporting marks: WA

Effective January 3, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 3, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-1555 Filed 1-15-75;8:45 am]

[Third Revised Exemption No. 91; Ex Parte No. 241]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft., boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Sante Fe Railroad Company
Reporting marks: ATSF
Atlanta & Saint Andrews Bay Railway Company
Reporting marks: ASAB
Burlington Northern Inc.
Reporting marks: BN-CBQ-GN-NP-SPS
Illinois Terminal Railroad Company[1]
Reporting marks: ITC
Missouri-Kansas-Texas Railroad Company
Reporting marks: MKT-BKTY
Missouri Pacific Railroad Company
Reporting marks: MP-CEI-MI-TP
Norfolk and Western Railway Company
Reporting marks: NW-NKP-WAB
Seaboard Coastline Railroad Company
Reporting marks: SCL-ACL-SAL
Southern Railway Company
Reporting marks: SOU-CG-NS
The Akron, Canton & Youngstown Railroad Company
Reporting marks: ACY
The Pittsburgh and Lake Erie Railroad Company
Reporting marks: PLE
Union Pacific Railroad Company
Reporting marks: UP

Effective December 24, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 24, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-1553 Filed 1-15-75;8:45 am]

[1] Addition

[Fourth Revised Exemption No. 91; Ex Parte No. 241]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company
Reporting marks: ATSF
Atlanta & Saint Andrews Bay Railway Company
Reporting marks: ASAB
Burlington Northern Inc.
Reporting marks: BN-CBQ-GN-NP-SPS
Chicago and North Western Transportation Company[1]
Reporting marks: CNW-CGW-CMO-MSTL
Chicago, Milwaukee, St. Paul and Pacific Railroad Company[1]
Reporting marks: MILW
Illinois Terminal Railroad Company
Reporting marks: ITC
Missouri-Kansas-Texas Railroad Company
Reporting marks: MKT-BKTY
Missouri Pacific Railroad Company
Reporting marks: MP-CEI-MI-TP
Norfolk and Western Railway Company
Reporting marks: NW-NKP-WAB
Seaboard Coast Line Railroad Company
Reporting marks: SCL-ACL-SAL
Southern Railway Company
Reporting marks: SOU-CG-NS
The Akron, Canton & Youngstown Railroad Company
Reporting marks: ACY
The Pittsburgh and Lake Erie Railroad Company
Reporting marks: PLE
Union Pacific Railroad Company
Reporting marks: UP

Effective December 31, 1974, and continuing in effect until further order of this Commission.

[1] Additions.

Issued at Washington, D.C., December 31, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-1554 Filed 1-15-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 13, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed by January 31, 1975.

FSA No. 42926—*Sulphuric Acid to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-504), for interested rail carriers. Rates on acid, sulphuric, in tank-car loads, as described in the application, from points in Arkansas, Louisiana, Oklahoma, and Texas, to points in southern territory.

Grounds for relief—Rate relationship, revision of minimum weights.

Tariffs—Supplements 195, 178, and 158 to Southwestern Freight Bureau, Agent, tariffs 34, 38-D, and 357-B, I.C.C. Nos. 4923, 5044, and 5019, respectively. Rates are published to become effective on February 13, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1557 Filed 1-15-75;8:45 am]

[Rev. I.C.C. No. 131, Rev. S.O. No. 994]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, The Baltimore and Ohio Railroad is unable to transport freight cars with dimensions in excess of Plate C, routed over its line between Parkersburg, West Virginia and Zanesville, Ohio because of track damage.

It is ordered, That:

(a) *Rerouting traffic.* The Baltimore and Ohio Railroad Company, being unable to transport freight cars with dimensions in excess of Plate C, routed over its line between Parkersburg, West Virginia and Zanesville, Ohio, because of track damage, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

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(b) *Concurrence of receiving road to be obtained.* The Baltimore and Ohio Railroad Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Baltimore and Ohio Railroad Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., January 5, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 5, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 31, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-1558 Filed 1-15-75;8:46 am]

[Rev. I.C.C. O. 126, Amdt. 3; Rev. S.O. 994]

PENN CENTRAL

Rerouting or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 126 (Penn Central, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That.

Revised I.C.C. Order No. 126 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 15, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 6, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-1559 Filed 1-15-75;8:45 am]

[Notice No. 4]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 9, 1975.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 40978 (Sub-No. 24TA), filed January 6, 1975. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture from Muscatine, Iowa, to points in Illinois and points in Indiana within the Chicago, Ill., Commercial Zone, for 180 days. Supporting shipper: Hon Industries, Inc., 414 East Third Street, Muscatine, Iowa (Ronald P. Darnall). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 96855 (Sub-No. 5TA), filed January 7, 1975. Applicant: REFRIGERATED DELIVERY SERVICE, INC., 45 S. Fulton, P.O. Box 50247, Tulsa, Okla. 74150. Applicant's representative: V. Langenberg (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, products, meat by-products, dairy products and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), *Foodstuffs*, from Oklahoma City, Okla., to points in Oklahoma, restricted to traffic having a prior out of state movement. Supporting shippers: Cudahy Foods Co., James T. Ferguron, T. M., 2300 N. Broadway, Wichita, Kans., John Morrell & Co., Robert L. Lee, Mgr., Rates & Services, 208 S. LaSalle Street, Chicago, Ill. 60604. Doskocil Sausage Co., Orvin Miller, Sales Mgr., 321 N. Main, South Hutchinson, Kans. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 100439 (Sub-No. 5TA), filed January 6, 1975. Applicant: DAVID W. HASSLER, INC., R.D. #8, York, Pa. 17403. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petro-chemicals), in bulk, from Baltimore, Md., to points Adams, Berks, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Northumberland, Perry, Snyder, Union, and York (except York and Red Lion) Counties, Pa., for 180 days. Supporting shippers: Spangler Oil Co., R. #2, Littlestown, Pa.; Eaton Fuel Service, Inc., Church Street, Stewartstown, Pa. 17363; R. A. Bair Oil Service, R.D. #2, Seven Valleys, Pa.; Aero Oil Company, 230 Lincoln Way E., New Oxford, Pa. 17350; Gerry McCullough & Company, 100 W. Penn Street, New Freedom, Pa. 17349; The Sico Company, 15 Mt. Joy Street, Mt. Joy, Pa. 17552. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 107496 (Sub-No. 978TA) (Correction), filed December 16, 1974, published in the FEDERAL REGISTER issue of January 6, 1975, and republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa. 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl acetate*, in bulk, in tank vehicles, from Smithfield, Ky., to Clinton, Iowa, for 180 days. Supporting shipper: Chemplex Company, Rolling Meadows, Ill. 60008. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

NOTE.—The purpose of this republication is to include Chemplex Company, Rolling Meadows, Ill. 60008 as the supporting shipper which was previously omitted, the rest of the application will remain the same.

No. MC 111401 (Sub-No. 439TA), filed January 6, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible Tallow*, in bulk, in tank vehicles, from the plantsite and/or facilities of Chaparral Packing Company, Inc., near Las Cruces, N. Mex., to San Angelo, Ft. Worth, Dallas, and Tornillo, Tex., for 180 days. Supporting shipper: Chaparral Packing Company, Inc., J. Harvey Lewis, President, Rt. 1, Box 1850, Las Cruces, N. Mex. 88001. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 440TA), filed January 7, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Chemical U.S.A. near Plaquemine, to points of entry on the International Boundary line between the United States and Mexico, located in Texas in foreign commerce only, for 180 days. Supporting shipper: Dow Chemical U.S.A., A. R. Mills, Supervisor Traffic Services, Louisiana Division, Plaquemine, La. 70764. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 113024 (Sub-No. 132TA) (Correction), filed November 12, 1974, published in the FEDERAL REGISTER issue of November 21, 1974, and republished as corrected this issue. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from Evangeline Parish, La., to McCook, Nebr., and Wilmington, Del., for the account of Electric Hose and Rubber Company, Wilmington, Del., for 180 days. Supporting shipper: Fred H. Evick, Director of Distribution, Electric Hose & Rubber Company, Box 910, Wilmington, Del. 19899. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

NOTE.—The purpose of this republication is to change the origin from Seagraves, Tex., to Evangeline Parish, La., which was published in error.

No. MC 113024 (Sub-No. 133TA) (Correction), filed November 26, 1974, published in the FEDERAL REGISTER issues of December 9, 1974, and December 23, 1974, and republished as corrected this issue. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. 2, S. Dupont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from Seagraves, Tex., to McCook, Nebr., and Wilmington, Del., for the account of Electric Hose & Rubber Company, Wilmington, Del., for 180 days.

NOTE.—The purpose of this republication is to change the origin to Seagraves, Tex., in lieu of Evangeline Parish, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 116459 (Sub-No. 52TA), filed January 6, 1975. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Sam Speer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *#5 and #6 Fuel Oil and residual products* (fuel oil), in bulk, in tank vehicles, from Chattanooga, Tenn., to Stevenson, Huntsville, Scottsboro, Ragland, and Gadsden, Ala., for 180 days. Supporting shipper: General Oils, Inc., P.O. Box 68, Chattanooga, Tenn. 37401. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 U.S. Court House, Nashville, Tenn. 37203.

No. MC 125135 (Sub-No. 1TA), filed January 2, 1974. Applicant: RONALD E. SWANNER, doing business as SWANNER TRANSFER CO., 3445 Aronov Avenue, Montgomery, Ala. 36108. Applicant's representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Autauga, Bullock, Butler, Chilton, Coosa, Crenshaw, Elmore, Lowndes, Macon, Montgomery, Perry, Tallapoosa, and Wilcox Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Richardson Forwarding Company, 992 East Artesia Boulevard, Long Beach, Calif. 90806; American Ensign Van Service, Inc., 2330 Pacific Avenue, Suite D, Long Beach, Calif., 90806, AFI Worldwide Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103; Continental Forwarders, Inc., 105 Leonard Street, New York, N.Y. 10013. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Bldg., Birmingham, Ala. 35203.

No. MC 128375 (Sub-No. 126TA), filed January 7, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products and related items* (except cigarettes and commodities in bulk), from Owensboro, Ky., and its commercial zone to Tulsa, Okla., and its commercial zone, for 180 days. Supporting shipper: W. R. Suitt, Director of Distribution, Liggett & Myers, Incorporated, Box 3868, Duram, N.C. 27702. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Building & Court House, Lincoln, Nebr. 68501.

No. MC 128831 (Sub-No. 7TA) (Correction), filed December 10, 1974, published in the FEDERAL REGISTER issue of December 23, 1974, and republished as corrected this issue. Applicant: DIXON RAPID TRANSFER, INC., East River Road, Dixon, Ill. 61021. Applicant's representative: Robert H. Levy, 29 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and duct* used in heating, cooling, air conditioning, and exhaust systems, and *materials and supplies* used in the installation thereof, *and building construction wall sections and accessories and parts* used in the installation thereof, from the plantsite of United Sheet Metal Division of United McGill Corp., at Westerville, Ohio, to points in Nebraska, Indiana, Iowa, Michigan, Missouri, Minnesota, and Wisconsin, for 180 days. Supporting shipper: United Sheet Metal Division of United McGill Corp., 200 E. Broadway, Westerville, Ohio 43081. Send protests to: Charles R. Nesmith, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604. The purpose of this republication is to add the states of Michigan, Missouri, Minnesota, and Wisconsin as destination points.

No. MC 129613 (Sub-No. 17TA), filed January 7, 1975. Applicant: ARTHUR

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H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Pittsburgh, Pa., to Winchester, Va., for 180 days. Supporting shipper: Dearing Beverage Co., Inc., Paper Mill Road, Winchester, Va. 22601 for 180 days. Send protests to: W. C. Hersman, District Supervisor, Room 317, Bureau of Operations, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, D.C. 20432.

No. MC 129613 (Sub-No. 18TA), filed January 7, 1975. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden blocks or cradles*, between Clark County, Va., to Kearney, N.J., and Baltimore, Md., for 180 days. Supporting shipper: D. M. Diggs, d.b.a. J. C. Diggs & Sons, White Post, Va. 22633. Send protests to: W. C. Hersman, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Avenue NW., Washington, D.C. 20432.

No. MC 136267 (Sub-No. 3TA), filed December 30, 1974. Applicant: BELS PRODUCE CO., INC., 11357 Vienna Road, P.O. Box 348, Montrose, Mich. 48459. Applicant's representative: Andrew J. Halliw III, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Return unsaleable fruit juices in glass and replace with fruit juices in glass*, between New Baltimore, Mich., on the one hand, and, on the other, the plantsite and facilities of Boden Products, Inc., at or near Franklin Park, Ill., for 180 days. Supporting shipper: Boden Products, Inc., National Sales Manager, John Bergstrom, 3333 N. Mt. Prospect Road, Franklin Park, Ill. 60131. Send protests to: Melvin P. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 140467 (Sub-No. 1TA), filed January 3, 1975. Applicant: GREAT SOUTHERN HAULING, INC., 3600 Pine Forest Drive SE., Atlanta, Ga. 30354. Applicant's representative: John E. Goins, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime, sand, gravel, stone*, from Jefferson, Blount, Knox Counties, Tenn., to points in Georgia, for 180 days. Supporting shippers: Jefferson County Farm, Wrens, Ga., E. M. Newsome, Farm Owner, Stapleton, Ga., L. R. Hobbs and Son, Stapleton, Ga., Stapleton Gin Co., Stapleton, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

PASSENGER APPLICATION

No. MC 140526 (Sub-No. 1TA), filed January 6, 1975. Applicant: JIM EUBANKS, doing business as JIM'S CAB SERVICE, 721 East Maine, P.O. Box 34, Siloam Springs, Ark. 72716. Applicant's representative: Georgia K. Elrod, P.O. Drawer 580, Siloam Springs, Ark. 72716. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between points in Northwest Ark., Northeast Okla., Southwest Mo., and Southeast Kans., under a continuing contract or contracts with Kansas City Southern railroad crews, for 180 days. Supporting shipper: The Kansas City Southern Railway Company, 114 W. 11th Street, Kansas City, Mo. 64105. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201

WATER CARRIER ORDER

No. W 1282 TA, filed November 15, 1974. Carrier: KEY WEST FERRY CORPORATION, 400 SW. First Avenue, Miami, Fla. 33130. Carrier's representative: Richard B. Austin, 5255 NW. 87th Avenue, Miami, Fla. 33166. At a Session of the Interstate Commerce Commission, Motor Carrier Board, held at its office in Washington, D.C., on the 26th day of November, 1974, carrier was authorized to engage in operation, as a *common carrier* by water, transporting: *General commodities, trailers, rail cars, or containers*, with or without wheels, loaded or empty, and commodities in bulk, between ports in Dade, Broward, and Hillsborough Counties, Fla., on Key West and Marathon, Fla., and return, for 180 days. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Bernardine E. Murphy, Palm Coast II Building, Interstate Commerce Commission, Bureau of Operations, 5255 NW. 87th Avenue, Miami, Fla. 33166.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1556 Filed 1-15-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 13, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by January 27, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 3581 (Sub-No. E1), filed May 16, 1974. Applicant: THE MOTOR CONVOY, INC., P.O. Box 82432, Hopeville, Ga. 30054. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Automobiles and trucks, tractors, and chassis*, in secondary movement, in truckaway and driveaway service, (a) between points in Georgia, on the one hand, and, on the other, Texarkana, Tex., (b) between points in North Carolina and South Carolina, on the one hand, and, on the other, Texarkana, Tex., (c) between points in Florida, east of the Suwanee River, on the one hand, and, on the other, Texarkana, Tex., and (d) between points in Tennessee on and east of Interstate Highway 75, on the one hand, and, on the other, Texarkana, Tex. (2) *Automobiles and trucks*, in secondary movements, in driveaway and truckaway service, (a) from points in Florida, east of the Apalachicola River, to points in Kentucky, (b) from points in Florida, east of the Apalachicola River, to points in Missouri, (c) from points in Florida, east of the Suwanee River, to points in Arkansas, (d) from points in Georgia on and south of U.S. Highway 78, to points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line, (e) from points in Georgia on and south of U.S. Highway 78 to points in Missouri, (f) from points in Georgia, on and south of U.S. Highway 78, to points in Arkansas, (g) from points in South Carolina, to points in Missouri, (h) from points in South Carolina, to points in Arkansas, (i) from points in North Carolina, to points in Arkansas, (j) from points in North Carolina on and east of U.S. Highway 1, to points in Missouri, (k) from Norfolk, Va., to points in Arkansas.

(3) *Automobiles and trucks*, in secondary movements, in driveaway and truckaway service, (a) between points in West Virginia, on the one hand, and, on the other, points in Tennessee, South Carolina, Georgia, Alabama, Florida, and

Mississippi, (b) between points in Virginia on and east of U.S. Highway 52, on the one hand, and, on the other, points in Tennessee, South Carolina, Georgia, Alabama, Florida, and Mississippi, (c) from those points in South Carolina on and south of U.S. Highway 78, to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Kentucky-Ohio State line, (d) from those points in South Carolina north of U.S. Highway 78 and on and east of a line beginning at the South Carolina-Georgia State line extending along U.S. Highway 1 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, to those points in Kentucky on and west of Interstate Highway 65, (e) from those points in South Carolina on, north, west, south, or bounded by a line beginning at the South Carolina-Georgia State line extending along U.S. Highway 1 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 123, thence along U.S. Highway 123 to the South Carolina-Georgia State line, to those points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line, (f) from those points in South Carolina north and east of a line beginning at the South Carolina-North Carolina State line extending along Interstate Highway 26 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, to those points in Kentucky on and west of Interstate Highway 24.

(4) *Automobiles, trucks, and chassis*, in secondary movements, in truckaway service, between points in Virginia, on the one hand, and, on the other, Texarkana, Tex. (5) *Automobiles and trucks*, in secondary movements, in truckaway service, and *farm-type tractors*, between points in Louisiana, on the one hand, and, on the other, points in Florida. (6) *Automobiles and trucks*, in secondary movements, in truckaway service, (a) between points in Louisiana in and south of Vernon, Rapides, and Avoyelles Parishes, on the one hand, and, on the other, points in Georgia, (b) between those points in Louisiana which are both north of Vernon, Rapides, and Avoyelles Parishes, and on and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 84 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, on the one hand, and, on the other, those points in Georgia on and south of a line beginning at the Georgia-Alabama State line extending along Georgia Highway 85 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-South Carolina State line.

(7) *Farm-type tractors*, (a) from points in Georgia to those points in Louisiana which are in and south of Vernon, Rapides, and Avoyelles Parishes, and (b) from those points in Georgia on and south of a line beginning at the Georgia-Alabama State line, extending along Georgia Highway 85 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-South Carolina State line, to those points in Louisiana which are both north of Vernon, Rapides, and Avoyelles Parishes and on and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 84 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line. The purpose of this filing is to eliminate the gateways of the site of the Ford Motor Company plant near Hapeville, Ga., in (1)(a), (b), (c), (d), (2)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (3)(c), (d), (e), (f), and (4) above; North Carolina, in (3)(a)(b), and (4) above; and Mobile, Ala., in (5), (6)(a), (b), and (7)(a), (b).

No. MC 13134 (Sub-No. E1), filed May 30, 1974. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products, glassware, and clay refractory products*, except commodities in bulk, lime, limestone, and lime and limestone products, (a) between points in that part of Ohio on, north, and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 30 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 57, thence along Ohio Highway 57 to Lorain, on the one hand, and, on the other, points in that part of West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line; (b) between points in that part of Ohio on, north, and east of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Ohio Highway 45 to Lake Erie, on the one hand, and, on the other, points in West Virginia on and south of Interstate Highway 70 (*Washington, Pa.); (2) *clay products, and refractories* (except furnace and stove lining shapes and plastic brick), from Oak Hill, Ohio, and points within 14 miles thereof, to points in Florida, Georgia, North Carolina, South Carolina, and Louisiana (*Fronten, Ohio).

(3) *Clay products and refractories*, from the plant site of the Esso-Ramite Co., near Siloam, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin, and, *damaged* or *returned shipments* of clay products and *pallets* used in the transportation of clay products from points in the States described above to the named plant site (Ironton, Ohio); (4) *clay products* and *refractories*, except furnace and stove lining shapes and plastic brick, from the plant site of the Esso-Ramtite Co., near Siloam, Ky., to points in the District of Columbia, Maine, New Hampshire, Texas, Vermont, Alabama, Connecticut, Delaware, Iowa, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Rhode Island, Tennessee, Virginia, and Wisconsin, and *damaged or returned shipments* of clay products and *pallets* used in the transportation of clay products from points in the States described above to the named plant site (*Fronten, Ohio); (5) *clay products* and *refractories* from the plant site of the Lawrence Refractories Clay Company, in Elizabeth Township, Lawrence County, Ohio, to all points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin; and *damaged or returned shipments* of such commodities, and *pallets*, *containers*, or *other packing materials* used in the transportation of clay products, from points in the States described above to the named plant site (*Oak Hill, Ohio);

(6) *Iron and steel articles*, from the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., direct to all points in Washington County, Pa., restricted to shipments originating at or destined to the named plant site (*points in Ohio); and (7) (a) *iron and steel articles*, except commodities in bulk, from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill., to points in Washington County, Pa., restricted to shipments originating at the named plant site, and, (b) *materials, equipment, and supplies*, except commodities in bulk, used in the manufacture and processing of iron and steel articles, from points in Washington County, Pa., to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., restricted to shipments destined to the named plant-site. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 31462 (Sub-No. E68), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75166. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Household goods*, as defined by the Commission, between points in Georgia on the one hand, and, on the other points in that part of Oklahoma on and north of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction Oklahoma Highway 39, thence along Oklahoma Highway 39 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Lawton, Okla., thence along U.S. Highway 62 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri which is within 25 miles of Cairo, Ill., and (2) any point in Tennessee.

No. MC 31462 (Sub-No. E78), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in that part of Wisconsin on and north of a line beginning at Manitowoc, Wis., thence along U.S. Highway 51 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of (1) any point in Tennessee; and (2) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (3) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E79), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in that part of Michigan, on the Upper Peninsula, on and west of a line beginning at Marquette, Mich., thence along U.S. Highway 41 to Escanaba, Mich. The purpose of this filing is to eliminate the gateway of (1) any point in Tennessee; (2) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (3) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E194), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E195), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) Hoosick Falls, N.Y.; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E196), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of (1) Hoosick Falls, N.Y., (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E197), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 81 to Wichita, Kans., thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, on the one hand, and, on the other, points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along Interstate Highway 55 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E198), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) any point in Tennessee, and (3) any point in Georgia.

No. MC 31462 (Sub-No. E200, filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E201), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) any point in Georgia, and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E202), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on and east of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 177 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of any point in Okmulgee County, Tex.

No. MC 31462 (Sub-No. E203), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the

other, points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 21 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E204), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along Tennessee Highway 78 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 26, thence along Tennessee Highway 20 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E205), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E206), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E207), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on, east, and north of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line, on the one hand, and, on the other, points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along Louisiana Highway 25 to junction Lake Pontchartrain Causeway, thence along Lake Pontchartrain Causeway to New Orleans, La., thence along U.S. Highway 90 to Houma, La. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., or any point within 35 miles thereof, and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E208), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E209), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E210), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E211), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 37203 (Sub-No. E1) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, December 2, 1974. Applicant: MILLSTEAD VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Nebraska (Shawnee, Okla., and points in Oklahoma within 150 miles of Shawnee*), Montana, and Wyoming (points in Oklahoma with 80 miles of Tulsa which are within 150 miles of Shawnee, including Tulsa and Shawnee*); (2) between points in New Mexico, on the one hand, and, on the other, points in Missouri, Indiana, Massachusetts, Michigan, Ohio, Maine, Pennsylvania, New Jersey, New York, Rhode Island, Kentucky, West Virginia, and Illinois, (3) between points in McDonald, Barry, Newton, Lawrence, Dade, Barton, Jasper, and Vernon Counties, Mo., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and New York (points in Oklahoma and McLean County, Ill.*); and (4) between points in McDonald, Barry, Newton, Lawrence, Jasper, Dade, Barton, Cedar, Vernon, St. Clair, Bates, Henry, Hickory, Polk, Dallas, Greene, Webster, Christian, Stone, and Taney Counties, Mo., on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Maine (points in Oklahoma and McLean County, Ill.*). The purpose of this filing is to eliminate the gateways designated by asterisks above. The purpose of this correction is to include the territorial descriptions of paragraph 2.

No. MC 43038 (Sub-No. E2), filed June 4, 1974. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Rd., Romulus, Mich. 48174. Applicant's representative: Paul H. Jones (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from the plant sites of General Motors Corporation at Van Nuys and South Gate, Calif., to points in Idaho, Nevada, Utah, Wyoming, Colorado, Kansas, and Iowa. The purpose of this filing is to eliminate the gateways of points in California and points in Colorado.

No. MC 76177 (Sub-No. E75) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER, December 24, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as

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above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Kentucky, Virginia, and West Virginia, on the one hand, and, on the other, Arizona. The purpose of this filing is to eliminate the gateways of (1) Grafton, Ill., and points within 2 miles thereof; (2) Wolf Lake, Ill., and points within 15 miles thereof. The purpose of this correction is to clarify the territorial destination points.

No. MC 76177 (Sub-No. E85) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER, December 26, 1974. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Missouri, on the one hand, and, on the other, Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) Grafton, Ill., and points within 2 miles thereof, and (2) Jasonville, Ind., and points within 15 miles thereof. The purpose of this correction is to clarify the territorial description.

No. MC 83745 (Sub-No. E27), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, December 27, 1964. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities*, generally requiring rigging, special equipment, or specialized handling (except articles requiring special vehicular equipment for over the road movements), between Claysville, Pa., on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 50, points in Ohio on and west of Interstate Highway 75, and points in Maryland on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this correction is to clarify the highway description.

No. MC 107064 (Sub-No. E7), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line (except points in El Paso County, Tex., to points in Washington). The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107227 (Sub-No. E1), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER, November 21, 1974. Applicant: INSURED TRANSPORTERS, INC., P.O. Box 1807, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (5) *Trucks*, in truckaway service, from points in that part of California on and west of a line beginning at the Oregon-California State line and extending along U.S. Highway 97 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway 120 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 17, thence along California Highway 17 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 152, thence along California Highway 152 to junction California Highway 1, thence along California Highway 1 to the Pacific Ocean, to points in Arizona (San Francisco and Oakland)*; (6) *Trucks*, in truckaway service, from points in that part of California on and west of a line beginning at the Arizona-California State line and extending along U.S. Highway 80 to junction California Highway 86, thence along California Highway 86 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction Interstate Highway 52, thence along Interstate Highway 52 to junction Temporary Interstate Highway 5, thence along Temporary Interstate Highway 5 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction California Highway 29, thence along California Highway 29 to junction California Highway 128, thence along California Highway 128 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 12, thence along California Highway 12 to junction California Highway 116, thence along California Highway 116 to the Pacific Ocean, to points in Washington (San Francisco and Oakland)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include (5) and (6) above which were omitted from the previous publication. The remainder of this letter-notice remains as previously published.

No. MC 108207 (Sub-No. E10) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER, December 10, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat by-products, dairy products, frozen foods fish, table sauces, and pickles*, in vehicles equipped with mechanical refrigeration, and (2) *Foodstuffs* (except those described in (1) above, when moving in mixed loads with one or more of the commodities described in (1) above, in vehicles equipped with mechanical refrigeration), from Cleveland, Ohio, to points in Arizona, New Mexico, and California. The purpose of this filing is to eliminate the gateway of points in Texas. The purpose of this correction is to clarify the origin description.

No. MC 108380 (Sub-No. E9) (Correction), filed June 5, 1974, published in the FEDERAL REGISTER, November 19, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from points in Pennington County, S. Dak., to points in Salt Lake City, Utah, and Pocatello, Idaho, and points within five miles each. The purpose of this filing is to eliminate the gateway of Riverton, Wyo. The purpose of this correction is to clarify the territorial destination points.

No. MC 109478 (Sub-No. E2), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen or in bulk, in tank vehicles, from those points in New York within 150 miles of Hamlin, Holley and Williamson, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateways of Hamlin, Holley, and Williamson, N.Y.

No. MC 109478 (Sub-No. E4), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable juices*, from North East, Pa., to all points in Florida. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC 109478 (Sub-No. E6), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Grape juice, tomato juice, jams, jellies, and preserves*, other than frozen or in bulk, in tank vehicles, from points in New York to points in Illinois and Indiana. (2) *fresh and preserved fruits and vegetables, and fruit and vegetable juices*, other than frozen or in bulk, in tank vehicles, from points in New York to points in Michigan, Ohio, and points in Pennsylvania on and west of Interstate Highway 81. (3) *preserved foodstuffs, frozen fruits and vegetables, and canned or frozen fruit and vegetable juices*, other than frozen or in bulk, in tank vehicles, from points in New York to points in West Virginia. The purpose of this filing is to eliminate the gateways of Lawton and Mattawan, Mich., Brocton, Hamlin, Holley, LeRoy and points within 50 miles thereof, Silver Creek, Westfield, and Williamson, N.Y., and Crawford and Erie Counties, Pa., and North East, Pa.

No. MC 111320 (Sub-No. E116), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 688, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in that part of Wyoming on and west of a line beginning at the Colorado-Wyoming State line, thence along U.S. Highway 287 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-South Dakota State line, to points in Ohio. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E117), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 688, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in that part of California on and north of a line beginning at Ventura, Calif., thence along California Highway 33 to junction California Highway 119, thence along California Highway 119 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction California Highway 178, thence along California Highway 178 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, and to points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 421 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E119), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 688, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in Idaho, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 31W to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E120), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 688, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in Montana, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E121), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 688, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in Montana, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, thence along Interstate Highway 75 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, and to points in that part of Kentucky on and east of a line beginning at Lake Ontario, thence along New York Highway 78 to junction New York Highway 16, thence along New York Highway 16 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E128), filed May 17, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 688, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E129), filed May 17, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 688, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service (except passenger automobiles), between points and places in New York, on the one hand, and, on the other, Arizona, California, Florida, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 113459 (Sub-No. E54), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box

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94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, (a) between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 26 to its junction with Iowa Highway 9, thence along Iowa Highway 9 to its junction with Iowa Highway 51, thence along Iowa Highway 51 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Oklahoma: (b) between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 26 to its junction with Iowa Highway 9, thence along Iowa Highway 9 to its junction with Iowa Highway 76, thence along Iowa Highway 76 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with Iowa Highway 64, thence along Iowa Highway 64 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along Missouri Highway 18 to its junction with Missouri Highway 52, thence along Missouri Highway 52 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Illinois State line; (c) between points in that part of Iowa on and east of U.S. Highway 61, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 81 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to its junction with Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line; and (d) between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 26 to its junction with Iowa Highway 9, thence along Iowa Highway 9 to its junction with Iowa Highway 51, thence along Iowa Highway 51 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Colorado on and west of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 85 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line. Restriction: The operations authorized in (1) and (2) above are restricted against the transportation of agricultural machinery and agricultural tractors, and the operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 113459 (Sub-No. E58), filed May 14, 1974. Applicant: H.J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (1) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (2) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (4) the injection or removal of commodities into or from holes or wells, the transportation of which, by reason of size or weight, require the use of special equipment, from points in Missouri to points in Nevada (points in Kansas and Colorado) *; (B) (1) *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas, on the one hand, and, on the other, points in Nevada (points in Oklahoma) *; (C) (1) *commodities*, the transportation of which, by reason of size or weight, require the use of special equipment (except those used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines and except farm machinery); and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers; from points in Missouri to points in Utah (points in Oklahoma) *; and (D) *metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment; from points in New Mexico to points in Michigan (points in Oklahoma) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E59), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, the transportation of which, because of size or weight, require the use of special equipment; (A) between points in Bullitt, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Minnesota (Sterling, Ill., and points in Illinois south of U.S. Highway 36) *; (B) between Bullitt, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in that part of Iowa on and east of Interstate Highway 35 (Sterling, Ill., and points in Illinois south of U.S. Highway 36) *; (C) between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 76 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with Iowa Highway 136, thence along Iowa Highway 136 to its junction with Iowa Highway 64, thence along Iowa Highway 64 to its junction with Iowa Highway 38, thence along Iowa Highway 38 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Nevada (points in Illinois, Kansas, and Colorado) *; and (D) between Bullitt, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Missouri (points in Illinois) *; (2) *commodities*, the transportation of which, because of size or weight, require the use of special equipment (except those used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of main or trunk pipeline and except farm machinery); (3) *parts* of commodities authorized in (2) above, either when incidental to the transportation of such commodities, or when transported as separate in unrestricted shipments; (4) *self-propelled articles*, each weighing 15,000 pounds or more, in *related machinery, tools, parts, and supplies* when moving in connection therewith restricted to commodities which are transported on trailers; (5) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, except the stringing and picking up of pipe in connection with main or trunk pipelines; (6) *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving into or from pipeline rights-of-way; and (7) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Texas, on the one hand, and, on the other, points in Nebraska, South Dakota, North Dakota, and Montana (points in Oklahoma) *. Restriction: The operations authorized in parts (A), (B), and (C) of (1) above, are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113843 (Sub-No. E282) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER July 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in that part of Vermont on and north of

Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Missouri (points in Illinois) *; (2) *commodities*, the transportation of which, because of size or weight, require the use of special equipment (except those used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of main or trunk pipeline and except farm machinery); (3) *parts* of commodities authorized in (2) above, either when incidental to the transportation of such commodities, or when transported as separate in unrestricted shipments; (4) *self-propelled articles*, each weighing 15,000 pounds or more, in *related machinery, tools, parts, and supplies* when moving in connection therewith restricted to commodities which are transported on trailers; (5) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, except the stringing and picking up of pipe in connection with main or trunk pipelines; (6) *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving into or from pipeline rights-of-way; and (7) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Texas, on the one hand, and, on the other, points in Nebraska, South Dakota, North Dakota, and Montana (points in Oklahoma) *. Restriction: The operations authorized in parts (A), (B), and (C) of (1) above, are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113843 (Sub-No. E282) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER July 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in that part of Vermont on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to clarify the destination point.

No. MC 113843 (Sub-No. E853) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 10, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to Deposit, thence along New York Highway 8 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 13, thence along New York Highway 13 to Lake Erie, thence along the Lake Erie shoreline and the U.S.-Canada International Boundary line to the New York-Vermont State line, thence along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 196, thence along New York Highway 196 to Glen Falls, thence along New York Highway 50 to Schenectady, thence along New York Highway 7 to junction New York Highway 8, thence along New York Highway 8 to Deposit, thence along New York Highway 17 to the New York-Pennsylvania State line and the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E931) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Penn., to points in Ohio (except points in that portion of Ohio on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along Ohio Highway 213 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio River). The purpose of this filing is to eliminate the gateway of Elmira, New York. The purpose of this correction is to clarify the territorial description.

No. MC 114211 (Sub-No. E377), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Minnesota, to points in that part of Texas on and south of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 20 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 222, thence along Texas Highway 22 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 29, thence along Texas Highway 29 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Mexico International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E378), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Ohio, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, South Carolina, Michigan, Pennsylvania, and points in that part of Illinois east and south of a line from Chicago, Ill., thence along U.S. Highway 66 to junction Illinois Highway 126, thence along Illinois Highway 126 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Illinois State line to points in Washington, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211, (Sub-No. E379), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a

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common carrier, by motor vehicle, over irregular routes, transporting: *Farm tractors and parts thereof*, from points in Nebraska to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line, thence along Interstate Highway 90 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E380), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Colorado-Nebraska State line, to points in Indiana restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and further restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Council Bluffs, Iowa, and Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E381), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements, and parts thereof*, the transportation of which, because of size or weight, requires special equipment, from points in Nebraska to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line, thence along Interstate Highway 90 to U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E382), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 83, to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 7, thence along Nebraska Highway 7 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line to points in Indiana. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E384), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line and to points in that part of New York on and east of a line beginning at Silver Creek, N.Y., thence along New York Highway 428 to junction New York Highway 83, thence along New York Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corporation, in Minneapolis, Minn.

No. MC 114211 (Sub-No. E385), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors and parts thereof*, from points in Iowa to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along Interstate Highway 35 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 75, thence along U.S. Highway 75 to Galveston, Tex., with no transportation of compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E386), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles, road making machinery, and contractors' equipment and supplies*, from that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line to points in Maine, Vermont, and New Hampshire, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 292. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E387), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and paving machinery, equipment, parts, accessories, and attachments*, between points in New Mexico, on the one hand, and, on the other, points in Minnesota and points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 30 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction Interstate Highway 80, thence along Interstate Highway 80 to Gary, Ind., and points in that part of Iowa on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 30 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa Highway 64, thence along Iowa Highway 64 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line, and points in that part of South Dakota on and east of a line beginning at the Nebraska-South Dakota State line, thence

along U.S. Highway 81 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E388), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *agricultural, industrial, and construction machinery and equipment, trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), *attachments* for the above-described commodities, *internal combustion engines and parts*, the commodities described above, the transportation of which, because of size or weight, require special equipment from points in Nebraska to points in Virginia, New York, Vermont, New Hampshire, Rhode Island, Connecticut, Delaware, Maryland, the District of Columbia, New Jersey, Massachusetts, Maine, and Pennsylvania, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E389), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled farm machinery*, each weighing 15,000 pounds or more, and *parts thereof*, from points in Missouri to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 2 to the Idaho-Montana State line, and to points in that part of Idaho on and north of a line beginning at the Idaho-Montana State line, thence along Idaho Highway 200 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho State line, and to points in that part of Washington on and north of a line beginning at the Washington-Idaho State line, thence along U.S. Highway 12 to junction Washington Highway 126, thence along Washington Highway 126 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, and to points in that part of North Dakota on and north of a line beginning at the North Dakota-Canada International Boundary line, thence along Interstate Highway 29 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Montana-North Dakota State line, with no transportation for compensation on return except as otherwise authorized, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E399), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, except commodities requiring special equipment, from points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 18 to junction South Dakota Highway 79 thence along South Dakota Highway 79 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 414 to the South Dakota-Minnesota State line to points in Indiana.

No. MC 114211 (Sub-No. E402), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in Massachusetts and Connecticut, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E414), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, each weighing 15,000 pounds or more, from points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Missouri State line to points in Washington, North Dakota, and to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Montana Highway 41, thence along Montana Highway 41 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Beaverhead County Highway 324, thence along Beaverhead County Highway 324 to the Montana-Idaho State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along the southern boundary of Idaho County, Idaho, to the Idaho-Oregon State line, and to points in that part of Oregon on and northwest of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, thence along Oregon Highway 126 to Florence, Oreg., with no transportation for compensation on return except as otherwise authorized and restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and Waterloo, Iowa.

No. MC 114211 (Sub-No. E594), filed June 4, 1974. Applicant: WARREN TRANPSORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from Thief River Falls, Minn., to points in California, Nevada, Arizona, Utah, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Missouri, Alabama, Georgia, Florida, Tennessee, South Carolina, North Carolina, Virginia, Kentucky, West Virginia, the District of Columbia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and to points in that part of Ohio on and east of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 36 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction Ohio Highway 2, thence along Ohio Highway 2 to Toledo, Ohio, and to

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points in that part of Oregon on and south of a line beginning at the Idaho-Georgia State line, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, thence along Oregon Highway 126 to Florence, Oreg., and to points in that part of Wyoming on and south of a line beginning at the Utah-Wyoming State line, thence along Wyoming Highway 89 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line, and to points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, and to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 136 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 119767 (Sub-No. E8), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products, dairy products and by-products, and materials, supplies, and equipment* used or useful in the preparation, packing, and sale of these commodities, (1) from Minneapolis, Newport, St. Paul, and South St. Paul, Minn., to points in Indiana and Illinois (Rock Elm, Spring Lake, Eau Galle, Weston, Dunn, Waubeck, Waterville, and Durand, Wis.)*, (2) from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to Louisville, Ky. (Rock Elm, Spring Lake, Eau Galle, Weston, Dunn, Waubeck, Waterville, and Duran, Wis.)*, (3) from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to St. Louis, Mo. (Rock Elm, Spring Lake, Eau Galle, Weston, Dunn, Waubeck, Waterville, and Durand, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119767 (Sub-No. E9), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products, dairy products and by-products, and materials, supplies, and equipment* used or useful in the preparation, packing, and sale of these commodities, (1) from St. Louis, Mo., to points in Wisconsin (East St. Louis, Ill.)*; (2) from St. Louis, Mo., to Minneapolis-St. Paul, South St. Paul, and Newport, Minn. (East St. Louis, Ill., and Rock Elm, Spring Lake, Eau Galle, Weston, Dunn, Waubeck, Waterville, and Durand, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119988 (Sub-No. E27), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Lufkin, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to those points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma Boundary line and extending along U.S. Highway 81 to junction U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E42), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E43), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E45), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Arizona. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma boundary line, extending along U.S. Highway 81 to junction U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E46), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in Nebraska on and east of U.S. Highway 81, those points in New York, on, north, and west of Interstate Highway 84, and points in Pennsylvania (except Philadelphia and its Commercial Zone).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 29910 (Sub-No. 154), filed December 16, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Bldg., Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Jeffery Energy Center located at Pottawatomie County, Kans., as an off-route point in connection with applicant's authorized regular route operations between Topeka, Kans., and Manhattan, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 30844 (Sub-No. 523), filed December 9, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*,

common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in Wisconsin (East St. Louis, Ill.)*; (2) from St. Louis, Mo., to Minneapolis-St. Paul, South St. Paul, and Newport, Minn. (East St. Louis, Ill., and Rock Elm, Spring Lake, Eau Galle, Weston, Dunn, Waubeck, Waterville, and Durand, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119988 (Sub-No. E27), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Lufkin, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to those points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma Boundary line and extending along U.S. Highway 81 to junction U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E42), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E43), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-1561 Filed 1-15-75;8:45 am]

[Notice 4]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 10, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

No. MC 6078 (Sub-No. 77), filed December 16, 1974. Applicant: D. F. BAST, INC., P.O. Box 2288, Allentown, Pa. 18001. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Off-highway dump vehicles*, with or without body; *cabs, accessories and parts*, for said vehicles, from Lower Macungie Township (Lehigh County) and Allentown, Pa., to points in the United States (except Alaska and Hawaii), restricted to commodities, the transportation of which because of size or weight requires the use of special equipment, and related parts and accessories when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26396 (Sub-No. 126), filed December 6, 1974. Applicant: POPELKA TRUCKING CO., d/b/a THE WAGGONERS, a Corporation, Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Albany, Bend, Millersburg, and Dillard, Oreg., to points in North Dakota, South Dakota, Minnesota and Nebraska.

NOTE.—Applicant holds contract carrier authority in MC 26396 Sub-No. 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 26639 (Sub-No. 1), filed December 5, 1974. Applicant: DEL TRANSPORT, INC., 100 Yorkshire Street, Providence, R.I. 02908. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Rhode Island.

NOTE.—Applicant states that the requested authority will be tacked with its existing regular route authority in MC 26639 at points in the Attleboro, Mass., Commercial Zone which extends into Rhode Island, to provide service between Boston, Mass., and points in Rhode Island. Applicant further states that this application is filed pursuant to the procedure established by the Commission in *Las Vegas Tank Lines, Inc. Extension Additional California Points*, 107 M.C.C. 589 and there is an agreement by the parties involved, as part of the application, which includes a covenant for cancellation of the Certificate of Registration by Paul E. Pelletier, doing business as Pep Transportation, conditioned upon applicant's obtaining an appropriate Certificate of Public Convenience and Necessity; that the transfer of the underlying Rhode Island interstate Certificate No. MC 280 is and will be an inseparable part of the proposed transaction; and that the aggregated gross revenues of the parties are less than $300,000.00 annually, and that the transaction does not require prior approval under section 5 of the Interstate Commerce Act. If a hearing is deemed necessary, applicant requests it be held at either Providence, R.I., or Boston, Mass.

No. MC 29910 (Sub-No. 153), filed November 29, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Bldg., Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts, and materials, equipment, and supplies*, used in the manufacture thereof, between Pine Bluff, Ark., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan, Missouri, Iowa, Wisconsin, those points in Nebraska on and east of U.S. Highway 81, those points in New York, on, north, and west of Interstate Highway 84, and points in Pennsylvania (except Philadelphia and its Commercial Zone).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 29910 (Sub-No. 154), filed December 16, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Bldg., Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Jeffery Energy Center located at Pottawatomie County, Kans., as an off-route point in connection with applicant's authorized regular route operations between Topeka, Kans., and Manhattan, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 30844 (Sub-No. 523), filed December 9, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), from the plantsites and facility of Coffeyville Packing Co., Inc., at or near Coffeyville, Kans., to points in Connecticut, Delaware, District of Columbia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, Texas, West Virginia, Wisconsin, and Indiana, restricted to shipments originating at Coffeyville, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 34027 (Sub-No. 5), filed November 22, 1974. Applicant: GELTINGS, INC., 214 South Clark, P.O. Box 82, Pella, Iowa 50219. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pella and Chariton, Iowa, serving the intermediate point of Knoxville, Iowa: From Pella, Iowa, south over unnumbered highway to junction Iowa Highway 92, thence west over Iowa Highway 92 to Knoxville, Iowa, thence south over Iowa Highway 14 to Chariton, Iowa, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 41406 (Sub-No. 47) filed November 11, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Centerville, Iowa, to points in Illinois, Indiana, Ohio, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan.

NOTE.—Common control may be involved. Applicant states that it intends to tack the requested authority with its existing authority (a) in Sub-No. 18 at Chicago, Ill., and Portage, Ind., to serve Henderson, Louisville, and Paducah, Ky., and specified counties in Wisconsin; (b) in pending MC-F-11406 at Monroe and Detroit, Mich., and Youngstown, Middletown, Ohio, and Pittsburgh, Pa., to serve points in New York and points in Kentucky within 5 miles of the Ohio River; (c) in pending Sub-No. 42 at Kingsbury, Ind., to serve New York, N.Y.; and (d) in pending Sub-No. 39, at Benton Harbor and St. Joseph, Mich., to serve Glasgow, Ky. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Des Moines, Iowa, or Washington, D.C.

No. MC 51146 (Sub-No. 407), filed December 2, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications, and exempted printed matter*, as described in Section 203(B)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, *and materials, supplies, and equipment* used in the maintenance and operation of printing plants, between the plantsite of the R. R. Donnelly & Sons Company located at or near Gallatin, Tenn., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, Michigan, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, New York, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 410) filed December 9, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household and commercial appliances;* (2) *parts, accessories, and attachments*, for household and commercial appliances; and (3) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above, between Searcy, Ark., and Ripon, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66462 (Sub-No. 19), filed November 18, 1974. Applicant: THE WILLETT COMPANY, a Corporation, 700 South Desplaines Street, Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1034, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, in tank vehicles, from Lemont, Ill. to points in Lake and Porter Counties, Ind., and (2) *sulphuric acid*, in bulk, in tank vehicles, from the plantsite of Keil Chemical Company, located at or near Hammond, Ind., to points in Illinois; and (3) *sulphuric acid*, in bulk, in tank vehicles, from De Pue, Ill., to points in Indiana.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 66462 (Sub-No. 20), filed November 21, 1974. Applicant: THE WILLETT COMPANY, a Corporation, 700 South Desplaines Street, Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1034, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferric chloride, ferrous chloride, and muriatic acid*, in bulk, in tank vehicles, from the facilities of K. A. Steel Chemicals, Inc., located at or near Gary, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin; and (2) *spent muriatic acid*, in bulk, in tank vehicles, from points in Illinois, Michigan, and Wisconsin, to the facilities of K. A. Steel Chemicals, Inc., at Gary, Ind.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 72243 (Sub-No. 48, filed December 12, 1974. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Rd. SE., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Einar Viren, 904 City National Bank Bldg., Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and iron or steel articles*, from the plantsite and warehouses of C. F. & I. Steel Corporation located in Pueblo, Colo., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, South Dakota, Tennessee, Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at Denver, Colo.

No. MC 74321 (Sub-No. 111), filed December 9, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, fabricated and unfabricated*, from points in Liberty County, Tex., to points in Alabama, Arkansas, Louisiana, Mississippi, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 75226 (Sub-No. 8), filed November 18, 1974. Applicant: DeCARLI'S EXPRESS, INC., Drawer K, 13 John Fitch Boulevard, South Windsor, Conn. 06074. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between South Windsor, Conn., on the one hand, and, on the other, points in

Connecticut; and (2) between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, Mass., on the one hand, and, on the other, Litchfield, Fairfield, New London, and Windham Counties, Conn., restricted to traffic moving in connection with interstate common carriers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., or Washington, D.C.

No. MC 87103 (Sub-No. 15), filed December 10, 1974. Applicant: MILLER TRANSFER AND RIGGING CO., a Corporation, P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: Edward P. Bocko (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal working lathes;* and (2) *electronic control consoles* moving in connection therewith or moving separately, on air-ride vehicles having a manufacturer's rated capacity not exceeding 16,000 pounds in exclusive use service, from the plant site of the Warner & Swasey Co., Cleveland Turning Machine Division, at or near points in Cuyahoga County, Ohio, to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Applicant holds contract carrier authority in MC 119302 and Subs thercunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio, or Washington, D.C.

No. MC 87928 (Sub-No. 47), filed December 12, 1974. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Avenue, Wayne, Mich. 48184. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in truckaway and driveaway service, from Chesapeake, Va., to points in the United States (except Alaska and Hawaii); and (2) *wrecked, disabled, or rejected vehicles*, from points in the United States (except Alaska and Hawaii), to Chesapeake, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 89684 (Sub-No. 86) (Correction), filed November 4, 1974, published in the FEDERAL REGISTER issue of December 12, 1974, and republished as corrected this issue. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84111. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), having a prior or subsequent movement by aircraft, Between Stapleton International Airport at Denver, Colo. and the junction of Interstate Highway 80 (U.S. Highway 30) and U.S. Highway 30 approximately 6 miles west of Little America, Wyo.: (1) From Stapleton International Airport located in the Denver, Colo., Commercial Zone over U.S. Highway 287 to Laramie, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to junction U.S. Highway 30, approximately 6 miles west of Little America, Wyo.; and (2) From Stapleton International Airport located in the Denver, Colo. Commercial Zone over Interstate Highway 25 to junction Colorado Highway 14, thence over Colorado Highway 14 to Ft. Collins, Colo., thence over U.S. Highway 287 to Laramie, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to junction U.S. Highway 30, approximately 6 miles west of Little America, Wyo., serving no intermediate points, in (1) and (2) above and serving as off-route points in (1) and (2) above, (A) Jim Bridger Power Plant in Wyoming in Sweetwater County Road No. 15, approximately 8 miles north of Point of Rock, Wyo.; (B) Texasgulf, Inc. plant in Wyoming, approximately 8 miles east of Granger, Wyo., on an unnumbered highway; (C) FMC Corp. plant at Westvaco, Wyo., on Sweetwater County Road No. 3. approximately 6 miles north of U.S. Highway 30; (D) Allied Chemical Corp. and Church & Dwight Co. plants at Alchem, Wyo., on Sweetwater County Road No. 40, approximately 4 miles north of U.S. Highway 30; and (E) Stauffer Chemical Co. plant at Stauffer, Wyo., on Wyoming State Highway 372, approximately 15 miles north of Interstate Highway 80.

NOTE.—The purpose of this correction is to indicate the correct routes sought in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Rock Springs, Wyo.

No. MC 95350 (Sub-No. 6), filed December 9, 1974. Applicant: R. W. JONES TRUCKING COMPANY, a Corporation, P.O. Drawer T, Vernal, Utah 84078. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, equipment, and supplies and facilities*, used in, and incidental to, and in connection with the discovery, development, production, extraction, and preservation of oil shales, natural gas, and petroleum; and the construction, dismantling, repair, servicing, and maintenance of facilities for the storage, operations, processing, repressuring, and blending of oil shale, natural gas, gasoline, and petroleum, between points in Wyoming, Utah, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Vernal or Salt Lake City, Utah.

No. MC 95540 (Sub-No. 919), filed November 26, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30342. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from points in Scott and Stoddard Counties, Mo., to points in Missouri, Illinois, Ohio, Pennsylvania, West Virginia, Tennessee, Kentucky, Michigan, Wisconsin, Minnesota, Nebraska, Iowa, Indiana, Arkansas, Kansas, Oklahoma, Texas, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 163), filed November 26, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Utah, Colorado, and Wyoming, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Minneapolis, Minn.

No. MC 99493 (Sub-No. 4), filed November 29, 1974. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, a Corporation, 3500 Industrial Road, Harrisburg, Pa. 17105. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Harrisburg, Pa., and points within five miles thereof, on the one hand, and, on the other, points in Adams, Berks, Blair, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Union, Wyoming, and York Counties, Pa.; (2) between points in the Philadelphia, Pa., Commercial Zone, on the one hand, and, on the other, points in Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, and York Counties, Pa., restricted in (2) above to traffic moving in foreign commerce; and (3) between points in York (York County), Pa. and its Commercial Zone, on the one hand, and, on the other, points in Adams, Berks, Blair, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Juniata,

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Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Union, Wyoming, and York Counties, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 100666 (Sub-No. 287), filed December 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in Ellis County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee; and (2) *scrap iron and scrap steel*, from points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to points in Ellis County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 103051 (Sub-No. 333), filed December 13, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Belle Glade, Fla., to Athens and Savannah, Ga., and Elkin, Greensboro, and Winston-Salem, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Atlanta, Ga.

No. MC 103993 (Sub-No. 846), filed November 29, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable bleachers*, mounted on wheeled undercarriages, from points in St. Joseph County, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 105632 (Sub-No. 31), filed December 11, 1974. Applicant: SOUTHERN REGION MOTOR TRANSPORT, INC., 966 Bankhead Avenue, NW., Atlanta, Ga. 30318. Applicant's representative: William H. Teasley, P.O. Box 1808, Washington, D.C. 20013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and commodities in bulk, in tank vehicles), between Macon (Bibb County), Ga., and Cochran (Bleckley County), Ga., restricted to the movement of trailers having immediate prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta or Macon, Ga., or Washington, D.C.

No. MC 106497 (Sub-No. 104), filed December 13, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte 1–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the plants and storage facilities of CF&I Steel Corporation, at or near Pueblo, Colo., to points in Washington, Oregon, California, Wyoming, Colorado, New Mexico, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Illinois, Michigan, Indiana, Kentucky, Ohio, West Virginia, Pennsylvania, New York, Virginia, North Carolina, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla., or Kansas City, Mo.

No. MC 106674 (Sub-No. 147), filed December 6, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire*, from the facilities of Andrews Wire Company at or near Gallatin, Tenn., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, Wisconsin, and West Virginia; and (2) *wire reels*, from points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, Wisconsin, and West Virginia, to the facilities of Andrews Wire Company at or near Gallatin, Tenn., restricted to the transportation of traffic originating at or destined to Andrews Wire Company at or near Gallatin, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 107403 (Sub-No. 927), filed Dec. 13, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid pitch*, in bulk, in tank vehicles, from Lima, Ohio, to West Bend, Wis.; (2) *methyl chloride*, in bulk, in tank vehicles, from Institute, W. Va., to Chattanooga, Tenn., and Beaumont, Tex.; (3) *Lead oxides*, in bulk, in tank vehicles, from Hammond Lead Products, Inc. (West Pottsgrove Township, Montgomery County), Stowe, Pa., to Huguenot, N.Y., Trenton, N.J., Beltsville, Md., Secaucus, N.J., Sumter, S.C., Bennington, Vt., Middletown, Del., Port Jervis, N.Y., and Lynchburg, Va.; and (4) *dry adinic acid*, in bulk, in tank vehicles, from Hopewell, Va., to Chestertown, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 971), filed December 5, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except commodities in bulk), from the plantsite and other facilities utilized by Kentucky Sausage Co., at Nashville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Kansas, Iowa, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas, Oklahoma, Wisconsin, Virginia, West Virginia, Minnesota, and Nebraska, restricted to traffic originating at Kentucky Sausage Co.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 107818 (Sub-No. 74), filed December 18, 1974. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, in bags and bales, from points in Sumter County, S.C., and Thomas County, Ga., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 107913 (Sub-No. 14), filed November 18, 1974. Applicant: F & W EXPRESS, INC., 575 South Front Street, Memphis, Tenn. 38103. Applicant's representative: Edward G. Grogan, Suite 2020, First National Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Greenville, Miss., and Magnolia, Ark.: From Greenville, Miss., over U.S. Highway 82 to Magnolia, Ark., and return over the same route, serving all intermediate points and the off-route points of Shuler, Ark., and the plant site of Michigan Chemical Company near El Dorado, Ark.; (2) Between Magnolia, Ark., and Fordyce, Ark.: From Magnolia, Ark., over U.S. Highway 79 to Fordyce, Ark., and return over the same route, serving all intermediate points and the off-route point of East Camden, Ark.; (3) Between Camden, Ark., and El Dorado, Ark.: From Camden, Ark., over Arkansas Highway 7 to El Dorado, Ark., and return over the same route, serving all intermediate points; (4) Between El Dorado, Ark., and Thorton, Ark.: From El Dorado, Ark., over U.S. Highway 167 to Thorton, Ark., and return over the same route, serving all intermediate points; (5) Between Fordyce, Ark., and junction U.S. Highway 65 and U.S. Highway 165 near Dermott, Ark.: From Fordyce, Ark., over Arkansas Highway 8 to Warren, Ark., thence over Arkansas Highway 4 to Monticello, Ark., thence over Arkansas Highway 35 to Dermott, Ark., thence over U.S. Highway 165 to its junction with U.S. Highway 65, and return over the same route, serving all intermediate points; (6) Between Hamburg, Ark., and Lake Village, Ark.: From Hamburg, Ark., over Arkansas Highway 81 to Star City, Ark., thence over Arkansas Highway 114 to Gould, Ark., thence over U.S. Highway 65 to Lake Village, Ark., and return over the same route, serving all intermediate points; (7) between West Helena, Ark., and Dumas, Ark.: From West Helena, Ark., over U.S. Highway 49 to junction Arkansas Highway 1, thence over Arkansas Highway 1 to the Arkansas River, thence over Arkansas Highway 54 to Dumas, Ark., and return, for joinder purposes only; and (8) Between Memphis, Tenn., and Fordyce, Ark.: From Memphis, Tenn., over Interstate Highway 40 to Little Rock, Ark., thence over U.S. Highway 167 to Fordyce, Ark., and return, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either El Dorado, Ark., or Memphis, Tenn.

No. MC 108449 (Sub-No. 381), filed December 23, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except potato products and frozen potatoes), from the plantsite of Western Potato Service, Inc., located at Grand Forks, N. Dak., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, Kentucky, Maryland, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 109533 (Sub-No. 67) (Partial correction), filed October 21, 1974, published in the FEDERAL REGISTER, issues of November 27, 1974, and December 19, 1974, and in third publication, as corrected, this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: E. T. Llipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Jacksonville, Fla., and Houston, Tex., serving all intermediate points and the off-route points of Gonzales, Fla., Port Arthur and Port Neches, Tex., Lemoyne, Ala., Calvert, Ala., and the plant site of Dow Badische Company at or near Calvert, Ala.: From Jacksonville over Interstate Highway 10 and also U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 90 to Opelousas, La., thence over U.S. Highway 167 to Lafayette, La., thence over Interstate Highway 10 and also U.S. Highway 90 to Houston, and return over the same route.

NOTE.—The purpose of this partial republication is to correct Route No. 1. The rest of the notice remains as originally published. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or New Orleans, La.

No. MC 110420 (Sub-No. 730), filed November 27, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, and blends* containing corn products, in bulk, in tank vehicles, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 110563 (Sub-No. 149), filed December 20, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from the Port of New York located at or near New York City, Port of Newark, N.J., located at or near Newark, N.J., and Hazleton, Pa., to points in Georgia, Florida, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., and Washington, D.C.

No. MC 110563 (Sub-No. 150), filed December 20, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, (a) from the Port of New York located at or near New York City, N.Y., Port of Newark, N.J., located at or near Newark, N.J.; the Port of Elizabeth, New Jersey, located at or near Elizabeth, N.J., and Hazelton, Pa., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Nebraska, Kansas, Colorado, North Dakota, and South Dakota; and (b) from Detroit, Mich., to points in Wisconsin, Illinois, Missouri, Iowa, Minnesota, Nebraska, Kansas, Colorado, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Stamford, Conn., or Washington, D.C.

No. MC 110563 (Sub-No. 151), filed December 20, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wichita, Kans., to points in Ohio, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, Delaware, New Jersey, Indiana, Illinois, New York, Connecticut, Rhode Island, Michigan, Massachusetts, Maine, Vermont, New Hampshire, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 111941 (Sub-No. 23), filed December 13, 1974. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, and asphalt products*, from Warsaw, Ind., to points in Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 113024 (Sub-No. 134), filed December 2, 1974. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude rubber* (except in bulk), from Laplace, La., to McCook, Nebr., and Wilmington, Del., under a continuing contract or contracts with Electric Hose & Rubber Company, located at Wilmington, Del.

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NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 304), filed December 13, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the plant and storage facilities of the CF & I Steel Corporation, at or near Pueblo, Colo., to points in South Dakota, North Dakota, Montana, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Ohio, West Virginia, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Virginia, North Carolina, and Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 114004 (Sub-No. 152), filed November 26, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, *and buildings*, in sections, from points in East Carroll Parish, Franklin Parish and Bossier Parish, La., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Shreveport, La., or Little Rock, Ark.

No. MC 114045 (Sub-No. 413), filed November 29, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery:* (1) from Chicago, Ill., to Kansas City, Mo., restricted to the transportation of shipments moving to the above-named destination for in transit storage; and (2) from Kansas City, Mo., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted in (2) above to the transportation of commodities moving from storage in transit.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 239), filed December 9, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Equipment*, designed for use in conjunction with self-propelled vehicles; (2) *self-propelled vehicles;* (3) *material handling equipment;* (4) *trailers;* and (5) *attachments, parts, and accessories*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii), and (B) *materials, equipment and supplies* (except commodities in bulk), used in the manufacturing and distribution of the commodities named above, from points in the United States (except Alaska and Hawaii), to Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 114273 (Sub-No. 225), filed November 27, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hassocks, bean bag chairs, modular furniture, lawn furniture, pads and cushions*, from Richmond, Va., to points in Ohio and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 314), filed December 13, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture film, and materials and supplies used in connection with commercial and television motion pictures); *graphic arts materials; audit media and other business records*, between Peoria, Ill., on the one hand, and, on the other, points in Indiana (except Hammond), and Wisconsin (except Milwaukee); and (2) *audit media and other business records*, between Detroit, Mich., and points within the Detroit Commercial Zone, on the one hand, and, on the other, points in Allen, Huntington, Adams, Grant, Miami, Wabash, Whitely, Kosciusko, Fulton, Marshall, De Kalb, Noble, Lagrange, Elkhart, St. Joseph, La Porte, Porter, Lake Steuben, and Wells Counties, Ind.

NOTE.—Applicant holds contract carrier authority in MC 28616 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Detroit, Mich., or Washington, D.C.

No. MC 115841 (Sub-No. 489), filed November 25, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except commodities in bulk), from Austin, Brownstown, Converse, Franklin, Redkey, Scottsbury, and Warren, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and those points in the United States in and east thereof, restricted to traffic originating at and destined to the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Indianapolis, Ind.

No. MC 116300 (Sub-No. 17), filed December 13, 1974. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Bldg., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, wood shavings, and other scrap waste lumber materials*, from points in Pike County, Miss., to points in Louisiana Alabama, Arkansas, and that part of Florida on and west of a line formed by the intersection of the Chattahoochee and Apalachicola Rivers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 117765 (Sub-No. 181), filed December 6, 1974. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest 5th Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed ingredients and mixtures*, from Des Moines, Iowa, to points in Oklahoma; and (2) *salt and salt products*, from Hutchinson, Kanopolis, and Lyons, Kans., to points in Indiana and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119789 (Sub-No. 232), filed December 26, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Insulators, electric wire or wiring, pottery or pottery and iron combined, and parts*, from Sandersville, Ga., to points in Arizona, California, Colorado, Nevada, New Mexico, Texas and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 119789 (Sub-No. 233), filed December 26, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery chocolate, chocolate-coating, chocolate-syrup, cocoa, dry with or without sugar cocoa compounds, and beverage preparations, dry*, from Fulton, N.Y., to points in California, Colorado, Louisiana, Missouri, Nebraska, Oklahoma, Oregon, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 119792 (Sub-No. 46), (Correction), filed November 11, 1974, and published in the FEDERAL REGISTER, issue of December 12, 1974, and republished as corrected this issue. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, INC., 3215 South Hamilton Avenue, Chicago, Ill. 60603. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the plantsite and storage facilities of J. R. Simplot Company in Minnesota, to points in Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Arkansas, Virginia, and Florida.

NOTE.—The purpose of this correction is to indicate that South Carolina is included in the territorial description. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 119792 (Sub-No. 49), filed December 16, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a Corporation, 3215 South Hamilton Avenue, Chicago, Ill. 60608. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients* (except commodities in bulk), from the plantsite and storage facilities of Universal Foods, at Belle Chasse, La., to points in Alabama, Mississippi, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 120430 (Sub-No. 9), filed Dec. 23, 1974. Applicant: COASTAL TRANSPORT CO., INC., P.O. Box 22592, Houston, Tex. 77027. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood particleboard and lumber*, from the plantsite and storage facilities of Kirby Lumber Corp., at or near Silsbee, Tex., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; and (2) plywood from the plantsite and storage facilities of Kirby Lumber Corp., at or near Bon Weir, Tex., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, restricted in (1) and (2) above, against the transportation of any shipments from or to, the facilities of United States Gypsum Company.

NOTE.—Applicant holds contract carrier authority in MC 134957, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 123023 (Sub-No. 3), filed December 13, 1974. Applicant: DIPIETRO TRUCKING CO., a Corporation, 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach and Wilmington, Calif., to Lewiston, Idaho, and points in Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 123048 (Sub-No. 319), filed December 13, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled draglines, shovels and drills, and accessories, attachments, and parts*, for self-propelled draglines, shovels, and drills; and (2) *material, equipment, and supplies*, used or useful in the manufacture, sale, and distribution of the commodities in (1) above, between points in the United States (including Alaska, but excluding Hawaii), restricted to shipments originating at or destined to the plants, warehouses, storage and other facilities owned, operated or used by Marion Power Shovel Co., Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123255 (Sub-No. 45), filed December 18, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk, in tank vehicles), from Newark, N.J., and Pabst, Ga., to points in Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 214), filed December 9, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber products*, from Ashland, Wis., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 123640 (Sub-No. 20), filed December 13, 1974. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities sold and dealt in by wholesale hardware houses*, between Cape Girardeau, Mo., on the one hand, and, on the other, points in Ohio, under a continuing contract with Hardware Wholesalers, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123900 (Sub-No. 6), filed December 16, 1974. Applicant: DORIC TRANSPORTATION CORP., 75 Varick Street, New York, N.Y. 10013. Applicant's representative: Bert Collins, Suite 6193 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed and unprinted paper, books, materials, supplies, and equipment* used or useful in the production, distribution or sale of the foregoing commodities (except in bulk), between the plantsite or other facilities of American Book-Stratford Press and/or its subsidiaries, located at Saddle Brook, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., under a continuing contract with Book-Stratford Press, Inc., and/or its subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 124117 (Sub-No. 10), filed December 4, 1974. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, (1) From Baltimore, Md., Belleville and Peoria, Ill., Columbus, Ohio, Ft. Wayne and Evansville, Ind.,

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New Orleans, La., St. Louis and St. Joseph, Mo., St. Paul, Minn., Louisville and Newport, Ky., Perry, Ga., Winston-Salem, N.C., Milwaukee, Wis., and Detroit, Mich., to points in Tennessee on and west of the Tennessee River; and (2) from Detroit, Mich., to points in Tennessee on and east of U.S. Highway 27.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Tenn., or Washington, D.C.

No. MC 125035 (Sub-No. 42), filed December 16, 1974. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, materials, supplies, and packaging*, between Sebring, Ohio, and Everson, Pa., on the one hand, and, on the other, points in the United States east of U.S. Highway 85, under a continuing contract or contracts with Allied Mills, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 124211 (Sub-No. 254), filed December 16, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives, beverages, flour, foodstuffs* (except frozen foodstuffs, meats, and packinghouse products), *gluten, grain products, starch, and spirits;* and (2) *ingredients of the commodities named in (1) above*, between points in Atchison County, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (3) *paint, paint materials, plumbing fixtures and supplies, appliances and accessories*, between points in Douglas County, Nebr., on the one hand, and, on the other, points in the United States on and west of U.S. Highway 81 (except Alaska and Hawaii); and (4) *foodstuffs* (except frozen foodstuffs, meats and packinghouse products), in vehicles other than those equipped with mechanical refrigeration, between Sioux City, Iowa, on the one hand, and, on the other, points in Idaho, parts (1), (2), (3), and (4) above is restricted against the transportation of commodities in bulk, in tank or hopper type vehicles.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Omaha, Nebr.

No. MC 125777 (Sub-No. 150), filed December 9, 1974, Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke, pig iron, scrap metal, and ores*, in bulk, in dump vehicles, from ports of entry located on the United States-Canadian International Boundary line in Michigan and New York, to points in the United States (except Alaska and Hawaii), restricted to traffic moving from Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 164), filed December 6, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber products, and such other commodities*, as are manufactured, processed, and dealt in by rubber manufacturers (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), from Topeka, Kans., to points in Alabama, Mississippi, Tennessee, Illinois, Ohio, Michigan, Wisconsin, Indiana, Kentucky, and points in the United States on and west of the Mississippi River (except Kansas, Alaska, and Hawaii); and (2) *tires and equipment, materials and supplies*, used in the manufacture and distribution of rubber and rubber products, and such other commodities as are manufactured and processed and dealt in by rubber manufacturers (except commodities in bulk and commodities which, because of size or weight, require use of special equipment), from points in Alabama, Mississippi, Tennessee, Illinois, Ohio, Michigan, Wisconsin, Indiana, Kentucky, and points in the United States on and west of the Mississippi River (except Kansas, Alaska, and Hawaii), to Topeka, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio.

No. MC 128831 (Sub-No. 8), filed December 16, 1974. Applicant: DIXON RAPID TRANSFER, INC., Route 64 East, Mt. Morris, Ill. 61054. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and duct* used in heating, cooling, air conditioning, and exhaust systems, and *materials and supplies* used in the installation thereof; and *building construction wall sections* and *parts and accessories* used in the installation thereof: (1) from the plantsite of United Sheet Metal, Division of United McGill Corp. at Westerville, Ohio, to points in Nebraska, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, and Illinois; and (2) from the plantsite of United Sheet Metal, Division of United McGill Corp. at Rockford, Ill., to points in Nebraska, Indiana, Iowa, Michigan, Ohio, Missouri, Minnesota, Wisconsin, Kansas, South Dakota, and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129171 (Sub-No. 16), filed December 6, 1974. Applicant: ARTHUR SHELLEY, INC., R.D. #2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and related advertising matter*, from the plantsite of Cadbury Corporation, Humbolt Industrial Park, Hazle Township, Pa., to Detroit, Mich., Dallas, Tex., Denver, Colo., Salt Lake City, Utah, Kansas City, Kans., Kansas City, Mo., Chicago, Ill., Seattle, Wash., Los Angeles, Emeryville, and Hayward, Calif., restricted to shipments originating at and destined to the above points.

NOTE.—Applicant holds contract carrier authority in MC 126381 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133106 (Sub-No. 47) (Correction), filed November 22, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as amended this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is manufactured or distributed by Warner Lambert Company, and related advertising material*, from the plantsites and storage facilities utilized by Warner Lambert Company, located at Long Island City, N.Y., Lititz and Philadelphia, Pa., and South Brunswick and North Bergen, N.J., to Morrow, Ga., under contract with Warner-Lambert Company.

NOTE.—The purpose of this correction is to indicate the applicant's representative's name from Frederick J. Cosman, to Frederick J. Coffman. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Kansas City, Mo.

No. MC 133223 (Sub-No. 3), filed December 24, 1974. Applicant: OLYMPIC FREIGHTWAYS, INC., 1801 West 31st Place, Chicago, Ill. 60608. Applicant's representative: Anthony T. Thomas, 6017 Cermack Road, Cicero, Ill. 60650. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh bakery goods*, from the plantsite of East Balt. Commissary, Inc., located at Chicago, Ill., to points in Michigan; and (2) *frozen bakery goods*, from the plantsite of East Balt. Commissary, Inc. located at Chicago, Ill., to points in Indiana, Iowa, Michigan, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133655 (Sub-No. 80), filed November 25, 1974. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications, and exempted printed matter*, as described in Section 203(B)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, and *materials, supplies, and equipment* used in the maintenance and operation of printing plants, between the plantsite of the R. R. Donnelly & Sons Company located at or near Warsaw, Ind., on the one hand, and, on the other, points in Washington, Idaho, Montana, North Dakota, South Dakota, Nebraska, Wyoming, Oregon, Utah, Nevada, California, Colorado, Arizona, New Mexico, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134783 (Sub-No. 29), filed December 9, 1974. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes, and pieces therefrom and tannery products, supplies, and by products*, from points in Minnesota, Wisconsin, Iowa, South Dakota, Nebraska, Missouri, Kansas, Colorado, Oklahoma, New Mexico, Texas, and Louisiana, to points in California, restricted to traffic moving under a through, export bill of lading.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 135007 (Sub-No. 47), filed Dec. 23, 1974. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet lining and padding*, from Norfolk, Va., to points in Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, under contract with William Volker & Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Omaha, Nebr.

No. MC 135256 (Sub-No. 3), filed December 13, 1974. Applicant: JOHN BRUSH, doing business as DATA TRANSPORT, P.O. Box 234, Greenlawn, N.Y. 11740. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records and documents*, between Brooklyn, N.Y., on the one hand, and, on the other, Paramus, N.J.; and (2) between Woodbridge and Paramus, N.J., on the one hand, and, on the other, Abraham & Straus stores in New York City (except Brooklyn), and points in Nassau and Suffolk Counties, N.Y., under contract with Abraham & Straus.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 136008 (Sub-No. 42) (Amendment), filed October 1, 1974, published in the FEDERAL REGISTER issue of November 1, 1974, and republished as amended this issue. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in open top dump trucks only, between points in Oklahoma, Kansas, Texas, and Louisiana.

NOTE.—The purpose of this republication is to clarify applicant's proposed operations. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136008 (Sub-No. 47), filed December 17, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, gravel, stone, calishe and dirt*, between points in Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Farmer, Potter, Randall, Roberts, Sherman, Swishes, and Wheeler Counties, Tex., on the one hand, and, on the other, points in Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Texas, Tillman, Washita, Woods and Woodward Counties, Okla.; points in Colfax, Curry, DeBaca, Guadalupe, Harding, Quay, Roosevelt, San Miguel and Union Counties, N. Mex.; points in Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton and Stevens Counties, Kans.; and points in Baca, Bent, Crowley, Las Animas and Prowers Counties, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 136012 (Sub-No. 2), filed December 16, 1974. Applicant: UNITED STATES TRANSPORTATION, INC., 8345 Clough Pike, Cincinnati, Ohio 45244. Applicant's representative: Richard L. Goodman, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid brewery yeast*, in bulk, in tank vehicles, from Detroit, Mich., to Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held a Cincinnati, or Columbus, Ohio.

No. MC 136168 (Sub-No. 3), filed Dec. 11, 1974. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 529, Albert Lea, Minn. 56007. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn., Cedar Rapids, Cherokee, and Des Moines, Iowa; Monmouth, Ill.; and Omaha, Nebr., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) *materials, supplies, and equipment*, utilized in the manufacture, sale and distribution of commodities in (1) above, from points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, to facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn.; Cedar Rapids, Cherokee, and Des Moines, Iowa; Monmouth, Ill.; and Omaha, Nebr., under contract with Wilson & Co., Inc., restricted to traffic originating or terminating at the above facilities utilized by Wilson & Co., Inc., and further restricted to transportation to be performed under contract with Wilson & Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Omaha, Nebr.

No. MC 138772 (Sub-No. 3), filed October 15, 1974. Applicant: DELBERT D. McCLELLAND, doing business as ALL WAYS FREIGHT LINE, 215 North 18th Street, Leavenworth, Kans. 66048. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment); (1) Between Blue Rapids and Marysville, Kans., serving all intermediate points, and the off-route point of Oketo, Kans.: From Blue Rapids, Kans., over U.S. Highway 77 to junction Kansas Highway 15E, thence over Kansas Highway 15E to Hanover, Kans., thence over unnumbered County Highway through Bremen and Herkimer, Kans., to junction U.S. Highway 36, thence over U.S. Highway 36 to Marysville, Kans.; (2) Between Atchison and Seneca, Kans., serving Horton, Kans., as an intermediate point: From

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Atchison, Kans., over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to Seneca, Kans., and return over the same route; (3) Between Horton and Seneca, Kans., as an alternate route, serving no intermediate points: From Horton, Kans., over Kansas Highway 20 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to Seneca, Kans., and return over the same route; and (4) Between St. Joseph, Mo., and McLouth, Kans., serving those intermediate points from junction U.S. Highway 159 and Kansas Highway 20 (including Horton, Kans.) Southward: From St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 159, thence over U.S. Highway 159 to junction U.S. Highway 59 (near Nortonville, Kans.), thence over U.S. Highway 59 to junction Kansas Highway 192, thence over Kansas Highway 192 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction Kansas Highway 92, thence over Kansas Highway 92 to McLouth, Kans., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138875 (Sub-No. 23), filed November 29, 1974. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, from the plantsite of Southern Mining and Minerals, Inc., located at or near Westfall (Malheur County), Oreg., to ports and docks in Oregon, Washington, and California, restricted to the transportation of export traffic having a prior or subsequent movement by ocean vessels.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 139460 (Sub-No. 17), filed November 26, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Reiyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada at or near Champlain and Trout River, N.Y., and Derby, Highgate, and Norton, Vt., to points in New York on and east of Interstate Highway 81 (except points in Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Saratoga, St. Lawrence, Warren, and Washington Counties, N.Y.); points in Pennsylvania on and east of Interstate Highway 81 and those points on and north of Interstate Highway 80, and that part of Massachusetts on and west of U.S. Highway 5.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., Providence, R.I., or Boston, Mass.

No. MC 139482 (Sub-No. 5), filed December 2, 1974. Applicant: NEW ULM FREIGHT LINES, INC., County Road No. 29 West, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the manufacture, assembly, equipping, outfitting, and furnishing of mobile and modular homes, between the warehouse facilities of Distribution Center, Inc., or New Ulm Terminal Warehouse Company located at or near New Ulm, Minn., Spencer, Wis., Prairie du Chien, Wis., and Loveland, Colo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 133882 Sub-No. 1, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at New Ulm, Mankato, or Minneapolis-St. Paul, Minn.

No. MC 139902 (Sub-No. 4), filed December 26, 1974. Applicant: MOWRY TRUCKING, INC., Box 125, Cambridge, Nebr. 69022. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural equipment, fifth-wheel equipment, motor vehicle accessories, equipment* used in the handling and care of livestock, bleachers, and parts and accessories thereof, from the plantsite and storage facilities of Cambridge Industries, Inc., located at or near Cambridge, Nebr., to points in North Dakota, South Dakota, Minnesota, Illinois, Indiana, Wisconsin, Iowa, Kansas, Colorado, Wyoming, Oregon, Washington, Idaho, Utah, Montana, Texas, Oklahoma, Louisiana, New Mexico, and Ohio; and (2) *equipment, materials, and supplies* used in the manufacture, production and distribution of the commodities described in part (1), from points in North Dakota, South Dakota, Minnesota, Illinois, Indiana, Wisconsin, Iowa, Kansas, Colorado, Wyoming, Oregon, Washington, Idaho, Utah, Montana, Texas, Oklahoma, Louisiana, New Mexico, Ohio, and ports of entry on the International Boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana, to the plantsite and storage facilities of Cambridge Industries, Inc., located at or near Cambridge, Nebr., restricted against the transportation of commodities in bulk and further restricted to a transportation service to be performed under a continuing contract with Cambridge Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 140138 (Sub-No. 2) (Amendment), filed November 5, 1974, published in the FEDERAL REGISTER issue of December 5, 1974, and republished as amended this issue. Applicant: A. W. HURST, doing business as SIERRA RENTAL & TRANSPORT CO., 311 Sutro Street, Reno, Nev. 89502. Applicant's representative: A. W. Hurst same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, rock, road mix, cinders, stone, decomposed granite, aggregate, paving materials*, in bulk, and *water*, in tank vehicles, between points in Washoe, Pershing, Storey, Carson City, Douglas, Lyon, Mineral, and Esmeralda Counties, Nev., and Inyo, Mono, Alpine, El Dorado, Sierra, Placer, Nevada, Plumas, Lassen, and Modoc Counties, Calif.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, the applicant requests it be held at either Carson City or Reno, Nev.

No. MC 140179 (Sub-No. 1), filed November 12, 1964. Applicant: NRG HAULING, INC., Sacramento, Ky. 42372. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, sand, gravel, limestone, and fluorspar*, in bulk, in dump vehicles, (1) between points in Ballard, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Henderson, Hichman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Meade, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky.; and (2) between the points in (1) above, on the one hand, and, on the other, points in Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville or Frankfort, Ky., or Nashville, Tenn.

No. MC 140334 (Sub-No. 1), filed November 18, 1974. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, S.C. 29621. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture, production, and distribution of tires, and *tires* (except commodities in bulk, in tank vehicles); (A) From the ports of entry on the International boundary line between the United States and Canada in Maine, to Boston, Mass., Baltimore, Md., Lake Success, N.Y., and points in Anderson and Greenville Counties, S.C.; and (B) From points in Anderson and Greenville Counties, S.C., to the ports of entry on the International Boundary line between the United States and Canada in Maine, and Boston, Mass., Lake Success, N.Y., and Baltimore, Md., under a continuing contract or contracts with Michelin Tire Corporation, and further restricted to traffic either originating at or destined to the facilities of Michelin Tire Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140413 (Sub-No. 2), filed Dec. 9, 1974. Applicant: JOE L. RABUN, doing business as RABUN TRUCKING, Route 2, Stapleton, Ga. 30823. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, from points in Blount, Jefferson and Knox Counties, Tenn., to points in Georgia and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140432, filed November 25, 1974. Applicant: CHIPPEWA TRANSPORTATION, INC., 4250 Broadway, Denver, Colo. 80216. Applicant's representative: Douglas John Traeger, Suite 450, 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, as defined in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *plate glass and mirrors*, and (2) *plastic film and cellulose*, on rolles, (a) between points in California and Texas on the one hand, and, on the other, points in the Denver, Colo. Commercial Zone; (b) between points in Cook County, Ill., on the one hand, and, on the other, points in the Denver, Colo., Commercial Zone, restricted in (b) above, to traffic destined to construction job sites (except traffic destined to points in the Denver, Colo., Commercial Zone); (c) from points in California, Texas; Lane and Multnomah Counties, Oreg.; King and Spokane Counties, Wash.; Winnebago County, Wis.; Saranac, Grand Rapids, Detroit, Roseville, Holland, Walled Lake, West Branch, Troy, and Quincy, Mich.; Florence and Mobile, Ala.; Norcross, Ga.; Mt. Zion, Ill.; Niles, Mount Vernon, and Ashville, Ohio; Reading, Lancaster, and Carlisle, Pa.; Bellevue, Ky.; Fredericksburg, Va.; Huntington, Ind.; Henryetta, Okla.; St. Louis and St. Joseph, Mo.; New Haven and Berlin, Conn.; South Pittsburg, Tenn.; Everett and Seattle, Wash.; and Taylorsville, Miss., and points in their respective commercial zones, to points in Arkansas, Arizona, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic destined to construction job sites; (d) from points in the Denver, Colo., Commercial Zone, to points in the destination territory described in (c) above; and (e) from points in the Denver, Colo., Commercial Zone, to East St. Louis, Ill.; Dyersberg and Memphis, Tenn.; Phoenix and Tucson, Ariz., and Salt Lake City, Utah, and points in their respective commercial zones, under a continuing contract or contracts with Ray Carson Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 140456 (Sub-No. 1), filed December 9, 1974. Applicant: MERRIMACK TRANSPORT, INC., Star Industrial Court, Merrimack, N.H. 03054. Applicant's representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton (Boston), Mass. 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty beverage containers, lids, covers, and ends*, from Lawrence, Mass., to Merrimack, N.H., under contract with Crown Cork & Seal Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 140466, filed November 29, 1974. Applicant: W. H. McCANN, M. B. ETHRIDGE, AND MRS. R. E. PRINCE, doing business as PRINCE TRUCK LINE, P.O. Box 65, Shuqualak, Miss. 39361. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, building materials, poles, piling, timbers, and cross ties*, from points in Alabama, Louisiana, and Mississippi, to points in Iowa, Missouri, Minnesota, Arkansas, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

APPLICATIONS OF PASSENGER(S)

No. MC 140365, filed October 30, 1974. Applicant: METROPOLITAN SUD (1967), INC., 118 Boul. Industriel, Longueuil, Quebec, Canada. Applicant's representative: Jean Guy Audette, 660 Rue Robitaille, St-Lambert, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points of entry on the International Boundary line between the United States and Canada located in Vermont and New York, and extending to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, Massachusetts, Pennsylvania, New Jersey, Maryland, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Augusta, Maine or Plattsburg, N.Y.

BROKER APPLICATION(S)

No. MC 130189 (Sub-No. 1), filed November 4, 1974. Applicant: SHENANDOAH TOURS, INC., doing business as SHENANDOAH TOURS, 2301 Poplar Street, Staunton, Va. 22401. Applicant's representative: Robert E. Everidge (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Lexington, Harrisonburg, and Winchester, Va., to sell or offer to sell transportation of *passengers, individually* or in groups, *and their baggage*, in the same vehicle with passengers, by motor common carrier, in charter and special operations, in all expense sightseeing tours, beginning and ending at Harrisonburg, Winchester, and Lexington, Va., and points in Rockingham, Shenandoah, Page, Clarke, Frederick, Warren, and Rockbridge Counties, Va., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Winchester, Va.

No. MC 130272 (Amendment), filed October 21, 1974, published in the FEDERAL REGISTER, issue of November 27, 1974, and republished as amended this issue. Applicant: ANNAMARIE SPADUZZI AND RALPH SPADUZZI, a Partnership, 123 Huntington Avenue, New Haven, Conn. 06512. Applicant's representative: Annamarie Spaduzzi and Ralph Spaduzzi (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at East Haven, Conn., to sell or offer to sell the transportation of *Groups of passengers and their baggage*, in round trip sightseeing and pleasure tours, by motor vehicle, beginning and ending at East Haven, Conn., and extending to points in New York, New Jersey, Vermont, Pennsylvania, Massachusetts, Florida, the District of Columbia, and ports of entry on the International Boundary line between the United States and Canada located at the Montreal and Quebec Provincial Boundaries.

NOTE.—The purpose of this republication is to amend applicant's proposed operations. If a hearing is deemed necessary, applicant requests it be held at either East Haven, New Haven, or Hartford, Conn.

No. MC 130282, filed December 5, 1974. Applicant: PER-FLO TRAVEL AGENCY, INC., Box 476, Goldsboro, N.C. 27530. Applicant's representative: Wade H. Hargrove, Box 790, Raleigh, N.C. 27601. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Goldsboro, N.C., to sell or offer to sell transportation of *passengers* individually and in groups *and their baggage*, in the same vehicle with passengers by motor vehicle, between points in the United States, including Hawaii and Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C.

No. MC 130283, filed December 4, 1974. Applicant: MID-AMERICA TRAVEL CLUB, INC., 136 North Water, Sparta, Wis. 54656. Applicant's representative: Paul C. Gartzke, 121 West Doty Street,

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Madison, Wis. 53703. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Sparta, Wis., to sell or offer to sell the transportation of *passengers and their baggage*, by motor common carrier, in round-trip special and charter operations, beginning and ending at points in La Crosse, Monroe, Trempealeau, Jackson, and Eau Claire Counties, Wis., and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., or Minneapolis/St. Paul, Minn.

No. MC 130284, filed December 11, 1974. Applicant: IVAN E. ELWOOD AND JERRY LEE CONANT, a Partnership, 1077 Hamner Avenue, Corona, Calif. 91720. Applicant's representative: Ivan E. Elwood (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Corona, Calif., to sell or offer to sell by motor, rail and water carriers, the transportation of *Nevada desert alluvium, montmorillonite*, a Nevada soil, in bulk, and/or bags, from points in Nevada, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Corona, San Bernardino, Santa Ana, or Los Angeles, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-1334 Filed 1-15-75;8:45 am]

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THURSDAY, JANUARY 16, 1975

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

GLASS MANUFACTURING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 321-1]

PART 426—EFFLUENT LIMITATIONS AND GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE GLASS CONTAINER MANUFACTURING POINT SOURCE CATEGORY

On August 21, 1974, notice was published in the FEDERAL REGISTER (39 FR 30282), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the glass container manufacturing, machine pressed and blown glass manufacturing, glass tubing, manufacturing, television picture tube envelope manufacturing, incandescent lamp envelope manufacturing, and hand pressed and blown glass manufacturing subcategories of the glass manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the glass manufacturing category of point sources by amending 40 CFR Ch. I, Subchapter N, Part 426 by adding thereto the glass container manufacturing subcategory (Subpart H), the machine pressed and blown glass manufacturing subcategory (Subpart I), the glass tubing (Danner) manufacturing subcategory (Subpart J), the television picture tube envelope manufacturing subcategory (Subpart K), the incandescent lamp envelope manufacturing subcategory (Subpart L), and the hand pressed and blown glass manufacturing subcategory (Subpart M). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended (the Act) (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology, and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the glass container manufacturing, machine pressed and blown glass manufacturing, glass tubing manufacturing, television picture tube envelope manufacturing, incandescent lamp envelope manufacturing, and hand pressed and blown glass manufacturing subcategories. In addition, the regulation as proposed was supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the PRESSED AND BLOWN GLASS Segment of the Glass Manufacturing Point Source Category" (August, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Limitations for Selected Pressed and Blown Glass Industry Sectors" (August, 1974). Both of these documents were made available to the public and circulated to interested persons shortly after the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Glass Container Manufacturers Institute, Owens-Illinois, General Electric Company, Corning Glass Works, and United States Department of Commerce.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) The comment was made that individual plants in the various subcategories may have auxiliary operations such as corrugating, plating, and various forms of decorating, which could significantly affect waste water discharges.

Effluent limitations guidelines for the pressed and blown glass segment are not applicable to wastes derived from such auxiliary operations. Many of these auxiliary waste water streams are the subject of other studies and effluent limitations guidelines have been or will be promulgated with regard to these operations. The issuance of a discharge permit for an entire plant facility would involve a determination of what constitutes BPCTCA and BATEA with regard to auxiliary streams such as boiler blowdowns, non-contact cooling waters, electroplating waste waters, corrugating waste waters, and those instances where decorating requires waste water discharge.

(2) The comment was made that the standard method of oil analysis as defined in the proposed regulation will not distinguish between biodegradable, compatible pollutants (animal and vegetable oils) and nonbiodegradable, incompatible pollutants (mineral oils). Also, the standard method of hexane extraction is in disagreement with 38 FR 28759 which requires freon extraction as the method of oil analysis.

The existing information with regard to the treatability of animal and vegetable oils has been reviewed. It has been determined that animal and vegetable oils can be adequately removed in publicly owned treatment works, whereas mineral oil may not be readily removed and may pass through untreated. Therefore, with regard to pretreatment, it is appropriate that separate regulations be established for these categories of oils. The regulation has been modified to reflect this evaluation.

Also, the Agency has redefined oil for this regulation to reflect the latest technique or techniques of oil analysis described in the most recent addition of Standard Methods.

(3) One commenter stated that based on their experience with recirculation of cullet quench water, a blowdown of the equivalent of 50 gallons/ton is necessary for control of dissolved solids rather than the 18.5 gallons/ton used in the development of BATEA guidelines for the glass container manufacturing subcategory.

During the sampling program initiated by the Agency, the maximum level of dissolved solids in the above mentioned recirculation system was 277 mg/1. A similar recirculation system employed at another plant maintained levels of 1700 mg/1 of dissolved solids. The calculation of guidelines is based upon this demonstrated level of 1700 mg/1, which is considered to be very conservative. Based on this 1700 mg/1, the commenter's system could be recirculated with a blowdown of approximately one-sixth the present level or 8.4 gallons/ton, or less than that used in the guidelines calculation. Therefore, the Agency feels that the 18.5 gallons/ton blowdown is a conservative and valid value.

(4) The comment was made that the reduction to 5 mg/1 of oil and suspended solids which is stated to be achievable using the technique of diatomaceous earth filtration is not as yet demonstrated in the pressed and blown glass segment. Based on 10 days of sampling using a diatomaceous earth filter at full-scale operating conditions, values of 7.1 mg/1 for suspended solids and 8.6 mg/1 for oil were observed.

The data supplied by the commenter in actuality averaged 7.63, not 8.6 mg/1 for oil. However, based upon data pertaining to the application of diatomaceous earth filtration to waste waters generated in the pressed and blown glass industry segment, it is apparent that effluent levels on the order of 5–10 mg/1 of suspended solids and oil are attainable. The BATEA and new source performance standards have been modified to reflect the current experience of this industry segment with diatomaceous earth filtration.

(5) Based on data acquired at one of the commenter's plants, the commenter

feels that BATEA effluent limitations guidelines may not, in some instances, be met by treatment methods recommended for BATEA.

The Agency does not feel that the system currently employed at this facility constitutes BATEA. This plant employs a cullet quench recirculation system, but as discussed in a previous comment does not recycle to the extent possible. The plant also does not employ dissolved air flotation to treat the blowdown from the recirculation system, but relies only on the use of diatomaceous earth filtration. It is felt that with alterations, this plant could in fact achieve the promulgated BATEA effluent limitations guidelines.

(6) The comment was made that the costs presented in the Development Document with regard to the glass container manufacturing subcategory do not take into account such factors as age of facility, production halts, the costs of segregation of the cullet quench waste water stream, size of facility, and manpower for installation. One plant has experienced capital costs of $616,048 and annual operating expenses of $82,132 as opposed to the $312,000 and $66,900 presented for the model plant in the Development Document for BATEA.

The production capacity of the plant used by the commenter for illustrative purposes is approximately 1400 tons per day and is a very old plant. The model plant presents cost estimates in August, 1971-dollars for a facility with a capacity of 500 tons per day. Following the sizing and scaling procedures presented in the Development Document, the model plant would indicate a capital cost of $679,000 for a 1400 tons per day facility. In addition, the Agency also utilized an alternate costing procedure for a new model plant of 1400 tons per day capacity. The result yielded capital costs of $645,000 and annual operating costs of $124,200. Both of these estimates approximate the costs suggested by the commenter; as a result, these estimates clearly substantiate both the methodology and the conclusions developed by the Agency on this issue. It is therefore, felt that the cost estimates presented in the Development Document properly reflect the age, size, manpower, and production considerations which the commenter felt to be lacking. It was also learned that the treatment system utilized by the commenter's illustrative plant was installed over the course of three years with little or no halt in production. Therefore, based on the commenter's experience, no major difficulties in loss of production are anticipated should this system be installed to attain BATEA effluent limitations guidelines by 1983.

(7) A commenter stated that while new source performance standards (NSPS) are based on BATEA, this technology is not currently demonstrated in the glass container manufacturing subcategory.

BATEA and NSPS are based on a dissolved air flotation system to treat the blowdown from a cullet quench recirculation system. An oil adsorptive diatomaceous earth filtration polishing step is specified to further treat the effluent discharge stream. Cullet quench recirculation is employed by many plants in the glass container manufacturing subcategory and is therefore currently demonstrated. Dissolved air flotation and diatomaceous earth filtration techniques are demonstrated by industrial and water treatment applications and to a limited extent in the pressed and blown glass segment. Sufficient data exists on the operation of dissolved air flotation units and diatomaceous earth filters to predict that such a system can routinely achieve both the BATEA and NSPS effluent limitations guidelines.

(8) One commenter stated that the water usages established for the model plant in the machine pressed and blown glass subcategory are not in agreement with usages experienced by the commenter. Another commenter recommended that a separate subcategory be established with regard to tableware as opposed to pressed ware.

Based on the information at hand, the characterization of the machine pressed and blown glass subcategory is correct. However, considerable additional data has been received and more is now being compiled with regard to this subcategory. The Agency will reanalyze all data for this subcategory in light of this new information and postpone promulgation of the regulations for this subcategory.

(9) One commenter stated that continuous quenching is required in the manufacture of tubing suitable for the making of scientific glassware to ensure quality control; therefore, he concludes that a resubcategorization of the glass tubing manufacturing subcategory is necessary to take these process variations into account.

No corroboration can be obtained at this time with regard to the necessity of continuous quenching in the manufacture of tubing suitable for scientific glassware. A second large producer of this product has indicated the use of intermittent quenching. It has been indicated by the commenter that the processes employed the majority of the time at its tubing facility are the Vello and Updraw methods. It has also been learned that an alternate process, the Danner process, does not require continuous quenching and is employed at plants which quench intermittently. The glass tubing subcategory has been redefined as the glass tubing (Danner) manufacturing subcategory and further study is being accomplished with regard to this industry to determine if further subcategorization is necessary. Accordingly, plants not using the Danner process are not now affected by the regulation promulgated herein. If it is found that further subcategorization is warranted, a proposed amendment to this regulation will be published in the FEDERAL REGISTER.

It has also been determined that no shear spray oil is used in the manufacture of glass tubing. Oil which appeared in prior analyses is apparently lubricating oil leakage into the non-contact cooling water stream. Therefore, oil has been eliminated as a parameter from the glass tubing process waste water limitations.

(10) One commenter suggested that while the Agency is recommending certain treatment technologies, alternative technologies are available which are capable of achieving effluent limitations guidelines.

The Agency is not requiring or recommending that any particular technologies be employed. Should a discharger determine that any treatment technology is the optimum for his operating process and capable of attaining the effluent limitations, it would not be in conflict with the Agency's intent for this alternative technology to be utilized.

(11) One commenter felt that the problem of disposal of lime precipitates was inadequately addressed in the Development Document.

The technology of lime precipitation for fluoride removal is currently practiced by all plants in the incandescent lamp envelope manufacturing and the television picture tube envelope manufacturing subcategories, and they are currently disposing of the resultant sludge. No serious problems have been indicated and no data has been provided to lead the Agency to suspect the occurrence of any serious difficulties with regard to sludge disposal.

(12) One commenter felt that the definition of "product frosted" is misleading as it implies that only that amount of glass which is etched is considered rather than that fraction associated with the "furnace pull" which is etched.

The Agency recognizes the need for further clarification of what is meant by "product frosted" and has redefined the term to clarif its definition in the regulation.

(13) One commenter felt that age is a factor with regard to the incandescent lamp envelope manufacturing subcategory in that older plants experience restrictions due to design and lay-out, structural strength, and usable space.

The data which form the basis of the effluent limitations guidelines were primarily derived from the commenter's oldest plant, because that is where the most reliable and available data was obtained. Therefore, the data, guidelines, and cost of treatment reflect that of an old plant, of an age characteristic of a major portion of this subcategory. Therefore, it is felt that age has been taken into consideration.

(14) The comment was made that the proposed BPCTCA limitations for fluoride removal for the incandescent lamp envelope manufacturing subcategory do not reflect the levels of treatment currently demonstrated by plants in this subcategory.

Further investigation and analyses have been accomplished with regard to this subcategory. It has been determined that the presence of the ammonium ion in the frosting waste water creates an apparent interference by inhibiting solids settling. It is expected that further research into the use of coagulant aids,

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such as polyelectrolytes, would enable reductions of the present levels of fluoride and suspended solids discharged. It is recognized that this will require further investigation on the part of industry. BPCTCA effluent limitations guidelines are now based upon current operating levels.

(15) The comment was made that the attainment of the proposed BPCTCA limitations for ammonia in the incandescent lamp envelope manufacturing subcategory is not presently demonstrated in this subcategory. The steam stripping of ammonia presents serious problems with regard to potential air pollution, energy consumption, and scaling in the column.

The steam stripping of ammonia has been demonstrated in many other industry segments, but has not been demonstrated in this industry segment. The presence of calcium in the waste waters resulting from fluoride treatment could cause scaling problems during ammonia stripping if proper design and preventative measures are not taken into consideration. The application of steam stripping requires further development by plants in the incandescent lamp envelope subcategory to be able to apply the most effective method of ammonia removal. Since these methods require further development prior to implementation by this industry segment, the ammonia limitations are not required for 1977 (BPCTCA).

(16) The comment was made that activated alumina, although effective to the extent called for by the limitations, would reflect costs which are prohibitive and therefore is not justified as best available technology economically achievable.

The Agency is in agreement in light of further information received with regard to toxicity levels of fluoride. Research done at the Colorado School of Mines Research Institute indicates that fluoride in the presence of excess calcium is of much less environmental significance that fluoride in the absence of calcium. It is recognized that the discharge of fluoride in concentrations of tens of milligrams per liter may cause water quality problems in a few specific locations. However, these specific problems will be controlled by water quality regulations and should not constitute the basis for a national limitation. Promulgated BATEA limitations are based on sand filtration.

(17) The comment was made that while the model plant employed in the economic impact analysis as representative of the incandescent lamp envelope manufacturing subcategory had a dollar sales of $30,000,000 annually, it is the experience of the commenter that his company's largest plant has sales slightly in excess of $7,000,000. Therefore, a question was raised as to the validity of the economic impact analysis for this subcategory.

The Agency believes that the economic impact analysis is valid in spite of the fact that the model plant used in the analysis is larger than the commenter's plants. Since the annual costs of pollution control are small (approximately 1.8 percent of total annual sales) it is expected that firms within the industry should be able to pass on the costs of pollution control through price increases. Incandescent lamp envelopes are an intermediate step in the manufacture of incandescent lamps, and constitute a very small portion of the total cost of the final product. Hence, it is believed that even a higher relative cost of pollution control (as might occur in the case of small plants) could be easily passed on in higher prices.

(18) The comment was made with regard to the television picture tube envelope manufacturing subcategory, that control technologies are applied only to the abrasive and acid polishing waste waters, but that effluent limitations apply to the total discharge stream. The proposed limitations assume that cullet quench water contains no fluoride or lead. By material balance it has been determined that fluoride is present in concentrations on the order of one to two mg/l. By actual analyses, lead in concentrations on the order of 0.22 mg/l was indicated to occur.

There is no contact of floride with the cullet quench waste water stream. The indication of fluoride content in this stream could be due to many factors such as leakage, error in the sample analyses, the presence of significant fluoride concentration in the influent cullet quench water stream, or evaporative losses which would tend to concentrate fluoride levels at the plant outfall. However, there is insufficient data available at this time to establish the level of lead or fluoride existent in the cullet quench discharge stream. Other than by practicing good housekeeping procedures, the probable low levels of both pollutants in this stream would render treatment impractical. It has therefore been specified in the promulgated regulations that the fluoride and lead limitations apply only to the abrasive and acid polishing discharge streams.

(19) The comment was made that because of the anticipated economic impact with regard to the hand pressed and blown glass manufacturing subcategory, an allowance should be made for those plants discharging relatively small volumes of process waste water.

After careful review of the available data with respect to plants within the hand pressed and blown glass manufacturing subcategory, it has been determined that treatment requirements could seriously impact plants within the subcategory. Therefore, no BPCTCA limitations are imposed upon the hand pressed and blown glass manufacturing subcategory. It is felt that the additional time from 1977 until 1983 can be utilized in acquiring the capital necessary to invest in systems which will achieve the pollutant reductions specified by BATEA effluent limitations guidelines, as well as researching means of implementation less costly than these currently available. It is believed that the two factors mentioned above will help to minimize any potential economic impact.

(20) The comment was made that the references to concentrations in the preamble to the proposed regulation could be misinterpreted to mean that concentration limitations are being required for the glass container, glass tubing, television picture tube envelope, and incandescent lamp envelope manufacturing subcategories.

The references to concentration and flow which appeared in the preamble to the proposed regulation were included for illustrative purposes, to enable the reader to obtain an understanding of the relative volume and concentrations of pollutants which may exist at a typical plant. Effluent limitations guidelines appear in the regulation, not in the preamble to the regulation. For the aforementioned subcategories, limitations as are required by effluent limitations guidelines shall be stated in quantitative terms, i.e., unit of weight per unit of time (kg/day) for each pollutant limited.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) The machine pressed and blown glass manufacturing subcategory is the subject of further study and is not promulgated as a subpart to this regulation. Sections 426.90, 426.91, 426.92, 426.93, 426.94, 426.95, and 426.96 have been reserved and a proposed amendment to this regulation will be published in the FEDERAL REGISTER at a later date.

(2) The proposed glass tubing manufacturing subcategory has been redefined as the glass tubing (Danner) manufacturing subcategory with the appropriate description of applicability discussed in § 426.100.

(3) Oil has been omitted as a parameter with regard to the process waste waters resulting from the glass tubing (Danner) manufacturing subcategory.

(4) Sections 426.81, 426.111, and 426.121 have been modified to reflect a definition of oil based on recognized standard methods of analysis. Pretreatment regulations have been modified to reflect the differences between animal and vegetable and mineral oils.

(5) The bases for the determination of BATEA effluent limitations guidelines and new source performance standards earth filtration have been modified to reflect current operating levels experienced in this industry segment.

(6) The definition of "product frosted" has been redefined in § 426.121 to clarify its definition.

(7) BPCTCA effluent limitations guidelines for the incandescent lamp envelope manufacturing subcategory have been modified and are now based upon current operating levels experienced in the industry.

(8) BATEA effluent limitations guidelines with regard to fluoride removal have been modified as the result of a determination that activated alumina filtration is not cost effective. Promulgated BATEA limitations are based on sand filtration.

(9) Sections 426.112, 426.113, and 426.115 have been clarified to explain that fluoride and lead limitations apply only to the abrasive and acid polishing discharge streams.

(10) BPCTCA effluent limitations guidelines have been modified to the extent that no limitations are specified for those plants in the hand pressed and blown glass manufacturing subcategory.

(c) *Economic impact.* The resultant changes with respect to the regulation will have no significant affect on the conclusions of the economic analysis prepared for the proposed regulation, with the exception that the projected impact in the hand pressed and blown glass manufacturing subcategory has been minimized in that BPCTCA limitations are no longer specified for the hand pressed and blown glass manufacturing subcategory.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the pressed and blown glass segment of the glass manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the PRESSED AND BLOWN GLASS Manufacturing Segment of the Glass Manufacturing Point Source Category" (November, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife, and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Limitations for Selected Pressed and Blown Glass Industry Sectors" (August, 1974). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the glass industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the PRESSED AND BLOWN GLASS Segment of the Glass Manufacturing Point Source Category", will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, Virginia 22151.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Ch. I, Subchapter N, Part 426, is hereby amended by adding additional Subparts H, I, J, K, L, and M to read as set forth below. This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609-73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective on January 16, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective on February 18, 1975.

Dated: January 7, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart H—Glass Container Manufacturing Subcategory

Sec.
426.80 Applicability: description of the glass container manufacturing subcategory.
426.81 Specialized definitions.
426.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
426.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
426.84 [Reserved]
426.85 Standards of performance for new sources.
426.86 Pretreatment standards for new sources.

Subpart I—Machine Pressed and Blown Glass Manufacturing Subcategory

426.90–426.96 [Reserved]

Subpart J—Glass Tubing (Danner) Manufacturing Subcategory

426.100 Applicability: description of the glass tubing manufacturing subcategory.
426.101 Specialized definitions.
426.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.
426.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
426.104 [Reserved]
426.105 Standards of performance for new sources.
426.106 Pretreatment standards for new sources.

Subpart K—Television Picture Tube Envelope Manufacturing Subcategory

426.110 Applicability; description of the television picture tube envelope manufacturing subcategory.
426.111 Specialized definitions.
426.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
426.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
426.114 [Reserved]
426.115 Standards of performance for new sources.
426.116 Pretreatment standards for new sources.

Subpart L—Incandescent Lamp Envelope Manufacturing Subcategory

426.120 Applicability: description of the incandescent lamp envelope manufacturing subcategory.
426.121 Specialized definitions.
426.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
426.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
426.124 [Reserved]
426.125 Standards of performance for new sources.
426.126 Pretreatment standards for new sources.

Subpart M—Hand Pressed and Blown Glass Maufacturing Subcategory

426.130 Applicability; description of the hand pressed and blown glass manufacturing subcategory.
426.131 Specialized definitions.
426.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
426.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
426.134 [Reserved]
426.135 Standards of performance for new sources.
426.136 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

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Subpart H—Glass Container Manufacturing Subcategory

§ 426.80 Applicability; description of the glass container manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process by which raw materials are melted in a furnace and mechanically processed into glass containers.

§ 426.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "furnace pull" shall mean that amount of glass drawn from the glass furnace or furnaces.

(c) The term "oil" shall mean those components of a waste water amenable to measurement by the technique or techniques described in the most recent addition of "Standard Methods" for the analysis of grease in polluted waters, waste waters, and effluents, such as "Standard Methods," 13th Edition, 2nd Printing, page 407.

§ 426.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	60.0	30.0
TSS	140.0	70.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.06	0.03
TSS	0.14	0.07
pH	Within the range 6.0 to 9.0.	

§ 426.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent lin itations: Maximum for any one day	Effluent lin itations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	1.6	0.8
TSS	1.6	0.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.0016	0.0008
TSS	0.0016	0.0008
pH	Within the range 6.0 to 9.0.	

§ 426.84 [Reserved]

§ 426.85 Standards of performance for new sources.

The following standards of performance establish the quanity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	1.6	0.8
TSS	1.6	0.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.0016	0.0008
TSS	0.0016	0.0008
pH	Within the range 6.0 to 9.0.	

§ 426.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the glass container manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter, for existing sources (and which would be a new point source subject to Section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart. Because of the recognition that animal and vegetable oils can be adequately removed in a publicly owned treatment works, whereas mineral oil may not be readily removed and may pass through untreated, two separate limitations are established.

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil (animal & vegetable)	No limitation	
Oil (mineral)	60.0	30.0
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of furnace pull		
Oil (animal & vegetable)	No limitation	
Oil (mineral)	0.06	0.03
TSS	No limitation	
pH	No limitation	

Subpart I—Machine Pressed and Blown Glass Manufacturing Subcategory

§§ 426.90–426.96 [Reserved]

Subpart J—Glass Tubing (Danner) Manufacturing Subcategory

§ 426.100 Applicability; description of the glass tubing (Danner) manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process by which raw materials are melted in a furnace and glass tubing mechanically drawn from the furnace horizontally by means of the Danner process, which requires the intermittent quenching of cullet.

§ 426.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "furnace pull" shall mean that amount of glass drawn from the glass furnace or furnaces.

(c) The term "cullet" shall mean any excess glass generated in the manufacturing process.

§ 426.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can effect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
TSS	460.0	230.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
TSS	0.46	0.23
pH	Within the range 6.0 to 9.0.	

§ 426.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
TSS	0.4	0.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
TSS	0.0004	0.0002
pH	Within the range 6.0 to 9.0.	

§ 426.104 [Reserved]

§ 426.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
TSS	0.4	0.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
TSS	0.0004	0.0002
pH	Within the range 6.0 to 9.0.	

§ 426.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the glass tubing (Danner) manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standards*
pH	No limitation.
TSS	Do

Subpart K—Television Picture Tube Envelope Manufacturing Subcategory

§ 426.110 Applicability; description of the television picture tube envelope manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process by which raw materials are melted in a furnace and processed into television picture tube envelopes.

§ 426.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "furnace pull" shall mean that amount of glass drawn from the glass furnace or furnaces.

(c) The term "oil" shall mean those components of a waste water amenable to measurement by the technique or techniques described in the most recent addition of "Standard Methods" for the

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analysis of grease in polluted waters, waste waters, and effluents, such as "Standard Methods," 13th Edition, 2nd Printing, page 407.

§ 426.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available (The fluoride and lead limitations are applicable to the abrasive polishing and acid polishing waste water streams while the TSS, oil, and pH limitations are applicable to the entire process waste water stream):

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	260.0	130.0
TSS	300.0	150.0
Fluoride	140.0	70.0
Lead	9.0	4.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.26	0.13
TSS	0.30	0.15
Fluoride	0.14	0.07
Lead	0.009	0.0045
pH	Within the range 6.0 to 9.0.	

§ 426.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable (The fluoride and lead limitations are applicable to the abrasive polishing and acid polishing waste water streams while the TSS, oil, and pH limitations are applicable to the entire process waste water stream):

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	260.0	130.0
TSS	260.0	130.0
Fluoride	120.0	60.0
Lead	0.9	0.45
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.26	0.13
TSS	0.26	0.13
Fluoride	0.12	0.06
Lead	0.0009	0.00045
pH	Within the range 6.0 to 9.0.	

§ 426.114 [Reserved]

§ 426.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart (The fluoride and lead limitations are applicable to the abrasive polishing and acid polishing waste water streams while the TSS, oil, and pH limitations are applicable to the entire process waste water stream):

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	260.0	130.0
TSS	260.0	130.0
Fluoride	120.0	60.0
Lead	0.9	0.45
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.26	0.13
TSS	0.26	0.13
Fluoride	0.12	0.06
Lead	0.0009	0.00045
pH	Within the range 6.0 to 9.0.	

§ 426.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the television picture tube envelope manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart. Because of the recognition that animal and vegetable oils can be adequately removed in a publicly owned treatment works, whereas mineral oil may not be readily removed and may pass through untreated, two separate limitations are established.

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil (animal & vegetable)	No limitation	
Oil (mineral)	260.0	130.0
TSS	No limitation	
Fluoride	120.0	60.0
Lead	No limitation	
pH	No limitation	
(English units) lb/1000 lb of furnace pull		
Oil (animal & vegetable)	No limitation	
Oil	0.26	0.13
TSS	No limitation	
Fluoride	0.12	0.06
Lead	No limitation	
pH	No limitation	

Subpart L—Incandescent Lamp Envelope Manufacturing Subcategory

§ 426.120 Applicability; description of the incandescent lamp envelope manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processes by which (a) raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes or (b) incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes.

§ 426.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "furnace pull" shall mean that amount of glass drawn from the glass furnace or furnaces.

(c) The term "oil" shall mean those components of a waste water amenable to measurement by the technique or techniques described in the most recent addition of "Standard Methods" for the analysis of grease in polluted waters, waste waters, and effluents, such as "Standard Methods," 13th Edition, 2nd Printing, page 407.

(d) The term "product frosted" shall mean that portion of the "furnace pull" associated with the fraction of finished incandescent lamp envelopes which is frosted; this quantity shall be calculated by multiplying "furnace pull" by the fraction of finished incandescent lamp envelopes which is frosted.

§ 426.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Any manufacturing plant which produces incandescent lamp envelopes shall meet the following limitations with regard to the forming operations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	230.0	115.0
TSS	230.0	115.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.23	0.115
TSS	0.23	0.115
pH	Within the range 6.0 to 9.0.	

(b) Any manufacturing plant which frosts incandescent lamp envelopes shall meet the following limitations with regard to the finishing operations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of product frosted		
Fluoride	230.0	115.0
Ammonia	No limitation	
TSS	460.0	230.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product frosted		
Fluoride	0.23	0.115
Ammonia	No limitation	
TSS	0.46	0.23
pH	Within the range 6.0 to 9.0.	

§ 426.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any manufacturing plant which produces incandescent lamp envelopes shall meet the following limitations with regard to the forming operation.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	90.0	45.0
TSS	90.0	45.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.09	0.045
TSS	0.09	0.045
pH	Within the range 6.0 to 9.0.	

(b) Any manufacturing plant which frosts incandescent lamp envelopes shall meet the following limitations with regard to the finishing operations.

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) g/kkg of product frosted		
Fluoride	104.0	52.0
Ammonia	240.0	120.0
TSS	80.0	40.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product frosted		
Fluoride	0.104	0.052
Ammonia	0.24	0.12
TSS	0.08	0.04
pH	Within the range 6.0 to 9.0.	

§ 426.124 [Reserved]

§ 426.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Any manufacturing plant which produces incandescent lamp envelopes shall meet the following limitations with regard to the forming operations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil	90.0	45.0
TSS	90.0	45.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of furnace pull		
Oil	0.09	0.045
TSS	0.09	0.045
pH	Within the range 6.0 to 9.0.	

(b) Any manufacturing plant which frosts incandescent lamp envelopes shall meet the following limitations with regard to the finishing operations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) g/kkg of product frosted		
Fluoride	104.0	52.0
Ammonia	240.0	120.0
TSS	80.0	40.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product frosted		
Fluoride	0.104	0.052
Ammonia	0.24	0.12
TSS	0.08	0.04
pH	Within the range 6.0 to 9.0.	

§ 426.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the incandescent lamp envelope manufacturing subcategory including those plants where (a) raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes or (b) incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes, which is a user of a publicly owned treatment works, and a major contributing industry as defined in Part 128 of this chapter, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart, including those plants where (c) raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes or (d) incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes. Because of the recognition that animal and vegetable oils can be adequately removed in a publicly owned treatment works, whereas mineral oil may not be readily removed and may pass through untreated, two separate limitations are established.

(a)

Pollutant or Pollutant Property	Pretreatment Standards: Maximum for any one day	Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Oil (animal & vegetable)	No limitation	
Oil (mineral)	230.0	115.0
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of furnace pull		
Oil (animal & vegetable)	No limitation	
Oil (mineral)	0.23	0.115
TSS	No limitation	
pH	No limitation	
(Metric units) g/kkg of product frosted		
Fluoride	104.0	52.0
Ammonia	No limitation	
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product frosted		
Fluoride	0.104	0.052
Ammonia	No limitation	
TSS	No limitation	
pH	No limitation	

Subpart M—Hand Pressed and Blown Glass Manufacturing Subcategory

§ 426.130 Applicability; description of the hand pressed and blown glass manufacturing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process by which raw materials are melted in a furnace and processed by hand into pressed or blown glassware. This includes those plants which (a) produce leaded glass and employ hydrofluoric acid finishing techniques, (b) produce non-leaded glass and employ hydrofluoric acid finishing techniques, or (c) produce leaded or non-leaded glass and do not employ hydrofluoric acid finishing techniques.

§ 426.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 426.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Any plant which melts raw materials, produces hand pressed or blown leaded glassware, employs hydrofluoric acid finishing techniques, and discharges greater than 50 gallons per day of process waste water, shall meet the following limitations.

Effluent characteristic	Effluent limitations
Lead	No limitation.
Fluoride	Do.
TSS	Do.
pH	Do.

(b) Any plant which melts raw materials, produces non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations
Fluoride	No limitation.
TSS	Do.
pH	Do.

(c) Any plant which melts raw materials, produces leaded or non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and does not employ hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations
TSS	No limitation.
pH	Do.

§ 426.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any plant which melts raw materials, produces hand pressed or blown leaded glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
Lead	0.2	0.1
Fluoride	26.0	13.0
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

(b) Any plant which melts raw materials, produces non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
Fluoride	26.0	13.0
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

(c) Any plant which melts raw materials, produces leaded or non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and does not employ hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

§ 426.134 [Reserved].

§ 426.135 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Any plant which melts raw materials, produces hand pressed or blown leaded glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
Lead	0.2	0.1
Fluoride	26.0	13.0
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

(b) Any plant which melts raw materials, produces non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
Fluoride	26.0	13.0
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

(c) Any plant which melts raw materials, produces leaded or non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and does not employ hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

§ 426.136 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the hand pressed and blown manufacturing subcategory including any plant which melts raw materials and (a) produces hand pressed or blown leaded glassware and employs hydrofluoric acid finishing techniques, (b) produces non-leaded hand pressed or blown glassware and employs hydrofluoric acid finishing techniques, or (c) produces leaded or non-leaded hand pressed or blown glassware and does not employ hydrofluoric acid finishing techniques, which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter, for existing sources (and which would be a new point source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart, including any plant which melts raw materials and (1) produces hand pressed or blown leaded glassware and employs hydrofluoric acid finishing techniques, (2) produces non-leaded hand pressed or blown glassware and employs hydrofluoric acid finishing techniques, or (3) produces leaded or non-leaded hand pressed or blown glassware and does not employ hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
Fluoride	26.0	13.0
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

(c) Any plant which melts raw materials, produces leaded or non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and does not employ hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
mg/l		
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

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hand pressed or blown glassware and employs hydrofluoric acid finishing techniques, or (3) produces leaded or nonleaded hand pressed or blown glassware and does not employ hydrofluoric acid finishing techniques.

(a)	Pretreatment Standards	
Pollutant or Pollutant Property	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
	mg/l	
Fluoride	26.0	13.0
Lead	No limitation	
TSS	No limitation	
pH	No limitation	

(b)	Pretreatment Standards	
Pollutant or Pollutant Property	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
	mg/l	
Fluoride	26.0	13.0
Lead	No limitation	
TSS	No limitation	
pH	No limitation	

(c)	
Pollutant or Pollutant Property	Pretreatment Standards
TSS	No limitation
pH	No limitation

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 426]

[FRL 321-2]

GLASS MANUFACTURING POINT SOURCE CATEGORY

Proposed Application of Effluent Limitations Guidelines for Existing Sources

Notice is hereby given pursuant to sections 301, 304, and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314, and 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 426—Glass Manufacturing Point Source Category, establishing for Subparts H through M therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the glass container manufacturing, machine pressed and blown glass manufacturing, glass tubing (Danner) manufacturing, television picture tube envelope manufacturing, incandescent lamp envelope manufacturing, and hand pressed and blown glass manufacturing subcategories of the glass manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 426) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to sections 301 (b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant: *And provided further*, That when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment."

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 426.86, 426.96, 426.106, 426.116, 426.126, and 426.136 of the proposed regulation for point sources within the glass container manufacturing, machine pressed and blown glass manufacturing, glass tubing (Danner) manufacturing, television picture tube envelope manufacturing, incandescent lamp envelope manufacturing, and hand pressed and blown glass manufacturing subcategories (August 21, 1974; 38 FR 30282), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 426.86, 426.96, 426.106, 426.116, 426.126 and 426.136 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public on approximately October 7, 1974, and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the PRESSED AND BLOWN GLASS Segment of the Glass Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of the Proposed Effluent Limitations for Selected Pressed and Blown Glass Industry Sectors" (August 1974), was made available at approximately the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to ensure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose, and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations, and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent, or performance standards or limitations.

The Agency determined to implement these procedures in order to ensure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of pressed and blown glass products, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste dis-

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posal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of pressed and blown glass products. The two reports exceed, in the aggregate, 200 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards, and pretreatment standards for new sources within the glass manufacturing category (39 FR 30282; August 21, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 426) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER (as part of Part II).

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the glass container manufacturing, machine pressed and blown glass manufacturing, glass tubing (Danner) manufacturing, television picture tube envelope manufacturing, incandescent lamp envelope manufacturing, and hand pressed and blown glass manufacturing subcategories the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to ensure that the pollutants do not interfere with the treatment works or pass through them untreated.

Most of the subcategories of the pressed and blown glass segment of the glass manufacturing point source category discharge waste waters containing both pollutants which will be adequately treated by a publicly owned treatment works and pollutants which will pass through inadequately treated. Oil emulsions of a mineral or biodegradable animal or vegetable nature are utilized as shear spray within the glass container manufacturing, machine pressed and blown glass manufacturing, incandescent lamp envelope manufacturing, and television picture tube envelope manufacturing subcategories. It has been determined that animal and vegetable oils can be adequately removed in publicly owned treatment works, whereas mineral oil may not be readily removed and may pass through untreated. Therefore, it is appropriate that separate pretreatment regulations be established for these categories of oils.

Fluoride resulting from the use of hydrofluoric acid is present in waste waters discharged by plants within the television picture tube envelope manufacturing, incandescent lamp envelope manufacturing, and handpressed and blown glass manufacturing subcategories. The quantities of fluoride discharged by plants within the hand pressed and blown glass manufacturing subcategory are considered insignificant and no pretreatment limitation is specified. The quantities of fluoride discharged by plants within the television picture tube envelope manufacturing and incandescent lamp envelope manufacturing subcategories are significant in terms of both concentration and loading. Fluoride levels on the order of 750 to 2800 mg/l are typical of certain discharge streams from plants within these subcategories.

The proposed regulation requires the pretreatment of fluoride to the levels attainable by the application of the best practicable control technology currently available. This is justified on the basis of the expected passage of fluoride through a publicly owned treatment works untreated. The proposed regulation requires the pretreatment of mineral oil to a level of 100 mg/l to reflect the capability of publicly owned treatment systems.

No limitations are established for total suspended solids, ammonia, or lead since they are expected to be adequately treated by publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 426 be amended to add §§ 426.84, 426.94, 426.104, 426.114, 426.124, and 426.134 as set forth below. All comments received on or before February 18, 1975, will be considered.

Dated: January 7, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 426 is proposed to be amended as follows:

Subpart H is amended by adding § 426.84 as follows:

§ 426.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the glass container manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
TSS	Do.
Oil (animal and vegetable).	Do.
Oil (mineral)	100 mg/l daily maximum.

Subpart I is amended by adding § 426.94 as follows:

§ 426.94 [Reserved]

Subpart J is amended by adding § 426.104 as follows:

§ 426.104 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the glass tubing manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property	Pretreatment Standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of furnace pull		
Lead	No limitation	
Fluoride	140.0	70.0
Oil (animal & vegetable).	No limitation	
Oil (mineral)	100 mg/l daily maximum.	
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 of furnace pull		
Lead	No limitation	
Fluoride	0.14	0.07
Oil (animal & vegetable).	No limitation	
Oil (mineral)	100 mg/l daily maximum.	
TSS	No limitation	
pH	No limitation	

be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
TSS	Do.

Subpart K is amended by adding § 426.114 as follows:

§ 426.114 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the television picture tube envelope manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property	Pretreatment Standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) g/kkg of product frosted		
Fluoride	230.0	115.0
Ammonia	No limitation	
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product frosted		
Fluoride	0.23	0.115
Ammonia	No limitation	
TSS	No limitation	
pH	No limitation	

Subpart L is amended by adding § 426.124 as follows:

§ 426.124 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the incandescent lamp envelope manufacturing subcategory including those plants where (a) raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes and (b) incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes, which is a user of publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this chapter shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart, including those plants where (c) raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes and (d) incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes.

Pollutant or Pollutant Property	Pretreatment Standard
pH	No limitation
TSS	No limitation
Oil (animal and vegetable)	No limitation
Oil (mineral)	100 mg/l daily maximum

Subpart M is amended by adding § 426.134 as follows:

§ 426.134 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the hand pressed and blown glass manufacturing subcategory including any plant which melts raw materials and (a) produces hand-pressed or blown leaded glassware and employs hydrofluoric acid finishing techniques. (b) produces non-leaded hand pressed or blown glassware and employs hydrofluoric acid finishing techniques, and (c) produces leaded or non-leaded hand pressed or blown glassware and does not employ hydrofluoric acid finishing techniques, which is a user of a publicly owned treatment works and a major contributing industry as defined in Part 128 of this chapter (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, §§ 128.121, 128.122, 128.132, and 128.133 of this Chapter shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart, including any plant which melts raw materials and (d) produces hand pressed or blown leaded glassware and employs hydrofluoric acid finishing techniques, (e) produces non-leaded hand pressed or blown glassware and employs hydrofluoric acid finishing techniques, and (f) produces leaded or non-leaded hand pressed or blown glassware and does not employ hydrofluoric acid finishing techniques.

(a)

Pollutant or pollutant property	*Pretreatment standard*
Fluoride	No limitation.
Lead	Do.
TSS	Do.
pH	Do.

(b)

Pollutant or pollutant property	*Pretreatment standard*
Fluoride	No limitation.
TSS	Do.
pH	Do.

(c)

Pollutant or pollutant property	*Pretreatment standard*
TSS	No limitation.
pH	Do.

[FR Doc.75-1205 Filed 1-15-75;8:45 am]

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THURSDAY, JANUARY 16, 1975
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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

WATER QUALITY PROGRAMS AND IMPLEMENTATION PLANS

Final Agreement

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 309-2]

WATER QUALITY PROGRAMS AND IMPLEMENTATION PLANS

Final Agreement

A joint agreement for interagency coordination of areawide waste treatment management planning assistance to State and local governments has been worked out between the Environmental Protection Agency and the Department of the Army (Corps of Engineers). This agreement, presented below, defines the relationship between areawide waste treatment management planning conducted by the Army Corps of Engineers under its Urban Studies Program and areawide waste treatment management planning authorized under Title II of the Federal Water Pollution Control Act Amendments of 1972 and administered by EPA. It also sets forth coordination and funding procedures to be followed in those areas that have or may have Corps Urban Studies in areas designated for areawide planning. The agreement further specifies that the Corps of Engineers may provide technical assistance in areawide planning outside the Urban Studies Program.

The agreement is effective on signature of the parties.

RUSSELL E. TRAIN,
Administrator.

JOINT AGREEMENT FOR INTERAGENCY COORDINATION OF AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING ASSISTANCE TO STATE AND LOCAL GOVERNMENTS BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF THE ARMY

Purpose. This interagency agreement defines the relationship between areawide waste treatment management planning conducted by the Army Corps of Engineers under its Urban Studies Program and areawide waste treatment management planning authorized under Title II of the Federal Water Pollution Control Act Amendments of 1972 and administered by the Environmental Protection Agency. The agreement also acknowledges that the Corps of Engineers may provide technical assistance in 208 planning outside the Army Urban Studies Program.

The Army Corps of Engineers is authorized by specific resolutions of Public Works Committee of Congress to conduct regional wastewater management planning for designated urban regions of the United States. Such planning is normally conducted in conjunction with other urban water resources problems as part of the Corps of Engineers Urban Studies Program. Further, section 208 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) authorizes the Secretary of the Army, acting through the Chief of Engineers, to provide consulting and technical assistance to planning agencies designated under section 208(a) in developing and operating a continuing areawide waste treatment management planning process under section 208(b) upon request of the Governor or the designated planning agency.

The Administrator of the Environmental Protection Agency, in fulfilling his responsibility for administering Pub. L. 92-500, is required by the Act to encourage and facilitate the development and implementation of areawide waste treatment management plans. Subsection 208(f) authorizes the Administrator to make grants to designated planning agencies to develop and operate continuing areawide waste treatment management planning processes in accordance with specific requirements of Section 208. The Act further authorizes the Administrator under Subsection 208(g) to consult with and provide technical assistance to a designated agency upon request of the Governor or the designated 208 agency.

While each Federal agency executes its areawide waste treatment planning responsibilities in a different manner—the Army through technical assistance and the Environmental Protection Agency primarily through grants, the two programs are compatible and are designed to achieve the same goal. The provisions delineated in this agreement are intended to provide guidance to representatives of both agencies in instances where the two programs may involve the same geographical area.

Objectives. A common goal of both agencies is to enhance the capability of local and State governments in developing regional wastewater management planning processes which will achieve the National water quality goals stipulated in Pub. L. 92-500. In accordance with this goal, three specific objectives have been established for the areawide waste treatment management planning program.

These are:

(1) Development of a local planning process which can successfully conduct the required planning on an areawide scale;

(2) Development of an initial plan meeting requirements of the Act; and

(3) Establishment of a continuing planning process at the regional level which can successfully evaluate the current plan and appropriately update such a plan to allow continued annual recertification by the Governor as required by the Act.

Coordinating provisions. 1. Planning by the Corps of Engineers under the provisions of section 208 will be to the level of precision required by the Administrator for approval of any plan certified and submitted to him by any Governor under section 208.

2. Acceptance of request by the Secretary of the Army to provide consultation or technical assistance in areawide wastewater management planning is contingent upon the resources and manpower available to the Corps of Engineers to provide such assistance.

3. The Corps of Engineers will assign appropriate priority to planning required by section 208 to enable the designated planning agency and/or the Governor to comply with time limitations prescribed by the Regional Administrator, Environmental Protection Agency.

4. The existence of an urban study resolution shall not preclude approval of a 208 designation for an area, nor shall approval of a 208 designation for an area preclude funding for an urban study.

5. In no case shall there be a duplication of Environmental Protection Agency and Corps of Engineers funding for the same specific task in development of a wastewater management plan or planning process under Title II of the Federal Water Pollution Control Act Amendments of 1972.

Where a potential duplication of the same specific task is identified, applicable Corps of Engineers and Environmental Protection Agency budgets will be appropriately modified.

6. All section 208 planning activities undertaken by the Corps of Engineers will be set forth in a plan of study approved by the designated local planning agency, the State and the Environmental Protection Agency Regional Administrator. Such planning will be in accordance with all applicable laws, Environmental Protection Agency guidelines, criteria, and regulations, as well as applicable State and local laws and regulations.

7. Where plans of study under the Army Urban Studies Program have been approved by local officials and the Environmental Protection Agency prior to the 208 designation, the plans of study for the 208 project and the Urban Study will be reviewed to identify the additional planning needed to meet 208 requirements. The urban study will be completed in accordance with provisions of the original plan of study as revised to include any additional section 208 requirements requested by the designated planning agency.

8. Where an urban study has been authorized and funded for an area also designated under section 208 and a plan of study has not been approved, the Corps of Engineers will delete areawide waste water planning from the urban study if the designated planning agency elects to accomplish such planning using section 208 grant funds. Under such conditions, the Corps of Engineers will assess the remaining water resources problems to determine the feasibility of undertaking an urban study.

Conversely, if the designated planning agency requests the Corps of Engineers to conduct the section 208 planning as an integral part of the urban study, a plan of study will be developed to meet the requirements of the designated 208 planning agency, subject to the approval of the Environmental Protection Agency Regional Administrator. If agreement concerning the plan of study for the 208 designated area cannot be set forth in a mutually agreeable manner, wastewater planning for the area will be deleted from the urban study and accomplished by the designated planning agency. As above, the Corps of Engineers would then assess the feasibility of undertaking the remaining facets of the urban study.

9. Technical assistance provided by the Corps of Engineers may include the development of alternative plans or portions of plans for meeting the provisions of section 208(b). The decision to adopt or implement specific alternatives or proposals generated by this planning is the responsibility of the designated planning and the designated management agency(ies).

10. Technical assistance provided by the Corps of Engineers for designated 208 areas not included in the urban studies program will be accomplished as directed by the designated planning agency.

11. Upon request of the Governor(s), and upon agreement of the Regional Administrator, Environmental Protection Agency, the Army Corps of Engineers may consult with and provide technical assistance on a reimbursable basis in developing State plans for areas not designated under section 208(a).

Funding policy. Funding policy is based on the premise that a designated agency needs to fully participate in the planning process and to build planning expertise.

1. Section 208 studies initiated through June 30, 1975 can be at 100 percent Federal expense except that costs and effort provided by non-Federal interests prior to designation will not be reimbursed. For areawide wastewater management studies of designated areas initiated through June 30, 1975, the source of Federal funds by planning category will be as follows:

a. Section 208 planning included in Army urban studies will be funded 75 percent by Army and 25 percent by the Environmental Protection Agency. (The funds from the Environmental Protection Agency will be granted to the designated agency for internal activities.). Section 208 planning added to planning already included in Army urban studies will be funded 100 percent by the Environmental Protection Agency.

b. Section 208 planning by the Corps of Engineers in areas not associated with the Army Urban Studies Program will be funded 100 percent by EPA.

2. In areas not designated under section 208, wastewater management planning conducted by the Corps as a part of an urban study will be cost shared at 75 percent Federal/25 percent non-Federal.

Signed at Washington, D.C., this 22d day of November 1974.

ENVIRONMENTAL PROTECTION AGENCY,
RUSSELL E. TRAIN,
Administrator of EPA.

DEPARTMENT OF THE ARMY,
HOWARD H. CALLAWAY,
Secretary of the Army.

[FR Doc.75-1546 Filed 1-15-75;8:45 am]

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Title 3—The President

EXECUTIVE ORDER 11834

Activation of the Energy Research and Development Administration and the Nuclear Regulatory Commission

By virtue of the authority vested in me by the Energy Reorganization Act of 1974 (Public Law 93–438; 88 Stat. 1233), Section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered:

Section 1. Pursuant to Section 312(a) of the Energy Reorganization Act of 1974 I hereby prescribe January 19, 1975, as the effective date of that Act. This action shall not impair in any way the activation of the Energy Resources Council by Executive Order No. 11814 of October 11, 1974.[1]

Sec. 2. The Director of the Office of Management and Budget shall take all steps necessary or appropriate to ensure or effectuate the transfers provided for in the Energy Reorganization Act of 1974, the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93–409; 88 Stat. 1069), the Geothermal Energy Research, Development, and Demonstration Act of 1974 (Public Law 93–410; 88 Stat. 1079), the Solar Energy Research, Development, and Demonstration Act of 1974 (Public Law 93–473; 88 Stat. 1431), to the extent required or permitted by law, including transfers of funds, personnel and positions, assets, liabilities, contracts, property, records, and other items related to the transfer of functions, programs, or authorities.

Sec. 3. As required by the Energy Reorganization Act of 1974, this Order shall be published in the FEDERAL REGISTER.

Gerald R. Ford

THE WHITE HOUSE,
January 15, 1975.

[FR Doc.75–1838 Filed 1–16–75;10:43 am]

[1] 39 FR 36955, Oct. 16, 1974.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 2—RULES OF PRACTICE

Discovery; Issues Not Raised by Parties

The Atomic Energy Commission has adopted amendments to its "Rules of Practice", 10 CFR Part 2. These amendments will (1) change Commission discovery procedures as they relate to the attendance and testimony of AEC personnel at hearings and staff responses to written interrogatories and (2) provide that while Atomic Safety and Licensing Boards are neither required not expected to look for new issues not raised by the parties, in extraordinary circumstances where a board determines that a serious safety, environmental, or common defense and security matter was not raised by the parties to a hearing, the board may exercise its discretion to examine and decide such matters; Atomic Safety and Licensing Appeal Boards may give appropriate consideration to such matters.

On July 16, 1974, the Commission issued a decision In the Matter of Consumers Power Company (Midland Plant, Units 1 and 2) in which it questioned whether the AEC regulations requiring interlocutory Commission review before a licensing board may order discovery involving Commission personnel and/or documents served any useful purpose. The Commission pointed out in its decision that these AEC regulations requiring interlocutory review can contribute to delay in adjudication, that in procedural matters the licensing boards have a better appreciation for all the circumstances surrounding a particular case, and that these regulations accord a preferential status to Commission personnel and documents while discriminating against other parties who cannot invoke Commission review of their refusal to respond to discovery.

To conform the regulations in Part 2 to this Commission decision, §§ 2.720(h), 2.744 (d) and (g), and paragraph IV(d) to Appendix A are amended, and § 2.744 (e) is deleted, to permit the presiding officer in his discretion to compel the attendance and testimony of AEC personnel and require the staff to answer written interrogatories. In either case the presiding officer may, in his discretion, determine that such action would place an unwarrantedly severe burden upon the AEC personnel whose attendance or written response is requested and on this basis disallow the discovery request.

On July 16, 1974 the Commission also issued a decision In the Matter of Consolidated Edison Company of New York (Indian Point Nuclear Generating Unit 3) in which it held that a licensing board has the authority to examine and decide issues which the board itself deems relevant even though the parties have not placed such matters in controversy. To conform the AEC regulations to this decision, §§ 2.104(c), 2.760a, 2.785, and sections VIII and IX of Appendix A to Part 2 are amended. When the presiding officer, such as an Atomic Safety and Licensing Board, determines in an operating license proceeding that a serious safety, environmental, or common defense and security issue exists that has not been raised by the parties to the proceeding, the presiding officer may examine and decide that issue. Atomic Safety and Licensing Appeal Boards may give appropriate consideration to such matters. However, this authority with respect to new issues not in controversy among the parties will be exercised sparingly and only in extraordinary circumstances.

Inasmuch as the amendments set forth below are procedural changes, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United States Code.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 2 are published as a document subject to codification.

1. The prefatory language of § 2.104 (c) of 10 CFR Part 2 is revised to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(c) In the case of an application for an operating license in which a hearing will be held, the notice of hearing will, except as provided in paragraph (d) of this section and unless the Commission determines otherwise, state, in implementation of paragraph (a)(3) of this section, that the presiding officer will consider any matters in controversy among the parties and may, under extraordinary circumstances, where he determines that a serious safety, environmental, or common defense and security matter has not been raised by the parties, consider such other matters within the purview of: * * *

* * * * *

2. Paragraphs 2.720(h)(2)(i), (ii), and (iii) are revised to read as follows:

§ 2.720 Subpoenas.

* * * * *

(h)(1) * * *

(2)(i) In a proceeding in which the AEC is a party, the AEC staff will make available one or more witnesses designated by the General Manager or the Director of Regulation, as appropriate, or by their designees, for oral examination at the hearing or on deposition regarding any matter, not privileged, which is relevant to the issues in the proceeding. The attendance and testimony of the Commissioners and named AEC personnel at a hearing or on deposition may not be required by the presiding officer, by subpoena or otherwise: *Provided*, That the presiding officer may, upon a showing of exceptional circumstances, such as a case in which a particular named AEC employee has direct personal knowledge of a material fact not known to the witnesses made available by the General Manager or the Director of Regulation, require the attendance and testimony of named AEC personnel.

(ii) In addition, a party may file with the presiding officer written interrogatories to be answered by AEC personnel with knowledge of the facts designated by the General Manager or the Director of Regulation, as appropriate. Upon a finding by the presiding officer that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require that the staff answer the interrogatories.

(iii) No deposition of a particular named AEC employee or answer to interrogatories by AEC personnel pursuant to paragraphs (h)(2)(i) and (ii) of this section shall be required before the matters in controversy in the proceeding have been identified by order of the Commission or the presiding officer, pursuant to § 2.751a, or after the beginning of the prehearing conference held pursuant to § 2.752 except upon leave of the presiding officer for good cause shown.

* * * * *

3. In § 2.744, paragraph (e) is deleted and paragraphs (d) and (g) are revised to read as follows:

§ 2.744 Production of AEC records and documents.

* * * * *

(d) Upon a determination by the presiding officer that the requesting party has demonstrated the relevancy of the record or document and that its production is not exempt from disclosure under § 2.790 or that, if exempt, its disclosure is necessary to a proper decision in the proceeding, and the document or the information therein is not reasonably obtainable from another source, he shall order the General Manager or Director of Regulation, as appropriate, to produce the document.

* * * * *

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(g) No request pursuant to this section shall be made or entertained before the matters in controversy have been identified by the Commission or the presiding officer, or after the beginning of the prehearing conference held pursuant to § 2.752 except upon leave of the presiding officer for good cause shown.

4. Section 2.760a is revised to read as follows:

§ 2.760a Initial decisions in contested proceedings on applications for facility operating licenses.

In any initial decision in a contested proceeding on an application for an operating license for a production or utilization facility, the presiding officer shall make findings of fact and conclusions of law on the matters put into controversy by the parties to the proceeding and on matters which have been determined to be the issues in the proceeding by the Commission or the presiding officer. Matters not put into controversy by the parties will be examined and decided by the presiding officer only in extraordinary circumstances where he determines that a serious safety, environmental, or common defense and security matter exists. This authority is to be used sparingly. Depending on the resolution of those matters, the Director of Regulation, after making the requisite findings, will issue, deny, or appropriately condition the license.

§ 2.780 [Amended]

5. The note following § 2.780(f) is deleted.

6. Section 2.785 is amended by redesignating the existing language of paragraph (b) as paragraph (b)(1) and by adding a new paragraph (b)(2) to read as follows:

§ 2.785 Functions of Atomic Safety and Licensing Appeal Boards.

• • • • • •

(b)(1) • • •

(2) In a proceeding on an application for an operating license where the Atomic Safety and Licensing Appeal Board determines that a serious safety, environmental, or common defense and security matter exists that has not been raised by the parties, it may give appropriate consideration to that matter. The authority of an Atomic Safety and Licensing Appeal Board to consider such new matters will be exercised sparingly and only in extraordinary circumstances.

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7. In Appendix A to Part 2, paragraph IV(d) is revised to read as follows:

IV. DISCOVERY

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(d) In general, regulatory staff documents that are relevant to a proceeding will be publicly available as a matter of course unless there is a compelling justification for their nondisclosure. Therefore, document discovery directed at the staff will be restricted, as provided in § 2.744, since most staff documents will be publicly available and should reasonably disclose the basis for the staff's position. Formal discovery of documents against the regulatory staff will be limited to cases where it concerns a matter necessary to a proper decision in a case and the information sought is not obtainable elsewhere. Discovery as a legitimate means of obtaining information will not be inhibited, but in view of the comprehensive body of information routinely available without request, there should be minimum need to resort to time consuming discovery procedures. Discovery against the staff (and other AEC personnel, including consultants) by way of deposition is permitted upon a showing of exceptional circumstances. Interrogatories may be addressed to the staff where the information is necessary to proper decision in the case and not obtainable elsewhere.

8. In Appendix A to Part 2, the prefatory language of paragraph VIII(b) is amended and paragraph VIII(c) is revised to read as follows:

VIII. PROCEDURES APPLICABLE TO OPERATING LICENSE PROCEEDINGS.

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(b) In an operating license proceeding, the board will determine the matters in controversy among the parties and, in extraordinary circumstances where the board determines that a serious safety, environmental, or common defense and security matter was not raised by the parties, the board will determine such matter as the issues to be decided. These issues will be specified in the notice of hearing issued by the Commission, or in a prehearing conference order issued by the board, or in an order issued by the board in the exercise of its discretion during the hearing.

The issues will be the matters in controversy among the parties or raised by the board within the purview of the following:

• • •

• • • • • •

(c) The board, in operating license proceedings, will make findings on the matters in controversy among the parties and any matter not raised by the parties but examined by the board in its discretion in accordance with paragraph (b) of this section and § 2.760a. Depending on the resolution of those matters, the Director of Regulation would issue, deny, or appropriately condition the operating license.

9. In Appendix A to Part 2, paragraph 2, paragraph IX(a) is revised to read as follows:

IX. LICENSING PROCEEDINGS SUBJECT TO APPELLATE JURISDICTION OF ATOMIC SAFETY AND LICENSING APPEAL BOARD

(a) An Atomic Safety and Licensing Appeal Board, composed of three members assigned from the Atomic Safety and Licensing Appeal Panel, designated by the Commission, reviews initial decisions of presiding officers in (1) proceedings on applications under Part 50 for facility licenses or construction permits, (2) proceedings on applications for authorizations under Part 115, and (3) such other licensing proceedings as the Commission specifies. In such proceedings, an Atomic Safety and Licensing Appeal Board performs the functions and exercises the authority of the Commission described in sections I(e), V(f)(4), and VI(f), except as their context may require otherwise. The Atomic Safety and Licensing Appeal Board is required to decide each matter before it in accordance with the rules and regulations, case precedent, and established policies of the Commission. In a proceeding on an application for an operating license if the Atomic Safety and Licensing Appeal Board determines that a serious safety, environmental, or common defense and security matter has not been raised by the parties, it has the authority, to be used sparingly, to give appropriate consideration to that matter but only in extraordinary circumstances. It has no responsibility or authority for issuing rules or regulations. The Appeal Board for a particular proceeding is composed of three members assigned from the Atomic Safety and Licensing Appeal Panel and possessing qualifications deemed appropriate to the issues to be decided. The Chairman of the Appeal Board for a particular proceeding shall be qualified in the conduct of administrative proceedings.

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Effective date: These amendments become effective on February 18, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Maryland, this 13th day of January 1975.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75-1662 Filed 1-16-75;8:45 am]

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Licensing of Duplicate Nuclear Power Plants; Review of Standard Nuclear Power Plant Designs

On April 16, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 13668), proposed amendments to 10 CFR Parts 2 and 50 of its regulations. The proposed amendments were intended to implement two approaches to standardization of nuclear power reactors identified by the Commission in a statement issued on March 5, 1973:

(1) the "Reference System" concept under which an entire facility design or major fraction thereof can be identified as a standard design to be used in multiple applications and (2) the "Duplicate Plant" concept under which simultaneous AEC staff review of the safety related parameters of duplicate plants to be constructed by a utility or a group of utilities may be conducted.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments by May 30, 1974. After consideration of the comments and other factors involved, the Commission has adopted the proposed amendments with the following modifications:

(1) Appropriate references have been made in Appendix N of Part 50 to new § 2.761a of Part 2 and § 50.10(e) of Part 50 which were published on April 24, 1974 (39 FR 14506).

(2) The reference in Appendix N to information that might be included in a single preliminary safety analysis report has been changed to exclude the information required by § 50.34(a)(6) (applicant's organization), § 50.34(a)(7) (quality assurance) and § 50.34(a)(9) (technical qualification of the applicant) and to modify the sentence pertaining to the quality assurance program to clarify that only the quality assurance program with respect to aspects of facility design and construction that are common to all duplicate plants should be included in the single preliminary safety analysis report. The reference to information that might be included in a single final safety analysis report has been changed to exclude the information required by § 50.34(c) (physical security plan). The requirement for inclusion of antitrust information in an operating license application submitted pursuant to Appendix N has been eliminated to reflect an amendment to § 50.33a published September 25, 1974 (39 FR 34394).

(3) In paragraph 3 of Appendix O, the information that should be excluded from a submittal of a nuclear power reactor design for review has been broadened to include information relating to up-to-date site information, requalification programs for reactor operators and information pertaining to design features required by § 50.34(c).

The Atomic Energy Act of 1954, as amended, requires a license issued by the Commission for the transfer or receipt in interstate commerce, manufacture, production, transfer, acquisition, possession, use, import or export of any production or utilization facility such as a nuclear power reactor. Such licensing, carried out pursuant to the Commission's regulations in 10 CFR Part 50 and 10 CFR Part 2 has typically involved the issuance of a permit to construct single or multiple nuclear power reactors at a single identified site, followed by the issuance of a license to operate the reactor(s) after construction is completed. The reactor designs described in such applications have been "non-standard" in the sense that they are, in major respects, unique to the site on which they will be constructed and operated.

The Commission believes that standardization of nuclear power reactors can make a significant contribution to higher operating reliability, maintenance and improvement of protection to public health and safety and environmental values, concentration of safety-related research and development efforts into fewer areas, and greater efficiency in AEC reviews of plant design.

The "Duplicate Plant" concept. The amendments to 10 CFR Part 2 and 50 which follow contemplate, in implementation of the "Duplicate Plant" approach referred to above, that one or more utilities would submit individual construction permit applications which would reference, for the technical information pertaining to design specified in § 50.34 of Part 50, a single document describing the design of the reactors which are to be constructed and operated at the various sites and the postulated site parameters for the design. To the maximum extent practicable, the design so specified should be identical for the various plants covered by the individual applications.[1] Each applicant will be required to submit an environmental report for each individual site. The environmental report shall discuss the environmental effects of construction and operation of the proposed reactor at the actual site where it will be located. However, since the design will be essentially the same for all reactors, it is expected that certain basic assumptions concerning the release of radioactive materials during both normal operations and postulated accident conditions will be the same for each of the reactors. The environmental effects of such releases will be individually assessed for each individual site.

The amendments relating to the "Duplicate Plant" concept necessarily provide a degree of flexibility in the hearing process since proceedings on some of the applications involved may be contested, while others may be uncontested. Further, the environmental review may be completed before the radiological health and safety review in the case of some applications, while the reverse may be true for others. Though each application will involve a separate proceeding, the required construction permit hearings may, as appropriate, be comprised of two (or more) phases, the sequence of those phases depending on the circumstances, and for any of the phases the hearing sessions may be consolidated to consider common issues relating to all or some of the applications involved.

Thus, for example, in one phase a consolidated construction permit hearing may be convened to consider the radiological health and safety aspects of the nuclear reactors of the proposed design in the context of the postulated site parameters. Following such a consolidated hearing, a partial initial decision will be rendered by the presiding officer which will be appealable in accordance with the existing provisions of the Commission's rules of practice, 10 CFR Part 2. No construction permit will, of course, be issued for any facility until the completion of the other phase(s) of the hearing on that facility and the resolution of all issues under the Atomic Energy Act of 1954 and the National Environmental Policy Act of 1969 (NEPA). It is expected that antitrust issues will be considered, as now, at separate hearing sessions.

At another phase of the hearings, matters more directly related to an individual application, such as issues under NEPA, the technical and financial qualifications of the applicant, and common defense and security, may be considered separately for each applicant.

In order for an application to be considered as provided in the amendments, it will, of necessity, have to be filed at the same time as other applications that reference the same design or at least within a time sufficient to permit consideration in a manner and in a time frame consistent with the amendments. A similar procedure for consolidated hearings and separate phases for such standardized reactors will be available at the operating license stage. One of the major purposes of the amendments is to assure that there is no unnecessary duplication in the review and hearing process. Accordingly, the amendments provide that matters reserved for consideration in one phase of the hearings will, in general, not be considered at another phase. Such matters could, however, be considered on the basis of significant new information which substantially affects the conclusions reached at the other phase or other good cause. For example, if the radiological health and safety phase was concluded first, consideration of such matters at a later phase will be restricted to the question whether a given site falls within the postulated site parameters for the design referenced in the application. Depending on the circumstances, including the number of applications involved, one atomic safety and licensing board may preside over all hearing sessions or a number of boards may be designated.

The "Reference System" concept. The amendments to Parts 2 and 50 in implementation of the "Reference System" concept specifically provide for submittals of either preliminary or final designs for an entire reactor facility or a major portion thereof for review by the Commission's regulatory staff. In lieu of the specific site information required to be submitted in a safety analysis report for an entire reactor design, postulated site parameters for the design should be submitted.

The submittal will be reviewed by the regulatory staff and referred to the Advisory Committee on Reactor Safeguards. If the design is found acceptable, a determination to that effect will be published in the FEDERAL REGISTER and the approved design will be relied on by the staff and the ACRS in their reviews of individual license applications which reference the approved design, unless there existed significant new information that substantially affects the earlier conclusions or other good cause. Such a design approval will not constitute a commitment to issue a permit or a license, or in any way bind presiding officers, the Atomic Safety and Licensing Appeal Boards or the Commission in adjudicatory proceedings. However, the Commission could approve a standardized design in a rulemaking proceeding and, in that event, the design could be challenged only as provided in § 2.758 of the Commission's rules of practice in 10 CFR Part 2. Such approval of a design through a rulemaking proceeding may require preparation of an environmental impact statement in accordance with § 51.5 of 10 CFR Part 51.

Notice of receipt of a submittal for review of a standard design will be published in the FEDERAL REGISTER, inviting comments by interested persons. The submittal and documents pertaining

[1] If the design were not identical in any particular application, that application might not be processed under the proposed amendments.

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thereto will be placed in the Public Document Room pursuant to § 2.790.

With reference to the Duplicate Plant concept in proposed Appendix N to Part 50, several comments were made as to the possible discrepancy between the language in the introduction and in footnote 1 of the Appendix as to the degree of identity required between the duplicate designs. In this regard, it is the Commission's intent to permit flexibility to the staff in determining whether the design of the nuclear power reactor is sufficiently similar to the design of the other reactors for which construction permit applications have been made to permit a single design review.

Comments were addressed to the requirement of common quality assurance programs for duplicate plants in Appendix N as unnecessary and counterproductive, and to the requirement of a quality assurance program for reference design plants in Appendix O as too broad. We agree with the commenters as to duplicate plants, and accordingly, have changed Appendix N to clarify that only the quality assurance program with respect to aspects of facility design, construction and operation that are common to all of the applications proposing a power reactor of the same design should be included in the single preliminary safety analysis report. However, with respect to referenced plants, we believe persons requesting design review should provide quality assurance information concerning design, procurement and fabrication of all the components encompassed by the request.

One commenter suggested that paragraph 2 of Appendix N allow the inclusion of more than one set of site parameters in the duplicate plant design which would allow greater flexibility in the use of duplicate plants. The Commission believes that the submission of only one set of site parameters will greatly enhance the efficiency of staff review. It is assumed that the applicants for construction permits for duplicate plants would submit a set of site parameters that would be broad enough to encompass all the applications involved.

Several comments were received to the effect that an environmental impact statement need not be issued by the Commission in conjunction with a rule making proceeding to approve a referenced design since subsequent individual plant application reviews will be accompanied by an environmental impact statement. However, the National Environmental Policy Act and 10 CFR Part 51 require such a statement in a rule making proceeding that involves a major Federal action significantly affecting the quality of the human environment. Paragraph 7 of Appendix O reflects this requirement. The fact that subsequent individual application reviews may also be accompanied by environmental impact statements does not affect the statutory obligation respecting such statements in a rule making proceeding.

Another comment suggested that a rule making proceeding be held only on the petition of the party submitting the reference design. Since no other mechanism for public participation is available with respect to a reference design prior to an application for an individual facility license, only by a rule making proceeding can the benefits of 10 CFR 2.758 to limit reconsideration of a reference design be achieved. Further, under the Administrative Procedure Act and Subpart H of Part 2, the right to petition for the promulgation, amendment, or repeal of a rule cannot be limited to a particular person.

A general comment that was not addressed to specific sections of the proposed rules recommended to the Commission consideration of the concept of "replication" as an additional alternative to standardization of nuclear power plant design. The question of replication is a separate matter, and does not affect the merits of the present proposals. Further, since it is expected that the "replication" approach will be used only on an interim basis, it does not appear necessary or desirable to provide for it in Commission regulations.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments of 10 CFR Parts 2 and 50 are published as a document subject to codification.

1. A new § 2.110 is added to 10 CFR Part 2 to read as follows:

§ 2.110 Filing and administrative action on submittals for design review.

(a) A submittal pursuant to Appendix O of Part 50 of this chapter shall be subject to §§ 2.101(a) and 2.790 to the same extent as if it were an application for a permit or license.

(b) Upon initiation of review of such a submittal by the regulatory staff, the Director of Regulation shall publish in the FEDERAL REGISTER a notice of receipt of the submittal, inviting comments from interested persons within 60 days of publication or such other time as may be specified, for consideration by the staff and ACRS in their review.

(c) Upon completion of review of such a submittal by the regulatory staff and the ACRS, the Director of Regulation shall publish in the FEDERAL REGISTER a determination as to whether or not the design is acceptable, subject to such conditions as may be appropriate, and place in the Public Document Room an analysis of the design in the form of a report.

2. A new Subpart D is added to 10 CFR Part 2 to read as follows:

Subpart D—Additional Procedures Applicable to Proceedings for the Issuance of Licenses To Construct or Operate Nuclear Power Plants of Duplicate Design at Multiple Sites

Sec.
2.400 Scope of subpart.
2.401 Notice of hearing on applications pursuant to Appendix N of Part 50 for construction permits.
2.402 Separate hearings on separate issues; consolidation of proceedings.
2.403 Notice of proposed action on applications for operating licenses pursuant to Appendix N of Part 50.
2.404 Hearings on applications for operating licenses pursuant to Appendix N of Part 50.
2.405 Initial decisions in consolidated hearings.
2.406 Finality of decisions on separate issues.
2.407 Applicability of other sections.

§ 2.400 Scope of subpart.

This subpart describes procedures applicable to licensing proceedings which involve the consideration in hearings of a number of applications, filed by one or more applicants pursuant to Appendix N of Part 50 of this chapter, for licenses to construct and operate nuclear power reactors of essentially the same design to be located at different sites.

§ 2.401 Notice of hearing on applications pursuant to Appendix N of Part 50 for construction permits.

(a) In the case of applications pursuant to Appendix N of Part 50 of this chapter for construction permits for nuclear power reactors of the type described in § 50.22 of this chapter, the Secretary will issue notices of hearing pursuant to § 2.104.

(b) The notice of hearing will also state the time and place of the hearings on any separate phase of the proceeding.

§ 2.402 Separate hearings on separate issues; consolidation of proceedings.

(a) In the case of applications pursuant to Appendix N of Part 50 of this chapter for construction permits for nuclear power reactors of a type described in § 50.22 of this chapter, the Commission or the presiding officer may order separate hearings on particular phases of the proceeding, such as matters related to the acceptability of the design of the reactor, in the context of the site parameters postulated for the design; environmental matters; or antitrust aspects of the application.

(b) If a separate hearing is held on a particular phase of the proceeding, the Commission may, pursuant to § 2.716, consolidate for hearing on that phase two or more proceedings to consider common issues relating to the applications involved in the proceedings, if it finds that such action will be conducive to the proper dispatch of its business and to the ends of justice. In fixing the place of any such consolidated hearing due regard will be given to the convenience and necessity of the parties, petitioners for leave to intervene or the attorneys or representatives of such persons, and the public interest.

§ 2.403 Notice of proposed action on applications for operating licenses pursuant to Appendix N of Part 50.

In the case of applications pursuant to Appendix N of Part 50 of this chapter for operating licenses for nuclear power reactors, if the Commission has not found that a hearing is in the public interest, the Director of Regulation will, prior to acting thereon, cause to be published in the FEDERAL REGISTER, pursuant to § 2.105, a notice of proposed action with respect to each application as soon as practicable after the applications have been docketed

§ 2.404 Hearings on applications for operating licenses pursuant to Appendix N of Part 50.

If a request for a hearing and/or petition for leave to intervene is filed within the time prescribed in the notice of proposed action on an application for an operating license pursuant to Appendix N of Part 50 of this chapter with respect to a specific reactor(s) at a specific site and the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel has issued a notice of hearing or other appropriate order, the Commission or the atomic safety and licensing board may order separate hearings on particular phases of the proceeding and/or consolidate for hearing two or more proceedings in the manner described in § 2402.

§ 2.405 Initial decisions in consolidated hearings.

At the conclusion of any hearing held pursuant to this subpart, the presiding officer will render a partial initial decision which may be appealed pursuant to § 2.762. No construction permit or full power operating license will be issued until an initial decision has been issued on all phases of the hearing and all issues under the Act and the National Environmental Policy Act of 1969 appropriate to the proceeding have been resolved.

§ 2.406 Finality of decisions on separate issues.

Notwithstanding any other provision of this chapter, in a proceeding conducted pursuant to this subpart and Appendix N of Part 50 of this chapter, no matter which has been reserved for consideration in one phase of the hearing shall be considered at another phase of the hearing except on the basis of significant new information that substantially affects the conclusion(s) reached at the other phase or other good cause.

§ 2.407 Applicability of other sections.

The provisions of Subparts A and G relating to construction permits and operating licenses apply, respectively, to construction permits and operating licenses subject to this subpart, except as qualified by the provisions of this subpart.

3. New Appendices N and O are added to 10 CFR Part 50 to read as follows:

APPENDIX N—STANDARDIZATION OF NUCLEAR POWER PLANT DESIGNS: LICENSES TO CONSTRUCT AND OPERATE NUCLEAR POWER REACTORS OF DUPLICATE DESIGN AT MULTIPLE SITES

Section 101 of the Atomic Energy Act of 1954, as amended, and § 50.10 of this part require a Commission license to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import or export any production or utilization facility. The regulations in this part require the issuance of a construction permit by the Commission before commencement of construction of a production or utilization facility, except as provided in § 50.10(e), and the issuance of an operating license before operation of the facility.

The Commission's regulations in Part 2 of this chapter specifically provide for the holding of hearings on particular issues separately from other issues involved in hearings in licensing proceedings (§ 2.761a, Appendix A, section I(c)), and for the consolidation of adjudicatory proceedings and of the presentations of parties in adjudicatory proceedings such as licensing proceedings (§§ 2.715a, 2.716).

This Appendix sets out the particular requirements and provisions applicable to situations in which applications are filed by one or more applicants for licenses to construct and operate nuclear power reactors of essentially the same design to be located at different sites.[1]

1. Except as otherwise specified in this Appendix or as the context otherwise indicates, the provisions of this part applicable to construction permits and operating licenses, including the requirement in § 50.58 for review of the application by the Advisory Committee on Reactor Safeguards and the holding of public hearings, apply to construction permits and operating licenses subject to this Appendix N.

2. Applications for construction permits submitted pursuant to this Appendix N shall include the information required by §§ 50.33, 50.33a, 50.34(a) and 50.34a(a) and (b). The applicant shall also submit the information required by § 51.20 of this chapter.

For the technical information required by §§ 50.34(a)(1)–(5) and (8) and 50.34a(a) and (b), reference may be made to a single preliminary safety analysis of the design[2] which, for the purposes of § 50.34(a)(1) includes one set of site parameters postulated for the design of the reactors, and an analysis and evaluation of the reactors in terms of such postulated site parameters. Such single preliminary safety analysis shall also include information pertaining to design features of the proposed reactors that affect plans for coping with emergencies in the operation of the reactors, and shall describe the quality assurance program with respect to aspects of design, fabrication, procurement and construction that are common to all of the reactors.

(3) Applications for operating licenses submitted pursuant to this Appendix N shall include the information required by §§ 50.33, 50.34(b) and (c), and 5034a(c). The applicant shall also submit the information required by § 51.21 of this chapter. For the technical information required by §§ 50.34(b)(2)–(5) and 50.34a(c), reference may be made to a single final safety analysis of the design.

APPENDIX O—STANDARDIZATION OF DESIGN; STAFF REVIEW OF STANDARD DESIGNS

This appendix sets out procedures for the filing, staff review and referral to the Advisory Committee on Reactor Safeguards of standard designs for a nuclear power reactor of the type described in § 50.22 or major portions thereof.

1. Any person may submit a proposed preliminary or final standard design for a nuclear power reactor of the type described in § 50.22 to the regulatory staff for its review. Such a submittal may consist of either the preliminary or final design for the entire reactor facility or the preliminary or final design of major portions thereof.

2. The submittal for review of the standard design shall be made in the same manner and in the same number of copies as provided in § 50.30(a), (c)(1) and (3) for license applications.

3. The submittal for review of the standard design shall include the information described in § 50.33(a)–(d) and the applicable technical information required by §§ 50.34(a) and (b), as appropriate, and 50.34a (other than that required by §§ 50.34(a)(6) and (10), 50.34(b)(1), (6)(i), (ii), (iv), and (v) and 50.34(b)(7) and (8)). The submittal shall also include a description, analysis and evaluation of the interfaces between the submitted design and the balance of the nuclear power plant. With respect to the requirements of §§ 50.34(a)(1), the submittal for review of a standard design shall include the site parameters postulated for the design, and an analysis and evaluation of the design in terms of such postulated site parameters. The information submitted pursuant to § 50.34(a)(7) shall be limited to the quality assurance program to be applied to the design, procurement and fabrication of the structures, systems, and components for which design review has been requested and the information submitted pursuant to § 50.34(a)(9) shall be limited to the qualifications of the person submitting the standard design to design the reactor or major portion thereof. The submittal shall also include information pertaining to design features that affect plans for coping with emergencies in the operation of the reactor or major portion thereof.

4. Once the regulatory staff has initiated a technical review of a submittal under this Appendix, the submittal will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for a review and report.

5. Upon completion of their review of a submittal under this Appendix, the regulatory staff shall publish in the FEDERAL REGISTER a determination as to whether or not the preliminary or final design is acceptable, subject to such conditions as may be appropriate, and make available in the Public Document Room an analysis of the design in the form of a report. An approved design shall be utilized by and relied upon by the regulatory staff and the ACRS in their review of any individual facility license application which incorporates by reference a design approved in accordance with this paragraph unless there exists significant new information which substantially affects the earlier determination or other good cause.

6. The determination and report by the regulatory staff shall not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, atomic safety and licensing boards, and other presiding officers in any proceeding under Subpart G of Part 2 of this chapter.

7. The Commission may, on its own initiative or in response to a petition for rule making, approve the design in a rule making proceeding and in that event, the approved design will be subject to challenge only as provided in § 2.758 of this chapter. An environmental impact statement may be prepared for such a rule making action in accordance with § 51.5 of this chapter. If an environmental impact statement is prepared, the Commission may require the petitioner for rule making to submit information to the Commission to aid the Commission in the

[1] If the design for the power reactor(s) proposed in a particular application is not identical to the others, that application may not be processed under this appendix and Subpart D of Part 2 of this chapter.

[2] As used in this Appendix, the design of a nuclear power reactor included in a single referenced safety analysis report means the design of those structures, systems and components important to radiological health and safety and the common defense and security.

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preparation of the environmental impact statement.

Effective date: The foregoing amendments are effective on February 18, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Maryland, this 11th day of January 1975.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75-1586 Filed 1-16-75;8:45 am]

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Environmental Effects of Transportation of Radioactive Materials to and From Nuclear Power Plants; Correction

In FR Doc. 75-125, appearing at page 1005, in the issue for Monday, January 6, 1975, the following corrections are made.

1. In § 51.20(g)(3), on page 1008, third column, the last line reading "submitted prior to" is corrected to read "submitted prior to February 5, 1975.".

2. In Summary Table S-4, on page 1009, the column heading "Estimated number of persons" is corrected to read "Estimated number of persons exposed".

Dated at Germantown, Md. this 11 day of January, 1975.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75-1585 Filed 1-16-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-WE-10-AD; Amdt. 39-2069]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Models 22, 22M, 30, 30A Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a thorough inspection of all electrical appurtenances physically located within lavatory waste container areas for proper condition and modifications of existing waste containers on all General Dynamics Models 22, 22M, 30, and 30A series airplanes was published in 39 FR 13555.

Interested persons have been afforded an opportunity to participate in the making of this amendment.

No comments were received on the above notice.

AD 74-08-09 is a companion agency action to this action. That directive, issued subsequently to the NPRM in this docket, requires the installation of certain placards and an ashtray in the lavatory, the adoption of a flight announcement procedure and certain inspections of the lavatory which will provide additional safety measures toward fire prevention and containerization.

After review and consideration of the additional information developed since issuance of the Notice, the FAA has determined that partial relief, consistent with safety, may be provided the operators by extending the compliance time to accomplish lavatory rework; however the inspection time will remain as proposed.

Subsequent to the issuance of the above notice, the General Dynamics Company has developed Service Bulletins describing satisfactory modifications. These Service Bulletins are included in this airworthiness directive.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Models 22, 22M, 30, and 30A series airplanes, certificated in all categories.

Compliance required as indicated.

To reduce potential fire hazard existing in lavatory waste containers of General Dynamics Models 22, 22M, 30, and 30A series airplanes, accomplish the following:

(a) Within 300 hours time in service from the effective date of this airworthiness directive, unless already accomplished within the last 1,000 hours, perform a thorough inspection of all electrical appurtenances, including wiring, terminal boxes, switches and hot water heaters physically located within lavatory waste container areas for wear, abrasion and corrosion. Repair or replace as necessary.

(b) By December 31, 1975, unless already accomplished, modify the existing lavatory waste containers in accordance with the following General Dynamics Service Bulletins, as applicable, or later FAA-approved revisions, or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region:

Model	*Service Bulletin Number*
22	25-102A
22M	25-25A
30, 30A	25-84A

(c) Aircraft may be operated to a base for accomplishment of maintenance required under this airworthiness directive, per FAR's 21.197 and 21.199.

This amendment becomes effective January 24, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on January 9, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-1576 Filed 1-16-75;8:45 am]

[Docket No. 74-EA-92; Amdt. 39-2068]

PART 39—AIRWORTHINESS DIRECTIVES

Leigh Systems, ELT

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 74-18-15 applicable to Leigh Systems emergency locator transmitters utilizing magnesium batteries.

Since the publication of AD 74-18-15, Leigh Systems has changed its production system to include the electrical suppressor in newly manufactured transmitters. Thus the purpose of this amendment is to restrict its applicability to unsuppressed transmitters.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 74-18-15 as follows:

(a) Delete the applicability statement and insert in lieu thereof the following:

Emergency Locator Transmitter Leigh Systems Sharc 7 Series. Applies to Leigh Systems Sharc 7 Series Serial Nos. 1000-24000 Emergency Locator Transmitter.

(b) Amend item (a) by deleting "Lithium battery equipped units" through "covers this same subject)".

This amendment is effective January 23, 1975.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y. on January 9, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-1575 Filed 1-16-75;8:45 am]

[Docket No. 74-WE-11-AD; Amdt. 39-2070]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-8-20, -30, -40, -50, -60 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a thorough inspection of all electrical appurtenances physically located within lavatory waste container areas for proper condition and modification of existing waste containers on all McDonnell Douglas DC-8-20, -30, -40, -50, and -60 series airplanes was published in 39 FR 13555.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the above notice, insofar as they relate to matters within the scope of the notice.

One comment strongly endorses the concept described in the notice and suggests that a smoke/combustion detector be installed in each lavatory and that the FAA examine the possibility of providing effective fireproof containers and receptacles in each lavatory. These two suggestions are not within the scope of the notice, but will be given separate consideration.

In addition to receiving written responses, the FAA held a joint industry/agency consultative conference on August 22, 1974, which was attended by

representatives of the majority of U.S. DC-8 operators, the Air Transport Association of America (ATA), The McDonnell Douglas Company, as well as the Agency.

The ATA and the affected airlines recommended extending the proposed compliance time for modification of existing waste containers in consideration of the fact that a lead time of approximately six months is anticipated in receiving service kits, and an additional period of 12 months is required to service all of the aircraft involved.

AD 74-08-09 is a companion agency action to this action. That directive, issued subsequently to the NPRM in this docket, requires the installation of certain placards and an ashtray in the lavatory, the adoption of a flight announcement procedure and certain inspections of the lavatory which will provide additional safety measures toward fire prevention and containerization.

After review and consideration of the additional information developed since issuance of the notice, the FAA has determined that partial relief, consistent with safety, may be provided the operators by extending the compliance time to accomplish container modification; however, the inspection time will remain as proposed.

Subsequent to the issuance of the above notice, it has been determined that some DC-8-60 Series airplanes must be inspected and containers modified. Therefore, these aircraft have been added to this airworthiness directive. Further, the McDonnell Douglas Company has developed a satisfactory modification which is included in this airworthiness directive.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Models DC-8-20, -30, -40, -50, and -60 Series airplanes, certificated in all categories.

Compliance required as indicated.

To reduce potential fire hazard existing in lavatory waste containers of McDonnell Douglas Models DC-8-20, -30, -40, -50, and -60 Series airplanes, accomplish the following:

(a) Within 300 hours time in service from the effective date of this airworthiness directive, unless already accomplished within the last 1,000 hours, perform a thorough inspection of all electrical appurtenances, including wiring, terminal boxes, switches, and hot water heaters, physically located within lavatory waste container areas for wear, abrasion and corrosion. Repair or replace as necessary.

(b) By December 31, 1975, unless already accomplished, modify the existing lavatory waste containers in accordance with McDonnell Douglas All Operators Letter (AOL) 8-676A, dated December 16, 1974, and enclosed data, as applicable, or later FAA-approved revisions, or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Aircraft may be operated to a base for accomplishment of maintenance required under this airworthiness directive, per FAR's 21.197 and 21.199.

This amendment becomes effective January 24, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on January 9, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-1577 Filed 1-16-75;8:45 am]

[Docket No. 14246; Amdt. 39-2072]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Airplanes

Pursuant to the authority delegated to me by the Administrator an airworthiness directive (AD) was adopted on November 12, 1974, and made effective immediately upon receipt of the airmail letter AD as to all known United States operators of Mitsubishi Heavy Industries, Ltd., Model MU-2B-26 (S/N 328 and below) and MU-2B-36 (S/N 673 and below) airplanes because of the report of an inflight failure and separation of a front windshield outer pane on a Mitsubishi Model MU-2B-35 airplane. The AD requires a visual check of the front windshield prior to each takeoff and the replacement of front windshields and the correction of malfunctioning air conditioning systems if found necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of Mitsubishi Model MU-2B-26 (S/N 328 and below) and MU-2B-36 (S/N 673 and below) airplanes by airmail letter dated November 13, 1974. These conditions still exist and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

MITSUBISHI HEAVY INDUSTRIES, LIMITED. Applies to Mitsubishi Models MU-2B-26 (S/N 328 and below) and MU-2B-36 (S/N 673 and below) airplanes, except those airplanes modified in accordance with Mitsubishi Service Recommendation No. 027, dated September 12, 1974, or an FAA approved equivalent.

Compliance required as indicated.

To detect cracks and optical distortion in the front windshield outer panes that could result from the discharge of unusually hot defogging air caused by an air conditioning system failure, accomplish the following:

(a) Before further flight and thereafter prior to the first takeoff each day, from outside the aircraft, visually check the outer lower edge of the left hand and right hand front windshield outer panes for cracks and small oval shaped optical distortions. The check required by this AD may be performed by the pilot.

NOTE: Distortions generally appear at the same intervals as those of the defogging air outlet holes, approximately 0.5 inches apart, and in an area approximately 0.8 inches above the top of the outside bottom windshield retainer edge. Particular attention should be given to these areas during the checks required by paragraph (a).

(b) If cracks or small oval shaped optical distortions are found during a check required by paragraph (a), before further flight, accomplish the following and continue to check in accordance with paragraph (a) of this AD:

(1) Replace the windshield outer pane in which a crack or optical distortion is found in accordance with the performance rules of FAR 43.13.

NOTE: Mitsubishi replacement windshield part numbers are as follows: Aircraft with electrically heated windshields incorporated in accordance with Mitsubishi Service Recommendation No. 014—Windshield part numbers 010A-931026-11 and -12. Other aircraft—Serial numbers 4 through and including 7—Windshield part numbers 010A-31026-1 and -2; Serial numbers 8 and up—Windshield part numbers 010A-31450-1 and -2.

(2) Correct the malfunctioning of the air conditioning system in accordance with the performance rules of FAR 43.13.

(c) The inspections required by paragraphs (a) and (b) of this AD may be discontinued upon the incorporation of the modification specified in Mitsubishi Service Recommendation No. 027, dated September 12, 1974, or an FAA approved equivalent.

(d) Notwithstanding the compliance time for repair specified in paragraph (b) of this AD, the aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed; provided that, the aircraft is not pressurized.

This amendment is effective January 17, 1975 as to all persons except those persons to whom it was made effective upon receipt of the airmail letter dated November 13, 1974, that contained this amendment.

Issued in Washington, D.C., on January 10, 1975.

C. R. MELUGIN, Jr.,
Acting Director.
Flight Standards Service.

[FR Doc.75-1578 Filed 1-16-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Revision of Delegations of Authority To Terminate Exemptions for New Drugs for Investigational Use

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to terminate exemptions for new drugs for

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investigational use in human beings or in animals. Recent reorganizations disestablished certain units thereby changing the status of other units and requiring title changes. The delegations of authority are being amended to make these changes.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (u) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

• • • • •

(u) *Delegations regarding termination of exemptions for new drugs for investigational use in human beings or in animals.* (1) The Director and Deputy Director of the Bureau of Drugs are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new drugs for investigational use in human beings under § 312.1 and in animals under § 312.9 of this chapter, except those which pertain to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262). The Associate Director and Deputy Associate Director for New Drug Evaluation and the Directors of the Divisions of: Anti-Infective Drug Products; Cardio-Renal Drug Products; Surgical-Dental Drug Products; Metabolism and Endocrine Drug Products; Neuropharmacological Drug Products; and Oncology and Radiopharmaceutical Drug Products of the Bureau of Drugs are authorized to notify sponsors and invite correction prior to termination action on such exemptions.

(2) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of those exemptions for new drugs for investigational use in human beings under § 312.1 and in animals under § 312.9 of this chapter pertaining to a biological product subject to the licensing provisions of section 351 of the Public Health Service Act (42 U.S.C. 262).

(3) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new animal drugs for investigational use in animals under § 135.3 of this chapter.

• • • • •

Effective date: This order shall be effective on January 17, 1975.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-1590 Filed 1-16-75;8:45 am]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Citric Acid; Correction

In FR Doc. 74-21188, appearing at page 34188 in the FEDERAL REGISTER of Monday, September 23, 1974, the following corrections are made on page 34190: § 121.1259(d), item 5 under the heading "APPARATUS," "Wavelength repeatability, ±0.02 nanometer." is changed to read "Wavelength repeatability, ±0.2 nanometer." and under the heading "REAGENTS AND MATERIALS," as corrected on page 38896 in the issue of November 3, 1974, the entry "1,2-Dichloroethane, spectrograde (Matheson, Coleman and Bell, East Rutherford, N.J. or its equivalent). Use 100 milliliters for the test. • • •" is changed to read "1,2-Dichloroethane, spectrograde (Matheson, Coleman and Bell, East Rutherford, N.J., or equivalent): Use 20 milliliters for the test. • • •."

Dated: January 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-1589 Filed 1-16-75;8:45 am]

Title 41—Public Contracts, Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PART 51-6—PREPARATION OF ENVIRONMENTAL STATEMENTS

Revised Guidelines

On October 18, 1974, notice was published in the FEDERAL REGISTER (39 FR 37209) proposing procedures for Preparation of Environmental Statements as revised regulations to describe the policies and procedures for the administration of Pub. L. 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48) (hereinafter referred to as the "Act"). Interested persons were given 45 days in which to submit written comments regarding the proposed regulations.

After consideration of all such relevant matter presented by interested persons, the only change in the proposed regulations was in Part 51-6.12(b) which was changed by inserting "publishing a notice in" in lieu of "for example, supplying information to".

Effective Date. This revision is effective upon issuance.

By the Committee.

C. W. FLETCHER,
Executive Director.

1. The Table of Parts is revised to read as follows:

Part
51-1 General.
51-2 Committee for Purchase from the Blind and Other Severely Handicapped.
51-3 Central nonprofit agencies.
51-4 Workshops.
51-5 Procurement requirements and procedures.
51-6 Preparation of Environmental Statements.

2. Part 51-6 is added as follows:

Sec.
51-6.1 Purpose and authority.
51-6.2 Policy.
51-6.3 Implementation.
51-6.4 Identification of actions requiring environmental impact statements.
51-6.5 Time scheduling.
51-6.6 General considerations as to utilization of impact statements.
51-6.7 EPA procedures under the Clean Air Act.
51-6.8 Securing information required in preparation of environmental impact statements.
51-6.9 Obtaining of comments on draft statements.
51-6.10 Content of environmental impact statements.
51-6.11 Filing and distribution of environmental impact statements.
51-6.12 Availability of environmental impact statements to the public.
51-6.13 Utilization of final impact statements in decisional process.
51-6.14 Comments on statements of other agencies.

AUTHORITY: Pub. L. 91-190, January 1, 1970. (42 U.S.C. 4332(2)(C)).

§ 51-6.1 Purpose and authority.

(a) *Authority.* The following procedures are established, after consultation with the Council on Environmental Quality, in accordance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190 (42 U.S.C. 4332(2)(C)), hereinafter referred to as NEPA; section 2 of Executive Order 11514 (42 U.S.C. 4321 Note); and 1500.3 of the Guidelines for Preparation of Environmental Impact Statements promulgated by the Council on Environmental Quality, 40 CFR Part 1500 (38 FR 20550), hereby incorporated by reference and hereafter referred to as the CEQ Guidelines.

(b) *Scope.* These procedures apply to the recognition of the need for environmental impact statements with respect to major actions significantly affecting the quality of the human environment, to the preparation of such statements, and to their circulation and review within and outside the Committee for Purchase from the Blind and Other Severely Handicapped (Hereinafter, the Committee). The procedures also provide for appropriate action with respect to environmental impact statements submitted to the Committee for comment. These procedures are to be applied in the light of the definitions and instructions in the CEQ guidelines.

§ 51-6.2 Policy.

These procedures provide for:

(a) Designation of the official responsible for environmental impact statements.

(b) Identification of the proposed actions requiring environmental impact statements, the pertinent review process, and the time scheduling for consultations required by section 102(2)(C) of NEPA.

(c) Obtaining of the information required in the preparation of environmental impact statements.

(d) Consultation with and taking account of the comments of appropriate Federal, State, and local agencies, including the Administrator of the Environmental Protection Agency as to the environmental impact of matters under section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and 1500.9(b) of the CEQ Guidelines.

(e) Making suitable arrangements as required by section 2(b) of Executive Order 11514 and 1500.6(e) of the CEQ Guidelines, for timely public information on Committee plans and programs with environmental impact, including procedures relating to (i) the use of environmental impact statements in Committee policy and action review processes, (ii) the appropriate distribution of environmental impact statements, and (iii) the availability to the public of environmental impact statements and comments received thereon.

§ 51-6.3 Implementation.

(a) There shall be an Environmental Quality Officer (EQO), designated, who shall be responsible for (i) identifying actions requiring an environmental impact statement; (ii) making sure that each required statement is prepared timely and with the prescribed content; (iii) ensuring compliance with the requirements of NEPA, the CEQ Guidelines, and these procedures; (iv) maintaining compliance with all applicable scheduling, consultation, circulation, and publicity requirements; (v) receive all environmental impact statements submitted by other agencies to the Committee and coordinate the appropriate review and reply; (vi) perform such other functions as are specified in these procedures or are appropriate under the CEQ Guidelines or other instructions or recommendations of CEQ. The fulfillment of these duties will require constant and active attention by the EQO to insure that the possible timely applicability of NEPA is taken into account in all relevant cases and that, if an impact statement may be needed, the requirements of the Act, the CEQ Guidelines, these procedures are promptly and fully followed.

(b) The EQO shall be responsive to requests from the CEQ for reports or other information in connection with the implementation of NEPA and for the preparation and circulation of environmental impact statements, as required by 1500.11(f) of the Guidelines. In addition to the above, all contacts with CEQ, EPA, and other governmental agencies, or with nongovernmental matters shall be through or coordinated with the EQO.

(c) Letters transmitting environmental impact statements to the CEQ (section 11(a), below), as well as any reports or other communications to the Council, shall be addressed to its Chairman and shall be signed by the Executive Director of the Committee. Communications announcing decisions to prepare environmental impact statements (section 4(c), below) or transmitting final statements for the information of agencies or persons commenting on draft statements (section 11(c), below) shall also be signed by the Executive Director and, in the case of a Federal agency, shall be addressed to its departmental EQO or equivalent official.

§ 51-6.4 Identifying major actions significantly affecting the environment.

(a) Under the Committee's responsibility as prescribed by law, the only major actions which it may take that could significantly effect the quality of the environment are those involving the addition of a commodity or service to the Procurement List established by the Committee. The Procurement List is a listing of commodities and services which Federal Government departments and agencies must procure from sheltered workshops serving the blind or other severely handicapped.

(b) The statutory clause "Major Federal Actions significantly affecting the quality of the human environment" is to be construed by the Committee with a view to the overall, cumulative impact of the action proposed, related to Federal actions and projects in the area and further actions contemplated. The Council on the basis of a written assessment of the impact involved is available to assist in determining whether specific actions require impact statements. Significant effects can also include actions which may have both beneficial and detrimental effects, even if on balance the Committee believes that the effect will be beneficial. Significant effects also include secondary effects. While a precise definition of environmental "significance," valid in all contexts, is not possible, effects to be considered in assessing significance include, but are not limited to, those outlined in Appendix II of the guidelines. In all cases early notification shall be given by the EQO, and a determination as to the potential environmental effects of the action and the consequent need or absence of need to submit an impact statement in connection with it shall be made and, in the case of a negative determination in accordance with subsection (f) below, appropriately documented. If it appears appropriate in making such a determination, agencies outside the Committee having expertise in matters involved should be consulted. Agencies with special environmental expertise are listed in Appendix II of the CEQ Guidelines. Non-government organizations or individuals believed to have special knowledge should also be consulted when it appears appropriate. The appraisal provided for in this paragraph shall take place as early in the Committee's consideration of the proposed action as possible (Guidelines, 1500.2(a)).

(c) When a decision to prepare an environmental impact statement on a proposed action is made, the Committee shall promptly announce this fact in the FEDERAL REGISTER (see CEQ Guidelines, 1500.6(e)).

(d) The EQO shall cause to be maintained for public inspection a list of all matters to which it has been decided to prepare an impact statement, shall consolidate the list quarterly, and as it is so revised, shall transmit it to the Council (see CEQ Guidelines, 1500.6(e)).

(e) The Committee shall determine whether a hearing should be held with respect to an environmental matter in accordance with criteria set forth in 1500.7(d) of the Guidelines. Normally, all hearings contemplated in this paragraph should be based on a draft environmental impact statement, which should in any event be made available to the public at least 15 days before the hearing.

(f) If as a result of the consideration of a proposed action as provided for by (b) above it is determined that no environmental impact statement is required under section 102(2)(C) of NEPA, a succinct but complete environmental assessment (negative impact statement) describing the action, the environmental impacts considered and the reasons why it has been concluded that an impact statement need not be filed shall be prepared. The EQO shall prepare such an assessment. A file of such assessments, available for public inspection, shall be maintained by the EQO (see CEQ Guidelines, 1500.6(e)).

§ 51-6.5 Time scheduling.

(a) In general, the timing of the preparation, circulation, submission, and public availability of environmental impact statements will be observed as follows:

(i) Not less than 45 days for comments on draft statements, subject to a possible extension of up to 15 days (see CEQ Guidelines, 1500.9(f));

(ii) Not less than 90-day and 30-day periods, respectively, which may run concurrently, for public availability of draft and final statements prior to proposed actions (CEQ Guidelines, 1500.11(b));

(iii) Not less than 15 days for public availability of draft statements prior to any relevant hearings on proposed actions (CEQ Guidelines, 1500.7(d)).

(b) The periods specified in the preceding subsection are to be calculated from the date on which the CEQ published in the FEDERAL REGISTER the weekly list in which the respective statement is included (CEQ Guidelines, 1500.11(c)).

(c) In the event of emergencies or overriding considerations of expense, the CEQ may be consulted, through the EQO, on possible variations of the specified periods (CEQ Guidelines, 1500.11(e)).

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§ 51–6.6 General considerations as to utilization of impact statements.

(a) The preparation of a requisite impact statement should be undertaken as early as possible in the Committee's process of considering the respective proposal. The normal process for consideration and review of actions shall be followed, with such adjustment, particularly as to time periods, as may be necessary to permit ample fulfillment of the requirements of NEPA, the CEQ Guidelines, and these procedures (see CEQ Guidelines, 1500.3(a) and 1500.11(b)).

(b) As indicated in 1500.9(a) of the CEQ Guidelines and contemplated in section 4(b) above, a general principle to be applied is to obtain the views of other agencies at the earliest feasible time in the development of program or project proposals. Duplication in the clearance process should be avoided, but significant changes or redirections of a proposal may call for further environmental analysis and comment (CEQ Guidelines, 1500.11(b)).

§ 51–6.7 EPA procedures under the Clean Air Act.

(a) Comments from the Environmental Protection Agency (EPA) should be requested on the environmental impact of any major action significantly affecting the quality of the human environment, in areas of EPA responsibility, which include: Air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and generally applicable environmental radiation criteria and standards. (See 1500.9(b) of the CEQ Guidelines and section 309 of the Clean Air Act (42 U.S.C. 1857h–7).)

(b) Where an environmental impact statement is being filed with EPA for comment, no special additional procedure is required.

§ 51–6.8 Securing information required in preparation of environmental impact statements.

(a) All available resources should be tapped in developing the factual and analytic information and reference sources required in the preparation of an environmental impact statement. The assistance of other agencies with jurisdiction by law or special expertise concerning the environmental impacts involved should be sought. See section 4(b) above, and 1500.9(a) and Appendixes II and III of CEQ Guidelines, which list the agencies to be consulted.

(b) If the EQO has difficulty in securing requisite information or needs guidance in making the necessary analysis, he should consult with staff members of the Council on Environmental Quality, the Office of Management and Budget, and the Environmental Protection Agency, or other pertinent sources.

§ 51–6.9 Obtaining of comments on draft statements.

(a) With respect to draft environmental impact statements, it is essential that the EQO consult with and take account of the comments of appropriate Federal, State, and local agencies. Initially this consultation may take the form of informal fact finding and analytical advice in the preparation of impact statements, as contemplated in sections 4 and 8 above, but in any event, consultation shall involve the formal solicitation of review and comments on the draft statement (CEQ Guidelines, 1500.9(a)–(b)). When appropriate, the procedures set forth in Office of Management and Budget Circular No. A–95 for obtaining state and local comments through clearing houses shall be utilized (CEQ Guidelines, 1500.9(c)).

(b) Comments should also be requested from private organizations or persons which appear to have a special interest in some significant environmental aspect of the proposed action (CEQ Guidelines, 1500.9(d)).

§ 51–6.10 Content of environmental impact statements.

(a) Environmental impact statements are to provide adequate, meaningful, and factual information and analysis to permit an evaluation of the action from the environmental standpoint. Perfunctory generalities are not acceptable, but, on the other hand, information should be conveyed as succinctly and understandably as the subject will permit. Quantitative information about the proposed action, including actual or estimated data on its probable effects, should be included to the furthest extent practicable. Where a cost-benefit analysis of the proposed action has been prepared, this analysis should be attached to the environmental impact statement sent to the commenting agencies and to the Council on Environmental Quality and made available to the public.

(b) The basic content requirements for a draft statement are set forth in 1500.8 of the CEQ Guidelines and those for a final statement in 1500.10. Appendix I of the Guidelines provides the format of a summary sheet which must accompany each draft and final statement. Statements shall follow the prescribed outline and content requirements as closely as is feasible in each particular case.

(c) All reasonable alternatives and their environmental impacts are to be discussed, regardless of whether or not they are within the authority of the Committee (CEQ Guidelines 1500.8(a)(4)).

(d) Any substantial points of view in opposition to the proposed action on environmental grounds which are known to exist shall be described in the draft statement as well as in the final statement. So far as possible, quotations of salient passages from expressions of such points of view should be included to make sure there is no doubt that they have been accurately presented. As to final statements, CEQ has directed (Guidelines 1500.10(a)) that all substantive comments (or if any is exceptionally voluminous, a summary thereof) received on the draft should be attached to each copy, whether or not each such comment is thought to merit individual discussion in the text of the statement.

(e) Each draft and final statement should refer to the underlying studies, reports and other documents considered and should indicate how such documents may be obtained. In general, with the exception of standard reference documents such as Congressional materials, the Committee should maintain a file of the respective documents which may be consulted by interested persons. Even if especially significant documents are attached to the statement, care should be taken to insure that it remains an essentially self-contained instrument easily understood by the reader without the need for undue cross reference (CEQ Guidelines, 1500.8(b)).

(f) Environmental impact statements should, to the extent possible, include statements or findings concerning environmental impact required by other statutes, such as section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470f), with a view to the issuance of a single document meeting all applicable requirements. Any procedures or instructions issued by the Federal agency having jurisdiction with regard to such a statute should, of course, be consulted in the preparation of the combined statement (CEQ Guidelines 1500.9(a)).

§ 51–6.11 Filing and distribution of environmental impact statements.

(a) Five copies of each draft or final statement are to be filed with CEQ (Guidelines, 1500.11(a) and supplemental CEQ instructions of March 1, 1974).

(b) At the same time that each draft statement is filed with the Council, copies should also be sent to all pertinent entities, i.e., Federal, state, and local agencies, and private organizations and individuals (CEQ Guidelines, 1500.9).

(c) At the same time that each final statement is filed with the Council, copies should also be sent to all entities which made substantive comments on the draft statement, or requested a copy, so that they may be appropriately informed (CEQ Guidelines, 1500.10(b)).

§ 51–6.12 Availability of environmental impact statement to the public.

(a) Environmental impact statements, both draft and final, and any substantive comments thereon shall be made available to the public pursuant to the Freedom of Information Act (5 U.S.C. 552). When appropriate, copies of each statement shall also be made available through State, regional, and metropolitan clearinghouses, or such alternate point as the Governor of the respective State may designate to CEQ (Guidelines, 1500.11(d)).

(b) A notice of the filing and availability of each environmental impact statement, draft and final, shall be inserted in the FEDERAL REGISTER. When appropriate, other methods for publicizing the existence of draft statement, such as, publishing a notice in local newspapers or sending a notice directly to non-governmental groups or persons believed to be interested (CEQ Guidelines, 1500.9(d)), should be utilized.

(c) Each statement should be reproduced in a number of copies sufficient to meet the anticipated demands, not only of agencies, organizations, and individuals who must receive copies as required by section 11 above (1500.9 and 1500.10(b) of the CEQ Guidelines), but also for a reasonable number of additional requests. Copies to be made available to the public shall normally be provided without charge, but when copies are significant, a fee may be established which shall not exceed the actual cost per copy of reproducing the copies additional to those required to be sent to other Federal agencies (CEQ Guidelines 1500.9(d)).

§ 51–6.13 Utilization of final impact statement in the decisional process.

(a) Section 102(2) of NEPA requires that the final environmental impact statement shall accompany the proposal to which it relates through the Committee's decision process.

(b) In this process pertinent non-environmental factors are to be considered and balanced with those relating to the environment. It is requisite that the entire process be based on an administrative record in which the statement is included and fully taken into account together with the relevant non-environmental factors presented in the record. Although no significant factor should be neglected, the document should give particular attention to any appreciable adverse environmental effects set forth in the impact statement and should closely, though succinctly, balance them with any other relevant interests and considerations of Federal policy set forth in the record, including particularly an analysis of the alternatives to the proposed action and their relationship to the non-environmental factors. The final decision should contain sufficient analysis to make clear the essential basis of the determination.

§ 51–6.14 Comments on statements of other agencies.

(a) As set forth in section 3(a)(vi) above and pursuant to Appendix III of the CEQ Guidelines, the EQO shall receive all environmental impact statements submitted by other agencies for comment and coordinate the appropriate review and reply. If the Committee received a request for comment direct from another agency, the request, together with the respective statement, shall be referred to the EQO for appropriate action.

(b) Comments should of course be confined to matters within the jurisdiction or expertise of the Committee. However, comments need not be limited to environmental aspects but may relate to fiscal, economic, and other non-environmental matters of concern to the Committee.

(c) At the time comments are sent to the agency responsible for a statement, five copies shall be forwarded to the CEQ by the EQO (CEQ Guidelines, 1500.11(a)). Copies of replies indicating that the Committee has no comment on an impact statement should not be forwarded to the CEQ.

(d) With regard to requests for comment on statements relating to proposals for legislation, close coordination shall be maintained between the EQO and the Committee's counsel in relation to the latter's normal responsibility concerning the Committee's comments on legislative proposals themselves.

[FR Doc.75–1642 Filed 1–16–75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 75–1; General Order 22; Amdt. 5]

PART 503—PUBLIC INFORMATION

Implementation of Freedom of Information Act

Recent amendments to the Freedom of Information Act (5 U.S.C. 552) have made it necessary to amend the regulations of the Federal Maritime Commission dealing with Public Information. These regulations are published at 46 CFR Part 503. The purpose of the amendments to those regulations promulgated here is to make procedural and substantive modifications to the current provisions to ensure effective implementation of the Freedom of Information Act amendments by the FMC.

The significant portions of the regulations which are here modified deal with procedures to be followed by persons seeking certain records from the Commission and the actions to be taken by the Commission in case of such a request. The regulations, as modified, make it clear that the person responsible for Commission action on such requests is the Secretary of the Commission in the first instance. Should the Secretary determine that request for records should be denied in whole or in part, that determination may be appealed to the Chairman of the Commission who will make a decision whether or not to uphold the initial denial. In conformity with the Freedom of Information Act amendments, these regulations provide for stringent time limits within which this agency action, both initially and on appeal, must be accomplished, and limited exceptions to such limitations.

Additionally, the regulation modifications contained here provide for a schedule of fees to be charged to any person requesting records or other documents from the Commission. Because the previously published regulations contained such a schedule of fees, the modification of the regulations in this regard has been minimal. The only modification made deals with the discretionary ability of the Commission to waive or reduce the fees charged when the information furnished is determined by the Commission to be of primary benefit to the general public. However, in order to comply with the mandate of the Freedom of Information Act amendments, Subpart E of Part 503 prescribing fees to be charged is hereby republished in its entirety as amended for comment and public procedure thereon.

The regulations are further amended to correspond precisely to the Freedom of Information Act provisions with regard to those records and documents which may be exempt from disclosure. Requisite conforming language has been inserted in these regulations with regard to information properly classified pursuant to Executive Order and limitations on the availability of investigative files. The new rules also provide that if a nonexempt portion of documents requested may be reasonably segregable from the exempt matters those segregable nonexempt portions will be provided to the person requesting the entire document.

A further modification of the current regulations deals with the publication by this agency of various indices of documents of the Commission. Pursuant to Freedom of Information Act provisions this Commission has determined that publication of such indices is impracticable or unnecessary. This determination reflects the existence of indices which predate the FOIA amendments and which are available to the public in the Office of Secretary of the Commission or furnished upon request. Opinions of the Commission, reports of decisions, docket files and other such records are currently indexed. Publication of such indices on a quarterly basis seems to be unnecessary and unnecessarily costly in view of the paucity of public requests for such indexed records historically.

The final substantial amendment to the regulations of this part deals with an annual report by the Commission to both Houses of Congress detailing the activities of the Commission with respect to requests for documents and the Commission's treatment of such requests.

All further amendments included herein to the provisions of this Part are of a procedural nature which consist primarily of conforming language by which the regulations of this Part are made to conform to the provisions of the Freedom of Information Act as amended and effective February 19, 1975.

Therefore, pursuant to sections 3 and 4 of the Administrative Procedure Act, and the Freedom of Information Act, 5 U.S.C. 552, as amended by Pub. L. 93–502, November 21, 1974, Title 46 Code of Federal Regulations Part 503 is amended as follows:

1. Section 503.1 is revoked in its entirety and is hereby superseded by a new § 503.1, which reads as follows:

§ 503.1 Statement of policy.

(a) The Chairman of the Federal Maritime Commission is responsible for the effective administration of the provisions of Pub. L. 89–487, as amended. The Chairman shall carry out this responsibility through the program and the officials as hereinafter provided in this Part.

(b) In addition, the Chairman, pursuant to his responsibility hereby directs that every effort be expended to facilitate the maximum expedited service

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to the public with respect to the obtaining of information and records. Accordingly, members of the public may make requests for information, records, decisions or submittals in accordance with the provisions of § 503.31 of this Part.

2. Section 503.22 is amended by the addition of the following sentence at the end thereof:

§ 503.22 Current Index.

• • • Publication of such indices has been determined by the Commission to be unnecessary and impracticable. The indices shall, nonetheless, be provided to any member of the public at a cost not in excess of the direct cost of duplication of any such index upon request therefor made in accordance with Subpart D of this part.

3. Section 503.31 is hereby revoked and is superseded by new § 503.31, reading as follows:

§ 503.31 Identification of records.

A member of the public who requests permission to inspect, copy or be provided with any records described in §§ 503.11, 503.21, 503.24 and 503.25 of this part shall:

(a) Reasonably describe the record or records sought; and

(b) Submit such request in writing to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Any such request shall be clearly marked on the exterior with the letters FOIA.

§ 503.32 [Amended]

4. Section 503.32 is hereby amended by deletion in the first paragraph of the words "• • • in person or in writing at the Public Reference Room • • •" and substituting therefor the following language: "• • • in writing addressed to the Office of the Secretary • • •."

5. Section 503.33 is amended by deletion of the first two sentences thereof and the substitution therefor of the following language:

§ 503.33 Other records available upon written request.

Any written request to the Office of the Secretary, Federal Maritime Commission, Washington, D.C. 20573, for records listed in paragraphs (a) through (e), inclusive, of this section shall identify the record as provided in section 503.31. The Secretary shall evaluate each request in conjunction with the official having responsibility for the subject matter area, and the General Counsel, and the Secretary shall determine whether or not to grant the request in accordance with the provisions of § 503.34. • • •

• • • • • •

6. Section 503.34 is hereby revoked and superseded by the following new § 503.34:

§ 503.34 Procedures on requests for documents.

(a) Determination of compliance with requests for document.

(1) Upon request by any member of the public for documents, made in accordance with the rules of this part, the Commission's Secretary or his delegate in his absence, shall determine whether or not such request shall be granted.

(2) Except as provided in paragraph (c) of this section, such determination shall be made by the Secretary within ten (10) days (excepting Saturdays, Sundays and legal public holidays) after receipt of any such request.

(3) The Secretary shall immediately notify the party making such request of the determination made, the reasons therefor, and, in the case of a denial of such request, shall notify the party of his right to appeal that determination to the Chairman.

(b) Appeals from adverse determination (denial of request).

(1) Any party whose request for documents or other information pursuant to this part has been denied in whole or in part by the Secretary may appeal such determination. Any such appeal shall be addressed to: Chairman, Federal Maritime Commission, Washington, D.C. 20573, and shall be submitted within a reasonable time following receipt by the party of notification of the initial denial by the Secretary in the case of a total denial of the request or within a reasonable time following receipt of any of the records requested in the case of a partial denial. In no case shall an appeal be filed later than ten (10) working days following receipt of notification of denial or receipt of a part of the records requested.

(2) Upon appeal from any denial or partial denial of a request for documents by the Secretary, the Chairman of the Federal Maritime Commission or the Chairman's specific delegate in his absence, shall make a determination with respect to that appeal within twenty (20) days (excepting Saturdays, Sundays and legal public holidays) after receipt of such appeal, except as provided in paragraph (c) of this section. If, on appeal, the denial is upheld, either in whole or in part, the Chairman shall so notify the party submitting the appeal and shall notify such person of the provisions of paragraph 4 of subsection (a) of the FOIA (Pub. L. 93–502, 88 Stat. 1561–1562, November 21, 1974) regarding judicial review of such determination upholding the denial. Notification shall also include the statement that the determination is that of the Chairman of the Federal Maritime Commission and the name of the Chairman.

(c) *Exception to time limitation.* In unusual circumstances as specified in this paragraph, the time limits prescribed with respect to initial actions or actions on appeal may be extended by written notice from the Secretary of the Commission to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(d) *Effect of failure by Commission to meet the time limitation.* Failure by the Commission either to deny or grant any request for documents within the time limits prescribed by FOIA (5 U.S.C. 552, as amended) and these regulations shall be deemed to be an exhaustion of the administrative remedies available to the person making the request.

§ 503.35 Exceptions to availability of records.

7. Section 503.35 is hereby amended by the deletion of paragraphs (a) and (g) and the substitution of new paragraphs (a) and (g), reading as follows:

• • • • •

(a) Records specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to such Executive Order. Records to which this provision applies shall be deemed by the Commission to have been properly classified. This exception may apply to records in the custody of the Commission which have been transmitted to the Commission by another agency which has designated the record as nonpublic under Executive Order.

• • • • •

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel. Any record, portions of which are exempt under the provisions of this section, will be provided to any person requesting such record after the exempt portion or portions thereof have been deleted, provided such nonexempt portion or portions are reasonably segregable.

8. A new § 503.36 entitled *Commission Report of Actions* is hereby promulgated following § 503.35 and reading as follows:

§ 503.36 Commission report of actions.

On or before March 1 of each calendar year, the Federal Maritime Commission shall submit a report of its activities with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and to the President of the Senate. This report shall include—

(a) The number of determinations made by the Federal Maritime Commission not to comply with requests for records made to the agency under the provisions of this part and the reasons for each such determination.

(b) The number of appeals made by persons under such provisions, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(c) The names and titles or positions of each person responsible for the denial of records requested under the provisions of this Part and the number of instances of participation for each.

(d) The results of each proceeding conducted pursuant to subsection (a) (4) (F) of FOIA, as amended November 21, 1974, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(e) A copy of every rule made by the Commission implementing the provisions of the FOIA, as amended November 21, 1974.

(f) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section.

(g) Such other information as indicates efforts to administer fully the provisions of the FOIA, as amended.

9. Subpart E—*Fees* is amended by the addition of a new paragraph (g) to § 503.43 and is republished in its entirety as follows:

Subpart E—Fees

§ 503.41 Policy and services available.

Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of Aug. 31, 1951—5 U.S.C. 140). Upon written request directed to the Federal Maritime Commission pursuant to the FOIA as amended and as implemented by the provisions of this part, there are available upon payment of the fees hereinafter prescribed, with respect to documents subject to inspection, services as follows:

(a) Copying records/documents.

(b) Certification of copies of documents.

(c) Records search.

(d) Subscriptions to publications of the Commission.

(e) Transcripts of hearings.

§ 503.42 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Federal Maritime Commission, except for charges for transcript of hearings. Fees for transcript of hearings are payable to the firm providing the services.

§ 503.43 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(a) The copying of records and documents will be available at the rate of 30 cents per page (one side) by the Xerox process, limited to size 8¼" x 14" or smaller.

(b) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $2.00 for each such certification.

(c) To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(1) By clerical personnel at a rate of $4.50 per person per hour.

(2) By professional personnel at an actual hourly cost basis to be established prior to search.

(3) No charge for records' search will be imposed for the first one-half hour.

(d) Annual subcriptions to Commission publications for which there are regular mailing lists are available at the charges indicated below for calendar year terms. Subscriptions for periods of less than a full calendar year will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(1) Orders, notices, rulings, and decisions (initial and final) issued by Administrative Law Judges and by the Commission in all formal docketed proceedings before the Federal Maritime Commission are available at an annual subscription rate of $30.

(2) Final decisions (only) issued by the Commission in all formal docketed proceedings before the Commission are available at an annual subscription rate of $10.

(3) General orders of the Commission, including all proposed and final rules, are available at an annual subscription rate of $2 (initial annual subscription will entitle the purchaser to a complete set of current General Orders issued to date).

(4) *Exceptions.* No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(i) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(ii) The recipient is another governmental agency, Federal, State, or local, concerned with the domestic or foreign commerce by water of the United States or, having a legitimate interest in the proceedings and activities of the Commission.

(iii) The recipient is a college or university.

(iv) The recipient does not fall into paragraphs (d) (4) (i), (ii), or (iii) of this section, but is determined by the Commission to be appropriate in the interest of its program.

(e) Transcripts of testimony and of oral argument are furnished by a nongovernmental contractor, and may be purchased directly from the reporting firm.

(f) The Commission publication entitled "Automobile Manufacturers' Measurements" is available on a fiscal year subscription basis, including any supplements issued during the fiscal year in which purchased, for a fee of $5.00.

(g) Upon a determination by the Commission that waiver or reduction of the fees prescribed in this section is in the public interest because the information furnished has been determined to be of primary benefit to the general public, such information shall be furnished without charge or at a reduced charge in the discretion of the Commission.

Notice and public procedure on these amendments are deemed to be unnecessary and impracticable, with the exception of the amendments to and republication of Subpart E—Fees, since these amendments merely conform to the requirements of the Freedom of Information Act amendments of November 21, 1974. Comments with respect to Subpart E, if any, shall be submitted to the Secretary, Federal Maritime Commission, not later than January 27, 1975.

Effective date. In the absence of comments, or upon whatever modification may be required in response to comments submitted with respect to Subpart E, these amendments shall become effective on February 19, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-1656 Filed 1-16-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Radio Operator Examination Points

1. The purpose of this Order is to change the commercial and amateur radio operator examination points listed in § 0.485 and Appendix 1 to Part 97 of the Commission's rules.

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2. FCC examinations are given four times a year at Birmingham, Alabama. A greater percentage of the population would be served by reducing the frequency of examinations at Birmingham to twice a year, and adding a new examination point at Montgomery, Alabama, where examinations would also be given twice a year.

3. An examination point is needed to serve the population in Southern Georgia, Eastern Alabama, and Northern Florida. A new examination point will, therefore, be added at Albany, Georgia where examinations will be given twice a year.

4. Examinations are now given twice a year at Hartford, Connecticut. The volume of examinations is sufficient to warrant increasing the frequency of examinations from twice a year to four times a year.

5. The FCC and the Civil Service Commission are currently engaged in an experimental program whereby Civil Service conducts FCC examinations in 99 cities. These 99 cities are concentrated in areas covered by five FCC district offices. Because of the experimental nature of this program, it is not practical to list the individual cities or the frequency of the examinations; however, a general reference to the experimental program should be included in the rules.

6. The following is a list of cities which are currently shown in the Rules, but which will be withdrawn—not because examinations will cease to be given, but because these cities are part of the 99 cities involved in the FCC/Civil Service experimental program.

Billings, Mont.	Hilo, Hawaii
Charleston, W. Va.	Indianapolis, Ind.
Cincinnati, Ohio	Juneau, Alaska
Cleveland, Ohio	Ketchikan, Alaska
Columbus, Ohio	Lihue, Hawaii
Davenport, Iowa	Louisville, Ky.
Fairbanks, Alaska	Milwaukee, Wis.
Fort Wayne, Ind.	Spokane, Wash.
Grand Rapids, Mich.	Wailuku, Hawaii
Helena, Mont.	

In addition, since Hawaii and Guam are two areas involved in the FCC-Civil Service experiment, there are no longer arrangements with other Federal agencies to conduct examinations at these two locations. References to these arrangements are, therefore, being deleted from the rules.

7. Authority for the amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, section 552 of the Administrative Procedure Act, and § 0.231(e) of the Commission's rules. Because the amendment is procedural in nature, the prior notice and effective date provisions of section 553 of the Administrative Procedure Act do not apply.

8. *It is ordered*, That effective January 17, 1975 Parts 0 and 97 of the rules and Regulations are amended as set forth below.

Adopted: December 30, 1974.

Released: January 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

Parts 0 and 97 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

§ 0.485 Amateur and commercial operator examination points.

• • • • • •

(c) • • •

QUARTERLY POINTS

Albany, N.Y.	Phoenix, Ariz.
Des Moines, Iowa	Pittsburgh, Pa.
Fresno, Calif.	St. Louis, Mo.
Hartford, Conn.	Salt Lake City, Utah
Knoxville, Tenn.	San Antonio, Tex.
Little Rock, Ark.	Sioux Falls, S. Dak.
Memphis, Tenn.	Syracuse, N.Y.
Nashville, Tenn.	Tulsa, Okla.
Oklahoma City, Okla.	Winston-Salem, N.C.
Omaha, Nebr.	

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Albany, Ga.	Las Vegas, Nev.
Albuquerque, N. Mex.	Lubbock, Tex.
Bangor, Maine	Montgomery, Ala.
Birmingham, Ala.	Portland, Maine
Boise, Idaho	Reno, Nev.
Columbia, S.C.	Salem, Va.
Corpus Christi, Tex.	Tucson, Ariz.
El Paso, Tex.	Wichita, Kans.
Jackson, Miss.	Williamsport, Pa.
Jacksonville, Fla.	Wilmington, N.C.

ANNUAL

Bakersfield, Calif.	Marquette, Mich.
Jamestown, N. Dak.	Rapid City, S. Dak.
Klamath Falls, Oreg.	

Because of a joint FCC–Civil Service Commission experiment, there are 99 additional cities where FCC radio operator examinations are available. This number may fluctuate from time to time during the experiment. The states involved in this experimental program are:

Alaska	Michigan
Hawaii (including Guam)	Montana
Idaho	Ohio
Illinois	Washington
Indiana	West Virginia
Kentucky	Wisconsin

Specific examination schedules are available from any of the Commission's district offices or from its main office in Washington, D.C.

[FR Doc.75-1651 Filed 1-16-75;8:45 am]

[FCC 75-7]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Order Concerning Availability of New Frequency for Ship Station Use

In the matter of amendments of Parts 81 and 83 of the Commission's rules, to make available a new frequency for use by ship stations and the Public Coast II–B station at Memphis, Tennessee.

1. WJG, Inc., licensee of Public Coast II–B station WJG, Memphis, Tennessee, has requested that an alternate frequency be made available for use by ship stations and its coast station. Use of the presently available frequency of 6451.9 kHz is seriously impaired by U.S. Navy use of the frequency 6453 kHz and, therefore, use of this frequency will be deleted as of March 8, 1975, replaced by the frequency 6202.2 kHz.

2. Monitoring by the station licensee and a study of present assignments show that 6202.2 kHz (carrier 6200.8 kHz) may be made available for simplex operation and interference should not occur. This is the ship transmitting frequency of a channel allocated for duplex (two frequency) operation. The companion frequency allocated for coast station use, 6515.4 kHz, is used by the Government for simplex operation only.

3. Editorial amendment to delete the phrase "after January 1, 1974" of the affected rules is also in order.

4. The rule amendments adopted herein pertain to the use of a frequency allocated to the Maritime Mobile Service, and since users of this or other frequencies in this band are not affected, we find the amendment to be minor in nature and the prior notice, effective date, and procedure provisions of 5 U.S.C., Section 553 are impracticable and unnecessary.

5. Accordingly, it is ordered, That effective February 18, 1975, Parts 81 and 83 of the Commission's rules are amended as set forth below.

Adopted: January 3, 1975.

Released: January 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

(Secs. 4, 303, 48 Stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Parts 81 and 83 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. The list of frequencies in § 81.304(a) is amended by adding 6200.8 kHz, and § 81.304(b)(27) is amended to read as follows:

§ 81.304 Frequencies available.

(a) • • •

Carrier frequency (kHz)	See section	Conditions of use
•	•	•
6147.5	81.306(c)	3, 5, 47.
6200.8	81.306(c)	5, 27.
6451.9	81.306(c)	3, 4, 5, 47.
•	•	•

(b) • • •

(27) For use with emissions 2.8A3A and 2.8A3J, with coast and ship stations operating (simplex) on the same frequency.

• • • • • •

2. Section 81.306(c) is amended and footnote 1 added to read as follows:

§ 81.306 Frequencies available below 27.5 MHz.

• • • • • •

(c) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to Class II Public Coast stations using telephony when the coast station and the mobile station transmit alternately on the same frequency: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast station location:	Frequency (kHz)
Baltimore, Md	2400.0
Louisville, Ky	2086.0
	2782.0
	4069.2
	6455.0
	8780.0
	13,158.0
	17,283.0
Memphis, Tenn	2086.0
	2782.0
	4088.4
	6200.8
	[1] 6451.9
	8246.0
	12,379.0
	16,488.0
Pittsburgh, Pa	2086.0
	2782.0
	4387.0
	6451.9
	8207.6
	12,379.0
	16,488.0
St. Louis, Mo	2086.0
	2782.0
	4367.8
	6147.5
	8210.8
	13,158.0
	17,283.0
Lake Dallas-Lake Texhoma, Tex	2738.0
Lake Mead, Nev	2782.0
The Dalles-Umatilla, Oreg.	2784.0

[1] For use until Mar. 1, 1975.

• • • • • •

3. The list of frequencies in § 83.351(a) is amended by adding 6200.8 kHz and arranging other frequencies in the proper order, and § 83.351(b)(15) is amended to read as follows:

§ 83.351 Frequencies available.

(a) • • •

Carrier frequency (kHz)	See section	Conditions of use
•	•	•
4434.9	83.360	13, 16.
6147.5	83.354(c)	3, 5, 15, 21.
6200.8	83.354(c)	5, 15, 21.
6210.4	83.360	13, 16.
6213.5	83.360	13, 16.
6451.9	83.354(c)	3, 5, 15, 21.
6455.0	83.354(c)	3, 4, 15, 21.
6518.6	83.360	13, 16.
•	•	•

(b) • • •

(15) Emissions 2.8A3A and 2.8A3J.

• • • • • •

4. Section 83.354(c) is amended and footnote 1 added to read as follows:

§ 83.354 Frequencies below 5000 kHz for public correspondence.

• • • • • •

(c) Frequencies available for use when the mobile stations and the coast station transmit alternately on the same radio channel:

Coast station location:	Frequency (kHz)
Baltimore, Md	2400.0
Louisville, Ky	2086.0
	2782.0
	4069.2
	6455.0
	8780.0
	13,158.0
	17,283.0
Memphis, Tenn	2086.0
	2782.0
	4088.4
	6200.8
	[1] 6451.9
	8246.0
	12,379.0
	16,488.0
Pittsburgh, Pa	2086.0
	2782.0
	4387.0
	6451.9
	8207.6
	12,379.0
	16,488.0
St. Louis, Mo	2086.0
	2782.0
	4367.8
	6147.5
	8210.8
	13,158.0
	17,283.0
Lake Dallas-Lake Texhoma, Tex	2738.0
Lake Mead, Nev	2782.0
The Dalles-Umatilla, Oreg.	2784.0

[1] For use until Mar. 1, 1975.

[FR Doc.75-1485 Filed 1-16-75;8:45 am]

NATIONAL ENVIRONMENTAL POLICY ACT

Implementation Procedures

In the matter of amendment of §§ 81.24, 87.31, 89.63, 91.58, 93.58, 95.19, 95.37, 95.41, and 99.11 of the Commission's Rules with respect to implementation of the National Environmental Policy Act of 1969.

1. On September 26, 1974, the Commission amended Part 1 of its rules by the addition thereto of Subpart I, which sets forth rules applicable Commission-wide to implement the National Environmental Policy Act of 1969. It was not felt necessary to repeat the text of that subpart in all of the various parts of the Commission's rules where they would be applicable. Even though their inclusion in Part 1 is deemed sufficient notice to applicants, for further dissemination of their adoption we are hereby amending those rules parts governing the Safety and Special Radio Services to include, where appropriate, a rule directing applicants' attention to Subpart I of Part 1, but without repeating the text of Subpart I.

2. Authority for the adoption of this Order is contained in section 4(i) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendments adopted herein are editorial in nature, the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable.

3. Accordingly, it is ordered, That effective January 24, 1975, §§ 81.24, 87.31, 89.63, 91.58, 93.58, 95.19, 95.37, 97.41, and 99.11 are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 6, 1975.

Released: January 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

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Parts 81, 87, 89, 91, 93, 95, 97, and 99 of Chapter I, 47 CFR, are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. In § 81.24, paragraph (h) is added to read as follows:

§ 81.24 Application precedent to authorization.

* * * * *

(h) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

PART 87—AVIATION SERVICES

2. In § 87.31, paragraph (g) is added to read as follows:

§ 87.31 Application for ground station authorization.

* * * * *

(g) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

PART 89—PUBLIC SAFETY RADIO SERVICE

3. In § 89.63, paragraph (k) is added to read as follows:

§ 89.63 Supplementary information to be submitted with application.

Each application for station authorization shall be accompanied by such supplemental information listed below as may be required:

* * * * *

(k) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed in Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

PART 91—INDUSTRIAL RADIO SERVICES

4. In § 91.58, paragraph (1) is added to read as follows:

§ 91.58 Supplemental information to be submitted with application.

Each application for station authorization shall be accompanied by such supplemental information listed below as may be required.

* * * * *

(l) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

PART 93—LAND TRANSPORTATION RADIO SERVICES

5. In § 93.58, paragraph (1) is added to read as follows:

§ 93.58 Supplemental information to be submitted with application.

Each application for station authorization shall be accompanied by such supplemental information listed below as may be required.

* * * * *

(l) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

§ 95.37 Limitations on antenna structures.

* * * * *

(f) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" is § 1.1305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.2(d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE: The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

PART 95—CITIZENS RADIO SERVICE

6. In § 95.19(b), paragraph (6) is added to read as follows:

§ 95.19 Standard forms to be used.

* * * * *

(b) * * * (6) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

7. In § 95.37, paragraph (f) is added to read as follows:

PART 97—AMATEUR RADIO SERVICE

8. In § 97.41, paragraph (i) is added to read as follows:

§ 97.41 Application for station license.

* * * * *

(i) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

PART 99—DISASTER COMMUNICATIONS SERVICE

9. In § 99.11, paragraph (h) is added to read as follows:

§ 99.11 Applications.

* * * * *

(h) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action with the meaning of Subpart I of Part 1.

[FR Doc.75-1652 Filed 1-16-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-10; Notice 12]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Emergency Air Brake Systems

This notice amends Standard No. 121, *Air brake systems*, 49 CFR 571.121, to delete as of September 1, 1976, the emergency brake option that for trucks and buses permits automatic application of the parking brakes in place of a modulated emergency brake system. A notice of proposed rulemaking to be issued shortly proposes modification of the air brake system parking brake requirements and the trailer emergency braking requirements.

Based on a December 1972 petition from the American Trucking Association (ATA), the NHTSA proposed elimination of the automatic parking brake for use as an emergency braking capability (38 FR 14963, June 7, 1973). In response to comments on that proposal which stated that leadtime was insufficient to implement the proposal by September 1, 1974, the NHTSA indicated it would defer final action to a later date and issue any changes with an effective date beyond September 1, 1974 (39 FR 804, January 3, 1974). The NHTSA again indicated in May 1974 that "the majority of the changes proposed in response to the ATA petition continue to be viewed favorably." (39 FR 17550, May 17, 1974.) The NHTSA has now completed its consideration of the modulated braking provision and hereby amends the standard as proposed in June 1973, with an effective date of September 1, 1976, to permit adequate time for engineering necessary changes. It appears, in fact, that the majority of new brake systems are designed to meet generally the modulated emergency brake requirements.

The fundamental change is elimination of the option that permits automatic application of the parking brakes in place of a modulated emergency brake system. The NHTSA agrees with the ATA that a driver should not be forced to use two different methods of applying the emergency brakes depending on what vehicle he is driving at the time.

In the parking brake system proposal to be published shortly, it is proposed that the parking brake provisions found as options in the present S5.7 be made mandatory in a revised S5.6 parking brake section. Thus the present S5.7 requirement that a vehicle with a modulated brake capability also have a parking brake capable of manual application at any service reservoir pressure level would be found in the parking brake section. Also the requirement that the parking brake be capable of application in the event of a failure of specific components common to the service brake and emergency braking systems would be moved to the revised parking brake section. Finally the requirement that a parking brake be releasable only if it can be reapplied would be found in the new parking brake provisions.

Several other requirements proposed in June 1973 for the modulated emergency brake system are found in this amendment. The modulated emergency brake must be applied, released, and be capable of modulation, by means of the service brake control. The NHTSA has concluded that the driver is most likely to maintain the best control of his vehicle when he can modulate any braking available to him through a single control. The emergency system must be capable of two full applications and releases in the event the service brake system fails. This ensures that a disabled vehicle can be safely moved off the roadway.

As proposed in June 1973 and made final in this notice, the emergency brake system of a towing vehicle must operate in the event the trailer air control line or the trailer supply and control lines fail. These requirements ensure that a loaded combination vehicle can stop in specified distances with a failed control line, and that a loaded straight truck (capable of towing) or "bobtail" tractor-trailer is capable of stopping in the event a trailer breaks away. Additionally, the service brake control of a towing vehicle must be capable of modulating the brakes on a towed vehicle following a failure on the towing vehicle. Also, the emergency stopping distance requirement presently in the standard becomes the only permissible test of a truck or bus emergency braking system.

A new test condition has been added to specify when to vent the control and supply lines to atmosphere for test purposes.

As noted above, the majority of these changes appear to be incorporated in large measure in the design of the new brake systems. The NHTSA concludes that truck and bus manufactures are capable of meeting these modulated brake requirements by September 1, 1976.

In consideration of the foregoing, Standard No. 121 (49 CFR 571.121) is amended as follows:

§ 571.121 [Amended]

1. S 5.7 is amended to read:

S 5.7 *Emergency brake system—trucks and buses.* Each vehicle shall be equipped with an emergency brake system which, under the conditions of S 6.1, conforms to the requirements of S 5.7.1 through S 5.7.4. The emergency brake system may be a part of the service brake system or incorporate portions of the service brake and parking brake systems.

S 5.7.1 *Emergency brake system performance.* When stopped six times for each combination of weight and speed specified in S 5.3.1.1 on a road surface with a skid number of 75, with a single failure in the service brake system of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold brake fluid housing, or brake chamber housing), the vehicle shall stop at least once in not more than the distance specified in Column 3 of Table II, measured from the point at which movement of the service brake control begins, without any part of the vehicle leaving the roadway, except that a truck-tractor tested at its unloaded vehicle weight plus 500 pounds shall stop at least once in not more than the distance specified in Column 4 of Table II.

S5.7.2 *Emergency brake system operation.* The emergency brake system shall be applied and released, and be capable of modulation, by means of the service brake control.

S5.7.3 *Emergency brake system application and release.* With all air reservoirs charged to 100 psi, and with a failure as specified in S5.7.1, the emergency brake system shall, by means of the service brake control, be capable of not less than two applications and releases, as determined by brake chamber air pressure of 60 psi or more during the pressure phase of operation, and brake chamber air pressure of not more than 1 psi during the pressure release phase of operation.

S5.7.4 *Towing vehicle emergency brake requirements.* In addition to meeting the other requirements of S5.7, a vehicle designed to tow another vehicle equipped with air brakes shall—

(a) In the case of a truck-tractor in the unloaded condition and a single unit truck which is capable of towing an air-brake equipped vehicle and is loaded to gross vehicle weight rating, be capable of meeting the requirements of S5.7.1 by operation of the service brake control only, when the single failure in the service brake system consists of the trailer air control line or the trailer air supply line and air control line from the towing vehicle being vented to the atmosphere in accordance with S6.1.14;

(b) In the case of a truck-tractor loaded to gross vehicle weight rating, be capable of meeting S5.7.1 by operation of the service brake control only, when the single failure in the service brake system consists of the air control line from the towing vehicle being vented to the atmosphere in accordance with S6.1.14; and

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(c) Be capable of modulating the air in the supply or control line to the trailer by means of the service brake control with a single failure as specified in S 5.7.1.

2. A new S 6.1.14 is added to the test conditions to read:

S 6.1.14 In testing the emergency braking system of towing vehicles under S 5.7.4(a) and S 5.7.4(b), the hose(s) is vented to the atmosphere at any time not less than 1 second and not more than 1 minute before the emergency stop begins, while the vehicle is moving at the speed from which the stop is to be made and any manual control for the towing vehicle protection system is in the position to supply air and brake control signals to the vehicle being towed. No brake application is made from the time the line(s) is vented until the emergency stop begins and no manual operation of the parking brake system or towing vehicle protection system occurs from the time the line(s) is vented until the stop is completed.

Effective date. September 1, 1976.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407), delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 10, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-1565 Filed 1-16-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised S.O. No. 1156; Amdt. No. 3]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Missouri Pacific Railroad Co. and over tracks of Union Pacific Railroad Co. of Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of January 1975.

Upon further consideration of Service Order No. 1156 (38 FR 29220, 35002; 39 FR 7792, 24510 and 35573), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1156 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1156 **Service Order No. 1156.**

(a) (*Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company and over Tracks of Union Pacific Railroad Company*) • • •

• • • • • •

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1668 Filed 1-16-75;8:45 am]

[S.O. No. 1188; Amdt. No. 1]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago and North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of January 1975.

Upon further consideration of Service Order No. 1188 (39 FR 24016), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1188 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1188 **Service Order No. 1188.**

(a) (*Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company*) • • •

• • • • • •

(e) *Expiraton date.* This order shall expire at 11:59 p.m., July 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1673 Filed 1-16-75;8:45 am]

[S.O. No. 1182; Amdt. No. 2]

PART 1033—CAR SERVICE

Substitution of Stock Cars for Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of January 1975.

Upon further consideration of Service Order No. 1182 (39 FR 13159 and 37393), and good cause appearing therefor:

It is ordered, That:

Revised Service Order No. 1182 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1182 **Service Order No. 1156.**

(a) (*Substitution of Stock Cars for Boxcars*) • • •

• • • • • •

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1669 Filed 1-16-75;8:45 am]

[Revised S.O. No. 1197; Amdt. No. 1]

PART 1033—CAR SERVICE

The Atchison, Topeka and Santa Fe Railway Co. and the Denver and Rio Grande Western Railroad Co. Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of January 1975.

Upon further consideration of Service Order No. 1197 (39 FR 37062), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1197 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1197 **Service Order No. 1197.**

(a) (*The Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad company*) • • •

• • • • • •

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15 and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1672 Filed 1-16-75;8:45 am]

[S.O. No. 1190; Amdt. No. 1]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Tracks of the Southern Pacific Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of January 1975.

Upon further consideration of Service Order No. 1190 (39 FR 26030), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1190 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1190 **Service Order No. 1190.**

(a) (*Union Pacific Railroad Company authorized to operate over tracks of the Southern Pacific Transportation Company.*) • • •

• • • • • •

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15 and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1671 Filed 1-16-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Assistant Secretary for Conservation, Research, and Education and Administrator, Agricultural Research Service

Part 2, of 7 CFR Subtitle A, is amended to provide two new delegations of authority related to research on livestock, wheat, and feed grains and to correct the erroneous deletion of the delegation of authority to the Administrator, Agricultural Research Service, to appoint uniformed armed guards which occurred in 39 FR 13625.

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics

1. Section 2.19 is amended by adding the following new paragraphs:

§ 2.19 **Delegations of authority to the Assistant Secretary for Conservation, Research, and Education.**

• • • • • •

(a) *Related to agricultural research.* • • •

(24) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(25) Conduct research on varietal improvement of wheat and feed grain to enhance their conservation and environmental qualities (7 U.S.C. 428b).

• • • • • •

Subpart G—Delegations of Authority by the Assistant Secretary for Conservation, Research, and Education

2. Section 2.57 is amended as follows:

§ 2.57 **Administrator, Agricultural Research Service.**

(a) • • •

(23) Appoint uniformed armed guards as special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c), as will ensure their enforcement, for the protection of persons, property, buildings and grounds of the Arboretum, Washington, D.C., the U.S. Meat Animal Research Center, Clay Center, Nebraska, the U.S. Agricultural Research Center, Beltsville, Maryland,

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and the Animal Disease Laboratory, Plum Island, New York, over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the Act of June 1, 1948 (62 Stat. 281), as amended, and the policies, procedures and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director of the Office of Operations and the General Counsel prior to issuance.

(24) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(25) Conduct research on varietal improvement of wheat and feed grain to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(26) Provide management support services for the Cooperative State Research Service and National Agricultural Library, as agreed upon by the agencies, including administrative, budget, financial, personnel, and matters such as procurement, property management, communications, messenger and paperwork management, but excluding fiscal accounting.

Effective date: These amendments shall become effective on January 17, 1975, except that the amendments to 7 CFR 2.57(a)(23) and (26) are to correct a previous delegation of authority which was erroneously deleted, and are, therefore, effective as of April 10, 1974.

Dated: January 14, 1975.

For Subpart C:

EARL L. BUTZ,
Secretary of Agriculture.

For Subpart G:

ROBERT W. LONG,
Assistant Secretary, Conservation, Research, and Education.

[FR Doc.75-1609 Filed 1-16-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1975 Crop of Upland Cotton; Base Acreage Allotments

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS

Section 722.467 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1975 crop of upland cotton (referred to as "cotton"). The purpose of this section is to establish State reserves, allocate the State reserves to counties and establish county base acreage allotments (referred to as "county allotments"). Determinations with respect to the State reserves and county allotments were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19798, 36 FR 6907, 37 FR 624, 3845, 22008).

Notice that the Secretary was preparing to make determinations with respect to the above provisions was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26160).

In order that farmers may be informed as soon as possible of 1975 farm base acreage allotments so that they may make plans for their 1975 farming operations, it is essential that this section be made effective immediately. Accordingly, § 722.467 shall be effective upon filing this document with the Director, Office of the Federal Register. The material previously appearing in this section under centerhead "1974 Crop of Upland Cotton; Base Acreage Allotments" remain in full force and effect as to the crop to which it was applicable.

Section 722.467 is amended as follows:

§ 722.467 State reserve and county allotments for the 1975 crop of cotton.

(a) *State reserves.* The total State reserve for all uses established by the State committee shall not exceed one percent of the State allotment available for distribution to counties in the State. The allotment available for distribution shall be the State's share of the national allotment less the allotment in the State productivity pool attributable to history acreage pooled as a result of productivity adjustments under section 344a(f) of the act. It is hereby determined that no State reserve for abnormal conditions is required. The State committee may establish a single reserve for new farms and correction of errors. The amount of the reserve held in each State and the amount of allotment in the State productivity pool is available for inspection at each State ASCS office.

(b) *Apportionment of State allotments to counties.*—(1) *Computed county allotment.* The State allotment less the allotment in the State productivity pool and the State reserve is apportioned among counties in the State on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within the farm acreage allotment during 1969, 1970, and the farm base acreage allotment during 1971, 1972, and 1973, adjusted for abnormal weather conditions or other natural disaster. It is hereby determined that no adjustments for abnormal weather conditions or other natural disaster are required. The acreage apportioned under this paragraph is referred to as the computed county allotment.

(2) *County allotments.* The county allotment is the sum of the computed county allotment and allocation to the county from the State reserve for trends. The following table sets forth the county allotment and allocations from the State reserve.

[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
ALABAMA				
Autauga	6,464.3	0	6,464.3	0
Baldwin	1,772.1	0	1,772.1	0
Barbour	8,640.1	0	8,640.1	0
Bibb	2,505.8	0	2,505.8	0
Blount	10,820.9	0	10,820.9	0
Bullock	5,156.4	0	5,156.4	0
Butler	5,963.6	0	5,963.6	0
Calhoun	4,350.3	0	4,350.3	0
Chambers	4,699.8	0	4,699.8	0
Cherokee	15,074.2	0	15,074.2	0
Chilton	8,082.9	0	8,082.9	0
Choctaw	3,949.8	0	3,949.8	0
Clarke	3,025.2	0	3,025.2	0
Clay	1,269.2	0	1,269.2	0
Cleburne	1,186.5	0	1,186.5	0
Coffee	11,325.9	0	11,325.9	0
Colbert	14,767.6	0	14,767.6	0
Conecuh	7,780.4	0	7,780.4	0
Coosa	669.9	0	669.9	0
Covington	10,000.3	0	10,000.3	0
Crenshaw	6,244.2	0	6,244.2	0
Cullman	20,746.3	0	20,746.3	0
Dale	4,986.6	0	4,986.6	0
Dallas	17,504.2	0	17,504.2	0
De Kalb	20,131.6	0	20,131.6	0
Elmore	10,512.5	0	10,512.5	0
Escambia	6,644.4	0	6,644.4	0
Etowah	7,669.7	0	7,669.7	0
Fayette	5,719.5	0	5,719.5	0
Franklin	8,651.3	0	8,651.3	0
Geneva	12,484.1	0	12,484.1	0
Greene	8,408.2	0	8,408.2	0
Hale	9,888.0	0	9,888.0	0
Henry	10,271.5	0	10,271.5	0
Houston	16,917.2	0	16,917.2	0
Jackson	15,649.9	0	15,649.9	0
Jefferson	2,230.8	0	2,230.8	0
Lamar	6,915.8	0	6,915.8	0
Lauderdale	18,090.2	0	18,090.2	0
Lawrence	26,418.5	0	26,418.5	0
Lee	6,005.5	0	6,005.5	0

[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Limestone	36,515.0	0	36,515.0	0
Lowndes	6,741.8	0	6,741.8	0
Macon	9,967.8	0	9,967.8	0
Madison	40,934.1	0	40,934.1	0
Marengo	10,258.6	0	10,258.6	0
Marion	8,304.1	0	8,304.1	0
Marshall	18,761.2	0	18,761.2	0
Mobile	1,779.6	0	1,779.6	0
Monroe	11,453.4	0	11,453.4	0
Montgomery	6,320.6	0	6,320.6	0
Morgan	18,031.9	0	18,031.9	0
Perry	7,058.0	0	7,058.0	0
Pickens	9,378.1	0	9,378.1	0
Pike	9,322.4	0	9,322.4	0
Randolph	3,741.0	0	3,741.0	0
Russell	6,233.7	0	6,233.7	0
St. Clair	2,445.1	0	2,445.1	0
Shelby	4,083.4	0	4,083.4	0
Sumter	8,814.0	0	8,814.0	0
Talladega	7,906.8	0	7,906.8	0
Tallapoosa	4,511.7	0	4,511.7	0
Tuscaloosa	10,559.0	0	10,559.0	0
Walker	2,657.9	0	2,657.9	0
Washington	1,846.3	0	1,846.3	0
Wilcox	6,669.1	0	6,669.1	0
Winston	4,389.2	0	4,389.2	0
ARIZONA				
Cochise	10,710.5	0	10,710.5	0
Gila	25.2	0	25.2	0
Graham	6,047.2	0	6,047.2	0
Greenlee	1,180.4	0	1,180.4	0
Maricopa	82,111.5	0	82,111.5	0
Mohave	284.1	0	284.1	0
Pima	15,041.1	0	15,041.1	0
Pinal	87,875.7	0	87,875.7	0
Santa Cruz	212.4	0	212.4	0
Yavapai	7.8	0	7.8	0
Yuma	22,984.4	0	22,984.4	0
ARKANSAS				
Arkansas	6,552.0	0	6,552.0	0
Ashley	18,517.5	0	18,517.5	0
Baxter	5.9	0	5.9	0
Bradley	1,572.8	0	1,572.8	0
Calhoun	1,056.4	0	1,056.4	0
Chicot	23,668.6	0	23,668.6	0
Clark	1,646.1	0	1,646.1	0
Clay	26,943.2	0	26,943.2	0
Cleburne	445.7	0	445.7	0
Cleveland	806.1	0	806.1	0
Columbia	2,279.1	0	2,279.1	0
Conway	3,699.2	0	3,699.2	0
Craighead	56,292.1	0	56,292.1	0
Crawford	18.3	0	18.3	0
Crittenden	66,239.8	0	66,239.8	0
Cross	25,767.4	0	25,767.4	0
Dallas	856.4	0	856.4	0
Desha	30,308.5	0	30,308.5	0
Drew	9,421.2	0	9,421.2	0
Faulkner	5,469.7	0	5,469.7	0
Franklin	262.6	0	262.6	0
Fulton	116.2	0	116.2	0
Grant	52.5	0	52.5	0
Greene	25,933.3	0	25,933.3	0
Hempstead	2,003.3	0	2,003.3	0
Howard	580.7	0	580.7	0
Independence	2,464.0	0	2,464.0	0
Izard	255.7	0	255.7	0
Jackson	29,486.9	0	29,486.9	0
Jefferson	50,643.9	0	50,643.9	0
Johnson	535.3	0	535.3	0
Lafayette	9,537.6	0	9,537.6	0
Lawrence	13,661.5	0	13,661.5	0
Lee	39,854.4	0	39,854.4	0
Lincoln	21,692.8	0	21,692.8	0
Little River	3,150.9	0	3,150.9	0
Logan	756.4	0	756.4	0
Lonoke	32,630.6	0	32,630.6	0
Marion	1.8	0	1.8	0
Miller	5,961.2	0	5,961.2	0
Mississippi	124,379.3	0	124,379.3	0
Monroe	26,436.0	0	26,436.0	0
Nevada	542.9	0	542.9	0
Ouachita	1,409.5	0	1,409.5	0
Perry	572.2	0	572.2	0
Phillips	56,403.1	0	56,403.1	0
Pike	118.1	0	118.1	0
Poinsett	57,694.1	0	57,694.1	0
Pope	1,597.5	0	1,597.5	0

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[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Prairie	5,863.3	0	5,863.3	0
Pulaski	11,646.7	0	11,646.7	0
Randolph	6,286.8	0	6,286.8	0
St. Francis	44,712.1	0	44,712.1	0
Scott	14.0	0	14.0	0
Searcy	94.5	0	94.5	0
Sebastian	92.6	0	92.6	0
Sevier	107.0	0	107.0	0
Sharp	235.7	0	235.7	0
Union	13.8	0	13.8	0
Van Buren	114.3	0	114.3	0
Washington	2.0	0	2.0	0
White	7,454.6	0	7,454.6	0
Woodruff	24,992.3	0	24,992.3	0
Yell	3,766.0	0	3,766.0	0
CALIFORNIA				
Fresno	124,962.9	0	124,962.9	0
Imperial	32,311.8	0	32,311.8	0
Kern	123,704.4	0	123,704.4	0
Kings	65,772.9	0	65,772.9	0
Madera	30,377.5	0	30,377.5	0
Merced	18,180.5	0	18,180.5	0
Riverside	13,227.8	0	13,227.8	0
San Benito	95.2	0	95.2	0
San Bernardino	240.1	0	240.1	0
San Diego	0	0	0	0
Stanislaus	36.3	0	36.3	0
Tulare	97,000.1	0	97,000.1	0
FLORIDA				
Alachua	41.2	0	41.2	0
Baker	2.0	0	2.0	0
Bay	0	0	0	0
Calhoun	226.1	0	226.1	0
Columbia	112.8	0	112.8	0
Dixie	7.8	0	7.8	0
Escambia	727.3	0	727.3	0
Gadsden	31.9	0	31.9	0
Hamilton	743.5	0	743.5	0
Holmes	2,026.2	0	2,026.2	0
Jackson	4,640.8	0	4,640.8	0
Jefferson	831.6	0	831.6	0
Lafayette	102.0	0	102.0	0
Leon	126.1	0	126.1	0
Levy	3.9	0	3.9	0
Liberty	9.9	0	9.9	0
Madison	1,490.2	0	1,490.2	0
Okaloosa	516.2	0	516.2	0
Santa Rosa	5,182.4	0	5,182.4	0
Suwannee	309.7	0	309.7	0
Taylor	17.7	0	17.7	0
Union	7.5	0	7.5	0
Walton	1,118.5	0	1,118.5	0
Washington	440.3	0	440.3	0
GEORGIA				
Appling	2,811.4	0	2,811.4	0
Atkinson	643.0	0	643.0	0
Bacon	1,404.6	0	1,404.6	0
Baker	2,060.4	0	2,060.4	0
Baldwin	1,257.0	0	1,257.0	0
Banks	1,481.7	0	1,481.7	0
Barrow	3,431.8	0	3,434.8	0
Bartow	11,623.7	0	11,623.7	0
Ben Hill	3,487.2	0	3,487.2	0
Berrien	2,384.8	0	2,384.8	0
Bibb	429.4	0	429.4	0
Bleckley	5,259.2	0	5,259.2	0
Brantley	28.8	0	28.8	0
Brooks	5,674.6	0	5,674.6	0
Bryan	140.9	0	140.9	0
Bulloch	9,522.7	0	9,522.7	0
Burke	23,364.4	0	23,364.4	0
Butts	2,492.0	0	2,492.0	0
Calhoun	3,780.4	0	3,780.4	0
Candler	4,399.6	0	4,399.6	0
Carroll	3,904.1	0	3,904.1	0
Catoosa	229.7	0	229.7	0
Charlton	8.5	0	8.5	0
Chatham	22.0	0	22.0	0
Chattahoochee	27.4	0	27.4	0
Chattooga	2,845.2	0	2,845.2	0
Cherokee	45.4	0	45.4	0
Clarke	774.3	0	774.3	0
Clay	2,244.3	0	2,244.3	0
Clayton	135.6	0	135.6	0
Clinch	85.0	0	85.0	0
Cobb	52.2	0	52.2	0
Coffee	4,702.4	0	4,702.4	0
Colquitt	15,151.4	0	15,151.4	0

[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Columbia	1,081.6	0	1,081.6	0
Cook	2,578.4	0	2,578.4	0
Coweta	3,335.0	0	3,335.0	0
Crawford	1,297.2	0	1,297.2	0
Crisp	7,501.1	0	7,501.1	0
Dade	67.6	0	67.6	0
Dawson	95.7	0	95.7	0
Decatur	2,544.7	0	2,544.7	0
De Kalb	7.4	0	7.4	0
Dodge	9,081.7	0	9,081.7	0
Dooly	19,407.2	0	19,407.2	0
Dougherty	1,356.8	0	1,356.8	0
Douglas	22.3	0	22.3	0
Early	9,180.9	0	9,180.9	0
Echols	32.0	0	32.0	0
Effingham	992.2	0	992.2	0
Elbert	5,069.6	0	5,069.6	0
Emanuel	10,907.9	0	10,907.9	0
Evans	1,843.8	0	1,843.8	0
Fayette	515.0	0	515.0	0
Floyd	4,937.2	0	4,937.2	0
Forsyth	186.3	0	186.3	0
Franklin	4,884.7	0	4,884.7	0
Fulton	273.3	0	273.3	0
Glascock	3,132.6	0	3,132.6	0
Gordon	6,274.1	0	6,274.1	0
Grady	2,380.3	0	2,380.3	0
Greene	1,556.4	0	1,556.4	0
Gwinnett	1,143.6	0	1,143.6	0
Habersham	20.2	0	20.2	0
Hall	793.2	0	793.2	0
Hancock	4,810.8	0	4,810.8	0
Haralson	450.9	0	450.9	0
Harris	866.7	0	866.7	0
Hart	7,394.7	0	7,394.7	0
Heard	551.5	0	551.5	0
Henry	4,346.4	0	4,346.4	0
Houston	4,124.1	0	4,124.1	0
Irwin	6,618.6	0	6,618.6	0
Jackson	3,659.2	0	3,659.2	0
Jasper	1,762.2	0	1,762.2	0
Jeff Davis	1,504.6	0	1,504.6	0
Jefferson	13,080.1	0	13,080.1	0
Jenkins	7,756.5	0	7,756.5	0
Johnson	10,275.9	0	10,275.9	0
Jones	36.2	0	36.2	0
Lamar	1,340.1	0	1,340.1	0
Lanier	459.4	0	459.4	0
Laurens	18,952.2	0	18,952.2	0
Lee	2,599.0	0	2,599.0	0
Liberty	82.3	0	82.3	0
Lincoln	1,110.6	0	1,110.6	0
Long	327.2	0	327.2	0
Lowndes	2,121.0	0	2,121.0	0
Lumpkin	27.0	0	27.0	0
McDuffie	3,858.3	0	3,858.3	0
Macon	8,134.1	0	8,134.1	0
Madison	5,931.2	0	5,931.2	0
Marion	2,274.7	0	2,274.7	0
Meriwether	5,539.8	0	5,539.8	0
Miller	3,653.9	0	3,653.9	0
Mitchell	8,192.3	0	8,192.3	0
Monroe	335.2	0	335.2	0
Montgomery	2,525.4	0	2,525.4	0
Morgan	9,238.0	0	9,238.0	0
Murray	1,331.0	0	1,331.0	0
Newton	3,684.5	0	3,684.5	0
Oconee	5,096.4	0	5,096.4	0
Oglethorpe	3,756.2	0	3,756.2	0
Paulding	280.7	0	280.7	0
Peach	1,455.4	0	1,455.4	0
Pickens	0	0	0	0
Pierce	1,392.9	0	1,392.9	0
Pike	3,702.6	0	3,702.6	0
Polk	3,821.3	0	3,821.3	0
Pulaski	7,660.2	0	7,660.2	0
Putnam	507.4	0	507.4	0
Quitman	723.4	0	723.4	0
Randolph	4,053.2	0	4,053.2	0
Richmond	1,502.7	0	1,502.7	0
Rockdale	924.5	0	924.5	0
Schley	2,366.1	0	2,366.1	0
Screven	10,547.6	0	10,547.6	0
Seminole	3,149.4	0	3,149.4	0
Spalding	1,333.1	0	1,333.1	0
Stephens	343.4	0	343.4	0
Stewart	2,022.0	0	2,022.0	0
Sumter	7,842.2	0	7,842.2	0
Talbot	280.2	0	280.2	0
Taliaferro	456.5	0	456.5	0
Tattnall	3,337.4	0	3,337.4	0
Taylor	5,013.5	0	5,013.5	0
Telfair	3,175.3	0	3,175.3	0
Terrell	9,088.7	0	9,088.7	0
Thomas	3,993.2	0	3,993.2	0
Tift	4,624.6	0	4,624.6	0
Toombs	4,917.6	0	4,917.6	0
Treutlen	2,198.0	0	2,198.0	0
Troup	579.7	0	579.7	0
Turner	5,304.6	0	5,304.6	0
Twiggs	2,150.2	0	2,150.2	0
Upson	424.7	0	424.7	0

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[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Walker	488.5	0	488.5	0
Walton	12,381.3	0	12,381.3	0
Ware	497.5	0	497.5	0
Warren	6,912.6	0	6,912.6	0
Washington	11,173.4	0	11,173.4	0
Wayne	1,392.5	0	1,392.5	0
Webster	1,099.6	0	1,099.6	0
Wheeler	2,180.4	0	2,180.4	0
White	218.4	0	218.4	0
Whitfield	411.9	0	411.9	0
Wilcox	7,308.9	0	7,308.9	0
Wilkes	1,877.2	0	1,877.2	0
Wilkinson	1,499.9	0	1,499.9	0
Worth	13,228.8	0	13,228.8	0
ILLINOIS				
Alexander	1,104.7	0	1,104.7	0
Massac	2.1	0	2.1	0
Pulaski	742.2	0	742.2	0
KANSAS				
Montgomery	8.0	0	8.0	0
KENTUCKY				
Ballard	2.5	0	2.5	0
Calloway	16.1	0	16.1	0
Carlisle	30.0	0	30.0	0
Fulton	3,927.7	0	3,927.7	17.0
Graves	84.4	0	84.4	0
Hickman	502.6	0	502.6	8.0
McCracken	3.0	0	5.0	0
Marshall	5.7	0	5.7	0
LOUISIANA				
Acadia	6,448.6	0	6,448.6	0
Allen	302.4	0	302.4	0
Ascension	0	0	0	0
Avoyelles	14,366.6	230.8	14,606.4	0
Beauregard	109.8	0	109.8	0
Bienville	534.1	0	534.1	0
Bossier	12,453.3	162.7	12,616.0	0
Caddo	22,234.9	261.6	22,496.5	0
Caldwell	5,732.9	59.2	5,792.1	0
Catahoula	8,875.5	112.3	8,987.8	0
Claiborne	1,043.7	0	1,043.7	0
Concordia	7,182.3	46.1	7,228.4	0
De Soto	3,533.9	0	3,533.9	0
East Baton Rouge	104.4	0	104.4	0
East Carroll	24,491.6	328.6	24,820.2	0
East Feliciana	148.4	0	148.4	0
Evangeline	9,627.5	0	9,627.5	0
Franklin	41,405.3	501.5	41,906.8	0
Grant	3,153.4	37.5	3,190.9	0
Iberia	19.0	0	19.0	0
Iberville	148.2	0	148.2	0
Jackson	263.8	0	263.8	0
Jefferson Davis	45.1	0	45.1	0
Lafayette	7,069.5	0	7,069.5	0
La Salle	347.1	3.5	350.6	0
Lincoln	143.3	0	143.3	0
Livingston	7.5	0	7.5	0
Madison	15,299.1	201.1	15,500.2	0
Morehouse	26,463.0	341.5	26,804.5	0
Natchitoches	15,231.5	164.1	15,395.6	0
Ouachita	10,477.1	135.4	10,612.5	0
Pointe Coupee	4,299.1	0	4,299.1	0
Rapides	13,930.2	97.8	14,028.0	0
Red River	7,157.8	114.0	7,271.8	0
Richland	36,242.2	472.6	36,714.8	0
Sabine	228.9	0	228.9	0
St. Helena	907.2	0	907.2	0
St. Landry	21,419.6	0	21,419.6	0
St. Martin	3,365.0	0	3,365.0	0
St. Tammany	0	0	0	0
Tangipahoa	85.8	0	85.8	0
Tensas	15,286.0	181.4	15,467.4	0
Union	1,035.6	0	1,035.6	0
Vermilion	1,761.8	0	1,761.8	0
Vernon	135.3	0	135.3	0
Washington	759.7	0	759.7	0
Webster	579.6	0	579.6	0
W. Baton Rouge	173.1	0	173.1	0
W. Carroll	19,935.5	272.8	20,208.3	0
W. Feliciana	470.6	0	470.6	0
Winn	280.7	0	280.7	0

[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
MISSISSIPPI				
Adams	1,411.5	0	1,411.5	0
Alcorn	9,070.4	0	9,070.4	0
Amite	1,840.9	0	1,840.9	0
Attala	8,594.6	0	8,594.6	0
Benton	8,211.1	0	8,211.1	0
Bolivar	83,159.3	0	83,159.3	0
Calhoun	11,322.3	0	11,322.3	0
Carroll	10,176.4	0	10,176.4	0
Chickasaw	9,889.9	0	9,889.9	0
Choctaw	2,223.0	0	2,223.0	0
Claiborne	2,720.7	0	2,720.7	0
Clarke	2,344.0	0	2,344.0	0
Clay	5,114.7	0	5,114.7	0
Coahoma	63,006.3	0	63,006.3	0
Copiah	4,607.8	0	4,607.8	0
Covington	4,675.8	0	4,675.8	0
De Soto	21,818.2	0	21,818.2	0
Forrest	225.5	0	225.5	0
Franklin	226.1	0	226.1	0
George	163.8	0	163.8	0
Greene	658.9	0	658.9	0
Grenada	7,833.5	0	7,833.5	0
Hinds	14,446.8	0	14,446.8	0
Holmes	23,962.1	0	23,962.1	0
Humphreys	32,849.8	0	32,849.8	0
Issaquena	9,237.6	0	9,237.6	0
Itawamba	6,880.8	0	6,880.8	0
Jasper	3,737.1	0	3,737.1	0
Jefferson	2,439.1	0	2,439.1	0
Jefferson Davis	5,504.3	0	5,504.3	0
Jones	3,869.3	0	3,869.3	0
Kemper	5,065.2	0	5,065.2	0
Lafayette	9,967.7	0	9,967.7	0
Lamar	633.9	0	633.9	0
Lauderdale	1,797.6	0	1,797.6	0
Lawrence	2,530.8	0	2,530.8	0
Leake	9,643.6	0	9,643.6	0
Lee	17,381.7	0	17,381.7	0
Leflore	52,155.1	0	52,155.1	0
Lincoln	1,962.6	0	1,962.6	0
Lowndes	10,513.0	0	10,513.0	0
Madison	22,180.2	0	22,180.2	0
Marion	3,623.8	0	3,623.8	0
Marshall	23,515.4	0	23,515.4	0
Monroe	18,853.1	0	18,853.1	0
Montgomery	5,064.8	0	5,064.8	0
Neshoba	7,076.4	0	7,076.4	0
Newton	2,107.1	0	2,107.1	0
Noxubee	10,262.6	0	10,262.6	0
Oktibbeha	1,946.8	0	1,946.8	0
Panola	26,973.7	0	26,973.7	0
Pearl River	0	0	0	0
Perry	1,047.0	0	1,047.0	0
Pike	1,340.8	0	1,340.8	0
Pontotoc	13,142.1	0	13,142.1	0
Prentiss	11,429.2	0	11,429.2	0
Quitman	40,977.1	0	40,977.1	0
Rankin	5,234.4	0	5,234.4	0
Scott	5,742.7	0	5,742.7	0
Sharkey	19,695.4	0	19,695.4	0
Simpson	6,448.9	0	6,448.9	0
Smith	5,299.1	0	5,299.1	0
Sunflower	86,232.9	0	86,232.9	0
Tallahatchie	40,860.6	0	40,860.6	0
Tate	16,317.7	0	16,317.7	0
Tippah	10,515.1	0	10,515.1	0
Tishomingo	6,173.6	0	6,173.6	0
Tunica	32,941.3	0	32,941.3	0
Union	11,753.0	0	11,753.0	0
Walthall	5,299.3	0	5,299.3	0
Warren	4,370.5	0	4,370.5	0
Washington	57,243.1	0	57,243.1	0
Wayne	3,408.1	0	3,408.1	0
Webster	5,882.2	0	5,882.2	0
Wilkinson	664.4	0	664.4	0
Winston	6,972.8	0	6,972.8	0
Yalobusha	9,150.4	0	9,150.4	0
Yazoo	29,562.5	0	29,562.5	0
MISSOURI				
Bollinger	66.7	0	66.7	0
Butler	12,442.1	0	12,442.1	0
Cape Girardeau	94.1	0	94.1	0
Dunklin	54,765.5	0	54,765.5	0
Howell	1.3	0	1.3	0
Mississippi	18,136.0	0	18,136.0	0
New Madrid	59,530.9	0	59,530.9	0
Pemiscot	62,472.9	0	62,472.9	0
Ripley	1,467.4	0	1,467.4	0
Scott	10,957.3	0	10,957.3	0
Stoddard	26,430.4	0	26,430.4	0
Vernon	2.8	0	2.8	0
Wayne	0	0	0	0

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[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
NEVADA				
Clark	9.8	0	9.8	0
Nye	2,442.2	0	2,442.2	0
NEW MEXICO				
Chaves	20,992.1	0	20,992.1	0
Curry	1,000.7	0	1,000.7	0
De Baca	374.7	0	374.7	0
Dona Ana	25,898.3	0	25,898.3	0
Eddy	18,270.5	0	18,270.5	0
Grant	76.4	0	76.4	0
Harding	6.7	0	6.7	0
Hidalgo	4,492.4	0	4,492.4	0
Lea	18,313.9	0	18,313.9	0
Luna	9,579.6	0	9,579.6	0
Otero	1,490.0	0	1,490.0	0
Quay	1,870.8	0	1,870.8	0
Roosevelt	12,933.8	0	12,933.8	0
Sierra	1,722.0	0	1,722.0	0
Socorro	1,013.0	0	1,013.0	0
NORTH CAROLINA				
Alamance	14.3	0	14.3	0
Alexander	277.6	0	277.6	0
Anson	7,781.3	0	7,781.3	0
Beaufort	661.8	0	661.8	0
Bertie	5,002.5	0	5,002.5	0
Bladen	2,145.2	0	2,145.2	0
Brunswick	150.5	0	150.5	0
Burke	30.9	0	30.9	0
Cabarrus	2,034.4	0	2,034.4	0
Caldwell	9.0	0	9.0	0
Camden	186.0	0	186.0	0
Carteret	25.2	0	25.2	0
Catawba	707.5	0	707.5	0
Chatham	133.1	0	133.1	0
Chowan	1,890.1	0	1,890.1	0
Cleveland	19,254.5	0	19,254.5	0
Columbus	1,611.0	0	1,611.0	0
Craven	244.7	0	244.7	0
Cumberland	7,928.7	0	7,928.7	0
Currituck	175.0	0	175.0	0
Davidson	455.2	0	455.2	0
Davie	854.9	0	854.9	0
Duplin	1,900.7	0	1,900.7	0
Durham	73.0	0	73.0	0
Edgecombe	9,378.4	0	9,378.4	0
Forsyth	34.2	0	34.2	0
Franklin	6,282.6	0	6,282.6	0
Gaston	1,593.8	0	1,593.8	0
Gates	1,421.1	0	1,421.1	0
Granville	260.8	0	260.8	0
Greene	2,618.1	0	2,618.1	0
Guilford	31.4	0	31.4	0
Halifax	18,023.7	863.1	18,886.8	0
Harnett	8,968.8	0	8,968.8	0
Hertford	3,647.4	0	3,647.4	0
Hoke	10,573.8	506.3	11,080.1	0
Hyde	115.4	0	115.4	0
Iredell	3,969.7	0	3,969.7	0
Johnston	13,239.0	0	13,239.0	0
Jones	157.5	0	157.5	0
Lee	653.5	0	653.5	0
Lenoir	1,351.7	0	1,351.7	0
Lincoln	4,100.5	0	4,100.5	0
Martin	2,075.2	0	2,075.2	0
Mecklenburg	2,829.7	0	2,829.7	0
Montgomery	2,184.9	197.0	2,381.9	0
Moore	1,764.9	0	1,764.9	0
Nash	10,079.4	0	10,079.4	0
Northampton	16,764.6	802.8	17,567.4	0
Onslow	136.8	0	136.8	0
Orange	42.4	0	42.4	0
Pamlico	24.9	0	24.9	0
Pasquotank	128.6	0	128.6	0
Pender	178.0	0	178.0	0
Perquimans	712.5	0	712.5	0
Person	2.0	0	2.0	0
Pitt	4,729.9	0	4,729.9	0
Polk	734.2	0	734.2	0
Randolph	11.2	0	11.2	0
Richmond	3,883.8	0	3,883.8	0

[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Robeson	34,544.6	0	34,544.6	0
Rowan	2,668.1	0	2,668.1	0
Rutherford	4,682.3	0	4,682.3	0
Sampson	17,057.8	0	17,057.8	0
Scotland	12,798.1	612.8	13,410.9	0
Stanly	340.3	0	340.3	0
Tyrell	144.7	0	144.7	0
Union	8,451.5	0	8,451.5	0
Vance	2,648.9	0	2,648.9	0
Wake	3,043.8	0	3,043.8	0
Warren	5,254.8	0	5,254.8	0
Washington	360.7	0	360.7	0
Wayne	7,071.1	0	7,071.1	0
Wilkes	35.3	0	35.3	0
Wilson	5,736.7	0	5,736.7	0
Yadkin	19.5	0	19.5	
OKLAHOMA				
Adair	24.8	0	24.8	0
Atoka	1,162.2	0	1,162.2	0
Beckham	42,099.4	0	42,099.4	0
Blaine	8,320.4	0	8,320.4	0
Bryan	11,077.2	0	11,077.2	0
Caddo	32,289.1	0	32,289.1	0
Canadian	8,485.4	0	8,485.4	0
Carter	1,013.6	0	1,013.6	0
Choctaw	892.9	0	892.9	0
Cimarron	0	0	0	0
Cleveland	986.2	0	986.2	0
Coal	2,176.5	0	2,176.5	0
Comanche	7,746.4	0	7,746.4	0
Cotton	12,604.8	0	12,604.8	0
Craig	38.9	0	38.9	0
Creek	504.3	0	504.3	0
Custer	17,406.9	0	17,406.9	0
Dewey	5,134.7	0	5,134.7	0
Ellis	282.9	0	282.9	0
Garfield	6.4	0	6.4	0
Garvin	3,570.1	0	3,570.1	0
Grady	12,033.7	0	12,033.7	0
Grant	31.7	0	31.7	0
Greer	27,600.9	0	27,600.9	0
Harmon	32,319.4	0	32,319.4	0
Haskell	1,114.0	0	1,114.0	0
Hughes	2,017.1	0	2,017.1	0
Jackson	39,140.7	0	39,140.7	0
Jefferson	11,154.8	0	11,154.8	0
Johnston	2,221.7	0	2,221.7	0
Kay	54.7	0	54.7	0
Kingfisher	663.1	0	663.1	0
Kiowa	37,788.2	0	37,788.2	0
Le Flore	1,424.2	0	1,424.2	0
Lincoln	468.2	0	468.2	0
Logan	1,794.9	0	1,794.9	0
Love	5,540.1	0	5,540.1	0
McClain	6,540.7	0	6,540.7	0
McCurtain	4,541.4	0	4,541.4	0
McIntosh	5,661.2	0	5,661.2	0
Major	763.5	0	763.5	0
Marshall	3,009.3	0	3,009.3	0
Mayes	203.7	0	203.7	0
Murray	209.6	0	209.6	0
Muskogee	10,841.7	0	10,841.7	0
Noble	288.9	0	288.9	0
Nowata	308.3	0	308.3	0
Okfuskee	825.6	0	825.6	0
Oklahoma	371.1	0	371.1	0
Okmulgee	6,169.9	0	6,169.9	0
Osage	1,732.3	0	1,732.3	0
Pawnee	2,141.4	0	2,141.4	0
Payne	1,430.6	0	1,430.6	0
Pittsburg	1,518.9	0	1,518.9	0
Pontotoc	690.6	0	690.6	0
Pottawatomie	310.0	0	310.0	0
Pushmataha	162.6	0	162.6	0
Roger Mills	14,500.1	0	14,500.1	0
Rogers	177.5	0	177.5	0
Seminole	601.2	0	601.2	0
Sequoyah	484.1	0	484.1	0
Stephens	3,961.4	0	3,961.4	0
Texas	5.9	0	5.9	0
Tillman	48,299.4	0	48,299.4	0
Tulsa	495.6	0	495.6	0
Wagoner	5,000.6	0	5,000.6	0
Washita	49,900.0	0	49,900.0	0
Woodward	459.4	0	459.4	0

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[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
SOUTH CAROLINA				
Abbeville	4,138.0	0	4,138.0	0
Aiken	12,282.9	0	12,282.9	0
Allendale	6,901.2	0	6,901.2	0
Anderson	14,279.7	0	14,279.7	0
Bamberg	8,919.8	0	8,919.8	0
Barnwell	9,409.4	0	9,409.4	0
Beaufort	10.2	0	10.2	0
Berkeley	4,111.2	0	4,111.2	0
Calhoun	11,362.6	0	11,362.6	0
Charleston	246.0	0	246.0	0
Cherokee	6,462.4	0	6,462.4	0
Chester	5,634.6	0	5,634.6	0
Chesterfield	18,675.7	0	18,675.7	0
Clarendon	24,502.9	0	24,502.9	0
Colleton	4,744.6	0	4,744.6	0
Darlington	21,550.6	0	21,550.6	0
Dillon	16,325.3	0	16,325.3	0
Dorchester	5,240.8	0	5,240.8	0
Edgefield	6,292.2	0	6,292.2	0
Fairfield	2,069.8	0	2,069.8	0
Florence	21,502.9	0	21,502.9	0
Georgetown	1,363.3	0	1,363.3	0
Greenville	6,060.0	0	6,060.0	0
Greenwood	1,952.1	0	1,952.1	0
Hampton	5,062.2	0	5,062.2	0
Horry	4,166.5	0	4,166.5	0
Jasper	965.9	0	965.9	0
Kershaw	9,665.3	0	9,665.3	0
Lancaster	3,765.9	0	3,765.9	0
Laurens	9,423.8	0	9,423.8	0
Lee	26,740.6	0	26,740.6	0
Lexington	6,237.7	0	6,237.7	0
McCormick	1,708.2	0	1,708.2	0
Marion	7,961.4	0	7,961.4	0
Marlboro	27,670.4	0	27,670.4	0
Newberry	3,600.1	0	3,600.1	0
Oconee	3,127.5	0	3,127.5	0
Orangeburg	39,758.0	0	39,758.0	0
Pickens	1,666.8	0	1,666.8	0
Richland	3,335.1	0	3,335.1	0
Saluda	4,764.1	0	4,764.1	0
Spartanburg	10,192.3	0	10,192.3	0
Sumter	26,954.8	0	26,954.8	0
Union	2,760.4	0	2,760.4	0
Williamsburg	23,939.3	0	23,939.3	0
York	8,744.8	0	8,744.8	0
TENNESSEE				
Bedford	351.0	0	351.0	0
Benton	1,179.3	0	1,179.3	0
Bradley	71.1	0	71.1	0
Cannon	4.1	0	4.1	0
Carroll	12,783.3	0	12,783.3	0
Chester	7,443.9	0	7,443.9	0
Coffee	212.3	0	212.3	0
Crockett	23,008.6	0	23,008.6	0
Decatur	1,908.9	0	1,908.9	0
Dickson	5.4	0	5.4	0
Dyer	21,765.4	0	21,765.4	0
Fayette	28,791.9	0	28,791.9	0
Franklin	2,842.0	0	2,842.0	0
Gibson	30,690.0	0	30,690.0	0
Giles	4,527.8	0	4,527.8	0
Grundy	28.6	0	28.6	0
Hamilton	37.4	0	37.4	0
Hardeman	13,678.8	0	13,678.8	0
Hardin	5,237.6	0	5,237.6	0
Haywood	29,088.1	0	29,088.1	0
Henderson	10,927.0	0	10,927.0	0
Henry	2,821.7	0	2,821.7	0
Humphreys	1.2	0	1.2	0
Lake	14,612.6	0	14,612.6	0
Lauderdale	24,027.0	0	24,027.0	0
Lawrence	11,455.9	0	11,455.9	0
Lewis	33.9	0	33.9	0
Lincoln	7,346.4	0	7,346.4	0
Loudon	2.3	0	2.3	0
McMinn	12.1	0	12.1	0
McNairy	12,068.6	0	12,068.6	0
Madison	21,734.3	0	21,734.3	0
Marion	51.0	0	51.0	0
Marshall	29.4	0	29.4	0
Maury	12.3	0	12.3	0
Meigs	94.3	0	94.3	0
Obion	6,024.8	0	6,024.8	0
Perry	0	0	0	0

[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Polk	176.1	0	176.1	0
Rhea	0.5	0	0.5	0
Robertson	0.4	0	0.4	0
Rutherford	2,356.3	0	2,356.3	0
Shelby	24,779.0	0	24,779.0	0
Sumner	1.6	0	1.6	0
Tipton	31,429.9	0	31,429.9	0
Warren	4.9	0	4.9	0
Wayne	1,330.6	0	1,330.6	0
Weakley	6,470.6	0	6,470.6	0
Williamson	1.2	0	1.2	0
Wilson	32.4	0	32.4	0
TEXAS				
Anderson	1,748.5	0	1,748.5	0
Andrews	6,150.2	0	6,150.2	0
Angelina	854.7	0	854.7	0
Aransas	882.6	0	882.6	0
Archer	1,193.7	0	1,193.7	0
Armstrong	1,306.3	0	1,306.3	0
Atascosa	3,738.5	0	3,738.5	0
Austin	10,300.4	0	10,300.4	0
Bailey	66,494.3	0	66,494.3	0
Bastrop	7,248.3	0	7,248.3	0
Baylor	12,123.9	0	12,123.9	0
Bee	9,321.5	0	9,321.5	0
Bell	44,970.0	0	44,970.0	0
Bexar	1,455.9	0	1,455.9	0
Blanco	21.3	0	21.3	0
Borden	13,422.1	0	13,422.1	0
Bosque	6,866.9	0	6,866.9	0
Bowie	7,192.8	0	7,192.8	0
Brazoria	4,942.6	0	4,942.6	0
Brazos	12,458.6	0	12,458.6	0
Brewster	44.2	0	44.2	0
Briscoe	18,214.4	0	18,214.4	0
Brooks	2,208.9	0	2,208.9	0
Brown	2,741.8	0	2,741.8	0
Burleson	15,767.1	0	15,767.1	0
Burnet	1,639.9	0	1,639.9	0
Caldwell	11,921.0	0	11,921.0	0
Calhoun	11,515.0	0	11,515.0	0
Callahan	5,072.8	0	5,072.8	0
Cameron	106,067.6	0	106,067.6	0
Camp	71.1	0	71.1	0
Carson	124.1	0	124.1	0
Cass	829.7	0	829.7	0
Castro	36,049.9	0	36,049.9	0
Cherokee	1,897.1	0	1,897.1	0
Childress	36,034.0	0	36,034.0	0
Clay	6,110.1	0	6,110.1	0
Cochran	52,639.9	0	52,639.9	0
Coke	4,111.0	0	4,111.0	0
Coleman	21,074.7	0	21,074.7	0
Collin	53,334.2	0	53,334.2	0
Collingsworth	44,277.5	0	44,277.5	0
Colorado	4,895.1	0	4,895.1	0
Comal	129.8	0	129.8	0
Comanche	4,605.4	0	4,605.4	0
Concho	16,812.0	0	16,812.0	0
Cooke	4,590.7	0	4,590.7	0
Coryell	12,319.3	0	12,319.3	0
Cottle	35,944.4	0	35,944.4	0
Crockett	40.6	0	40.6	0
Crosby	82,921.9	0	82,921.9	0
Culberson	3,389.3	0	3,389.3	0
Dallas	20,680.8	0	20,680.8	0
Dawson	145,019.3	0	145,019.3	0
Deaf Smith	5,448.7	0	5,448.7	0
Delta	24,671.4	0	24,671.4	0
Denton	14,090.8	0	14,090.8	0
De Witt	7,319.1	0	7,319.1	0
Dickens	84,569.8	0	84,569.8	0
Dimmit	1,013.0	0	1,013.0	0
Donley	19,248.0	0	19,248.0	0
Duval	5,052.0	0	5,052.0	0
Eastland	1,611.3	0	1,611.3	0
Ector	135.4	0	135.4	0
Ellis	85,598.0	0	85,598.0	0
El Paso	12,974.5	0	12,974.5	0
Erath	3,580.6	0	3,580.6	0
Falls	49,447.1	0	49,447.1	0
Fannin	45,054.8	0	45,054.8	0
Fayette	11,359.7	0	11,359.7	0
Fisher	55,860.3	0	55,860.3	0
Floyd	66,357.5	0	66,357.5	0
Foard	8,514.6	0	8,514.6	0
Fort Bend	43,151.9	0	43,151.9	0
Franklin	859.7	0	859.7	0
Freestone	3,575.3	0	3,575.3	0
Frio	3,208.1	0	3,208.1	0
Gaines	135,306.4	0	135,306.4	0
Garza	26,376.1	0	26,376.1	0
Gillespie	640.4	0	640.4	0
Glasscock	11,598.5	0	11,598.5	0
Goliad	2,295.6	0	2,295.6	0
Gonzales	6,775.1	0	6,775.1	0
Gray	2,535.7	0	2,535.7	0

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[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Grayson	21,743.0	0	21,743.0	0
Gregg	258.1	0	258.1	0
Grimes	4,617.7	0	4,617.7	0
Guadalupe	11,441.4	0	11,441.4	0
Hale	109,981.8	0	109,981.8	0
Hall	63,259.5	0	63,259.5	0
Hamilton	6,860.5	0	6,860.5	0
Hansford	324.4	0	321.4	0
Hardeman	21,413.9	0	21,413.9	0
Harris	907.9	0	907.9	0
Harrison	1,325.8	0	1,325.8	0
Hartley	26.9	0	26.9	0
Haskell	79,028.0	0	79,028.0	0
Hays	4,676.0	0	4,676.0	0
Hemphill	1,115.8	0	1,115.8	0
Henderson	1,785.3	0	1,785.3	0
Hidalgo	121,030.1	0	124,030.1	0
Hill	77,369.5	0	77,369.5	0
Hockley	125,620.5	0	125,620.5	0
Hood	1,729.5	0	1,729.5	0
Hopkins	4,306.2	0	4,036.2	0
Houston	14,925.6	0	14,925.6	0
Howard	49,505.6	0	49,505.6	0
Hudspeth	10,993.1	0	10,993.1	0
Hunt	58,981.6	0	58,981.6	0
Irion	417.2	0	417.2	0
Jack	1,334.3	0	1,334.3	0
Jackson	11,859.0	0	11,859.0	0
Jasper	0	0	0	0
Jeff Davis	444.1	0	444.1	0
Jim Hogg	59.1	0	59.1	0
Jim Wells	14,480.2	0	14,480.2	0
Johnson	23,351.7	0	23,351.7	0
Jones	71,537.2	0	71,537.2	0
Karnes	16,898.3	0	16,898.3	0
Kaufman	31,409.0	0	31,409.0	0
Kendall	0	0	0	0
Kent	13,112.6	0	13,112.6	0
Kimble	24.4	0	24.4	0
King	6,810.9	0	6,810.9	0
Kinney	13.2	0	13.2	0
Kleberg	5,686.5	0	5,086.5	0
Knox	38,598.9	0	38,598.8	0
Lamar	32,703.2	0	32,703.2	0
Lamb	129,142.0	0	129,142.0	0
Lampasas	661.9	0	661.9	0
La Salle	1,308.9	0	1,308.9	0
Lavaca	6,595.4	0	6,595.4	0
Lee	2,223.9	0	2,223.9	0
Leon	6,652.9	0	6,652.9	0
Liberty	221.3	0	221.3	0
Limestone	30,065.1	0	30,065.1	0
Live Oak	11,042.9	0	11,042.9	0
Llano	163.2	0	163.2	0
Loving	255.9	0	255.9	0
Lubbock	149,909.5	0	149,909.5	0
Lynn	128,915.6	0	128,915.6	0
McCulloch	11,013.6	0	11,013.6	0
McLennan	55,783.2	0	55,783.2	0
McMullen	701.5	0	701.5	0
Madison	997.0	0	997.0	0
Marion	473.0	0	473.0	0
Martin	67,565.4	0	67,565.4	0
Mason	1,099.8	0	1,099.8	0
Matagorda	10,794.1	0	10,794.1	0
Maverick	2,207.4	0	2,207.4	0
Medina	1,095.1	0	1,095.1	0
Menard	462.1	0	462.1	0
Midland	18,915.3	0	18,915.3	0
Milam	31,032.2	0	31,032.2	0
Mills	1,768.7	0	1,768.7	0
Mitchell	46,380.0	0	46,380.0	0
Montague	2,647.9	0	2,647.9	0
Montgomery	7.5	0	7.5	0
Moore	92.1	0	92.1	0
Morris	9.4	0	9.4	0
Motley	23,111.7	0	23,111.7	0
Nacogdoches	775.7	0	775.7	0
Navarro	71,577.5	0	71,577.5	0
Newton	0	0	0	0
Nolan	29,349.8	0	29,349.8	0
Nueces	66,143.0	0	66,143.0	0
Ochiltree	154.8	0	154.8	0
Oldham	32.5	0	32.5	0
Palo Pinto	2,108.0	0	2,108.0	0
Panola	1,023.6	0	1,023.6	0

[In acres]

County	Computed county allotment (1)	Allocation from State reserves for trends (2)	County allotment (sum of columns (1) and (2)) (3)	Allocation from State reserve for inequity and hardship cases (4)
Parker	1,666.7	0	1,666.7	0
Parmer	30,647.8	0	30,647.8	0
Pecos	13,409.9	0	13,409.9	0
Polk	507.7	0	507.7	0
Presidio	1,829.1	0	1,829.1	0
Rains	5,263.9	0	5,263.9	0
Randall	1,436.3	0	1,436.3	0
Reagan	3,641.3	0	3,641.3	0
Red River	17,583.3	0	17,583.3	0
Reeves	36,128.2	0	36,128.2	0
Refugio	8,631.0	0	8,631.0	0
Roberts	152.1	0	152.1	0
Robertson	16,708.6	0	16,708.6	0
Rockwall	8,515.2	0	8,515.2	0
Runnels	56,041.5	0	56,041.5	0
Rusk	4,493.0	0	4,493.0	0
Sabine	293.3	0	293.3	0
San Augustine	1,053.7	0	1,053.7	0
San Jacinto	286.8	0	286.8	0
San Patricio	82,865.8	0	82,865.8	0
San Saba	3,100.8	0	2,100.8	0
Schleicher	5,949.6	0	5,949.6	0
Scurry	46,839.6	0	46,839.6	0
Shackelford	2,762.2	0	2,762.2	0
Shelby	2,586.2	0	2,586.2	0
Smith	548.5	0	548.5	0
Somervell	580.3	0	580.3	0
Starr	15,279.1	0	15,279.1	0
Stephens	709.2	0	709.2	0
Sterling	247.1	0	247.1	0
Stonewall	18,033.3	0	18,033.3	0
Swisher	35,762.7	0	35,762.7	0
Tarrant	6,412.7	0	6,412.7	0
Taylor	22,725.5	0	22,725.5	0
Terry	98,813.0	0	98,813.0	0
Throckmorton	7,710.9	0	7,710.9	0
Titus	64.4	0	64.4	0
Tom Green	37,412.2	0	37,412.2	0
Travis	22,345.5	0	22,345.5	0
Trinity	738.8	0	738.8	0
Tyler	37.2	0	37.2	0
Upshur	172.6	0	172.6	0
Upton	939.8	0	939.8	0
Uvalde	762.5	0	762.5	0
Val Verde	5.8	0	5.8	0
Van Zandt	14,515.0	0	14,515.0	0
Victoria	15,053.5	0	15,053.5	0
Walker	1,913.2	0	1,913.2	0
Waller	2,438.9	0	2,438.9	0
Ward	3,448.9	0	3,448.9	0
Washington	8,469.3	0	8,469.3	0
Webb	1,152.8	0	1,152.8	0
Wharton	48,303.5	0	48,303.5	0
Wheeler	17,860.2	0	17,860.2	0
Wichita	4,154.2	0	4,154.2	0
Wilbarger	33,671.5	0	33,671.5	0
Willacy	60,326.3	0	60,326.3	0
Williamson	71,515.0	0	71,515.0	0
Wilson	2,334.8	0	2,334.8	0
Wise	1,148.4	0	1,148.4	0
Wood	56.2	0	56.2	0
Yoakum	28,239.0	0	28,239.0	0
Young	7,715.9	0	7,715.9	0
Zapata	675.5	0	675.5	0
Zavala	5,530.1	0	5,530.1	0
VIRGINIA				
Brunswick	1,171.2	0	1,171.2	0
Charlotte	3.1	0	3.1	0
Dinwiddie	115.6	0	115.6	0
Greensville	2,824.0	0	2,824.0	0
Henrico	0	0	0	0
Isle of Wight	162.8	0	162.8	0
Lunenburg	113.7	0	113.7	0
Mecklenburg	1,122.0	0	1,122.0	0
Nansemond	889.6	0	889.6	0
Prince Edward	2.1	0	2.1	0
Prince George	22.5	0	22.5	0
Southampton	2,919.2	0	2,919.2	0
Surry	2.7	0	2.7	0
Sussex	1,022.3	0	1,022.3	0

(Secs. 301, 350, 375, 52 Stat. 38, as amended, 84 Stat. 1358, 52 Stat. 66, as amended (7 U.S.C. 1301, 1350, 1375))

Effective date. January 9, 1975.

Signed at Washington, D.C., on January 8, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-1083 Filed 1-9-75;9:45 am]

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[Lemon Reg. 675]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 19–25, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.975 Lemon Regulation 675.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has slowed somewhat. Average f.o.b. price was $5.10 per carton the week ended January 11, 1975, compared to $5.28 per carton the previous week. Track and rolling supplies at 124 cars were down 6 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 14, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 19, 1975, through January 25, 1975, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 15, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1776 Filed 1–16–75;8:45 am]

[Grapefruit Reg. 96]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Indian River grapefruit that may be shipped to fresh market during the weekly regulation period January 20–26, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.396 Grapefruit Regulation 96.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of Indian River grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Indian River grapefruit industry.

(i) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Indian River grapefruit is dull but is firming somewhat, with no price improvement compared with the previous week. Average f.o.b. prices per ⅘ bushel carton for the week ended January 12, 1975, averaged $2.65 for white seedless and $3.50 for pink seedless grapefruit. Shipments for the week ended January 12, 1975, and for the previous week were 500 carlots and 360 carlots, respectively. On January 12, 1975, there were approximately 8,710 carlots of Indian River grapefruit remaining for interstate shipments, while 6,290 carlots have been shipped to date.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 14, 1975.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period January 20, 1975, through January 26, 1975, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Dated: January 15, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1712 Filed 1–16–75;8:45 am]

[Grapefruit Regulation 62]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Interior grapefruit that may be shipped to fresh market during the weekly regulation period January 20–26, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 913. The quantity of grapefruit produced in the Interior District in Florida so fixed was arrived at after consideration of the total available supply of Florida Interior grapefruit, the quantity currently available for market, the fresh market demand for Florida Interior grapefruit, Interior grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 913.362 Grapefruit Regulation 62.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of Interior District grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Interior District grapefruit industry. The committee has submitted its recommendations with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Florida Interior District Grapefruit has improved slightly from last week. Average f.o.b. prices per 4/5 bushel carton were $2.60 for white seedless grapefruit and $3.03 for pink seedless grapefruit during the week ended January 12, 1975. Shipments for the week ended January 12 and for the previous week were 300 carlots and 180 carlots, respectively. On January 12, 1975, there were approximately 5,275 carlots of Interior District grapefruit remaining for interstate shipments while 5,725 carlots had been shipped to that date. Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 14, 1975.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period January 20, 1975, through January 26, 1975, is hereby fixed at 162,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 15, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1713 Filed 1–16–75;8:45 am]

PART 981—ALMONDS GROWN IN CALIFORNIA

Termination of a Certain Provision

Notice of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.482; 39 FR 23239; 39258) was published in the December 19, 1974, issue of the FEDERAL REGISTER (39 FR 43848). The amendment would terminate § 981.482 requiring handlers to submit to the Control Board a statement of assessments due.

The marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulate the handling of almonds grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Almond Control Board.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; none were received.

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Section 981.482 of the administrative rules and regulations requires each handler desiring credit for paid media advertising to submit a statement of assessments due with his redetermination report of December 31, March 31, and June 30. Recapitulation of his claims already approved by the Control Board must accompany this statement. With his June 30 report (due by July 15 of the following crop year), the handler must submit the balance of any assessments due.

However, since § 981.441 permits a handler to file claims for advertising credit until July 15—the same date which is the deadline for submission of the June 30 report—there is not enough time for the handler to determine his assessments due because the Control Board staff must first: (a) Consider the claims; (b) approve or disapprove them; and (c) notify the handler of the status of his claims.

Moreover, no useful purpose is served by requiring the handler to recapitulate and submit information already in the possession of the Control Board.

Therefore, after consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is found that to amend the administrative rules and regulations by terminating § 981.482, requiring handlers to submit to the Control Board a statement of assessments due, will tend to effectuate the declared policy of the act.

It is therefore, ordered, That § 981.482 of Subpart—Administrative Rules and Regulations (7 CFR 981–441–981.482; 39 FR 23239; 39258) be terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 14, 1975, to become effective March 1, 1975.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.75–1608 Filed 1–16–75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEFINITION OF BANKING, FINANCING, OR SIMILAR BUSINESS OF CONTROLLED FOREIGN CORPORATIONS

Notice of Proposed Rule Making

Correction

In FR Doc. 75–440, appearing at page 1250 in the issue for Tuesday, January 7, 1975, in § 1.954–2(e)(2), between the 12th line beginning "nancing, or similar • • • " and the 13th line beginning "payer are • • • " insert the following: "businesses of the recipient and the".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

REQUIRED INFORMATION ON CERTIFICATES

Miscellaneous Amendments

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing and amendment of the Part 68 regulations (7 CFR Part 68, et seq.) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1948, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the inspection and certification as to class, quality, quantity, and condition of agricultural products shipped or received in interstate commerce under such rules and regulations as the Secretary of Agriculture may prescribe.

At present, the Part 68 regulations require that an inspection certificate shall show the results of the inspection. For graded commodities, the regulations do not indicate how specific the certificate should be with regard to the various quality factors.

The practice has been that for graded commodities inspected for domestic commerce, only the grade and the grade determining factor(s) are shown on the inspection certificates. Other quality factor information may be shown only upon the request of the applicant for inspection. For graded commodities inspected for export commerce, the grade, but not the grade determining factors, are generally shown on the inspection certificates.

As a result of the above practices, most inspection certificates do not show all of the quality information determined by the inspector for the graded commodity. Consequently, buyers and sellers are not provided with as much information as is available on the quality of the graded product.

It is proposed that § 68.2, "Terms defined," be amended to include a definition for the term "factor" and that § 68.14, "Inspection certificate, issuance," be amended to require that information on all grade determining factors, all factors analyzed or tested during an inspection, and all factors requested by the applicant for inspection shall be shown on a certificate of grade. The showing of this additional quality information on inspection certificates will make the information available to buyers and sellers for use in the handling, merchandising, and processing of graded commodities.

1. Section 68.2, "Terms defined," would be amended to include the following definition:

§ 68.2 Terms defined.

• • • • • •

(ff) *Factor.* An element in the official standards that measures a specific quality of a commodity.

2. Section 68.14, "Inspection certificate, issuance," the introductory paragraph would be amended to read as follows:

§ 68.14 Inspection certificate, issuance.

Immediately after an inspection has been completed, an inspection certificate shall be issued showing the results of the inspection in accordance with paragraph (a) or (b) of this section. For graded commodities, each official certificate which shows an official grade determination shall show the grade in accordance with the official grade standards and, in addition, shall show all grade determining factors for commodities graded below the highest quality grade, all factors analyzed or tested during the inspection, and all factor information requested by the applicant for inspection.

• • • • • •

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than April 17, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during business hours (7 CFR 1.27(b)).

Done at Washington, D.C., on January 13, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75–1607 Filed 1–16–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 182]

COOPERATIVE EDUCATION PROGRAM

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in the Cooperative Education Program (Title IV–D of the Higher Education Act of 1965, as amended; 20 U.S.C. 1087a–1087c), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding Part 182.

1. *Program purpose.*—Title IV–D of the Higher Education Act of 1965 (Cooperative Education Program) offers assistance under the Higher Education Act for programs providing students with an opportunity to earn funds through periods of full-time employment alternating with periods of full-time class study which are closely integrated in terms of their academic and career goals. Institutions of higher education having programs of cooperative education are responsible for placing students in appropriate off-campus employment situations that will reflect the academic interests of participants, will enable them to be responsive to changing career opportunities, and will enable the participating students to make responsible judgments about career choices.

2. *Summary of regulations.* Section 182.2 of the regulations defines "cooperative education" as a course of study combining full-time academic study with at least two separate periods of full-time educationally related work experience. Complementary definitions of "full-time student" and "full-time educationally related work experience" are also provided.

Subpart B of Part 182 sets out the criteria on which grants will be made to institutions for planning, establishing, expanding, or carrying out cooperative education programs in such institutions.

Subpart C of Part 182 sets out the basis on which grants will be made and contracts entered into with institutions of higher education and public and private organizations and agencies for

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training, research and demonstration projects.

3. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965 in connection with, or affecting the administration of the Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations and orders, with an opportunity for public hearing on the matters so published. The proposed regulations reflect the results of this study as it pertains to the Cooperative Education Program of Title IV–D of the Higher Education Act of 1965, as amended. Upon publication of the proposed regulations in final form, after comments and hearing, all preceding rules, regulations, guidelines, interpretations and orders issued in connection with or affecting the Cooperative Education Program will be superseded, effective thirty days after such publication.

4. *Effect of Office of Education general provisions regulation.* The proposed Part 182 does not contain general fiscal and administrative matters. This material would be covered under the overall Office of Education general provisions regulations, published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), as amended by 39 FR 19211 (May 31, 1974).

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232d) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section above the citation. When the citation appears only at the end of the section it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations as follows:

A hearing will take place at the U.S. Office of Education in the auditorium of Regional Office Building Three (ROB–3), located at Seventh and D Sts. SW., Washington, D.C. at 10 a.m. on February 18, 1975.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue SW., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week.

Dated: December 3, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: January 8, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.510, Higher Education Cooperative Education Program)

PART 182—COOPERATIVE EDUCATION

Subpart A—General

Sec.
182.1 Scope and purpose.
182.2 Definitions.
182.3 Application procedures.
182.4 General provisions.

Subpart B—Cooperative Education Programs

182.11 Eligible programs.
182.12 Funding criteria for institutional programs.
182.13 Maintenance of effort.
182.14 Ineligible expenditures.
182.15 Records and reports.

Subpart C—Training, Demonstration, and Research Projects

182.21 Eligible grantees and contractors.
182.22 Eligible projects.
182.23 Funding criteria for training projects.
182.24 Trainee stipends and dependency allowances.
182.25 Funding criteria for research and demonstration projects.
182.26 Reporting requirements.

AUTHORITY: Pub. L. 89–329, as amended; 20 U.S.C. 1087a–1087c.

Subpart A—General

§ 182.1 Scope and purpose.

This part establishes regulations implementing the Cooperative Education Programs (Part IV–D of the Higher Education Act of 1965, as amended). The purpose of this program is to enrich the quality and scope of postsecondary education through educationally related work experiences which afford a student an opportunity to earn funds needed for his education while becoming better prepared for his educational or career objectives. In order to achieve this purpose, the Commissioner of Education is authorized to make grants to institutions of higher education for planning, establishing, expanding, or carrying out programs of cooperative education and to make grants or to enter into contracts for training, research, or demonstration projects for cooperative education.

(20 U.S.C. 1087a, 1087b, and 1087c)

§ 182.2 Definitions.

As used in this part

"Cooperative education" means a course of study at an institution of higher education under which full-time students enrolled in the institution undertake, as a prescribed program of study, full-time academic study for specified periods of time in sequence with at least two separate periods of full-time educationally related work experience in government, industry, business, or social or educational agencies, for a specified period of time of not less than one week for each period.

"Full-time educationally related work experience" means employment or service in which a student undertakes activities which:

(a) are related to the student's educational, professional, or career objectives;

(b) are incorporated, as a regular and essential feature of the student's education, into the academic curriculum of the institution's cooperative education program through enrollment of the student during the work experience and through efforts to promote interaction between the student's work experience and his academic study;

(c) provide for compensation to the student by the employer at the prevailing rate for other employees in comparable positions; provided, however, that an exception may be made for a student who chooses to work for a social or educational agency without pay or at a rate less than the prevailing rate for comparable full-time employees; and

(d) require the student to be present on the job for the same number of hours, or otherwise spend the same amount of time, as the employer has established as full-time employment for purposes other than programs under this part.

"Full-time student" means a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (a) the tuition and fees customarily charged for full-time study by the institution and (b) the course work or other required activities as determined by the institution in which the student is enrolled.

"Institution of higher education" or "institution" means an institution of higher education as defined in sections 491(b) and 1201(a) of the Higher Education Act of 1965, as amended. The term includes any school of nursing and any proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions as the Commissioner requires to ensure that the availability of assistance to students at that institution under Title IV of the Act has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such student.

"Combination of institutions of higher education" means a group of institutions that have entered into a cooperative arrangement for the purposes of carrying out a mutual objective in the field of

cooperative education or a public or private nonprofit agency or organization designated or created by such group of institutions for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1087a–1087c)

§ 182.3 Application procedures.

(a) *Cooperative education programs.* An applicant desiring to receive a grant to plan, establish, expand, or carry out a cooperative education program under Subpart B shall submit an application on a form provided by the Commissioner by the closing date established annually by the Commissioner and published in the FEDERAL REGISTER.

(b) *Training, research, and demonstration projects.* Any proposal for a grant or contract for a research, demonstration, or training project under Subpart C shall be submitted by the closing date established annually by the Commissioner in the FEDERAL REGISTER and shall set out in narrative form the specific objectives to be attained, the applicant's experience and ability to attain the proposed objectives, and a proposed budget to carry out the project.

§ 182.4 General provisions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1087b, 1087c; 45 CFR 100a, 38 FR 30654, November 6, 1973, as amended 39 FR 19211, May 31, 1974)

Subpart B—Cooperative Education Programs

§ 182.11 Eligible programs.

(a) Grants may be awarded under this subpart to institutions of higher education for the purpose of planning, establishing, expanding or carrying out a program of cooperative education as defined in § 182.2.

(b) An institution may not receive annual grants under this subpart for more than three fiscal years.

(c) Grants awarded to any institution under this subpart shall not exceed $75,000 in any fiscal year.

(20 U.S.C. 1087b)

§ 182.12 Funding criteria for institutional programs.

The Commissioner shall evaluate applications under this subpart in accord both with the criteria set out in § 100a.26(b) of this chapter and with the following:

(a) The extent to which the proposed program gives evidence of:

(1) Comprehensive and in-depth planning;

(2) Direct liaison between the institution and the student's employing agency;

(3) Supervision by the institution of the placement of students in educationally related work experience;

(4) Securing by the institution of an adequate number of employment opportunities;

(5) Provision of adequate guidance and counseling by the institution; and

(6) Efforts by the institution to promote interaction between the student's work experience and his academic study;

(b) Whether the period of educationally related work experience is of sufficient duration to make a significant contribution toward meeting the student's educational and career goals;

(c) The extent to which the proposal reflects institutional commitment to cooperative education as evidenced by:

(1) The involvement of administrators, trustees, faculty, students, prospective employers, and cooperative education specialists;

(2) The establishment of procedures for making curriculum and calendar changes needed to reflect the particular needs of students participating in the cooperative education program; and

(3) The articulation of a cooperative education philosophy appropriate to the needs and characteristics of the institution; and

(d) The extent to which the program proposal demonstrates an awareness of the particular needs with respect to cooperative education of disadvantaged and handicapped students.

(20 U.S.C. 1087b)

§ 182.13 Maintenance of effort.

An institution receiving a grant under this subpart shall, during the period of the grant, provide support, from sources other than this part, for the program or programs assisted under the grant at a level not less than it expended from sources other than Title IV–D of the Higher Education Act on such program or programs during the fiscal year preceding such grant.

(20 U.S.C. 1087b(b)(2))

§ 182.14 Ineligible expenditures.

(a) Assistance provided under this subpart shall not be used for:

(1) Compensating any student for his educationally related work experience or providing financial assistance to any student to meet the costs of his education;

(2) Compensating any person serving in a cooperative education program, in an administrative or clerical position, if such person is receiving payment for services on a full-time basis during the same period under another Federal grant or contract;

(3) Purchasing or leasing equipment, unless specifically authorized by the Commissioner;

(4) Purchasing or leasing land or purchasing, leasing, constructing, or improving any building.

(20 U.S.C. 1087b)

(b) Assistance provided under this subpart shall not be used for any program which involves sectarian training or which is intended primarily to prepare students to be ministers or teachers of theological subjects.

(20 U.S.C. 1087a, 1087b)

§ 182.15 Records and reports.

(a) An institution receiving a grant under this subpart shall make such reports and shall keep such records as the Commissioner may require and shall afford access to such records on the part of the Commissioner at any reasonable time.

(b) The institution shall submit a performance report within 60 days after the conclusion of the grant period.

(20 U.S.C. 1087b)

Subpart C—Training, Demonstration and Research Projects

§ 182.21 Eligible grantees and contractors.

The following agencies are eligible to receive awards for projects under this subpart:

(a) *Grantees.* Institutions of higher education, combinations of such institutions, and, when the Commissioner determines that such grant will make an especially significant contribution to attaining the objectives of this subpart, other public or nonprofit private agencies or organizations.

(b) *Contractors.* Institutions of higher education, combinations of such institutions, and, where the Commissioner determines that such contract will make an especially significant contribution to attaining the objectives of this subpart, other public or private agencies or organizations.

(20 U.S.C. 1087c)

§ 182.22 Eligible projects.

The Commissioner may make grants or contracts under this subpart to grantees and contractors who are eligible under § 182.21 for the following purposes:

(a) To train persons for planning, establishing, administering, or coordinating programs of cooperative education;

(b) To demonstrate or explore the feasibility or value of innovative methods of cooperative education; or

(c) To research methods of improving, developing, or promoting the use of programs of cooperative education.

(20 U.S.C. 1087c)

§ 182.23 Funding criteria for training projects.

The Commissioner shall evaluate applications for training projects under this subpart in accord both with the criteria set out under § 100a.26(b) of this chapter and with the following:

(a) The extent to which the project proposes to make trainees aware of the need to modify existing undergraduate teaching practices, and the student calendar, and curricula in order to inaugurate and administer cooperative education programs;

(b) The extent to which the training project incorporates prior experience in

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or builds upon prior successful cooperative education programs or introduces successful innovations;

(c) The extent to which the proposed training project provides for clearly defined procedures that give evidence of comprehensive and indepth planning;

(d) The extent to which the proposed training project shows promise of developing trainees who may apply their expertise in more than one type of cooperative education program; and

(e) The extent to which the applicant demonstrates its commitment to a cooperative education training program by proposing to utilize resources other than those which may be made available by the Federal Government.

(20 U.S.C. 1087c)

§ 182.24 Trainee stipends and dependency allowances.

(a) *Stipends.* The Commissioner shall include in any grant or contract for a training project an amount sufficient to pay each trainee attending a full-time training institute of at least one week's duration a stipend of $75 per week.

(b) *Dependency allowances.* The Commissioner shall include in any grant or contract for a training project an amount sufficient to pay dependency allowances up to $15 per week for each dependent of a trainee in a full-time institute which is four weeks or more in duration. For purposes of this subparagraph, "dependent" means any of the following persons, if the trainee to whom the allowance is paid is providing over half of such person's support for the calendar year in which the training institute begins:

(1) A spouse;

(2) A son or daughter of the trainee or a descendent of either;

(3) A stepson or stepdaughter of the trainee;

(4) A brother, sister, stepbrother or stepsister of the trainee;

(5) A father or mother of the trainee or an ancestor of either;

(6) A stepfather or stepmother of the trainee;

(7) A son or daughter of a brother or sister of the trainee;

(8) A brother or sister of the father or mother of the trainee;

(9) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the trainee;

(10) An individual (other that the trainee's spouse) who during the calendar year in which the training begins, has been living in the trainee's home and is a member of the trainee's household (but not if the relationship between the individual and the trainee is in violation of local law); or

(11) An individual who—

(i) is a descendent of a brother or sister of the father or mother of the trainee;

(ii) for the academic year of the trainee receives institutional care required by reason of a physical or mental disability; and

(iii) before receiving such institutional care was a member of the same household as the trainee.

(20 U.S.C. 1087c)

§ 182.25 Funding criteria for research and demonstration projects.

The Commissioner shall evaluate applications for research or demonstration projects under this subpart in accord both with the criteria set out in § 100a.26 (b) of this chapter and with the following:

(a) The extent to which the research project proposes to assess the degree of change necessary to modify existing undergraduate teaching practices, the student calendar or curricula to meet the needs of students participating in a cooperative education program;

(b) The extent to which the research provides for:

(1) Well delineated methodologies;

(2) Realistically designed work schedules; and

(3) A logical relationship between stated objectives and research design;

(c) The extent to which the proposed project would explore innovative approaches to the operation of cooperative education programs and evaluate them; and

(d) The extent to which the project proposes to demonstrate the feasibility of a stated hypotheses for developing, improving, and promoting the use of cooperative education nationally through:

(1) Experimental models; and

(2) Various methods of information dissemination.

(20 U.S.C. 1087c)

§ 182.26 Reporting requirements.

(a) A recipient of a grant or contract under this subpart shall submit quarterly or other progress reports as the Commissioner may require, which shall include information on;

(1) The extent to whiah the objectives of the projects have been accomplished;

(2) What factors, if any, have prevented the accomplishment of project objectives, and what, if any, corrective measures are being taken; and

(3) Any highly significant aspects of the project.

(b) The recipient of a grant or contract under this subpart shall also submit a final report to the Commissioner within 60 days after conclusion of the project.

(20 U.S.C. 1087c)

[FR Doc.75-1649 Filed 1-16-75;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 170]

FEES FOR FACILITIES AND MATERIALS LICENSES

Proposed Revision of License Fee Schedules; Extension of Comment Period

This notice extends the period for comments to the notice, published November 11, 1974 (39 FR 39734), proposing amendments to the Atomic Energy Commission's regulations to revise the Commission's schedule of fees for facilities and materials licenses. By notice published in the FEDERAL REGISTER on December 18, 1974 (39 FR 43733), AEC extended the comment period to January 10, 1975.

Unopposed requests for an additional extension of time have been filed. Pursuant to 10 CFR 8.808, the requests are granted, and the comment period is hereby extended to February 7, 1975.

Dated at Germantown, Maryland this 13th day of January 1975.

PAUL C. BENDER,
Secretary,
U.S. Atomic Energy Commission.

[FR Doc.75-1660 Filed 1-16-75;8:45 am]

CENTRAL INTELLIGENCE AGENCY

[32 CFR Chapter XIX]

FREEDOM OF INFORMATION

Proposed Fee Schedule

Pursuant to the requirements of the Freedom of Information Act (5 U.S.C. 552, as amended) notice is hereby given that the Central Intelligence Agency proposes to adopt the following schedule of fees to cover the direct costs of searching for and duplicating documents and records requested pursuant to section 552:

a. For record search by clerical personnel—$4.00 per hour.

b. For record search by professional personnel—$8.00 per hour.

c. For computer search—$55.00.

d. For duplication of paper documents up to 8½ x 14 inches—$.10 per copy page.

e. For duplication of non-paper media or any document that cannot be reproduced on a standard office copier—at actual direct cost.

Interested persons are invited to submit any written data, reviews or arguments concerning the proposed fee schedule, addressed to General Counsel, Central Intelligence Agency, Washington, D.C. 20505, and any such submissions will be considered in determining the fee schedule to be adopted. However, since the amendments to the Act become effective February 19, 1975, and since it will be necessary to study the submissions before determining the final fee schedule, only submissions received on or before February 6, 1975 will be considered.

JOHN F. BLAKE,
Deputy Director for Administration, Central Intelligence Agency.

JANUARY 13, 1975.

[FR Doc.75-1580 Filed 1-16-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 171]

[FRL 320-4; OPP-42001]

PESTICIDE PROGRAMS

Submission and Approval of State Plans for Certification of Commercial and Private Applicators

Correction

In FR Doc. 75-6 appearing at page 2531, column 1 in the issue for Monday, January 13, 1975, the comments date should read February 12, 1975 instead of February 5, 1975.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1610]

AVAILABILITY OF RECORDS

Schedule of Fees and Method of Payment

As required by the Freedom of Information Act, Pub. L. 90-23, as amended by Pub. L. 93-502, 5 U.S.C. 552 (a) (4) (A), the Equal Employment Opportunity Commission hereby gives notice of its proposed revision of § 1610.17 (a) of Part 1610 of the Commission's regulations on availability of records (29 CFR 1610.17), which contains its uniform schedule of fees for the searching, production, and copying of documents requested. The fees are applicable to all constituent units of this Commission. This schedule of fees is also promulgated in accordance with 31 U.S.C. 483a. The fees proposed are substantially the same as those previously published by the Commission at 29 CFR 1610.17.

The proposed fees are set forth below. The public may comment on the proposed fee schedule by writing to the Equal Employment Opportunity Commission, Office of General Counsel, at 2401 E St., NW., Washington, D.C. 20506. Comments will be received until February 13, 1975.

Signed this 14th day of January 1975.

JOHN H. POWELL, Jr.,
Chairman.

Section 1610.17 would be amended by revising paragraph (a) as follows:

§ 1610.17 Schedule of fees and method of payment for services rendered.

(a) Except as otherwise provided the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	$3.60
(2) Other facilitative services and index assistance, minimum charge	3.60
(3) Copies made by Xerox or otherwise (per page) (maximum of 10 copies)	0.05
(4) Attestation of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the agency	1.00
(6) For each signed statement of negative result of search for record	1.00

(5 U.S.C. 552; 31 U.S.C. § 483a)

[FR Doc.75-1728 Filed 1-16-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 544, 545, 561, 563]

[No. 74-1170]

FEDERAL SAVINGS AND LOAN SYSTEM

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendments Relating to Collateralized Borrowings

DECEMBER 19, 1974.

The following summary of the amendments proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the preamble and the specific provisions of the proposed regulations.

I. *Principal provisions for mortgage-backed bonds (MBBs).* 1. $100,000 minimum denomination.

2. 5 year minimum average effective maturity.

3. Maximum required prepayment could not exceed 20 percent of original principal per year.

4. Any whole real estate loans could be placed in the collateral pool but substitutions, additions and supplemental payments would not be allowed; however, provision is made for re-investment of accumulated principal payments on the mortgage collateral.

5. Issuer must meet an income test.

II. *Principal related proposed amendments.* 1. New net worth requirements for all secured borrowings—meeting existing net worth requirements under § 563.13, plus 5 percent of outstanding loan principal and 10 percent of any collateral in excess of outstanding loan principal.

2. Non-conforming MBB borrowings, excluding FHL Bank advances, would be reduced from the current 10 percent to 5 percent of savings plus stock; conforming MBBs would be allowed an additional 5 percent (so that if all outside borrowings were in conforming MBBs, 15 percent allowed). The 10 percent limitation for non-mortgage secured or unsecured borrowings is unchanged.

3. Federal association optional charter amendment proposed to allow increased borrowing for conforming MBBs.

III. *Reason for the proposal.* To provide an additional method for insured institutions to raise long term funds for use in the housing markets and to provide additional liquidity for mortgage loan investments.

The Federal Home Loan Bank Board, in its capacity as the operating head of the Federal Savings and Loan Insurance Corporation, considers it advisable to propose amendments to §§ 561.2, 561.3, 563.8, and 563.13 of the rules and regulations for insurance of accounts (12 CFR 561.2, 561.3, 563.8, and 563.13) and to add new §§ 561.24a and 563.8-2 thereto, for the purpose of revising the limitations on secured borrowings from sources other than a Federal Home Loan Bank or State-chartered central reserve institution and for the further purpose of creating a new provision regulating the issuance of certain debt securities secured by mortgages. The Board also proposes amendments to Parts 544 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 544 and 545) to make conforming changes to the regulations governing borrowing by Federal associations.

Section 563.8 currently authorizes insured institutions to borrow aggregate amounts not exceeding one-half of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates, and authorizes up to one-fifth of such amount, that is to say 10 percent of the sums so paid in and credited to the institution, to be borrowed from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution. The Board proposes to issue new regulations for mortgage-backed debt securities, and at the same time to amend § 563.8 so that only 5 percent out of the currently-authorized 10 percent of borrowings from sources other than a Federal Home Loan Bank or a State-chartered central reserve could be used for mortgage-backed borrowings which are not issued pursuant to proposed new § 563.8-2, but that an additional 5 percent of borrowings within the aggregate amount (which could be added to any unused portion of the 10 percent of borrowing from such sources) would be authorized for mortgage-backed borrowings issued pursuant to proposed new § 563.8-2. Unsecured borrowings and non-mortgage secured borrowings would continue to have available the currently-authorized 10 percent of borrowings from such sources.

The Board proposes to define in a new § 561.24a the term "mortgage-backed bond" to mean any borrowing (except borrowings from Federal Home Loan Banks and State central reserve institutions) secured in whole or in part by one or more real estate loans. This definition would mean, for example, that a fully secured borrowing would have to be included within the new 5 percent limitation on non-conforming mortgage-backed bonds even if real estate mortgages comprised only a minor percentage of the security.

The Board also proposes to add new net worth requirements for all secured borrowings from sources other than Federal Home Loan Banks and State-chartered central reserve institutions. The purpose of the new net worth requirements is to recognize the preferential treatment accorded secured creditors with regard to what might be a substantial portion of the institution's assets. Proposed § 563.8(b) would require that the insured institution meet the net worth requirements of § 563.13(b). The institution would have to be in compliance with the basic net worth requirement of § 563.13(b)(1). Also, the Board proposes to add a new § 563.13(b)(4) which would require an additional net worth equal to: (1) 5 percent of the aggregate unpaid principal amount of all outstanding secured borrowings with stated maturities in excess of one year, excluding (under § 563.8(b)) outstanding borrowings to be refunded out of the proceeds of new borrowings, and (2) 10 percent of the book value of all collateral in excess of the unpaid principal amount of all such secured borrowings. Paragraphs (c), (d), and (e) of proposed § 563.8 contain provisions which are unchanged from the present § 563.8.

Proposed § 563.8-2, entitled Issuance of mortgage-backed bonds, contains a number of eligibility requirements. An insured institution would be required to meet tests relating to its ratio of scheduled items to specified assets, its offset of

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appraised losses under § 563.17–2, its average income coverage of costs related to mortgage-backed bonds issued or proposed to be issued under proposed § 563.8–2, and the legality of the proposed bond under applicable laws. Such eligibility requirements would be required to be met both at the time of filing and at the time of issuance, unless specifically waived by the Corporation in a given case.

Paragraph (b) of proposed § 563.8–2 sets forth restrictions on the terms of mortgage-backed bonds issued pursuant to the section: a minimum denomination of $100,000; a minimum average effective maturity of five years (to be calculated by adding up the bond principal balances to be outstanding at the end of each year or fractional year and dividing the total by the original outstanding bond principal); and a maximum contractually required repayment of principal in any one year of not more than 20 percent of the original principal amount (although the insured institution could voluntarily choose to repay a greater percentage of principal).

With regard to restrictions on collateral, paragraph (b) prescribes that whole mortgages be collected into a fixed pool at the time of the bond issuance. In lieu of substitutions, additions, or supplemental payments to the collateral pool if the market value of the pool falls below the agreed-upon over-collateralization, § 563.8–2(b)(4)(ii) would authorize the parties to agree to put back into the pool such principal amount repayments as had been made to the insured institution on mortgages at any time after they are placed in the pool. Under § 563.8–2(b)(4)(iii), collateral would be subject to sale by the bond trustee only after the Corporation has received written notification of any default on the bond and has had 30 days after notification of a proposed sale in which to exercise a right of first refusal over all or any portion of the collateral at the price offered the prospective buyer.

Section 563.8–2(b)(5) requires that the bond certificate state in a prominent place that it is not a savings account or deposit and is not insured by the Federal Savings and Loan Insurance Corporation.

Paragraph (c) of proposed § 563.8–2 would prohibit the making of false or misleading statements in connection with the offer, sale, or issuance of mortgage-backed bonds pursuant to the proposed new section.

Proposed § 563.8–2(d) pertains to notification by the insured institution to the Supervisory Agent of its district of the institution's intent to issue mortgage-backed bonds pursuant to this section. The notice would be required to contain a description of the terms of the proposed issue. If, by the close of the fifth business day after receipt of such notice, the Supervisory Agent had not objected to the proposed issuance, then the institution would have 120 calendar days in which to issue the bonds; after the expiration of the 120 days, a re-filing would be necessary. If the Supervisory Agent did take objection to the proposed issuance, the question would be submitted to the Corporation for resolution. Grounds for objection by the Corporation to the proposed issuance would include objection to the policies, condition or operations of the insured institution, or unreasonable bond terms such as excessive collateralization.

Proposed § 563.8–2(e)(1) would exempt mortgage-backed bonds issued pursuant to this section from the requirement that securities be registered by owner's name so as to be transferable only on the books of the insured institution; proposed § 563.8–2(e)(2) would exempt such bonds from any adverse effects on the accumulation, accrual, or payment of any return thereon as a result of the institution's failure to comply with the Federal insurance reserve or net worth requirements of § 563.13.

Mortgage-backed bonds would be excluded from the definitions of "insured member" and "insured account" by amendments to §§ 561.2 and 561.3, respectively.

The proposed addition of § 544.8(e) would authorize the board of directors of a Federal association that has Charter N or K (rev). to amend section 9 of its charter, entitled "Power to borrow," to allow borrowing up to an additional 5 percent of capital for mortgage-backed bonds issued pursuant to § 563.8–2. The proposed amendment to §.545.24, which provides for Federal association borrowing, issuance of obligations, and giving of security, would make specific reference to proposed § 545.8–2 as an issuance of a security authorized under section 5(b)(2) of the Home Owners' Loan Act.

Accordingly, the Board hereby proposes to amend §§ 545.24, 561.2, 561.3, 563.8, and 563.13(b)(1) and to add §§ 544.8(e), 561.24a, 563.8–2, and 563.13(b)(4), as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by February 18, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

PART 544—CHARTER AND BYLAWS

1. Section 544.8 would be amended by adding paragraph (e) as follows:

§ 544.8 Amendment of charter.

* * * * *

(e) *Amendment of charter relating to borrowing powers.* (1) The provisions of this paragraph (e)(1) shall constitute approval of the Board of the proposal by the board of directors of any Federal association that has a Charter N or a Charter K (rev.) of the amendment of section 9 of such association's charter to read as follows:

9. *Power to borrow.* The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal Home Loan Bank shall not exceed one-tenth of such capital and an additional amount not exceeding one-twentieth of such capital through issuance of mortgage-backed bonds pursuant to § 563.8–2 of the rules and regulations for insurance of accounts of the Federal Savings and Loan Insurance Corporation. Notwithstanding the foregoing limitation, the association may, with prior approval by the Federal Home Loan Bank Board, borrow from a Federal Home Loan Bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such Bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

(2) The association shall follow the requirements of section 11 of its charter in adopting such amendment.

PART 545—OPERATIONS

2. Section 545.24 is revised to read as set forth below:

§ 545.24 Borrowing, issuance of obligations, and giving of security.

An association may borrow to such extent as is authorized by the terms of its charter or by the Board by advice in writing. An association may issue such notes, bonds, debentures, or other obligations, or other securities, as are not inconsistent with the terms of paragraph (2) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, as amended, (a) to the extent that such issuance is in compliance with the provisions of §§ 563.8–1 and 563.8–2 of this chapter, (b) to such extent as is otherwise authorized by the Board by advice in writing, or (c), except in the case of subordinated debt securities as that term is defined in § 561.24 of this chapter, to the same extent that it would have authority to do so if said paragraph (2) had not been enacted. To such extent as is authorized by the terms of its charter or by the Board by advice in writing, an association may give security, but an association shall not give security for any of its shares or share accounts or for any of its savings accounts representing share interests in the association.

PART 561—DEFINITIONS

3. Sections 561.2 and 561.3 would be revised as follows:

§ 561.2 Insured member.

The term "insured member" means the holder of an account or accounts in an institution insured by the Corporation. Such holder is a separate insured member in each of the capacities and to the extent provided in Part 564 of this chapter. The term does not include the holder of any subordinated debt security or any mortgage-backed bond issued by an insured institution.

§ 561.3 Insured account.

An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of State law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts". Subordinated debt securities and mortgage-backed bonds issued by an insured institution are deemed not to be "accounts", and such securities are not insurable.

4. Section 561.24a would be added as follows:

§ 561.24a Mortgage-backed bond.

The term "mortgage-backed bond" means any borrowing (other than a borrowing from a Federal Home Loan Bank or a State-chartered central reserve institution) secured in whole or in part by one or more real estate loans.

PART 563—OPERATIONS

5. Section 563.8 would be revised as follows:

§ 563.8 Limitation upon borrowing.

(a) No insured institution shall borrow in excess of the amount authorized by the law under which such insured institution operates. Within the foregoing limit, an insured institution may borrow amounts not exceeding in the aggregate the following percentages of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates:

(1) 50 percent of such paid-in and credited amount for all borrowings;

(2) A portion of the amount authorized in paragraph (a)(1) of this section not to exceed 10 percent of such paid-in and credited amount, for all borrowings from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution: *Provided*, however, that mortgage-backed bonds which are not in conformity with § 563.8–2 shall not constitute more than 5 percent of such paid-in and credited amount; and

(3) A portion of the amount authorized in paragraph (a)(1) of this section, not to exceed 5 percent of such paid-in and credited amount, shall be available in addition to the amount authorized in paragraph (a)(2) of this section for mortgage-backed bonds which are in conformity with § 563.8–2.

(b) No insured institution may issue a secured borrowing with an original stated maturity in excess of one year under paragraphs (a)(2) and (3) of this section unless such institution meets the net worth requirements of § 563.13(b) after giving effect to the issuance of such borrowing and the repayment of any secured borrowing being refunded out of the proceeds of such issuance.

(c) Notwithstanding paragraph (a) of this section, an institution may, with prior approval of the Corporation, borrow from a Federal Home Loan Bank or from any Federal agency or instrumentality without limitation upon such terms and conditions as may be required by such Bank, agency or instrumentality.

(d) No action of an insured institution in obtaining funds through borrowing, in accordance with the provisions of this section, shall be deemed a violation hereof should its aggregate borrowings exceed the limitations because of a subsequent reduction in the amounts paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates.

(e) For purposes of this section, the issuance of subordinated debt securities by an insured institution shall be considered borrowing. For purposes of this section and §§ 561.13 and 563.8–1 of this chapter, the amount of subordinated debt securities shall be calculated as the difference between the face amount of such securities and the amount of any related sinking fund or specific reserve account.

6. Section 563.8–2 would be added as follows:

§ 563.8–2 Issuance of mortgage-backed bonds.

(a) *Eligibility requirements.* Mortgage-backed bonds may be issued by an insured institution pursuant to this section only if the following eligibility requirements are met at the time that notice of such intended issuance is filed with the Supervisory Agent, as provided in paragraph (d) of this section, and at the time of such issuance, unless one or more of such requirements are waived by the Corporation upon specific request in a given case:

(1) The issuance of such bonds is authorized by applicable law and regulation and is not inconsistent with any provision of the insured institution's charter, constitution, or bylaws;

(2) The insured institution's scheduled items do not exceed 2.5 percent of its specified assets;

(3) All appraised losses have been offset by specified loss reserves to the extent required by the Corporation under § 563.17–2; and

(4) The insured institution's average income (before income taxes and extraordinary items and after payment of interest and dividends on savings accounts) for its last three fiscal years is at least two times the annual amount required for interest and amortization of the related expenses of all mortgage-backed bonds issued pursuant to this section (excluding any such bonds to be refunded out of the proceeds of any such issue).

(b) *Restrictions on the bond.* No mortgage-backed bond may be issued pursuant to this section unless it is in conformity with the following requirements:

(1) The minimum denomination shall be $100,000, except that upon partial prepayment a certificate for the amount then outstanding may be issued in substitution therefor;

(2) The average effective maturity shall not be less than 5 years (average effective maturity is calculated by adding up the bond principal balances to be outstanding at the end of each year or fractional year and dividing the total by the original outstanding bond principal);

(3) The maximum required principal repayment shall not be more than 20 percent of the original principal amount per year;

(4) The collateral pool securing the bonds shall be (i) composed of whole mortgages upon real estate: *Provided* that, subsequent to the time of bond issuance, such collateral pool may also contain other securities, (ii) fixed at the time of issuance, without provision for substitutions, additions or supplemental payments: *Provided*, however, that the insured institution and the bondholders may agree to provide for re-investment of accumulated principal repayments from such collateral pool, with the value of such re-investments to be based upon their current market value, and (iii) subject to sale by or on behalf of the bondholders only after the Corporation has received prompt written notification of any default on the bond obligation and, before such a sale of all or any portion of the collateral, has had 30 days after written notice of such proposed sale to exercise a right to purchase such collateral at the price to be paid at such sale; and

(5) Each mortgage-backed-bond certificate shall bear on its face, in a prominent place, the following legend: "This security is not a savings account or deposit and it is not insured by the Federal Savings and Loan Insurance Corporation".

(c) *False or misleading statements.* No insured institution shall, directly or indirectly, in connection with the offer, sale, or issuance of mortgage-backed bonds pursuant to this section, make any statement (1) that is false or misleading with respect to any material fact or (2) that omits to state any material fact (i) necessary in order to make the statements made, in light of the circumstances under which they were made, not false or misleading or (ii) necessary to correct any earlier statement that has subsequently become false or misleading.

(d) *Filing.* An insured institution shall file with the Supervisory Agent (as defined in § 563.8–1(e) a notice of intent to issue mortgage-backed bonds pursuant to this section which provides a brief description of such intended issuance, including: principal amount of the bonds; anticipated interest rate and price at which the bonds are to be sold; minimum denomination; stated and average effective maturity; mandatory and optional prepayment provisions; description, amount, and maintenance of collateral; trustee provisions; events of default; and remedies of default. The Supervisory Agent shall have 5 business days after receipt of such filing to object

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to the issuance of such bonds. If no objection is taken by the close of such 5 day period, then the insured institution shall have 120 calendar days within which to issue the bonds; after the expiration of the 120 calendar day period, the insured institution will be required to file again under this paragraph (d). If objection is taken to the issuance of the bonds, then the Supervisory Agent shall promptly cause the question of such issuance to be submitted to the Corporation for its decision. The issuance shall not be permitted if, in the opinion of the Corporation, the policies, condition, or operation of the insured institution, or the inclusion in the bond indenture of unreasonable terms such as excessive collateralization, afford a basis for supervisory objection to the issuance.

(e) *Applicability of other provisions.* (1) Section 563.4 shall not be applicable to mortgage-backed bonds which are issued pursuant to this section.

(2) The accumulation, accrual or payment of any return on a mortgage-backed bond issued pursuant to this section shall not be affected by any provision of § 563.13.

7. Section 563.13 would be amended by revising paragraph (b)(1) and adding paragraph (b)(4).

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

* * * * *

(b) *Net worth requirements.* (1) *Minimum required amounts.* After the fiscal year in which a certificate of insurance is issued, each insured institution shall build up its net worth so that, as of the close of business on the annual closing date following each anniversary of the date of insurance of accounts, such net worth shall be at least equal to the greater of (i) the applicable Federal insurance reserve account requirement, plus an amount equal to 20 percent of the institution's scheduled items, plus the additional amount required by paragraph (b)(4) of this section, or (ii) the amount determined under the Asset Composition and Net Worth Index set forth in paragraph (b)(2) of this section, as adjusted by multiplying such amount by a fraction of which the numerator is the applicable Federal insurance reserve percentage (from the table set forth in paragraph (a)(1) of this section) and the denominator is 5.00, plus the additional amount provided for in paragraph (b)(4) of this section.

* * * * *

(4) Each insured institution shall also have additional amount of net worth equal to (i) 5 percent of the unpaid principal amount of all outstanding secured borrowings (other than a borrowing from a Federal Home Loan Bank or a State-chartered central reserve institution) with an original stated maturity in excess of one year and (ii) 10 percent of the book value of all collateral in excess of the unpaid principal amount of such borrowings.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-1610 Filed 1-16-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

[45 CFR Part 1100]

FREEDOM OF INFORMATION

Proposed Schedule of Fees for Search and Duplication of Records

The National Foundation on the Arts and the Humanities is planning to issue a new § 1100.4 to 45 CFR Part 1100, Chapter XI, to comply with the requirements of the Freedom of Information Act as amended on November 21, 1974. The Act requires that agencies publish in the FEDERAL REGISTER a schedule of fees to be charged for search and duplication of their records. Fees will be charged by the Foundation only when requests for information place a strain upon the limited personnel and financial resources available to it. Routine requests for information concerning the Foundation's programs will be honored without charge.

Interested persons are invited to participate in this rulemaking by submitting such written data, views, or arguments as they may desire. Comments and recommendations should be submitted to the General Counsel, National Endowment for the Arts, 2401 E Street, NW., Washington, D.C. 20506. All communications received on or before February 17, 1975, will be considered by the Foundation before action is taken on the rule making. The proposal contained in this notice may be changed in light of comments received. All comments and recommendations submitted will be available in the General Counsel's office at the address shown above for examination by interested persons both before and after the closing date for receiving them.

In consideration of the foregoing, the following proposed schedule of fees for search and duplication of records is submitted:

Section 1100.4 is added as follows:

§ 1100.4 Schedule of fees for search and duplication of records.

§ 1100.4–1 General.

(a) While most information will be furnished promptly at no cost as a service to the general public, fees will be charged if the cost of search and duplication warrants.

(b) When a fee is to be charged, the individual requesting the information will be informed of the fee, and no work will be performed until he or she has agreed to pay it.

§ 1100.4–2 Schedule.

Fees which may be charged by the Foundation for search and duplication of records are as follows:

(a) *Duplication fees.* $2.00 for the first six (6) pages, five (5¢) cents per page thereafter for photocopying.

(b) *Search fees.* $8.00 per hour to search records for specific documents plus transportation costs of personnel arising from searches for requested information.

ROBERT WADE,
Associate General Counsel (Arts), National Foundation on the Arts and the Humanities.

[FR Doc.75–1789 Filed 1–16–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 102]

[REV. 2]

DISCLOSURE OF INFORMATION

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to section 5 of the Small Business Act (72 Stat. 385; 15 U.S.C. 634), the Small Business Administration proposes to amend Part 102 of Chapter I, Title 13 of the Code of Federal Regulations, revised as of January 1, 1974. Part 102 is the SBA Regulation which, among other things, implements the Freedom of Information Act, 5 U.S.C. 552.

Prior to final adoption of the proposed amendment, consideration will be given to any written comments or suggestions submitted in triplicate to H. Gregory Austin, General Counsel, Small Business Administration, Washington, D.C. 20416, on or before February 18, 1975. Any written material or suggestions submitted will be available for public inspection during regular business hours in the law library of the Office of General Counsel located in Room 714, 1441 L Street NW., Washington, D.C.

Information. The proposed amendment reflects certain provisions contained in the 1974 Freedom of Information Act Amendments, Pub. L. 93–502, enacted November 21, 1974, and effective February 19, 1975. Although the statutory amendments are generally self-executing and do not require notice of proposed rulemaking and regulations for complete enforcement, they do require the notice and public comment procedure for the schedule of fees to be charged for document search and duplication. Agencies are also authorized to publish in the FEDERAL REGISTER a determination that the periodic publication and distribution of the public index required by the Act is unnecessary and impracticable, and this proposed amendment so provides. In addition, inclusion of some of the requirements of the statutory amendments in the regulations established by this Part are helpful to a better understanding of the manner in which the Act is administered by the Agency. Thus this proposed amendment also adds the District of Columbia to the provision setting forth

the jurisdictions available for judicial review of agency refusals to disclose; adds a provision establishing administrative deadlines for determining requests for information and records, and appeals of agency denials of such request, as well as requiring the identification of persons responsible for such denials; and adds a provision requiring the disclosure of portions of records segregable from nondisclosable portions.

Agency regulations or internal procedures already cover other requirements of the 1974 amendments: a request need only reasonably describe agency records; there should be a waiver of fees where it is in the public interest; and a denial of a request must include the reasons and notice of appeal rights.

In light of the foregoing, SBA proposes to amend Chapter I, Part 102, Title 13 of the Code of Federal Regulations as follows:

1. By adding new paragraphs (k) and (l) to § 102.3 as follows:

§ 102.3 Information and records available to the public and exempt from disclosure.

* * * * *

(k) *Disclosure of segregable portions of records.* If a record contains both disclosable and nondisclosable information, any reasonably segregable portion of such record shall be provided to the requester after deletion of the nondisclosable portions.

(l) *Public Index of SBA materials.* The Public Index providing identifying information for the public as to matters issued, adopted, and promulgated by the Agency is available for inspection and copying. The Agency has determined that periodic publication and distribution is unnecessary and impracticable as permitted by the Freedom of Information Act.

2. By adding a new paragraph (f) to § 102.4 as follows:

§ 102.4 Public access to information and records.

* * * * *

(f) *Written requests under the Freedom of Information Act.*

(1) *Time limitations.* If a request for information and records is made in writing, it shall be considered a request under the Act and a determination whether, or the extent to which, the Agency will comply with the request shall be made within 10 working days after receipt of the request by the Agency. In unusual circumstances the Act permits an extension of up to 10 days if the Agency gives written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be sent. As defined in the Act, "unusual circumstances" means:

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Agency having substantial subject-matter interest therein.

(2) *Notice of denial of request.* A denial of a request or any part thereof under this paragraph must be in writing, and must advise the requester of a right to appeal to the Assistant Administrator for Congressional and Public Affairs, Small Business Administration, Washington, D.C. 20416, by letter or other written communication containing a description of the information requested, the name and place of employment of the SBA official or employee who denied the request, the reason, if any, given for the denial, and such other pertinent facts as the requester deems appropriate. The notice of denial must also contain the names and titles or positions of each person responsible for the denial of the request.

3. By amending paragraphs (a) and (e) of § 102.5 to read as follows:

§ 102.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied may submit a written appeal to the Agency. A failure by the Agency to act on a request within the time limit imposed by § 102.4(f) of this part shall be deemed a denial for purposes of appeal.

* * * * *

(e) *Agency decision.* (1) *Who decides.* Final Agency decisions on appeals from refusals to disclose information or records shall be made by the Assistant Administrator for Congressional and Public Affairs, who shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notice of the decision.

(2) *Notice of decision.* If the decision upholds the refusal to disclose, the notice shall set forth the exemptions from disclosure under the Freedom of Information Act which form the basis of the decision. The notice shall also advise that judicial review is available on complaint to the district court of the United States in the district in which the appellant resides, or has his principal place of business, or in which the Agency records are located, or in the District of Columbia.

(3) *Time limitations.* The decision on the appeal to determine whether, or the extent to which, the Agency will comply with the request for information or records shall be made within 20 days after receipt of such appeal. In unusual circumstances as defined in § 102.4(f)(1) of this part, an extension of up to 10 days, less any time used under the extension permitted by § 102.4(f)(1), is authorized, if the Agency sends written notice to the requester setting forth the reasons for the extension and the date on which the decision is expected to be sent.

4. By amending § 102.6 to read as follows:

§ 102.6 Fees.

(a) *Basis.* Fees for document search and duplication relating to records and information requested under the Freedom of Information Act are set to recover direct costs involved. Fees for compilations or complying with requests for information not currently in identifiable form or existence, are based on the Federal User Charge Statute, 31 U.S.C. 483 (a), and may include direct and indirect costs. No fee shall be charged for time spent in resolving legal or policy issues, or where the request for information or records is denied, or where the requested information or records are not found. A document search includes time spent searching within documents and files of documents to determine which parts thereof are subject to or exempt from public disclosure.

(b) *Method of payment.* Fees may be paid in cash, by personal check, or by other form of remittance suitable to SBA. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved and the fee will, in the opinion of the Agency, probably exceed $100.00, the person requesting the service shall pay whatever is estimated by SBA to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.* (1) The charge for duplication will be ten (10) cents per page.

(2) The charge for search of SBA records and duplication by clerical personnel will be at the rate of $5.00 per hour.

(3) The charge for search of SBA records by professional and managerial personnel will be at the rate of $9.00 per hour.

(4) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use based upon the types of computer and other equipment and the time they are utilized, the cost of supplies and materials necessary to produce the requested records, and overhead expense. It is not practicable to establish fixed-prices for such services. Since there is no obligation on the part of the Agency to compile records or data, requests for compilations must be reasonable and not unduly interfere with normal SBA operations or program activities.

(5) Persons may inspect and copy documents by their own means in the SBA facilities without charge except for search or compilation charges which may be otherwise payable.

(d) *Waiver of Fees.* Fees will be waived when less than $5.00 or when it is in the public interest to do so. Such a waiver will be in the public interest,

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for example, when in the determination of the Agency the request will not impose an undue burden or expense upon it *and* the request is (1) from another Government organization, Federal, State or local; (2) for the purpose of obtaining information primarily for the benefit of the general public rather than for the primary benefit of the requester, as will be the case with certain requests from news media and from organizations engaged in a nonprofit activity designed for public safety, health, welfare, or education; (3) from employees and former employees seeking information from their own personnel records; (4) from or on behalf of the defending party in connection with a proceeding against such party by the Federal Government; and (5) from a low-income person and the fee would impose a financial hardship.

Dated: January 13, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-1579 Filed 1-16-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on February 5, 1975, from 9 a.m. to 5 p.m., in Room 5941, New State Building, 21st and Virginia Avenue, NW, Washington, D.C.

The purpose of the meeting will be to consider the PL 480 Program in FY 1976, and such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee, and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Dr. Jarold A. Kieffer will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC 202-632-9110. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Date: January 15, 1975.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.75-1709 Filed 1-16-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

POTASSIUM CHLORIDE FROM WEST GERMANY

Tentative Determination To Revoke Dumping Finding

A finding of dumping with respect to potassium chloride, otherwise known as muriate of potash, from West Germany was published as Treasury Decision 69-264 in the FEDERAL REGISTER of December 19, 1969 (34 FR 19905).

After due investigation, I find that the sole exporter, Kali und Salz A.G., is no longer selling, or likely to sell, potassium chloride to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. From August 1969 to date, sales by this firm has been at not less than fair value and the firm has given assurances that future sales of potassium chloride to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than January 27, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before February 18, 1975.

This Notice of Tentative Determination to Modify or Revoke Dumping Finding is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

Dated: January 14, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-1628 Filed 1-16-75;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

ARMY COASTAL ENGINEERING RESEARCH BOARD

Postponement of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of the postponement of the 24th Meeting of the U.S. Army Coastal Engineering Research Board.

The meeting, originally scheduled for 28-30 January 1975 at the Alamoana Hotel, Honolulu, Hawaii, has been postponed until further notice.

Dated: January 14, 1975.

By authority of the Secretary of the Army.

B. T. BATTEY,
Major, U.S. Army,
Plans Officer, TAGO.

[FR Doc.75-1629 Filed 1-16-75;8:45 am]

Office of the Secretary

EXECUTIVE COMMITTEE OF THE DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held February 21, 1975 at the Pentagon, Washington, D.C. The session will be conducted from 9 a.m. to 4 p.m. and will be open to the public.

The purpose of this meeting is to structure the 1975 membership and plan the program for the semi-annual meeting of the full Committee, tentatively scheduled for April 6-10, 1975. Composed of 30 civilian women, DACOWITS provides the Department of Defense with assistance and advice on matters relating to women in the Armed Forces.

Interested persons desiring to make oral presentations, submit written statements for consideration, attend the meeting or receive additional information must contact Lt Col Martha A. Cox, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301, telephone (202) Oxford 5-5153 no later than February 14, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 14, 1975.

[FR Doc.75-1583 Filed 1-16-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON "EXPORT OF U.S. TECHNOLOGY: IMPLICATIONS TO U.S. DEFENSE"

Notice of Advisory Committee Meeting

The Semiconductor Subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 4 February 1975 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

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In accordance with Pub. L. 92-463, section 10, Paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552 (b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 14, 1975.

[FR Doc.75-1653 Filed 1-16-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-14]

PHILLIP A. FAIX, M.D.

Revocation of Registration

On September 24, 1974, a hearing was held before Administrative Law Judge Lewis F. Parker on the issues raised by an Order to Show Cause directed to Phillip A. Faix, M.D., as to why the registration under the Controlled Substances Act of 1970 (AF0411392) previously issued to him by the Drug Enforcement Administration should not be revoked.

The Order to Show Cause was predicated on the March 7, 1974 conviction of Dr. Faix in the United States District Court for the Western District of Pennsylvania on nineteen counts of an indictment which originally charged him with forty-seven counts of unlawful distribution of controlled substances listed in Schedules II, III and IV, in violation of Title 21, United States Code, section 841 (a) (1).

Title 21, United States Code, section 824(a)(2) provides that a registration to manufacture, distribute or dispense controlled substances may be suspended or revoked by the Attorney General or his delegate upon a finding that the registrant has been convicted of a felony relating to a controlled substance.

The Administrative Law Judge found as a matter of law that Dr. Faix had been convicted of such a felony. The Administrator concurs in that finding as a matter of fact and as a matter of law.

The Administrative Law Judge also found as a matter of law that, as a result of Dr. Faix's conviction, the Administrator had the authority either to revoke or to suspend Dr. Faix's registration even though an appeal from the conviction was then pending. The Administrator concurs in this finding and notes that it is consistent with the positions taken by administrative law judges in previous matters in which the issue of a pending appeal was raised. See In the Matter of Leonard S. Cohen, 38 FR 9522, April 17, 1973; In the Matter of Dr. Carl Oslin Ramzy, 36 FR 24077, December 18, 1971.

Based on these findings, the Administrative Law Judge recommends to the Administrator that Dr. Faix's registration be revoked. The Administrator accepts that recommendation.

Therefore, under the authority vested in the Attorney General by Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, CFR, the Administrator orders that the Certificate of Registration issued to Phillip A. Faix, M.D. (AF0411392) be, and hereby is, revoked effective January 17, 1975.

Dated: January 13, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-1618 Filed 1-16-75;8:45 am]

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on November 25, 1974, Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, NJ 07901, made application to the Drug Enforcement Administration to be registered as an Importer of Methylphenidate, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methylphenidate in bulk may, on or before February 3, 1975 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 I Street, NW., Washington, D.C. 20537.

Dated: January 13, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-1615 Filed 1-16-75;8:45 am]

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on November 25, 1974, Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, NJ 07901, made application to the Drug Enforcement Administration to be registered as an Importer of Phenmetrazine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Phenmetrazine in bulk may, on or before February 3, 1975 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 I Street, NW., Washington, D.C. 20537.

Dated: January 13, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-1617 Filed 1-16-75;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

"The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered: (1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on January 24, 1974, Stepan Chemical Company, Maywood Division, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Cocaine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Cocaine in bulk may, on or before February 3, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: January 13, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-1616 Filed 1-16-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520: Don D. Farst, D.V.M., Director.

DECEMBER 13, 1974.

Director
Bureau of Sport Fisheries & Wildlife
Law Enforcement Division
U.S. Department of Interior
Washington, D.C. 20240

Subject: Request for permission to transfer Six (6) Rothschild's Mynahs (*Leucopsar rothschildi*) from the National Zoo, Washington, D.C., to the Gladys Porter Zoo, Brownsville, Texas.

1. Name and address of applicant. Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520, Phone: (512) 546-7187.

2. Not Applicable.

3. Principal officer of corporation. Gladys C. Porter, President, Valley Zoological Society, 500 Ringgold Street, Brownsville, Texas, which operate the Gladys Porter Zoo, whose Director is Don D. Farst, D.V.M.

4. *Location.* The Zoological Park to where subject animals are to be transferred is centrally located in the city of Brownsville, Texas, at 500 Ringgold Street, and consists of 26.5 acres of land.

The following information is submitted in compliance with 50 CFR 17.23 as revised January 9, 1974:

(1) *Description of subject animals.* Three male and three female (3/3) Rothschild's Mynahs (*Leucopsar rothschildi*), young adults.

(2) *Contract.* See attached copy of sales agreement. These birds have all been born in captivity at the National Zoo, Washington, D.C. 20009.

(3) *Justification.* These birds will be housed in a free-flight aviary and will be used for breeding purposes as well as for public display. This project will be continuous but if we should decide to discontinue the project, the animals will be offered for movement to another facility where there would be a potential for captive propagation.

(4) *Description.* The facility where these birds will be housed is a new flight aviary constructed on the grounds of the Gladys Porter Zoo which is located at 500 Ringgold Street, Brownsville, Texas. The dimensions of the interior enclosures which are heated measure 4 feet by 4 feet by 7 feet. The exterior flight area measures 20 feet by 8 feet by 9 feet. The outside area has a stream of fresh flowing water and the birds will have access to either the outside flight area or shelters in the heated structure during inclement weather.

(5) *Disposition of subject birds at time of application.* The birds are presently being held at the National Zoological Park in Washington, D.C., and were born in captivity at that location.

(6) Not applicable.

(7) (i) See Item (4) above.

(ii) *Resume of technical expertise.* Don D. Farst, D.V.M., Director of the Gladys Porter Zoo, was formerly the Associate Director and Resident Veterinarian. Dr. Farst graduated from Ohio State University, Columbus, Ohio, with a degree of Doctor of Veterinary Medicine. He was an animal keeper at the Columbus Zoological Gardens, Columbus, Ohio, for two years before receiving his degree and going into a private veterinary practice for four years. He received a faculty appointment at Ohio State University, College of Veterinary Medicine, and was Staff Veterinarian and Mammals Curator for 1½ years at the Columbus, Ohio Zoo.

Dr. James E. Oosterhuis is resident veterinarian of the Gladys Porter Zoo. He is a 1972 graduate of the University of Minnesota College of Veterinary Medicine in St. Paul, Minnesota. He spent one year in a small animal practice before joining the veterinary staff of the San Diego Zoo where he spent one year prior to coming to the Gladys Porter Zoo.

David P. Thompson, General Curator, Gladys Porter Zoo, attended Southern Illinois University where he majored in Zoology and minored in Botany. He spent four years as keeper at the St. Louis Zoo in St. Louis, Missouri; was Curator of the Serpentarium at the Army Medical Research Laboratory, Fort Knox, Kentucky, and three years were spent as Assistant Curator of Mammals at the St. Louis Zoo before coming to the Gladys Porter Zoo in June, 1971. In addition to Mr. Thompson's regular curatorial duties, he has been the Curator of Birds at the Gladys Porter Zoo and has been responsible for a collection of birds numbering 500 and representing 162 species. His expertise as an aviculturist has been most valuable in conducting the propagation and research programs of the Bird Department of the Gladys Porter Zoo.

(iii) *Breeding and studbook participation.* If a studbook is established for the Rothschild's Mynah, the Glady Porter Zoo agrees to cooperate and to contribute pertinent data.

(iv) *Description of Transfer Crate.* The subject birds will be shipped by air and will not be in transit longer than eight hours. They will be shipped in a crate at least 16 by 24 by 30 inches and will have access to fresh fruits which will supply both food and moisture requirements during the entire journey.

CERTIFICATION

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated this 13th day of December, 1974 at Brownsville, Texas.

DON D. FARST,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 18, 1975, will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1680 Filed 1-16-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Loxahatchee National Wildlife Refuge, Route 1, Box 278, Delray Beach, Florida 33444: Thomas W. Martin, Refuge Manager, South Florida National Wildlife Refuge.

Attached is an application for a permit under the Endangered Species Act submitted by the Refuge Manager, South Florida National Wildlife Refuges. The permit is requested as part of the on-going Everglade kite management study.

KENNETH E. BLACK,
Regional Director,
Atlanta, Ga.

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APPLICATION FOR SCIENTIFIC RESEARCH PERMIT (ENDANGERED SPECIES)

Application to the Director, U.S. Fish and Wildlife Service, for a scientific research permit under Title 50, Chapter 1, Subchapter B, Part 13 of the Code of Federal Regulations, effective January 4, 1974.

1. *Applicant.* Loxahatchee National Wildlife Refuge, Route 1, Box 278, Delray Beach, Florida 33444. Phone: 305–732–3684.

2. Applicant is a field station of the U.S. Fish and Wildlife Service.

3. *Principal Supervisor.* Thomas W. Martin, Refuge Manager, South Florida National Wildlife Refuge, Route 1, Box 278, Delray Beach, Florida 33444.

4. *Location of Activity.* Loxahatchee National Wildlife Refuge.

5. This permit is requested under Part 17, Section 23 of Subchapter B.

(a) *Species.* American Alligator (*Alligator mississipiensis*).

(b) Copy of contract, etc.—not relevant to this permit request.

(c) *Justification.* The Loxahatchee National Wildlife Refuge is conducting research to determine methods of managing habitat for the everglade kite (*Rostrhamus sociabilis plumbeus*). The study started in April, 1971, and has produced successful management techniques for this species. Through research and literature review it has been learned that aquatic predation of *Pomacea paludosa* is critical in effect on intensively managed lands. We must determine the effect of this predation on apple snail (*Pomacea paludosa*) populations. This predation must be quantified in order to proceed with the development of the management program.

One hundred small (less than 4 feet) alligators will be sacrificed to examine the contents of the alimentary tracts for apple snails. The sampling will cover a period of five months. Alimentary tracts will be preserved for detailed study. Remaining body parts will be destroyed by burial, unless other uses can be made by appropriate agencies.

Through protection and successful management techniques on the refuge, the alligator has recovered from once low numbers to a population of approximately 13,000. Reproductive capacity is very good. The everglade kite on the other hand has fared poorly. Continuing loss of suitable habitat and the accompanying loss of apple snail populations has led to the steady decline and current precarious position of the everglade kite. Less than 100 individuals of this species now survive. A major portion of this number utilize the refuge. The urgent need for research in kite management techniques provides justification to sacrifice the required number of small alligators from a healthy population with good reproductive potential.

(d) The address where the wildlife will be used and maintained are provided above under Section 1—*Applicant.*

(e) The wildlife to be used under this permit will be in a wild state.

(f) Not applicable since the subject animals are not to be imported.

(g) Not applicable since the subject animals are not to be imported.

6. Desired effective date and duration: May 1, 1975, through September 30, 1975.

7. *Certification.* I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Signature of applicant:

THOMAS W. MARTIN,
Refuge Manager, South Florida National Wildlife Refuge.

WILDLIFE MANAGEMENT STUDY OUTLINE

Division of Wildlife Refuges, Region 4; Project: Loxahatchee #4; Sub-project: C; Date: 20 September 1974.

Title. Management for the Everglade Kite (*Rostrhamus sociabilis plumbeus*).

Objective. Determine the importance of apple snails (*Pomacea paludosa*) in the diets of turtles, alligators, and fish.

Justification. Our efforts to increase by management area snail populations (in order to increase the food supply for the kites) by transporting in snails from outside locations have given us very strong evidence of extreme population reduction by aquatic predators. Results of a transplant attempt made in June 1974 are reported in Progress Report No. 2 of the Project. Within one month all of the 2883 transplanted snails had disappeared (as evidenced by lack of egg laying in the field compared to continued egg laying in the caged snails).

Apple snail predators are reported several times in the literature. Snyder and Snyder (1971) list aquatic insects, crayfish, centrarchid fish, frogs and salamanders, turtles, alligators, limpkins, boattailed grackles, and everglade kites as among the known predators of *Pomacea*. Fogarty and Albury (1968) reported that *Pomacea* made up 65.8 percent (by volume) of the stomach contents of young (1'–4') alligators. *Pomacea* has particularly well-developed alarm response to turtle odors (Snyder and Snyder 1971). The major predators of *Pomacea* in this area appear to be alligators, turtles, and redear sunfish.

Procedure. We need to sample the contents of the alimentary tracts of about 100 alligators, turtles, and fish at the rate of about 20 of each per month for May through September. Personal communication with Mr. Leroy Korschgen, Food Habits Specialist, Missouri Conservation Commission, indicated that 100 alimentary tracts are needed to insure a statistically valid sample.

We need approval from the Regional Office and the Central Office to sacrifice 100 small (less than 4') alligators for this study. This will require publication in the FEDERAL REGISTER in order for use to use this endangered species.

A total of 100 turtles of various species will be used. Each turtle will be identified to species. There are seven common species on the refuge.

Sunfish are the main fish predators of the snails, especially the red-ear *Lepomis microlophus.*

We will identify only *Pomacea* in the stomach contents but will preserve the material for further analysis (by other workers). Rate of occurrence and percent by volume of *Pomacea* in the total stomach contents will be recorded. Statistical analysis of the data will be made.

LITERATURE CITED

Fogarty, M. J. and J. D. Albury, 1968. Late summer foods of young alligators in Florida. Proc. 21st Annu. Conf. Southeastern Assoc. Game Fish Commissioners 21:220–223.

Snyder, N. F. R. and H. A. Snyder. 1971. Defenses of the Florida apple snail (*Pomaoea paludosa*). Behaviour 40(3–4):175–215.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 18, 1975, will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–1677 Filed 1–16–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 6]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1975)

The CCC Monthly Sales List for the fiscal year ending June 30, 1975, published in 39 FR 24684 is amended as follows:

1. Section 29 entitled "Butter-Unrestricted Use Sales" published in 39 FR 32042 is revised to read as follows:

Market price but not less than 10 cents per pound over CCC's purchase price at each location. Sales are made under Announcement MP–14. Sales are in carlots only instore at storage location of products.

2. Section 27 entitled "Nonfat dry milk-Unrestricted Use Sales" published in 39 FR 29208 is revised to read as follows:

Market price but not less than the following announced prices for spray process nonfat dry milk (NDM) in 50 pound bags:

(1) 70.0 cents per pound for NDM in bags of type specified in ASCS Announcement CMO–1.

(2) 69.75 cents per pound for NDM in commercial type bags.

Sales are made under Announcement MP–14. Sales are in carlots only in-store at storage location of products.

Effective Date: January 4, 1975.

Signed at Washington, D.C. on January 10, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–1658 Filed 1–16–75;8:45 am]

Food and Nutrition Service

SCHOOL BREAKFAST PROGRAM

National Average Payments for the Period January 1–June 30, 1975

Correction

In FR Doc. 75–352 appearing on page 1285 in the issue for Tuesday, January 7, 1975, the date above the signature now reading "December 31, 1975", should be changed to read "December 31, 1974".

Office of the Secretary

ADVISORY COMMITTEE OF THE U.S. MEAT ANIMAL RESEARCH CENTER

Renewal

Notice is hereby given that the Secretary of Agriculture has reestablished the U.S. Meat Animal Research Center Advisory Committee. The Committee provides advice and counsel concerning matters vital to the interests of the Department of Agriculture and the beef cattle, sheep and swine industries. The Committee reviews the character of research in progress and brings to the attention of the department researchable problems confronting the beef cattle, sheep and swine industries, which is clearly in the public interest. The Committee provides counsel on the identification of high priority problems for which the resources of the U.S. Meat Animal Research Center are uniquely adapted for gaining solutions.

The Committee meets annually at the U.S. Meat Animal Research Center, Clay Center, Nebraska. The Committee's findings are reported in writing to the Secretary of Agriculture.

This notice is given in compliance with Public Law 92–463.

Done at Washington, D.C., this 14th day of January 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75–1659 Filed 1–16–75;8:45 am]

FOREST SERVICE ADVISORY COMMITTEES

Notice of Intent To Reestablish

Notice is hereby given that the Department of Agriculture proposes to reestablish the following three Forest Service advisory committees for a period of 2 years:

Pacific Crest National Scenic Trail Advisory Council
Oregon Dunes National Recreation Area Advisory Council
Cradle of Forestry in America Advisory Committee

The Pacific Crest National Scenic Trail Advisory Council was originally established under the National Trails System Act (Pub. L. 90–543). The Oregon Dunes National Recreation Area Advisory Council was originally established under the Act to Establish the Oregon Dunes National Recreation Area (Pub. L. 92–260). Since both councils terminated January 5, 1975, pursuant to section 14 (a) (1) (B) of the Federal Advisory Committee Act (Pub. L. 93–463), the Secretary of Agriculture has determined that reestablishment of the councils under his own authority is necessary and in the public interest in connection with duties imposed on the Department by law. The councils will have the same duties and responsibilities they had previously.

The Cradle of Forestry in America Advisory Committee, a regional committee originally established under Department authority, expired November 30, 1974. The Assistant Secretary for Conservation, Research and Education determined that reestablishment of this committee is necessary and in the public interest in connection with duties imposed on the Department by law.

The purpose of these committees is as follows:

Pacific Crest National Scenic Trail Advisory Council. To advise the Secretary with respect to matters relating to the trail; including the selection of rights-of-way, standards or erection and maintenance of markers along the trail, and administration of the trail.

Oregon Dunes National Recreation Area Advisory Council. To advise the Secretary with respect to matters relating to management and development of the recreation area. The need for public counsel is at an especially critical stage since the management plan for the area will be completed in 1975. An additional consideration is that the Secretary must report to the President in 1975 on the suitability for wilderness within the National Recreation Area.

Cradle of Forestry in America Advisory Committee. To obtain counsel on policies and programs, and their application in developing and managing the "Cradle of Forestry in America", a 6,800 acre site located on the Pisgah National Forest in North Carolina where significant conservation history took place.

Comments of interested persons concerning reestablishment of these committees may be submitted to the Forest Service, Administrative Management Staff, Room 4202–S, U.S. Department of Agriculture, Washington, D.C. 20250, on or before January 31, 1975.

All written submissions made pursuant to this notice will be available for public inspection in the Administrative Management Staff office during regular business hours (7 CFR 1.27(b)).

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

JANUARY 15, 1975.

[FR Doc.75–1791 Filed 1–16–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CEDARS-SINAI MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00540–33–46040. Applicant: Cedars-Sinai Medical Center, 4833 Fountain Avenue, Los Angeles, California 90029. Article: Electron Microscope, Model JEM 100. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used to survey electron microscopy of the thymus of amphibians, reptiles, birds, and mammals, including normal and diseased tissue. The origin, structure, and fate of annulated lamellae within the mucosa of the epididymis will also be studied. Several problems will be examined related to heart disease in which both experimental and human tissues will be studied. Both low and high magnification studies of myoid cells of the retina will be made. In addition there are projected requirements for analytical electron microscopy and transmission/scanning electron microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (February 5, 1974). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument is the Model EMU–4C supplied by the Adam David Company. The Model EMU–4C has a specified resolving capability of 5Å. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1974 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used.

HEW further advises that domestic instruments do not provide resolution equivalent to that of the foreign article. We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1632 Filed 1–16–75;8:45 am]

CHEMEKETA COMMUNITY COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966

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(Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00104–65–57300. Applicant: Chemeketa Community College, 4389 Satter Drive, P.O. Box 1007, Salem, Oregon 97398. Article: Standard PFI Mill. Manufacturer: Norwegian Pulp & Paper Research Institute, Norway. Intended use of article: The article is intended to be used in studying pulp characteristics of different species in the Pacific Northwest to determine the effects of fiber treatments in the adjustable fibrillation-cutting equipment. Experiments will be conducted to investigate paper and paperboard formation characteristics and physical properties. The article will also be used in the courses, Pulp and Paper Technology, 4.281; Industrial Quality Control, 6.287; and Plywood, Composite and Laminated Wood Products, 6.285 to introduce and familiarize students with most recent fiber treatment techniques that they will be exposed to in industry.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus or equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is suitable for research and produces a range of pulp grinds or consistencies. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 18, 1974 that the characteristics of the article described above are pertinent to the applicant's intended purposes which include studies of the effects of fiber treatment on properties of paper and paper board. NBS further advises that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1633 Filed 1–16–75;8:45 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00106–99–03400. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: MkII Binaural Sensory Aids for the Blind. Manufacturer: Wormald-Vigilant Ltd., New Zealand. Intended use of article: The devices comprising the article are intended to be used for evaluation to assess their relevance to rehabilitation of the blind. Before evaluation in the field the article will be used in post-graduate courses on electronic devices for the Blind at Boston College and Western Michigan University.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article utilizes ultrasound to sense a wide area of the environment. It is headworn in the form of a pair of glasses and displays the spatial relationship of objects to blind users through the sense of hearing. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 16, 1974 that the characteristics of the article described above are pertinent to the applicant's research studies. HEW further advises that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1634 Filed 1–16–75;8:45 am]

MINNESOTA UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 66 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00105–33–46040. Applicant: University of Minnesota, Department of Pediatrics, Minneapolis, Minnesota 55455. Article: Election Microscope, Model EM 301 & Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used to study the structural physiology and pathology of normal and abnormal blood cells. Platelets, neutrophils, lymphocytes, erythrocytes and bone marrow cells are the principle materials to be studied with the article. Investigations will be carried out to develop new knowledge which will improve the understanding of the hemostatic function of normal platelets, clarify defects in platelets which cause inherited or acquired bleeding disorders, define the role of platelets in host defense against infection and in the complications of infection, and delineate the contribution of platelets to occlusive vascular disease. The article will also be used by fellows and post-graduates who will train to do studies related to the above investigations.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 30, 1974). Reasons: The foreign article has a specified resolving capability of 3 Angstroms point to point. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope supplied by the Adam David Company. The EMU–4C had a specified resolving capability of 5 Angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 16, 1974 that the additional resolving capability of the foreign article is pertinent to the applicant's research studies. We, therefore, find that the EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1635 Filed 1–16–75;8:45 am]

ST. JUDE CHILDREN'S HOSPITAL ET AL.

Decision on Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the Federal Register, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00275–33–46040. Applicant: St. Jude Children's Research Hospital, 332 N. Lauderdale, PO. Box 318, Memphis, Tenn. 38101. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research programs.

(1) Studies to delineate key ultrastructural changes in *Pneumocystis carinii* during its growth from trophozoite to mature cyst.

(2) Elucidation of plasma membrane structure at the molecular level.

(3) Continuing ultrastructural studies on viruses and their interaction with host cells.

(4) Identification and characterization of cell responsive to erythropoietin, the hormone that regulates production of red blood cells.

(5) Identification and characterization of the early events in antibody formation.

The article will also be used to train postdoctoral scholars in the methods of electron microscopy. Application received by Commissioner of Customs: December 17, 1974.

Docket Number: 75–00276–01–76500. Applicant: University of Hawaii, Chemistry Department, 2545 The Mall, Honolulu, Hawaii 96822. Article: 5 Meter Variable Grazing Incidence Angle, Grating X-Ray Spectrograph. Manufacturer: Grating Measurements Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of large sized molecular crystals, gases, and very small solid specimens. Experiments to be conducted deal with the detailed and reproducible evaluation of the 'activity' of the valence molecular orbitals as seen by X-ray photon emission transitions in the soft X-ray region. Application received by Commissioner of Customs: December 17, 1974.

Docket Number: 75–00277–33–46500. Applicant: The Salk Institute for Biological Studies, Post Office Box 1809, San Diego, California 92112. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to prepare thin sections of mammalian tumor cells for observation of ultrastructure through electron microscopic examination. The article will also be used in the training of pre- and postdoctorate fellows for cancer research. Application received by Commissioner of Customs: December 17, 1974.

Docket Number: 75–00278–33–90000. Applicant: Sutter Community Hospitals, 2820 L Street, Sacramento CA 95816. Article: EMI Scanning System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The effectiveness of the article will be compared with current methods for evaluation of neurological disorders. The article is also intended to be used in a teaching program to assist residents in neurology and neurosurgery in better understanding of the gross pathology, growth patterns and areas of involvement of central nervous system neoplasm, brain contusions and hemorrhage and degenerative conditions such as hydrocephalus and atrophy. Application received by Commissioner of Customs: December 17, 1974.

Docket Number: 75–00279–33–46500. Applicant: Albert Einstein College of Medicine of Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for producing both thick and thin sections capable of being studied by both histofluorescent and electron microsities. Application received by Commissioner of Customs: December 17, 1974.

Docket Number: 75–00280–75–07795. Applicant: University of Maryland, Traffic Manager's Office, c/o Central Receiving, College Park, MD 20742. Article: Imacon Camera System. Manufacturer: John Hadland Ltd., United Kingdom. Intended use of article: The article is intended to be used in an experiment involving the study of the interaction of tense beams of relativistic electron with a cusped magnetic field configuration. Application received by Commissioner of Customs: December 17, 1974.

Docket Number: 75–00281—33–46040. Applicant: Howard University, Howard University Hospital, 2041 Georgia Avenue, NW., Washington, D.C. 20060. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens, West Germany. Intended use of article: The article is intended to be used for the electron microscopic evaluation of surgical biopsies. The article will also be used in a graduate course in Electron Microscopy (905–210) and in ongoing resident training both involving primarily the methods of electron microscopy and its use in ultrastructural pathology. Application received by Commissioner of Customs: December 18, 1974.

Docket Number: 75–00282–33–46040. Applicant: Texas Woman's University, Box 23971, TWU Station, Denton, Texas 76204. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for quantitative ultrastructure determinations of the effects of x-irradiation and heavy metal co-insults on glial cells, neurons, and vasculature associated with the structural integrity of the blood-brain barrier in selected brain areas. Subtle changes in the structure of liver kidney, and gonad will also be investigated. Experiments to be conducted will include: (a) study of effects of methyl mercury and/or ionizing radiation on adult mammals, primarily rats and squirrel monkeys and (b) evaluation of the effects of methyl mercury on reproductive capability of hamsters and rats and on the offspring produced. In another study the article will be used to localize radiolabelled protein in myelin, using autoradiographic techniques. In another study, cells grown in culture will be examined to investigate fine structural changes in the cortex during aging, to determine whether or not the microfilament system is altered. The sensitivity of microfilament architecture and its association with the cell surface during aging will also be examined by using cytocholasin B (CB), concanalin A (con A) and ferritin. The article will also be used to perform various studies on viruses. In addition, the article is to be used in a graduate level course in electron microscopy in which students will learn the basic principles of electron microscopy, its uses, how to prepare materials for microscopy and will use the article. Application received by Commissioner of Customs: December 18, 1974.

Docket Number: 75–00283–65–46040. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, New York 14214. Article: Electron Microscope, Model JEM 100 with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a study of engineering surfaces, study of subsurface damage due to surface generation and in the development of free machining alloys. Experimental studies on fine grained clays (naturally occurring samples, laboratory prepared samples and deformed clay samples) are to be examined as to particle size, crystallinity, crystal structure, exchangeable ions in clay, etc. The article will also be used to train graduate and undergraduate students in engineering and physical sciences. The relevant courses are: ME 496: X-ray diffraction and electron microscopy, ME 383: Properties of engineering materials, EAS 597: Electron Microscopy of Metals. Application received by Commissioner of Customs: December 18, 1974.

V4012 JAN 17 75 XUM

Docket Number: 75–00284–65–46040. Applicant: Cornell University, Ithaca, New York 14853. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article is intended to be used in studies on fine structures of grain boundaries, early stages of phase transformations in Ti and Zr alloys, early stages of phase transformation in ceramics, the resolution of partial dislocations in Mo using the weak beam technique, and crystal structures of borides and germanates. Application received by Commissioner of Customs: December 18, 1974.

Docket Number: 75–00285–33–46040. Applicant: Merck Institute for Therapeutic Research, Sumneytown Pike, West Point, Pa. 19486. Article: Electron Microscope, Model EM 201S and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of viruses, bacteria, human and animal cells and tissues in both basic research and as a service tool in support of ongoing projects in Virology and Cancer Research. Application received by Commissioner of Customs: December 18, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1637 Filed 1–16–75;8:45 am]

WASHINGTON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00404–33–46040. Applicant: University of Washington, Department of Biological Structure, Seattle, Washington 98195. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a broadly directed research program which is intended to acquire a better understanding of the fine structure of tissues in terms of their constituent cell organelles and, whenever possible, to relate their structure to physiological or mechanical function. These research programs include the following:

(1) Relation of structure to function in capillaries and blood vessels by developing and applying a new stain, ruthenium red, to identify extracellular acid mucopolysaccharides.

(2) Investigation of the plasma membrane complex of amoebae.

(3) Examination of cell membranes and cytoplasm components prepared in ways intended to best preserve their normal appearance.

(4) Studies of the pathways of protein uptake in the suckling rat intestine.

(5) Determination of the origin, composition and fate of certain cytoplasmic components unique to germ cells and to analyze their role as well as the role of other factors in the process of germ cell formation and maturation.

(6) Assessment of the response of pituitary somatotrophs cells in the rat pars distalis when incubated with growth hormone releasing and inhibiting factors.

In addition, investigations are underway to localize the enzyme acid phosphatase in somatotrophs and to correlate its presence with the secretory process.

Comments: No comments have been received with respect to this application. Decision: Application Denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 73–00389–33–46040 and 74–00099–33–46040 which were denied without prejudice to resubmission on May 23, 1973 and January 3, 1974 respectively for informational deficiencies.

In reply to Question 8 of this submission, the applicant alleged the foreign article provided the following pertinent features:

1. Accelerating voltages of 40, 60, 80 or 100 KV.

2. Magnification range of 1500–200,000X in 14 steps and 200X scanning magnification with continuous operation.

3. Objective lens focal length of 1.6 MM (resolving power 2.3Å).

4. Virtual Electron Source size of 20 microns (micro gun) which allows the specimen to be viewed at a low magnification without specimen damage and allows the specimen to be viewed at high magnifications with good illumination.

5. Illuminating system.—Mini-condenser lens allows 6μM electron spot size on specimen.

6. Focusing.—Magnetic beam wobbler or split image, and fine grain focusing screen.

The Department of Health, Education, and Welfare (HEW) advises in its memoranda dated June 28, 1974 and November 22, 1974, that, because the work described in this application places emphasis on instrument performance in research, the Model EMU–4C, formerly manufactured by Forgflo Corporation and currently supplied by Adam David Company, is the most closely comparable domestic instrument. With respect to the applicant's allegations in reply to Question 8, in the order cited above, HEW advises the following:

1. The EMU–4C provides equivalent accelerating voltage.

2. The EMU–4C provides equivalent magnification range.

3. The focal length of the objective lens is not a pertinent specification, within the meaning of subsection 701.2(n) of the regulations, in the presence of equal guaranteed resolution.

4. The virtual size of the electron source is not scientifically pertinent in view of equivalent resolution and illumination provided by the double condenser lens and high intensity grid cap of the EMU–4C.

At equal illumination, the rate of specimen damage is also equal. A larger beam could act on a slightly larger area, but a difference in area illuminated is not clearly significant or pertinent.

5. The EMU–4C provides a high intensity grid cap for adequate illumination. [See No. 4, directly above.]

6. The EMU–4C provides a focusing aid.

HEW recommends that the application establishes no pertinent specification upon which duty-free entry could be based. Accordingly, we find that the Model EMU–4C is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1636 Filed 1–16–75;8:45 am]

Maritime Administration

[Docket No. S–436]

MARGATE SHIPPING CO.

Notice of Application

Notice is hereby given that Margate Shipping Company (Margate) has filed an application dated December 12, 1974, to amend its Operating-Differential Subsidy Agreement, Contract No. MA/MSB–134 (the Agreement), to provide that the vessels shall operate in the worldwide carriage of commercial liquid and dry bulk cargo in the foreign oceanborne commerce of the United States and in the carriage of such cargoes between foreign ports and shall carry exclusively commercial liquid and dry bulk cargo not subject to the cargo preference statutes of the United States, including, but not limited to, 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

The vessels of Margate are now permitted, under the Agreement, to operate in the worldwide carriage of commercial liquid cargo only not subject to the cargo preference statutes of the United States, including, but not limited to, those cited above.

Agreement covers the operation of three tankers of approximately 38,300 deadweight tons each. Two of the tankers are presently in operation, and the third is scheduled for delivery in March 1975.

Any party having an interest in this application and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes as proposed by the applicant

moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before January 31, 1975, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: January 14, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75–1664 Filed 1–16–75;8:45 am]

National Bureau of Standards

ADVISORY COMMITTEE FOR INTERNATIONAL LEGAL METROLOGY

Notice of Meeting

Pursuant to the Federal Advisory Comittee Act, 5 U.S.C. App. 1 (Supp. III., 1973) notice is hereby given that a meeting of the Executive Committee of the Advisory Committee for International Legal Metrology will be held in Conference Room B–111, Building 101, at the National Bureau of Standards, Gaithersburg, Md., from 10 a.m. to 5 p.m. on February 20, 1975.

The purpose of the Advisory Committee is to advise the Secretary of Commerce through the Director, National Bureau of Standards, on technical and policy matters relating to the Department's general responsibility for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML).

The Executive Committee is composed of nine Committee members representing government, professional metrology societies, national standards bodies, and industry and trade associations.

The agenda for the meeting will include a discussion of recommended revisions to nineteen OIML International Recommendations. The Executive Committee will also discuss routine administrative matters.

The meeting will be open to the public; applications for admission will be accepted and granted on a first come-first served basis up to the capacity of the conference room. These applications should be sent to Mr. David Edgerly, Secretary, Advisory Committee for International Legal Metrology, Building 101, Room A–409, National Bureau of Standards, Washington, D.C. 20234 (phone 301–921–3662).

RICHARD W. ROBERTS,
Director.

JANUARY 14, 1975.

[FR Doc.75–1643 Filed 1–16–75;8:45 am]

National Oceanic and Atmospheric Administration

INSPECTION PROGRAM INVOLVING PRODUCERS, PROCESSORS, AND SHIPPERS OF FISH AND FISHERY PRODUCTS

Agreement With the National Marine Fisheries Service

For a document dealing with a Memorandum of Understanding between the National Oceanic and Atmospheric Administration and the Food and Drug Administration pertaining to the above captioned matter, see FR Doc. 75–1591. *infra.*

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Notice of Meetings

The Panel on Sulfur Oxide Control Technology is a new advisory committee being established under the U.S. Department of Commerce Technical Advisory Board (CTAB). It will provide the Secretary with an assessment of how the utility industry in the Northeastern United States can best utilize sulfur-bearing Appalachian coal in meeting energy needs while complying with the Clean Air Act of 1970. The Panel will meet for the first time on February 18, contingent on its charter being approved and properly filed before that date. This notice provides the schedule and agenda for this first meeting and two subsequent meetings planned for February 19 and 20, 1975.

Date	Time	Purpose	Meeting place
Feb. 18, 1975	8:30 a.m. to 5 p.m.	Reports from consultants on scrubbers, supplementary controls, and cleaning of coal.	Room 6802, Main Commerce Bldg., Washington, D.C.
Feb. 19, 1975	do	do	Room 4830, Main Commerce Bldg., Washington, D.C.
Feb. 20, 1975	10 a.m. to 5 p.m.	Assignments to Panel members and consultants.	Do.

A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Dr. Bruce B. Robinson, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Dated: January 15, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology, U.S. Department of Commerce.

[FR Doc.75–1717 Filed 1–16–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

INSPECTION PROGRAM INVOLVING PRODUCERS, PROCESSORS, AND SHIPPERS OF FISH AND FISHERY PRODUCTS

Agreement With the National Marine Fisheries Service

The National Marine Fisheries Service and the Food and Drug Administration have drawn up an agreement concerning certain related objectives in carrying out their respective responsibilities under the Agricultural Marketing Act, the Fish and Wildlife Act, and the Federal Food, Drug, and Cosmetic Act. The agreement, which sets forth the working arrangements being followed or adopted in the interest of the public so that each agency will discharge as effectively as possible its inspection and standardization activities for fish and fishery products, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION, AND DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE

RELATIVE TO INSPECTION PROGRAMS FOR FISHERY PRODUCTS

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the Nation by ensuring that foods are safe and wholesome and that products are honestly and informatively labeled. This is accomplished by inspecting the processing and distribution of foods and examining samples thereof to assure compliance with the Act. FDA also promulgates under the act mandatory standards of identity, quality, and fill of container for food products after appropriate notices and public procedures.

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The National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, under authorities established by the Agriculture Marketing Act and the Fish and Wildlife Act, is responsible for (1) the development and advancement of commercial grade standards for fishery products and better health and sanitation standards in the industry and (2) furnishing inspection, analytical, and grading services and issuing certificates to producers, processors, shippers, receivers, or interested parties. Its major purpose is to encourage and assist the industry in improving the quality and safety of its products, and to provide objective information by means of inspection and official certification concerning the class, quality, quantity, identity, or condition of products which will be of maximum assistance to interested parties engaged in the production, processing, and marketing of fish and fishery products.

The two agencies have certain common or related objectives in carrying out their respective regulatory and service activities. This Memorandum of Understanding sets forth the working arrangements which are being followed or adopted to enable each agency to discharge, as effectively as possible, its responsibilities related to the inspection and standardization activities for fishery products. The Memorandum of Understanding recognizes that plants under NMFS voluntary inspection service contracts are subjected to inspection to ensure their compliance with good manufacturing practices and other applicable provisions of pertinent laws.

SERVICES TO BE FURNISHED

A. The National Marine Fisheries Service will:

1. Supply FDA headquarters with a complete list of all processing and packing establishments which are operating under NMFS inplant inspection on a contract basis. This list will set forth the type of service provided and the food products involved. NMFS will immediately advise the appropriate FDA field office of those plants subject to withdrawal or suspension of service, termination of contract, or denial of inspection services because of sanitation or other current good manufacturing practice deficiencies.

2. Assign a grade or Government legend only to products which meet all requirements for such a grade or legend. Whenever the product has not been inspected for all factors required to ensure compliance with a grade and/or legend, the certificate shall state the specified factors to which the inspection or grading was limited.

3. Apply to plants and products under voluntary inspection appropriate FDA requirements pertaining to good manufacturing practices, labeling, food additives, tolerances, standards of identity, minimum quality, and fill of container as are established by FDA regulations, and which are applied by FDA in its enforcement of the Federal Food, Drug, and Cosmetic Act.

4. Furnish the appropriate FDA field office, on request, with any pertinent information concerning specific lots of products inspected or graded by NMFS that have been proceeded against or are being considered for action by FDA.

5. Decline to inspect, grade, certify, or permit the use of official grade marks or other approved identification, except Retained Tags, on a food product which is considered adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act, of such type and/or in such amounts so as to result in the food product being subject to regulatory action by FDA. NMFS will make such examinations and tests as are reasonably feasible for those materials and substances that would be likely to contaminate the product.

6. Report to the appropriate FDA field office information concerning any product that has been placed under official retention by NMFS because it is suspected, or known to be adulterated, or misbranded under the Federal Food, Drug, and Cosmetic Act, of such type and/or in such amounts so as to result in the food product being subject to regulatory action by FDA, unless such product is so reconditioned as to comply with FDA requirements or is segregated and disposed of for non-food use or otherwise lawfully shipped or sold.

7. Decline to inspect or grade samples of products which are the subject of seizure, prosecution, injunction, or import detention action. This does not preclude reinspection of samples legally collected for that purpose by NMFS, if the FDA seizures or other actions involve products which have previously been inspected or graded by NMFS.

8. Participate in a cooperative effort in investigations of food poisoning, product recalls, and problems concerning food contamination caused by disasters or other phenomena involving foods where both agencies have mutual obligations.

9. Inform FDA headquarters whenever it has information that an employee or U.S. Department of Commerce licensed inspector is to be, or has been, called as a witness at judicial proceedings involving FDA action, and advise FDA of the nature of his proposed testimony.

10. Investigate any report from FDA to the effect that a processor operating under contract with NMFS has not corrected objectionable conditions found to exist and take action in accordance with the Agriculture Marketing Act and the Fish and Wildlife Act.

B. The Food and Drug Administration will:

1. Recognize that the NMFS service provided in connection with the voluntary contract inspection of fishery processing establishments contributes to protection of consumers and aids FDA in enforcement of pertinent statutes. The NMFS inspection service will not diminish FDA's authority to inspect but should minimize FDA inspections in establishments under NMFS contract inspection. In this regard, NMFS inspectors shall routinely notify contract establishments of pertinent FDA requirements, advise them on how to comply and verify compliance. NMFS inspectors may not act as FDA inspectors but their inspections and consultations with FDA should reduce the necessity for FDA inspections.

2. Request from the appropriate NMFS field office any pertinent information concerning the grade or quality determinations relative to specific lot of products that have been proceeded against or are being considered for action by FDA and are known or believed to have been inspected by NMFS. FDA will take into consideration the NMFS inspection certificates and other available data in its review of the case.

3. Provide timely notification to appropriate NMFS field personnel of all official seizure actions taken by FDA of fishery products processed or packed in NMFS inspection plants. This would include the name of product(s), processing or packing plant(s) involved, and basis for seizure action.

4. Whenever possible mark the claimant's samples of seized products in the following manner: "Lot sampled by the Food and Drug Administration," sample number, lot number, and name and location of the FDA employee taking sample.

5. On request, review labels, legends, stamps, and other official marks for products packed under the various inspection services of NMFS, and give an advisory opinion as to whether they do or do not conflict with the misbranding provisions of the Federal Food, Drug, and Cosmetic Act.

6. Inform and continue to keep the NMFS informed of the criteria used by FDA to establish action levels for food products and processing establishments considered to be in violation of the Federal Food, Drug, and Cosmetic Act, in order to provide maximum assurance that NMFS does not classify a food establishment, label, processing practice, or other situations as acceptable which FDA would consider actionable under the Federal Food, Drug, and Cosmetic Act.

7. Provide NMFS with current applicable administrative guidelines, tolerances, etc., that are routinely applied to fish and fishery products by FDA.

8. Invite the NMFS inspector assigned to a processing plant which is operating under NMFS contract inspection to participate with the FDA inspector during his inspection of such plant. The FDA and NMFS inspectors shall discuss any conditions noted which may result in violations of law.

C. It is mutually agreed that:

1. Where either agency believes that a particular violation is occurring in several fish processing plants in the industry, it may request a meeting with the other agency to consider steps to investigate the situation immediately and, where necessary, to take mutually agreeable remedial action, recognizing that in the event that remedial action cannot be mutually agreed on promptly, FDA must proceed in accordance with its responsibilities, obligations, and programs under the Federal Food, Drug, and Cosmetic Act.

2. Both agencies will participate in periodic joint meetings, and with industry as appropriate, to promote better communcation and understanding of regulations, policy, and statutory responsibilities, to improve sanitation and food-handling practices in processing establishments, and to serve as a clearinghouse for questions and problems as may arise.

3. Each agency will keep its customary records and make those related to the operation of this Memorandum of Understanding available to the other agency as mutually agreed upon.

4. Both agencies will exchange data and cooperate in the development of sampling plans, methodology, and guidelines for determining unavoidable natural and environmental defects common to fish and fishery products.

5. When either agency is unable to carry out any or all of its responsibilities under this Memorandum of Understanding, immediate notification should be provided to the other agency.

6. Formal training courses sponsored by either agency will be available whenever possible for the other's personnel.

7. Both agencies will maintain close working relations with each other, both in headquarters as well as in the field. Appropriate NMFS and FDA personnel will meet periodically for purposes of program planning, coordination, evaluation, and review concerning inspectional matters of mutual interest.

8. Proposed regulations by either agency establishing any type of standard for fishery products will be referred to the other agency for review and comments prior to issuance, except amendments to voluntary grade standards which do not modify any of the minimum quality factors contained in standards previously referred to FDA for its review and recommendations.

9. Each agency will designate to the other a central contract point to which communications dealing with this agreement or matters affected thereby may be first referred for attention.

10. Nothing in this Memorandum of Understanding modifies other existing agreements or memoranda of understanding, nor does it preclude entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such other arrangements.

11. The provisions of this Memorandum of Understanding may be modified at any time by mutual agreement.

For the National Oceanic and Atmospheric Administration:

Dated: September 25, 1974.

Approved:

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

For the Food and Drug Administration:

Dated: October 10, 1974.

Approved:

ALEXANDER M. SCHMIDT, M.D.,
Commissioner of Food and Drugs.

Effective date. This agreement becomes effective January 17, 1975.

Dated: October 10, 1974.

ALEXANDER M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-1591 Filed 1-16-75;8:45 am]

Office of Education

COOPERATIVE EDUCATION PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Part D of Title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a through 1087c), applications for grants and proposals for contracts are being accepted from institutions of higher education and other eligible applicants under the Cooperative Education Program.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 28, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13:510. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Training and Facilities, Bureau of Postsecondary Education, Office of Education, Rm. 4953, 7th & D Sts., SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education general provisions regulations (45 CFR Part 100a) and regulations governing Cooperative Education Programs (45 CFR Part 182) which are published as a notice of proposed rule making in this issue of the FEDERAL REGISTER. Funding Criteria governing Cooperative Education Programs appear in the Office of Education general provisions regulations at 45 CFR 100a.26 and in the program regulations.

(20 U.S.C. 1087a–1087c)

(Catalog of Federal Domestic Assistance Number 13:510; Cooperative Education Program)

Dated: January 3, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc.75-1650 Filed 1-16-75;8:45 am]

EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION

Amendment of Closing Date for Receipt of Applications for the FY 1975

Notice is hereby given that the notice of closing date published in the FEDERAL REGISTER on January 2, 1975, 40 FR 20 is amended to reflect the fact that the U.S. Commissioner of Education has added the State of Vermont as a State from which applications are being accepted for exemplary projects in vocational education pursuant to the authority contained in section 142(c) of Part D of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1302(c).

Applications must be received by the DHEW Regional Office of the U.S. Office of Education on or before March 7, 1975.

A. *Applications sent by mail.* Applicants from Vermont should address their applications to Director of Occupational and Adult Education, U.S. of Education, DHEW Regional Office, J. F. Kennedy Federal Building, Boston, Massachusetts 02203. All applications should be marked: Attention 13.502. An application sent by mail will be considered to be received on time by the DHEW Regional Office if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the mail room of the appropriate DHEW Regional Office. (In establishing the date of receipt, the Commissioner of Education will rely on the time-date stamp of the mail room or other documentary evidence of receipt maintained by the DHEW Regional Office.)

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the appropriate DHEW Regional Office at the address indicated in paragraph (A) above. Hand delivered applications will not be accepted by the DHEW Regional Office after 4 p.m. local time on the closing date.

C. *Program information and forms.* Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the appropriate DHEW Regional Office at the address indicated in paragraph (A) above.

(20 U.S.C. 1302(c))

Simultaneously with the submission of an application to the DHEW Regional Office, the applicant must submit a copy of the application to the Vermont State board for vocational education. The State board for vocational education will review each application and may, within a period of sixty days, disapprove any application. All applications not disapproved by the State board will be eligible for review.

Direct grants or contracts are awarded in each State up to the limit of funding available for the U.S. Commissioner of Education to use in that State as allotted under section 142(c) of Part D of the Act. The approximate allocation anticipated for a new grant in fiscal year 1975 in Vermont is $106,102.

(Catalog of Federal Domestic Assistance Program Number 13.502; Exemplary Projects in Vocational Education)

Dated: January 11, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-1573 Filed 1-16-75;8:45 am]

INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE

Notice of Closing Date for Receipt of Applications

The Commissioner of Education hereby gives notice that, pursuant to the Indian Elementary and Secondary School

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Assistance Act, Title III of Pub. L. 81-874, as added by Title IV, Part A of Pub. L. 92-318 (20 U.S.C. 241aa-241ff) and Title VI, Part C of Pub. L. 93-380, applications for assistance are being accepted from local educational agencies with the required number of enrolled Indian students, for grants pursuant to section 305 of the Act (20 U.S.C. 241dd). Section 305 enables the Commissioner to provide financial assistance to eligible local educational agencies for programs that meet the purpose of the Act, based upon the Indian student enrollment as certified by the State educational agency.

Assistance under section 305 of the Act may be used for the purpose of developing and carrying out elementary and secondary school programs specially designed to meet the special educational needs of Indian students, with the involvement of the Indian community and parents of the Indian children to be served.

Awards under section 305 of the Act will be subject to the requirements of the Act and to regulations set forth in 45 CFR Part 186. Criteria for selection and approval of assistance grants are contained in the rules and regulations published in the FEDERAL REGISTER on July 6, 1973, at 38 FR 18017. The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a).

Applications may be obtained from: Program Manager, Part A, Office of Indian Education, Room 3662, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

Applications must be received by the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.534), on or before February 28, 1975.

An application sent by mail will be considered to be received on time by the Application Control Center if:

1. The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

2. The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail room in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the U.S. Department of Health, Education, and Welfare or the U.S. Office of Education).

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

(20 U.S.C. 241aa-241ff)

(Catalog of Federal Domestic Assistance Number 13.534; Indian Education—Grants to LEA's (Part A))

Dated: January 11, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-1574 Filed 1-16-75;8:45 am]

Office of the Secretary

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; develop information designed for dissemination to the general public. The Committee will meet on Thursday, February 27, 9 a.m. to 5 p.m. and on February 28, 9 a.m. to 3 p.m., at the L'Enfant Plaza Hotel, Renoir I Room, 480 L'Enfant Plaza East, SW., Washington, D.C. 20024. This meeting will be the quarterly meeting of the Committee. They will discuss health, education, services, and legal rights as they relate to the mentally retarded. These meetings are open to the public.

Dated: January 13, 1975.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.75-1644 Filed 1-16-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. PB-74-2]

BURLINGTON NORTHERN CO.

Waiver of Intermediate Inspection and Brake Test

Notice is hereby given that the Burlington Northern (BN) has petitioned the Federal Railroad Administration (FRA) for permanent exemption from the requirements of FRA regulations that freight trains be inspected at intermediate points not more than 500 miles apart. The regulation 49 CFR 232.12(b) requires that each train be inspected and its brakes tested at that intermediate point.

BN presently operates freight trains between Harve, Montana, and Spokane, Washington, a distance of approximately 502 miles. These trains are now given an intermediate inspection at either Whitefish, Montana, or Hauser, Idaho. In view of the minimum increase in distance involved, BN seeks a permanent exemption in order to operate without performing an intermediate inspection enroute.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to January 31, 1975. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number PB-74-2) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before February 28, 1975, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

This notice is issued under the authority of the Power or Train Brakes Safety Appliance Act of 1958, 72 Stat. 86, 45 U.S.C. 9; section 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c).

Issued in Washington, D.C. on January 13, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-1611 Filed 1-16-75;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

JANUARY 14, 1975.

In accordance with the purposes of section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on ECCS will hold a meeting on February 1, 1975 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss analytical models formulated to meet current ECCS criteria for fuel fabricated by Exxon Nuclear Company, Inc.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

SATURDAY, FEBRUARY 1, 1975, 9:00 A.M.–4:00 P.M.

Discussion with the AEC Regulatory Staff on models formulated to meet ECCS criteria.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting, the Subcommittee may hold a closed session with the Regulatory Staff to discuss privileged information relating to the ECCS models.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held to discuss certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than January 24, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m. and 3:00 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 31, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1371) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after May 3, 1975. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.75-1685 Filed 1-16-75;8:45 am]

[Docket No. 50-6]

BATTELLE MEMORIAL INSTITUTE

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. R-4 issued to the Battelle Memorial Institute (the licensee) for operation of the Battelle Research Reactor (the facility) located in West Jefferson, Ohio.

The amendment would authorize Battelle to possess, but not operate, the research reactor and would revise the Technical Specifications to provide for the possession only status of the facility in accordance with the licensee's application for amendment dated September 13, 1974.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

On or before February 18, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by February 18, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 13, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. As they become available, the Commission's related Safety Evaluation, license amendment and attachment may be inspected at the above location. A copy of the license amendment and attachment and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief Operating Reactors Branch #3 Directorate of Licensing.

[FR Doc.75-1382 Filed 1-16-75;8:45 am]

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[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-36 issued to the Maine Yankee Atomic Power Company (the licensee) for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine.

The amendment would change the Technical Specifications to make the thermal margin trip settings for the reactor protective system less restrictive, thereby permitting the facility to operate at 100 percent of rated power level, in accordance with the licensee's application for amendment dated December 13, 1974.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations.

On or before February 18, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by February 17, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to John A. Ritsher, Esquire Ropes and Gray 225 Franklin Street, Boston, Massachusetts 02110, the attorney for the applicant.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated December 13, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine 04578. As they become available, the Commission's related Safety Evaluation, license amendment and attachments may be inspected at the above locations. A copy of the license amendment and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this January 10, 1975.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.75-1383 Filed 1-16-75;8:45 am]

[Docket No. P-507-A]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Receipt of Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

New York State Electric and Gas Corporation (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 27, 1974, in connection with its plans to construct and operate 2 boiling water reactors in the Town of Somerset, Niagara County, New York. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during September 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., 20545. Docket No. P-507-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 25, 1975.

Dated at Bethesda, Md., this 18th day of December 1974.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Projects Branch 1-2, Directorate of Licensing.

[FR Doc.74-29897 Filed 12-26-74;8:45 am]

[Docket No. P-351-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102. Docket No. P-351-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1355 Filed 1-16-75;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued three new guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.42, "Design Considerations for Minimizing Residual Holdup of Special Nuclear Material in Equipment for Dry Process Operations," describes design features acceptable to the Regulatory staff for minimizing the residual holdup of special nuclear material after draindown or cleanout of equipment used in dry process operations. The design features noted should facilitate physical inventory measurements and reduce material balance uncertainties.

Regulatory Guide 5.43, "Plant Security Force Duties," provides criteria acceptable to the Regulatory staff relative to the organization of the plant security force and duties of guards, watchmen, and other individuals responsible for security.

Regulatory Guide 5.44, "Perimeter Intrusion Alarm Systems," describes five types of perimeter intrusion alarm systems and sets forth criteria for their performance and use as a means acceptable to the Regulatory staff of meeting the Commission's regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 5.42, 5.43, and 5.44 will, however, be particularly useful in evaluating the need for early revisions if received by March 18, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Mass Calibration Techniques for Nuclear Material Control.
Calibration and Error Estimation Methods for Nondestructive Assay.
Management Review of Materials and Plant Protection Programs and Activities.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Measurement Control Program for Special Nuclear Material Control and Accounting.
Monitoring Transfers of Special Nuclear Material.
Considerations for Determining the Systematic Error of Special Nuclear Material Accounting Measurement.
Interior Intrusion Alarm Systems.
Control and Accountability of Plutonium in Waste Material.
Preparation of Uranyl Nitrate Solution as a Working Standard.
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Assurance Programs—Part I: Plutonium Nitrate Solutions.
Shipping and Receiving Control of Special Nuclear Materials.
Internal Transfer of Special Nuclear Material.
Acceptable Methods for the Short-Term Storage of SNM in Transit.
Design Considerations for Liquid Measurement Systems.
Materials of Construction: Gates, Grills, and other Security Barrier Appurtenances.
Standards for Physical Barrier Construction.
Nondestructive Assay of U-235 Content of Unpoisoned Low Enriched Uranium Fuel Rods.
Methods for the Accountability of Uranium Dioxide.
Internal Security Audit Procedures.
Standard Format and Content for the Physical Protection Section of a License Application for Fuel Reprocessing Plants and Certain SNM Operations.
Nondestructive Assay of Plutonium-Bearing Fuel Rods.
Training and Qualifying Personnel for Performing Measurement Associated with the Control and Accounting of Special Nuclear Material.
Auditing of Measurement-Control Program.
Reconciliation of Statistically Significant Shipper-Receiver Differences.
Prior Measurement Verification.
Verication of Prior Measurements by NDA.
Nondestructive Assay of High Enrichment Uranium Scrap by Active Neutron Interrogation.
Control and Accounting for Highly Enriched Uranium in Waste.
Considerations for Determining the Random Error of Special Nuclear Material Accounting Measurement.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of January 1975.

For the Atomic Energy Commission.

ROBERT B. MINOGUE,
Acting Director of Regulatory Standards.

[FR Doc.75-1663 Filed 1-16-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. (SAN DIEGO, UNIT 1)

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company which revised Technical Specifications of operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego, California. The amendment is effective as of its date of issuance.

This amendment increases the surveillence interval for power distribution measurements and for the correlation checks of the axial offset monitoring system for the remaining period of operation with the Cycle 4 core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated November 20, 1974, (2) Amendment No. 8 to License No. DPR-13, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this January 10, 1975.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.75-1587 Filed 1-16-75;8:45 am]

SPENT FUELS CHEMICAL PROCESSING AND CONVERSION

Notice

This notice amends a similarly entitled notice published in the FEDERAL REGISTER

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on January 3, 1968, 33 FR 30, and as amended in 35 FR 8715, June 8, 1970, and 35 FR 18302 of December 1, 1970, which sets forth terms of the Atomic Energy Commission's undertaking with respect to the receipt of irradiated reactor fuels and blanket materials and to the making of settlement therefore (referred to herein as the notice). This amendment extends the settlement period for HTGR type fuels and announces revisions in the settlement policy for HTGR type fuels.

1. Delete the date "December 31, 1977" in subparagraph 3.b. of the notice and substitute in lieu thereof the following:

December 31, 1983, subject to availability of appropriate authorization and appropriations for the necessary facilities.

2. Add the following at the end of paragraph 5b of the notice:

The AEC is currently reviewing the charges for chemical processing of HTGR type fuels as specified in WASH-1152, AEC Conceptual HTGR Fuel-Processing Plant. Revisions to the chemical processing charges, as a result of this review, will be published as necessary.

3. Delete paragraph 8 of the notice and substitute in lieu thereof the following:

8.a. Persons who have contracted with the AEC for these processing services will be credited with the value of U.S. Government-owned uranium and plutonium contained in the reactor materials in accordance with the appropriate AEC price schedules for such materials, less the processing and other charges as determined in the above manner. The AEC will compensate the person for recoverable privately-owned uranium and plutonium contained in the reactor materials in accordance with the AEC policy in effect at the time of delivery of the reactor materials by the person to the AEC. The compensation by the AEC will consist of cash where appropriate, otherwise it will consist of the provision of materials of equivalent value. The AEC will thereby acquire title to such uranium and plutonium. The AEC will also acquire title, without additional cost, to all waste materials contained in the reactor materials, including thorium, which were not previously the property of the United States.

8.b. For purposes of compensation with materials of equivalent value, the value for privately-owned uranium enriched in U-233 produced in a High Temperature Gas-Cooled Reactor (HTGR) shall be equivalent to the guaranteed purchase price for such material determined in accordance with paragraph 3 of the notice entitled "Plutonium and Uranium Enriched in U-233, Guaranteed Purchase Prices" published in the Federal Register on March 25, 1965, 30 FR 3886 and as amended in 32 FR 18119, December 19, 1967, 34 FR 8174, May 24, 1969, and in 35 FR 4663, March 17, 1970, and as said notice may be amended from time to time.

8.c. Whenever compensation for HTGR fuels is made with material of equivalent value, there will be a reverse settlement made no later than five years after delivery of the fuel batch or, if commercial facilities are available to permit recycle of such material for use in an HTGR, at an earlier date mutually agreeable between the AEC and the original owners of the fuel. Reverse settlement will require payment in cash by the original owner to the AEC for the then current value of the material in the batch compensated for by the AEC, and the return by the AEC to the original owner either the material recovered from the processed fuel or the unprocessed fuel, f.o.b. site where such material is being stored. The original owner will thereby acquire title to such materials. The AEC will credit the original owner with an amount equivalent to the AEC processing charges at the time of the initial settlement for any unprocessed fuel at the time the reverse settlement is made for a fuel batch.

Effective date. This notice shall become effective on January 1, 1975.

Dated at Germantown, Maryland this 13th day of January 1975.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75-1661 Filed 1-16-75;8:45 am]

[Docket Nos. 50-346A, 50-440A, 50-441A]

THE TOLEDO EDISON CO. ET AL.

Rescheduling of Prehearing Conference

In the matter of the Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station, Unit 1) and the Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 and 2).

Take notice, by agreement of the parties approved by the Board, a prehearing conference scheduled for January 17, 1975 at the Postal Rate Commission, 2000 L Street, NW Washington, D.C. is hereby postponed and rescheduled to January 31, 1975.

Accordingly, the prehearing conference will commence at 9:30 a.m. on January 31, 1975 at the U.S. District Court, Courtroom #24, 3rd and Constitution Avenue, NW Washington, D.C. 20001.

It is ordered.

Dated at Bethesda, Maryland, this 13th day of January 1975.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75-1588 Filed 1-16-75;8:45 am]

CIVIL AERONAUTICS BOARD

[(Order 75-1-51;) Docket 25280 Agreement C.A.B. 24475 R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Traffic Procedures

Order

JANUARY 14, 1975.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to cargo traffic procedures.

By Order 74-11-15 of November 1, 1974 the Board approved, inter alia, Resolution 511a establishing and making binding on member carriers official standards for the transport of live animals in conformity with the IATA Live Animals Regulations. However, the Board noted that Attachment A (the Live Animal Manual itself) referred to in that Resolution had not been concurrently filed with the Board. Consequently, the Board's approval of Resolution 511a did not extend to Attachment A thereto, and action was deferred pending the filing of the manual with the Board.

A draft copy of the Fourth Edition of the IATA Live Animal Regulations for intended effectiveness January 1, 1975 has now been submitted to the Board for approval. The purpose of this order is to establish dates for the receipt of comments and/or objections from any interested parties or persons relating to the provisions contained in said manual.

Accordingly, it is ordered that:

1. All interested parties or persons shall file within thirty days from the date of this order comments in support of or objections to the provisions contained in the subject manual; and

2. Any answers or replies to the comments and/or objections shall be filed within 30 days from the date of this order.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-1655 Filed 1-16-75;8:45 am]

[DOCKET 27216]

PACIFIC WESTERN AIRLINES, LTD. VANCOUVER-SEATTLE ROUTE

Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding has been postponed, at the request of Pacific Western Airlines, Ltd., from January 27, 1975, (40 F.R. 2464, January 13, 1975), to February 13, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., January 14, 1975.

[SEAL] WILLIAM A. KANE, JR.,
Administrative Law Judge.

[FR Doc.75-1654 Filed 1-16-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, January 29, 1975, and on Wednesday, February 5, 1975. These meetings will be held in room 5323 of the Civil Service Commission building, 1900 E. Street, NW, and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the Civil Service Commission is responsible for the making of determinations under section 10 (d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that these meetings will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore these meetings will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-1613 Filed 1-16-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 12:00 noon on February 11, 1975, in the Fifth Floor Conference Room, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW, Washington, D.C. 20037.

The purpose of this meeting is to discuss D.C. Housing proposal. Plan next phase in fact finding on housing crisis in Washington. Review SAC participation.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 14, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-1620 Filed 1-16-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m., on January 29, 1975, at the Federal Building, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss release of the Committee's report on the State University System.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 14, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-1621 Filed 1-16-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on February 1, 1975 and 9:30 a.m. on February 2, 1975, Villa Capri Motor Hotels, Room 2001, 2400 N. Interregional Highway, Austin, Texas 78767.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to plan MAES follow-up strategies and to make assignments to SAC and staff members. This will be a meeting of the Texas SAC MAES Follow-up Subcommittee consisting of the following SAC members: Dr. Earl Lewis, Mr. Milton Tobian, Mrs. Olga LePere, Mrs. Paula Young Smith, Mr. Joe Bernal, and Dr. Nancy Bowen.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 14, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-1622 Filed 1-16-75;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah State Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. on February 13, 1975, at the Northwest Multipurpose Center located at 1300 W. 3rd, Room 15, Salt Lake City, Utah 84101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain State Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is a planning session for follow-up activities to Utah SAC Report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 14, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-1624 Filed 1-16-75;8:45 am]

COLORADO STATE ADVISORY COMMITTEE

Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. on February 1, 1975, at the Albany Hotel, 17th and Stout Street, Conference Room No. 2, Denver, Colorado.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

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The purpose of this meeting is a general planning, and reviews of current projects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 14, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee, Management Officer.

[FR Doc.75-1619 Filed 1-16-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

JANUARY 14, 1975.

On March 29, 1974, there was published in the FEDERAL REGISTER (39 FR 11622) a letter dated March 25, 1974 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning April 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972, between the Governments of the United States and Thailand, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent.

Accordingly, there is published below a letter of January 14, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 50, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on April 1, 1974.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

JANUARY 14, 1975.

DEAR MR. COMMISSIONER: On March 25, 1974, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning April 1, 1974 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Thailand in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972 between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on January 17, 1975, to increase the level of restraint established for cotton textile products in Category 50 to 28,941 dozen[2] for the twelve-month period which began on April 1, 1974.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-1631 Filed 1-16-75;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 16, 1972 between the Governments of the United States and Thailand which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on or after April 1, 1974.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities and service to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 5510

Stakes (Region 9 Only): 5510-00-171-7701, 5510-00-171-7700, 5510-00-171-7734, 5510-00-171-7733, 5510-00-171-7732.

INDUSTRIAL CLASS 7609

Typewriter Repair and Maintenance, Veterans Administration Hospital, U.S. Courthouse and Federal Office Building, Syracuse, New York.

Comments and views regarding these proposed additions may be filed with the Committee on or before February 18, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-1638 Filed 1-16-75;8:45 am]

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on January 17, 1974 (39 FR 2136).

Pursuant to the above notice the following commodities are added to the Procurement List.

CLASS 6840

Disinfectant, detergent (IB):

		Price
6840-00-687-7904	quart	$1.54
6840-00-584-3129	gallon	4.79
6840-00-551-8346	drum	199.52

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-1639 Filed 1-16-75;8:45 am]

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on March 5, 1974 (39 FR 8376), and December 10, 1974 (39 FR 43102).

Pursuant to the above notices the following commodities are added to the Procurement List.

CLASS 5510

Stakes, location (RF):	Bundle
5510-00-171-7701	$3.20
5510-00-171-7700	3.35
5510-00-171-7734	3.65
Stakes, hub (RF):	
5510-00-171-7733	3.05
5510-00-171-7732	3.36

NOTE: RF will furnish requirements for GSA regions 4, 6 and 8 only.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-1640 Filed 1-16-75;8:45 am]

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on September 26, 1974 (39 FR 34600).

Pursuant to the above notice the following Military Resale Commodity is added to the Procurement List.

Description and Item No.	*Price*
Mophead, Wet, with handle 927	EA. $1.40

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-1641 Filed 1-16-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

IMPACT STATEMENTS

List Publication

Environmental impact statements received by the Council on Environmental Quality from January 6 through January 10, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 3, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Longleaf Islands, Ocala, N.F., Marion and Putnam Counties, Florida, January 9: Proposed is the implementation of a 10-year management plan for the 19,300 acre Longleaf Islands Unit of the Ocala National Forest. The management directive is to maintain the islands in a pleasant and natural condition, and to develop open, park-like space for dispersed recreation. Habitat will be developed to support a "huntable" population of quail. Impact on soils will be primarily from timber management activities, and trail and campground construction. (ELR Order No. 50046.)

Spruce Budworm Suppression, Draft Addendum, several counties, Maine, January 10: The statement is a draft addendum to a final statement submitted to CEQ April 10, 1974. Proposed is the aerial spraying of a maximum of 3,500,000 acres of state and private woodlands with mexicarbate, fenitrothion and carbaryl to protect forests from damage by the spruce budworm, Choristoneura fumiferana (Clem.). The spraying may also be toxic to many other non-target insects, but effects are expected to be minimal (63 pages). (ELR Order No. 50049.)

Dumont, Quartz, and Last Creek Roadless Areas, Umpqua, N.F., Douglas County, Oregon, January 6: The proposal is for management direction of three Roadless Areas within the Umpqua National Forest. The plan includes road construction, timber harvest, mineral extraction, fish and wildlife habitat manipulation and outdoor recreation developments (42 pages). (ELR Order No. 50025.)

Medicine Bow N.F., Timber Management Plan, several counties, Wyoming, January 6: The statement refers to the revision of the 1961 Timber Management Plan for the Medicine Bow National Forest. The plan applies to 350,000 acres and recommends harvesting timber from 66,000 to 89,000 acres during the ten-year period from 1975-1985. The annual yield from this harvest will be approximately 97,000 to 120,000 cunits of wood products including 44 to 54 million board feet of sawtimber. About 2,840 acres annually will be harvested by the clearcut silvicultural method, 2,870 by the shelterwood silvicultural method, and 1,520 acres will be treated by intermediate thinnings. The major impacts will be those resulting from road construction. (ELR Order No. 50023.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Turbine Generating Station, Wray, Yuma County, Colorado, January 10: The Tri-State Generation and Transmission Assn., Inc., proposes to request financing for an insured loan to provide for approximately 200 MW of combustion turbine capacity to be installed at an existing substation near Wray, Colorado. The units will be capable of firing natural gas or stillate fuel oil. These units are needed to provide power to the increase in irrigation pumping and support transmission. Because of the new facility some nitrogen oxides, sulfur dioxide and particulate matter will be released into the atmosphere. Comments made by: USDA, DOI, EPA, FPC, State agencies. (ELR Order No. 50053.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Draft

Alamanu Military Reservation, Family Housing Project, Oahu County, Hawaii, January 6: The proposed action consists of construction of 600 family units for Army personnel and 400 units for Navy personnel at Alianinu Military Reservation under the FY74 Family Housing Program. An additional 1,700 units are to be constructed in later programs, making the ultimate housing development a community of 2,700 units. Adverse effects include increased traffic congestion on adjacent road systems and the costs to the public for the construction of support facilities such as schools and busing. (ELR Order No. 50026.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-7168.

Draft

Lutsen and Beaver Bay Harbors of Refuge, Lake Superior, Cook and Lake Counties, Minnesota, January 6: The statement proposes the construction of two harbors-of-refuge at Lutsen and Beaver Bay, Minnesota. The project is part of a continuous system of harbors for small craft along the north shore of Lake Superior at 30 to 40 mile intervals. Structure necessary at the Lutsen site would cover one acre of lake bottom, and one acre would be dredged. At the Beaver Bay site, structures would cover 0.05 acre of land and two acres would be dredged. In addition, an indeterminate amount of lake bottom and land area would be utilized for project-induced secondary developments (St. Paul District). (ELR Order No. 50022.)

Saw Mill River Basin Flood Control Project, New York, January 8: Proposed is the modification of the Saw Mill River Channel at Chappaqua, New York for purposes of flood control. Wingwalls and culverts will be added to a New York City Water Supply access bridge and to 2 railroad bridges crossing the Saw Mill River and one crossing the Tertia Brook. A new 20 ft. span bridge will be built for a new access road. Adverse effects include the removal of vegetation, some loss of fish and wildlife habitat, and the aesthetic effect of the modified appearance of the stream. Filling and paving areas adjacent to Tertia Brook and continued development elsewhere in the flood plain may increase runoff (New York District) (20 pages). (ELR Order No. 50035.)

Tillamook Harbor Dredging, Tillamook County, Oregon, January 6: The statement refers to proposed maintenance operations at Tillamook Bay. Included would be maintenance of existing jetties and channels, and the issuance of Section 10 permits for dredging, filling, and construction. The operations will result in the loss of approximately 25 acres of sandy bottom habitat (Portland District). (ELR Order No. 50029.)

Final

Humboldt Harbor Project, Alaska, January 9: Proposed is the construction of a transportation road, two armored rubble breakwaters, a rubblemound diversion dike, an entrance channel, a diversion channel, and a mooring basin. Spoil will be deposited in the ocean. There will be adverse impact to 68 acres of marine habitat, and other effects of construction (Anchorage District). (94 pages). Comments made by: DOD, DOT, DOI, EPA, State agencies (ELR Order No. 50038.)

Savannah Harbor, Widening and Deepening, Chatham County, January 9: The project provides for additional improvements to Savannah Harbor, by widening and deepening the existing channel from deep water to the Savannah Sugar Refinery, providing wideners at the bends, and providing turning basins within the harbor. Twenty-four million cubic yards of spoil will be dredged. There will be adverse impact to marine biota (Savannah District). Comments made by: DOC, HUD, DOI, EPA, State agencies, and one local agency. (ELR Order No. 50039.)

Lake Pontchartrain, Hurricane Protection, St. Charles Parish, Louisiana, January 9: The statement refers to the construction of barriers and levees along the east side of the Lake, the St. Charles Parish lakefront, and the Citrus and New Orleans East lakeshores; the improvement of existing works; and necessary modifications to roads, pipelines, etc. The purpose of the action is that of protection against flooding caused by hurricanes. Approximately 5,265 acres of swamp and marsh wetlands will be committed to the project; significant wildlife losses will result. The project plan will also hasten urbanization and industrialization, along with the future loss of additional wetlands. Comments made by: DOI, DOC, DOT, HEW, EPA, AHP, State and local agencies, and concerned citizens. (ELR Order No. 50037.)

Hayward Creek Local Flood Protection, Massachusetts, January 9: The statement refers to a proposed local flood protection project on Hayward Creek, Braintree and Quincy. The project would include the construction of a 12 foot high dam for temporary floodwater storage; some channel works; and the installation of larger concrete pipe conduits. As a result of the project, approximately 30 acres of wetlands and water surface will become permanent open space with high wildlife values in a densely crowded urban area (Waltham District). Comments

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made by: HEW, DOI, EPA, DOC, State agencies. (ELR Order No. 50047.)

Port Arthur Hurricane Flood Protection, Jefferson County, January 8: Proposed is the completion of a hurricane flood protection system which is intended to protect Port Arthur from storm tides caused by tropical cyclones. Project measures include levees, sheet pile floodwall, closure gates, highway ramps, drainage structures, and pumping stations. Approximately 130 acres of land will be committed to project works; an additional 200 to 300 acres of rice land will be subjected to occasional flooding (Galveston District). Comments made by: USDA, DOC, DOI, DOT, EPA, HEW, (ELR Order No. 50036.)

Baltimore Harbor and Channels, Virginia and Maryland, January 10: The proposed project is the maintenance dredging of the main Baltimore Harbor Channel as well as associated branch channels. Project length is 36.6 miles. Dredged spoils are to be deposited at Kent Island, Wolf Trap and Dam Neck. The dredging will remove or destroy benthic (bottom turbidity will increase) (126 pages). Comments made by: DOC, EPA, USN, HUD, USDA, DOI, State and local agencies. (ELR Order No. 50052.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Exec. Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343–4161.

Draft

Removal of Hill 733, Marine Corps Air Station, El Toro, Orange County, California, January 8: Proposed is the disposal of 2.5 million cu. yds. of fill earth from Hill 733 of U.S. Marine Corps Air Station, El Toro (Santa Ana), California. At present the upper portion of Hill 733 penetrates the approach and ascent flight patterns from the east-west runways at the Air Station. The operation may take from 8.5 to 17 years depending upon the rate of removal. Slight temporary increases of air and noise pollution near the site will result (50 pages). (ELR Order No. 50034.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6295.

Draft

Tampa Neighborhood Development Program, Hillsborough County, Florida, January 6: The statement refers to an urban renewal project for 1,775 gross acres of residential land in Tampa. The project will displace an unspecified number of families and businesses and demolish an unspecified number of houses; 733 residential structures will be rehabilitated. (ELR Order No. 50027.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

BUREAU OF SPORT FISHERIES AND WILDLIFE

Final

Proposed Koyukuk National Wildlife Refuge, Alaska, January 10: Proposed is the legislative designation of 4.5 million acres of public lands as the Koyukuk National Wildlife Refuge. Authority would be granted to acquire lands and interests within the refuge boundary if the holder should elect to divest itself of the interests. The Refuge would be studied for possible inclusion in the National Wilderness Preservation System (578 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, State and local agencies. (ELR Order No. 50048.)

NATIONAL PARK SERVICE

Final

Proposed Cape Krunsinstern National Monument, Alaska, January 10: The statement refers to the proposed legislative designation of 350,000 acres of lands and waters in northwestern Alaska as the Cape Krusenstern National Monument, in order to protect nationally significant historic and archeologic values and their natural environment. The Monument would be administered by the NPS. The lands of the Monument would be withdrawn from all forms of appropriation or entry under public land laws, and would be closed to sport hunting. The Monument would be studied for possible inclusion in the National Wilderness Preservation System (461 pages). Comments made by: DOI, DOT, COE, USDA, EPA, GSA, State and local agencies. (ELR Order No. 50050).

Proposed Wilderness, Big Bend National Park, Texas, January 9: The statement refers to the proposed legislative designation of 533,900 acres of the Big Bend National Park as wilderness within the National Wilderness Preservation System. Another 25,700 acres is to be designated for potential wilderness addition. Land use will be limited under the wilderness designation (178 pages). Comments made by: DOI, EPA, COE, STAT, USDA, State agencies, and concerned citizens. (ELR Order No. 50045.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426–4357.

FEDERAL AVIATION ADMINISTRATION

Final

Marshall Municipal Airport, Lyon County, Minnesota, January 6: The statement refers to the proposed expansion of the Marshall Municipal Airport in the city of Marshall. The project includes: the extension of an existing NW–SE Runway; construction of a new NE/SW runway; strengthening of existing aprons and taxiways; installation of a lighting system and visual slope indicator systems; and extension of the storm water drainage system. Adverse impacts are loss of approximately 217 acres of agricultural land, and increases in the levels of noise and air pollution. Comments made by: USDA, AHP, COE, DOI, DOT, EPA, State and local agencies. (ELR Order No. 50024.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

S.R. 101, Santa Clara County, California, January 10: Proposed is the improvement of S.R. 101 in Santa Clara County, California. The roadway will be an initial 6-lane facility running 11.8 miles from Cochran Road in Morgan Hill to Ford Road in San Jose. Seven interchanges are planned. The project will displace seven families and will require 819 acres of land. Construction noise and air pollution and disruption will result. (ELR Order No. 50051.)

I–83 from Fleet St. to Boston St. Baltimore, Baltimore County, Maryland, January 6: Proposed is the construction of a 6-lane segment of I–83 from Fleet Street at President Street to Boston Street in the vicinity of O'Donnell Street in Baltimore. The structure will displace an unspecified number of families and businesses (depending upon which of the nine alternative routes is chosen). A 4(f) determination is included in relation to the Fells Point Historic District (2 volumes). (ELR Order No. 50026.)

I–495 and Relocated S.R. 140, Massachusetts, January 6: The proposed improvement is an extension of Massachusetts S.R. 25 westward from an interchange with S.R. 24 in Bridgewater to Route I-495 in the Foxborough/Mansfield area. The 6-lane highway, designated I–495, runs for 14.3 miles and includes 6 interchanges. Also proposed is the relocation of Route 140 from its interchange with Route I–95 in Foxborough to an interchange with proposed Route 25, south of Mansfield's town center. Alternative A (first of 2) would displace 58 residences and 2 businesses and would commit 4.0% of the total Great Woods area to highway use. (ELR Order No. 50033.)

Final

S.R. 157, Foothills Parkway (Boulder Bypass), Boulder County, Colorado, January 9: The statement considers seven alternate locations for the design and construction of State Highway 157 from State Highway 119 north of the City of Boulder to either State Highway 93 or U.S. 366 south of the city. Construction of any of the proposed alignments will affect local and regional traffic movement, noise and air quality, and land use in the Boulder Valley. Comments made by: DOI, DOT, USDA, HUD, COE, DOC, State and local agencies, and concerned citizens. (ELR Order No. 50040.)

S.R. 95, from S.R. 164 to S.R. 4 West, Escambia County, Florida, January 9: Proposed is the construction of 8.2 miles of four-lane, divided roadway on S.R. 95. Several creeks in the area will require bridges. Eight residences and six businesses will be displaced (40 pages). Comments made by: HEW, USDA, EPA, DOI, State agencies and one local agency. (ELR Order No. 50042.)

U.S. 592, Marion and Mahaska Counties, Iowa, January 6: The project involves the construction of a segment of Freeway, 592. Four lanes will be built for the first eight miles and the remainder will consist of two lanes. The project will begin two miles west of Knoxville in Marion County and will proceed from approximately 20.9 miles terminating 3.6 miles into Mahaska County. Several bridges will be constructed over rivers and existing roads. Adverse impacts include: increases in air and noise pollution; possible dislocation of 10 families, increase in water pollution, loss of wildlife, the diverting of 880 acres of land to transportation use, and a channel change in English Creek. Comments made by: USDA, DOI, EPA, COE, State and local agencies, and concerned citizens. (ELR Order No. 50032.)

U.S. 2, Hungry Horse to West Glacier, Flathead County, Montana, January 6: Proposed is the improvement of a 10.9 mile segment of U.S. 2 from Hungry Horse to West Glacier in Flathead Co. The project will be designed as a 4-lane paved highway without access control and will be largely along existing U.S. 2. A 4(f) determination is necessary concerning Hungry Horse Park. Comments made by: USDA, COE, DOI, EPA, USCG, HUD, State and local agencies. (ELR Order No. 50031.)

U.S. 19, Swain County, North Carolina, January 9: The statement refers to the proposed reconstruction of U.S. 19, with minor relocations, to a four-lane divided highway. Project length is 6.21 miles. Approximately 250 acres of land will be committed to right-of-way. Eight families and two businesses will be displaced. There will be temporary erosion and siltation during construction. Comments made by: USDA, COE, EPA, GSA, HUD, DOI, TVA, AHP, State agencies. (ELR Order No. 50044.)

S.R. 37, Carter and Sullivan Counties, Tennessee, January 9: The proposed project is

the improvement of SR 87. The project length ranges from 6.7 to 9.5 miles. Between 26 and 51 families and 3 to 6 businesses will be displaced. Between 115 and 146 acres will be lost for right-of-way. Adverse impacts stemming from the project are the loss of wildlife and fish habitat, siltation and channelization of streams due to construction, increased noise pollution, and possible damage to the Indian Creek Watershed. Comments made by: HUD, DOI, USDA, DOT, TVA, HEW, EPA, State and local agencies. (ELR Order No. 50043.)

Corridor "L", US 19 Relocation, Nicholas County, West Virginia, January 6: The proposed project is the construction of 2.1 miles of Appalachian Corridor "L." Two businesses and three families will be displaced. A 4(f) review will be filed to obtain 8 acres from the Nicholas Memorial County Park. Increases in noise, air and water pollution will occur. Comments made by: DOI, EPA, AHP, COE, HEW, State and local agencies. (ELR Order No. 50030.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75–1614 Filed 1–16–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–32000/170; FRL 321–8]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before March 18, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period; the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 18, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 10145–A. Blumberg Co., Inc., 22 Caller St. (PO Box 566), Peabody MA 01960. VITA-SAN DHC X100 PRESERVATIVE FOR BRINE CURED HIDES. Active Ingredients: 2,4,5-Trichlorophenate 20%; 4 Chloro 2 cyclopentyl-phenol 6%; Disodium 4-Dodecylated Oxydibenzene-Sulfonate 6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10145–E. Blumberg Co., Inc. VITA-SAN #75 CONCENTRATE WATER-SOLUBLE ANTIMICROBIAL FOR LEATHER. Active Ingredients: 2,4,5-Trichlorophenate 10%; Pentachlorophenate 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10145–G. Blumberg Co., Inc. VITA-SAN #10 ANTIMICROBIAL FOR LEATHER. Active Ingredients: 2,4,5-Trichlorophenol 10%; Ortho-Phenyl Phenol 10%; Sulphur Chlorinated Oil 53%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10145–L. Blumberg Co., Inc. VITA-SAN #32 ANTIMICROBIAL FOR LEATHER. Active Ingredients: Ortho-Phenyl-Phenol 4%; Sulphur Chlorinated Oil 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10145–U. Blumberg Co., Inc. VITA-SAN #33 ANTIMICROBIAL FOR LEATHER. Active Ingredients: Ortho-Phenyl-Phenol 4%; Sulphur-Chlorinated Oil 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8764–15. FMC, Citrus Machinery Div., PO Box 552, Riverside CA 92502. STA-FRESH 300 FUNGICIDAL FRUIT COATING. Active Ingredients: 2,6-Dichloro-4-nitroaniline 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30943–EN. Lea Chemicals, PO Box 868, Marianna FL 32446. LEA TOP NOTCH INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Pyrethrins 0.150%; Piperonyl butoxide technical 0.600%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 98.750%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11350–O. Standard Paint & Varnish Co., PO Box 826, New Orleans LA 70058. 5807 VIN-CLAD SUPER VINYL ANTI-FOULING RED. Active Ingredients: Cuprous Oxide 39.7%; Tributyl Tin Fluoride 1.4%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: January 8, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75–1548 Filed 1–16–75;8:45 am]

[FRL 301–2]

PROPOSED POLLUTION ABATEMENT PROJECTS FOR FEDERAL FACILITIES

Procedures for Reporting

Section 3(a)(3) of Executive Order 11752, dated December 17, 1973, requires that the heads of Federal agencies present to the Director of the Office of Management and Budget, annually, plans for pollution abatement and waste management at facilities under their jurisdiction. The plans are to identify those projects necessary to bring Federal facilities into compliance with applicable environmental standards on air and water quality, noise control, solid waste management, and uses of radioactive materials and pesticides. When submitted to the Director, the plans will represent an agency commitment to comply with applicable standards considering the Federal budgetary process and assuming that the requested funds will be appropriated by the Congress and allocated to the agency as planned.

OMB Circular No. A–106, issued December 31, 1974, sets forth the general procedures to be followed in the preparation and submission of the plans. The Circular stipulates that the agency plans are to be submitted to the Administrator of the Environmental Protection Agency in accordance with such detailed procedures as he may prescribe. Such procedures are to provide for submission of pertinent details of each individual pollution abatement and waste management project and a summary status report of the overall plan. The procedures are set forth herein.

Effective date. The procedures set forth hereunder are effective January 17, 1975.

Dated: January 9, 1975.

RUSSELL E. TRAIN,
Administrator.

PROCEDURES FOR REPORTING PROPOSED POLLUTION ABATEMENT PROJECTS FOR FEDERAL FACILITIES

1. *Exhibit 1—Proposed Project Report*

a. On August 1, 1974, the Federal agencies were to report all active pollution control projects including those reported under the rescinded Circulars No. A–76 and A–81. Exhibit 1's were submitted for projects proposed for inclusion in the fiscal year 1976 budget and all active projects for which funds have been appropriated. Projects proposed for funding in fiscal year 1976 were reported in the format required herein (Exhibit 1). Funded projects were reported in the format prescribed by the rescinded Circulars No. A–76 and A–81. Completed projects were not to be reported.

b. After the initial report, submission of Exhibit 1 is required only for new projects or to report significant changes in the information provided in a previous Exhibit 1. These new or revised Exhibit 1's will be submitted semiannually on December 31 and June 30 of each year using the new format. Each revision of Exhibit 1 will show the latest information as of 60 days prior to the semi-annual reporting date.

c. For each submission, four copies are to be sent to the Administrator, Environmental

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Protection Agency, attention: Office of Federal Activities, 401 M St. SW., Washington, D.C. 20460.

d. Each project will be identified as to the category of pollution control project involved (i.e., air, water, solid waste, noise, radiation, pesticides). All reported projects within each category will be assigned consecutive numbers, beginning with "1." Project numbers are for permanent identification and may not be reassigned to new projects. Projects numbered under the rescinded OMB Circulars No. A-75 and A-81 are to be continued under their original assigned numbers.

e. Projects at the same facility required for distinct and separate purposes, are to be considered as separate projects. Such separate projects will be reported individually using appropriate project numbers.

f. Item 10 of Exhibit 1 will include information not shown elsewhere on the Exhibit which is necessary for the evaluation of the project. For example, where the agency knows of changing circumstances which will affect the practicability of under taking a project at a particular facility (e.g., facility renovation or a change in mission of the facility which would alter control needs), these are to be indicated. If a project is discontinued, state in this item the reasons and circumstances, if any, which might lead to a reactivation of the project.

For leased facilities subject to the provisions of this circular, describe under this item the lease arrangements that would affect the possibility and practicability of utilizing control measures for such facilities. Projects involving such circumstances will be included on Exhibit 2 with a reference to the explanation given on Exhibit 1.

If a project proposed in one environmental category is likely to generate pollution of other kinds, item 10 is to include a description of such additional impacts.

Any environmentally-related litigation which may involve the project is to be described under item 10.

g. Every item is to be completed for each project. In addition, specific information is required for the following areas:

AIR: *Item 2.* Identify the pollutant(s) by name for which the project will be required (for example: particulate matter, sulfur oxides, hydrocarbons, carbon monoxide, nitrogen oxides, etc.).

Item 3. State the actual amount of pollutants emitted by each point of emission being controlled within the facility. These amounts of pollution should be expressed in the terms of the applicable emission standard (e.g., lb/hr, ppm, etc.) in item 8 at maximum process operating rate.

Item 4. Identify the specific emission point(s) which the project will control. This identification should be specific (e.g., "incinerator in building xyz" rather than just "incinerator").

Item 5. Specify the existing pollution control measures at the individual emission points. If no control measures are being utilized, state this.

Item 6. Indicate the percentage of the pollutant which the control device removes.

Item 7. Indicate the type control device or process modification to be utilized to control emissions.

Item 8. Indicate the applicable Federal, State, or local air pollution emission control standard which the facility is required to meet, referencing the specific code, chapter, and part. Also include the effective date of the standard.

Item 9. Indicate the project schedules proposed by the agency and as required by the standards listed in item 8. If the agency schedule for achieving compliance differs from statutory, regulatory, or other milestones and deadlines, indicate the dates the facility will meet them and explain why the required dates will not be met.

WATER: *Item 2.* Describe specific pollution and nature of problem, e.g., unintercepted washrack wastes containing oil and grease; overloaded sewage treatment plant bypasses raw or partly treated sewage to river; combined sewage overflow carriers untreated sewage to lake, etc. Use this item and items 3, 6, and 7 as appropriate to describe infiltration inflow problems and measures required by "Spill Control and Counter-measure Plans" formulated pursuant to 40 CFR 112, "Oil Pollution Prevention."

Item 3. Show amount of waste generated and treated. Indicate gallons per day (gpd), thousand gallons per day (tgd), and million gallons per day (mgd).

Item 4. Identify the specific discharge point(s). Show whether discharge is to water (name of receiving water and location thereon), sewer system (name), land application, subsurface (e.g., septic system, drainfield, etc., or underground strata through well injection).

Item 5. If problem as described in items 2 and 4 does not relate to an existing or proposed treatment plant, identify in this item the plant, if any, which ultimately receives, or will receive, and treats the wastewater.

Item 6 and 7. In appropriate item, show existing and proposed parts per million and/or pounds in influent and effluent and percent removal for all principal polluting constituents. As a minimum biological oxygen demand (BOD) chemical oxygen demand (COD) and total organic carbon (TOC) where applicable) and suspended solids data should be shown wherever possible.

Item 8. This item should show exact portions (citations where possible) of statutes and regulations which impose the specific requirement to which the project responds. In addition, enter the exact requirement (criteria, etc.). Enter compliance schedules in item 9. Summarize unquantified or general requirements if necessary. For discharge(s) subject to NPDES requirements (PL 92-500, § 402; 40 CFR Part 125), state:

(1) Whether a permit application has been submitted;

(2) The application and/or permit number, and the effective and expiration dates of any permit(s) issued; and

(3) In summary, the conditions of each permit, other than schedules to be entered in item 9.

Item 9. Indicate the project schedules proposed by the agency and as required by the standards listed in item 8. Where issued, NPDES permit schedules should be entered in the Regulation Schedule column. If the agency schedule for achieving compliance differs from statutory, regulatory, or permit milestones and deadlines, indicate the dates the facility will meet them and explain why the required dates will not be met.

Item 10. Under lease construction arrangements, state who is responsible for obtaining NPDES permits or for meeting schedules and requirements.

SOLID WASTE: *Item 2.* Indicate type of operation which is not in compliance, i.e., incinerator, landfill, etc.

Item 3. If specific amounts of pollution are known, give details; otherwise indicate "not applicable."

Item 4. Give details of the problem, i.e., whatever it is that is not in compliance.

Item 5. Indicate quantities, types, and sources of solid waste handled; frequency of operation; year of original construction/operation and design life.

Item 6. Discuss effectiveness of existing solid waste management system or practices, if applicable.

Item 7. Give technical description of proposed project which will bring operation into compliance.

Item 8. Specify the EPA solid waste management guideline applicable and the specific requirement that makes the project necessary.

NOISE: *Item 2.* Specify the character of the noise. Types are as follows (1) broad band-continuous noise (example: air conditioner), (2) narrow band-continuous noise (example: circular saw), (3) pure tones (example: turbine noise), (4) impulsive (impact) noise (example: gun shot), (5) repeated impulsive (impact) noise (example: typewriter), and (6) intermittent (example: vehicle passby).

Item 3. Specify (1) measured sound level, (2) measurement methodology utilized, (3) elevation of the source and distance from the source to the impacts area (if applicable), and (4) the facilities or areas affected under the present violations.

Item 8. Specify exact portions of statutes and regulations to which the project responds and the acceptable sound level permitted thereunder.

Item 9. Indicate the project schedules proposed by the agency and as required by the standards listed in item 8. If the agency schedule for achieving compliance differs from statutory, regulatory, or other milestones and deadlines, indicate the dates the facility will meet them and explain why the required dates will not be met.

PESTICIDES: All projects being reported should involve the control and abatement of pesticide pollution and not be a description of proposed and/or current programs involving the use of pesticides. Those programs are now reviewed by the Federal Working Group on Pest Management, Council on Environmental Quality.

Item 2. Identify the pesticide that is the source of pollution and indicate the reason for disposition.

Item 7. Describe the method of disposal.

2. *Exhibit 2—Status Report*

a. Exhibit 2 will indicate the estimated or actual "costs" for all active projects in the agency plan and the current status of the projects. Design costs need not be included for individual projects if they are not normally reflected in appropriations for individual projects. A separate Exhibit 2 is to be completed for each category of projects (i.e., air, water, solid waste, noise, radiation, pesticides, etc.).

b. An updated Exhibit 2 is to be submitted with the Exhibit 1's on August 1, 1974, and on each December 31 and June 30 thereafter.

c. The Exhibit 2 will contain all active projects plus those completed or discontinued after submission of the previous report. Once a project is reported completed or discontinued it should be dropped from the report. The June 30 report should contain all projects which the agency will submit in their next fiscal year budget request to the Director. In addition, it should reflect all congressional appropriation actions taken by the time of submission.

d. To facilitate the semiannual submission of Exhibit 2, the Environmental Protection Agency's data system will be utilized as follows:

(1) Each reporting agency will receive ten, updated, computer printed copies of their Exhibit 2's for each pollutant media 30 days after receipt of the agency's semiannual report at EPA.

(2) When submitting their next semiannual report, each agency will make corrections to one copy of the printout described in subparagraph (1). An asterisk is

to be placed in the left hand margin to indicate those projects which have been completed, discontinued, or changed. New projects are to be added to the bottom of the appropriate pollution media printout. If no corrections are made to the printout for the reporting date, enter "no changes" at the top of the appropriate printout. One corrected copy of each printout is to be submitted with the agency's semiannual report.

(3) For initial submission of projects concerning pollution media not already contained in a printout, an Exhibit 2 as described in Section 2 of Attachment A should be submitted.

(4) Corrected printouts will then be returned to each reporting agency in accordance with subparagraph (1) above for use in the next report submittal.

e. Each revision of Exhibit 2 will show the latest information as of 60 days prior to the semiannual reporting date.

f. Exhibit 2 will indicate the amount included or proposed to be included in the President's budget for each project or the amount actually appropriated or funded when relevant. With regard to any fiscal year for which the President's budget has already been submitted, only projects which have actually been included in that budget or funded may be listed under that fiscal year. Agency totals should be shown at the bottom of the Exhibit.

g. Under lease construction arrangements, identify the agency and account responsible for funding, and the agency and account responsible for operation.

h. Special care should be taken in filling out the "Status" column on Exhibit 2 so as to give all relevant information indicated below. It is requested that the agency use the following format:

Indicate "PP ____" if the project is in the preliminary planning stage. The blank provided should contain the estimated completion date for construction.

Indicate "DES ____" if the project is under design or has been designed, but is not under construction. The blank provided should contain the estimated completion date for construction.

Indicate "CONSTP ____" if the project is under construction. The blank provided should contain the estimated completion date.

Indicate "COMPL ____" if the project has been completed. The blank provided should contain the actual completion date.

Indicate "DISC" if the project has been discontinued or dropped. Reasons should be given.

Indicate "DEFER ____" if the project has been deferred or significantly delayed. The blank provided should contain the estimated date of completion of construction. Reasons and what corrective actions, if any, the agency plans to take should be given.

Indicate "OTHER" if other than the above circumstances apply. An explanation should be given.

i. Exhibit 2 should be a consolidated summary of all active projects for all of the regions and divisions of the reporting agency.

EXAMPLE

EXHIBIT 1

Circular No. A-106

ENVIRONMENTAL POLLUTION CONTROL

PROPOSED PROJECT REPORT

Agency:
Media:

Project No.:
Date Prepared:
Date Revised:
GSA Inventory Control No.:

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)	April 1974	April 1974.
Construction (start)	Aug. 1974	Sept. 1974.
Construction (completion)	Oct. 1974	Nov. 1974.
Operation (start)	April 1975	May 1975.
Final compliance	May 1975	June 1975.

1. *Facility.*
Name:
Address: (city, county, state).
Agency Contact: (name, title, telephone).

2. *Specific Type of Pollution:*

3. *Amount of Pollution:*

4. *Pollution Source, and Discharge, Emission, or Deposit Point:*

5. *Existing Treatment and Other Control Measures:*

6. *Effectiveness of Existing Treatment and Control:*

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem:*

8. *Applicable Standards:* (Cite the specific State, interstate, local, or Federal regulation and specific requirement for which the project is needed.)

9. *Project Schedule:*

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)		
Construction (start)		
Construction (completion)		
Operation (start)		
Final compliance		

10. *Other Relevant Information:*

EXHIBIT 2.—*Media: Pollution status report*

OMB Circular A-106

Appropriation account if applicable

Agency:
Agency contact:
Telephone:

Page ____ of ____
Reporting date

Project No.	Project name and location (GSA inventory control No.)	Project costs ($1,000's)—Amount in President's budget or agency plan or amount appropriated or funded						Present cost estimate	Status
		Fiscal year—2	Fiscal year—1	Current fiscal year	Fiscal year+1	Fiscal year+2	Fiscal year+3		

EXAMPLE

EXHIBIT 1

Circular No. A-106

ENVIRONMENTAL POLLUTION CONTROL

PROPOSED PROJECT REPORT

Agency: Department of the Army.
Media: Air.
Date Prepared: 5/26/73
Date Revised: 2/11/74
GSA Inventory Control No.:

1. *Facility:*
Name: ABC Army Ammunition Plant.
Address: Kingstown, George County, S.C.
Agency Contact: MJR B. A. Smith Facility Engineer (615) 765-4321.

2. *Specific Type of Pollution:* NO_x.

3. *Amount of Pollution:* 4,500 #/hr when process is operated at maximum rate.

4. *Pollution Source, and Discharge, Emission, or Deposit Point:* Nitric Acid Plant No. 13, Bldg. A.

5. *Existing Treatment and Other Control Measures:* No control measures.

6. *Effectiveness of Existing Treatment and Control:* 0% Removal efficiency.

7. *Remedial Measures Proposed and Estimated effect in Correcting Problem:* Construct packed column control device 94% efficient to achieve full compliance.

8. *Applicable Standards:*
(1) State: State Air Code, Chapter V, S113.a(ii).
(2) Region:
(3) Actual standard or exact citation: Maximum of 450 #/hr allowed as per the XYZ test method; effective date of emission standard is 1/31/72.

9. *Project Schedule:*

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)	April 1974	April 1974.
Construction (start)	Aug. 1974	Sept. 1974.
Construction (completion)	Oct. 1974	Nov. 1974.
Operation (start)	April 1975	May 1975.
Final compliance	May 1975	June 1975.

10. *Other Relevant Information:* Citizens complaints received on 12/15/73.
Suits initiated on 12/30/73 by Onaconda Environmental Study Group.

EXAMPLE

EXHIBIT 1

Circular No. A-106

ENVIRONMENTAL POLLUTION CONTROL

PROPOSED PROJECT REPORT

Agency: Department of the Army.
Media: Water.

Project No.: A-999b.
Date Prepared: 2-29-72
Date Revised: 12-26-73
GSA Inventory Control No.: 45678

1. *Facility:*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755-0022.

2. *Specific Type of Pollution:* Domestic sewage, partly treated. Existing treatment plant overloaded. Excess flow bypassed to river. Influent includes small amounts (.01 mgd) of filter backwash from water treatment plant containing precipitates of alum, iron, and manganese.

3. *Amount of Pollution:* Total flow: 6.2 mgd. Treated: 4.0 mgd.

4. *Pollution Source, and Discharge, Emission, or Deposit Point:* Secondary treatment plant discharges to Obstacle River, 3 miles below Mulch City water supply intake.

5. *Existing Treatment and Other Control Measures:* Secondary—high rate trickling filter plant, final sedimentation, and chlorination. Design Capacity=4.0 mgd.

6. *Effectiveness of Existing Treatment and Control:*

Principal constituent	Influent (parts per million)	Treated effluent (parts per million)	Percent removal
BOD 5	235	36	83
Suspended solids	392	60	85
Total phosphorus as P	8.98	4.67	48
Total nitrogen as N	24.96	21.14	15

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7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem:* Replace existing treatment plant with AWT plant: chemical/activated sludge/multi-media filtration to achieve 95% removals or better. Design capacity=7.5 mgd.

8. *Applicable Standards:*

State Standards: SD Code: Water Poll—Chapter 61, 1960 Supp. SD Code: Public Health—Chapter 27, 1960 Supp. Water Quality Standards for Surface Waters: Reg E-1.10A (Rev.)

Federal Regulations: 40 CFR 125, 133; PL 92-500, SS 301, 313; PL 92-500, S 402-NPDES; NPDES Permit Number—SD0012345; Permit Period—1974-1979.

9. *Project Schedule:*

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)	April 1975	Not available.
Construction (start)	June 1975	May 1975.
Construction (completion)	February 1977.	January 1977.
Operation (start)	April 1977	Not available.
Final compliance	June 1977	July 1977.

Regulation schedule as required by NPDES permit. State water quality standard requires adequate secondary treatment by 1/74.

Unable to meet State requirement because of design problems and funding cycle. State has permitted delay on condition NPDES permit deadline is met.

10. *Other Relevant Information:* Installation may become surplus in FY 1975 or FY 1976 leading to project discontinuance.

EXAMPLE

EXHIBIT 1

Circular No. A-106

ENVIRONMENTAL POLLUTION CONTROL

PROPOSED PROJECT REPORT

Agency: Department of the Army.
Media: Solid Waste.
Project No.: A-001
Date Prepared: 2/11/74
Date Revised:
GSA Inventory Control No.:

1. *Facility:*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755-0022.

2. *Specific Types of Pollution:* Camp landfill.

3. *Amount of Pollution:* Leachate of high BOD concentration.

4. *Pollution Source, and Discharge, Emission, or Deposit Point:* Current landfill contains high piles of uncovered wastes dumped daily. Due to frequent rains, wastes build up high moisture content and leachate, which emanates from side of fill. Also, area is noted to be a common breeding ground for flies and mosquitos, and is generally unsightly.

5. *Existing Treatment and Other Control Measures:* a. Landfill receives 10 tons/day of solid waste altogether, 5 from the Camp and 5 from the nearby Lindberg Air Base. It consists mainly of normal municipal-type wastes delivered on Monday, Wednesday and Friday of each week. Once a week a large load of oily rags is dumped in one corner of the landfill site.

b. Landfill was first opened in Summer of 1970 and is designed to operate until 1990.

c. Some control of run-off waters is exercised by a trench on the downhill side of landfill draining into a settling pond.

6. *Effectiveness of Existing Treatment and Control:* Trench prevents run-off waters from entering local bay waters, but does not solve vector, or aesthetic problems, nor does it minimize the amount of leachate forming.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem:* Purchase of bulldozer to compact and cover wastes, minimize formation of leachate, control vectors, and improve general appearance.

8. *Applicable Standards:* EPA Guidelines for Land Disposal of Solid Wastes, published in FEDERAL REGISTER July 1, 1974, requirements under sections 241.204, 241.207, 241.208, 241.209, and 241.210.

9. *Project Schedule:*

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)	Not available.	Not available.
Construction (start)	do	Do.
Construction (completion)	do	Do.
Begin procurement action	July 1974	Do.
Operation (start)	January 1975.	Do.
Final compliance	do	Do.

10. *Other Relevant Information:* Station planning to build an incinerator in 1980 to extend life of landfill.

EXAMPLE

EXHIBIT 1

Circular No. A-106

ENVIRONMENTAL POLLUTION CONTROL

PROPOSED PROJECT REPORT

Agency: Department of the Army.
Media: Noise.
Project No.: A-001
Date Prepared: 6/1/74
Date Revised:
GSA Inventory Control No.: 45678

1. *Facility:*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755-0022.

2. *Specific Type of Pollution:* Noise is broadband with discernible tones.

3. *Amount of Pollution:* The source measures 75 dBA at the property line per American National Standard S1.4-1971. Source is 20 feet from boundary line at a height of 15 feet.

Facilities of areas affected: civilian school and housing (off the installation).

4. *Pollution Source, and Discharge, Emission, or Deposit Point:* One air conditioning unit for Office Building No. 10.

5. *Existing Treatment and Other Control Measures:* None.

6. *Effectiveness of Existing Treatment and Control:* None.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem:* Installation of commercially available mufflers. It is expected that this action will lower the sound level below the background noise.

8. *Applicable Standards:* Mulch Noise Ordinance. Section 4-12, Chapter 17 of the Municipal Code of Mulch, requires that the noise level at the boundary line in business and commercial districts not exceed 62 dBA.

9. *Project Schedule:*

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)	September 1974.	Not available.
Construction (start)	November 1974.	Do.
Construction (completion)	February 1975.	Do.
Operation (start)	March 1975	Do.
Final compliance	April 1975	Do.

The standards require immediate compliance. Agency schedule provides for earliest possible installation of control measures.

10. *Other Relevant Information:* (1) Legal action has not been initiated.

(2) Community complaints have included 26 telephone calls, 15 letters, and 3 personal visits. Nature of complaints centered upon annoyance.

EXAMPLE

EXHIBIT 1

Circular No. A-106

ENVIRONMENTAL POLLUTION CONTROL

PROPOSED PROJECT REPORT

Agency: Department of the Army.
Media: Pesticides.
Project No.: A-002
Date Prepared: Feb. 15, 1974
Date Revised:
GSA Inventory Control No.:

1. *Facility:*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755-0022.

2. *Specific Type of Pollution:* The following pesticides registered for the control of predators: sodium fluoroacetate (1080), strychnine, sodium cyanide, and thallium sulfate.

3. *Amount of Pollution:* Sodium fluoroacetate, 500 lbs; strychnine, 176 lbs; sodium cyanide, 475 lbs; and thallium sulfate, 125 lbs.

4. *Pollution Source, and Discharge, Emission, or Deposit Point:* N/A.

5. *Existing Treatment and Other Control Measures:* Storage under minimum security.

6. *Effectiveness of Existing Treatment and Control:* Limited protection from loss by stealth and from physical deterioration.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem:* Shipment of all pesticides for storage in newly-remodeled, high-security building. This building will allow concentrations of entire inventory of these pesticides in one place. Physical condition of containers can be checked easily and routinely.

8. *Applicable Standards:* Executive Order #11643—Environmental Safeguards on Activities for Animal Damage Control on Federal Lands. February 8, 1972. Additionally, the FPA, under statutory authority of Section 4, Federal Insecticide, Fungicide, and Rodenticide Act, halted all interstate shipments of these pesticides.

9. *Project Schedule:*

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)	October 1973	Not available.
Construction (start)	January 1974	Do.
Construction (completion)	March 1974	Do.
Operation (start)	April 1974	Do.

10. *Other Relevant Information:* Pesticides to be stored until proper disposal methods are developed.

EXAMPLE

EXHIBIT 1

Circular No. A-106

ENVIRONMENTAL POLLUTION CONTROL

PROPOSED PROJECT REPORT

Agency: Department of the Army.
Media: Radiation.
Project No.: A-001
Date Prepared: 6/14/74
Date Revised: 6/15/74
GSA Inventory Control No.:

1. *Facility:*
Name: Camp Faraway, Fuel Reprocessing Plant.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer, (615) 755-0022.

2. *Specific Type of Pollution:* Radioactive noble gases, primarily krypton-85 and small amounts of xenon-133, released to the atmosphere.

3. *Amount of Pollution:* Approximately 4 x 10^6 curies per year of krypton-85 are released to the environment, with the plant operating at a load factor of 80%. The maximum annual average concentration of krypton-85 in the prevailing downwind direction was calculated to be 1.5 x 10^{-4} μc/cc, or 5 times the allowable concentration for uncontrolled areas specified in AECM 0524.

4. *Pollution Source, and Discharge, Emission, or Deposit Point:* The gaseous effluents, containing krypton-85, are produced during the reprocessing of irradiated fuel elements and released, after treatment, from a one hundred meter stack located one mile inside the site boundary.

5. *Existing Treatment and Other Control Measures:* The process off-gas, containing krypton-85 and other gaseous and particulate radioactivity, passes through a waste treatment system consisting of a scrubber to remove or reduce the radioiodine and radioactive particulates, a de-mister to remove water vapor, silver zeolite for final radioiodine removal, and HEPA filters for final cleanup of particulates prior to release through the one hundred meter stack.

6. *Effectiveness of Existing Treatment and Control:* The gaseous effluent waste treatment systems presently in use are not effective in reducing the concentration of radioactive noble gases in the effluent.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem:* It is proposed that a catalytic reductor and a cryogenic distillation system be designed and installed for use in removing krypton-85 from the gaseous effluents so as to bring the plant into compliance with AECM 0524 Radiation Protection Standards. The proposed waste-treatment system essentially dissolves the krypton-85 in liquid nitrogen which is then distilled to remove the nitrogen. The remaining krypton-85 is then bottled for subsequent storage and/or disposal. This waste treatment system is designed to remove in excess of 95% of the annual krypton-85 releases in the gaseous effluent. Implementation of these remedial measures will reduce offsite concentrations to less than 25% of the maximum permissible concentration specified in AECM 0524 for krypton-85 in uncontrolled areas.

8. *Applicable Standards:* AEC Manual Chapter 0524 specifies a maximum permissible concentration for krypton-85 in uncontrolled areas. It permits these concentrations to be averaged over a period not exceeding one year.

9. *Project Schedule:* This modified off-gas waste treatment system can be designed and constructed in accordance with the following schedule:

	Agency schedule (month and year)	Regulation schedule (month and year)
Design (completion)	November 1974.	Not available.
Construction (start)	February 1975.	Do.
Construction (completion)	July 1975	Do.
Operation (start)	August 1975.	Do.
Final compliance	September 1975.	Do.

Standards are currently applicable.

10. *Other Relevant Information:* None.

[FR Doc.75-1360 Filed 1-16-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Tuesday, February 4, 1975, at 9 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide advice and information to the Federal Energy Administration concerning environmental aspects of Federal Energy Administration policies and programs.

The agenda for the meeting is as follows:

1. Discussion of How Committee Will Conduct Its Work, e.g., Organization of Task Forces; Frequency of Meetings; and Identification of Priority Items for the Committee's Attention.
2. Automobile Efficiency Standards.
3. Economic Incentives for Energy Conservation.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on January 14, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-1646 Filed 1-14-75;3:01 pm]

OIL AND GAS RESERVES SURVEY

Notice of Availability of Reporting Forms

Notice is hereby given that the Federal Energy Administration in December 1974 mailed form FEA P-301-S-0 to operators of oil and gas wells in the United States. This form requests oil and gas production, reserves, and related data on a field and state basis and must be filed by all operators of oil and/or gas wells in the United States as of October 31, 1974.

If you were the operator of oil and/or gas wells in the United States as of October 31, 1974, and have not received form FEA P-301-S-0, please contact the Federal Energy Administration, Code 2899, Washington, D.C. 20461 or telephone (202) 961-8033 to obtain copies.

Dated: January 13, 1978.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-1612 Filed 1-14-75;11:59 am]

RETAIL DEALERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Retail Dealers Advisory Committee will meet Monday, February 10, 1975, at 9 a.m., at the Brown Palace Hotel, Central City Room, 321 17th Street, Denver, Colorado.

The Committee was established to provide the Federal Energy Administration with technical and timely information on a wide range of business activities associated with the retailing of gasoline and diesel fuel.

The agenda for the meeting is as follows:

A. *Old business.* 1. Review of conservation measures.
2. Discussion of unleaded gasoline pricing and octane posting.
3. Review of crude equalization program.

B. *New business.* 1. Discussion of compliance problems.
2. Review of new FEA forms.
3. Review of two-tier pricing.
4. Discussion of market shares.
5. Review of current allocation levels.
6. Remarks from the floor (10 minute rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

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Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on January 14, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-1647 Filed 1-14-75;3:01 pm]

FEDERAL POWER COMMISSION

[Docket No. CP74-239]

ALASKAN ARCTIC GAS PIPELINE CO.

Notice of Supplement to Application

JANUARY 13, 1975.

Take notice that on December 30, 1974, Alaskan Arctic Gas Pipeline Co. (Applicant), Suite 230, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006, filed in Docket No. CP74-239 the second supplement to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by submitting Exhibit K (Cost of Facilities), Exhibit L (Financing), Exhibit N (Revenue, Expenses and Income), Exhibit O (Depreciation and Depletion), and Exhibit P(ii) (Tariff) in compliance with §§ 157.14(a)(13), (14), (16), (17), and (18)(ii), respectively, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.14(a)(13), (14), (16), (17), and (18)(ii)), all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By its application in the subject docket filed March 21, 1974,[1] Applicant seeks a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the Prudhoe Bay area on the North Slope of Alaska, eastward for approximately 195 miles to a point of interconnection at the Canadian border with the proposed facilities of the Canadian Arctic Gas Pipeline Limited for the account of various contract shippers. Applicant did not accompany said application with certain required exhibits, including the instant submittals.

In said application Applicant estimated that operations would commence in 1979. Applicant now predicts a delay of one year in that commencement date. Accordingly, Applicant states that the instant submittals presume a time schedule wherein preconstruction activity begins in 1977, the laying of pipe begins in November 1979, and the line goes into operation in mid-1980. Applicant proposes that the pipeline carry approximately 2 million Mcf of gas per day until late 1982 when throughput will be increased to 2.25 million Mcf of gas per day.

The estimated cost of facilities as shown in Exhibit K, based upon 1974 prices, is approximately $592.0 million, inclusive of $456.0 million for pipeline construction and $96.1 million for interest on funds used during construction. It is said that these costs include an allowance for contingencies of 1 percent of material costs and 5 percent of installation costs.

To ensure the availability of sufficient financial resources to complete the pipeline, Applicant proposes to raise approximately $700 million, in the approximate proportion of 25 percent equity and 75 percent debt. Applicant states that fixed interest rate debt will be utilized to the maximum extent possible and that debt expense will be deferred and amortized beginning in 1980 as part of interest costs on a straight line basis over the average life of the outstanding debt. Applicant projects that it can obtain adequate funds from:

(a) Initial private placement lenders of long-term fixed rate funds in amounts up to approximately $275 million which could be committed prior to the start of construction.

(b) public issues or subsequent private placements of long-term bonds during the period of construction in amounts up to about $225 million, and

(c) term loans from a syndicate of banks in amounts up to about $250 million.

However, Applicant cautions that its financing projections assume normal market conditions and project viability. Project viability, in turn, presumes transportation charges which are competitive yet adequate to cover financing costs. The willingness of shippers to contract for Applicant's services will evidence the former, while Commission approval of a full cost-of-service tariff[2] is necessary for the latter.

Because Applicant proposes to finance its construction on a project basis revenues generated by the project must support the project's securities. Applicant expects to generate revenues of $137.2 million in 1981, it first full year of operations, declining to $109.7 million in 1986. According to Exhibit N, such revenues are based upon Applicant's projection that it will transport up to 821.8 million Mcf of gas per year during the seven years of operations ending December 31, 1986.[3]

In Exhibit O, Applicant states that it will depreciate its transmission plant using the straight line method and charging the monthly beginning balances of "utility plant in service" at an annual rate of 4 percent. Applicant indicates that it intends to recover fully the costs of the plant in 25 years unless the frequency of replacement of facilities dictates otherwise.

In Exhibit P(ii) Applicant has set forth rates for Applicant's proposed single class of transportation service. According to Applicant's cost-of-service computations its average cost of gas transportation will decline from 19.5 cents per Mcf in 1980 to 13.3 cents per Mcf in 1986.[4]

Any person desiring to be heard or to make any protest with reference to said supplement should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1592 Filed 1-16-75;8:45 am]

[1] The application was noticed in the FEDERAL REGISTER on April 15, 1974 (39 FR 13590).

[2] On November 15, 1974, Applicant filed with its first supplement to the application a pro forma transportation tariff (Exhibit P(i)).

[3] Applicant states that the financial statements of Exhibits N and P(ii) are based upon a 15 percent rate of return on common equity. Applicant further states that it does not now advocate such rate but will propose a specific rate of return on common equity at some later date.

[Docket No. E-8949 and E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Notice of Further Extension of Procedural Dates

JANUARY 10, 1975.

On January 3, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued December 3, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, January 20, 1975.
Service of Intervenor's Testimony, February 10, 1975.
Service of Company, Rebuttal, March 4, 1975.
Hearing, March 25, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1594 Filed 1-16-75;8:45 am]

[Docket Nos. CP75-179, CP75-180, CP75-181]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Applications

JANUARY 10, 1975.

Take notice that on December 18, 1974, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue, Charleston, West Virginia 25314, filed in Docket Nos. CP75-179, CP75-180, and CP75-181 applications pursuant to section 7 of the Natural Gas Act, as implemented by paragraphs (b), (g) and (c) of § 157.7 of the regulations thereunder (18 CFR 157.7 (b), (c) and (g)), respectively, for a certificate of public convenience and necessity authorizing the construction, during the twelve-month period beginning March 1, 1975, and operation of gas purchase facilities, for authorization for the construction, relocation, removal, or abandonment, during the twelve-month period beginning March 1, 1975, and operation of field compression and related metering and appurtenant facilities and for a certificate of public convenience and necessity authorizing the construction, also during the twelve-month period beginning March 1, 1975, and operation of facilities for rearrangements of minor gas-sales or transportation facilities, respectively, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection. Applicant states that all actions proposed will take place in either Kentucky, Maryland, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

The purposes of these budget-type applications are (1) to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the applications, (2) to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system, and (3) to enable Applicant to act with reasonable dispatch in making miscellaneous minor rearrangements on its system without the delay incident to the filing and processing of numerous individual certificate applications.

Applicant states that the total cost for construction of the gas purchase facilities will not exceed $4,000,000, with no single project to exceed $1,000,000, that the total cost of the miscellaneous rearrangements of gas-sales and transportation facilities will not exceed $600,000, and that the abandonment, removal and relocation, and construction of field compression facilities will not exceed $3,000,000, with no single project to exceed $500,000. Applicant requests a waiver in accordance with § 157.7(c)(2)(ii) of the regulations under the Natural Gas Act to the extent necessary to permit the construction of rearranged gas-sales and transportation facilities in excess of the $300,000 limit prescribed by § 157.7(c)(2)(1). Applicant alleges that the size and complexity of its transmission system justifies the need for budget-type authorization up to expenditures of $600,000 for said facilities. Applicant states that all funds will be generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that grants of the certificates and permission and approval for the proposed abandonments are required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1595 Filed 1-16-75;8:45 am]

[Docket No. RP74-82]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Petition for Leave To Amend Rate Filing

JANUARY 10, 1975.

Take notice that on January 6, 1975, Columbia Gas Transmission Corp. (Columbia) tendered for filing proposed changes in its filing in FPC Docket No. RP74-82. The filing consists of proposed changes to Columbia's FPC Gas Tariff, Original Volume No. 1: Eighteenth Revised Sheet No. 16.

Columbia states that the filing should be viewed as an amendment to the rate increase already filed in this docket. It asks for waiver of Commission regulation § 154.63 to allow previously filed testimony and exhibits to support the instant changes. The changes would increase annual revenues by $14,435,491. Columbia states that the increase is necessary to offset a decline in amount of gas for sale. Columbia states that the reasons for this filing are (1) reductions in volumes of gas for sale unanticipated at the time of the original filing; (2) the great need of Columbia to maintain revenues so that it may continue its supply acquisition program; (3) the general gas shortage which makes innovative, substantive and procedural flexibility by the Commission imperative.

The proposed effective date is February 6, 1975. Columbia requests a one-day suspension.

Copies of the filing were served upon interested state commissions and each person designated on the Official Service List compiled by the Secretary of the Federal Power Commission in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1596 Filed 1-16-75;8:45 am]

[Docket No. RP74-32]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Tariff Changes

JANUARY 10, 1975.

Take notice that on January 2, 1975, Consolidated Gas Supply Corporation (Consolidated) tendered for filing the following substitute tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Substitute Second Revised Sheet No. 7-A
Substitute Twenty-Seventh Revised Sheet No. 8
Substitute Original Sheet No. 8-A
Substitute Original Sheet No. 51-D
Substitute Original Sheet No. 51-E
Substitute Original Sheet No. 51-F
Substitute Original Sheet No. 62-A
Substitute Original Sheet No. 62-B

Consolidated states that the proposed tariff sheets will implement the recovery of the fixed costs embedded in Consolidated's effective rates and charges which it would otherwise fail to recover because of the decrease in the volume of sales on which its rates are predicated as a result of gas shortage curtailment.

The effective date of the proposed tariff sheets is February 1, 1975. Consolidated states that its gas supply situation has reached the point where it must institute its first gas supply shortage curtailment on February 1, 1975. Consolidated requests waiver of § 154.22 of the Commission's regulations in order that these tariff sheets may become effective as of the date requested, and waiver of any other of the Commission's rules and regulations to the extent such waiver is deemed necessary.

V 4012 JAN 17 75 XUM

Copies of the proposed tariff sheets and supporting data have been furnished Consolidated's jurisdictional customers, interested state commissions and parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20425, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1597 Filed 1–16–75;8:45 am]

[Docket No. E–8947]

DELMARVA POWER AND LIGHT CO.

Notice of Extension of Procedural Dates

JANUARY 10, 1975.

On January 9, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 24, 1974 in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 10, 1975.
Service of Intervenor's Testimony, February 24, 1975.
Service of Company Rebuttal, March 10, 1975.
Hearing, March 25, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1598 Filed 1–16–75;8:45 am]

[Docket Nos. CP70–196 et al., CP74–227, CP73–135, CP74–212]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Notice of Clarification

JANUARY 2, 1975.

The Presiding Administrative Law Judge in the above-designated matter has filed a certification requesting clarification dated December 20, 1974. The actual service date was December 26, 1974.

Notice is hereby given that the time for filing response to the above clarification request extends to and including January 10, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1599 Filed 1–16–75;8:45 am]

[Docket Nos. CP75–199 and CP75–200]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Application

JANUARY 13, 1975.

Take notice that on January 2, 1975, Michigan Consolidated Gas Co. (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket Nos. CP75–199 and CP75–200 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity to implement temporary natural gas storage service for the benefit of Northern Indiana Public Service Company (NIPSCO), Northern Natural Gas Company (Northern), Natural Gas Pipeline Company of America (Natural), and Peoples Gas Light & Coke Company (Peoples) through transportation provided by Michigan Wisconsin Pipe Line Company (Mich Wisc), all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

In the application in Docket No. CP75–199, Applicant proposes to continue for an additional year a storage service provided by Applicant for NIPSCO, Northern, Natural and Peoples. By Commission order issued September 6, 1974, in Michigan Wisconsin Pipe Line Company, et al., Docket No. CP74–157, et al., Applicant was authorized to extend said storage service until March 1, 1975, for NIPSCO, Northern and Natural and to provide the storage service for Peoples until January 31, 1975. In general the arrangement between the parties provides for Mich Wisc to receive gas from NIPSCO, Northern, Natural and Peoples during the off-peak season, deliver the gas for their account to Applicant's storage fields and redeliver said gas during the winter heating season. The maximum volumes authorized to be stored for each company by Applicant are as follows:

	Million Mcf
Peoples	6.0
Nipsco	5.0
Northern	2.8
Natural	5.8

Applicant states in its application in Docket No. CP75–199 that both it and Mich Wisc have entered into contracts extending the subject storage agreements for a period of one year. Accordingly, Applicant requests authorization for continuation for one year of the respective storage services authorized in the September 6, 1974, order. In all other respects, according to Applicant, the agreements are to remain unchanged.

In the application in Docket No. CP75–200 Applicant proposes to render natural gas storage service for Mich Wisc. Applicant avers that this is intended as a temporary arrangement to assist Mich Wisc in providing gas storage service to Northern, Natural and Peoples during the period from March 1975 through February 1977. The agreement between Applicant and Mich Wisc provides that during the summer period Mich Wisc will deliver to Applicant for storage up to 9,000,000 Mcf in 1975 and up to 5,000,000 Mcf in 1976, plus 2 percent of the deliveries for compressor fuel. During the respective winter periods Applicant proposes to redeliver equivalent volumes less compressor fuel to Mich Wisc at the Woolfolk Compressor Station, an existing delivery point of Mich Wisc to Applicant. The rate to be paid by Mich Wisc for the service is $3.54 per month per Mcf of Maximum Daily Quantity. The application states that Mich Wisc has filed a related application in Docket No. CP75–182 for long term authorization to store and transport gas for Northern, Natural and Peoples as follows:

	million Mcf
Northern	4.2
Natural	3.8
Peoples	1.0

Applicant states that Mich Wisc will use its own facilities for storage after February 1977.

In each application Applicant requests certificate authorization applicable only to the storage service described, to be effective only for the limited time period during which service will be performed. Applicant further requests that, except as specifically certificated in Docket Nos. CP72–146, CP72–278 and CP74–319, its operations remain exempt from the provisions of the Natural Gas Act pursuant to section 1(c) thereof.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that grants of the certificates are required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1600 Filed 1–16–75;8:45 am]

[Docket Nos. RP73–102, RP73–102, and RP73–14 (PGA 75–1)]

MICHIGAN-WISCONSIN PIPE LINE CO.

Consolidation and Postponement of Hearing Dates

JANUARY 10, 1975.

On November 25, 1974, and January 8, 1975, Staff Counsel filed motions for an extension of time and consolidation of the above-designated proceedings. The procedural dates were fixed respectively by orders issued August 12, 1974 and October 31, 1974, as most recently modified by notices issued January 2, 1975. The motion states that no party to the proceedings objects to the suggested changes.

Notice is hereby given that the above proceedings shall be consolidated for the purpose of hearing and decision. Such hearing shall be scheduled for January 28, 1975, at 10 a.m. [EST] in a hearing room of the Federal Power Commission.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1601 Filed 1–16–75;8:45 am]

[Docket No. RP73–102]

MICHIGAN-WISCONSIN PIPE LINE CO.

Notice of Postponement of Hearing

JANUARY 2, 1975.

On December 31, 1974, Michigan-Wisconsin Pipe Line Company filed a motion to extend the hearing date fixed by order issued August 12, 1974, as most recently modified by notice issued October 3, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until January 14, 1975, at 10 a.m. (EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1602 Filed 1–16–75;8:45 am]

[Docket No. RP73–102, RP73–14 (PGA 75–1)]

MICHIGAN-WISCONSIN PIPE LINE CO.

Notice of Postponement of Hearing

JANUARY 2, 1975.

On December 31, 1974, Michigan-Wisconsin Pipe Line Company filed a motion to extend the hearing date fixed by order issued October 31, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until January 21, 1975 at 10 a.m. (EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1603 Filed 1–16–75;8:45 am]

[Docket No. E–7942 and E–9181]

NANTAHALA POWER AND LIGHT CO.

Notice of Extension of Time

JANUARY 2, 1975.

On December 20, 1974, North Carolina Electric Membership Corporation filed a motion to extend time for filing evidence fixed by notice issued December 13, 1974 in the above designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the time for filing evidence by staff and intervenors is extended to January 17, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1604 Filed 1–16–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 13, 1975, (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The Symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Review of State Services to Runaways, single-time, State welfare agencies, Sunderhauf, M.B., 395–4911.

Health Resources Administration: Evaluation of Regional Medical Program Activities Affecting the Health of Children, HRAOPEL-0108, single-time, regional health programs, Human Resources Division, 395–3532.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration: Knowledge Baseline Survey, OSHA 67, single-time, employers, employees, Ellett, C.A., 395–6172.

DEPARTMENT OF TRANSPORTATION

Departmental and other: Rider Incentive Study, single-time, individuals in Balto. and Nashville, Strasser, A., 395–3880.

REVISIONS

FEDERAL RESERVE SYSTEM

Over-the-Counter Margin Stock Report, FR 48, Semi-annually, over-the-counter corportations, Lowry, R.L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Monthly Report of Excess Income—Section 236, FHA 3104, monthly, Owners of Sec. 236 multifamily projects, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF THE INTERIOR

Departmental and other: YCC Application, Part V, on occasion, Youth applying for YCC program, Sunderhauf, M.B., 395–4911.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Forms and Reports for Health Professions Student Assistance Programs, NIH–1014, annually, nursing and health profession schools, Caywood, D.P., 395–3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–1710 Filed 1–16–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 14, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

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NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Career Intern Program Evaluation: Employer Questionnaire, Phase II—Hands On; Employer Questionnaire: Graduate Interns, NTE98A, NIE 98B, single-time, business firms, Human Resources Division, 395–3880.

National Institutes of Health: Hypertension Detection and Follow-Up Program Special Groups Survey Sample, CSNIHHL–19, on occasion, HDFP screenees not eligible for study, Hall, George, 395–4697.

Alcohol, Drug Abuse, and Mental Health Administration Methods for Evaluating Patterns of CMHC Services Coordination, ADAMMH0102, single-time, CMHCS and other local human service agencies, Human Resources Division, 395–3532.

National Institute of Education: A Survey of Parental Involvement in Schools and Their Satisfaction With Experimental School Project Practices, NIE 99, single-time, households in Franklin Pierce School District, Human Resources Division, 395–3532.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration: Annual Summary Report of Railroad Injury and Illness, 6180–45, annually, railroad transportation companies, Ellett, C. A., 395–6172.

REVISIONS

NATIONAL SCIENCE FOUNDATION

Administration of Institutional Grants for Science, NSF 158, annually, program grantees, Lowry, R. L., 395–3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service; Dry Bean, Pea, and Lentil Survey, Other (see SF–88), dry bean, pea, and lentil growers, Lowry, R. L., 395–3772.

Agricultural Stabilization and conservation Service Application for Disaster Credit—Farms, ASCS–574, on occasion, farms, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community planning and development, community development funding survey, single-time, community development staff, community and veterans affairs division, 395–3532.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Survey of solid waste removal systems for residents of Operation Breakthrough sites, single-time, households of Operation Breakthrough sites, Evinger, S. K., 395–3648.

DEPARTMENT OF STATE (EXCL. AID AND ACTION)

Application for Renewal, Amendment, Extension of Passport, FS–299, on occasion, passport applicants, Evinger, S. K., 395–3648.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service: Request and Notice of Shipment of Sealed Meats (From One Federally Inspected Establishment to Another), CP–408, on occasion, food inspectors, Evinger, S. K., 395–3648.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Platinum and Allied Metals (Consumption), 6–1110–OA, other (see SF–85), consumers of platinum and allied metals, Evinger, S. K., 395–3648.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–1773 Filed 1–16–75;8:45 am]

PANAMA CANAL COMPANY

AVAILABILITY OF FINAL ENVIRONMENTAL STATEMENT

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Panama Canal Company has prepared a final environmental impact statement for the proposed granting of a license to the Instituto de Recursos Hidraulicos y Electrificacion, an autonomous agency of the Government of the Republic of Panama, to construct, maintain and operate two 230 kv transmission lines along a corridor 100 meters wide across the Canal Zone.

This final environmental impact statement was transmitted to CEQ on December 16, 1974.

Copies are available for inspection during regular working hours at the following locations, and a limited number of single copies are available on request to the Canal Zone address:

Secretary, Environmental Quality Committee
Room 233, Administration Building
Panama Canal Company
Balboa Heights, Canal Zone
or
Secretary, Panama Canal Company
Room 312
425 Thirteenth Street, NW.
Washington, D.C. 20004

Copies of the environmental statement have been sent to various Federal and local agencies as outlined in the CEQ guidelines.

Dated: January 6, 1975.

THOMAS M. CONSTANT,
Secretary,
Panama Canal Company.

[FR Doc.75–1581 Filed 1–16–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

JANUARY 8, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 9, 1975 through January 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–1568 Filed 1–16–75;8:45 am]

CENTRAL AND SOUTH WEST CORP. ET AL.

Proposed (1) Amendment of Subsidiaries' Charters to Increase Authorized Common Stock, (2) Amendment of One Subsidiary's Charter to Increase Par Value of Common Stock, and (3) Issue and Sale of Common Stock by Subsidiaries to Holding Company

JANUARY 8, 1975.

In the matter of Central and South West Corporation, P.O. Box 1631, Wilmington, Delaware 19899, Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403, Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102, Southwestern Electric Power Company, P.O. Box 1106, Shreveport, Louisiana 71156, (70–5602).

Notice is hereby given that Central and South West Corporation ("C&SW"), a registered holding company, and three of its electric utility subsidiary companies Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO") and Southwestern Electric Power Company ("SWEPCO") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10 and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CPL proposes to amend its Articles of Incorporation to increase its authorized common stock, par value $25 per share, from 6,000,000 shares to 12,000,000 shares. The affirmative vote of the holders of two-thirds of the outstanding shares of common stock or written consent of such holders is required. C&SW, holder of all CPL common stock, proposes to give its written consent to the amendment. There are presently 5,755,535 shares of CPL common stock issued and outstanding.

PSO proposes to amend its Articles of Incorporation to (1) increase the par value of its common stock from $12 to $15 per share, and in connection therewith to effect the transfer on its books of account the amount of $29,445,000 in retained earnings (earned surplus) to common stock stated capital, and (2) increase its authorized common stock from 10,000,000 shares to 11,000,000 shares. It is stated that the proposed change in par value is to achieve a better balance in PSO's capital accounts.

The adoption of the amendments to the PSO Articles of Incorporation requires the favorable vote of the holders of a majority of its outstanding preferred and common shares. C&SW, holder of all PSO common stock, proposes to call a special meeting of its preferred and common shareholders to consider and vote upon the adoption of the proposed amendments. It is stated that the PSO common stock represents in excess of 68 percent of the votes entitled to be cast, and that therefore shareholder approval of the proposed amendments is assured.

SWEPCO proposes to amend its Certificate of Incorporation to increase its authorized common stock from 7,000,000 shares to 7,600,000 shares (par value $18 per share). There are presently 6,981,085 shares of SWEPCO common stock issued and outstanding. Adoption of the proposed amendment requires the favorable vote or written consent of the holders of a majority of the outstanding shares of common stock. C&SW, holder of all the SWEPCO common stock, proposes to give its written consent to the proposed amendment.

CPL, PSO and SWEPCO, respectively, propose to issue and sell to C&SW, for cash or in consideration of the discharge and satisfaction of short-term borrowings, at their par value, the numbers of shares of their authorized but unissued common stock set forth below, and C&SW proposes to acquire such shares for such consideration:

Subsidiary	Number of shares	Par value per share	Consideration
CPL	1,000,000	$25	$25,000,000
PSO	667,000	15	10,005,000
SWEPCO	555,555	18	9,999,990

Proceeds of the short-term borrowings to be discharged by C&SW and any cash received from C&SW upon sale of the subsidiaries' common stock to C&SW have been or will be used to finance, in part, 1974 and 1975 construction programs. The estimated construction programs for the three subsidiaries for 1975 are as follows: CPL: $75,035,000; PSO: $54,509,000; SWEPCO: $74,734,000.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $4,500, to be apportioned among the three subsidiaries. It is stated that the Corporation Commission of the State of Oklahoma has jurisdiction with respect to the issuance and sale by PSO of its common stock, and that no other state commission and no federal commission, other than this Commisison, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 3, 1975, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants at the above-stated addresses, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–1569 Filed 1–16–75;8:45 am]

[Rel. No. 8636]

CG MONEY MARKET FUND, INC., ET AL.

Filing of Application for an Order of Exemption

JANUARY 9, 1975.

In the matter of CG Money Market Fund, Inc., Connecticut General Life Insurance Company, CG Equity Sales Company, Hartford, Connecticut 06152, (812–3728).

Notice is hereby given that CG Money Market Fund, Inc. ("Fund"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), Connecticut General Life Insurance Company ("CG Life"), the organizer of the Fund, and CG Equity Sales Company ("Equity Sales"), the principal underwriter of the Fund and a wholly-owned subsidiary of Connecticut General Insurance Corporation, the parent corporation of CG Life (collectively referred to as "Applicants"), filed an application on November 22, 1974, and an amendment thereto on December 26, 1974, pursuant to section 6(c) of the Act, for an order of the Commission exempting Applicants from Section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Applicants propose to offer shares of the Fund to the public at a price based upon net asset value plus a sales charge that varies with the quantity of securities purchased. The maximum sales charge, expressed as a percentage of the public offering price will be 7.50 percent.

Applicants request an exemption from Section 22(d) of the Act to permit reduced sales charges on an application of the proceeds of insurance contracts issued by CG Life ("insurance proceeds") to the purchase of shares of the Fund. Insurance proceeds are defined as the death benefit under life policies, the maturity value of endowment contracts, the cash value of fixed-dollar life insurance and annuity contracts, and lump sum cash options available to beneficiaries.

The reduced sales charges which would be applicable will be fully disclosed in the prospectus of the Fund and are as follows:

Total investment in the fund at public offering price	*Sales charge as percentage of offering price*
Less than $10,000	5.25
$10,000 but less than $25,000	4.20
$25,000 but less than $50,000	3.50
$50,000 but less than $100,000	2.80
$100,000 but less than $250,000	2.10
$250,000 but less than $500,000	1.40
$500,000 but less than $1,000,000	1.05
$1,000,000 or more	.70

Applicants state that the insurance contracts constituting the source of the insurance proceeds applied to the purchase of shares of the Fund will already have been subjected to sales charges paid to the organizer of the Fund which is also a subsidiary of the company which owns the Fund's underwriter, and that the requested exemption is necessary to avoid an unnecessary accumulation of sales charges. Shares of the Fund will be sold to the public by Equity Sales primarily through its own registered representatives who are, ordinarily, also insurance agents or brokers of CG Life.

Applicants also propose to offer to shareholders of CG Fund, Inc. and CG Income Fund, Inc., affiliates of the Fund by virtue both of a common investment adviser, CG Investment Management Company, a wholly-owned subsidiary of Connecticut General Insurance Corporation, and a common principal underwriter, Equity Sales, the privilege of exchanging their shares for shares of the Fund and vice versa without imposition of a sales charge. An exemption of the type requested herein has previously been granted to CG Fund, Inc. and CG Income Fund, Inc.

The requested exemption will, therefore, eliminate what would otherwise be an anomalous situation in which insurance proceeds could be invested in shares of Fund with reduced sales charges merely by first using such proceeds to purchase shares of either CG Fund or CG Income Fund and then by exchanging shares of such funds for shares of the Fund. Applicants assert that the requested exemption does not involve unfair discrimination and presents no

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threat to the orderly distribution of redeemable investment company securities.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the exemption requested from the provisions of Section 22(d) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 3, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 3, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1568 Filed 1-16-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JANUARY 9, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 10, 1975 through January 19, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1567 Filed 1-16-75;8:45 am]

[Rel. No. 8635]

FIFTH EMPIRE FUND, INC., ET AL.

Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

JANUARY 8, 1975.

In the matter of Fifth Empire Fund, Inc., Sixth Empire Fund, Inc., Federated Regional Research Investments, Inc., Federated Investors Building, 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219. (811-1401), (811-1446), (811-2309).

Notice is hereby given that Fifth Empire Fund, Inc., Sixth Empire Fund, Inc., and Federated Regional Research Investments, Inc. (collectively referred to as "Applicants"), each of which is an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed a joint application on November 29, 1974, for an order of the Commission declaring that Applicants have ceased to be investment companies as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On November 26, 1974, the shareholders of each of the Applicants approved an Agreement of Merger, and Articles of Merger merging the Applicants into Fourth Empire Fund, Inc., an open-end investment company registered under the Act. On November 27, 1974, the merger became effective upon the filing of the Agreement of Merger and the Articles of Merger with the State Department of Assessments and Taxation in the State of Maryland and pursuant to the Plan and Agreement of Merger, the Applicants' corporate statuses ceased as of November 27, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 3, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-1570 Filed 1-16-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 666]

ASSIGNMENT OF HEARINGS

Correction

In FR Doc. 75-431 appearing at page 1328 in the issue of Tuesday, January 7, 1975, make the following correction:

In the second case listed which bears the number MC 139841, the date assigned should read "February 3, 1975" instead of "February 10, 1975".

[Notice 675]

ASSIGNMENT OF HEARINGS

JANUARY 14, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

NOR-36051, Lake Superior & Ishpeming Railroad Company V. Chicago and Northwestern Transportation Company, now assigned January 14, 1975, at Chicago, Ill., is postponed indefinitely.

MC 119422 Sub 53, EE-Jay Motor Transports, Inc., Extension—Eight States, now assigned January 16, 1975, at Washington, D.C., is postponed indefinitely.

MC 107064 Sub 106, Steere Tank Lines, Inc., now assigned January 28, 1975, at Dallas, Tex., is cancelled and the application is dismissed.

MC 69367 Sub 89, Decker Truck Line, Inc., now assigned February 19, 1975, at Milwaukee, Wis., will be held in Room 301 C, City Hall, 200 E. Wells St.

MC-F-12257, International Carriers, Inc.—Purchase—Motor Dispatch, Inc., now assigned February 24, 1975, at Chicago, Ill., will be held on the 3rd Floor, 230 S. Dearborn St.

MC-C-8450, Peninsular Meat Co., Inc., C. W. Mitchell, C. W. Mitchell, Inc., and Benefield Brothers, Inc.—Investigation of Operations and Practices, now assigned February 4, 1975, at Jacksonville, Fla., is cancelled.

MC 136183 Sub 2, Joe Costa, DBA Trinidad Freight Service, now assigned January 27, 1975, at Albuquerque, N. Mex., will be held in the New Mexico Motor Carriers Association, Hearing Room, 1500 University Avenue, N.E.

MC-C-8372, North American Van Lines, Inc.—Investigation and Revocation of Certificates, now assigned February 4, 1975, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 2900 Sub 263, Ryder Truck Lines, Inc., now assigned February 6, 1975, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 136786 Sub 60, Robco Transportation, Inc., now assigned February 7, 1975, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 115300 Sub 2, Charles Simmons, Sr., DBA Hilton Head Truck Lines, now assigned January 20, 1975, at Columbia, S.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1665 Filed 1-16-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 14, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 3, 1975.

FSA No. 42927—*Anhydrous Ammonia from Seagraves, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-509), for interested rail carriers. Rates on anhydrous ammonia, in tank-car loads, as described in the application, from Seagraves, Texas, to points in southwestern and western trunk-line territories.

Grounds for relief—Market competition, modified shortline distance formula and grouping.

Tariff—Supplement 159 to Southwestern Freight Bureau, Agent, tariff 273-F, I.C.C. No. 4941. Rates are published to become effective on February 12, 1975.

FSA No. 42928—*Joint Water-Rail Container Rates — Yamashita-Shinnihon Line.* Filed by Yamashita-Shinnihon Line, (No. 7), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1666 Filed 1-16-75;8:45 am]

[Notice No. 5 TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 13, 1975.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specified as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107002 (Sub-No. 459TA) (Amendment), filed October 8, 1974, published in the FEDERAL REGISTER issue of October 29, 1974, and republished as amended this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 W, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers and decorative greens*, when moving at the same time and in the same vehicle with commodities, the transportation of which is subject to economic regulation, (a) Between Everson, N.J., on the one hand, and, on the other, points in New Jersey and New York, on traffic having an immediately prior or subsequent movement by air or motor vehicle, (b) Between Emerson, N.J., and Newark, N.J., on traffic having an immediately prior or subsequent movement by air for 180 days. Supporting shipper: Associated Florida Gladiola Growers, Inc., 1920 Park Meadow Drive, Fort Myers, Fla. 33901. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114211 (Sub-No. 240TA), filed January 7, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shipper: Ralston Purina Company, 1725 Airways Blvd., Memphis, Tenn. 38114. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

NOTE.—The purpose of this republication is to add The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201, as another supporting shipper.

No. MC 107002 (Sub-No. 466TA), filed January 7, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John N. Borth (same address as applicant), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam cylinder oil*, in bulk, in tank vehicles, from Memphis, Tenn., to Bethlehem, Penn., for 180 days. Supporting shipper: Sharvania Oil & Grease Corporation, 1185 Tully Street, Memphis, Tenn. 38107. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 111729 (Sub-No. 493TA), filed January 8, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers and decorative greens*, when moving at the same time and in the same vehicle with commodities, the transportation of which is subject to economic regulation, (a) Between Everson, N.J., on the one hand, and, on the other, points in New Jersey and New York, on traffic having an immediately prior or subsequent movement by air or motor vehicle, (b) Between Emerson, N.J., and Newark, N.J., on traffic having an immediately prior or subsequent movement by air for 180 days. Supporting shipper: Associated Florida Gladiola Growers, Inc., 1920 Park Meadow Drive, Fort Myers, Fla. 33901. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114211 (Sub-No. 240TA), filed January 7, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by agricultural machinery, industrial equipment, and lawn and leisure products dealers (except

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commodities in bulk), from the facilities of Deere & Company at Bloomington, Minn., and International Harvester Company at St. Paul, Minn., to points in Iowa, Montana, North Dakota, South Dakota, Upper Peninsula of Michigan, Wisconsin, Wyoming, and Minnesota. Supporting shippers: Deere & Company, 2001 West 94th Street, Bloomington, Minn. 55431. International Harvester Company, 401 North Michigan, Chicago, Ill. 60611. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 117068 (Sub-No. 38TA), filed January 8, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 62, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Storage systems and contractors' materials and supplies* (except commodities in bulk), on winch or self-unloading equipment, from St. Paul, Minn., to California, Illinois, Iowa, Michigan, Missouri, Nebraska, Ohio, Texas, and Wisconsin, for 180 days. Supporting shipper: Brown-Minneapolis Tank & Fabricating Company, P.O. Box 3670, St. Paul, Minn. 55101. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Bldg. & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 123663 (Sub-No. 1TA), filed January 8, 1975. Applicant: JOHN H. CERQUOZZI, 2736 Dove Street, Williamsport, Pa. 17701. Applicant's representative: Donald H. Lotz, c/o J. B. Associates, 13 Morningside Place, Wanaque, N.J. 07465. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and materials, supplies, and equipment*, used or useful in the manufacture of iron and steel articles, between Williamsport, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania, for 180 days. Supporting shippers: Williamsport Die and Machine Company, 190 Park Street, Williamsport, Pa. 17701. Danneker & Lear, Inc., 163 Catawissa Avenue, Williamsport, Pa. 17701. Centura Development Co., Inc., 1311 Washington Boulevard, Williamsport Pa. 17701. Anchor/Darling Valve Company, 701 First Street, Williamsport, Pa. 17701. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 124306 (Sub-No. 16TA), filed January 8, 1975. Applicant: KENAN TRANSPORT COMPANY, INC., P.O. Box 2934, Durham, N.C. 27705. Applicant's representative: Lee P. Shaffer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Distillates*, in bulk, in tank trucks, from Severn, N.C., to Charleston, S.C., for 180 days. Supporting shipper: The Mebtex Company, P.O. Box 5146, Vienna, W. Va. 26105. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 127505 (Sub-No. 72TA), filed January 6, 1974. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt pavement surface sealer*, in containers, from Compton, Ill., to Faribault, Hastings, Minneapolis, Northfield, Red Wing, Rochester, and Winona, Minn., and Appleton, Beloit, Chippewa Falls, Eau Claire, Fond du Lac, Green Bay, Neenah, Menasha, Oshkosh, Kenosha, Racine, Milwaukee, Madison, Watertown, Sheboygan, Manitowoc, LaCrosse, and Janesville, Wis., and their respective commercial zones, for 180 days. Supporting shipper: Harold L. Crabtree, Production Manager, Cosmicoat, Inc., 3400 Cleveland Road, P.O. Box 73, Wooster, Ohio 44691. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133408 (Sub-No. 3TA), filed December 31, 1974. Applicant: JAMES D. KINNEY and B. R. LINDSEY, doing business as PIONEER TRANSIT LINES, 234 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: James D. Kinney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and express and newspapers in the same vehicle with passengers, between Medicine Bow, Wyo., and Laramie, Wyo., via U.S. 30, serving all intermediate points.

NOTE.—Applicant intends to tack at Medicine Bow, Wyo., with Pioneer Transit Lines Docket No. 133048 Sub 2, and interline at Laramie, Wyo., with Colorado Motorway, Inc., MC 98903; Greyhound Lines, Inc., MC 1515; and American Bus Lines, Inc., MC 28426, for 180 days. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copiers thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 100 East B Street, Casper, Wyo. 82601.

No. MC 134531 (Sub-No. 4TA), filed January 7, 1975. Applicant: AGGREGATE HAULERS, INC., P.O. Box 386, Cayce, S.C. 29033. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blount, Jefferson, and Knox Counties, Tenn., to points in Bulloch and Candler Counties, Georgia, and Aiken, Calhoun, Edgefield, Fairfield, Greenwood, Lexington, Newberry, Orangeburg, Richland, and Saluda Counties, S.C., for 180 days. Supporting shippers: Wright-Lanier, Inc., P.O. Box 2, Metter, Ga. Hall & Miller Fertilizer, Inc., P.O. Box 872, Statesboro, Ga. Tillman & Deal Farm Supply, Northside Dr., Statesboro, Ga. Swansea Farmers Gin Co., Inc., P.O. Box 186, Swansea, S.C. FCX, Inc., Saluda, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens, Columbia, S.C. 29201.

No. MC 138844 (Sub-No. 3TA), filed January 7, 1975. Applicant: GAS INCORPORATED, 87 Industrial Avenue East, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, 11 Commerce Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified natural gas (LNG)*, in bulk, in cryogenic vehicles, between points in East, and North of the States of Wisconsin, Illinois, Kentucky, Tennessee, Alabama, Georgia, and South Carolina, for 180 days. Supporting shippers: There are approximately *20* statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copiers thereof which may be examined at the field office named below. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 139881 (Sub-No. 2TA) (Correction), filed December 18, 1974, published in the FEDERAL REGISTER issue of January 8, 1975, and republished as corrected this issue. Applicant: ROETTELE TRUCKING, 14503 Eastbrook, Bellflower, Calif. 90706. Applicant's representative: Lon Roettele (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe and pipe fittings and iron and steel plates or sheets* and (2) *Structural steel shapes or forms*, (1) from Los Angeles and Los Angeles Harbor Commercial Zones, to points in Washington, Utah, Oregon, and Nevada and (2) between Bellflower, Calif., and Houston or Lubbock, Tex.; Boise, Pocatello, or Twin Falls, Idaho; Ogden, Provo, or Salt Lake City, Utah; Denver, Colo.; Portland, Oreg.; and Seattle, Wash., for 180 days. Supporting shippers: Lakewood Pipe Service Co., Inc., 9060 Rosecrans Avenue, Bellflower, Calif. 90106, and Aggressive Erectors & Bridgemen, Inc., 403 Meadowbrook Lane, Inglewood, Calif. 90302. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012. The purpose of this republication is to change the name of applicant, the rest of the application will remain the same.

No. MC 140179 (Sub-No. 2TA), filed January 8, 1975. Applicant: NRG HAULING, INC., Sacramento, Ky. 42372. Applicant's representative: Fred F. Bradley, Suite 202, Court Square Office Bldg., 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Ballard, Butler, Breckinridge, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Mead, Muhlenberg, Ohio, Trigg, Union, and Webster Counties, Ky., to Joliet, Ill., for 180 days. Supporting shipper: Jerry Driskill, Proprietorship, Hartford, Ky., 42347. Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 140442 (Sub-No. 1TA), filed January 6, 1975. Applicant: RICHARD HASELRIG, doing business as HASELRIG TRUCKING, CO., Route One, Graham Road, Rock Spring, Ga. 30739. Applicant representative: (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, from Blount, Jefferson, and Knox Counties, Tenn., to points in Georgia (except points in Jefferson County, Ga., on and south of Georgia Highway 24), for 180 days. Supporting shipper: Farmers Mutual Exchange, P.O. Box 495, LaFayette, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 140528 TA, filed January 7, 1975. Applicant: DONALD E. WOOD, doing business as SEKAN AIR FREIGHT, 1000 East Main Street, Independence, Kans. 67301. Applicant's representative: G. Richard Shaw, P.O. Box 391, Coffeyville, Kans. 67337. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* subject to prior or subsequent movement by air, between points in Montgomery, Wilson, Neosho, and Labette Counties in Kansas, on the one hand, and Tulsa International Airport in Tulsa, Okla., on the other, for 180 days. Supporting shippers: Funk Manufacturing Co., Division of Gardner-Denver Co., Box 577, Coffeyville, Kans. 67337. Pressure Coast Products, Inc., 300 East Fourth Street, Coffeyville, Kans. 67337. Vallis Wingroff, Box 59, Cherryvale, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 140529 (Sub-No. 1TA), filed January 7, 1975. Applicant: RAY E. MUHLBACH, doing business as REMCO TRUCKING, Ravenna, Nebr. 68869. Applicant's representative: Michael J. Ogborn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plantsites and facilities utilized by Ravenna Cheese Company, Inc., located at or near Ravenna, Nebr., to Clinton, Carthage, and Springfield, Mo., Salt Lake City and Wellsville, Utah; and New Ulm, Minn., restricted to a service to be performed under a continuing contract or contracts with Ravenna Cheese Company, Inc., for 180 days. Supporting shipper: LeRoy Wadzinski, President, Ravenna Cheese Company, Inc., Ravenna, Nebr. 68869. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg. & Court House, Lincoln, Nebr. 68501.

No. MC 140530TA, filed January 7, 1975. Applicant: FREEWAY TRANSPORT, INC., 635 S.E. 11th Avenue, Portland, Oregon 97214. Applicant's representative: Earle V. White, 2400 S.W. 4th Avenue, Portland, Oregon 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Washington and Oregon, and Lewiston, Idaho, to points in Arizona, California, and Nevada, for 180 days. Supporting shipper: North Pacific Canners & Packers, Inc., 5200 S.E. McLaughlin Blvd., Portland, Oregon 97202. Send protests to: W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

No. MC 140531TA, filed January 8, 1975. Applicant: MID-CONTINENT SYSTEMS, INC., P.O. Box 875, 111 North Fifth St., O'Neill, Nebr. 68763. Applicant's representative: Marshall Becker, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpeting or rugs; carpet tile; carpet and carpet tile samples; adhesives and carpet cement; displays, advertising*, store or window, from the plantsite of Armstrong Cork Company at or near Marietta, Penn., to the facilities of Truesdell Distributing Corporation at or near Omaha, Nebr., for 180 days. Supporting shipper: Truesdell Distributing Corp., R. L. Hansen, Operations Mgr., 6009 Center Street, Omaha, Nebr. Send protests to: Carroll Russell, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-1667 Filed 1-16-75;8:45 am]

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FRIDAY, JANUARY 17, 1975

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Volume 40 ■ Number 12

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

NATIONAL RESEARCH SERVICE AWARDS

Proposed Rules

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 66]

NATIONAL RESEARCH SERVICE AWARDS

Notice of Proposed Rulemaking

Section 472(a)(1)(A) of the Public Health Service Act, as added by the National Research Service Award Act of 1974 (Title I, Pub. L. 93-348), directed the Secretary of Health, Education, and Welfare to provide National Research Service Awards for (1) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in matters relating to the cause, diagnosis, prevention, and treatment of the disease (or diseases) or other health problems to which the activities of NIH and ADAMHA are directed, (2) training at NIH and ADAMHA of individuals to undertake such research, (3) biomedical and behavioral research at non-Federal public and nonprofit private institutions, and (4) predoctoral and postdoctoral training at such institutions of individuals to undertake such research.

In addition, section 472(a)(1)(B) of the Public Health Service Act, as so added, directed the Secretary to make grants to non-Federal public and nonprofit private institutions to enable such institutions to make to individuals selected by them National Research Service Awards for research (and training to undertake such research) in matters described in item (1) of the preceding paragraph.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the regulations set forth below for the purpose of implementing the foregoing legislation.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the regulations may be presented in writing in triplicate to the Training Officer, Office of the Director, National Institutes of Health, Building 1, Room 117, 9000 Rockville Pike, Bethesda, Maryland 20014. All comments received will be available for public inspection at said Office on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m. All relevant material received on or before February 18, 1975 will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

Dated: December 13, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: January 8, 1975.

CASPAR W. WEINBERGER,
Secretary.

It is therefore proposed to amend Title 42 of the Code of Federal Regulations by adding the following new Part 66:

PART 66—NATIONAL RESEARCH SERVICE AWARDS

Subpart A—Direct Awards

Sec.
66.101 Applicability.
66.102 Definitions.
66.103 Eligibility.
66.104 Application.
66.105 Requirements.
66.106 Awards.
66.107 Payments to awardees.
66.108 Payments to institutions.
66.109 Termination.
66.110 Service, payback, and recovery requirements.
66.111 Suspension, waiver, and cancellation.
66.112 Nondiscrimination.
66.113 Human subjects; animal welfare.
66.114 Publications.
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66.116 Inventions and discoveries.
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Subpart B—Institutional Grants

Sec.
66.201 Applicability.
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66.203 Eligibility.
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66.206 Grant awards.
66.207 Payment.
66.208 Expenditure of grant funds.
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66.210 Human subjects; animal welfare.
66.211 Applicability of 45 CFR Part 74.
66.212 Progress and fiscal records and reports.
66.213 Grantee accountability.
66.214 Publications and copyright.
66.215 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 472, 88 Stat. 342 (42 U.S.C. 289*l*-1).

Subpart A—Direct Awards

§ 66.101 Applicability.

The regulations in this subpart are applicable to National Research Service Awards by the Secretary, under section 472(a)(1)(A) of the Public Health Service Act as amended (42 U.S.C. 289v-1(a)(1)(A)), to individuals for: (a) Biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in matters relating to the cause, diagnosis, prevention, and treatment of the disease (or diseases) or other health problems to which the activities of NIH and ADAMHA are directed, (b) training at NIH and ADAMHA of individuals to undertake such research, (c) biomedical and behavioral research at non-Federal public and nonprofit private institutions, and (d) predoctoral and postdoctoral training at such institutions of individuals to undertake such research.

§ 66.102 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "NIH" means the National Institutes of Health.

(d) "ADAMHA" means the Alcohol, Drug Abuse, and Mental Health Administration.

(e) "Nonprofit" as applied to any institution means an institution which is a corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(f) "Award" means a National Research Service Award under section 472 of the Act (42 U.S.C. 289*l*-1).

(g) "Residency" means post-graduate training, for doctors of medicine, osteopathy, and dentistry, nurses, and other individuals providing health care directly to patients, where the majority of the time is spent in non-research clinical training.

(h) "National Health Service Corps" means the Corps referred to in section 329 of the Act (42 U.S.C. 254b).

(i) "Noncitizen national of the United States" means a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(j) "Predoctoral training" means training at the post-baccalaureate level in a program leading to the award of a doctor of philosophy or science.

(k) "Postdoctoral training" means training of individuals holding a doctor of philosophy, science, medicine, dentistry, osteopathy, veterinary medicine, engineering, nursing sciences, public health, or equivalent degree.

§ 66.103 Eligibility.

To be eligible for a National Research Service Award under this subpart an individual must:

(a) Be a citizen or noncitizen national of the United States or have been lawfully admitted to the United States for permanent residence at the time of application; and

(b) Propose to engage in full-time biomedical or behavioral research, or training to undertake such research, at NIH, ADAMHA, or a non-Federal public or nonprofit private institution.

§ 66.104 Application.

(a) Application for an Award under this subpart shall be made on a form approved for that purpose by the Secretary. The completed form, executed by the individual applicant, shall be submitted to NIH or ADAMHA on or before such dates as the Secretary may prescribe.

(b) In addition to any other pertinent information that the Secretary may require, each application shall set forth in detail:

(1) The applicant's educational background and other qualifications and experience;

(2) The subject area of the proposed research or training;

(3) The proposed period of Award;

(4) If the proposed period of Award is in excess of three years, the justifications for such request; and

(5) The availability of the institution where the research or training would be conducted of resources and facilities necessary to carry out such research or training.

§ 66.105 Requirements.

No Award shall be made to an individual under this subpart unless:

(a) The individual has submitted to the Secretary a written assurance (in such form as the Secretary may prescribe) that he or she will satisfy the requirements of paragraphs 66.110(a) and 66.110(b) of this subpart;

(b) If the proposed research or training would take place at a non-Federal institution, such institution has submitted a written assurance (in such form as the Secretary may prescribe), executed by a representative of the institution authorized to act for the institution and to assume on behalf of the institution the obligations imposed by the terms and conditions of the Award including the regulations of this subpart, indicating that the applicant has been accepted to the institution for the purpose of engaging in the research or training for which an Award is being sought, that the Award is not to be used to support a residency, and that, in the event an Award is made, the institution will make available to the applicant any resources and facilities described in the application as necessary to carry out such research or training;

(c) Effective July 1, 1975, the proposed research or training is in a subject area for which there is a need for personnel, as determined under section 473 of the Act (42 U.S.C. 289*l*-2); and

(d) The individual has submitted a written assurance (in such form as the Secretary may prescribe) that the Award is not to be used to support a residency.

§ 66.106 Awards.

(a) Within the limits of funds available, the Secretary shall make Awards to those applicants:

(1) Whose applications have been reviewed and recommended for approval by appropriate advisory councils within NIH and ADAMHA;

(2) Who have satisfied the requirements of § 66.105 of this subpart; and

(3) Whose proposed research or training would, in the judgment of the Secretary, best promote the purposes of section 472(a)(1)(A) of the Act, taking into consideration among other pertinent factors:

(i) The scientific, technical, or educational merit of the particular proposal;

(ii) The availability of resources and facilities to carry it out;

(iii) The qualifications and experience of the applicant; and

(iv) The degree of the need for personnel in the subject area of the proposed research or training.

(b) All Awards shall be in writing and shall specify the proposed period of the Award (which may not exceed three years in the aggregate for any individual unless the Secretary for good cause shown waives the application of this limitation to such individual), the stipends and allowances provided and the levels thereof during the initial year of said period (see § 66.107), the estimated levels for future years, and (if the Award is made for research or training at a non-Federal institution) the amount of the payments to the institution for the cost of services provided the awardee by such institution during the initial year of said period (see § 66.108).

(c) In determining what constitutes "good cause" for purposes of paragraph (b) of this section, the Secretary shall take into account such factors as whether the applicant proposes to complete both predoctoral and postdoctoral training programs under the Award.

§ 66.107 Payments to awardees.

(a) Individuals receiving Awards shall be entitled to such stipends and allowances as the Secretary may designate, taking into account such factors as the needs of the program, the cost of living, and the availability of funds.

(b) Payments of stipends and allowances shall, at the discretion of the Secretary, be made to the awardee or the sponsoring institution for payment to the awardee.

§ 66.108 Payments to institutions.

(a) Where an Award is made to an individual under this subpart for research or training at a non-Federal public or nonprofit private institution, the institution shall be entitled to an allowance to help defray the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by the institution. The amount of any such payments to any institution shall be determined by the Secretary based upon the reasonable costs to the institution of establishing and maintaining the quality of its biomedical and behavioral research and training programs.

(b) Payments to the institution under this section may be made either in advance or by way of reimbursement, as prescribed by the Secretary.

§ 66.109 Termination.

(a) The Secretary may terminate an Award prior to its normal expiration date:

(1) At the written request of the awardee; or

(2) If the Secretary finds that the awardee has materially failed to comply with the terms and conditions of the Award or to carry out the purpose for which it was made.

(b) In the event an Award is terminated the Secretary shall notify the awardee in writing of this determination, the reasons therefor, the effective date, and any procedural rights available.

§ 66.110 Service, payback, and recovery requirements.

(a) Each individual who receives an Award shall upon completion thereof:

(1) Engage in biomedical or behavioral research or teaching for a period equal to the period of support, or

(2) If the Secretary determines that there are no suitable research or teaching positions available to such individual, and if such individual is a physician, dentist, nurse, or other individual trained to provide health care directly to individual patients, and if the Secretary so authorizes such individual, in lieu of engaging in research or training:

(i) Serve as a member of the National Health Service Corps for a period equal to the period of support;

(ii) Serve in his specialty in private practice in a geographic area designated by the Secretary as requiring that specialty for 20 months for each twelve months of support; or

(iii) Provide services in his specialty for a health maintenance organization to which payments may be made under section 1876 of Title XVIII of the Social Security Act and which serves an underserved population (as defined in section 1302(7) of the Act) for 20 months for each 12 months of support; or

(3) If the Secretary determines that there are no suitable research or teaching positions available to an individual, and if such individual is not trained to provide health care directly to individual patients, and if the Secretary so authorizes such individual, in lieu of engaging in research or teaching, engage in a health-related activity for 20 months for each 12 months of support.

(b) Except as provided in section 111 of this subpart, an individual to whom the requirement for service in paragraph (a) of this section is applicable must begin to undertake such service on a continuous basis within two years after the termination of his or her Award.

(c) If an individual fails to undertake or perform such service in accordance with the requirements of paragraph (b) of this section, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula:

$$A = \theta\, t - \frac{(\frac{1}{2})s}{t}$$

in which "A: is the amount the United States is entitled to recover; "θ" is the sum of the total amount of stipends paid under one or more Awards to such individual and the interest on such amount which would be payable if at the time it was paid it was a loan bearing interest at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing at the time the Award was made; "t" is total number of months in such individual's service obligation; and "s" is the number of months of such obligation served by him in accordance with paragraph (a) of this section.

(d) Except as provided in § 66.111 of this subpart, any amount which the United States is entitled to recover under paragraph (c) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under paragraph (c) of this section on account of any Award is paid,

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there shall accrue to the United States interest on such amount at the same rate as that fixed by the Secretary of the Treasury under paragraph (c) of this section to determine the amount due the United States.

§ 66.111 Suspension, waiver, and cancellation.

(a) The Secretary may extend the period for undertaking service prescribed in § 66.110(b) of this subpart, permit breaks in service under said paragraph, or extend the period for repayment under § 66.110(d) if the Secretary determines that:

(1) Such an extension or break in service is necessary so the individual may complete his or her research training;

(2) Completion during said period would be impossible because the individual is temporarily disabled; or

(3) Completion during said period would involve an extreme hardship to such individual and failure to extend such period would be against equity and good conscience.

(b) The Secretary may waive the obligation of such individual to repay pursuant to § 66.110(c) if the Secretary determines that:

(1) Fulfillment would be impossible because the individual is permanently and totally disabled; or

(2) Fulfillment would involve an extreme hardship to such individual and enforcement of such obligation would be against equity and good conscience.

(c) In making determinations under §§ 66.111(a)(3) and (b)(2), the Secretary will take into consideration such factors as:

(1) The individual's present financial resources and obligations;

(2) The individual's estimated future financial resources and obligations;

(3) The reasons for the individual's failure to complete such requirements within the prescribed period, such as problems of a personal nature; and

(4) The extent to which the individual has been engaged in activities encompassed by § 66.110(a).

(d) Any obligation of any individual under this subpart will be cancelled upon the death of such individual.

§ 66.112 Nondiscrimination.

Attention is called to the fact that funds paid to an institution under § 66.108 of this subpart are considered Federal financial assistance to such institution. The institution is thus subject to:

(a) The prohibition against discrimination on the basis of race, color, or national origin imposed by Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and the implementing regulation of the Department of Health, Education, and Welfare (45 CFR Part 80); and

(b) The prohibition against discrimination on the basis of sex imposed by Title IX of the Education Amendments of 1972 and in particular section 901 of such Act.

§ 66.113 Human subjects; animal welfare.

Where the application is for research or training at a non-Federal public or non-profit private institution, no Award may be made under this subpart unless said institution has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1–43 of the Department of Health, Education, and Welfare Grants Administration Manual[1] and any other applicable requirements concerning animal welfare.

§ 66.114 Publications.

Publication, distribution, and disposition of all manuscripts and other materials resulting from an Award shall be subject to the conditions that all such materials shall bear appropriate acknowledgment of Department of Health, Education, and Welfare support and that the awardee shall furnish such copies of these manuscripts or other materials as the Secretary may reasonably request.

§ 66.115 Copyright.

Where the work accomplished under an Award results in a book or other copyrightable material, the author is free to copyright the work, but the United States reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the Award.

§ 66.116 Inventions and discoveries.

(a) Any Award is subject to the regulations of the Department of Health, Education, and Welfare set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which Award funds are in fact used, whether within the scope of the Award as approved or otherwise. Each such invention or discovery shall be promptly and fully reported to the Assistant Secretary for Health, Department of Health, Education, and Welfare.

(b) Determination as to ownership and disposition of rights to such invention or discovery, including whether a patent application shall be filed, and, if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may issue shall be made either:

(1) By the Assistant Secretary for Health, whose decision shall be final, or

(2) Where an Award is made to an individual for research or training at a non-Federal public or nonprofit private institution having a separate formal institutional patent agreement with the Department of Health, Education, and Welfare, by the institution in accordance with that agreement.

§ 66.117 Additional conditions.

The Secretary may with respect to any Award or class of Awards impose additional conditions prior to or at the time of any Award when in his judgment such conditions are necessary to assure the carrying out of the purposes of the Award, the interests of the public health, or the conservation of funds awarded.

Subpart B—Institutional Growth

§ 66.201 Applicability.

The regulations in this subpart are applicable to grants under section 472(a)(1)(B) of the Public Health Service Act, as amended (42 U.S.C. 289l–1(a)(1)(B)), to non-Federal public institutions and to nonprofit private institutions to enable such institutions to make to individuals selected by them National Research Service Awards for research and predoctoral and postdoctoral training to undertake such research in matters relating to the cause, diagnosis, prevention, and treatment of the disease (or diseases) or other health problems to which the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration are directed.

§ 66.202 Definitions.

The definitions in § 66.102 of subpart A of this part shall apply as well to this subpart.

§ 66.203 Eligibility.

To be eligible for a grant under this subpart, an applicant must be:

(a) A non-Federal public or nonprofit private institution; and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 66.204 Application.

(a) Each institution desiring a grant under this subpart shall submit an application on a form approved for that purpose by the Secretary, on or before such dates as the Secretary may prescribe. Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the grant, including the regulations of this subpart.

(b) In addition to any other pertinent information that the Secretary may require, each application shall set forth in detail:

(1) The subject area or areas in which the proposed research or training will be conducted;

(2) The resources and facilities available to the applicant for use by recipients of Awards in carrying out such research or training;

(3) The names, qualifications, and experience of the program director and principal staff members who will be responsible for the proposed program;

(4) The criteria to be employed in selecting individuals to be recipients of Awards;

(5) The estimated number of recipients of Awards under the grant;

(6) The proposed period of support and a detailed budget and justification for the amount of grant funds requested; and

(7) Proposed methods for monitoring and evaluating the performance of individual recipients of Awards, as well as the overall program.

[1] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR § 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

§ 66.205 Requirements.

(a) No Award shall be made to an individual under a grant pursuant to this subpart unless:

(1) The individual has submitted to the Secretary a written assurance (in such form as the Secretary may prescribe) that he or she will satisfy the requirements of §§ 66.110 (a) and (b) of subpart A of this part;

(2) Effective July 1, 1975, such Award is for research or training in a subject area for which there is a need for personnel, as determined under section 473 of the Act (42 U.S.C. 289l–2);

(3) The individual is a citizen or noncitizen national of the United States or has been lawfully admitted to the United States for permanent residence at the time of application;

(4) The Award includes a provision for termination in the event the recipient is found by the institution to have materially failed to comply with the terms and conditions of the Award or to carry out the purpose for which it was made; and

(5) The Award is not to be used to support a residency.

(b) No Award shall be made to an individual under such grant which exceeds three years in the aggregate unless the Secretary for good cause shown as provided in § 66.106(c) of subpart A of this part, waives the application of this limitation to such individual.

(c) The provisions of §§ 66.110 and 66.111 of subpart A of this part constitute terms and conditions of any Award made under a grant pursuant to this subpart.

§ 66.206 Grant awards.

(a) Within the limits of funds available, the Secretary shall award grants to those applicants:

(1) Whose applications have been reviewed and recommended for approval by appropriate advisory councils within NIH and ADAMHA;

(2) Who have satisfied the requirements of § 66.205 of this subpart; and

(3) Whose proposed programs would, in the judgment of the Secretary, best promote the purposes of section 472(a)(1)(B) of the Act, taking into consideration among other pertinent factors:

(i) The scientific, technical, or educational merit of the proposed program;

(ii) The adequacy of the resources and facilities available to the applicant;

(iii) The qualifications and experience of the program director and principal staff members;

(iv) The degree of the need for personnel in the subject area of the proposed research or training;

(v) The administrative and managerial capability of the applicant;

(vi) The reasonableness of the proposed budget in relation to the proposed program; and

(vii) The adequacy of the methods for monitoring and evaluating the performance of individual recipients and the overall program.

(b) All grant awards shall be in writing and shall specify the proposed period of support, the approved budget for the initial budget period, the total recommended amount of funds for the entire period of support, the amount awarded for the initial budget period, and the estimated amounts for future years.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other grant award with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Secretary on the basis of his estimate of the sum necessary during the budget period: (1) To provide stipends and allowances to individual recipients of Awards and payments to the institution, as determined in accordance with §§ 66.107(a) and 66.108(a) of subpart A of this part, and (2) otherwise to carry out the grant award.

§ 66.207 Payment.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 66.208 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Secretary, be carried forward and remain available for obligation during the remainder of the period of support, subject to such limitations as the Secretary may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the final period of support any unobligated grant funds remaining in the grant account must be refunded to the United States.

§ 66.209 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 66.210 Human subjects; animal welfare.

No grant award may be made under this subpart unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1–43 of the Department of Health, Education, and Welfare Grants Administration Manual[1] and any other applicable requirements concerning animal welfare.

§ 66.211 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this subpart:

45 CFR PART 74

Subpart
- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- G Matching and Cost Sharing.
- K Grant Payment Requirements.
- M Grant Closeout Suspension, and Termination.
- O Property.
- Q Cost Principles.

[1] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR § 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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§ 66.212 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Secretary, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Secretary may find necessary to carry out the purposes of this subpart.

§ 66.213 Grantee accountability.

(a) All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved program the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Secretary, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this subpart.

(b) Accounting for royalties. Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) State and local governments. Where the grantee is a State or local government as those terms are defined in subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) Grantees other than State and local governments. Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(i) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(ii) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 66.214 Publications and copyright.

(a) State and local governments. Where the grantee is a State or local government as those terms are defined in subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from an activity supported by a grant under this subpart.

(b) Grantees other than State and local governments. Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the grant award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from an activity supported by a grant under this subpart, subject to a royalty-free nonexclusive, and irrevocable license or right in the United States to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 66.215 Additional conditions.

The Secretary, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AR–1008	Aug. 9, 1974
Arkansas:	
AR–33	Aug. 30, 1974
Florida:	
AR–4058	Nov. 8, 1974
Georgia:	
AQ–4089	Mar. 15, 1974
AQ–4086	Mar. 8, 1974
AR–4037	Sept. 20, 1974
Illinois:	
AR–3057; AR–3058	Aug. 2, 1974
Kentucky:	
AR–4053; AR–4054; AR–4055.	Nov. 8, 1974
Mississippi:	
AR–4024	Aug. 30, 1974
AR–4041	Sept. 7, 1974
AR–4066	Dec. 20, 1974
North Carolina:	
AQ–4079	Feb. 22, 1974
AR–4044	Oct. 11, 1974
AR–4063	Dec. 6, 1974
Ohio:	
AR–3176	Dec. 13, 1974
South Carolina:	
AR–4008	July 19, 1974
AR–4025	Oct. 18, 1974
Tennessee:	
AQ–4094	Mar. 22, 1974
AQ–4114	May 10, 1974
AR–4021; AR–4022	Aug. 30, 1974
AR–4061; AR–4062	Dec. 6, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Arkansas:	
AP–356(AR75–4018)	Nov. 3, 1972
AQ–110(AR75–4019)	May 24, 1974
Georgia:	
AP–155(GA75–1008)	Feb. 9, 1974
AQ–4106(GA75–1005)	May 3, 1974
AR–2100(GA75–3008)	Dec. 27, 1974
Maryland:	
AR–3129(MD75–3008)	Do.
Massachusetts:	
AR–3129(MA75–2002); AR–3130(MA75–2003); AR–3131(MA75–2004); AR–3132(MA75–2005); AR–3133(MA75–2006); AR–3134(MA75–2007); AR–3135(MA75–2008); AR–3136(MA75–2009); AR–3137(MA75–2010); AR–3138(MA75–2011); AR–3139(MA75–2012); AR–3140(MA75–2013).	Aug. 30, 1974
Mississippi:	
AM–8264(MS75–1007)	June 30, 1972
New Mexico:	
AP–340(NM75–4014)	Sept. 22, 1974
North Carolina:	
AP–156(NC75–1002)	Feb. 16, 1973
AR–2100(NC75–3008)	Dec. 27, 1974
Oklahoma:	
AP–320(OK75–4015)	Sept. 1, 1972
AP–341(OK75–4016)	Sept. 22, 1972
AP–741(OK75–4017)	July 6, 1973
South Carolina:	
AQ–4065(SC75–1003)	Feb. 1, 1974
AR–2100(SC75–3008)	Dec. 27, 1974
AR–4059(SC75–1004)	Nov. 29, 1974
Tennessee:	
AR–4036(TN75–1006)	Sept. 13, 1974
Texas:	
AP–301(TX75–4011)	July 28, 1972
AP–347(TX75–4006)	Sept. 29, 1972
AP–352(TX75–4003)	Oct. 13, 1972
AR–16(TX75–4004)	Aug. 16, 1974
AR–39(TX75–4008); AR–40 (TX75–4007); AR–43 (TX75–4009); AR–44 (TX75–4005).	Sept. 20, 1974
AR–48(TX75–4012); AR–51 (TX75–4013).	Sept. 27, 1974
AR–70(TX75–4010)	Nov. 1, 1974
Virginia:	
AR–2100(VA75–3008)	Dec. 27, 1974
Washington, D.C.:	
AR–2100(DC75–3008)	Do.

Signed at Washington, D.C., this 10th day of January 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION NO. AR-1008 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.
Roofers (Tucson Area)					
Zone A	7.27	.65	.20		.03
Zone B	9.02	.65	.20		.03
Sheet Metal Workers:					
Zone Bases - From the Administration Bldg. or City Hall in Douglas and Tucson:					
Zone A	8.46	.63	1.30		.01
Zone B	8.96	.63	1.30		.01
Zone C	9.96	.63	1.30		.01
Zone D	10.96	.63	1.30		.01
DECISION NO. AR-33 - Mod. #3 (39 FR 2174 - August 30, 1974) Pulaski County, Arkansas					
CHANGE:					
ASBESTOS WORKERS	$8.45	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.03
CARPENTERS:					
Carpenters	6.80	.35	.25		.04
Millwrights & Piledrivermen	7.05	.35	.25		.04
LABORERS:					
Construction laborer, carpenter helper, concrete laborer	4.90	.15	.20		.04
Pipelayers, concrete and clay, and mechanical tool, cement mixers, wet or dry, finishers, plasterers and mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers and buck tenders	5.15	.15	.20		.04
Powdermen and blasterers	5.80	.15	.20		.04

MODIFICATIONS P. 1

DECISION #AR-1008 - Mod. #4 (39 FR 2877 - August 9, 1974) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.
Changes:					
Bricklayers (Tucson Area):					
Zone A	9.395	.60	.60		.06
Zone B	9.77	.60	.60		.06
Zone C	10.145	.60	.60		.06
Zone D	10.895	.60	.60		.06
Manhole Builders:					
Zone A	9.64	.60	.60		.06
Zone B	10.01	.60	.60		.06
Zone C	10.395	.60	.60		.06
Zone D	11.14	.60	.60		.06
Painters (Tucson Area):					
Zone A					
Brush	7.15	.47	.25		.02
Spray	7.65	.47	.25		.02
Steel & bridge, brush	8.15	.47	.25		.02
Steel & bridge, spray	8.65	.47	.25		.02
Zone B					
Brush	7.90	.47	.25		.02
Spray	8.40	.47	.25		.02
Steel & bridge, brush	8.90	.47	.25		.02
Steel & bridge, spray	9.40	.47	.25		.02
Zone C					
Brush	8.65	.47	.25		.02
Spray	9.15	.47	.25		.02
Steel & bridge, brush	9.65	.47	.25		.02
Steel & bridge, spray	10.15	.47	.25		.02
Zone D					
Brush	9.15	.47	.25		.02
Spray	9.65	.47	.25		.02
Steel & bridge, brush	10.15	.47	.25		.02
Steel & bridge, spray	10.65	.47	.25		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-4056 - Mod. #1 (39 FR 39703 - November 8, 1974) Counties: Boone, Campbell, Kenton and Pendleton, Florida					
Change: Painters: Brush and roller Groundman	$9.55 7.30	.60	1%+.15 1%+.30		½of1%
Omit: Schedule issued for Truck Drivers, Heavy and Highway Construction					
Add: Schedule for Truck Drivers, Heavy and Highway Construction To Groundman (4th year apprentice)					

AR-4056 Mod. #1 Cont'd.

Kentucky 3-TD-E

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP I	$6.04	a	b		
GROUP II	6.15	a	b		
GROUP III	6.33	a	b		
GROUP IV	6.36	a	b		
GROUP V	6.43	a	b		

GROUP I - Truck helper and warehousemen

GROUP II Driver, 3 tons and under; greaser, tire changer and mechanic helper

GROUP III Truck mechanic, driver over 3 tons, driver of distributors; driver, pump truck tandem axle, semi-trailer or pole trailer when used to pull building material or equipment, truck mechanic

GROUP IV Driver on mixer trucks (all types)

GROUP V Driver, euclid and other heavy earth-moving equipment and low boy; driver, fork lift truck when used to transport building materials driver on pavement breakers; driver, winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

a. $13.50 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day perior for that employer.

b. $14.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AQ-4089 - Mod. #1 (39 FR 10067 - March 15, 1974) Baker, Calhoun, Clay, Decatur, Doughtery, Early, Grady, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, & Terrell Georgia.					
Change: Laborers: laborers (unskilled) Pipelayers Truck Drivers Power Equipment Operators Asphalt spreader Concrete spreader	 2.10 2.10 2.10 2.10 2.10				
DECISION # AQ-4086 - Mod. #1 (39 FR 9334 - March 8, 1974 Chattahoochee, Harris, Macon, Marion, Meriwether, Muscogee Schley, Stewart, Sumter, Talbot, Taylor, Troop & Webster Counties, Georgia					
Change: Laborers: Laborers Mason tenders Truck Drivers	 2.10 2.10 2.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AR-4037 - Mod. #1 (39 FR 33919 - September 20,1974) Charlton, Pierce and Ware County Georgia.					
Change: Laborers Laborers Truck Drivers	 2.10 2.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3057 - Mod. #1 (39 FR 28022 - August 2, 1974) Peoria, Tazewell, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Stark & Warren Counties, Illinois					
CHANGE:					
Cement Masons					
Fulton County, Peoria & Tazewell Cos.	$8.65	.40	.40		.05
Hancock and McDonough Cos.	9.20				
Henderson and Mercer Cos.	8.27	.40	.35		
Stark County	7.75				
Ironworkers					
Fulton County, Vicinity of Astoria, Marbleton & Summum	8.90	.45	.60		.02
Peoria, Stark & Tazewell Cos., & the Remainder of Fulton & Knox Cos.	9.025	.40	.475		
Hancock, Henderson, McDonough, Mercer & Warren Cos.	7.65	.30	.30		
Laborers					
Hancock, Henderson, Knox, McDonough, Stark & Warren Cos.	7.15	.30	.20		.035
Mercer County	7.12	.30	.50		.035
Linemen					
Remainder of Mercer County	8.50	.35	1%		½ of 1%
Carpenters & Piledrivermen					
McDonough Co., & the Eastern 1/3 of Hancock County					
Carpenters	8.275		.25		.02
Piledrivermen	8.525		.25		.02
Mercer County-Carpenters	8.485	.35	.50		
OMIT:					
Laborers - Fulton County	6.65	.30	.25		.035
ADD:					
Laborers Schedule-Fulton Co. & the Remainder of Tazewell Co.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3058 - Mod. #2 (39 FR 28027 - August 2, 1974) Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion Counties, Illinois					
CHANGE:					
Carpenters & Piledrivermen					
DeWitt County	$8.47	.35	.40		.02
Cement Masons					
Champaign Co., Douglas, Clark, Coles, Cumberland, Edgar, Vermilion Cos., Monticello & north thereof in Piatt Co., & the Remainder of Shelby & Moultrie Cos.	8.425	.30			.025
All of Macon Co., Clinton & South thereof in DeWitt Co., South of Monticello in Piatt Co., N.E. corner of Moultrie Co., including Lovington & Bethany in Shelby Co.	8.125	.325	.275		
DeWitt County (N. of Clinton)	8.48	.40			
Ironworkers					
Champaign, Coles, Cumberland, Douglas, Edgar, Moultrie, Piatt & Vermilion Cos., & the E. ½ of Shelby Co., & E. ½ of DeWitt Co., & E. of Decatur in Macon Co.	8.70	.40	.60		.08
Clark County	9.35	.55	1.30		
Painters					
Champaign, Coles & Douglas Cos.					
Brush	8.47	.40	.20		.03
Bridges	9.47	.40	.20		.03
Vermilion County					
Brush	7.85				
Spray	8.35				
Power Equipment Operators					
Remainder of District #5					
Class I	9.25	.40	.50		.10
Class II	8.50	.40	.50		.10
Class III	6.50	.40	.50		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-4053 - Mod. #1 (39 FR 39694 - November 8, 1974) Counties: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster, Kentucky					
Add:					
Under Power Equipment Operators Highway Construction:					
Class A:					
Winch truck, push dozer and highlift	$7.60	.25	.25		
Under Truck Drivers, Heavy and Highway Construction:					
Group I					
Warehousemen	6.19		a		
Omit:					
Under Truck Drivers, Heavy and Highway Construction:					
Group I					
Truck driver	6.19		a		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-4054 - Mod. #2 (39 FR-39697 - November 8, 1974) Counties: Adair, Barren, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrard, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley and Wolfe, Kentucky					
Omit:					
Under Laborers, Highway Construction:					
Group VI					
Side rail setters	$6.10	.25	.30	.20	
Under Power Equipment Operators, Highway Construction:					
Group B					
Greaser on grease facilities servicing heavy equipment	6.10	.25	.30	.20	
Under Truck Drivers, Heavy and Highway Construction:					
Group IX					
Tire helper	5.10	.25	.30	.20	
ADD:					
Under Laborers, Highway Construction:					
Group IV					
Pavement breakers	5.15	.25	.30	.20	
Group V					
Side rail setters	5.20	.25	.30	.20	
Under Power Equipment Operators, Highway Construction:					
Group D					
Greaser on grease facilities servicing heavy equipment	6.20	.25	.30	.20	
Under Truck Drivers, Heavy and Highway Construction:					
Group IX					
Truck helper and warehousemen	5.10	.25	.30	.20	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-4055 - Mod. #1 (39 FR 39700 - November 8, 1974) Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Johnson, Larue, Lawrence, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford, Kentucky					
Change:					
Ironworkers:					
Structural, ornamental and reinforcing	$9.50	.55	.65		.05
Omit:					
Under Truck Drivers, Heavy and Highway Construction:					
Group I					
Truck driver	6.04	a	b		
Add:					
Under Truck Drivers, Heavy and Highway Construction:					
Group I					
Warehousemen	6.04	a	b		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION # AR-4024 - Mod. #1 (39 FR-31771 August 30, 1974) Washington, Sunflower, Warren & Coahoma Counties, Mississippi.					
Change:					
Laborers					
Laborers	2.10				
DECISION # AR-4041 - Mod. # 3 (39 FR 34996 - September 7,1974) Harrison, Hancock, Jackson, & Pearl River Counties, Mississippi.					
Change:					
Highway, Sewer and Water Construction					
laborer,unskilled	2.10				

	ZONE I Basic Hourly Rates	ZONE II Basic Hourly Rates	ZONE III Basic Hourly Rates	ZONE IV Basic Hourly Rates	ZONE V Basic Hourly Rates	ZONE V Basic Hourly Rates
DECISION # AR-4066 - Mod. #1 (39 FR 44167 - December 20, 1974) Statewide except Hancock, Harrison, Jackson & Pearl River, Mississippi.						
Change:						
Laborers, unskilled	2.10	2.10	2.10	2.10	2.10	2.10
Joint filler		2.10				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION # AQ-4079 - Mod. # 1 (39 FR 7010 - February 22, 1974) Bertie, Chowan, Edgecombe, Franklin, Halifax, Hertford, Martin, Northampton, Pitt, Vance, Warren, and Wilson Counties, North Carolina.					
Change:					
Laborers:					
Laborers	2.10				
DECISION # AR-4044 - Mod. #1 (39 FR 36822 - October 11, 1974) Chatham, Cumberland, Harnstt, Hoke, Lee, Moore, & Sampson Counties, North Carolina.					
Change:					
Laborers:					
Laborers	2.10				
DECISION # AR-4063 - Mod. #1 (39 FR 42803 - December 6, 1974) Wilkes County, North Carolina					
Add:					
Carpet layers	3.35				
Tile Setters	3.35				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3176 - Mod. #1 (39 FR 43451 - December 13, 1974) Pike, Ross and Scioto Counties, Ohio					
Add:					
Truck Drivers					
Jeeps; Autos; Pickup trucks; Flat Beds - all single axle vehicles under 2 tons; Fuel trucks; Dumps upto 2 tons; Bus	$ 6.43	9.50a			
Dumps over 2 tons; Tandems; Forklift (including Mason tending work)	7.28	9.50a			
Footnote: a. Per week per employee					
DECISION # AR-4008 - Mod. #3 (39 FR 26555 - July 19, 1974) Aiken, Barnwell, & Edgefield, Counties, South Carolina.					
Change:					
Laborers	2.10				
Truck Drivers:					
Single axle	2.10				
Power Equipment Operators:					
Air compressor, asphalt sweeper	2.10				
Farm tractor	2.10				
Rubber tire roller	2.10				
DECISION # AR-4025 - Mod. #2 (39 FR 37327 - October 18,1974) Berkeley and Charleston Counties, South Carolina					
Change:					
Bricklayers	5.85	.15			
Laborers:					
Mason tenders	2.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4096 - Mod. #2 (39 FR 10997 - March 22, 1974) Madison County, Tennessee					
Change:					
Asbestos workers	$9.10	.35	.50		.05
Bricklayers	6.75	.30			
Electricians	7.85	.25	1%		½%
Tile setters	5.65	.30			
Add:					
Linemen	7.85	.25	1%		½%
Cable splicers	8.10	.25	1%		½%
DECISION #AQ-4114 - Mod. #4 (39 FR 16980 - May 10, 1974) Rutherford County, Tennessee					
Change:					
Elevator constructors	6.92	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
DECISION #AR-4021 - Mod. #3 (39 FR 31868 - August 30, 1974) Davidson County, Tennessee					
Change:					
Elevator constructors	6.92	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
DECISION #AR-4022 - Mod. #3 (39 FR 31869 - August 30, 1974) Knox County, Tennessee					
Change:					
Elevator constructors	7.45	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4061 - Mod. #1 (39 FR 42826 - December 6, 1974) Anderson and Roane Counties, Tennessee					
Change:					
Elevator constructors	$7.45	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
DECISION #AR-4062 - Mod. #1 (39 FR 42828 - December 6, 1974) Hamilton County, Tennessee					
Change:					
Elevator constructors	7.53	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Pulaski
DECISION NO: AR75-4018 DATE: Date of Publication
Supersedes Decision No. AP-356 dated November 3, 1972 in 37 FR 23489
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$6.25	.15			
AIR CONDITIONING MECHANICS	5.00				
BRICKLAYERS	5.565				
CARPENTERS	4.59				
CEMENT MASONS	4.525				
ELECTRICIANS	5.09				
GLAZIERS	5.41				
IRONWORKERS, REINFORCING	3.50				
LABORERS:					
Laborers	2.91				
Mason tenders	3.01				
PAINTERS, BRUSH	4.00				
PLUMBERS & PIPEFITTERS	5.69				
ROOFERS	4.00				
SHEET METAL WORKERS	4.355				
SOFT FLOOR LAYERS	4.00				
STONEMASONS	3.90				
TILE SETTERS	4.61				
TILE SETTERS HELPERS	2.84				
TRUCK DRIVERS	3.00				
POWER EQUIPMENT OPERATORS:					
Asphalt finisher	4.85				
Asphalt raker	3.265				
Backhoe	4.00				
Blade grader	4.00				
Bulldozer	4.50				
Forklift	4.40				
Front end loader	4.50				
Motor patrol	3.50				
Pump	4.10				
Roller	3.935				
Scraper	3.50				
Tractor	4.00				

SUPERSEDEAS DECISION

STATE: Arkansas
DECISION NO.: AR75-4019
COUNTY: Union
DATE: Date of Publication
Supersedes Decision No. AQ-110, dated May 24, 1974 in 39 FR 18410
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.45	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.03
BRICKLAYERS	7.10				
CARPENTERS:					
Carpenters	7.00	.25			.04
Millwrights & piledrivermen	7.15	.25			.04
CEMENT MASONS	6.91	.15			.03
ELECTRICIANS:					
Electrical contracts $20,000 or less:					
Electricians	7.40		1%		½%
Cable splicers	7.70		1%		½%
Electrical contracts over $20,000					
Electricians	8.12		1%		½%
Cable splicers	8.42		1%		½%
IRONWORKERS	7.65				.02
LABORERS:					
Construction laborer, carpenter helper, concrete laborer	4.90	.15	.20		.04
Pipelayers, concrete and clay, and mechanical tool, cement mixers wet or dry, finishers, plasterers and mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers and chuck tenders	5.09	.15	.20		.04
Powdermen and blasterers	5.50	.15	.20		.04
LINE CONSTRUCTION:					
Electrical contracts $20,000 or less:					
Lineman	7.40		1%		½%
Operator	7.15		1%		½%
Truck driver (pick-up & jeep)	6.30		1%		½%
Groundman	6.30		1%		½%
Electrical contracts over $20,000					
Lineman	8.12		1%		½%
Operator	7.87		1%		½%
Truck driver (pick-up & jeep)	6.87		1%		½%
Groundman	6.87		1%		½%
PLASTERERS	7.40				.02
PLUMBERS - PIPEFITTERS	8.42		.55		.05
POWER EQUIPMENT OPERATORS:					
Group I	7.64	.25	.25		
Group II	6.89	.25	.25		
Group III	6.56	.25	.25		
Group IV	5.52	.25	.25		
Group V	5.16	.25	.25		

DECISION NO.: AR75-4019 Page 2

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

Group II - Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

Group III - All buildozers, all front end loaders, all sidebooms, all push scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size of motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydr. truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

Group IV - Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, fork-lifts, sl/tracks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)

Group V - All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.05		.05		
SHEET METAL WORKERS	7.07	.40	.25		.05
SPRINKLER FITTERS	8.35	.50	.70		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Georgia
DECISION NUMBER: GA75-1005
COUNTY: Richmond
DATE: Date of Publication
SUPERSEDES DECISION: AQ-4106 dated May 3, 1974 in 39 FR 15601.
DESCRIPTION OF WORK: Building construction

121-GA-1-L

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	6.70				
Carpenters:					
Carpenters	6.82				.01
Millwrights	7.12				.01
Cement Masons	5.90				
Electricians	7.16	.30	.07		½ of 1%
Elevator Constructors	7.06	.395	.26	2%+a+b	.005
Elevator Constructors Helpers	4.94	.395	.26	2%+a+b	.005
Elevator Constructors' Helpers (prob.)	3.53				
Glaziers	5.15				
Ironworkers:					
Structural, Ornamental & Reinforcing	7.75	.45	.50		.03
Laborers:					
Unskilled	3.25	.15			
Air tool Operators (jackhammer, vibrator)	3.40	.15			
Mason Tenders	3.40	.15			
Mortar Mixers	3.40	.15			
Pipelayers (concrete, clay)	3.40	.15			
Plasterers' Tenders	3.40	.15			
Lathers	3.00				
Painters:					
Brush & Roller	5.85	.20			
Steel & Spray	6.55	.20			
Piledrivermen	7.12				.01
Plasterers	6.70				
Plumbers & Steamfittere	7.87	.21	.30		
Sheet Metal Workers	6.00		.20		.01
Soft Floor Layers	6.05				.01
Sprinklers Fittere	8.75	.50	.70		.08
Stonemasons	6.70				
Terrazo Workers	6.70				
Tile Setters	6.70				
Truck Drivers	3.40				
Welder - Rate for craft.					
PAID HOLIDAYS:					
A. New Year's Day; M. Memorial Day					
C. Independence Day; D. Labor Day					
E. Thanksgiving Day; F. Christmas Day.					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

GA75-1005 p.3

GA-2-FE0-1-M

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I:					
Cranes, Derricks, Draglines, Sidebooms, Cherry Pickers, Mechanics, Piledrivers, Crawlers, Backhoe, (3/4 cy. & up), Concrete Pumps, Clam Shell, Drill Operators, Concrete Mixers Plant Locomotive, Two Drum Hoist, Shovels, Generators, (250 kw & up), and Hydraulic Cranes over 10 tons.	7.98	.45	.40		.02
GROUP II:					
Bulldozers, Hydraulic Boom Truck 10 tons and under, Scrapers, Endloaders, Fork Tractors, One Drum Hoist, Air Compressors 600 FM & over, Motor Graders, Tuggers, Rollers, Plain Tractors, Fireman, Rubber Tired Backhoe less than 3/4 cv., Push Dozer, Trenching Machine:	7.13	.45	.40		.02
GROUP III:					
Oiler, Pump Operator (over 4" Dia.) Small Backhoe, Air Compressors under 600 CFM:	6.62	.45	.40		.02
GROUP IV:					
Mechanics Helpers, Serving Welding Machines, Pumps up to 4" in Dia.	4.89	.45	.40		.02

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Ware
DECISION NO.: GA75-1008 DATE: Date of Publication
Supersedes Decision No.: AP-155 in 38FR 4073 dated February 9, 1973.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and inoluding 4 stories).

148-GA-1-9

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	4.75				
Carpenters	4.00				
Cement masons	4.00				
Electricians	5.55				
Ironworkers:					
Structural and ornamental	5.00				
Reinforcing	5.00				
Laborers:					
Laborers	2.10				
Mason tenders	2.25				
Mortar mixers	2.10				
Pipelayers (conc. and clay)	2.10				
Plasterers tenders	2.25				
Painters brush	3.00				
Plasterers	3.00				
Plumbers	5.00				
Roofers	3.00				
Sheet metal workers	3.41				
Steamfitters	4.13				
Tile setters	4.00				
Truck drivers	2.10				
Welders - Rate for Craft.					
Power Equipment operators:					
Bulldozers	4.00				
Crane, derricks, draglines	4.00				
Motor grader	3.00				
Soraper	2.75				

SUPERSEDEAS DECISION

MD75-3008 P. 2

STATE: Maryland, Georgia, North Carolina, South Carolina, Virginia and Washington, D. C.

DATE: Date of Publication

DECISION NO. : MD75-3008

Supersedes Decision No. AR-2100, dated December 27, 1974 in 39 FR 44916.

DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the southern border of Maryland to the northern border of Florida, including the Chesapeake Bay but excluding the Chesapeake and Delaware Canal, Baltimore City and Baltimore County, Maryland.

1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HYDRAULIC DREDGES 20" AND OVER					
Leverman and engineer	$ 6.42	.25	.25	a	
Mate	5.63	.25	.25	a	
Welder	5.86	.25	.25	a	
Derrick operator	6.13	.25	.25	a	
Spill barge operator	5.97	.25	.25	a	
Spider barge operator	5.97	.25	.25	a	
Tug master	5.57	.25	.25	a	
Carpenter	6.09	.25	.25	a	
Tug mate	5.25	.25	.25	a	
Electricians	6.26	.25	.25	a	
Machinist	6.02	.25	.25	a	
Steward	4.67	.25	.25	a	
Oiler and fireman	4.48	.25	.25	a	
Deckhand, tug deckhand	4.09	.25	.25	a	
Shoreman	3.98	.25	.25	a	
Second cook	4.09	.25	.25	a	
Messman	3.98	.25	.25	a	
HYDRAULIC DREDGES UNDER 20"					
Leverman	5.82	.25	.25	a	
First engineer	5.45	.25	.25	a	
Second engineer	5.30	.25	.25	a	
Third engineer	5.14	.25	.25	a	
Welder	5.75	.25	.25	a	
Mate	4.79	.25	.25	a	
Oiler and firemen	4.41	.25	.25	a	
Deckhand	4.09	.25	.25	a	
Launchman	4.48	.25	.25	a	
Shoreman	3.98	.25	.25	a	
Spill and spider barge operators	4.95	.25	.25	a	
CLAMSHELL DREDGES					
Operator	6.26	.25	.25	a	
Craneman	6.09	.25	.25	a	
First engineer	5.25	.25	.25	a	
Second engineer	5.11	.25	.25	a	
Third engineer	4.79	.25	.25	a	
Welder	5.57	.25	.25	a	

2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mate	$ 5.17	.25	.25	a	
Fireman	4.47	.25	.25	a	
Deckhand	4.09	.25	.25	a	
Launchman	4.48	.25	.25	a	
Scowman	4.18	.25	.25	a	
DIPPER DREDGES					
Operator	6.54	.25	.25	a	
Craneman	6.16	.25	.25	a	
Engineer	6.34	.25	.25	a	
Welder	5.86	.25	.25	a	
Mate	5.63	.25	.25	a	
Fireman-Oiler	4.48	.25	.25	a	
Deckhand	4.09	.25	.25	a	
Tug Master	5.57	.25	.25	a	
Tug mate	5.25	.25	.25	a	
Scowman	4.18	.25	.25	a	
TUGS (TENDING DIPPER & CLAMSHELL DREDGES)					
Tug master	5.71	.25	.25	a	
Tug mate	5.32	.25	.25	a	
Engineer	5.71	.25	.25	a	
Assistant engineer	5.17	.25	.25	a	
Deckhand	4.01	.25	.25	a	
Cook	4.18	.25	.25	a	
DIPPER & CLAMSHELL DREDGES AND HYDRAULIC DREDGES 20" & UNDER					
Cook	4.41	.25	.25	a	
Mess cook	4.05	.25	.25	a	
Messman & janitor	3.95	.25	.25	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: A through F, plus 5% of straight time pay.

SUPERSEDEAS DECISION

MA75-2002 P. 2

STATE: Massachusetts

COUNTY: Barnstable

DECISION NO.: MA75-2002

DATE: Date of Publication

Supersedes Decision No. AR-3129, dated August 30, 1974 in 39 FR 31798.

DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, and marine construction.

1-MASS-1-2-3-a (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	$9.32	.71	.83			
Remainder of County	9.66	.65	.80		.01	
BOILERMAKERS	9.08	.60	10%		.01	
BRICKLAYERS; Cement masons; Cement finishers; Plasterers; Stonemasons	9.05	.80	.80		.05	
CARPENTERS; Soft floor layers	8.75	.50	.50		.02	
ELECTRICIANS:						
Electrical contracts over $12,000.00	9.00	.30	1%+.25		a	
Electrical contracts under $12,000.00	7.55	.30	1%+.25		a	
ELEVATOR CONSTRUCTORS	10.04	.445	.29	3%+b+c	.02	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+b+c	.02	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.48	.47	.40		.01	
IRONWORKERS	7.95	.50	1.40		.03	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	7.00	.50	.45		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.05	
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.05	
Blasters; Powdermen	7.75	.50	.45		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	7.00	.50	.45		.05	
Helper	7.12	.50	.45		.05	
Bottom man	7.75	.50	.45		.05	
Driller	7.87	.50	.45		.05	
LATHERS	9.25	.45	.55			
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	10.26	.30	1%	e	3/8 of 1%	
Truck driver - groundman	7.60	.30	1%	e	3/8 of 1%	
Groundmen	6.39	.30	1%	e	3/8 of 1%	
Equipment operators	9.62	.30	1%	e	3/8 of 1%	
MARBLE SETTERS; Terrazzo workers	8.25	.60	.50			
MARBLE SETTERS' HELPERS	7.94	.40	.25			
MILLWRIGHTS	8.75	.60	.50		.07	

1-MASS-1-2-3-a (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Brush	$7.25	.30	.20			
Structural steel - 1' to 50' & Spray	7.90	.30	.20			
PILEDRIVERMEN	9.50	.50	.50			
PLUMBERS:						
Bourne, & Sandwich	8.95	.35	.50		.05	
Remainder of County	8.80	.51	.66		.15	
ROOFERS:						
Roofers, kettlemen & Waterproofers	8.40	.30	.03			
Roofers' helpers, Class A	7.70	.30	.03			
SHEET METAL WORKERS	8.60	.43	.43			
SPRINKLER FITTERS	9.63	.50	.70		.08	
STEAMFITTERS	8.15	.51	.66		.15	
TERRAZZO WORKERS' HELPERS	7.65	.30	.25		.05	
TILE SETTERS	8.25	.60	.50			
TILE SETTERS' HELPERS	7.94	.40	.25			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electrician per week.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years' service as Vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

XUM

MASS-1-PEO-1-E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three frum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumprete machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks

CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diephragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.81	.60	.60	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .70					
Over 210 feet + 1.00					
Over 250 feet + 1.50					
Over 295 feet + 2.00					
Group 2	9.69	.60	.60	a	.02
Group 3	8.22	.60	.60	a	.02
Group 4	8.96	.60	.60	a	.02
Group 5	7.30	.60	.60	a	.02
Group 6	7.73	.60	.60	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumprete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Bucking Machines, Shaft Hoists, Steam Engines, Backhoe, Cradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.375	a+b		
Two axle equipment; helpers on low bed when assigned at the discration of the employer, warehousemen, forklift opers.	6.95	.485	.375	a+b		
Three axle equipment and tiremen	7.00	.485	.375	a+b		
Four and five axle equipment	7.10	.485	.375	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.375	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.375	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.375	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MUX

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.81	.60	.60	a	.02
GROUP II	10.81	.60	.60	a	.02
GROUP III	9.76	.60	.60	a	.02
GROUP IV	9.69	.60	.60	a	.02
GROUP V	8.22	.60	.60	a	.02
GROUP VI	8.96	.60	.60	a	.02
GROUP VII	7.30	.60	.60	a	.02
GROUP VIII	7.73	.60	.60	a	.02
GROUP IX	8.125	.60	.60	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumprete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 195' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Berkshire
DECISION NO.: MA75-2003 DATE: Date of publication
Supersedes Decision No. AR-3130, dated August 30, 1974 in 39 FR 31802.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.50	.44	.45		.01
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters:					
Twps. of Adams, N.Adams, Cheshire, Florida, Savoy, Clarksburg and Williamstown	9.60				
Twps. of Becket, Otis and Sandisfield	9.55	.55	.55		.03
Remainder of County	8.74	.40	.30		
Carpenters:					
N.Adams, Clarksburg, Savoy, Florida, Adams, and Williamstown:					
Carpenters & soft floor layers	7.485	.40	.30		.04
Remainder of County:					
Carpenters and soft floor layers	8.59	.50	.50		.04
Electricians	8.74	.45	1%+.49		.02
Elevator Constructors	8.55	.39	.26	2%+A+B	.02
Elevator Constructors' helpers	70%JR	.39	.26	2%+a+b	.02
Elevator Constructors' helpers (prob.)	50%JR				
Glaziers	4.78	.15	.20		
Ironworkers, structural, ornamental, and reinforcing	8.84	.55	.85		.04
Laborers (Building):					
Laborers, carpenter tenders, cement finisher tenders, & wrecking laborers	7.00	.50	.45		.05
Jackhammer ops, pavement breakers, wagon drills, asphalt rakers, carbide core drilling machine, chain saw ops, pipelayers, barco type jumping tampers, laser beam ops, concrete pump ops, mason tenders, mortar mixers, ride-on motorized buggy	7.25	.50	.45		.05
Air track; block pavers; rammers, curb setters	7.50	.50	.45		.05
Blasters, powdermen	7.75	.50	.45		.05
Lathers	8.45	.45	.25		.01
Lead burners	8.75	.30		c	.01
Line construction:					
Linemen	10.16	.40	1%	f	3/8of1%
Equipment operator	9.48	.40	1%	f	3/8of1%
Driver groundmen	7.32	.40	1%	f	3/8of1%
Marble setters' & tile setters' helpers	8.00				
Millwrights:					
Cheshire, Savoy, New Ashford, Adams, Florida, N.Adams, Clarksburg, Williamstown	8.35	.60	.50		.07
Remainder of County	8.55	.60	.50		.07

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush and roller	$8.32	.50	.35		.03
Spray	11.093	.66	.4667		.04
Swing stage under 40' and steel	8.507	.50	.35		.03
Swing stage over 40' and steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		
Plumbers and steamfitters:					
Adams, Clarksburg, Florida, N.Adams, Savoy, Williamstown, & northern half of Cheshire, New Ashford	8.15	.65	.50	d+e	.05
Becket, Otis, Sandisfield (Plumbers only)	9.29	.45	.75	g	.01
Becket, Otis, Sandisfield, & New Boston (Steamfitters)	9.36	.57	.70	.08	.02
Remainder of County	9.24	5%	.50		.05
Roofers:					
Composition, damp and waterproof	8.695	.59	.61		
Slate, tile, and precast concrete	9.35	.59	.61		
Sheet metal workers	8.41	.75	.82		.02
Sprinkler fitters	9.46	.50	.70		.08
Welders- receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Holidays: A through F.
c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.
d. Holidays: A through F, plus Good Friday, Veterans' Day, Washington's Birthday, and Columbus Day.
e. Employer contribution of $1.00 per hour to a savings fund.
f. Paid Holidays: A through F, Washington's Birthday, and Patriots Day providing employee has worked for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. There is also one floating holiday per year.
g. July 4th provided worker is employed 7 days prior to holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.60	.45	.70	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled ur tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevaters, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-under 10 ton.	8.10	.45	.70	a	.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Poller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discherge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over. Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - 1D . 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Section wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORER:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Bristol
DECISION NO.: MA75-2004
DATE: Date of Publication
Supersedes Decision No. AR-3131 dated August 30, 1974 in 39 FR 31806.

DESCRIPTION OF WORK: Building Construction (Including Residential), heavy and Highway Construction and Marine Construction.

3-MASS-1-2-3-Z (1-3)

BUILDING, HEAVY & HGIHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Easton	$9.66	.65	.80		.01
Remainder of County	9.32	.71	.83		
Boilermakers	9.08	.60	10%		.01
Bricklayers: Cement masons: Plasterers; & Stonemasons:					
Easton, N. Easton, & S. Easton	8.85	.75	1.05		.05
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, Swansea, S. Dartmouth, & Westport	9.05	.80	.80		.05
Remainder of County	9.30	.75	.60		.05
Carpenters; Soft floor layers:					
Easton, N. Easton, & S. Easton	8.40	.50	.50		.02
Attleboro, N. Attleboro, & S. Attleboro	9.45	.60	.50		.07
Remainder of County	8.75	.50	.50		.02
Electricians:					
Attleboro, N. Attleboro, & Seekonk	8.80	.38	1%+.50		.02
Residential	5.75	.38	1%		.02
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth	9.00	.30	1%+.25		a
Residential	5.00	.25	1%+.25		a
Easton:					
Electrical contracts less than $20,000.00	8.30	4%	5%		.5%
Electrical contracts $20,000.00 or more	10.05	4%	5%		.5%
Residential	5.75	.35	5%		.5%
Fall River, Freetown, Somerset, Swansea, & Westport	8.60	4%	1%+.25	4%	.%
Residential	5.25	.32	1%+.25	.21	2%
Remainder of County	9.50	.50	1%		.1%
Residential	6.50	.50	1%		.1%
Elevator constructors	10.04	.445	.29	3%+b+c	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+b+c	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers: Easton	9.20	.43	.66		.03
Remainder of County	8.48	.47	.40		.01
Ironworkers: Easton, Mansfield, N.Easton	9.04	.55	1.40		.06
Remainder of County	7.95	.50	1.40		.03
Laborers (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.05
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide					

3-MASS-1-2-3-Z (2-3)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (Building) Cont'd:					
core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.05
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.05
Blasters; Powdermen	7.75	.50	.45		.05
Open air caissons; Cylindrical work & boring crew:					
Laborer; Top man	7.00	.50	.45		.05
Helper	8.12	.50	.45		.05
Bottom men	7.75	.50	.45		.05
Driller	7.87	.50	.45		.05
Lathers	9.25	.45	.55		
Leadburners	8.75	.30		d	.01
Line Construction:					
Lineman	10.26	.30	1%	e	3/8of1%
Equipment operators	9.62	.30	1%	e	3/8of1%
Driver groundman	7.60	.30	1%	e	3/8of1%
Marble setters; Terrazzo workers	8.25	.60	.50		
Marble setters' helpers	7.94	.40	.25		
Millwrights	8.75	.60	.50		.07
Painters:					
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth:					
Brush; Roller	7.90	.30	.20		
Steel (1' to 50') & Spray	8.90	.30	.20		
Remainder of County:					
Brush; Taper	7.78	.62	.45		.04
Steel	10.88	.62	.45		.04
Spray; Sandblasting	8.78	.62	.45		.04
Piledrivermen (Fall River, Freetown, Seekonk, Somerset, Swansea & Westport)	8.65	.50	.30		
Piledrivermen (Acushnet, Dartmouth, Fairhaven, New Bedford, & S. Dartmouth)	8.10	.45	.50		.02
Piledrivermen (Remainder of County)	9.50	.50	.50		
Plasterers' tenders	7.25	.50	.45		.10
Plumbers ; Steamfitters:					
Easton	8.95	.35	.50		.05
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Seekonk, Somerset, S. Dartmouth, Swansea, & Westport	8.80	.51	.66		.15

3-MASS-1-2-3-Z (3 of 3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plumbers; Steamfitters: Cont'd					
Remainder of County	8.62	.60	.73		
Roofers:					
Attleboro, Taunton, Mansfield, Easton, Norton, Raynham, & N. Attleboro	9.20	.55	.80		.05
Remainder of County: Roofers & Kettlemen	8.40	.50	.05		
Helpers, Class "A"	7.70	.50	.05		
Sheet metal workers:					
Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Rehoboth, Seekonk, Somerset, Swansea, & Westport	8.60	.45	.45		
Remainder of County	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08
Terrazzo Workers' Helpers	7.65	.30	.25		.05
Tile Setters	8.25	.60	.50		
Tile Setters' Helpers	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contibution of 1.00 per journeyman Electrician per week.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 3% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, providding employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee is employed 10 days prior to the listed holidays.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the Holiday falls.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

MASS-1-PEO-1-E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumprete machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks

CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulscmeters, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$9.81	.60	.60	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .70					
Over 210 feet + 1.00					
Over 250 feet + 1.50					
Over 295 feet + 2.00					
Group 2	9.69	.60	.60	a	.02
Group 3	8.22	.60	.60	a	.02
Group 4	8.96	.60	.60	a	.02
Group 5	7.30	.60	.60	a	.02
Group 6	7.73	.60	.60	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumporete Machines, Uke Leaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.81	.60	.60	a	.02
GROUP II	10.81	.60	.60	a	.02
GROUP III	9.76	.60	.60	a	.02
GROUP IV	9.69	.60	.60	a	.02
GROUP V	8.22	.60	.60	a	.02
GROUP VI	8.96	.60	.60	a	.02
GROUP VII	7.30	.60	.60	a	.02
GROUP VIII	7.73	.60	.60	a	.02
GROUP IX	8.125	.60	.60	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumporete machines, elevating graders, shovel dosers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks,ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnakagiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Essex
DECISION NO. : MA75-2005 DATE: Date of Publication
Supersedes Decision No. AR-3132, dated August 30, 1974 in 39 FR 31810.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy & highway construction and marine.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.955	.55	.50		.01
Boilersmakers	9.08	.60	10%		.01
Bricklayers; Stonemasons:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfiedl, Marblehead, Methuen, Middleton, Nahant, N. Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	9.30	.50	.85		.05
Remainder of County	9.45	.60	.60		.05
Carpenters; Soft floor layers:					
Gloucester & Rockport:					
Carpenter contracts up to $100,000	6.25	.30	.20		
Contracts $100,000 to $800,000	7.28	.30	.20		
Contracts over $800,000	8.00	.30	.20		
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury, W.Newbury, Lynn, Lynnfield, Nahand, Saugus, and Swampscott	9.45	.60	.50		.07
Andover, Lawrence, Methuen, N. Andover, and West Andover:					
On contracts over $1,500,000	9.03	.60	.50		.02
Contracts from $1,000,000 to $1,500,000	8.58	.60	.50		.02
From $500,000-$1,000,000	8.13	.60	.50		.02
From $200,000-$500,000	7.22	.60	.50		.02
Up to $200,000	6.77	.60	.50		.02
Remainder of County	9.05	.35	.50		
Cement masons; plasterers:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, N.Andover, Salisbury, & West Salisbury	8.05	.385	.30		
Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, and Topsfield	9.30	.50	.85		.05
Remainder of County	9.45	.60	.60		.05
Electricians:					
Andover, Lawrence, Methuen, and North Andover	9.32	.25	1%+.20		.02
Lynn, Lynnfield, Nahant, Saugus, and Swampscott	10.10	.50	1%+.95		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Electricians (Continued):					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury	$9.28	.30	1%+.20		.02
Remainder of County	8.85	.37	1%+.20		.02
Elevator Constructors	10.04	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers(prob)	50%JR				
Glaziers	9.20	.45	.56		.03
Ironworkers	9.04	.55	1.40		.06
Laborers (Building):					
Laborers; carpenter tenders; cement finisher tenders; wrecking laborers	7.00	.50	.45		.05
Jackhammer ops; pavement breakers; wagon drills, asphalt rakers; carbid core drilling machine; chain saw ops; pipelayer; barco type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy ops	7.25	.50	.45		.05
Air track; block pavers; rammers; curb setters	7.50	.50	.45		.05
Blaster; powdermen	7.75	.50	.45		.05
Open air caisson; cylindrical work and boring crew:					
Laborer; Top man	7.00	.50	.45		.05
Helper	7.12	.50	.45		.05
Bottom man	7.75	.50	.45		.05
Driller	9.25	.45	.55		.05
Lathers	9.25	.45	.55		.05
Leadburners	8.75	.30		d	.01
Line Construction:					
Linemen	10.26	.30	1%	d	3/80f1%
Equipment operators	9.62	.30	1%	d	3/80f1%
Driver groundman	7.60	.30	1%	d	3/80f1%
Groundman	6.39	.30	1%	d	3/80f1%
Marble setter; terrazzo workers	8.25	.60	.50		
Marble setters' helpers	7.94	.40	.45		
Millwrights	9.38	.60	.50		.07

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Essex, Gloucester, Manchester, & Rockport					
Brush	$6.20	.30			
Spray	6.65	.30			
Roller	6.50	.30			
Amesbury, Andover, Beverly, Boxford, Danvers, Georgetown, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynn, Lynnfield, Marblehead, Merrimac, Methuen, Middleton, Newbury, Newburyport, N. Andover, Peabody, Rowley, Salem, Salisbury, Saugus, Swampscott, Topsfield, Wenham, West Newbury,					
New Construction:					
Brush; Tapers	8.76	.62	.85		.04
Sandblasters; Spray	9.76	.62	.85		.04
Steel	10.83	.62	.85		.04
Repaint	8.01	.62	.85		.04
Piledrivermen	9.50	.50	.50		
Plasterers' Tenders:					
Lynn, Lynnfield, Nahant, Saugus and Swampscott	7.25	.50	.45		.10
Plumbers; Steamfitters:					
Andover, Georgetown, Groveland, Lawrence, Methuen and North Andover	8.99	.38	.35		.05
Lynn, Lynnfield, Nahant, Saugus and Swampscott					
Plumbers	10.45	.70	.60		.03
Steamfitters	9.76	.51	.65		.05
Remainder of County	9.20	.55	.47		.05
Roofers: Haverhill and Lawrence	6.70				
Remainder of County	9.20	.55	.80		.05
Sheet Metal Workers	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08
Terrazzo Workers' Helpers	7.65	.30	.25		.05
Tile Setters	8.75	.60	.50		
Residential	6.62				
Tile Setters' Helpers	7.94	.40	.25		
Residential	5.05				

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 Paid Holidays: A through F

c. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheudled work days immediately preceding and following the holiday.

d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.

e. 9 Paid Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
LABORERS:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
Power Equipment Operators:					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumporete machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks
CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers and apprentices (other than truck cranes and gradalls)
CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

POWER EQUIPMENT OPERATORS : Heavy & Highway	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$9.81	.60	.60	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .70					
Over 210 feet + 1.00					
Over 250 feet + 1.50					
Over 295 feet + 2.00					
Group 2	9.69	.60	.60	a	.02
Group 3	8.22	.60	.60	a	.02
Group 4	8.96	.60	.60	a	.02
Group 5	7.30	.60	.60	a	.02
Group 6	7.73	.60	.60	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumprete Machines, Uke Loaders, Shovel Dozers, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS-4-F

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.81	.60	.60	a	.02
GROUP II	10.81	.60	.60	a	.02
GROUP III	9.76	.60	.60	a	.02
GROUP IV	9.69	.60	.60	a	.02
GROUP V	8.22	.60	.60	a	.02
GROUP VI	8.96	.60	.60	a	.02
GROUP VII	7.30	.60	.60	a	.02
GROUP VIII	7.73	.60	.60	a	.02
GROUP IX	8.125	.60	.60	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumprete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: MA75-2006
Supersedes Decision No. AR-3133, dated August 30, 1974 in 39 FR 31815.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: Franklin
DATE: Date of Publication

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.50	.45	.45		.01
Boilermakers	9.08	.60	10%		.01
Bricklayers; cement masons; plasterers; stone masons; marble, tile & terrazzo workers; caulker; cleaner pointer	9.55	.55	.55		.03
Carpenters and soft floor layers:					
Erving, Warwick, Orange, & N. Orange	9.45	.60	.50		.07
Remainder of County	9.15	.35	.50		.02
Electricians:					
Bowlag, Monroe, Rowe	8.74	.45	1½+.49		.02
Remainder of County	9.46	.35	1½+.20		.01
Elevator Constructors	8.55	.39	.26	2½%+a	.02
Elevator Constructors' helpers	70%JR	.39	.26	2½%+a	.02
Elevator constructors' helpers (prob.)	50%JR				
Galziers	8.05	.37	.45		.005
Ironworkers, structural, ornamental and reinforcing	7.80	.45	.80		.07
Laborers, Building:					
Laborers, carpenter and cement finisher tenders, wrecking laborers	7.00	.50	.45		.05
Asphalt rakers, carbide, core drillers, chain saw op, pipelayers jackhammer & paving breaker ops, barco-type jumping tampers, laser beam ops, concrete pump ops, mason tenders, mortar mixers, & ride-on motorized buggy ops	7.25	.50	.45		.05
Air track ops. block pavers, rammers, & curb setters	7.50	.50	.45		.05
Powdermen and blasters	7.75	.50	.45		.05
Open air caisson, underpinning work and test boring crew:					
Bottom man	7.75	.50	.45		.05
Top man	7.00	.50	.45		.05
Driller	7.87	.50	.45		.05
Helper	7.12	.50	.45		.05

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DECISION NO. MA75-2006

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Lathers	$ 8.45	.45	.25		.01
Line Construction:					
Linemen	10.16	.40	1%	b	3/8of1%
Equipment Operators	9.48	.40	1%	b	3/8of1%
Driver groundmen	7.32	.40	1%	b	3/8of1%
Marble setters' helpers	8.00				
Millwrights	9.20	.60	.50		.07
Painters:					
Brush & roller	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing state under 40' and steel	8.507	.50	.35		.03
Swing state over 40' and steel	8.82	.50	.35		.03
Piledrivermen	9.50	.50	.50		
Plasterers' tenders	7.25	.50	.45		.05
Plumbers & steamfitters:					
Monroe, Rowe and western of Charlemont	8.15	.65	.50	c	.05
Organe	9.20	.30	.40	1%	.05
Remainder of County	9.20	.30	.50		.02
Roofers:					
Composition, dump waterproof	8.695	.59	.61		
Slate, tile, precast concrete	9.35	.59	.61		
Sheet metal workers	8.41	.75	.40_42		.02
Sprinkler fitters	9.46	.50	.70		.03
Welders - rate for craft					

PAID HOLIDAYS:
A-New Year;s Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiviving Day; F-Christmas Day.

FOONTOES:

a. Employer contributes 1% hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay plus six paid holidays; A through F.

b. Holidays; A through F, Washington's Birthday, Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday. One floating holiday per year.

c. Holidays:A through F, plus Veterans' Day, Good Friday & Washington's Birthday; plus an employer contribution of $1.00 per hour to a savings fund.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Cradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.60	.45	.70	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Losding Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-under 10 ton.	8.10	.45	.70	a	.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Fireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant..	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers; wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: MA75-2007
Supersedes Decision No. AR-3134 , dated August 30, 1974 in 39 FR 31819
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: Hampden
DATE: Date of Publication

7-MASS-1-2-1-X (1-3)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.50	.44	.45		.01
BOILERMAKERS	9.08	.60	10%		.01
BRICKLAYERS: Cement masons; Marble masons; Plasterers; Stone masons; Terrazzo workers; & Tile setters	9.55	.55	.55		.03
CARPENTERS; Soft floor layers	9.15	.35	.50		.02
ELECTRICIANS: Chester, Holyoke, & that portion of Chicopee Township north of the following line: McKinstry Avenue from the Connecticut River to Gratten Street; South on Gratten to Lafayette Street; east on Lafayette to York Street; north on York to McKinstry; east on McKinstry to Grady Road & projected to the Westover Air Force fence & that area north of Westover Field	9.46	.35	1%+.20		.01
Remainder of County	8.29	.48	1%+.15	.43	a
ELEVATOR CONSTRUCTORS	8.55	.39	.26	2%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.39	.26	2%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.05	.37	.45		.005
IRONWORKERS: Ornamental; Reinforcing; Structural	8.81	.55	1.30		.09
LABORERS (BUILDING): Laborers; Wreckers, carpenter & cement finisher tenders	7.00	.50	.45		.05
Asphlat rakers, Carbide Core Driller Ops, Saw Ops, Pipelayers, Jackhammer & Paving Breaker Ops, Barco-type jumping tampers, Laser Beam ops, concrete pump ops, & wagon drill ops, mason tenders, mortar mixers & ride-on motorized buggy ops.	7.25	.50	.45		.05
Air track ops, Block pavers, Rammers & curb setter	7.50	.50	.45		.05

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DECISION NO MA75-2007, P. 2

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D)					
Blasters & powdermen	7.75	.50	.45		.05
Open air caisson; Cylindrical work & boring crew:					
Bottom man	7.75	.40	.40		.05
Top man	7.00	.40	.40		.05
Test Boring:					
Driller	7.87	.40	.40		.05
Helper	7.12	.40	.40		.05
LATHERS	8.45	.45	.25		.01
LEAD BURNERS	8.75	.30		d	.01
LINE CONSTRUCTION:					
Linemen	10.16	.40	1%	e	3/8of1%
Groundmen, Driver	7.32	.40	1%	e	3/8 of 1%
Equipment Operator	9.48	.40	1%	e	3/8of 1%
MARBLE, MOSAIC, & TERRAZZO WORKERS' HELPERS	8.00				
MILLWRIGHTS	9.20	.60	.50		.07
PAINTERS:					
Brush	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' steel	8.507	.50	.35		.03
Swing stage over 40' & steel	8.82	.50	.35		.03
PILEDRIVERMEN	9.50	.50	.50		.05
PLUMBERS	9.29	.45	.75	g	.01
ROOFERS:					
Composition, damp & waterproofing	8.695	.59	.61		
Slate, tile, precast, concrete	9.35	.59	.61		
SHEET METAL WORKERS	8.41	.75	.40+.42		.02
SPRINKLER FITTERS	9.46	.50	.70		.08
STEAMFITTERS	8.70	.57	.70	f	

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.30 per men per week

b. Employer contributes 1% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Brithday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. 9 paid holidays: A through F, provided the employee has been employed for at least 5 days prior to the holiday and is available for work the day before and after the holiday, plus one floating holiday, Washington's Birthday, and Patiots Day.

f. 1 paid holiday: Fourth of July

g. 1 paid holiday: Independence day provided the employee has been employed 7 days prior to the holiday for the same employer

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-3½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High work lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similer type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

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BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS (cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.93	.45	.60	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.10	.45	.60	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Fireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-up to 10 ton.	7.60	.45	.60	a	.05	

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$6.93	.45	.60	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	6.74	.45	.60	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.12	.45	.60	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
LABORERS:		H & W	Pensions	Vacation	App. Tr.
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

NOTICES

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampshire
DECISION NO: MA75-2008 DATE: Date of Publication
Supersedes Decision No. AR-3135, dated August 20, 1974 in 39 FR 31823.
DESCRIPTION OF WORK: Building Construction (exluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.50	.44	.45		.01
Boilermakers	9.08	.60	10%		.01
Bricklayers, plasterers, cement masons, stone masons, marble, tile & terrazzo workers, caulker, cleaner, pointers	9.55	.55	.55		.03
Carpenters	9.15	.35	.50		.02
Electricians:					
Belchertown, Ware	8.29	.48	7%+.15	.43	a
Middlefield, Cummington & Plainfield	8.74	.48	7%+.49		.02
Remainder of County	9.46	.35	7%+.20		.01
Elevator constructors	8.55	.39	.26	2½%+b+c	.02
Elevator constructors' helpers	70%JR	.39	.26	2½%+b+c	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.05	.37	.45		.005
Ironworkers, structural, ornamental and reinforcing	7.81	.45	1.30		.09
Laborers, Building:					
Laborers, wrecking laborers, carpenter & cement finisher tenders	7.00	.50	.45		.05
Asphalt rakers, Carbide core driller ops, chain saw ops., pipelayers, jackhammer & paving breaker ops., barco-type jumping tampers, laser beams ops., concrete pumps ops., & wagon drill ops., mason tenders, mortar mixers & ride on motorized buggy ops.	7.25	.50	.45		.05
Air track ops., block pavers, rammers & curb setters	7.50	.50	.45		.05
Powdermen and blasterers	7.75	.50	.45		.05
Open air caisson, underpinning work and boring crew: (entire county)					
Bottom man	7.75	.50	.45		.05
Top man	7.00	.50	.45		.05
Test boring:					
Driller	7.87	.50	.45		.05
Helper	7.12	.50	.45		.05
Lathers	8.45	.45	.25		.01
Line Construction: Linemen	10.16	.40	1%	d	3/8of1%

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Line Construction (Cont'd)					
Equipment Operator	9.48	.40	1%	d	3/8of1%
Driver Groundmen	7.32	.40	1%	d	3/8of1%
Marble & tile setters' helpers & terrazzo workers' helpers	8.00				
Millwrights	9.20	.60	.50		.07
Painters:					
Brush & Roller	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' and steel	8.507	.50	.35		.03
Swing stage under 40' and steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		
Plumbers & Steamfitters:					
Belchertown, Granby, Huntington, Middlefield, South Hadley, Ware:					
Plumbers	9.29	.45	.75	e	.01
Steamfitters	9.38	.57	.70	f	.02
Remainder of County:					
Plumbers & Steamfitters	8.80	.45	.45		.02
Roofers:					
Composition, damp, waterproof	8.695	.59	.61		
Slate, tile, precast concrete	9.35	.59	.61		
Sheet metal workers	8.41	.75	.40+.42		.02
Sprinkler fitters	9.46	.50	.70		.08
Welders - rate for craft.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.30 per man per week.

b. Employer contributes 4% of basic hourly rate for 5 months or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F.

d. Paid Holidays: A through F, Washington's Birthday and Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled working day preceding and following the holiday.

e. July 4th provided worker employed 7 days before holiday.

f. July 4th & Labor Day - $.08 per hour employer contribution to make two paid holidays.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.60	.45	.70	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Fireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-under 10 ton.	8.10	.45	.70	a	.05	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Fireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

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HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NO.: MA75-2009 DATE: Date of Publication
Supersedes Decision No. AA-3136, dated August 30, 1974 in 39 FR 31827.
DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction and marine construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 9.66	.55	.50		.01
Boilermakers	9.08	.60	10%		.01
Bricklayers; Stonemasons; Ashland, Framingham, Holliston Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.95	1.00	.70		.05
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dubstable, Ft. Devens, Groton, Littleton, Lowell, N. Acton, Pepperell, Shirley, S. Action, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford, & Willmington	9.45	.60	.60		.05
Newton	9.15	.60	.90		.05
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester, & Woburn	9.40	.75	.50		.05
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Somerville	9.05	.70	.90		.05
Reading, N. Reading, & Wakefield	9.30	.50	.85		.05
Carpenters; Soft floor layers: Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Sherborn, & Stow	8.90	.60	.50		.07
Remainder of County	8.85	.50	.50		.03
Cement masons: Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55			
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester & Wobrun	9.15	.50	.30		.05
Reading, N. Reading	8.05	.385	.30		
Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Tewksbury, Acton, Ashby, Ayer, Boxboro, Groton, Littleton, N. Acton, Pepperell, Shirely, S. Acton, Townsend, W. Acton	8.75	.60	.60		.04

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cement masons (Cont.) Ashland, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborns, Stow	$8.70	.60	.65		.04
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Sudbury, Waltham, Watertown, Wayland, and Weston	8.95	.50	.50		.04
Electricians: Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, and Wilmington	9.44	.30	1%+.20		.02
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend: commercial	9.20	.45	1%+.35		.02
residential	5.90	.45	1%+.25		.02
Ashland, Hopkinton, Hudson, Marlboro, Stow	9.83	5%	1%+.24		.01
N.Reading	9.34	.25	1%+.20		.02
Remainder of County (commercial)	10.10	.50	1%+.95		.05
Residential	5.25	.35	1%+.95		.05
Elevator constructors	10.04	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers(prob)	50%JR				
Glaziers	9.20	.45	.66		.03
Ironworkers	9.04	.55	1.40		.06
Laborers (Building): Laborers; carpenter tenders; cement finisher tenders; wreckers	7.00	.50	.45		.05
Jackhammer ops; pavement breakers; wagon drills, asphalt rakers, carbide core drilling machine; chain saw ops; pipelayers; barco type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy	7.25	.50	.45		.05
Air track ops; block pavers; rammers; curb setters	7.50	.50	.45		.05
Blasterers; powdermen	7.75	.50	.45		.05
Open air caisson, cylindrical work and boring crew: Laborer and top man	7.00	.50	.45		.05
Helper	7.12	.50	.45		.05
Bottom man	7.75	.50	.45		.05
Driller	7.87	.50	.45		.05

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	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
All the Newtons, Acton, Ashland, Boxboro, Concord, Framingham, Hollisten, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Westboro, & Weston	$ 7.85	.35	.35		.06
Brush	8.00	.35	.35		.06
Sandblasters; Spray	8.10	.35	.35		.06
Steel	9.50	.50	.50		
Piledrivermen					
Plasterers:					
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester & Woburn	8.55	.45	1.23		.02
Ashland, Framingham, Hollisten, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow	8.70	.60	.65		.04
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, N. Acton, Pepperell, Shirley, S. Acton, Tewsbury, Townsend, W. Acton	8.75	.60	.60		.04
Newton	8.60	.60	.75		.04
Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.95	.50	.50		.04
Bedford, Burlington, Lowell, Tyngsboro & Westford	8.60	.55			
N. Reading, Reading	8.05	.385	.30		.10
Plasterers' Tenders	7.25	.50	.45		
Plumbers:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, Lowell, Pepperell, Tewsbury, Tyngsboro, Westford, & Wilmington	9.17	.50	.50		.02

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DECISION NO. MA75-2009

9-MASS-1-2-3-E (3 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Lathers	$ 9.25	.45	.55	0	.01
Headburners	8.75	.30			
Line Construction:					
Linemen	10.26	.30	1%	d	3/8of1%
Equipment operator	9.62	.30	1%	d	3/8of1%
Driver groundman	7.60	.30	1%	d	3/8of1%
Marble setters: Terrazzo workers	8.75	.60	.50		
Marble setters' helpers	7.91	.40	.25		.07
Millwrights	9.38	.60	.50		
Painters:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn, Reading, N. Reading	8.76	.62	.85		.04
Line Construction	9.76	.62	.85		.04
Brush; Taper	10.88	.62	.85		.04
Sandblasting; spray					
Steel					
Repaint;Alterations; Residential:					
Brush	8.01	.62	.85		.04
Sandblasting; spray	9.01	.62	.85		.04
Steel	10.88	.62	.85		.04
Repaint					
Ashby, Ayer, Groton, Pepperell, Shirley, & Townsend					
Brush	8.98	.75	.50		.02
Sandblasting; Spray	9.98	.75	.50		.02
Steel	11.10	.75	.50		.02
Repaint	8.01	.75	.50		.02
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Little, Lowell, Tewsbury, Tyngsboro, Westford, & Wilmington					
Brush; Taping; Paperhangers	8.45	.48	.38		.02
Spray	9.20	.48	.38		.02
Steel	9.25	.48	.38		.02
Repaint	7.27	.48	.38		

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DECISION NO. MA75-2009

9-MASS-1-2-3-E (6 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tile Setters(Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, W. Acton, N. Pepperell, Shirley, S. Acton, Townsend, & W. Acton)	8.75	.60	.60		.04
Tile Setters' Helpers	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 paid holidays: A through F

c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employe has worked at least 15 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employe has been employed 5 working days prior to any one of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

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DECISION NO. MA75-2009

9-MASS-1-2-3-D (5 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ashby, Ayer (portion lying West of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley & Townsend	$ 9.20	.30	.40	4%	.05
Ashland, Belmont, Concord, Framingham, Hollisten, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland & Weston	9.77	.53	.55		.05
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	10.25	.70	.60		.03
Roofers	9.20	.55	.80		.05
Sheet Metal Workers	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08
Steamfitters:					
Acton, Arlington, Cambridge, Everett,, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, & Woburn	10.36	.51	.65		.05
Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.59	.40	.40		.02
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Shirley, & Townsend	8.75	.30	.40	4%	.02
Remainder of County	8.675	.53	.55		.025
Terrazzo workers' helpers	7.65	.30	.25		.05
Tile setters (except cities & towns of Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, W. Acton, N. Pepperell, Shirley, S. Acton, Townsend & W. Acton	8.25	.60	.50		

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MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORER:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

MASS-1-PEO-1-E

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pneumatic machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks

CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, oal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Norfolk
DECISION NO.: MA75-2010 DATE: Date of Publication
Supersedeas Decision No. AR-3137 dated August 30, 1974 in 39 FR 31833
DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction.

11-Mass-1-2-3-V (1-3)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Bellingham, Franklin, Plainville, & Wrentham	$ 9.32	.71	.83		
Remainder of County	9.66	.65	.80		.01
Boilermakers	9.085	.60	10%		.01
Bricklayers; Cement masons; Pasterers; & Stonemasons:					
Dover, Needham & Wellesley	9.15	.60	.90		.05
Medfield, Medway & Mills	8.95	1.00	.70		.05
Avon, Holbrook, Randolph & Stoughton	8.85	.75	1.05		.05
Bellingham, Canton, Dedham, Foxboro Franklin, Norfolk, Norwood, Plainville Sharon, Walpole, Westwood & Wrentham	9.20	.80	.65		.05
Braintree, Cohasset, N. Weymouth, Quincy, S. Weymouth, & Weymouth	9.20	.75	.70		.05
Bricklayers; Stonemasons:					
Brookline, & Milton	9.05	.70	.90		.05
Carpenters; Soft floor layers:					
Quincy	9.45	.60	.50		.07
Brookline, Dedham & Milton	9.45	.60	.50		.07
Avon, Holbrook, Randolph & Stoughton	8.75	.50	.50		.02
Bellingham, Franklin, Medfield, Medway & Mills	8.675	.60	.50		.07
Remainder of County	9.45	.60	.50		.05
Cement Masons: Brookline & Milton	9.15	.50	.30		.05
Electricians:					
Avon, Holbrook, Randolph & Stoughton					
Elec. contracts under $20,000	8.30	1%	5%		.5%
Elec. contracts $20,000 or over	10.05	1%	5%		.5%
Residential	5.75	.35	5%		.5%
Plainville	$ 8.80	.38	1%+.50		.02
Residential	5.75	.38	1%+.05		.02
Remainder of County	10.10	.50	1%+.95		.05
Residential	5.25	.35	1%+.95		.05
Elevator Constructors	10.04	.445	.29	2%+a+b	.02
Elevator Constructors' helpers	70%JR	.445	.29	2%+a+b	.02
Elevator Constructors' helpers (prob.)	50%JR				
Glaziers: S. Bellingham	8.48	.47	.40		.01
Remainder of County	9.20	.45	.56		.03
Ironworkers: Plainville	7.95	.50	1.40		.03
Remainder of County	8.39	.50	1.40		.06

LABORERS (BUILDING)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, carpenter tenders, cement finisher tender, wrecking laborers	$ 7.00	.50	.45		.05
Jackhammer op., pavement breaker, wagon drills, asphalt rakers, carbide core drilling mach., chain saw op., pipelayer, barco type jumping tamper, laser beam, concrete pump, mason tender, mortar mixer, ride-on buggy	7.25	.50	.45		.05
Air track, block paver, rammer, curb setter	7.50	.50	.45		.05
Blasters, powdermen	7.75	.50	.45		.05
Open air caisson, cylindrical work & boring crew:					
Laborer, top man	7.00	.50	.45		.05
Helper	7.12	.50	.45		.05
Bottom men	7.75	.50	.45		.05
Driller	7.87	.50	.45		.05
Lathers	9.25	.45	.55		
Leadburners	8.75	.30		o	.01
Line Construction:					
Linemen	10.26	.30	1%	d	3/8of1%
Equipment operator	9.62	.30	1%	d	3/8of1%
Driver groundman	7.60	.30	1%	d	3/8of1%
Marble setters, Terrazzo workers	8.25	.50	.50		
Marble setters' helpers	7.94	.40	.25		
Millwrights	9.38	.60	.50		.07
Painters:					
Bellingham:					
Brush	8.15	.50	.50		
Steel & Steam cleaning	8.40	.50	.50		
Spray & Potter	9.15	.50	.50		
Residential					
Brush	7.45	.45	.45		
Steel	7.70	.45	.45		
Spray	8.45	.45	.45		
Dover, Medfield, Medway, Mills, Needham, & Wellesley					
Brush	7.85	.35	.35		
Steel	8.10	.35	.35		
Spray	8.80	.35	.35		
Residential					
Brush	7.00	.35	.25		
Steel	7.25	.35	.25		
Spray	7.95	.35	.25		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
Remainder of County:					
New Construction					
Brush, taper	$ 8.76	.62	.85		.04
Steel	10.88	.62	.85		.04
Spray	9.76	.62	.85		.04
Repaint, Alterations & Residential					
Brush	8.01	.62	.85		.04
Steel	10.88	.62	.85		.04
Spray	9.01	.62	.85		.04
Piledrivermen	9.50	.50	.50		
Plasterers: Brookline & Milton	8.55	.45	1.25		.02
Plasterers' Tenders:					
Avon, Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxboro, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood Plainville, Quincy, Randolph, Sharon, S. Bellingham, Stoughton, Walpole, Wellisley, Westwood, Weymouth, & Wrentham	7.25	.50	.45		.10
Plumbers: Steamfitters:					
Avon, Holbrook, Randolph, & Stoughton	8.95	.35	.50		.05
Dover, Medfield, Medway, Wellesley	9.77	.53	.55		.05
Plumbers: Gasfitters:					
Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Foxboro, Franklin, Millis, Milton, Needham, Norfolk, N. Weymouth, Norwood, Plainville, Quincy, Sharon, S. Weymouth, Walpole, Westwood, Weymouth, & Wrentham	10.25	.70	.60		.03
Roofers	9.20	.55	.80		.05
Sheet Metal workers	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08
Steamfitters:					
Bellingham, Brookline, Canton, Dedham, Foxboro, Franklin, Medway, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Sharon, Walpole, Westwood & Wrentham	10.36	.51	.65		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Terrazzo Workers' Helpers	7.65	.30	.25		.05
Tile Setters	8.25	.60	.50		
Tile Setters' Helpers	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C- Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employ contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months ro 5 years of service as Vacation Pay credit.

b. 6 Paid Holidays: A through F.

c. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding the following holiday.

d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

MASS-1-PEO-1-E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three frum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks

CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, conorete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$9.81	.60	.60	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .70					
Over 210 feet + 1.00					
Over 250 feet + 1.50					
Over 295 feet + 2.00					
Group 2	9.69	.60	.60	a	.02
Group 3	8.22	.60	.60	a	.02
Group 4	8.96	.60	.60	a	.02
Group 5	7.30	.60	.60	a	.02
Group 6	7.73	.60	.60	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

TRUCK DRIVERS; BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and firemen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Plymouth
DECISION NO.: MA75-2011 DATE: Date of Publication
Supersedes Decision No. AR-3138, dated August 30, 1974 in 39 FR 31836.

DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction

Building, Heavy & Highway

12-MASS-1-2-3-Y (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Lakeville, Mattapoisett, Middleboro, Rochester, & Wareham	$9.32	.71	.83			
Remainder of County	9.66	.65	.80		.01	
BOILERMAKERS	9.08	.60	10%		.01	
BRICKLAYERS; Cement masons; & Stonemasons:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	8.85	.75	1.05		.05	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Hingham, Hull, Scituate, & the Islands of Quincy Bay	9.40	.65	.60		.05	
Lakeville	9.30	.75	.60		.05	
Marion, Mattapoisett, Rochester, & Wareham	9.05	.80	.80		.05	
CARPENTERS; Soft floor layers:						
Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland, & Scituate	9.45	.60	.50		.07	
Abington, Bridgewater, Brockton, Carver, E. Bridgewater, Halifax, Hanson, Kingston, Plymouth, Plympton, W. Bridgewater, & Whitman	8.75	.50	.50		.02	
Lakeville, & Middleboro	8.75	.50	.50		.02	
Marion, Mattapoisett, Rochester, & Wareham	8.75	.50	.50		.02	
ELECTRICIANS:						
Hingham, Hull	10.10	.50	1%+.95		.05	
Residential	5.25	.35	1%+.95		.05	
Mattapoisett, Rochester & Wareham:						
Electrical contracts over $12,000.	9.00	.30	1%+.25		a	
Electrical contracts under $12,000.	7.55	.30	1%+.25		a	
Lakeville & Middleboro	9.50	.50	1%		.1%	
Residential	6.50	.50	1%		.1%	
Remainder of County:						
Electrical contracts $20,000. or more	10.05	4%	5%		.5%	
Electrical contracts under $20,000.	8.30	4%	5%		.5%	
Residential	5.75	.35	5%		.5%	
ELEVATOR CONSTRUCTORS	9.475	.39	.26	2½%+b&c	.02	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.39	.26	2½%+b&c	.02	
ELEVATOR CONSTRUCTORS' HELPERS, PROB.	50%JR					

BUILDING, HEAVY, HIGHWAY, & RESIDENTIAL CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham	$8.48	.47	.40		.01
Remainder of County	9.20	.45	.56		.03
IRONWORKERS:					
Bridgewater, Brockton, Hanover, Hanson, Marshfield, Norwell, Pembroke, Rockland, Scituate, W. Bridgewater, & Whitman	9.04	.55	1.40		.06
Lakeville, Marion, Mattapoisett, Middleboro, Rochester, & Wareham	7.95	.50	1.40		.03
LABORERS (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.05
Jackhammer ops; pavement breakers; wagon drills; asphalt rakers; carbide core drilling machine; chain saw ops; pipelayer; barco-type jumping tampers; laser beam ops; concrete pump ops; mason tenders; morter mixers; ride-on motorized buggy ops	7.25	.50	.45		.05
Air track; block pavers; rammers; curb setters	7.50	.50	.65		.05
Blasters; powdermen	7.75	.50	.45		.05
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.00	.50	.45		.05
Helper	7.12	.50	.45		.05
Bottom man	7.75	.50	.45		.05
Driller	7.87	.50	.45		.05
LATHERS	9.25	.45	.55		
LEADBURNERS	8.75	.30		d	.01
LINE CONSTRUCTION:					
Linemen	10.28	.30	1%	e	3/8of1%
Equipment operators	9.62	.30	1%	e	3/8of1%
Groundmen	6.39	.30	1%	e	3/8of1%
MARBLE SETTERS: TERRAZZO WORKERS	8.25	.60	.50		
MARBLE SETTERS' HELPERS	7.94	.40	.25		
MILLWRIGHTS	8.75	.60	.50		.07

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman:						
Brush; Taper (New construction)	$8.76	.62	.85		.04	
Steel (New construction)	10.88	.62	.85		.04	
Spray (New construction)	9.76	.62	.85		.04	
Brush (repaint,alterations,resid.)	8.01	.62	.85		.04	
Steel (repaint,alterations,resid.)	10.88	.62	.85		.04	
Spray (repaint,alterations, resid)	9.01	.62	.85		.04	
Marion, Mattapoisett, Rochester, & Wareham:						
Brush; Rollers; Taping	7.90	.30	.20			
Steel 1' to 50' & Spray	8.90	.30	.20			
PILEDRIVERMEN:						
Marion, Mattapoisett, Rochester, & Wareham	7.85	.30	.50			
Remainder of County	9.50	.50	.50			
PLASTERERS:						
Norwell	8.55	.45	1.25		.02	
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	8.45	.55	.45		.02	
PLASTERERS' TENDERS:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman	7.25	.50	.45		.10	
PLUMBERS:						
Marion, Mattapoisett, Rochester, & Wareham	8.80	.51	.66		.15	
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	8.95	.35	.50		.05	
PLUMBERS; Gasfitters: Hingham, Hull, & Scituate	9.85	.50	.60		.03	
PLUMBERS; Steamfitters: Lakeville, & Middleboro	8.62	.60	.73			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Abington, Bridgewater, E. Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plymouth, Plympton Rockland, Scituate, & W. Bridgewater	$9.20	.55	.80		.05	
Brockton	8.00					
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, & Wareham:						
Roofers; Kettlemen	8.40	.50	.05			
Helpers, Class "A"	7.70	.50	.05			
SHEET METAL WORKERS:						
Marion, Mattapoisett, Rochester, & Wareham	8.60	.45	.45			
Remainder of County	9.63	.71	.75		.06	
SPRINKLER FITTERS	9.63	.50	.70		.08	
STEAMFITTERS: Marshfield	9.76	.51	.65		.05	
TERRAZZO WORKERS' HELPERS	7.65	.30	.25		.05	
TILE SETTERS	8.25	.60	.50			
TILE SETTERS' HELPERS	7.94	.40	.25			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contribution of $1.00 per journeyman electrician per week.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 4 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
LABORERS:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-PEO-1-E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumperete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks

CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-J F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.81	.60	.60	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .70					
Over 210 feet + 1.00					
Over 250 feet + 1.50					
Over 295 feet + 2.00					
Group 2	9.69	.60	.60	a	.02
Group 3	8.22	.60	.60	a	.02
Group 4	8.96	.60	.60	a	.02
Group 5	7.30	.60	.60	a	.02
Group 6	7.73	.60	.60	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumperete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalle, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Sits, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Harmers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Soreed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

NOTICES

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Suffolk
DECISION No.: MA75-2012
DATE: Date of Publication
Supersedes Decision No. AR-3139, dated August 30, 1974 in 39 FR 31840.

DESCRIPTION OF WORK: Building Construction, (Including Residential), heavy and highway construction, marine construction and dredging.

13-MASS-1-2-3-H (1 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.66	.60	.80		.01
Boilermakers	9.08	.50	10%		.01
Bricklayers; Stonsmasons	9.05	.70	.90		.05
Carpenters; Soft floor layers	9.45	.60	.50		.07
Cement masons	9.15	.50	.30		.05
Electricians	10.10	.50	14.95		.05
Elevator constructors	10.04	.445	.29	3% a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3% a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.85	.35	.46		.02
Ironworkers: Ornamental; Reinforcing; Structural	9.04	.55	1.40		.06
Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.05
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ridge-on motorized buggy	7.25	.50	.45		.05
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.05
Blasters; Powdermen	7.75	.50	.45		.05
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.00	.50	.45		.05
Helper	7.12	.50	.45		.05
Bottom men	7.75	.50	.45		.05
Driller	7.87	.50	.45		.05
Lathers	9.25	.45	.55		
Leadburners	8.75	.30		c	.01
Line Construction:					
Linemen	10.26	.30	1%	d	3/8of1%
Equipment operators	9.62	.30	1%	d	3/8of1%
Groundman-truck driver	7.60	.30	1%	d	3/8of1%
Marble Setters; Terrazzo workers	8.75	.60	.50		
Marble setters' helpers	7.94	.40	.25		
Millwrights	9.38	.60	.50		.07
Painters:					
Brush; New Construction	8.76	.62	.85		.04
Structutral steel	10.88	.62	.85		.04
Spray	9.76	.62	.85		.04
Repaint, alterations, & residential					
Brush	8.01	.62	.85		.04
Structural steel	10.88	.62	.85		.04
Spray	9.01	.62	.85		.04

13-MASS-1-2-3-H (2 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Piledrivermen	9.50	.50	.50		
Plasterers	8.55	.45	1.25		.02
Plasterers' tenders	7.25	.50	.45		.10
Plumbers	10.25	.70	.60		.03
Roofers; Waterproofers	9.20	.55	.80		.05
Sheet Metal workers	9.63	.71	.75		.06
Sprinkler fitters	10.48	.30	.70		.02
Steamfitters	10.36	.51	.65		.05
Terrazzo workers' helpers	7.65	.30	.25		.05
Tile setters	8.75	.60	.50		
Tile setters helpers	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indspendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 1% of basic hourly rate rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vadation pay credit.
b. 6 paid holidays; A through F.
c. 9 paid holidays; A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.
e. Employer pays $5.00 per day extra above the brush rate.

NOTICES

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., waron drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

MASS-DREDGE-1-ALL-C

DREDGING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Dredge operator	$5.935	.225	.25	c+d		
Mates	4.05	.742	.197	c+d		
Scowmen	3.31	.742	.161	c+d		
Deckhand	3.96	.742	.163	c+d		
Tug engineer	4.10	.742	.197	c+d		
Hydraulic Dredges						
Leverman	5.47	.25	.15	a+5%		
Engineer and derrick operators	5.40	.25	.15	a+5%		
Maintenance engineer	5.29	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%		
Mates	4.80	.25	.15	a+5%		
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%		
Deckhands and shoreman	4.00	.25	.15	a+5%		
Tug engineer	4.86	.25	.15	a+5%		
Tug deckhand	4.06	.25	.15	a+5%		
Drill Boats						
Engineer	6.3475	.25	.15	b		
Blaster	6.4375	.25	.15	b		
Driller; Welder Machinist	6.3487	.25	.15	b		
Firemen	6.0975	.25	.15	b		
Oiler; Drill helper	5.97	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veterans Day.
b. Holidays: A through F; Washington's Birthday and Veterans Day (6) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.
c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.
d. One week's vacation after one year of employment.

MASS-1-FEO-1-E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks
CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), myphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers and apprentices (other than truck cranes and gradalls)
CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.81	.60	.60	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .70					
Over 210 feet + 1.00					
Over 250 feet + 1.50					
Over 295 feet + 2.00					
Group 2	9.69	.60	.60	a	.02
Group 3	8.22	.60	.60	a	.02
Group 4	8.96	.60	.60	a	.02
Group 5	7.30	.60	.60	a	.02
Group 6	7.73	.60	.60	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumprete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonio or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 grouped), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Worcester
DECISION NO.: MA75-2013
DATE: Date of Publication
Supersedes Decision No. AR-3140, dated August 30, 1974 in 39 FR 31844.
DESCRIPTION OF WORK: Building Construction (including residential), Heavy and Highway Construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-b (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.77	.57	.40			
BOILERMAKERS	9.08	.60	10%		.01	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Warren	9.55	.55	.55		.03	
Hopedale, Milford, & Southboro	8.95	1.00	.70		.05	
Ashburnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon	9.45	.60	.60		.05	
Remainder of County	9.00	.70	.60		.02	
CARPENTERS; Soft floor layers:						
Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon	9.45	.60	.50		.07	
Berlin, Bolton, Clinton, Northboro, Southboro, & Westboro	8.90	.60	.50		.07	
Blackstone, Millville	8.44	.60	.40			
Hopedale, Hendon, Milford, Upton, & W. Upton	8.675	.60	.50		.07	
Hardwick, Warren, & W. Brookfield	8.63	.35	.50		.02	
Remainder of County	9.55	.50	.50		.07	
ELECTRICIANS: Warren	8.29	.48	1%+.15	.43	a	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipsbon, Princeton, Royalston, Templeton, Westminster, & Winchendon	9.20	.45	1%+.35		.02	
Residential	5.90	.45	1%+.35		.02	
Remainder of County	9.83	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.73	.39	.26	2¾%+b+c	.02	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.39	.26	2¾%+b+c	.02	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	..	..	..	..	
GLAZIERS:						
East Douglas	8.48	.47	.40		.01	
Remainder of County	9.20	.45	.56		.03	
IRONWORKERS:						
Blackstone	7.95	.50	1.40		.03	
Remainder of County	9.04	.55	1.40		.06	

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14-MASS-1-2-3-b (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.05	
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.05	
Blasters; Powdermen	7.75	.50	.45		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	7.00	.50	.45		.05	
Helper	7.12	.50	.45		.05	
Bottom men	7.75	.50	.45		.05	
Driller	7.87	.50	.45		.05	
LATHERS:						
Sturbridge, & Warren	7.60	.45	.25			
Clinton, Lancaster, Leominster, Southboro, & Uxbridge	8.72	1.35	.25		.01	
Harvard and Lunenburg	9.25	.45	.55			
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	10.26	.30	1%	a	3/8of1%	
Equipment operator	9.62	.30	1%	a	3/8of1%	
Driver groundman	7.60	.30	1%	a	3/8of1%	
MARBLE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	8.75	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	9.00	.70	.60		.02	
Warren	9.55	.55	.55		.03	
MARBLE SETTERS' HELPERS	7.84	.40	.25			
MILLWRIGHTS	9.38	.60	.50		.07	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Warren:						
Brush	$8.32	.50	.35		.03	
Spray	11.093	.6667	.4447		.04	
Swing stage under 40 & steel	8.507	.50	.35		.03	
Swing stage over 40 & steel	8.87	.50	.35		.03	
Hopedale, Mendon, Milford, Southboro, Upton, & Westboro:						
Brush (New construction)	7.85	.35	.35		.06	
Brush (Repaint)	7.30	.35	.35		.06	
Steel (New construction)	8.10	.35	.35		.06	
Steel (Repaint)	7.55	.35	.35		.06	
Spray (New construction)	8.80	.35	.35		.06	
Spray (Repaint)	8.25	.35	.35		.06	
Remainder of County:						
Brush	8.98	.75	.50		.02	
Steel	11.10	.75	.50		.02	
Sandblasting; Spray	9.98	.75	.50		.02	
Repaint	8.01	.75	.50		.02	
PILEDRIVERMEN	9.50	.50	.50			
PIPEFITTERS: Hopedale & Southboro	9.175	.53	.55		.025	
Remainder of County	9.925	.53	.55		.05	
PLASTERERS' TENDERS: Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, E. Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Mendon, Milford, Millbury, New Braintree, Northboro, Northbridge, N. Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southboro, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westboro, W. Boylston, W. Brookfield, Whitinsville, & Worcester	7.25	.50	.45		.10	
PLUMBERS: Hopedale, & Southboro	9.77	.53	.55		.05	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	9.20	.30	.40	4%	.05	
Remainder of County	9.93	.65	.45		.05	
ROOFERS	9.23	.27				
SHEET METAL WORKERS	9.50	.55	.25		.05	
SPRINKLER FITTERS	9.63	.50	.70		.08	
STEAMFITTERS: Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster & Winchendon	9.20	.30	.40	4%	.05	
Remainder of County	9.93	.65	.45		.05	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS & TILE SETTERS: Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	$8.75	.60	.50		
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	9.00	.70	.60		.02
Warren	9.55	.55	.55		.03
Hubbardston, Gardner, Phillipston, Petersham, Athol, Royalston, Winchenden (only Tile Setters)	9.45	.60	.60		.04
TERRAZZO WORKERS' HELPERS	7.65	.40	.25		.05
TILE SETTERS' HELPERS	7.94	.40	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:
a. $.30 per man per week
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

BUILDING CONSTRUCTION MA75-2013, P. 7
POWER EQUIPMENT OPERATORS:
Sturbridge, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W. Brookfield, & Warren

MASS-2-PEO-1-T 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Fireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

MA75-2013, P. 8

MASS-2-PEO-1-T 2 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

NOTICES

HEAVY & HIGHWAY CONSTRUCTION MA75-2013, P. 9
POWER EQUIPMENT OPERATORS
Sturbridge, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W. Brookfield, & Warren

MASS-2-PEO-2-3-K 1-2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Fireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over. Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

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MASS-2-PEO-2-3-K 2-2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

NOTICES

MASS-1-PEO-1-E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators: Remainder of County					
CLASS I	$ 9.81	.60	.60	a	.02
CLASS II	9.69	.60	.60	a	.02
CLASS III	8.22	.60	.60	a	.02
CLASS IV	8.96	.60	.60	a	.02
CLASS V	7.30	.60	.60	a	.02
CLASS VI	7.73	.60	.60	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three from machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks

CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), well-generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-F

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: Remainder of County					
Group 1	$9.81	.60	.60	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .70					
Over 210 feet + 1.00					
Over 250 feet + 1.50					
Over 295 feet + 2.00					
Group 2	9.69	.60	.60	a	.02
Group 3	8.22	.60	.60	a	.02
Group 4	8.96	.60	.60	a	.02
Group 5	7.30	.60	.60	a	.02
Group 6	7.73	.60	.60	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumperete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanont Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Forrest and Jones
DECISION NO.: MS75-1007 DATE: Date of Publication
Supersedes Decision No.: AM-8264 in 37 13017 dated June 30, 1972.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartment up to and including 4 stories.

18-R MISSISSIPPI

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air Conditioning Mechanic	$3.50					
Bricklayers	5.75					
Carpenters	3.75					
Cement Masons	4.75					
Dry Wall Hanger	3.50					
Electricians	4.80					
Ironworkers, Reinforcing	4.00					
Laborers:						
Unskilled	2.10					
Air Tool Operators	2.10					
Mason Tenders	2.10					
Mortar Mixers	2.25					
Pipelayers	2.75					
Painters-Brush	4.00					
Plumbers	4.00					
Roofers (Shingle)	3.50					
Sheet Metal Workers	4.40					
Soft Floor Layers:						
Resilient Tile	3.50					
Carpet	3.85					
Terrazzo Workers	3.85					
Tile Setters	3.75					
Truck Drivers	3.00					
Welders	3.50					
Roofers (Built-up)	3.75					
POWER EQUIPMENT OPERATORS:						
Bulldozer	3.50					
Backhoe-Hi-Lift	3.00					
Cranes	4.00					
Derricks & Draglines	3.50					
Oilers	3.00					
Motor Graders	3.88					
Trenching Machine	4.85					
Mister	4.00					
Ditching Machine	4.85					

SUPERSEDEAS DECISION

STATE: New Mexico
DECISION NO: NM75-4014
COUNTY: Dona Ana
DATE: Date of Publication
Supersedes Decision No. AP-340 dated September 22, 1972 in 37 FR 19869
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING MECHANIC	$4.50				
BRICKLAYERS	4.00				
CARPENTERS	3.41				
CEMENT MASONS	3.00				
DRYWALL TAPERS & APPLICATORS	3.25				
ELECTRICIANS	4.00				
GLAZIERS	2.62				
IRONWORKERS, REINFORCING	2.50				
LABORERS	2.10				
PAINTERS, BRUSH	3.50				
PLUMBERS	5.00				
ROOFERS	4.32				
SHEET METAL WORKERS	4.00				
POWER EQUIPMENT OPERATORS:					
Fork lift operator	2.50				
Tractor operator	3.00				

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NO.: NC75-1002
COUNTY: Statewide
DATE: Date of Publication
SUPERSEDEAS DECISION # AP-156 in 38 FR-4618 dated February 16, 1973.
DESCRIPTION OF WORK: Sewer Line and Water Line Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$4.48				
Carpenters	3.43				
Cement Masons	3.43				
Electricians	5.00				
Ironworkers:					
Reinforcing	2.50				
Structural	4.00				
Laborers:					
Laborers	2.10				
Pipelayers	2.77				
Powderman	2.50				
Manhole Builders	2.75				
Millwrights	3.69				
Painters	2.25				
Piledrivers	2.62				
Pipefitters	4.10				
Power Equipment Operators:					
Air Drill Operators	2.87				
Air Track	3.625				
Backhoe	3.36				
Bulldozers	2.95				
Chain Saw	2.25				
Compaction Machine	3.25				
Crane & Dragline	3.62				
Equipment Mechanics	3.53				
Front End Loader	3.14				
Gradall	2.60				
Motor Grader	3.20				
Oiler	3.00				
Pan Operator	2.75				
Paving Machines	2.65				
Rodman	2.62				
Rollers	2.25				
Tarping Machines	2.79				
Trenching Machines	2.75				
Truck Drivers	2.25				
Welders	4.00				

SUPERSEDEAS DECISION

STATE: Oklahoma
DECISION NO: OK75-4015
COUNTY: Tulsa & Osage
DATE: Date of Publication
Supersedes Decison No. AP-320 dated September 1, 1972 in 37 FR 17899
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$5.87				
CARPENTERS	4.00				
CEMENT MASONS	4.50				
DRYWALL INSTALLERS	4.63				
ELECTRICIANS	4.79				
HEATING & AIR CONDITIONING	4.50				
IRONWORKERS, REINFORCING	3.35				
LABORERS	2.87				
PAINTERS, BRUSH	4.50				
PLUMBERS & PIPEFITTERS	5.00				
ROOFERS	4.95				
SHEET METAL WORKERS	4.00				
SOFT FLOOR LAYERS	5.01				
TILE SETTERS	5.15				
TILE SETTERS HELPER	5.35				

SUPERSEDEAS DECISION

STATE: Oklahoma
DECISION NO: OK75-4016
COUNTY: Bryan
DATE: Date of Publication
Supersedes Decision No. AP-341 dated September 22, 1972 in 37 FR 19870
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING MECHANIC	$4.50				
BRICKLAYERS	5.00				
CARPENTERS	3.50				
CEMENT MASONS	3.50				
ELECTRICIANS	4.125				
GLAZIERS	2.50				
IRONWORKERS, REINFORCING	3.00				
LABORERS	2.10				
MASON TENDERS	2.85				
PAINTERS, BRUSH	4.00				
PLUMBERS	4.50				
ROOFERS	3.50				
SHEET METAL WORKERS	4.50				
SOFT FLOOR LAYERS	4.50				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.10				
POWER EQUIPMENT OPERATORS:					
Motor graders	3.00				
Rollers	3.00				
Scrapers	3.00				
Trenching machines	3.00				
Tractors	3.00				

SUPERSEDAS DECISION

STATE: Oklahoma
DECISION NO.: OK75-4017
Supersedes Decision No. AP-741 dated July 6, 1973 in 38 FR 18164
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Comanche
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
BRICKLAYERS	$6.65				.02
CARPENTERS	5.85				
CEMENT MASONS	5.20	.20	1%		1/4%
ELECTRICIANS	7.00				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	5.00				
PLUMBERS & PIPEFITTERS	6.16				
ROOFERS	4.00				
SHEET METAL WORKERS	5.52				
SOFT FLOOR LAYERS	4.35				
TILE SETTERS	2.10				
TRUCK DRIVERS	3.25				
POWER EQUIPMENT OPERATORS:	3.50				
Front end loaders	3.00				
Motor graders					
Scrapers					

SC73-1003 P. 2

1-S. C.- 2-3 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Power Equipment Operators (cont'd):	$2.21				
Crewsman	3.00				
Guard rail post drill	2.50				
Hydro seeder	2.25				
Loader operator	3.09				
Machine-concrete curing	2.50				
Machine-concrete joint	2.75				
Mixer box operator	3.25				
Motor grader operator (fine grade)	2.75				
Motor grader operator (rough grade)	2.10				
Pilot vehicle	3.00				
Power tool operator	2.10				
Roller operator	2.23				
Roller operator (finish)	2.50				
Scraper	2.50				
Screed - asphalt	2.00				
Stone spreader	2.50				
Subgrade machine	2.10				
Sweeper	2.51				
Tractor operator (crawler)	2.11				
Tractor operator (utility)					
Truck crewsman	2.10				
Single-rear axle	2.10				
Multi-rear axle	2.40				
Heavy duty	2.10				
Welpman (truck scales)					

SUPERSEDEAS DECISION

STATE: South Carolina
DECISION NUMBER: SC75-1003
Supersedes Decision No. AQ-1065 dated February 1, 1974 in 39 FR 4381.
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTY: Statewide
DATE: Date of Publication

1-SC-2-3 (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt raker	$2.14				
Asphalt laydown man	2.50				
Builder-curb and gutter, etc.	3.00				
Carpenter	2.42				
Carpenter's helper	2.92				
Concrete finisher	2.56				
Concrete rubber	5.05				
Electrician	3.60				
Fireman	3.11				
Formsetter (road)	2.58				
Grade checker	2.23				
Ironworker, reinforcing	3.08				
Ironworker, structural	2.10				
Laborer, common	2.95				
Fence erector	2.10				
Lute man	3.36				
Mason	2.80				
Mechanic	2.10				
Mechanic helper	2.50				
Oiler	4.00				
Painter, bridge	2.54				
Painter leadsman	2.10				
Pile driver	2.91				
Pot driver	2.50				
Powderman	2.79				
Welder					
Power Equipment Operators:	2.10				
Asphalt distributor	2.58				
Asphalt paver	2.25				
Asphalt plant	3.00				
Automatic fine grader	3.16				
Bulldozer	2.50				
Bulldozer (utility)	2.10				
Cold feed attendant	2.75				
Concrete finishing machine	2.70				
Concrete paver	2.75				
Concrete saw	2.75				
Concrete spreader	3.00				
Crane, backhoe, dragline, shovel:	3.50				
1 yard & under	2.50				
Over 1 yard	2.75				
Crusher feeder	2.56				
Drill operator					
Form grader					

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SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: See Below*
DECISION NUMBER: SC75-1004 DATE: Date of Publication
Supersedes Decision No. AR-4059 dated November 29, 1974 in 39 FR 41853.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Anderson, Greenville, Oconee, & Pickens

23-SC-4-D

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	4.25				
Bricklayers	5.40				
Carpenters	4.10				
Cement masons	4.19				
Drywall finishers	4.26				
Drywall hangers	4.18				
Electricians	4.34				
Glaziers	3.65				
Insulators	3.50				
Ironworkers, structural & ornamental	3.75				
Laborers:					
Laborers	2.73				
Asphalt raker	3.00				
Mason tenders	3.75				
Mortar mixers	3.15				
Painters, brush	3.95				
Painters, spray	4.10				
Plumbers & pipefitters	4.74				
Roofers	3.50				
Sheet metal workers	4.38				
Soft floor layers	5.50				
Tile setters	4.75				
Truck drivers	2.83				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.50				
Bulldozer	3.75				
Forklift operator	3.68				
Front end loader	3.15				
Motor Grader	3.25				
Pan operator	3.75				

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Shelby
DECISION NUMBER: TN75-1006 DATE: Date of Publication
Supersedes Decision No. AR-4036 dated September 13, 1974, in 39 FR 33193
DESCRIPTION OF WORK: Building Construction. (excluding single family homes and garden type apartments up to and including 4 stories). Heavy and Utility Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.10	.35	.50		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers: Stonemasons	8.75	.35	.20		.05
Carpenters; Piledrivermen: Soft floor layers	8.05	.30	.20		.04
Cement masons:					
Cement masons	7.90	.30	.45		.10
Cement masons machine operator	8.15	.30	.45		.10
Electricians:					
Electricians: Linemen	8.08	.35	1%+.40		.5%
Cable splicers	8.18	.35	1%+.40		.5%
Elevator constructors	8.29	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	7.80	.35	.20		
Ironworkers	7.70	.30	.35		.125
Lathers	7.90	.25			.01
Leadburners	7.80	.30		c	.01
Marble setters; Terrazzo workers; Tile setters	7.25	.35	.20		.05
Millwrights	7.90	.34			.06
Painters:					
Brush	7.60	.30	.30		.05
Sandblasting: Spray: Steel	7.85	.30	.30		.05
Plasterers	7.80				.01
Plumbers	9.57	.30	.15		
Roofers:					
Composition	7.40		.20		.03
Slate, Tile asbestos & precast tile	7.65		.20		.03
Sheet metal workers	7.20	.40	.15	.30	.02
Sprinkler fitters	8.75	.50	.70		.08
Steamfitters, air conditioning mechanics and pipefitters	9.42	.30	.30		
Truck drivers:					
Up to 5 tons	3.695		d		
5 tons & over incl. special equipment	4.095		d		
Welders; riggers; & riveters receive rate prescribed for craft performing operation to which welding is incidental.					

TN75-1006 P. 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F plus Washington's Birthday, Good Friday, & Christmas Eve. providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. Employer contribution of $2.00 per week.

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$4.95	.20	.20		.05
GROUP B	5.05	.20	.20		.05
GROUP C	5.10	.20	.20		.05
GROUP D	5.30	.20	.20		.05
GROUP E	5.50	.20	.20		.05
GROUP F	5.15	.20	.20		
GROUP G	5.25	.20	.20		

GROUP A : General and common laborers, concrete laborers, track laborers/walkers, cement finisher helpers, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.

GROUP B : Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C : Chain saw operators, jackhammer, vibrator and electric hammers and all air tool and pneumatic tools.

GROUP D : Deep hole man

GROUP E : Powdermen, toolroom attendant, torchman on demolition and salvage. sand hog (free air).

GROUP F : Hod carriers, mason tenders and plasterer tenders.

GROUP G : Mortar mixers

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS A	$7.65	.30	.25		
CLASS B	7.22	.30	.25		
CLASS C	6.52	.30	.25		
CLASS D	6.12	.30	.25		

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantrys; Gradall; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Tug boat operator; Mechanics (heavy); Central mixing plant; Locomotive engineer; Straddle carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hopto; Pump crete; Mucking machines; Cableway; Central compressor plant; Derrick boat; Concrete pump; Welders (men from the craft); Helicopter operator; Well point systems; Sweeper; Bulldozers; Pans; Scrapers; Traxcavators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Pavers; Mobile mixers (rubber tired, mobile, mixed on job); Back filler; Blade graders; Dinkey operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switchman; Brakeman; Earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinkey operators (10 tons and less); Oilers on Gantrys; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
Bricklayers	$6.00				
Carpenters or leadsman	5.00				
Cement masons	5.00				
Electricians	5.77				
Ironworkers, reinforcing	4.75				
Ironworkers, structural	5.35				
Laborers:					
Laborers, unskilled; Flagman	3.05				
Chain saw; Concrete rubber; Mortar mixer; Pipelayer	3.25				
Air tool operator; Firemen	3.30				
Concrete edger	3.40				
Concrete saw operator; Fence erector; Guard rail erector	3.50				
Asphalt raker	3.60				
Sign erector	3.70				
Form setter; Steel road	3.95				
Powderman	4.25				
Nozzleman or gunman (gunite)	5.00				
Painter or sand blaster	5.00				
Power equipment operators:					
Pump operator; Welder helper	3.20				
Ditch paver; Mechanic helper	3.30				
Curb machine	3.40				
Motor crane driver; Mulcher or seeder; Scale operator	3.50				
Tractor, farm	3.55				
Concrete mixer, less than 1 yd.; Earth drill	3.60				
Track drill	3.75				
Dozer or loader - stock pile only	3.85				
Oiler; Roller, other than finish	3.90				
Distributor (bituminous)	4.05				
Tractor, crawler, utility	4.10				
Spreader (self-propelled)	4.20				
Asphalt paver; Central mixing (asphalt or concrete); Concrete finishing machine; Mechanic, Class II; Motor patrol (rough); Roller (high type); Soil cement machine	4.35				
Tractor - boom & hoist; Tranching machine	4.50				
Bulldozer or push dozer; Scraper	4.75				
Backhoe; Concrete paver; Crane; End loader; Mechanic, Class I; Motor patrol finish; Piledriver; Shovel	5.00				
Truck drivers:					
2 & 3 axles	3.40				
4 & 5 axles or more or heavy duty off-the-road trucks	4.00				
Welders receive rate prescribed for craft performing operations to which is incidental.					

WATER, SEWER AND UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.10					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.34					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bailey, Cochran, Crosby, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Terry & Yoakum

DECISION NO.: TX75-4003

DATE: Date of Publication

Supersedes Decision No. AP-352, dated October 13, 1972, in 37 FR 21786.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$4.93				
CARPENTERS	4.47				
CEMENT MASONS	4.00				
DRYWALL INSTALLERS	3.50				
ELECTRICIANS	6.35	.25	1%		
FENCE BUILDERS	2.10				
INSULATION INSTALLERS	3.00				
IRONWORKERS	2.50				
LABORERS	2.10				
PAINTERS, BRUSH	4.09				
PLUMBERS	4.66				
ROOFERS	3.57				
SHEET METAL WORKERS	4.13				
SOFT FLOOR LAYERS	5.00				
TAPE & BEDDERS	5.00				
TILE SETTERS	5.50				
TRUCK DRIVERS	2.50				

DECISION NO. TX75-4003

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$7.60				
Asphalt Heaterman	2.65				
Asphalt Raker	7.75				
Asphalt Shoveler	2.15				
Batching Plant Scaleman	2.95				
Carpenter	3.50				
Carpenter Helper	3.25				
Concrete Finisher (Paving)	3.50				
Concrete Finisher (Structures)	3.35				
Concrete Finisher Helper(Structures)	3.00				
Form Builder (Structures)	3.25				
Form Builder Helper (Structures)	2.50				
Form Setter (Paving and Curb)	2.35				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	2.50				
Laborer, Common	2.10				
Laborer, Utility Man	2.50				
Mechanic	3.05				
Oiler	2.80				
Serviceman	3.00				
Powderman	2.75				
Powderman Helper	2.50				
Spreader Box Man	2.80				
Swamper	2.50				
Power Equipment Operators:					
Asphalt Distributor	2.60				
Asphalt Paving Machine	3.00				
Broom or Sweeper Operator	2.10				
Bulldozer, 150 HP and Less	3.00				
Bulldozer, over 150 HP	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.40				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	3.75				
Crusher or Screening Plant Operator	3.00				
Foundation Drill Operator (Truck Mounted)	3.75				
Front End Loader (2½ CY & Less)	3.00				
Front End Loader (Over 2½ CY)	3.10				
Motor Grader Operator, Fine Grade	4.10				

DECISION NO. TX75-4003

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Motor Grader Operator	$3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.60				
Roller, Pneumatic (Self-Propelled)	2.30				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.25				
Tractor (Crawler Type) 150 HP and Less	2.85				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP & Less	2.50				
Tractor (Pneumatic) over 80 HP	2.65				
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75				
Truck Drivers:					
Single Axle, Light	2.10				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.25				
Winch	2.60				
Weighman (Truck Scales)	2.30				
Welder	4.35				

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Bee, Kleberg, Nueces, San Patricio
DECISION NO.: TX75-4004
DATE: Date of Publication
Supersedes Decision No. AR-16, dated August 16, 1974, in 39 FR 29703.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING MECHANICS	$3.50				
BRICKLAYERS	5.00				
CARPENTERS	5.14				
CEMENT MASONS	6.25				
ELECTRICIANS	6.96				
FIBERGLASS DUCT INSTALLERS	3.75				
FORM SETTERS	2.40				
INSULATION INSTALLERS	5.14				
IRONWORKERS, REINFORCING	2.50				
LABORERS	2.10				
PAINTERS, BRUSH	4.00				
PLUMBERS & PIPEFITTERS	5.74				
ROOFERS	4.50				
SHEETROCK FINISHERS	4.00				
SOFT FLOOR LAYERS	4.05				
TRUCK DRIVERS	2.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	3.35				
Bulldozers	3.20				
Motor graders	3.35				

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Bexar
DECISION NO.: TX75-4005
DATE: Date of Publication
Supersedes Decision No. AR-44, dated September 20, 1974, in 39 FR 34013.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING INSTALLERS	$3.50				
BRICKLAYERS	7.27	.30	.30		.05
CARPENTERS	4.10				
CEMENT MASONS	7.02	.25			
DUCT INSTALLERS	3.45				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	5.55	.30	1%		1/2%
Over 8 units or over 2 stories	8.33	.255	1%		1/2%
FORM SETTERS	3.29				
GLAZIERS	3.50				
INSULATION INSTALLERS	4.50				
IRONWORKERS	4.66				
LABORERS, UNSKILLED	2.34				
PAINTERS	3.675				
TAPE & FLOAT	4.00				
PLASTERERS	7.40				.01
PLUMBERS & PIPEFITTERS	7.13	.25	.35		.10
ROOFERS	3.10				
ROOFERS, SHINGLES	3.50				
SHEETROCK INSTALLER	4.00				
SOFT FLOOR LAYERS	3.71				
TILE SETTERS	5.18				
TRUCK DRIVERS	2.25				
T.V. ANTENNA INSTALLERS	3.50				
POWER EQUIPMENT OPERATORS:					
Fork lifts	2.75				
Foundation drill operator (crawler mounted)	5.85				
Front End loader	2.58				
Tractor	3.75				

DECISION NO. TX75-4005

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.25				
Asphalt Heaterman	3.00				
Asphalt Raker	3.00				
Batching Plant Scaleman	3.25				
Batterboard Setter	2.80				
Carpenter	3.65				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper(Structures)	3.00				
Concrete Rubber	2.60				
Electrician	6.20				
Electrician Helper	3.20				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	2.50				
Form Setter (Paving and Curb)	3.50				
Form Setter (Structures)	3.45				
Form Setter Helper (Structures)	2.50				
Laborer, Common	2.10				
Laborer, Utility Man	2.50				
Mechanic	3.85				
Mechanic Helper	3.25				
Oiler	2.80				
Serviceman	3.00				
Pipelayer	3.00				
Pipelayer Helper	2.50				
Powderman	3.25				
Reinforcing Steel Setter (Paving)	3.25				
Reinforcing Steel Setter(Structures)	3.65				
Reinforcing Steel Setter Helper	2.70				
Steel Worker (Structural)	3.00				
Steel Worker Helper (Structural)	2.50				
Sign Erector	3.50				
Sign Erector Helper	2.90				
Spreader Box Man	3.25				
Swamper	2.75				

DECISION NO. TX75-4005

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Asphalt Distributor	$3.25				
Asphalt Paving Machine	3.30				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	4.25				
Crusher or Screening Plant Operator	3.25				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	4.95				
Foundation Drill Operator Helper	3.10				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.50				
Mixer (16 CF and Less)	3.00				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.55				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.50				
Self-Propelled Hammer	3.50				
Tractor (Crawler Type) 150 HP and Less	2.50				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP & Less	2.50				
Tractor (Pneumatic) over 80 HP	2.75				
Traveling Mixer	2.50				
Trenching Machine Light	2.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	2.45				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.70				
Lowboy-Float	3.00				
Welder	4.00				
Welder Helper	3.10				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Crane, Ector, Loving, Midland, Pecos, Reeves, Upton, Ward & Winkler

DECISION NO.: TX75-4006

DATE: Date of Publication

Supersedes Decision No. AP-347, dated September 29, 1972, in 37 FR 20499.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$4.25				
CARPENTERS	3.80				
CEMENT FINISHERS	3.50				
ELECTRICIANS	5.10		17.		1/10%
LABORERS	2.10				
PAINTERS, BRUSH	3.50				
PLUMBERS	4.50				
ROOFERS	4.50				
SHEET METAL WORKERS	3.40				
TRUCK DRIVERS	2.10				

DECISION NO. TX75-4006

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.40				
Asphalt Hesterman	2.50				
Asphalt Raker	2.35				
Asphalt Shoveler	2.65				
Batching Plant Scaleman	2.85				
Carpenter	3.50				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.00				
Concrete Finisher (Structures)	3.30				
Concrete Finisher Helper(Structures)	2.50				
Electrician	5.70				
Form Builder (Structures)	3.25				
Form Builder Helper (Structures)	2.25				
Form Setter (Paving and Curb)	3.25				
Form Setter Helper (Paving & Curb)	2.90				
Form Setter (Structures)	3.15				
Form Setter Helper (Structures)	2.50				
Laborer, Common	2.10				
Laborer, Utility Man	2.50				
Mechanic	3.25				
Mechanic Helper	2.60				
Oiler	2.50				
Serviceman	3.10				
Painter (Structures)	4.75				
Painter Helper (Structures)	2.70				
Pipelayer	2.50				
Powderman	3.00				
Powderman Helper	2.45				
Reinforcing Steel Setter(Structures)	3.40				
Reinforcing Steel Setter Helper	2.45				
Spreader Box Man	2.60				
Power Equipment Operators:					
Asphalt Distributor	2.75				
Asphalt Paving Machine	3.00				
Bulldozer, 150 HP and Less	3.00				
Bulldozer, over 150 HP	3.25				
Concrete Paving Saw	2.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	3.75				

DECISION NO. TX75-4006

INCIDENTAL, PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd)					
Crusher or Screening Plant Operator	$3.00				
Front End Loader (2½ CY and Less)	2.95				
Front End Loader (Over 2½ CY)	3.00				
Motor Grader Operator, Fine Grade	3.50				
Motor Grader Operator	3.25				
Roller, Steel Wheel (Plant-Mix Pavements)	2.60				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25				
Roller, Pneumatic (Self-Propelled)	2.25				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.25				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP and Less	2.30				
Tractor (Pneumatic) over 80 HP	2.50				
Trenching Machine, Light	2.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50				
Truck Drivers:					
Single Axle, Light	2.25				
Single Axle, Heavy	2.25				
Tandem Axle or Semitrailer	2.10				
Transit-Mix	2.60				
Weighman (Truck Scales)	2.10				
Welder	3.15				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX75-4007

DATE: Date of Publication

Supersedes Decision No. AR-40, dated September 20, 1974, in 39 FR 34004

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.64	.35	.30		
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS	6.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.10				
Mason tenders	2.10				
Pipelayers (concrete & clay)	2.10				
LINE CONSTRUCTION:					
Linemen	6.26	.28	1%		1/2%
Groundmen	3.72	.28	1%		1/2%
Groundmen, 1st 6 mos.	2.56	.28	1%		1/2%
PAINTERS:					
Brush	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	6.80	.22			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.10				
SOFT FLOOR LAYERS	2.10				
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.10				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.10				
TRUCK DRIVERS	2.10				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX75-4008

DATE: Date of Publication

Supersedes Decision No. AR-39, dated September 20, 1974, in 39 FR 34002.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$6.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.10				
Mason tenders	2.10				
Pipelayers (concrete & clay)	2.10				
PAINTERS, BRUSH	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	6.80	.22			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.10				
SOFT FLOOR LAYERS	2.10				
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.10				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.10				
TRUCK DRIVERS	2.10				

DECISION NO TX75-4008

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Raker	$2.85				
Batching Plant Scaleman	3.00				
Carpenter	3.65				
Carpenter Helper	2.10				
Concrete Finisher (Paving)	2.75				
Concrete Finisher Helper (Paving)	2.55				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper(Structures)	2.25				
Electrician	6.85				
Fireman	2.20				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	2.75				
Form Setter (Paving and Curb)	3.00				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.50				
Form Setter Helper (Structures)	2.55				
Laborer, Common	2.10				
Laborer, Utility Man	2.55				
Mechanic	3.25				
Mechanic Helper	2.75				
Oiler	2.65				
Serviceman	2.50				
Piledriverman	3.50				
Pipelayer	2.50				
Pipelayer Helper	2.30				
Reinforcing Steel Setter (Paving)	2.75				
Reinforcing Steel Setter(Structures)	3.00				
Reinforcing Steel Setter Helper	2.50				
Spreader Box Man	3.10				
Swamper	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.25				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	2.85				
Bulldozer, 150 HP and Less	3.00				
Bulldozer, over 150 HP	3.60				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.00				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.00				

DECISION NO. TX75-4008

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Motor Grader Operator	$3.35				
Roller, Steel Wheel (Plant-Mix Pavements)	2.65				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35				
Roller, Pneumatic (Self-Propelled)	2.40				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.60				
Tractor (Crawler Type) over 150 HP	3.20				
Tractor (Pneumatic) 80 HP and Less	2.50				
Tractor (Pneumatic) over 80 HP	2.85				
Traveling Mixer	3.00				
Trenching Machine, Light	3.50				
Truck Drivers:					
Single Axle, Light	2.10				
Single Axle, Heavy	2.10				
Tandem Axle or Semitrailer	2.10				
Lowboy-Float	3.00				
Welder	3.75				

SUPERSEDES DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX75-4009

DATE: Date of Publicatiob

Supersedes Decision No. AR-43, dated September 20, 1974, in 39 FR 34099.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and also excluding Dallas-Fort Worth Regional Airport. (See General Wage Determination TX75-4001 for Incidental Paving & Utilities).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Grayson County	6.80				
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	8.29	.30	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	7.485	.30			.005
Power saw operators	7.735	.30			.005
Millwrights	7.885	.30			.005
Piledrivermen	7.985	.30			.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
Carpenters	7.81	.30	.30		.02
Power saw operators	7.935	.30	.30		.02
Millwrights	8.44	.30			.02
CEMENT MASONS:					
ZONE 1 - Grayson County	6.16				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	7.545	.25	.45		
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.685	.40	.35		.01
ELECTRICIANS:					
ZONE 1 - Grayson County:					
Electricians	7.88	.30	1%		.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
Electricians	8.87	4%	1%		7/10%
Cable splicers	9.12	4%	1%		7/10%

DECISION NO. TX75-4009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS (CONT'D):					
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:					
AREA A - All work performed in Dallas County:					
Electricians	$8.53	4%	1%		7/10%
Cable splicers	9.38	4%	1%		7/10%
AREA B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas:					
Electricians	8.78	4%	1%		7/10%
Cable splicers	9.65	4%	1%		7/10%
AREA C - All work performed outside of Area A and Area B:					
Electricians	9.03	4%	1%		7/10%
Cable splicers	9.93	4%	1%		7/10%
ELEVATOR CONSTRUCTORS	7.87	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	50%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates; b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	7.39	.25	.25		.025
IRONWORKERS	7.125	.55	.60		.03
LABORERS:					
ZONE 1 - Grayson County:					
GROUP 1 - Unskilled laborers	5.27	.275	.30		
GROUP 2 - Air tool operator (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	5.52	.275	.30		

NOTICES

DECISION NO. TX75-4009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D):					
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$5.27	.275	.30		.02
GROUP 2	5.42	.275	.30		.02
GROUP 3	5.52	.275	.30		.02
GROUP 4	5.67	.275	.30		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work and backfilling; firing of salamanders, loading and unloading of materials to and from hoist or cages; loading and unloading of tools and equipment; wheeling, placing and pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings and all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling and greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders; checking materials and tools in and out of receiving lots and sheds; tool house men; landscaper; asphalt troner and raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling and laying); carpenter tender

GROUP 2 - All power tool and equipment operators (gas, electric or air); cutting torches man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan and steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete and clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to four inches; cement mason tenders; mortar mixers; hod carriers; dry mixers, kettle and pot men; tank cleaning; all pipe doping, treating and wrapping, including all men working with dope, mortar and plaster mixing machines, grout machines; pump crete machines, gunite mixing machines, including placing and cleaning of pipe and conduits used in placing of concrete, handling and placing of gunite materials from stockpiles, screening sand, running sand dryer and loading and operating sand blaster, except nozzle, conveying, stocking and handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet and cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; Gunite worker; gunite nozzle man and terrazzo grinder

DECISION NO. TX75-4009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	$8.03	.20		.50	.04
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.43	.30			.04
LINE CONSTRUCTION:					
Linemen; Lineman operator	9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE SETTERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.90				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.30				
MARBLE SETTERS' HELPERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.40				
PAINTERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	7.425	.35	.30		.04
GROUP 2 - All wall covering work; paper, fabric, sheeting, flexwood, etc.	7.675	.35	.30		.04
GROUP 3 - Ames tools operator	7.55	.35	.30		.04
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting and window jacks, fire escapes	7.80	.35	.30		.04
ZONE 2 - Denton County:					
GROUP 1 - Brush, hand roller	7.49				
GROUP 2 - All wall covering work	7.61				
GROUP 3 - Structural steel; stage & bosun chair work, window jacks, spraying, sandblasting & power tool work	7.745				

NOTICES

DECISION NO. TX75-4009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (CONT'D):					
ZONE 3 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1	$7.895		.20		.02
GROUP 2	8.145		.20		.02
GROUP 3	7.895		.20		.02
GROUP 4	9.145		.20		.02

PAINTERS CLASSIFICATION DEFINITIONS

GROUP 1 - Brush
GROUP 2 - Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Rosun chair, Window jack & window sill; Stage; Fire escape; Steel storage tanks; Stilts; Mittens; Ames tools; Drywall finishing
GROUP 3 - On jobs requiring less than six 250 feet rolls of joint tape, or less than eight man hours of bedding time the drywall finishing rate will be
GROUP 4 - Steeple jack rate (radio and TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles atop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
ZONE 1 - Grayson County	$6.05				
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.885	.35		.50	.03
ZONE 3 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.755				.01
PLUMBERS & STEAMFITTERS	8.00	.38	.90		.08
POWER EQUIPMENT OPERATORS:					
ZONE 1 - Dallas County:					
GROUP 1	6.465	.30	.40		
GROUP 2	7.25½	.30	.40		
GROUP 3	7.65½	.30	.40		

POWER EQUIPMENT OPERATORS (ZONE 1) CLASSIFICATION DEFINITIONS

GROUP 1 - Oilers
GROUP 2 - Air compressors; Blade Grader, towed; Flex plane; Form grader; Concrete Mixer, less than 14 cu. ft.; Water pumps - 2½" or over and 2 or more pumps; Pulsometer; Welding machines, gasoline or diesel driven (2 to 6 machines); Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Generator, gasoline or diesel driven (over 1500 watts); Bob cat with loader; All other equipment of similar nature coming under the light equipment class, when power operated
GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted on crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity Escalated rate on crane and derricks booms; .01c per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); DW-10 caterpillar, 5-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machine (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Pile drivers; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pumps; Welding machines (7 to 13 machines); All other equipment of similar nature coming under heavy equipment class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$6.265	.30	.50		.10
GROUP 2	7.05	.30	.50		.10
GROUP 3	7.45	.30	.50		.10

POWER EQUIPMENT OPERATORS (ZONE 2) CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler - Fireman
GROUP 2 - Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment
GROUP 3 - Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derrick, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic

DECISION NO. TX75-4009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Slate & tile	$7.565				
GROUP 2 - Composition and built-up roofing, damp proofing & bituminous waterproofing	7.415				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1 - Slate, tile asbestos roofing & siding	7.515				.05
GROUP 2 - Composition, built-up, damp & water proofing, kettlemen	7.365				.05
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	7.835	.35	.50		.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.105	.45	.30		.055
SOFT FLOOR LAYERS	7.53	.25	.20		.03
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.95				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.30				
TILE SETTERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	8.30		.15		
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.30				

DECISION NO. TX75-4009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS' HELPERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	$6.40				
TRUCK DRIVERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	4.25				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	4.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Dimmit, Jim Hogg, LaSalle, Maverick, Webb, Zapata & Zavala

DECISION NO.: TX75-4010

DATE: Date of Decision

Supersedes Decision No. AR-70, dated November 1, 1974, in 39 FR 38836.

DESCRIPTION OF WORK: Building (including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING MECHANIC	$4.45				
BRICKLAYERS	4.85				
CARPENTERS	3.70				
CEMENT MASONS	3.20				
ELECTRICIANS	4.20				
GLAZIERS	3.14				
IRONWORKERS	2.60				
LABORERS:					
Laborers	2.10				
Asphalt rakers	2.25				
Mason tenders	2.70				
PAINTERS, BRUSH	4.30				
PLUMBERS & PIPEFITTERS	4.35				
ROOFERS:					
Roofers	4.00				
Kettlemen	2.90				
SHEET METAL WORKERS	4.33				
SOFT FLOOR LAYERS	4.30				
TRUCK DRIVERS	2.10				
POWER EQUIPMENT OPERATORS:					
Asphalt finishers	2.50				
Backhoes	2.50				
Bulldozers	2.50				
Cranes	2.70				
Front end loaders	2.50				
Motor graders	2.75				
Rollers	2.40				
Scrapers	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Hood, Johnson, Palo Pinto, Parker & Wise

DECISION NO.: TX75-4011

DATE: Date of Publication

Supersedes Decision No. AP-301, dated July 28, 1972, in 37 FR 15232.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$4.96				
CARPENTERS	3.50				
CEMENT MASONS	4.00				
ELECTRICIANS	3.50				
LABORERS:					
Laborers	2.10				
PAINTERS, BRUSH	3.50				
PLUMBERS	4.50				
ROOFERS	2.95				
SHEET METAL WORKERS	3.00				
TILE SETTERS	4.75				
TRUCK DRIVERS	2.25				

DECISION NO. TX75-4011

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.55				
Asphalt Heaterman	2.75				
Asphalt Raker	3.25				
Asphalt Shoveler	2.60				
Batching Plant Scaleman	3.00				
Carpenter	3.50				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.50				
Concrete Finisher Helper (Paving)	2.85				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper(Structures)	3.00				
Concrete Rubber	2.75				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	2.50				
Form Liner (Paving & Curb)	3.50				
Form Setter (Paving & Curb)	3.25				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.55				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.25				
Laborer, Utility Man	2.35				
Mechanic	3.50				
Mechanic Helper	2.75				
Oiler	3.00				
Serviceman	2.85				
Pipelayer	3.25				
Powderman	3.00				
Reinforcing Steel Setter (Paving)	2.25				
Reinforcing Steel Setter(Structures)	3.55				
Sign Erector	3.00				
Sign Erector Helper	2.50				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.15				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				
Concrete Paving Curing Machine	3.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	3.50				

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DECISION NO. TX75-4011

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Foundation Drill Operator (Truck Mounted)	$4.05				
Foundation Drill Helper	3.00				
Front End Loader (2½ CY and Less)	3.25				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	3.50				
Motor Grader Operator	3.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP & Less	2.85				
Tractor (Pneumatic) over 80 HP	3.20				
Traveling Mixer	2.85				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	3.00				
Welder	3.35				

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Jefferson & Orange
DECISION NO.: TX75-4012 DATE: Date of Publication
Supersedes Decision No. AR-48, dated September 27, 1974, in 39 FR 35060
DESCRIPTION OF WORK: Building (including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Jefferson County	$8.10	.70	.70		.06
Orange County	8.145	.325	.30		.04
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	9.11	.275	.30		.04
CARPENTERS:					
Carpenters:					
Commercial	7.815		.30		.05
Residential construction of not not more than two units and condominium townhouses of not more than 6 units, excluding all apartment construction and multiple buildings for rental purposes	7.45		.30		
Millwrights	8.605				
Piledrivermen	7.96		.30		
CEMENT MASONS	7.49				
ELECTRICIANS	8.80	.28	1%+.285		.06
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
IRONWORKERS	7.30	.55	.60		.05
LABORERS:					
GROUP 1 - Common laborer; asphalt ironer & raker; sandblaster, exclusive of preparation work for painters; dumper, spotter & wagon drill; powderman-blaster; well driller	5.11	.28	.20		.02
GROUP 2 - Carpenter tender	5.16	.28	.20		.02
GROUP 3 - Cement masons tender; air tool operator (jackhammer-vibrator)	5.21	.28	.20		.02
GROUP 4 - Mortar mixers, hod carriers & mason tender; plaster & lather tender; pipelayers, non-metallic pipe, including handling & laying pumpcrete pipe	5.31	.28	.20		.02

DECISION NO. TX75-4012

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D):					
GROUP 5 - Machine man & nozzleman for gunniting 1" and over	$5.485	.28	.20		.02
LATHERS	8.105	.30			.01
LINE CONSTRUCTION:					
Linemen	9.405	.28	1%		1/2%
Groundmen	6.87	.28	1%		1/2%
PAINTERS:					
Southern half of Jefferson County and all of Orange County:					
GROUP 1 - Brush, wood & wall paperhanger and glazier:					
Commercial	7.60				
Residential	7.45				
GROUP 2 - Brush, steel:					
Commercial	7.65				
Residential	7.50				
GROUP 3 - Spray:					
Commercial	8.10				
Residential	7.97				
GROUP 4 - Sandblaster, power cleaning:					
Commercial	7.925				
Residential	7.71				
GROUP 5 - Brush, hot paint or creosote:					
Commercial	7.925				
Residential	7.71				
GROUP 6 - Spray, hot paint or creosote:					
Commercial	8.35				
Residential	8.24				
GROUP 7 - All time spent rigging:					
Commercial	7.925				
Residential	7.71				
Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ledge in all classifications					
Northern half of Jefferson County:					
GROUP 1 - Brush and glaziers:					
Commercial	7.575				
Residential	7.325				
GROUP 2 - Canvas & paperhangers:					
Commercial	7.825				
Residential	7.575				

DECISION NO. TX75-4012

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS (CONT'D):					
Northern half of Jefferson County (Cont'd)					
GROUP 3 - Brush, steel: Commercial	$7.75				
GROUP 4 - Spray: Commercial	8.00				
Residential	7.75				
PIPEFITTERS	8.11	.35	.62		.06
PLASTERERS	8.00	.37	.30		.02
PLUMBERS	8.84				.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.915		.25		
GROUP 2	7.00		.25		
GROUP 3	6.48		.25		
GROUP 4	6.29		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane - Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumperete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-plants; Scoopmobiles; Pingerlift Operator; Well Points

GROUP 2 - Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$6.69	.20	.10	.15	.03
Kettlemen	5.73	.20	.10	.15	.03
Helpers	4.48	.20	.10	.15	.03
SHEET METAL WORKERS	7.79	.25	.15		.06
SPRINKLER FITTERS	9.05	.50	.70		.08

DECISION NO. TX75-4012

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TILE SETTERS	$7.65	.275	.30		.04
TRUCK DRIVERS:					
GROUP 1 - Under 1½ ton and wash, grease, fireman, fuel pump operators when used on construction	4.40				
GROUP 2 - 1½ tons thru 2½ tons, dump truck less than 7 yds., town driver	4.69				
GROUP 3 - Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85				
GROUP 4 - Euclids (not self-loading)	4.95				
GROUP 5 - Warehouseman - material checker	4.965				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: TX75-4013 DATE: Date of Publication
Supersedes Decision No. AR-51, dated September 27, 1974, in 39 FR 35064.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	5.65				
CEMENT MASONS	4.50				
ELECTRICIANS	5.55				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	4.32				
PLUMBERS & PIPEFITTERS	5.53				
ROOFERS	4.00				
SHEET METAL WORKERS	5.30				
SOFT FLOOR LAYERS	5.00				

DECISION NO. TX75-4013

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.95				
Asphalt Heaterman	3.50				
Asphalt Raker	3.70				
Batching Plant Scaleman	4.10				
Carpenter	3.95				
Carpenter Helper	3.60				
Concrete Finisher (Paving)	4.30				
Concrete Finisher Helper (Paving)	3.55				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper (Structures)	3.35				
Form Builder (Structures)	4.55				
Form Builder Helper (Structures)	2.90				
Form Setter (Paving and Curb)	4.00				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	3.65				
Laborer, Common	2.60				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	3.25				
Mechanic	4.20				
Mechanic Helper	3.50				
Oiler	3.55				
Serviceman	3.70				
Pipelayer	3.00				
Pipelayer Helper	2.60				
Powderman	4.00				
Reinforcing Steel Setter(Paving)	4.35				
Reinforcing Steel Setter(Structures)	4.00				
Reinforcing Steel Setter Helper	3.05				
Sign Erector	3.50				
Sign Erector Helper	3.10				
Spreader Box Man	3.60				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.45				
Broom or Sweeper Operator	2.80				
Bulldozer, 150 HP and Less	3.70				
Bulldozer, over 150 HP	4.05				
Concrete Paving Finishing Machine	3.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	4.80				

Page 3

DECISION NO. TX75-4013	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION					
Power Equipment Operators (Contd):					
Crusher or Screening Plant Operator	$4.15				
Foundation Drill Operator (Crawler Mounted)	3.70				
Foundation Drill Operator (Truck Mounted)	4.75				
Foundation Drill Operator Helper	3.25				
Front End Loader (2½ CY and Less)	3.70				
Front End Loader (Over 2½ CY)	4.20				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.45				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.30				
Roller, Pneumatic (Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.70				
Tractor (Crawler Type) 150 HP and Less	3.25				
Tractor (Crawler Type) over 150 HP	3.55				
Tractor (Pneumatic) 80 HP and Less	3.00				
Tractor (Pneumatic) over 80 HP	3.40				
Traveling Mixer	3.75				
Trenching Machine Light	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Weighman (Truck Scales)	2.65				
Welder	4.80				
Welder Helper	2.75				

[FR Doc.75-1299 Filed 1-16-75;8:45 am]

federal register

FRIDAY, JANUARY 17, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 12
PART IV

OFFICE OF MANAGEMENT AND BUDGET

■

FY 75 RESCISSIONS AND DEFERRALS

Cumulative Report

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OFFICE OF MANAGEMENT AND BUDGET

FY 1975 RESCISSIONS AND DEFERRALS

Cumulative Report

Honorable NELSON A. ROCKEFELLER
President of the Senate
Washington, D.C. 20510

JANUARY 10, 1975.

DEAR MR. PRESIDENT: The President has directed me to submit the enclosed report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with that Act, the report is also being transmitted to the House and will be published in the FEDERAL REGISTER.

Sincerely,

ROY L. ASH,
Director.

CUMULATIVE REPORT OF FISCAL YEAR 1975 RESCISSIONS AND DEFERRALS JANUARY 1975

This report is submitted in fulfillment of the requirements of section 1014 of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014 provides for a monthly report listing all budget authority for the current fiscal year with respect to which, as of the first day of such month, a special message has been transmitted to the Congress. This January report includes those deferrals and rescissions in the seven special messages sent by the President to the Congress in September, October, November, and December.

Rescissions. Five proposed rescissions, totalling $131,148,000 in budget authority, have been effected by Pub. L. 93-529 signed December 21, 1974. In addition, $455,635,000 in budget authority proposed for rescission for Rural Electrification Administration loans but not included in Pub. L. 93-529 has been made available for obligation. Another $85,000,000 proposed for rescission under the Agricultural Conservation Program (REAP) and not included in Pub. L. 93-529 lapsed on December 31, 1974. These items are shown in the report together with the remaining proposed rescissions which total—as of January 1, 1975—$863,646,000.

Deferrals. Attachment B identifies, by agency and account, all deferred funds reported. As of January 1, 138 deferral reports had been submitted to the Congress and 19 of these had been revised by supplementary reports. When supplementary reports have revised previous reports, the amount initially reported has been placed in brackets and zeroed out in the column labeled "Adjustments." Unlike proposed rescissions of budget authority, funds reported as deferred (section 1013 of the Act) are often planned to be made available for obligation, in whole or in part, during the course of the fiscal year. These releases are detailed in Attachment B which shows, for each deferral, the amount of deferred funds made available by the Office of Management and Budget and other Federal agencies in the current year, the date the funds were made available, and the balance of funds being deferred as of the first of the month for which the report is submitted. The total of all budget authority deferrals currently before the Congress is $24,295,435,000. In addition to this amount of deferred budget authority, another $10,000,000 in outlays have been deferred under the Department of the Interior's Land and Water Conservation Fund.

Actions Concluded Before July 12, 1974. Some of the actions reported in the special messages are not, in the opinion of the Attorney General, subject to Congressional ratification or disapproval under the Impoundment Control Act since they were concluded before it became effective on July 12, 1974. These items, marked by asterisks, are included in the report to provide more complete information on the status of withheld funds.

Actions by Congress on Rescissions and Deferrals. The report formats provide for showing the effect of congressional action and inaction on both deferrals and proposed rescissions. As of January 1, 1975, no congressional action on deferrals had been concluded. Pub. L. 93-529, signed December 21, 1974, rescinded $131,481,000 of budget authority proposed for rescission in the first two special messages. Details of these approved rescissions are shown in Attachment A under columns entitled "Amount Rescinded by Congress" and "Date Rescission Act Signed." The proposed rescission of $455,635,000 for Rural Electrification Administration Loans was not included in Pub. L. 93-529 and was made available for obligation on December 11, 1974.

Information from the Special Messages. The seven special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTER of:

Monday, September 23 (Vol. 39, No. 185, Part III), Tuesday, October 8 (Vol. 39, No. 196, Part V), Tuesday, November 5 (Vol. 39, No. 214, Part III), Tuesday, November 19 (Vol. 39, No. 224, Part III), Thursday, December 5 (Vol. 39, No. 235, Part IV), and Wednesday, January 8 (Vol. 40, No. 5, Part IV).

ATTACHMENT A

STATUS OF RESCISSIONS
FISCAL YEAR 1975
(Amounts in thousands)

As of January 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Executive Office of the President							
Special Action Office for Drug Abuse Programs							
Pharmacological Research	R75-45	2,760	11-26-74				
Special Fund for Drug Abuse	R75-46	2,240	11-26-74				
Funds Appropriated to the President							
Appalachian Regional Development Commission							
Appalachian Regional Development Programs	[R75-1]	[40,000*]	[09-20-74]				
	[R75-1A]	[40,000]	[11-13-74]	-40,000	12-21-74		
Department of Agriculture							
Agricultural Stabilization and Conservation Service							
Agricultural Conservation Program (REAP)*	[R75-3]	[85,000*]1/	[10-04-74]				
Water Bank Act Program	R75-8	11,213	11-26-74				
Rural Electrification Administration Loans*	[R75-2]	[455,635*]2/	[09-20-74]				12-11-74
Forest Service							
Cooperation in Forest Fire Control	R75-9	4,921	11-26-74				
Reforestation and Stand Improvement	R75-10	10,000	11-26-74				

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Forest Roads and Trails and Roads and Trails for State National Forest Fund	[R75-4]	[63,553*]	[10-04-74]				
	[R75-4A]	[61,611]	[11-13-74]	-61,611	12-21-74		
Department of Commerce							
Social and Economic Statistics Administration							
Salaries and Expenses	R75-11	373	11-26-74				
Economic Development Administration							
Economic Development Assistance Programs	R75-12	2,000	11-26-74				
Domestic and International Business Administration							
Financial and Technical Assistance	R75-13	12,000	11-26-74				
United State Travel Service							
Salaries and Expenses	R75-14	250	11-26-74				
National Oceanic and Atmospheric Administration							
Operations, Research and Facilities	R75-15	500	11-26-74				
Patent Office							
Salaries and Expenses	R75-16	700	11-26-74				
Department of Defense, Military							
Operation and Maintenance							
Army	R75-17	41,000	11-26-74				
Navy	R75-18	27,500	11-26-74				
Marine Corps	R75-19	5,000	11-26-74				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Air Force	R75-20	40,000	11-26-74				
Defense Agencies	R75-21	1,900	11-26-74				
Army Reserve	R75-22	1,800	11-26-74				
Navy Reserve	R75-23	1,100	11-26-74				
Air Force Reserve	R75-24	400	11-26-74				
Army National Guard	R75-25	1,400	11-26-74				
Air National Guard	R75-26	500	11-26-74				
Aircraft Procurement							
Army	R75-27	13,500	11-26-74				
Air Force	R75-28	248,000	11-26-74				
Department of Health, Education and Welfare							
Health Resources Administration: Health Services							
Planning and Development	R75-29	372,466	11-26-74				
Department of Housing and Urban Development							
Housing Production and Mortgage Credit							
College Housing*	[R75-5]	[14,518*]	[10-04-74]	-14,518	12-21-74		
Department of the Interior							
Bureau of Land Management							
Public Lands Development Roads and Trails	[R75-6]	[4,891*]	[10-04-74]				
	[R75-6A]	[4,891]	[11-13-74]	-4,891	12-21-74		
National Park Service							
Road Construction	[R75-7]	[14,000]	[10-04-74]				
	[R75-7A]	[10,461]	[11-13-74]	-10,461	12-21-74		

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Department of Justice							
Federal Bureau of Investigation							
Salaries and Expenses	R75-30	5,300	11-26-74				
Immigration and Naturalization Service							
Salaries and Expenses	R75-31	1,300	11-26-74				
Bureau of Prisons							
Salaries and Expenses	R75-32	5,250	11-26-74				
Buildings and Facilities	R75-33	1,750	11-26-74				
Drug Enforcement Administration							
Salaries and Expenses	R75-34	2,400	11-26-74				
Department of State							
International Organizations and Conferences							
Contributions to International Organizations	R75-35	2,000	11-26-74				
International Trade Negotiations	R75-36	100	11-26-74				
Department of Treasury							
Office of the Secretary							
Salaries and Expenses	R75-37	310	11-26-74				
Federal Law Enforcement Training Centers							
Salaries and Expenses	R75-38	60	11-26-74				
Bureau of Accounts							
Salaries and Expenses	R75-39	630	11-26-74				
U.S. Customs Service							
Salaries and Expenses	R75-40	3,000	11-26-74				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Internal Revenue Service							
Salaries and Expenses	R75-41	530	11-26-74				
Accounts, Collection and Taxpayer Service	R75-42	9,230	11-26-74				
Compliance	R75-43	10,240	11-26-74				
General Services Administration							
Public Buildings Service							
Federal Buildings Fund	R75-44	20,023	11-26-74				
TOTAL RESCISSIONS		863,646		-131,481			

1/ Contract Authority lapsed December 31, 1974

2/ Released on December 11, 1974

STATUS OF DEFERRALS

ATTACHMENT B

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 01-01-75
Agency for International Development									
Prototype Desalting Plant, Economic Assistance*	D75-19		20,000*	10-04-74					20,000
TOTAL			20,000						20,000

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 01-01-75
Agricultural Research Service									
Agricultural Research Service (Construction)*	D75-11		770*	09-20-74					770
Foreign Agriculture Service									
Special Foreign Currency Program*	D75-20		2,516*	10-04-74					2,516
Agricultural Stabilization and Conservation Service:									
Emergency Conservation Measures	D75-21		5,000	10-04-74					5,000
Agricultural Marketing Service:									
Marketing Services*	D75-22		903*	10-04-74					903
Perishable Agricultural Commodities Act Fund*	D75-23		341*	10-04-74					341
Forest Service:									
Youth Conservation Corps	D75-88		3,081	11-13-74					3,081
Forest Roads and Trails and Roads and Trails for State National Forest Fund*	D75-24	[420,000*]		10-04-74 11-13-74				-420,000 1/	0
	D75-24A		420,000	11-13-74					420,000
Construction and Land Acquisition	D75-90		6,865	11-26-74					6,865
Forest Fire Prevention	D75-25		152	10-04-74					152

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Expense, Brush Disposal*	D75-26		18,747*	10-04-74					18,747
TOTAL		[420,000]	458,375					-420,000	458,375

1/ Subsequently incorporated in a supplementary report

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Social and Economic Statistics Administration									
Periodic Censuses and Programs	D75-90		327	11-26-74					327
Domestic and International Business Administration									
Operations and Administration	D75-91		750	11-26-74					750
Financial and Technical Assistance, Trade Adjustment Assistance*	D75-27	[1,780*]		10-04-74 11-26-74				-1,780 1/	0
United States Travel Service									
Inter-American Cultural and Trade Center*	D75-28		4,891*	10-04-74 11-26-74				-1,420 2/	3,471
Inter-American Cultural and Trade Center	D75-92		1,420	11-26-74					1,420
National Oceanic and Atmospheric Administration									
Operations Research and Facilities	D75-94		6,800	11-26-74					6,800
Costal Zone Management*	D75-30	[3,175*]		10-04-74 10-26-74 12-27-74	-1,000			-2,175 3/	0
	D75-30A		2,175	12-27-74					2,175
Coastal Zone Management	D75-95		1,000	11-26-74					1,000
Promote and Develop Fishery Products and Research Pertaining to American Fisheries	D75-131		1,871	12-27-74					1,871

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Fisheries Loan Fund*	D75-12	[4,039*]		09-20-74 12-27-74				-4,039 3/	0
	D75-12A		5,292	12-27-74					5,292
National Fire Prevention and Control Administration									
Operations, Research and Administration	D75-96		500	11-26-74					500
National Bureau of Standards									
Construction and Facilities*	D75-29		231*	10-04-74					231
Office of Telecommunications: Scientific and Technical Research and Services	D75-97		3,718	11-26-74					3,718
Maritime Administration									
Ship Construction	D75-98		5,750	11-26-74					5,750
Research and Development	D75-99		3,468	11-26-74					3,468
Operations and Training	D75-100		1,300	11-26-74					1,300
Office of the Assistant Secretary for Science and Technology:									
Scientific and Technical Research and Services*	D75-31	[2,468*]		10-04-74 11-26-74				-2,468 4/	0
TOTAL		11,462	39,493		-1,000			-11,882	38,073

1/ See Rescission No. R75-13

2/ See Deferral No. D75-92

3/ Subsequently incorporated in a supplementary report

4/ See Deferral No. D75-97

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Shipbuilding and Conversion, Navy	D75-32	[497,990]		10-04-74 12-27-74				-497,990 1/	0
	D75-32A		1,244,760	12-27-74					1,244,760
Military Construction, All	D75-33		156,893	10-04-74 10-25-74 11-18-74 12-04-74	-19,598 -1,636 -10,037				125,622
Special Foreign Currency Program Appropriations	D75-34		955	10-04-74					955
TOTAL		[497,990]	1,402,608		-31,271			-497,990	1,371,337

1/ Subsequently incorporated in a supplementary report

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Corps of Engineers, Civil									
Construction, General	D75-1		108	09-20-74					108
	D75-81		43,945	10-31-74					43,945
Flood Control, Mississippi River and Tributaries	D75-82		14,503	10-31-74					14,503
Soldiers' and Airmen's Home									
Capital Outlay*	D75-35	[613*]		10-04-74					
				10-01-74	-179				
				11-13-74				-434 1/	0
	D75-35A		434	11-13-74					434
Panama Canal Zone									
Capital Outlay*	D75-36	[500*]		10-04-74					
				11-13-74				-500 1/	0
	D75-36A		500	11-13-74					500
Wildlife Conservation Military Reservations*	D75-37	[297*]		10-04-74					
				11-13-74				-297 1/	0
	D75-37A		343	11-13-74					343
TOTAL		[1,410]	59,833		-179			-1,231	59,833

1/ Subsequently incorporated in a supplementary report

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Health Services Administration									
Health Services Delivery*	D75-38		2,250*	10-04-74					
				10-31-74	-2,250				0
Indian Health Facilities*	D75-39		88*	10-04-74					88
National Institutes of Health									
Buildings and Facilities*	D75-40	[10,441*]		10-04-74					
				12-27-74	-4,609				
				11-14-74	-10,441				
				12-27-74				-6,432 1/	0
	D75-40A		6,832	12-27-74					6,832
Health Resources Administration									
Health Manpower	D75-87		100	10-31-74					100
Health Manpower	D75-101		3,550	11-26-74					3,550
Program Management	D75-102		1,400	11-26-74					1,400
Office of Assistant Secretary for Health									
Scientific Activities Overseas*	D75-41		21,714*	10-04-74					21,714
Education Division: Office of Education:									
Elementary and Secondary Education:									
Supplementary Services	D75-103		9,278	11-26-74					9,278
Equipment and Minor Remodeling	D75-104		6,562	11-26-74					6,562
Nutrition and Health	D75-105		1,900	11-26-74					1,900

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 01-01-75
Health Services Administration									
Health Services Delivery*	D75-38		2,250*	10-04-74 10-31-74	-2,250				
Indian Health Facilities*	D75-39		88*	10-04-74					88
National Institutes of Health									
Buildings and Facilities*	D75-40	[10,441*]		10-04-74 11-18-74 12-27-74	-4,009			-6,432 1/	0
	D75-40A		6,432	12-27-74					6,432
Health Resources Administration									
Health Manpower	D75-87		100	10-31-74					100
Health Manpower	D75-101		3,550	11-26-74					3,550
Program Management	D75-102		1,400	11-26-74					1,400
Office of Assistant Secretary for Health									
Scientific Activities Overseas*	D75-41		21,714*	10-04-74					21,714
Education Division:									
Office of Education:									
Elementary and Secondary Education:									
Supplementary Services	D75-103		9,278	11-26-74					9,278
Equipment and Minor Remodeling	D75-104		6,562	11-26-74					6,562
Nutrition and Health	D75-105		1,900	11-26-74					1,900

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 01-01-75
School Assistance in Federally Affected Areas	D75-6	[16,000]		09-20-74 12-27-74				-16,000 1/	0
	D75-6A	[64,000]		12-27-74 12-07-74				-64,000 2/	0
Higher Education*	D75-42		8,788*	10-04-74					8,788
(University Community Services)	D75-3	[2,906]		09-20-74 12-27-74				-2,906 1/	0
	D75-3A	[5,812]		12-27-74 12-07-74				-5,812 2/	0
(Land Grant Colleges)	D75-4	[9,500]		09-20-74 12-07-74				-9,500 2/	0
(State Postsecondary Education Commission)	D75-5	[350]		09-20-74 12-27-74				-350 1/	0
	D75-5A	[700]		12-27-74 12-07-74				-700 2/	0
Library Resources: (Public Libraries)	D75-2	[5,437]		09-20-74 12-27-74				-5,437 1/	0
	D75-2A	[10,874]		12-27-74 12-07-74				-10,874 2/	0
Social and Rehabilitation Service:									
Public Assistance (Child Welfare Assistance)	D75-8	[375]		09-20-74 12-27-74				-375 1/	0
	D75-8A	[750]		12-27-74 12-07-74				-750 2/	0
Work Incentives	D75-132	[50,000]		12-27-74 12-07-74				-50,000 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	House	Senate	Adjustments	Amount Deferred as of 01-01-75
Rehabilitation Services (Innovation and Expansion)	D75-7	[5,000]		09-20-74 12-27-74				-5,000 1/	0
	D75-7A	[10,000]		12-27-74 12-07-74				-10,000 2/	0
Research and Training Activities Overseas	D75-43		8,158	10-04-74					8,158
Social Security Administration									
Limitation on Construction*	D75-44	[15,393*]		10-04-74 11-22-74 12-27-74	-2,865			-12,528 1/	0
	D75-44A		12,528	12-27-74					12,528
Special Institutions									
Model Secondary School for the Deaf*	D75-45		803*	10-04-74					803
Howard University*	D75-46		11,490*	10-04-74					11,490
Office of the Secretary									
Departmental Management	D75-106		1,902	11-26-74					1,902
TOTAL		207,538	96,943		-9,124			-200,664	94,693

1/ Subsequently incorporated in a supplementary report.

2/ Enactment of P.L. 93-529 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Housing and Urban Development

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	House	Senate	Adjustments	Amount Deferred as of 01-01-75
Housing Production and Mortgage Credit									
Nonprofit Sponsor Assistance*	D75-47		7,995*	10-04-74					7,995
Homeownership Assistance*	D75-48		264,117*	10-04-74					264,117
Community Planning and Development									
Comprehensive Planning Grants	D75-107		50,000	11-26-74					50,000
Open Space Land Programs*	D75-49		55,161*	10-04-74					55,161
Grants for Neighborhood Facilities*	D75-50		48*	10-04-74					48
Grants for Basic Water and Sewer Facilities*	D75-51		401,734*	10-04-74					401,734
Public Facility Loans*	D75-52	[199,290*]		10-04-74 10-04-74 11-13-74	-15,356			-183,934 1/	0
	D75-52A		183,934	11-13-74					183,934
New Communities Administration:									
New Communities Assistance Grants*	D75-53		1,799*	10-04-74					1,799
Policy Development and Research									
Research and Technology	D75-108		8,000	11-26-74					8,000
TOTAL		[199,290]	972,788		-15,356			-183,934	972,788

1/ Subsequently incorporated in a supplementary report

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Bureau of Land Management									
Public Lands Development Roads and Trails*	D75-54	[30,000*]		10-04-74 11-13-74				-30,000 1/	0
	D75-54A		30,000	11-13-74					30,000
Oregon and California Grant Lands*	D75-13		23,693*	09-20-74					23,693
Bureau of Reclamation									
Loan Program	D75-83		900	10-31-74					900
Construction and Rehabilitation:	D75-14		1,055	09-20-74 09-27-74	-25				1,030
	D75-84		17,955	10-31-74					17,955
Colorado River Basin Project	D75-85		2,525	10-31-74					2,525
Upper Colorado River Storage Project	D75-86		1,730	10-31-74					1,730
Upper Colorado River Basin Fund	D75-15		1,150	09-20-74					1,150
Bureau of Outdoor Recreation									
Land and Water Conservation Fund*	D75-55		30,000*	10-04-74					30,000
Land and Water Conservation Fund	D75-109		20,000 (10,000) 2/	11-26-74 11-26-74					20,000 (10,000)
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management*	D75-56		6,924*	10-04-74					6,924

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Federal Aid in Wildlife Restoration*	D75-57		19,375*	10-04-74					19,375
National Wildlife Refuge Fund	D75-58		3,642	10-04-74					3,642
Proceeds from Sales, Water Resources Development Projects*	D75-59		4*	10-04-74					4
National Park Service:									
Road Construction	D75-60		312,098	10-04-74 10-10-74 12-18-74	-55,962 -7,500				248,636
U.S. Geological Survey									
Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920*	D75-61	[28*]		10-04-74 10-25-74 11-13-74	-1			-27 1/	0
	D75-61A		27	11-13-74					27
Bureau of Mines									
Drainage of Anthracite Mines*	D75-62		3,575*	10-04-74					3,575
Helium Fund	D75-133		47,500	12-27-74					47,500
Bureau of Indian Affairs									
Road Construction	D75-63		110,423	10-04-74					110,423
Acquisition of Land and Loans to Indians of Oklahoma, Act of June 26, 1939*	D75-64		105*	10-04-74					105
TOTAL		[30,028]	632,681		-63,488			-30,027	569,194

1/ Subsequently incorporated in a supplementary report

2/ Deferral of outlays only

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Bureau of Prisons Buildings and Facilities*	D75-65		19,320*	10-04-74					19,320
TOTAL			19,320						19,320

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Manpower Administration: Program Administration	D75-135	[200]		12-27-74 12-07-74				-200 1/	0
Comprehensive Manpower Assistance	D75-134	[5,000]		12-27-74 12-07-74				-5,000 1/	0
Departmental Management: Salaries and expenses	D75-136	[60]		12-27-74 12-07-74				-60 1/	0
Pension Benefit Guarantee Corporation: Pension Guaranty Fund	D75-89		343	11-13-74					343
TOTAL		[5,260]	343					-5,260	343

1/ Enactment of P.L. 93-529 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Administration of Foreign Affairs									
Acquisition, Operation, and Maintenance of Buildings Abroad	D75-66		33,310	10-04-74					33,310
International Boundary and Water Commission, U.S. and Mexico									
Construction*	D75-67	[4,696*]		10-04-74					
				11-13-74				-4,696 1/	0
	D75-67A		4,696	11-13-74					4,696
International Center, Washington, D.C.	D75-16		500	09-20-74					500
TOTAL		[4,696]	38,506					-4,696	38,506

1/ Subsequently incorporated in a supplementary report

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
United States Coast Guard									
Acquisition, Construction, and Improvements	D75-68		7,614	10-04-74					7,614
Federal Aviation Administration									
Civil Supersonic Aircraft Development Termination and Civil Supersonic Aircraft Development	D75-69		8,113	10-04-74					8,113
Facilities and Equipment	D75-70		260,824	10-04-74					260,824
Federal Highway Administration									
Rail Crossings - Demonstration Projects	D75-72		8,015	10-04-74					8,015
National Scenic and Recreational Highway and Trust Fund Share of Other Highway Programs	D75-71		90,000	10-04-74					90,000
Federal Aid Highways 1975 and prior	D75-17		4,370,090	09-20-74					4,370,090
1976	D75-17		6,357,500	09-20-74					6,357,500
TOTAL			11,102,156						11,102,156

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Atomic Energy Commission

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Operating Expenses									
Weapons Program	D75-110		4,000	11-26-74					4,000
Civilian Reactor Research and Development	D75-111		8,000	11-26-74					8,000
Civilian Reactor Research and Development	D75-112		6,700	11-26-74					6,700
Physical Research	D75-113		2,700	11-26-74					2,700
Controlled Thermonuclear Research	D75-114		8,000	11-26-74					8,000
Biomedical and Environmental Research and Safety	D75-115		4,000	11-26-74					4,000
Operating Expenses/Plant and Capital Equipment									
Weapons Program	D75-116		4,700	11-26-74					4,700
Plant and Capital Equipment	D75-73	[1,500]		10-04-74 11-26-74				-1,500 1/	0
Plant and Capital Equipment									
Nuclear Materials	D75-117		12,000	11-26-74					12,000
Nuclear Materials	D75-118		12,000	11-26-74					12,000
Civilian Reactor Research and Development	D75-119		10,000	11-26-74					10,000
Civilian Reactor Research and Development	D75-120		1,500	11-26-74					1,500

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Civilian Reactor Research and Development	D75-121		12,100	11-26-74					12,100
Civilian Reactor Research and Development and Controlled Thermonuclear Research	D75-122		13,000	11-26-74					13,000
Other Capital Equipment	D75-123		13,900	11-26-74					13,900
TOTAL		[1,500]	112,600					-1,500	112,600

1/ See Deferral No. D75-120

STATUS OF DEFERRALS

FISCAL YEAR 1975
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Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Abatement and Control									
Water Program Operations	D75-74		2,000	10-04-74					2,000
Water Planning and Standards	D75-75		30,000	10-04-74					30,000
Construction Grants*	D75-9		9,000,000*	09-20-74					9,000,000
TOTAL			9,032,000						9,032,000

STATUS OF DEFERRALS

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Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Automatic Data and Telecommunications Activities:									
Automatic Data Processing	D75-10		18,300	09-20-74					
				09-30-74	-4,300				
				12-10-74	-14,000				0
Property Management and Disposal Service:									
Rare Silver Dollar Program	D75-137		2,184	12-27-74					2,184
TOTAL			20,484		-18,300				2,184

STATUS OF DFFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
Research and Development Manned Space Flight	D75-124		20,000	11-26-74					20,000
Space Science and Applications	D75-125		16,000	11-26-74					16,000
Aeronautical Research and Space Supporting Activities	D75-126		36,000	11-26-74					36,000
TOTAL			72,000						72,000

STATUS OF DFFERPALS

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Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 01-01-75
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Federal Energy Administration Salaries and expenses	D75-77		11,929	10-04-74					11,929
Foreign Claims Settlement Commission Payment of Vietnam Prisoners of War Claims	D75-18		10,500	09-20-74					10,500
Advisory Commission on Intergovernmental Relations Salaries and Expenses	D75-138		50	12-27-74					50
National Foundation on the Arts and Humanities Salaries and expenses	D75-127		18,000	11-26-74					18,000
National Science Foundation Salaries and Expenses	D75-128		15,000	11-26-74					15,000
Salaries and Expenses (Energy R&D Appropriation Act, 1975)	D75-129		5,000	11-26-74					5,000
American Revolution Bicentennial Administration Salaries and Expenses	D75-78		11,000	10-04-74					11,000
Commemorative Activities Fund	D75-79		6,310	10-04-74					6,310

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 01-01-75
Railroad Retirement Board:									
Railroad Unemployment Administrative Expenses Trust Fund*	D75-80		4,716*	10-04-74					4,716
Small Business Administration									
Business Loan and Investment Fund	D75-130		36,000	11-26-74					36,000
TOTAL			215,305						215,305
TOTAL, ALL DEFERRALS		1,379,174	24,295,435		-138,718			-1,357,184	24,178,707

[FR Doc. 75-1410 Filed 1-16-75;8:45 am]

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WASHINGTON, D.C.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

PART 299—IMMIGRATION FORMS

U.S. Citizen Identification Card

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on March 7, 1974 (39 FR 8924) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments to 8 CFR § 235.10 pertaining to the issuance of United States citizen identification cards.

The representations which were received concerning the proposed rules of March 7, 1974, have been considered. In addition to minor editorial changes, the proposed rules have been amended in the following respects:

1. Proposed § 235.10(a) is amended by adding at the end thereof a new sentence for the purpose of making it clear that "A U.S. citizen identification card is and never ceases to be the property of the United States."

2. Proposed § 235.10(f) is amended to specify the procedure for obtaining a citizen identification card in lieu of one lost, mutilated, or destroyed, or in a changed name; to clarify the conditions under which a card may be replaced without fee, and to provide for its replacement in such circumstances without the submission of an application, as well as without fee.

3. For greater clarity, the material in proposed § 235.10(g) has been divided into four subparagraphs. That portion of proposed § 235.10(g) which concerns the provisional surrender to the Service of a citizen identification card upon notification that the validity of the card is being investigated, has been designated § 235.10 (g) (2), and has been modified to provide for the return of such provisionally-surrendered card if the investigation does not result in an adverse determination. The proposed regulation has been further modified to provide that in the event of a tentative adverse determination, the applicant shall be notified thereof, of the basis therefor, and afforded an opportunity to see and to rebut the reverse evidence, and to present evidence on his own behalf, which shall be considered in determining the validity of the card. That portion of proposed § 235.10(g) concerning the automatic voidance of a citizen identification card issued to a person who admits alienage, has been designated § 235.10(g)(3), and has been modified to include the condition of consent to voidance of the card and to eliminate the provision for automatic voidance of the card if found in the possession of a person other than the one to whom it was issued.

4. Proposed § 235.10 is amended by the addition of a new paragraph (h) to clarify that a valid citizen identification card heretofore issued on Form I–179 shall continue to be valid.

The proposed rules, as modified, are hereby adopted:

Section 235.10 is revised to read as follows:

§ 235.10 U.S. Citizen Identification Card.

(a) *General.* Solely as a convenience to facilitate identification in the United States by immigration officers and entry over land borders from foreign contiguous territory, a citizen who is physically present in the United States may apply for a U.S. Citizen Identification Card, Form I–197, to the Service office having jurisdiction over the place where he is present. Possession of the card shall not be mandatory for any purpose. A U.S. citizen identification card is and never ceases to be the property of the United States.

(b) *Eligibility.* No United States citizen shall be eligible for an identification card unless he is physically present in the United States at the time of application therefor and at the time of issuance of the card and, if other than a native-born citizen, has been issued a certificate of naturalization or citizenship.

(c) *Application.* An application for an identification card shall be made on Form I–196, accompanied by the fee required under § 103.7 of this chapter and one photograph 1½ inches by 1½ inches, and evidence of his brith in the United States or, in the case of a United States citizen who was not born in the United States, a certificate of naturalization or citizenship. The applicant, when notified to do so, and his parent or guardian, if one is acting in his behalf, shall appear in person before an immigration officer in the United States for examination under oath or affirmation upon the application.

(d) *Denial of application.* If the decision of the district director is that the application shall be denied, notification thereof and the reasons therefor shall be furnished the applicant. No appeal shall lie from the denial of an application by the district director.

(e) *Issuance of identification card.* If the applicant establishes his citizenship and eligibility to the satisfaction of the district director, the identification card shall be issued to the applicant. The delivery of such card shall be made only in the United States.

(f) *Replacement.* If a U.S. citizen identification card has been lost, mutilated or destroyed, the person to whom such card was issued may apply for a new card (Form I–197) in accordance with the provisions of this section. If subsequent to issuance of an identification card the holder's name has been changed by marriage or by order of a court of competent jurisdiction, application for a new card may be made in accordance with the provisions of this section. A mutilated card may be replaced only if it is surrendered to the Service. A card in a changed name may be issued only if the previously-issued card is surrendered, unless it was lost or destroyed, and a certified copy of the marriage record or court decree ordering the name change is submitted. The holder of an identification card which is in poor condition because of improper lamination or which contains an error made by the Service may be issued a new one without submitting a fee or application upon surrender of the original card.

(g) *Surrender and voidance*—(1) *Institution of proceeding under section 236, 242 or 342 of the Act.* A U.S. citizen identification card shall be surrendered provisionally to a Service office upon notification by the district director of such office of institution of a proceeding under section 236, 242 or 342 of the Act against the person to whom the card was issued. The card shall be returned to such person if the final order in the proceeding does not result in the voidance of the document pursuant to this paragraph. A U.S. citizen identification card shall be deemed void automatically if the person to whom it was issued is determined to be an alien in a proceeding conducted pursuant to section 236 or 242 of the Act, or if a certificate, document, or record relating to such person is cancelled pursuant to section 342 of the Act.

(2) *Investigation of validity of identification card.* A U.S. citizen identification card shall be surrendered provisionally to a Service office upon notification by the district director of such office that the validity of the card is being investigated. The card shall be returned to the person who surrendered it if the investigation does not result in a determination adverse to his claim to be a United States citizen. When an investigation results in a tentative determination adverse to the applicant's claim to be a United States citizen, the applicant shall be so notified by certified mail directed to his last known address. The notification shall inform the applicant of the basis for such determination and of the intention of the

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district director to declare the card void unless within 30 days the applicant objects and demands an opportunity to see and rebut the adverse evidence. Any rebuttal, explanation or evidence presented by the applicant shall be included in the record of proceeding. The determination whether the applicant is a United States citizen shall be based on the entire record and the applicant shall be notified of such determination. If the determination is that the applicant is not a U.S. citizen, he shall be notified of the reasons therefor, and the card shall automatically be deemed void. No appeal shall lie from the district director's decision.

(3) *Admission of alienage.* A U.S. citizen identification card shall be deemed void if the person to whom it was issued admits in a statement signed before an immigration officer that he is an alien and consents therein to the voidance of the card. Upon the signing of such statement the card shall be surrendered to the immigration officer.

(4) *Surrender of void card.* A void U.S. citizen identification card which has not been returned to the Service, shall be surrendered forthwith to an immigration officer or to the issuing office of the Service.

(h) *U.S. citizen identification card previously issued on Form I–179.* A valid U.S. citizen identification card issued on Form I–179 shall continue to be valid, but shall be subject to the provisions of this section.

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by deleting therefrom the reference to "Form I–179 (1–1–73) Identification Card for Resident Citizen in the United States."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to modify the current procedure of issuing two different types of United States citizen identification cards (Form I–179 and Form I–197) to provide for the issuance of a single type of citizen identification card, Form I–197; to specify the eligibility requirements and procedure for applying for a card, or a replacement card, as well as the conditions for surrender and voidance of the card.

In accordance with long-standing practice, and as explicitly set forth in § 235.10(a), the United States citizen identification card will continue to be made available solely for the convenience of those United States citizens who wish to apply for it. Possession of the card is not mandatory for any purpose.

Effective date. This order shall become effective February 19, 1975.

Dated: January 14, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75–1697 Filed 1–17–75;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

Notice is hereby given of the amendment of the Atomic Energy Commission's regulation "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures. Under the procedures set out in § 35.14 of 10 CFR Part 35, an application for a specific license for any medical use of byproduct material specified in one or more of the groups in § 35.100 is considered by the Commission as an application for all of the uses within the group or groups that include the use or uses specified in the application.

On July 17, 1974, the Commission published in the FEDERAL REGISTER (39 FR 26143) amendments to 10 CFR Part 35, to become effective on January 13, 1975, which added several new uses to the existing groups I and II of § 35.100 Schedule A and established new groups III, IV, V, and VI of § 35.100. The notice of proposed rulemaking that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) on this amendment of § 35.100 stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices, and uses as they are developed.

The use of (1) iodine 125 and iodine 131 as iodinated human serum albumin (IHSA) for studies of cardiovascular function and protein turnover, (2) chromium 51 as sodium chromate for studies of gastrointestinal blood loss, (3) technetium 99m as labeled sulfur colloid for bone marrow imaging, and (4) technetium 99m as labeled stannous pyrophosphate for bone imaging have become well-established clinical procedures and radiopharmaceuticals for these uses have been approved or licensed by the Food and Drug Administration. Section 35.100(c)(3) authorizes the use of reagent kits for the preparation of, and the clinical use of, certain radiopharmaceuticals. In order that medical institutions and physicians may obtain these radiopharmaceuticals in prepared form from radiopharmacists instead of making their own preparation from reagent kits, the radiopharmaceuticals prepared from reagent kits listed in § 35.100(c)(3) will be added, as prepared radiopharmaceuticals, to § 35.100(c)(2).

An editorial correction is also made in § 35.100(c)(3)(viii) to authorize the use of distannous etidronate complex for bone imaging, instead of disodium etidronate from which the complex is prepared.

Because this amendment relates solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary. Since the amendment relieves from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 35 is published as a document subject to codification.

In § 35.100, paragraphs (a)(3), (4), (13) and (b)(21) are amended; paragraph (b)(23) is renumbered (b)(24); a new paragraph (b)(23) is added; paragraph (c)(3)(viii) is amended and a new paragraph (c)(3)(ix) is added to read as follows:

§ 35.100 Schedule A-Groups of medical uses of byproduct material.

(a) *Group I.* Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include uses involving imaging and tumor localizations.

• • • • • •

(3) Iodine 131 as iodinated human serum albumin (IHSA) for determination of blood and blood plasma volume and for studies of cardiovascular function and protein turnover;

(4) Iodine 125 as iodinated human serum albumin (IHSA) for determination of blood and blood plasma volume and for studies of cardiovascular function and protein turnover;

• • • • • •

(13) Chromium 51 as sodium chromate for determination of red blood cell volume and studies of red blood cell survival time and gastrointestinal blood loss;

• • • • • •

(b) *Group II.* Use of prepared radiopharmaceuticals for diagnostic studies involving imaging and tumor localizations.

• • • • • •

(21) Technetium 99m as labeled sulfur colloid for liver, spleen, and bone marrow imaging;

• • • • • •

(23) Any byproduct material in a radiopharmaceutical prepared from a reagent kit listed in paragraph (c)(3) of this section for a use listed in that paragraph;

(24) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving imaging for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

• • • • • •

(c) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic uses.

• • • • • •

(3) Reagent kits for preparation of technetium 99m labeled:

• • • • • •

(viii) Distannous etidronate complex for bone imaging;

(ix) Stannous pyrophosphate for bone imaging.

• • • • • •

Effective date. This amendment becomes effective on January 20, 1975.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Bethesda, Md., this 15th day of January 1975.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.75–1831 Filed 1–17–75;8:45 am]

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Quality Assurance Criteria—Permissible Organizational Relationships

On April 19, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 13974) for public comment a proposed amendment to 10 CFR Part 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." The purpose of the amendment is to clarify the intent of Criterion I, "Organization," with regard to permissible organizational relationships. All interested persons were invited to submit comments or suggestions in connection with the proposed amendment by June 3, 1974.

The proposed amendment was proposed as a result of the questions raised by the decision of the Atomic Safety and Licensing Appeal Board in *Commonwealth Edison Co. (LaSalle County Nuclear Station Units 1 and 2)* ALAB–153, RAI 73–10, 821 (October 19, 1973) and *Consumers Power (Midland)* ALAB–147, RAI 73–9, 636 (September 18, 1973), (reconsideration denied, ALAB–152, RAI 73–10, 816 (October 5, 1973)). These questions concerned the organizational relationships where personnel performing a quality assurance function reported to a field project manager or superintendent who was concerned with only the single project to which he was then assigned and had cost and schedule responsibility for that project.

Appendix B establishes quality assurance requirements for the design, construction, and operation of those structures, systems, and components of nuclear power plants and fuel reprocessing plants that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. The pertinent provisions of Appendix B apply to all activities which affect the safety-related functions of such structures, systems, and components.

The intent of the quality assurance criteria provided in Appendix B to 10 CFR Part 50 is to require that all activities affecting the safety-related functions of nuclear facility structures, systems, and components be accomplished in a systematic and controlled manner so that there is a high degree of assurance that these activities are performed correctly. Appendix B, in addition to requiring that these activities be performed in a systematic and controlled manner such as by requiring that the activities be prescribed and accomplished in accordance with written instructions or procedures, also requires additional assurance of quality to be provided by verification of the correct performance of these activities by means such as checking, reviewing, inspecting, testing, and auditing. Execution of a quality assurance program which complies with Appendix B thus involves both the performers; e.g., designer, welder, power plant operator, and those persons and organizations accomplishing quality assurance functions; e.g., design reviewer, inspector, or tester.

One of the matters with which Criterion I deals is the organizational relationship of the persons and organizations which are assigned the quality assurance functions of (1) assuring that the quality assurance program is established and executed and (2) verifying that an activity has been correctly performed. Criterion I now requires that such persons and organizations shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. The intent of these organizational requirements is to assure that those persons and organizations performing quality assurance functions have the required degree of freedom from other organizational responsibilities, such as cost and scheduling, which could conflict with their quality assurance functions.

It was recognized in establishing the organizational requirements in Criterion I that the degree of separation or independence of the persons and organizations performing quality assurance functions can affect their ability to carry out these functions. While it is desirable from one point of view to have persons and organizations performing quality assurance functions completely separated, organizationally, from individuals who have significant responsibility for performance of the work (including but not limited to cost and schedule responsibility), that same separation may in some instances hinder the quality assurance persons and organizations in performing their functions. The greater the independence or separation, for example, the more difficult it may be in some instances to maintain lines of communication in identifying quality problems and initiating corrective action. A number of variables affect the establishment of a quality assurance organization that will be consistent with Criterion I. The variables include, but are not limited to, the size of the organization, its organizational structure, the type of activity being performed, and the location or locations where the work is being performed.

Guidance as to implementation of a quality assurance program that includes the concepts embodied in the amendment set forth below is contained in the following publications: [1]

1. Guidance on Quality Assurance Requirements During Design and Procurement Phase of Nuclear Power Plants, WASH–1283, Revision 1, dated May 24, 1974;

2. Guidance on Quality Assurance Requirements During the Construction Phase of Nuclear Power Plants," WASH–1309, dated May 10, 1974; and

3. Guidance on Quality Assurance Requirements During the Operations Phase of Nuclear Power Plants," WASH–1284, dated October 26, 1973.

The comments on the notice of proposed rule making, in general, supported the concept that the Commission should be flexible in determining acceptability of licensee proposed organizational approaches to quality assurance provided that the licensee explicitly establishes and delineates the functional relationships that are a part of his quality assurance program.

Additionally, comments stated that Criterion I did not clearly state that the execution of the quality assurance program involved both the performers who achieve the quality objectives and the verifiers who assure that the required quality objectives have been attained. As a result of valid criticisms in this regard, Criterion I has been revised to indicate that activities affecting the safety-related functions include both the performing functions and the quality assurance functions. Criterion I has also been revised to include a requirement for establishment and delineation in writing of the authority and duties of those responsible for attaining quality objectives as well as those performing quality assurance functions.

Comments also recommended clarification of the phrases "quality assurance functions" and "directing and managing the quality assurance program." Clarification has been accomplished by defining quality assurance functions as (a) assuring that an appropriate quality assurance program is established and effectively executed, and (b) verifying that activities affecting the safety-related functions have been correctly performed. Since the execution of the quality assurance program involves both the performers and the verifiers, the phrase "directing and managing the quality assurance program," which appears in the last sentence, has been changed to "assuring effective execution of any portion of the quality assurance program."

Comments also recommended clarification of the last sentence of the proposed rule to eliminate the implication that only one individual may be responsible for the quality assurance program at a given location. As a result of this comment, a change has been made to permit the situation where, at a location; e.g., construction site or engineering and procurement building, there may be more than one individual responsible for assuring effective execution of different portions of the program. It should be

[1] These documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and copies may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

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recognized, however, that overall control must be provided to assure that these different portions of the program are coordinated and consistent with the overall program requirements.

Comments also requested elimination of the phrase "pressures of production" in describing the authority and organizational freedom required for the verification function. Since it was not intended that this phrase be limited to facets of manufacturing or fabrication; e.g., machining or welding, that phrase has been deleted. The revision now states the broader meaning intended; i.e., sufficient independence from cost and scheduling when opposed to safety considerations. In this broader sense, the thought encompasses such activities as design and procurement.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50, Appendix B, is published as a document subject to codification.

Criterion I of Appendix B is amended to read:

I. ORGANIZATION

The applicant[1] shall be responsible for the establishment and execution of the quality assurance program. The applicant may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part thereof, but shall retain responsibility therefor. The authority and duties of persons and organizations performing activities affecting the safety-related functions of structures, systems, and components shall be clearly established and delineated in writing. These activities include both the performing functions of attaining quality objectives and the quality assurance functions. The quality assurance functions are those of (a) assuring that an appropriate quality assurance program is established and effectively executed and (b) verifying, such as by checking, auditing, and inspection, that activities affecting the safety-related functions have been correctly performed. The persons and organizations performing quality assurance functions shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. Such persons and organizations performing quality assurance functions shall report to a management level such that this required authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations, are provided. Because of the many variables involved, such as the number of personnel, the type of activity being performed, and the location or locations where activities are performed, the organizational structure for executing the quality assurance program may take various forms provided that the persons and organizations assigned the quality assurance functions have this required authority and organizational freedom. Irrespective of the organizational structure, the individual(s) assigned the responsibility for assuring effective execution of any portion of the quality assurance program at any location where activities subject to this Appendix are being performed shall have direct access to such levels of management as may be necessary to perform this function.

Effective date. This amendment becomes effective on February 19, 1975.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 USC 2201))

Dated at Germantown, Md. this 14th day of January 1975.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75-1821 Filed 1-17-75;8:45 am]

[1] While the term "applicant" is used in these criteria, the requirements are, of course, applicable after such a person has received a license to construct and operate a nuclear power plant or a fuel reprocessing plant. These criteria will also be used for guidance in evaluating the adequacy of quality assurance programs in use by holders of construction permits and operating licenses.

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Cancellation of Public Hearing

On December 18, 1974, the Federal Energy Administration issued an emergency amendment to § 205.26 and § 205.36 of Part 205, Chapter II, Title 10, Code of Federal Regulations (39 FR 44030, December 20, 1974). A public hearing on the amendment was scheduled for January 21, 1975.

Only one request to make an oral presentation was received by FEA prior to 4:30 p.m., January 13, 1975, and that request was subsequently withdrawn. Therefore, FEA hereby gives notice that the public hearing is cancelled.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

JANUARY 16, 1975.

[FR Doc.75-1973 Filed 1-17-75;11:15 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 9]

PART 123—DISASTER LOANS

The last revision of SBA rules and regulations, Part 123, was published July 9, 1973, effective July 1, 1973. Since that time Pub. L. 93-237, dated January 2, 1974, and Pub. L. 93-386, dated August 23, 1974, have been enacted. These laws authorized loans to small businesses economically injured as the result of Federal and other regulations, base closings, and the energy shortage. In order to incorporate these loan programs, as well as that relating to economic injury for meeting water pollution control requirements enacted by Pub. L. 92-500, dated October 18, 1972, this revision is necessary. It also adds new sections on Federal Flood insurance, and State grants to disaster victims, and clarifies several minor issues. Since these changes and additions involve matters peculiarly within the responsibility of the Agency in view of the need to coordinate policies affecting all of its programs, and because most changes incorporated herein are the result of statutory enactments, it has been administratively determined that good cause exists not to postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER. However, we invite comment on the rules and regulations published herein. Send all comments to Elnar Johnson, Acting Associate Administrator for Finance and Investment, 1441 L Street, NW., Washington, D.C. 20416. This revision is effective January 20, 1975.

Sec.
123.0 Explanation of regulations.
123.1 General.
123.2 Eligibility.
123.3 Purposes of loans.
123.4 Where to apply.
123.5 Amount of loan and interest rates.
123.6 Collateral.
123.7 Federal Flood Insurance.
123.8 Repayment.
123.9 Step-by-step procedure for disaster loan applicant.
123.10 Cooperation with American Red Cross.
123.11 State grants.
123.12 Obtaining loan funds.
123.13 Administration of loans.
123.14 Fees and charges.
123.15 Extension of loans, including RFC loans.
123.16 Restriction against loans to certain felons.
123.17 Certification of use of loan proceeds.
123.18 Compliance with consumer protection laws.

AUTHORITY: 72 Stat. 385, 387, as amended; 83 Stat. 125, 742; 15 U.S.C. 636.

§ 123.0 Explanation of regulations.

(a) The regulations in this part set forth the information and procedures generally followed in Physical and other types of Disaster loans. However, because of the emergency nature of floods, hurricanes, earthquakes or other similar catastrophes, the regulations cannot anticipate all of the contingencies, problems, and needs which may arise in any given disaster. The SBA therefore advises that the regulations in this part must be, and are subject to change without advance notice and publication in the FEDERAL REGISTER.

(b) SBA will, however, make every effort to publicize changes of substance and procedure by whatever means practicable under the circumstances, including, but not limited to press releases to newspapers, radio and television stations, posting notices in public places, and by direct mailings (when possible) to affected persons. Publication in the FEDERAL REGISTER of appropriate regulatory changes will follow at the earliest practicable time.

§ 123.1 General.

(a) SBA is authorized to make or guarantee loans where necessary or appropriate to victims of floods, riots and civil disorders, and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-Loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans where necessary or appropriate to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, or physical disaster area declared by SBA after April 1, 1970, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Economic Injury Assistance);

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displaced Business Disaster Assistance);

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes, or because of animal disease (Product Disaster Assistance);

(4) To make additions to or alterations in its plant, facilities, or methods of operations to meet requirements imposed on such concern pursuant to any Federal Law, any State Law enacted in conformity therewith, or any regulation or order of a duly authorized Federal, State, regional, or local agency issued in conformity with such Federal Law, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance (Regulatory Economic Injury Assistance);

(5) Which is directly and seriously affected by the significant reduction of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of such arms or facilities. SBA must determine that a small firm is likely to suffer substantial economic injury without SBA assistance. Refinancing of existing indebtedness is authorized under this program. (Strategic Arms Economic Injury Assistance);

(6) To continue business at its existing location, reestablish its business, or to purchase or establish a new business, if SBA determines that the concern has suffered, or will suffer substantial economic injury as a result of the closing by the Federal Government of a major military installation under the jurisdiction of the Department of Defense, or as a result of a severe reduction in the scope and size of operations at a major military installation (Base Closing Assistance);

(7) Which is seriously and adversely affected by a shortage of fuel, electrical energy, or energy-producing resources, or by a shortage of raw or processed materials resulting from such shortages, if SBA determines that such concern has suffered or is likely to suffer substantial economic injury without SBA assistance (Emergency Energy Shortage Assistance);

(8) To make additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation to meet water pollution control requirements established under the Federal Water Pollution Control Act, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Water Pollution Control Assistance).

(c)(1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(i) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA participation shall not exceed 90 percent of the outstanding amount of the loan.

(ii) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its guaranty agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted. Default as used in this subsection means nonpayment of principal or interest when due, or noncompliance with essential loan conditions.

(iii) SBA has the right at any time to purchase the guaranteed percentage of any guaranteed loan.

(2) "Financial Institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making and servicing of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in Part 120 of SBA's rules and regulations.

§ 123.2 Eligibility.

(a) Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of disease or toxicity through natural or undetermined causes, or animal disease.

(1) *General-scope of assistance.* Financial assistance may be extended to rehabilitate or replace property damaged or lost as a result of a disaster concerning which an appropriate SBA notice is published in the FEDERAL REGISTER. Applicants for physical disaster loans include but are not limited to home or property owners, businesses of any size, and nonprofit institutions. Applicants for economic injury type of assistance must be small business concerns as defined in Part 121 of these regulations. Such assistance will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster, and will be provided as SBA determines it to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters. The age of any adult applicant may not be considered in determining whether a loan should be made or the amount of a loan. In loans made for Physical-Loss Disaster Assistance, Substantial Economic Injury Assistance and Product Disaster Assistance, SBA may authorize loans for the repayment of interim financing used solely to alleviate the disaster-caused injury. Proceeds of these types of disaster loans (physical, economic injury, and product) may also be used for the purpose of providing small business concerns with working capital, the payment of operating expenses, and any purpose for which loans may be made under section 7(a) of the Small Business Act (USC 636(a)), subject to the limitations set forth in this Part 123. Working capital loans are limited to operating expenses and working capital losses resulting from the disaster.

(2) *Limitations on assistance.* (i) Farmers, stockmen, and others primarily engaged in agricultural activities. Farmers, stockmen, and others engaged primarily in agricultural activities are not eligible for SBA disaster loan assistance. No disaster loan funds will be provided to an otherwise eligible applicant which would be used primarily in a farming or other agricultural activity, which is normally eligible for emergency assistance from the Farmers Home Administration of the U.S. Department of Agriculture, except where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance.

(ii) Religious, eleemosynary, nonprofit, and other organizations. Religious, eleemosynary, and nonprofit organizations are eligible for physical disaster loans.

(3) *Evidence of loss.* Assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss (beneficial ownership as well as legal title may be considered in determining who suffered the loss); it will not be extended (i) if the applicant suffers flood loss as a result of action by a Federal agency which causes flooding of an area where the Government has been held harmless under a lease agreement covering a flowage easement, or (ii) where a substantial change of ownership occurred after the disaster. Substantial change of ownership does not include those instances in which a contract of sale had been entered into prior to the disaster and the transaction is completed after the disaster.

(4) *Substantial economic injury assistance*—(i) *Disaster declaration.* An area must be declared to be a major disaster area by the President, a disaster area by the Administrator of SBA, or declared to be a natural disaster area by the Secretary of Agriculture or his designee.

(ii) *Location.* An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration made as provided in paragraph (a) (4) (i) of this section.

(5) *Product disaster assistance*—(i) *Disaster declaration.* The Administrator of SBA makes all product disaster declarations.

(ii) *Scope.* An otherwise eligible small business concern is eligible for product disaster assistance to continue or rees-

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tablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes. Such eligibility includes loans to persons who are engaged in the business of raising livestock (including but not limited to cattle, hogs, and poultry), and who suffer substantial economic injury as a result of animal disease.

(b) Displaced business, regulatory, strategic arms, base closing, emergency energy shortage, and water pollution control economic injury loans.

(1) *General—Scope of assistance*—(i) *Limitations on assistance.* Availability of funds from other sources. Personal and/or business assets must be used by the applicant to the greatest extent feasible without causing undue hardship to overcome economic injury. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining economic injury assistance.

(ii) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen and others engaged primarily in agricultural activities are subject to the eligibility criteria set forth in § 120.2(d)(9) of these rules and regulations.

(iii) *Types of small business concerns.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Gambling activities, financing, and those engaged in speculative activities, are not small business concerns for the purpose of economic injury loans. Therefore they are ineligible for disaster assistance except for Physical-Loss Disaster Assistance. Small newspapers, radio and TV stations, and similar enterprises are eligible to apply for economic injury assistance. Pawn shops are eligible to apply if more than 50 percent of income for the previous year resulted from the sale of used merchandise rather than interest on loans. Persons or firms holding realty for lease or rent for the production of income, or all real estate developers, are not small business concerns for economic injury assistance except that such persons or firms are eligible to apply for assistance under the Strategic Arms or Base Closing Economic Injury Assistance Programs. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern. A consumer cooperative will not qualify as a small business concern.

(iv) *Substantial economic injury.* Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster. See paragraph (a)(2) of this section.

(2) *Special Considerations—Displaced business loans.* At the discretion of SBA, an applicant for a displaced business loan may be considered eligible for assistance to purchase or construct other premises whether or not such applicant owned the premises occupied by the business.

(3) *Special Considerations—Regulatory Economic Injury Assistance.* To qualify for a regulatory economic injury assistance loan, an applicant must be a small concern seeking to comply with standards imposed by Federal, State or other regulatory authorities concerned with such matters as consumer protection or occupational safety and health. In addition, the following special considerations apply to various types of regulatory economic injury assistance loans:

(i) *Coal mine health and safety loans.* To qualify for a coal mine health and safety loan, an applicant must be a small coal mine which is required to meet standards imposed by the Coal Mine Health and Safety Act of 1969. Coal mine services are not eligible for a Coal Mine Health and Safety Loan since they do not come under the jurisdiction of the Bureau of Mines. Based upon its inspection, the Bureau of Mines issues a notice of deficiency or similar notice to the coal mine operator. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Coal Mine Health and Safety Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the Bureau of Mines must accompany any formal application for a loan. All applications must be supported by sufficient information so that SBA will be able to determine the economic life of the mine.

(ii) *Consumer protection loans.* To qualify for a Consumer Protection Loan, an applicant must be engaged in meat, poultry, or egg processing, and be seeking to effect additions to or alterations in its equipment, facilities, or methods of operation to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry Products Act, or the Wholesome Meat Act of 1967, or State Laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan. The amount of the loan is limited to such upgrading as is determined by SBA to be necessary and adequate to meet the requirements of the appropriate law. *Plant inspection.* Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Consumer Protection Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for a loan.

(iii) *Occupational Safety and Health Loans.* To qualify for an Occupational Safety and Health Loan, an applicant must be a small concern seeking to comply with standards established under the Occupational Safety and Health Act of 1970. Based upon its inspection the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of an Occupational Safety and Health Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for a loan. Plant operators may, on their own initiative, undertake action to meet OSHA standards. If major construction or remodeling is needed, the report of a licensed professional engineer and/or architect or other qualified professional is required and must be submitted with the loan application.

(iv) *Air Pollution and Other Regulatory Economic Injury Loans.* Compliance with regulations issued pursuant to the Clean Air Act of 1970 creates eligibility for economic injury loans. However, applicants for other types of regulatory economic injury loans will be found eligible only if they seek to comply with laws or regulations made effective after January 2, 1974. Applicants for such loans must furnish a copy of the law or regulation requiring compliance, and such other documentation as SBA may require.

(4) *Special Consideration—Strategic Arms Economic Injury Loans.* An applicant must be a small business concern and may be a small real estate developer, or a person or small firm holding realty for lease or rent for the production of income.

(5) *Special Considerations—Base Closing Loans.* To qualify for a Base Closing Loan, an applicant must be a small business concern or a small real estate developer or person or small firm holding realty for lease or rent for the production of income. In the case of real estate-related activities, such activities must have been the primary source of the owner's income.

(6) *Special Considerations — Emergency Energy Shortage Loans.* To qualify for an Emergency Energy Shortage Loan, an applicant must be a small business concern which (except for Vietnam-Era Veterans) has been operated successfully for 3 years preceding the date of the loan application. Loan funds may be used for working capital, refinancing of debt, or to convert to a different fuel source.

(7) *Special Considerations—Water Pollution Control Loans.* (i) To qualify for a Water Pollution Control Loan, an applicant must be a small concern seeking to comply with standards established under the Federal Water Pollution Control Act. (ii) Statement of Compliance. As a pre-requisite to the filing of a formal loan application, the applicant must provide SBA with a written statement from EPA or, if appropriate, the State, that the additions or alterations involved are necessary and adequate to comply with one or more of such applicable requirements established under the Federal Water Pollution Control Act.

§ 123.3 **Purposes of loans.**

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or homes (including a mobile home used as a residence of the applicant) or business property as nearly as possible to predisaster condition. A loan to an individual may be used to repair or replace damaged or lost furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages, and SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location. SBA shall cancel any loan made in connection with a disaster occurring on or after January 1, 1972, and prior to April 20, 1973, if declared by the President or the SBA Administrator, but in no event shall such cancellation of a loan exceed $5,000 and the cancellation shall not apply to any amount refinanced. Loans made in connection with a disaster occurring on or after April 20, 1973, will not be canceled in any amount.

(2) Refinancing: Only where property suffers damage of 30 percent or more of the market value at the time of the disaster, a part or all of existing liens as they apply to the specific real property lost or damaged may be refinanced by a part of the SBA loan. Such refinancing shall be limited to an amount which is no greater than the disaster-caused damage or loss in business loans, or home loans approved as the result of disaster occurring on and after July 1, 1973. In the case of a home loan, the monthly repayment of principal and interest may not be less than the amount of such payment made prior to the refinancing loan, on any loan approved as the result of a disaster occurring prior to July 1, 1973. Refinancing of personal property is not permitted in disaster home loans. Refinancing is permitted only when the uninsured (or otherwise uncompensated for) damaged property is to be repaired, rehabilitated, or replaced.

(3) Any disaster victim located in a restricted building area (flood-prone, urban renewal, or other area where rebuilding is prevented by action of appropriate authority) that suffers real property damage is presumed to have sustained a total loss and may obtain funds for such purposes as are prescribed in paragraph (a)(1) of this section and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers and encumbrancers of real property located at the disaster site. The recorded notice of disaster disqualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate the injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized net profits or a drop in sales not disaster-related may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any dividends, distributions, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

(c) *Displaced business assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, or in purchasing a business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government.

(2) These loans may be used to provide:

(i) Working capital necessary to carry the concern until resumption of normal operations;

(ii) Replacement costs to owners of realty less net amounts received for indemnification of the realty from which the owners have been displaced;

(iii) Funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available;

(iv) Purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced;

(v) Increases in the cost of fixed charges such as rents, insurance, and utility bills for a reasonable period of time;

(vi) Moving expenses not compensated for from some other source where the distance moved is less than 100 miles;

(vii) Purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: *Provided, however,* That additional space to meet the minimum requirement of a local building code such as for parking space may be approved, or where SBA finds that the type of building being constructed necessitates additional land.

(ii) Building space to more than one-third greater than that owned or occupied prior to displacement.

(d) *Product disaster assistance.* The purpose of these loans is to assist small business concerns to reestablish or to continue their business when they have suffered substantial economic injury as the result of inability of such concerns to market or process a product because of disease or toxicity occurring in such products through natural or undetermined causes, or animal disease. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for the loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption. Unrealized net profits or a drop in sales not disaster-related may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any dividends, distributions, bonuses, or for disbursements to owners, partners, officers, or stockholders, not directly related to the performance of services.

(e) *Coal mine health and safety assistance.* The purpose of these loans is to assist small coal mines to effect additions to or alterations in the equipment, facilities or operating methods in order to meet the requirements of the Federal Coal Mine Health and Safety Act of 1969, if SBA determines that such coal mine is likely to suffer substantial economic injury without SBA assistance. Working capital may be provided to:

(1) Replace working capital expanded incidentally for compliance, such as meeting construction time limits;

(2) Furnish funds, when construction is involved and the operations are thereby curtailed, to meet continuing fixed

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costs such as payment on equipment notes or mortgage payments;

(3) Help finance startup costs;

(4) Finance changes in methods of operation required by examining authorities. Approval of these loans is contingent upon receipt by SBA of a notice of deficiency from the Bureau of Mines, and the opinion from the Bureau that upon completion of the additions or alterations proposed in the loan application, the coal mine will be in compliance with the provisions of the Federal Coal Mine Health and Safety Act of 1969.

(f) *Consumer protection assistance.* (1) The purpose of these loans is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or methods of operation of such concern to meet requirements established pursuant to the Egg Products Inspection Act of 1970, the Wholesome Meat Act of 1967, and the Wholesome Poultry Products Act of 1968, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance.

(2) Construction funds may be loaned to:

(i) Construct a new building, even in a new location, to replace an old building where remodeling is not feasible; or to replace rented quarters when needed rental arrangements cannot be obtained. Upgrading may not exceed the corresponding criteria in paragraph (c) (3) of this section;

(ii) Comply with inspection authority requirements issued to a new plant already under construction on January 1, 1971, and owned by a concern not previously involved in the activity in which it intends to engage, but falling within the control of any one of the consumer protection acts. Working capital may be provided for the purposes stated in paragraph (e), (1), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon receipt by SBA of a letter of survey to the plant operator from the U.S. Department of Agriculture or appropriate State authority, and an acceptance of the operator's proposal for correcting the deficiencies covered by the letter, from the agricultural inspection authority.

(g) *Occupational safety and health assistance.* The purpose is to assist small business concerns to adequately and efficiently effect additions to or alterations in the equipment, facilities, or operating methods of such business, in order to comply with the applicable standards issued pursuant to section 6 of the Occupational Safety and Health Act of 1970, or adopted by a State pursuant to a plan approved under section 18 of that Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Construction funds may be loaned for the purposes stated in paragraph (f) (2) (i) and (ii) of this section. Working capital may be provided for the purposes stated in paragraph (e) (1), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon the receipt by SBA of an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(h) *Aid to major sources of employment.* The purpose of loans authorized under section 237 of the Disaster Relief Act of 1970 is to enable an industrial or commercial enterprise, which constituted a major source of employment in an area suffering a major disaster declared by the President, and which is no longer in substantial operation as a result of such disaster, to resume operations in order to assist in restoring the economic viability of the disaster area. A major source of employment as used in this part is defined as:

(1) A concern which employed 10 percent or more of the entire work force of a geographically identifiable community, no larger than a county; or

(2) A concern which employed 10 percent or more of the total work force in an industry within the major disaster area; or

(3) Any business firm within the major disaster area which employed 1,000 or more employees.

(i) *Strategic arms economic injury assistance.* The purpose of these loans is to assist or to refinance the existing indebtedness of any small business concern directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Loan proceeds may be used for working capital and to pay financial obligations which the applicant would have been able to meet if he had not lost income because of significant reduction of the scope or amount of Federal support for the strategic arms project.

(j) *Emergency Energy Shortage Loans.* The purpose of these loans is to assist small business concerns which have been or are likely to be seriously and adversely affected by a shortage of fuel, electrical energy, energy producing resources, or raw or processed materials. Proceeds of the loans may be used to: (1) meet business obligations which could otherwise have been met; (2) finance changes in methods of operation to convert to an adequate energy supply source; (3) finance changes in other methods of operation which will allow for continued existence of the business; (4) furnish funds to meet continuing fixed costs; (5) refinance short term debt; (6) furnish funds to bring and keep current payments required on long term debt against fixed assets, for a reasonable period of time; (7) provide for working capital; (8) refund loans from other lenders when the terms are too burdensome for the small concern, or when such loans were for short term to meet the emergency situation.

(k) *Base Closing Assistance.* The purpose of base closing loans is to assist small concerns by providing working capital and to pay financial obligations which the concern would have been able to meet if it had not lost income because of the base closing or reduction at the military installation. Proceeds may also be used for relocating the business, starting a new business, or refinancing existing indebtedness.

(l) *Water Pollution Control Assistance.* The purpose is to assist small business concerns to effect additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation to meet water pollution control requirements established under the Federal Water Pollution Control Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Funds may be loaned for the purposes stated in paragraph (e)(i), (ii), and (iv) of this paragraph. Approval of these loans is contingent upon receipt by SBA of a written statement by EPA or, if appropriate, the State, that the additions or alterations involved are necessary and adequate to comply with one or more of such applicable requirements established under the Federal Water Pollution Control Act.

§ 123.4 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or District Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating two copies of the application should be filed with the bank which will send one copy to SBA.

§ 123.5 Amount of loan and interest rates.

(a) The amount of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3 (a), (2), (3), (c), (e), (f), (g), (h), (i), (j), (k), and (l).

(1) (i) SBA's share of a direct or immediate participation loan to any small business concern and/or any of its affiliates shall not exceed $500,000 in the aggregate for any one disaster, except in those cases where the Administrator finds substantial hardship.

(ii) Such dollar limitation also applies to loans made to any other entity eligible to receive disaster assistance other than homeowners and householders. Provided, however, the foregoing dollar limitations do not apply to economic injury loans as described under § 123.3 (b), (c), (d), (e), (f), (g), (l), (j), (k), or (l), nor to loans made under § 123.3(h).

(2) SBA's share in a direct or in an immediate participation loan to any homeowner, including all members of the household, shall not exceed $50,000 for repair or replacement of the land or building, and shall not exceed $10,000 to repair or replace household goods and personal items: *Provided, however,* That SBA's share of any such loan or loans to repair or replace a home and household goods for any homeowner shall not exceed $55,000 in the aggregate for any one disaster, excluding eligible refinancing in an amount not to exceed the lesser of the physical damage to the real property or the amount of loan made to repair such property. Persons living in a damaged home who are not dependents of the homeowner may also apply for disaster assistance for personal property loss, up to $10,000. The cancellation feature, up to $5,000, applies to these loans as well as to loans to the homeowner, for disasters occurring between January 1, 1972, and April 20, 1973.

(3) SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans, the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(4) A guranteed loan (wherein the entire loan is disbursed by a private lending institution) may be made, in addition to the direct loan, for the total amount of an applicant's physical loss or the economic injury suffered, only if the applicant has utilized funds available from its own resources and the proceeds of insurance or condemnation awards. Such guaranteed disaster loans in conjunction with or exclusive of a direct loan shall not exceed the full amount of such loss or economic injury, except to the extent of allowable refinancing.

(5) Where an applicant's total physical loss or economic injury exceeds the dollar limitations imposed in this paragraph on SBA's share of direct or immediate participation disaster loans, then the balance of such loss may be assisted by a guaranteed loan. SBA's participation in or guaranty of any disaster loan may not exceed 90 percent of the total amount of the loan.

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing property damaged or destroyed by the disaster, including necessary upgrading in order to comply with codes existing and enforceable at the time of the disaster, or the time of the issuance of the building permit, will be considered by SBA in determining the amount of loan. An SBA disaster loan may not include any amount to cover losses which have been compensated for by insurance or other sources, or other relief sources, such as the American Red Cross. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of his loan.

(c) Interest rates on disaster loans are as follows:

(1) For disaster relief described under § 123.1(a), (b), (1), and (3), the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be 3 percent per annum for disasters occurring between January 1 and December 31, 1971; at 1 percent per annum for disasters occurring between January 1, 1972, and prior to April 20, 1973, except that loans made in connection with natural disasters declared only by the Secretary of Agriculture and which occurred during this period shall bear an interest rate of 3 percent per annum; and at a rate not to exceed 5 percent per annum on loans made in connection with disasters occurring on or after April 20, 1973. In any loan made under this subsection, except for loans approved as the result of disasters occurring prior to July 1, 1973, deferment may be made in payments of principal or interest, or both, for a period not to exceed 3 years. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA at the time of approval.

(2) For Disaster relief as described under § 123.1(b), (2), (4), (5), (6), (7), and (8), interest on SBA's share of financial assistance shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended, except that in no case shall the interest rate charged on loans made under § 123.1(b)(4) be lower than on loans made under § 123.1(a). Interest on the participating institution's share shall be at a rate considered by SBA to be legal and reasonable.

(d) Major sources of employment. In the case of a major disaster declaration by the President, Physical-Loss Disaster Assistance and Substantial Economic Injury Assistance Loans may be made without dollar limitations, to any nonagricultural enterprise which has been a major source of employment and is no longer in substantial operation, to enable such enterprise to resume operations and restore the economy of the area. Loan payments may be deferred for a period of 3 years.

§ 123.6 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any rigid rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.7 Federal flood insurance.

Applicants for SBA loans under this Part 123 must purchase Federal flood insurance prior to disbursement of the loan when the following conditions exist:

(a) the property to be constructed or repaired is located in a floodprone area as identified by the Federal Insurance Administration; (b) the property is within a special hazard area on an FIA map; and (c) Federal flood insurance is available to the borrower. If all of these conditions do not exist at the time of disbursement, the borrower must agree to purchase flood insurance at such time during the life of the loan as the insurance becomes available.

§ 123.8 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. For loans made under sections 7(b) (1), (2), and (4) of the Small Business Act, payments of principal or interest, or both, may be deferred during the first 3 years of the term of the loan. The maturity of the loan will be geared to the borrower's ability to repay. Final maturity of the loan shall not exceed 30 years. During a deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments. In addition, for disasters occurring on or after January 1, 1972, but prior to July 1, 1973, in case of a home loan to an individual who by reason of retirement, disability, or other similar circumstances relies for support on survivor, disability, or retirement benefits under a pension, insurance, or other program, SBA may consent to the suspension of the payments of principal during the lifetime of the individual and his spouse for so long as SBA determines that making such payments would constitute a substantial hardship.

(b) Displaced business loans may have other repayment terms if circumstances indicate the need, including (1) a moratorium on principal payment (not interest) not exceeding the 12 months which immediately follow disbursement; (2) small amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(c) Except as described elsewhere in paragraphs (a) and (b) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.9 Step-by-step procedure for disaster loan applicant.

(a) An applicant for physical-loss disaster assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property, desired to be repaired or replaced recognizing that the burden of proof of loss is on the applicant;

(2) When deemed appropriate by SBA, obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or

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damaged beyond repair, for which funds are requested;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, coversion, extension, or repair of buildings, or other improvements to real estate, where the contract exceeds $10,000.

(8) Submit such other information as SBA may require in order to verify or support the information on hand to permit an application to be properly evaluated and acted upon, including the names and addresses of any persons having an interest in the lost or damaged property, and the names and addresses of any persons who sustained a separate loss at the applicant's location and who may file a separate application.

(9) Submit the above information to the nearest SBA disaster or other field office, preferably in person, within the time limit established for the filing of applications. SBA will accept applications after such time limit only when SBA determines that an extreme hardship existed and the late filing was the result of causes substantially beyond the control of the applicant.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12 month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current years to date and for the past 3 fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances for any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expense, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings or other improvements to real property, where the contract exceeds $10,000;

(d) An applicant for Coal Mine Health and Safety Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a notice of deficiency from the Bureau of Mines.

(e) An applicant for Consumer Protection Assistance shall follow the procedures in paragraph (b) of the section, and in addition shall furnish a letter of survey from the U.S. Department of Agriculture or appropriate State authority.

(f) An applicant for Occupational Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(g) An applicant for Strategic Arms Economic Injury Assistance shall follow the procedures in paragraph (b) of this section, and in applicable cases explain fully the need for any refinancing of debt owed by the applicant.

(h) An applicant for Emergency Energy Shortage Assistance shall follow the procedures in paragraph (b) of this section, and in applicable cases explain fully the need for any refinancing of debt owed by the applicant.

(i) An applicant for Base Closing Assistance shall follow the procedures in paragraph (b) of this section.

(j) An applicant for Water Pollution Control Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a written statement issued by the Environmental Protection Agency (or if appropriate the State) certifying that the additions, alterations, or methods of operation are necessary and adequate to comply with pollution control requirements established under the Federal Water Pollution Control Act.

(k) Any entity other than a homeowner applying for SBA disaster assistance must agree not to discriminate on the basis of race, color, sex, or national origin, including but not limited to employment practices. See Parts 112 and 113 of these rules and regulations.

§ 123.10 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly by the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.11 State grants.

Under Pub. L. 93-288 States may authorize grants up to $5,000 to certain disaster victims in Presidentially declared disasters. Disaster victims (a) who sustain only personal property damage and (b) who are unemployed and whose principal source of income (over 50 percent), is derived solely from welfare payments, or social security payments, are presumed to lack ability to repay an SBA loan. Such persons are therefore deemed to be ineligible for SBA loan assistance. Such persons shall be immediately referred to state representatives who are charged with the duty of processing state grants. However, those disaster victims who desire to do so may file a formal application with the SBA in order to obtain a formal decision concerning their eligibility or ineligibility for financial assistance from the SBA. Disaster victims who meet the income criteria above and who have real estate damage should apply for SBA disaster assistance. When repayment ability is totally lacking or very marginal, the application must be declined.

§ 123.12 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.13 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.14 Fees and charges.

(a) *Service fees.* No service fees shall be charged by participating institutions for loans described in § 123.1 (a), (b), (1), and (3). For loans described in § 123.1 (b), (2), (4), (5), (6), (7), and (8), a service fee is permitted for those financial institutions servicing immediate participation loans, or deferred participation loans where SBA has purchased its portion, on loans approved on or after July 1, 1969. The participating institution may deduct, only out of interest collected for the account of SBA, a service fee of three-eighths of 1 percent per annum where the SBA's share is 75 percent or less or of one-fourth of 1 percent where SBA's share is more than 75 percent. Such fees are permitted only so long as the participating institution is servicing the loan. This fee shall not be added to any amount which borrower is obligated to pay under the loan. Participating institution shall not make a service charge to borrower for handling construction loans or accounts receivable and inventory collateral.

(b) *Guaranty charge.* A guaranty fee will be charged to the lender with respect to all guaranteed disaster loans as is set forth for business loans in § 120.3(b), except that no fee will be charged in those cases where the lender elects to charge an interest rate of 5½ percent or less on the loan.

(c) *Closing fee.* No closing fee will be charged with respect to closing of any disaster loan authorized in this part.

§ 123.15 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c)(1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of action will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

§ 123.16 Restriction against loans to certain felons.

No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of 1 year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims.

§ 123.17 Certification of use of loan proceeds.

Recipients of SBA disaster loans described in § 123.1(a), (b), (1), and (3) are required to file a certification, and evidence in support of such certification, that the loan proceeds have been properly used. Any loan recipient who wrongfully misapplies such loan proceeds shall be civilly liable to the SBA Administrator in an amount equal to one and one-half times the original principal amount of the loan.

§ 123.18 Compliance with consumer protection laws.

Any recipient of an approved disaster loan for any noncommercial purpose and for which security is required shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, Public Law 90-321, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, 59.002, 59.008, 59.010, 59.014, 59.017, 59.018, 59.020, 59.022, 59.023, and 59.024)

Dated January 15, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-1834 Filed 1-17-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WE-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 6, 1974 a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 42696) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Ynez, California Transition Area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., March 27, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, California, on January 10, 1975.

LYNN L. HINK,
Acting Director,
Western Region.

In § 71.181 (40 FR 441) the description of the Santa Ynez, Calif. Transition area is amended to read as follows:

SANTA YNEZ, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), within 5 miles each side of the Santa Barbara VORTAC 291° radial extending from the 5-mile radius area to 35 miles west of the VORTAC and within 1.5 miles each side of the Gaviota VORTAC 009° and 178° radials from the five mile radius area to 1 mile south of the VORTAC.

[FR Doc.75-1692 Filed 1-17-75;8:45 am]

[Airspace Docket No. 75-SO-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anniston, Ala., control zone.

The Anniston control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on the Talladega VOR 085° radial. Since the VOR A Instrument Approach Procedure to Anniston-Calhoun County Airport has been cancelled, this extension is no longer required. It is necessary to amend the description to delete this extension. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Anniston, Ala., control zone is amended as follows: "within 1.5 miles each side of Talladega VOR 085° radial, extending from the 5-mile radius zone to the VOR;" is deleted from the description.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-1691 Filed 1-17-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INTRODUCTION

[Docket No. R-74-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Correction

In FR Doc. 74-23780 appearing at page 36583 in the issue of Friday, October 11, 1974, in the list of attorneys-in-fact in § 300.11(c) the name now reading "Jose Sotor, Jr." should read "Jose Soto, Jr."

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 4a—PROCEDURES GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Emergency Regulations

Section 411(a) of the Employee Retirement Income Security Act of 1974 prohibits any person convicted of any of certain specified crimes from serving or

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being permitted to serve as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan or as a consultant to any employee benefit plan for a period of five years after his conviction or the end of his imprisonment for such offense, unless he is granted a certificate of exemption by the Board of Parole. Emergency regulations are hereby adopted to establish procedures for processing applications for such certificates of exemption. Because of the need for emergency operating regulations to process cases of persons presently barred from employment by the Act, the Board finds under 5 U.S.C. 553(b)(3)(B) that notice and public procedure are impracticable for these regulations.

This Part 4a shall become effective on January 20, 1975.

Sec.

4a.1 Definitions.
4a.2 Who may apply for Certificate of Exemption.
4a.3 Contents of application.
4a.4 Supporting affidavits; additional information.
4a.5 Character endorsements.
4a.6 Institution of proceedings.
4a.7 Notice of hearing.
4a.8 Hearing.
4a.9 Representation.
4a.10 Waiver of oral hearing.
4a.11 Appearance; testimony; cross-examination.
4a.12 Evidence which may be excluded.
4a.13 Record for decision.
4a.14 Examiner's recommended decision; exceptions thereto; oral argument before Board.
4a.15 Certificate of Exemption.
4a.16 Rejection of application.

AUTHORITY: Sec. 411 of the Employee Retirement Income Act of 1974, Pub. L. 93-406, and the Administrative Procedure Act, 5 U.S.C. 551-559.

CROSS REFERENCE: For Organization Statement, Board of Parole, see Subpart V of Part O of this chapter.

§ 4a.1 Definitions.

As used in this part:

(a) "Act" means the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406).

(b) "Board" means the United States Board of Parole.

(c) "Secretary" means the Secretary of Labor or his designee.

(d) "Employer" means the employee benefit plan with which an applicant under § 4a.2 desires to serve in a capacity for which he is ineligible under section 411(a) of the Act.

(e) All other terms used in this part shall have the same meaning as identical or comparable terms when those terms are used in the Employee Retirement Security Act of 1974 (Pub. L. 93-406).

§ 4a.2 Who may apply for certificate of exemption.

Any person who has been convicted of any of the crimes enumerated in section 411(a) of the Act whose service, present or prospective, as described in that section is or would be prohibited by that section because of such a conviction or a prison term resulting therefrom may apply to the Board for a Certificate of Exemption from such a prohibition.

§ 4a.3 Contents of application.

A person applying for a Certificate of Exemption shall file with the Office of General Counsel, U.S. Board of Parole, 320 First Street, NW., Washington, D.C. 20537, a signed application under oath, in 10 copies, which shall set forth clearly and completely the following information:

(a) The name and address of the applicant and any other names used by the applicant and dates of such use.

(b) A statement of all convictions and imprisonments which prohibit the applicant's service under the provisions of section 411(a) of the Act.

(c) Whether any citizenship rights were revoked as a result of conviction or imprisonment and if so the name of the court and date of judgment thereof and the extent to which such rights have been restored.

(d) The name and location of the employer and a description of the office or paid position, including the duties thereof, for which a Certificate of Exemption is sought.

(e) A full explanation of the reasons or grounds relied upon to establish that the applicant's service in the office or employment for which a Certificate of Exemption is sought would not be contrary to the purposes of the Act.

(f) A statement that the applicant does not, for the purpose of the proceeding, contest the validity of any conviction.

§ 4a.4 Supporting affidavit; additional information.

(a) Each application filed with the Board must be accompanied by a signed affidavit, in 10 copies, setting forth the following concerning the personal history of the applicant:

(1) Place and date of birth: If the applicant was not born in the United States, the time of first entry and port of entry, whether he is a citizen of the United States, and if naturalized, when, where and how he became naturalized and the number of his Certificate of Naturalization.

(2) Extent of education, including names of schools attended.

(3) History of marital and family status, including a statement as to whether any relatives by blood or marriage are currently serving in any capacity with any employee benefit plan or with any labor organization, group or association of employers dealing with labor organizations or industrial labor relations group, or currently advising or representing any employer with respect to employee organizing concerted activities, or collective bargaining activities.

(4) Present employment, including office or offices held, with a description of the duties thereof.

(5) History of employment, including military service, in chronological order.

(6) Licenses held, at the present time or at any time in the past five years, to possess or carry firearms.

(7) Veterans' Administration claim number and regional office handling claim, if any.

(8) A listing (not including traffic offenses for which a fine of not more than $25 was imposed or collateral of not more than $25 was forfeited) by date and place of all arrests, convictions for felonies, misdemeanors, or offenses and all imprisonment or jail terms resulting therefrom, together with a statement of the circumstances of each violation which led to arrest or conviction.

(9) Whether applicant was ever on probation or parole, and if so the names of the courts by which convicted and the dates of conviction.

(10) Names and locations of all employee benefit plans and all labor organizations or employer groups with which the applicant has ever been associated or employed and all employers or employee benefit plans which he has advised or represented concerning employee organizing concerted activities, or collective bargaining activities, together with a description of the duties performed in each such employment or association.

(11) A statement of applicant's net worth, including all assets held by him or in the names of others for him, the amount of each liability owed by him or by him together with any other person, and the amount and source of all income during the immediately preceding five years.

(12) Any other information which the applicant feels will assist the Board in making its determination.

(b) The Board may require of the applicant such additional information as it deems appropriate for the proper consideration and disposition of his application.

§ 4a.5 Character endorsements.

Each application filed with the Board must be accompanied by letters or other forms of statement (in three copies) from six persons attesting to the character and reputation of the applicant. Such persons shall not include relatives by blood or marriage, prospective employers, or persons serving in any official capacity with any employee benefit plan, labor organization, group or association of employers dealing with labor organizations or industrial labor relations group.

§ 4a.6 Institution of proceedings.

All applications and supporting documents received by the Board shall be reviewed for completeness by the Office of General Counsel of the Board and if complete and fully in compliance with the regulations of this part the Office of General Counsel shall accept them for filing.

§ 4a.7 Notice of hearing.

Upon the filing of an application, the Board shall:

(a) Set the application for hearing on a date within a reasonable time after its filing and notify by certified mail the applicant of such date;

(b) Give notice, as required by section 411(a) of the Act, to the appropriate State, County, or Federal prosecuting officials in the jurisdiction or jurisdictions in which the applicant was convicted that an application for a Certificate of Exemption has been filed and the date for hearing thereon; and

(c) Notify the Secretary that an application has been filed and the date for hearing thereon and furnish him a copy of the application and a copy of the supporting affidavit.

§ 4a.8 Hearing.

The hearing on the application shall be held at the offices of the Board in Washington, D.C., or elsewhere as the Board may direct. The hearing shall be held before the Board, before one or more members of the Board, or before one or more examiners appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 3105) as the Board by order shall determine. Hearings shall be conducted in accordance with sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 556, 557).

§ 4a.9 Representation.

The applicant may be represented before the Board by any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State or territory of the United States, or the District of Columbia, and who is not under any order of any court suspending, enjoining, restraining, or disbarring him from, or otherwise restricting him in, the practice of law. Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Board, his personal appearance or signature shall constitute a representation to the Board that under the provisions of this part and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts. Further proof of a person's authority to act in a representative capacity may be required. When any applicant is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such applicant shall be given to or by such attorney. If an applicant is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

§ 4a.10 Waiver of oral hearing.

The Board, upon receipt of a statement from the Secretary that he does not object, and in the absence of any request for oral hearing from the others to whom notice has been sent pursuant to § 4a.7 may grant an application without receiving oral testimony with respect to it.

§ 4a.11 Appearance; testimony; cross-examination.

(a) The applicant shall appear and, except as otherwise provided in § 4a.10 shall testify at the hearing and may cross-examine witnesses.

(b) The Secretary and others to whom notice has been sent pursuant to § 4a.7 shall be afforded an opportunity to appear and present evidence and cross-examine witnesses, at any hearing.

(c) In the discretion of the Board or presiding officer, other witnesses may testify at the hearing.

§ 4a.12 Evidence which may be excluded.

The Board or officer presiding at the hearing may exclude irrelevant, immaterial, or unduly repetitious evidence.

§ 4a.13 Record for decision.

The application, the supporting affidavit and the transcript of the testimony and oral argument at the hearing, together with any exhibits received, shall be made parts of the record for decision.

§ 4a.14 Examiner's recommended decision; exceptions thereto; oral argument before Board.

Whenever the hearing is conducted by an examiner, at the conclusion of the hearing he shall submit a recommended decision to the Board, which shall include a statement of findings and conclusions, as well as the reasons therefor. The applicant and the Secretary may file with the Board, within 10 days after having been furnished a copy of the recommended decision, exceptions thereto and reasons in support thereof. The Board may order the taking of additional evidence and may request the applicant and others to appear before it. The Board may invite oral argument before it on such questions as it desires.

§ 4a.15 Certificate of exemption.

The applicant and the Secretary shall be served a copy of the Board's decision and order with respect to each application. Whenever the Board's decision is that the application be granted, the Board shall issue a Certificate of Exemption to the applicant. The Certificate of Exemption shall extend only to the stated employment with the prospective employer named in the application.

§ 4a.16 Rejection of application.

No application for a Certificate of Exemption shall be accepted from any person whose application for a Certificate of Exemption has been denied by the Board within the preceding twelve months.

Dated: January 15, 1975.

MAURICE H. SIGLER,
Chairman,
U.S. Board of Parole.

[FR Doc.75-1783 Filed 1-17-75;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Deferral of Employment Discrimination Charges

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, Part 1601 of the Code of Federal Regulations.

The amendments set forth changes necessary to implement section 706 of the Act which requires the deferral of charges of alleged unlawful employment practices to appropriate State and local authorities (706(c)) and the according by the Commission of "substantial weight" to final findings and orders made by State and local authorities (706(b)). The amendments necessitated conforming changes in the procedures for withdrawal of designation of "706 Agencies", and provide for withdrawal of designation only upon the motion of the Commission. This does not prevent an individual or an organization from requesting the Commission to initiate withdrawal procedures.

Prior to these revisions, § 1601.12 (c) and (d) provided for three (3) categories of State and local Fair Employment Practice (FEP) Agencies which included "706 Agencies", "provisional 706 Agencies"[1] and "provisional notice agencies". The present revisions provide for two (2) categories of State and local FEP Agencies, "706 Agencies" and "notice agencies"; and also provide that a State or local agency may be granted "706 Agency" status for certain bases of discrimination and not for others.

Before a State and local authority can be designated a "706 Agency," it must comply with the procedures outlined and meet the criteria established by the Commission and enunciated in § 1601.12(f). The Commission defers charges to "706 Agencies" (1601.12(c)) and accords "substantial weight" to their final findings and orders. Those State or local agencies which have not as yet been designated as "706 Agencies" are categorized by the Commission as "Notice Agencies" § 1601.12(e). The Commission, in the case of "Notice Agencies," merely notifies said agencies of the receipt of charges filed within their jurisdiction. Agencies may be added as "Notice Agencies" by public notice issued by the Commission.

[1] However, pursuant to notice published in the FEDERAL REGISTER on December 31, 1974, Vol. 39, No. 252, Page 45235, the Commission extended to March 1, 1975 the "Provisional 706 Agency" status of those State and local agencies which had been previously so designated.

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These amendments to the Commission's procedural regulations shall become effective on January 20, 1975.

Section 1601.12 is revised to read as follows:

§ 1601.12 Deferrals to State and local authorities.

(a) In order to give full weight to the policy of section 706(c) of the Act, which affords State and local fair employment practice agencies that come within the provisions of that section an opportunity to remedy alleged discrimination concurrently regulated by Title VII and State or local law, the Commission adopts the following procedures with respect to allegations of discrimination filed with the Commission where there is no evidence that such allegations were earlier presented to an appropriate 706 Agency. It is the intent of the Commission to thereby encourage the maximum degree of effectiveness in the State and local agencies. The Commission shall endeavor to maintain close communication with the State and local agencies with respect to all matters forwarded to such agencies and shall provide such assistance to State and local agencies as is permitted by law and as is practicable. It is the experience of the Commission that because of the present procedures, persons who seek the aid of the Commission are often confused and even risk loss of the protection of the Act. Accordingly, it is the intent of the Commission to simplify filing procedures for parties in deferral States and localities and thereby avoid the accidental forfeiture of important Federal rights.

(b) The following procedures shall be followed with respect to cases arising in the jurisdiction of "706 Agencies" to which the Commission defers as further defined in paragraph (c) of this section.

(1) Any document, whether or not verified, received by the Commission as provided in § 1601.7, which may constitute a charge cognizable under Title VII, shall be deferred to the appropriate 706 Agency, as further defined in paragraph (c) of this section, as provided in the procedures set forth below:

(i) All such documents shall be dated and time stamped upon receipt.

(ii) A copy of the original document shall be transmitted by registered mail, return requested, to the appropriate State or local agency, or, where the State or local agency has consented thereto, by certified mail, by regular mail or by hand delivery.

(iii) The aggrieved party and any person filing a charge on behalf of an aggrieved party shall be notified, in writing, that the document which he or she sent to the Commission has been forwarded to the State or local agency pursuant to the provisions of section 706(c), and that unless the Commission is notified to the contrary, on the termination of State or local proceedings, or after 60 (or, where appropriate, 120) days have passed, whichever occurs first, the Commission will consider the charge to be filed with the Commission and commence processing the case. Where the State or local agency terminates its proceedings within sixty (60) (or, where appropriate, 120) days without notification to the Commission of such action the Commission will consider the charge to be filed with the Commission on the date the person making the charge was notified of the termination.

(iv) The 60-day (or, where appropriate, 120-day) period shall be deemed to have commenced at the time such document is mailed or delivered to the State or local authority. Upon notification of the termination of State or local proceedings or the expiration of 60 (or 120) days, whichever occurs first, the Commission will consider the charge to be filed with the Commission and will commence processing the case.

(v) In cases where the document is submitted to the Commission within 180 days from the date of the alleged violation but beyond the period of limitation of the particular 706 Agency, the Commission shall assume jurisdiction over the charge upon its receipt. In such cases only notice of the filing of the charge shall be given the State or local agency involved.

(A) In cases where the document is submitted to the Commission more than 180 days from the date of the alleged violation but within the period of limitation of the particular 706 Agency, the case shall be deferred pursuant to the procedures set forth above: *Provided, however,* That unless the Commission is earlier notified of the termination of the State or local proceedings, the Commission will consider the charge to be filed with the Commission on the 300th day following the alleged discrimination and will commence processing the case. Where the State or local agency terminates its proceedings prior to the 300th day following the alleged act of discrimination, without notification to the Commission of such termination, the Commission will consider the charge to be filed with the Commission on the date the person making the charge was notified of the termination.

(vi) In any case where the State or local agency has not formally notified the Commission of the termination of the State or local proceedings, the Commission shall serve the notice required by 1601.13 within 10 days from the date it becomes aware of the termination of such proceedings.

(c) 706 Agency Defined: For the purposes of this section and § 1601.10, the term "706 Agency" shall refer to an agency to which a charge is deferred. A State or local agency may be granted 706 Agency status for certain bases of discrimination and not for others. A charge shall be deferred where a State or a political subdivision of a State has a State or local law prohibiting the unlawful employment practice alleged, and said State or local law authorizes a State or local agency to grant or seek relief from the unlawful employment practice alleged or to institute criminal proceedings with respect thereto, and such State or local agency has been established and, at the time the charge is submitted to the Commission, is operational and processing charges filed under the State or local law.

(d) Notwithstanding that a charge is required to be deferred pursuant to this section or that the deferral period has not expired, the Commission may commence judicial action for immediate, temporary or preliminary relief pursuant to section 706(f)(2) of the Act.

(e) Deferral is not required where there is an Agency which does not satisfy the requirements of paragraph (c) of this section. Where the Commission determines that a State or local agency does not come within the definition of a 706 Agency for purposes of a particular basis of discrimination, it shall so notify the State or local agency in writing and give reasons therefore. The Commission shall, however, notify a State or local agency of the filing of charges for which the State or local agency is not a 706 Agency; for such purposes the State or local agency will be deemed a "Notice Agency".

(f) Because of the large number of State and local fair employment practice agencies, only those agencies which notify the Commission of their qualifications under subsection (c) of this section and request designation as "706 Agencies" or "Notice Agencies" or both will be eligible for such designation. Such notification must be submitted by written request to the Commission's Regional Director in whose region the State or local agency is located. The request shall include the following materials and information:

(1) A copy of the agency's fair employment practices law and any rules, regulations and guidelines of general interpretation issued pursuant thereto.

(2) A chart of the organization of the agency responsible for administering and enforcing said law.

(3) The amount of funds made available to or allocated by the agency for fair employment purposes.

(4) The identity and telephone number of the agency attorney whom the Commission may contact in reference to any legal questions that may arise in the process of its review of the agency's application.

(5) A statement certifying the following:

(i) That the State or political subdivision has a fair employment practice law;

(ii) That such law authorizes the applicant agency or authority to grant or seek relief from employment practices found to be illegal under such law or that it authorizes the agency to institute criminal proceedings;

(iii) That such agency or authority has been established and is operational and processing charges filed under such law.

(g) Where both State and local 706 Agencies exist, the Commission reserves the right to defer to the State 706 Agency only. However, if the Commission determines that it would best serve the purposes of the Act, it may defer to either or both State and local 706 Agencies.

(h) The continued designation of a 706 Agency for certain bases of discrimination will be dependent upon the 706 Agency's continuing operation and ability to grant or seek relief or to institute criminal proceedings with respect to those bases of discrimination.

(i) Commission Determinations: The Commission, after examining the materials and application required in paragraph (f) of this section and after applying criteria outlined in paragraph (c) of this section, shall make a determination.

(1) If the Commission determines that an agency shall be designated as a 706 Agency, it shall notify the agency that it proposes to issue such designation. Such proposed designation shall be published in the FEDERAL REGISTER and shall provide any person or organization not less than 15 days in which to file written comments with the Commission. If after evaluating any comments so received, the Commission is still of the opinion that issuance of the proposed designation as published in the FEDERAL REGISTER is appropriate, it shall effect such designation by issuance and publication of an amendment to paragraph (m) of this section. Thereafter, the procedure in paragraph (b) of this section and § 1601.10 shall be followed for charges in the jurisdiction of the 706 Agency.

(2) If the Commission determines that any agency shall not be designated as a 706 Agency, it shall notify the applicant agency of its decision and such notice shall provide the reason(s) why it purposes not to designate the agency and shall grant it not less than 15 days to request a conference concerning the matter in accordance with paragraph (1) of this section.

(j) Performance Standards: The continued designation of a 706 Agency will be dependent upon the 706 Agency's willingness and ability to administer its law in such a manner that, in fact, the practices prohibited are comparable in scope to those practices prohibited under Federal law and satisfy the performance standards set forth below:

(1) In all cases where the 706 Agency finds cause to credit the allegations of a charge, it shall effectively eliminate the discrimination and, where State or local law allows, provide for full compensatory and prospective relief consistent with applicable Federal law.

(2) In all cases where the 706 Agency enters into a conciliation agreement, consent order, or order after public hearing, it shall include in any such agreement or order mechanisms for monitoring compliance with the terms thereof and mechanisms for enforcing compliance in the event any terms thereof are not implemented.

(k) The Commission may upon its own motion, or upon the motion of a Regional Director of the Commission, withdraw the designation as a 706 Agency previously issued to any agency based upon: (1) Reconsideration of the request and materials and the information referenced in paragraph (f) of this section; or, (2) consideration of the agency's performance as set forth in paragraph (j) of this section. Whenever the Commission has reason to believe that such designation as a 706 Agency no longer serves the interest of effective enforcement of Title VII, it may, after following the procedures below, including the opportunity for a conference provided for in paragraph (l) of this section, withdraw such designation. Before taking such action it shall notify the 706 Agency of its proposed withdrawal of such designation. Such notification shall set forth the reasons for the proposed withdrawal and provide the agency not less than 15 days to submit data, views, and arguments in opposition and to request a conference in accordance with paragraph (l) of this section. Such proposed withdrawal of designation shall also be published in the FEDERAL REGISTER and shall provide any persons or organizations who take an interest at least 15 days in which to file written comments on the proposal with the Commission and to request a conference. If a request for a conference in accordance with paragraph (l) of this section is not received within the time period provided, the Commission shall evaluate any arguments or comments it has received from the agency and from any persons and organizations who take an interest. If, after such evaluation, the Commission still is of the opinion that designation should be withdrawn because it has determined that such designation no longer serves the interest of effective enforcement of Title VII, the Commission shall so notify the Agency. The withdrawal shall be effected by the issuance and publication of an amendment to Paragraph (m) of this section.

(l) In order to provide a State or local agency full opportunity to present its views whenever, pursuant to paragraph (k) of this section, a conference is requested within the time allowed by said section for making such request, the Commission's Director of State and Community Affairs or his or her designee shall hold such a conference. Said conference official shall issue a pre-conference order. The order shall indicate the issues to be resolved and any intial procedural instructions which might be appropriate for the particular conference. It shall fix the date, time, and place of the conference. The date shall not be less than 20 days after the date of the order. The date and place shall be subject to change for good cause.

(1) A copy of such pre-conference order shall be served on the State or local agency. After service of the order or of a notice designating a conference officer, and until such officer submits his or her recommended determination, all communications relating to the subject matter of the conference shall be addressed to him or her. The conference officer shall have authority to regulate the course and conduct of the conference. A transcript shall be made of the proceedings at the conference. The transcript and all comments and petitions relating to the proceedings shall be made available for inspection by interested persons.

(2) The conference officer shall prepare his or her proposed findings and recommended determination, a copy of which shall be served on the agency. Within 20 days after such service the agency may file written exceptions. After the expiration of the period for filing exceptions, the conference officer shall certify the entire record, including his or her proposed findings, and recommended determination and exceptions thereto to the Commission, which shall review the record and issue a final determination.

(3) Such determination shall become effective by the issuance and publication of an amendment to paragraph (m) of this section.

(m) Designated 706 Agencies: The actions of the Commission in designating 706 Agencies, and in withdrawing such designations, from time to time, will be stated in amendments to this paragraph and published in the FEDERAL REGISTER as and when such actions are taken. The designated 706 Agencies are:

Alaska Commission for Human Rights
Baltimore Community Relations Commission
Bloomington Human Rights Commission
Colorado Civil Rights Commission
Connecticut Commission on Human Rights and Opportunities
Dade County Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago Human Relations Commission
Gary Human Relations Commission
Idaho Commission on Human Rights
Illinois Fair Employment Practices Commission
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Kansas Commission on Civil Rights
Kentucky Commission on Human Rights
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minnesota Department on Human Rights
New Hampshire Commission for Human Rights
New Jersey Division on Civil Rights, Department of Law and Public Safety
New York City Commission on Human Rights
New York State Division of Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Oregon Bureau of Labor
Pennsylvania Human Relations Commission
Philadelphia Commission on Human Relations
Seattle Human Rights Commission
South Dakota Human Relations Commission
Tacoma Human Rights Commission
Utah Industrial Commission
Washington State Human Rights Commission
West Virginia Human Rights Commission
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wyoming Fair Employment Practices Commission

The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
Florida Commission on Human Relations
Georgia Governor's Council on Human Relations
Montana Department of Labor and Industry
North Dakota Commission on Labor
Ohio Director of Industrial Relations
South Carolina Human Affairs Commission.

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(Sec. 713(a), 78 Stat. 265 (42 U.S.C. sec. 2000e–12(a)))

This amendment is effective on January 20, 1975.

Signed at Washington, D.C. this 13th day of January 1975.

JOHN J. POWELL, JR.,
Chairman.

[FR Doc.75–1729 Filed 1–17–75;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1811—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEFENSE CIVIL PREPAREDNESS AGENCY

This revision is undertaken in order to update this implementing regulation as to referenced documents, and to delete unnecessary repetition of provisions promulgated by the Department of Defense under 32 CFR Part 300.

Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by revising Part 1811 to read as follows:

Sec.
1811.1 Purpose.
1811.2 Definitions.
1811.3 Applicability.
1811.4 Assurances required.
1811.5 Compliance information.
1811.6 Conduct of investigations.

AUTHORITY: Department of Defense regulation, 32 CFR 300.14, 29 FR 19294, Dec. 31, 1964.

§ 1811.1 Purpose.

(a) The purpose of the regulation in this part is to implement with respect to Federally assisted programs of the Defense Civil Preparedness Agency (a Department of Defense component) the regulation of the Secretary of Defense entitled "Non-Discrimination in Federally Assisted Programs of the Department of Defense—Effectuation of Title VI of the Civil Rights Act of 1964." (32 CFR Part 300). The purpose of the DoD Regulation is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from any component of the Department of Defense.

(b) Pursuant to the DoD Regulation, the Director, DCPA, has been designated by the Assistant Secretary of Defense (Manpower and Reserve Affairs) as a "responsible Department official" responsible for implementing within the Department of Defense the DoD Regulation in connection with the administration of laws extending financial assistance for civil defense purposes.

(c) The DoD Regulation, as amended, has been approved by the President and contains all basic regulatory material necessary for proper effectuation of Title VI. It governs and is applicable to financial assistance programs of the Defense Civil Preparedness Agency and is not republished herein. The DoD Regulation does, however, require responsible Department officials to take certain implementing actions. The Regulation in this part specifies these actions as applicable to DCPA.

§ 1811.2 Definitions.

The terms used herein shall have the meanings ascribed in § 300.2 of the DoD Regulation. In addition, the following terms have the following meanings:

(a) "CPG 1–9" means *Civil Preparedness Guide* issued by DCPA entitled "Nondiscrimination in the Civil Defense Program."

(b) "DCPA" means the Defense Civil Preparedness Agency.

(c) "Director" means the Director, DCPA.

(d) "DoD Regulation" means Department of Defense regulation, 32 CFR Part 300.

(e) "Regional Director" means a Regional Director of DCPA.

§ 1811.3 Applicability.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Director pursuant to delegation or agreement. These programs are listed in CPG 1–9.

§ 1811.4 Assurances required.

(a) Except as provided in paragraph (d) of this section, every applicant for Federal financial assistance (including, without limitation, assistance in the provision of a civil defense facility) to carry out a civil defense program shall execute an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to the DoD Regulation and this part. Execution of this assurance is a condition to approval of any application for Federal financial assistance and of the extension of any assistance thereunder.

(b) The assurance required by paragraph (a) of this section will be on DCPA Form 856. The assurance covers all DCPA Federal financial assistance afforded a recipient. The text is as follows:

Name of Applicant ---------- hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88–352), all requirements imposed by or pursuant to the Regulation of the Department of Defense 32 CFR Part 300 (issued as Department of Defense Directive 5500.11, May 27, 1971) and all requirements of DCPA Regulation 32 CFR Part 1811 issued pursuant to the Department of Defense Regulation to the end that, in accordance with Title VI of that Act, the Department of Defense Regulation and the DCPA Regulation, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Defense Civil Preparedness Agency, (herein called DCPA); and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement. If any personal property or real property, or interest therein, or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by DCPA, or if such assistance is in the form of personal property or real property, or interest therein or structure, thereon, then this assurance shall obligate the Applicant or in the case of any transfer of such property, any transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for the period during which it retains ownership or possession of the property whichever is longer. In all cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by DCPA.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the DCPA, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

(c) Copies of the assurance required by paragraph (a) of this section shall be submitted by an applicant for civil defense Federal financial assistance to DCPA in the manner described in CPG 1–9 and other DCPA guidance material.

(d) Pursuant to the DoD Regulation primary recipients (i.e., States) of assistance under Section 205 of the Federal Civil Defense Act submit Statements of Compliance (including methods of administration) in the manner prescribed in CPG 1–9 and other DCPA guidance material.

(e) The extent to which an assurance will be required of subgrantees, suballocatees, contractors, transferees, successors in interest, and other participants will be specified by the Director in CPG 1–9 and other DCPA guidance material.

(f) Assurances and Statements of Compliance (including methods of administration) submitted to the Office of Civil Defense, Department of the Army (the predecessor to DCPA) in the manner prescribed in regulatory material of that office are considered as submitted to DCPA and need not be resubmitted. An assurance or a Statement of Compliance (including methods of administration), unless withdrawn by the recipient is considered binding for so long as the recipient receives Federal financial assistance from DCPA.

§ 1811.5 Compliance information.

(a) *Compliance reports.* Each recipient shall keep records and submit through the Regional Director, to the Director timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Director may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. The times for submission of such reports, which shall be not less often than annually, and the form therefor shall be specified in CPG 1–9 and in other DCPA guidance material. In general, recipients should have available racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federally assisted programs. In any case where a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations imposed pursuant to this part.

(b) *Access to sources of information.* Each recipient shall permit access by the Director, through the Regional Director or his other authorized representatives, during normal business hours to such of his books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other institution or person and this institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(c) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner as is set forth in CPG 1–9 and in other DCPA guidance material in order that such persons may be appraised of the protections against discrimination assured them by the Act, the DoD Regulation, and this part.

§ 1811.6 Conduct of investigations.

(a) *Periodic compliance reviews.* Regional Directors or their authorized representatives shall conduct compliance reviews of the States and other recipients with such frequency and in such depth as may be prescribed by the Director.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself, or by a representative, file with the Director a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Director.

(c) *Investigations.* The authorized representative of the Director will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination of whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Director will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided in the DoD Regulation.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Director will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall not be disclosed except when necessary to carry out the purposes of this part including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

This revision is effective on January 20, 1975.

(Catalog of Federal Domestic Assistance Program Numbers: 12.300, 12.301, 12.302, 12.305, 12.306, 12.308, 12.309, 12.310, 12.312, 12.314, 12.315, 12.316, 12,319, 12.321, 12.322, 12.324, 12.325)

Dated: January 10, 1975.

JOHN E. DAVIS,
Director, Defense Civil Preparedness Agency.

[FR Doc.75–1701 Filed 1–17–75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Canal Zone Civilian Personnel Policy Coordinating Board

This revision of the regulations expands the membership of the Canal Zone Civilian Personnel Policy Coordinating Board, provides that its chairman shall be designated by the Secretary of the Army and clarifies the Board's role.

Inasmuch as the material contained in this part is a matter relating to agency management and personnel, the provisions of the Administrative Procedure Act (5 USC 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Effective on January 20, 1975, § 253.4 is revised to read as follows:

§ 253.4 Canal Zone Civilian Personnel Policy Coordinating Board.

(a) *Continuation.* The Canal Zone Civilian Personnel Policy Coordinating Board is continued.

(b) *Composition.* The Board shall be composed of a chairman and two other members. The Secretary of the Army shall appoint one member who shall serve as permanent chairman. The Governor and the Commander in Chief will serve as members. The extent to which any member may serve through a representative designated by him will be determined by the Board.

(c) *Functions.* The Board shall:

(1) Perform the functions and exercise the authorities delegated to it by the regulations in this part.

(2) Provide leadership and advice in all aspects of personnel management that are not covered by paragraph (c)(1) of this section to promote uniformity of policies and practices among the Departments to the extent compatible with their separate missions and governing rules.

(2 C.Z.C. 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated January 10, 1975.

HOWARD H. CALLAWAY,
Secretary of the Army.

[FR Doc.75–1700 Filed 1–17–75;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—Successor Authority to the Office of Economic Opportunity

On January 4, 1975, the President signed into law the "Headstart, Economic Opportunity, and Community Partnership Act of 1974". The following policy statement informs grantees of the Office of Economic Opportunity of two provisions in that Act relating to the Community Services Administration as successor authority to the Office of Economic Opportunity.

A new subpart is added to read as follows:

Sec.
1060.5–1 Applicability.
1060.5–2 Background.
1060.5–3 Policy.

AUTHORITY: Sec. 602, 78 Stat. 528 (42 U.S.C. 2942).

§ 1060.5–1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, III–B and VII of the Economic Opportunity Act, as amended, when such assistance is administered by the Office of Economic Opportunity.

§ 1060.5–2 Background.

(a) On January 4, 1975, the President signed into law the "Headstart, Economic

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Opportunity, and Community Partnership Act of 1974" (short title: "Community Services Act of 1974") which established within the executive branch an independent agency known as the "Community Services Administration" which is, in all respects and for all purposes, the successor authority to the Office of Economic Opportunity.

(b) In keeping with its designation as the successor authority the Community Services Act further states that:

All official actions taken by the Director of the Office of Economic Opportunity, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on the date of the enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director. (Section 9(a) of the Community Partnership Act of 1974 amending section 601 of the Economic Opportunity Act of 1964.)

(c) The Community Services Act also states that all references to the Office of Economic Opportunity or to the Director of the Office of Economic Opportunity, in official documents, including regulations, shall be deemed to refer to the Community Services Administration or to its Director. (See legislative reference above.)

§ 1060.5–3 Policy.

(a) All regulations issued by the Office of Economic Opportunity, i.e. OEO Instructions and OEO Notices, listed as current in OEO Instruction 6000–2, Change 2, December 1, 1974, Subj: Applicability of Directives, for which authority exists under the Community Services Act of 1974, remain in force and are deemed to be the policy statements of the Community Services Administration until superseded, rescinded, or changed.

(b) All grant-making documents, including General and Special Conditions, continue to be legal commitments between the grantee and the Office of Economic Opportunity's successor agency, the Community Services Administration.

Effective date: Immediately.

BERT A. GALLEGOS,
Director,
Community Services Administration.

[FR Doc.75–1716 Filed 1–17–75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 334, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 10–16, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 334 (40 FR 1704). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (iii) of § 907.634 (Navel Orange Regulation 334) (40 FR 1704) are hereby amended to read as follows:

§ 907.634 Navel Orange Regulation 334.

* * * * *

(b) *Order.* (1) * * *.

(i) District 1: 921,000 cartons;

(iii) District 3: 29,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: January 15, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1715 Filed 1–17–75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 139; Docket No. AO–374–A3]

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lake Mead marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1975. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area. The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued January 10, 1975. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1975, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553 (d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Lake Mead Marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as follows:

Revise § 1139.50(a) to read as follows:

§ 1139.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1975.

Signed at Washington, D.C., on January 15, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–1778 Filed 1–17–75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55 (Sub-No. 11)]

PART 1001—INSPECTION OF RECORDS

Implementation of Recent Amendments to the Freedom of Information Act

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of January, 1975.

It is ordered, That based on the reasons set forth in the attached notice, Part 1001, Subchapter A, Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as set forth in the attached notice.

It is further ordered, That this order shall become effective on February 19, 1975.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

By order and notice dated January 6, 1975, and published in the FEDERAL REGISTER on January 9, 1975, (40 FR 1718), the Interstate Commerce Commission proposed the modification of 49 CFR 1001.4 (as set forth below) in order to properly implement recent amendments to the Freedom of Information Act. The prior notice requested interested persons to file data, views, or arguments with this Commission on or before January 15, 1975. Comments have been jointly filed by Leonard A. Jaskiewicz and Robert L. Cope. These attorneys would have us repeat each relevant phrase in the statute in our regulation. This is an unnecessary task. This Commission must and it will comply with the recent Freedom of Information Act amendments; the regulation modification adopted herein merely implements that statute. Certain of the constructive comments of these attorneys have been incorporated into the modified regulation below.

The existing regulation provides that requests to inspect records other than those now deemed to be of a public nature shall be addressed to the Secretary (49 CFR 1001.4). The adopted modification would require the Secretary to decide within 10 days (except Saturdays, Sundays, and legal public holidays) whether a requested record could be made available and would require the Secretary to inform a requesting party in writing of any refusal to provide information with a detailed explanation of why the requested records cannot be made available. If the Secretary rules that records cannot be made available (see 5 U.S.C. 552(a)(3) which provides for exemptions to the Freedom of Information Act), then the existing regulation provides for an appeal to the Chairman whose decision shall be administratively final. The adopted modification would require the filing of such an appeal within 30 days of the date of the Secretary's denial letter and would also require the Chairman to render a decision within 20 days (except Saturdays, Sundays, and legal public holidays) of receipt of any appeal. The Chairman would issue an order explaining the reasons for his decision.

Because this Commission desires to make information readily available to the public, we have waived our right to charge a fee for requests for information. We will, however, be required to continue our practice of charging 25 cents a page to xerox records (49 CFR 1002.1(e)).

(Secs. 552, 553, 559, Administrative Procedure Act (5 U.S.C. 552, 553, and 59))

Issued in Washington, D.C., January 16, 1975.

Accordingly, this action modifies 49 CFR 1001.4 so that it reads as follows:

§ 1001.4 Requests to inspect other records not considered public under 5 U.S.C. 552.

Requests to inspect records other than those now deemed to be of a public nature shall be in writing and addressed to the Secretary. The Secretary shall determine within 10 days of receipt of a request (excepting Saturdays, Sundays, and legal public holidays) whether a requested record will be made available. If the Secretary determines that a request cannot be honored, he must inform the requesting party in writing of this decision and such letter shall contain a detailed explanation of why the requested material cannot be made available and explain to the requesting party his right of appeal. If the Secretary rules that such records cannot be made available because they are exempt under the provisions of 5 U.S.C. 552(a)(3) (sec. 1, 81 Stat. 54), appeal from such ruling may be addressed to the Chairman whose decision shial be administratively final stating specifically the exemption(s) contained in 5 U.S.C. 552(b) relied upon for denial. Such an appeal must be filed within 30 days of the date of the Secretary's letter. The Chairman shall formally act on such appeals within 20 days (excepting Saturdays, Sundays, and legal public holidays) of receipt of any appeal. In the unusual circumstances, as set forth in 5 U.S.C. 552(a)(6)(B), the time limit may be extended, by written notice to the person making the particicular request setting forth the reasons for such extension, for no more than 10 working days. If the appeal is denied, the Chairman's order shall notify the requesting party of his right to judicial review.

[FR Doc.75–1910 Filed 1–17–75;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 293 (Sub-No. 2)]

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Correction

In FR Doc. 75–170 appearing at page 1624 in the issue for Wednesday, January 8, 1975, make the following corrections:

1. On page 1624, in the second paragraph of column 1, the following should

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be inserted to complete the last line: "on the system".

2. On page 1625 in the first paragraph of column 2, the 4th line should be deleted and the following be inserted: "available. The tests revealed that in cer-".

3. On page 1631 in the Authority cite of column 1, "Pub. L. 92–236" should read, "Pub. L. 93–236".

4. On page 1632, in § 1125.3 (c)(4), eleven lines from the end, "accounts 372 and 401" should read "accounts 392 and 401".

5. On page 1632, in § 1125.4 (b), "passenger car-miles" in lines 7 & 8 should read "passenger-miles".

6. On page 1634, the second line of § 1125.5 (j)(1) should be deleted and the following be inserted: "calculated by averaging the railroad's".

7. On page 1635 the first two lines of § 1125.8(d), appearing at the top of column 3, are inverted and should read, "A notice of intent to discontinue service, pursuant to section 304(a)(2)".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

GRAIN STANDARDS

Miscellaneous Amendments; Extension of Comment Period

On December 4, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 42226) to amend certain sections of the regulations under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*).

On December 27, 1974, a supplemental notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 44763) further amending certain sections of the December 4, 1974, publication and establishing February 3, 1975, as the final date for filing written data, views, or arguments with respect to both the December 4, 1974, and December 27, 1974, publications.

A trade group requested an extension of the time to submit written data, views, or arguments. In view of the request, notice is hereby given that the period for filing written data, views, or arguments with respect to both the December 4, 1974, and December 27, 1974, publications in the FEDERAL REGISTER is extended to March 7, 1975.

Opportunity is hereby afforded all interested parties to submit written data, views, or arguments with respect to the proposals to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 7, 1975. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Consideration will be given to the written data, views, or arguments received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to the proposals.

Done in Washington, D.C., on: January 15, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75–1780 Filed 1–17–75;8:45 am]

[7 CFR Part 52]

CANNED GRAPEFRUIT AND ORANGE FOR SALAD

Proposed Grade Standards; Extension of Comment Period

This notice extends the period for comments to the notice, published December 16, 1974 (39 FR 43551), proposing the revision of the United States Standards for Grades of Canned Grapefruit and Orange for Salad.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different marketing levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover cost of such services.

The proposed rulemaking was published at the request of the Florida Canners Association, representing all of the processors of canned grapefruit and orange for salad, to revise the current U.S. Standards for Grades of Canned Grapefruit and Orange for Salad, to conform as nearly as practicable, to the U.S. Standards for Grades of Canned Grapefruit.

The U.S. Standards for Grades of Canned Grapefruit were revised effective October 25, 1973, to overcome problems associated with mechanized segmenting and filling operations. Based upon acceptance of the revised canned grapefruit standards, and the congeneric relationship of canned grapefruit and canned grapefruit and orange for salad, the Florida Canners Association requested the USDA to bring the current U.S. standards in line with present industry operations.

The proposed revision of the U.S. Standards for Grades of Canned Grapefruit and Orange for Salad made the following changes:

(1) Eliminated drained weight as a scoring factor of quality.

(2) Lowered the recommended minimum drained weight from 56.25 percent of the water capacity of the container to 53 percent.

(3) Lowered the minimum percent of practically whole segments in grade A from 75 percent to 65 percent.

(4) Changed the criteria for the factor of character to eliminate the restriction on loose floating cells.

(5) Provided for the addition of orange juice as a liquid packing medium.

Other changes made in the proposed revision and consistent with current practice in the U.S. standards are as follows:

(1) Brix determination may be forced by comminuting as an alternative to waiting 15 days or more after packing the canned fruit.

(2) Score points are realigned to 25 points for each scorable factor.

(3) "Allowances for Defects" are tabulated.

A request for an extension of time was submitted by the Office of the Governor of the State of Illinois. The request indicated that additional time is necessary to enable the consumers in the State of Illinois to submit comments to the Department for consideration in connection with the proposed revision.

It is determined that due to the heavy flow of mail during the month of December, 1974, many consumers may have experienced difficulty in receiving prompt notice of the proposed rulemaking. Too, many consumers were involved in traditional holiday activities and may have missed notification of the proposed rulemaking.

It is determined that a reasonable extension of the comment closing date is consistent with the Department's policy to give adequate time for consumers to comment on each notice of proposed rulemaking to revise the U.S. standards. The comment period is hereby extended to March 1, 1975.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than March 1, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 14, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75–1657 Filed 1–17–75;8:45 am]

[7 CFR Part 52]

CANNED GRAPEFRUIT AND ORANGE FOR SALAD

Proposed Grade Standards

Correction

In FR Doc. 74–29068 appearing at page 43551 in the issue of Monday, December 16, 1974, make the following changes:

1. In Table III to § 52.1261 (page 43553) the entires for "Albedo and tough membrane", "1 in²", "½ in²", "2 in²", "1 in²", "5 in²" and "4 in²", should read "1 square inch", "½ square inch", "2 square inches", "1 square inch", "5 square inches" and "4 square inches" respectively.

2. In Table IV to § 52.1261 (page 43554), the entries for "Albedo and tough membrane", now reading "1½ in²", "¾ in²", "3 in²", "2 in²", "7½ in²" and "6 in²" should read "1½ square inches", "¾

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square inches", "3 square inches", "2 square inches", "7½ square inches", and "6 square inches" respectively.

[7 CFR Part 1139]

[Docket No. AO–374–A3]

MILK IN THE LAKE MEAD MARKETING AREA

Notice of Extension of Time for Filing Briefs

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held December 10–12, 1974, at Las Vegas, Nevada, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lake Mead marketing area pursuant to notices issued October 9, October 22, and November 15, 1974 (39 FR 36861, 37991, and 40861, respectively) is hereby extended to January 31, 1975, except with respect to briefs, proposed findings and conclusions on proposed Class I pricing after February 1, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C. on: January 14, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75–1777 Filed 1–17–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 50]

PUBLIC HEALTH SERVICE HEALTH SERVICES DELIVERY PROGRAMS

Maximum Allowable Cost for Drugs

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart E, entitled "Maximum Allowable Cost for Drugs", to Part 50 of Title 42, Code of Federal Regulations. In the November 15, 1974, issue of the FEDERAL REGISTER, the Secretary proposes to establish a Pharmaceutical Reimbursement Board, which would be responsible for establishing a list of multiple source drugs and their Maximum Allowable Cost (39 FR 40302). The proposed new Subpart E of Part 50 would provide that the maximum amount of program funds (i.e., Federal funds and non-Federal funds required to be expended as a condition to receiving such Federal funds) which may be expended for the purchase of any drug under any health services delivery program covered by Subpart E shall be the lesser of (1) the Maximum Allowable Cost established by the Secretary for such drug or (2) the actual acquisition cost plus 25 percent of the amount, if any, by which the Maximum Allowable Cost for such drug exceeds the acquisition cost, plus, in certain circumstances, a reasonable dispensing fee. It should be noted that the proposed regulations would not prohibit recipients of Federal funds from purchasing drugs at costs in excess of the maximum as so determined; rather, they would bar the expenditure from program funds of amounts in excess of such cost.

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed regulations to the Hearing Clerk, Food and Drug Administration, Room 4–65, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, on or before March 21, 1975. All comments received in response to this Notice will be available in the above-named office during regular business hours.

It is therefore proposed to amend 42 CFR Part 50 by the addition of a new Subpart E, as set out below.

Dated: January 3, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: January 13, 1975.

CASPAR W. WEINBERGER,
Secretary.

Subpart E—Maximum Allowable Cost for Drugs

Sec.
50.501 Applicability.
50.502 Definitions.
50.503 Policy.
50.504 Limitation to maximum allowable cost of drugs.

AUTHORITY: Secs. 215, 58 Stat. 690, as amended (42 U.S.C. 216).

Subpart E—Maximum Allowable Cost for Drugs

§ 50.501 Applicability.

This subpart is applicable to programs or projects for health services which are supported in whole or in part by Federal financial assistance, whether by grant or contract, administered by the Public Health Service. It applies to Federal funds and to non-Federal funds which are required to be expended as a condition to receiving Federal funds under such programs or projects.

§ 50.502 Definitions.

As used in this subpart:

(a) "Public Health Service" means the Office of the Assistant Secretary for Health, Health Services Administration, Health Resources Administration, National Institutes of Health, Center for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Food and Drug Administration, and all of their constituent agencies.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Program funds" means (1) Federal funds provided through grant or contract to support a program or project covered by § 50.501, and (2) any non-Federal funds that are required as a condition of such grant or contract to be expended to carry out such program or project.

(d) "Actual acquisition cost" when applied to a drug means the cost of the product to the provider less any quantity, trade, and promotional discounts and allowances except cash discounts not in excess of two percent of cost. It may include warehousing and other distributional costs incurred by a provider who maintains a warehouse separate from his retail place of business. In no case shall the claimed acquisition cost be greater than the lowest cost which would have been incurred if the product had been obtained through a wholesaler.

§ 50.503 Policy.

It is the policy of the Secretary that program funds which are utilized for the acquisition of drugs be expended in the most economical manner feasible. In furtherance of this policy, the Secretary has established, in 45 CFR Part 19, a procedure for determining the Maximum Allowable Cost for drugs which are purchased with program funds.

§ 50.504 Allowable cost of drugs.

(a) The maximum amount which may be expended from program funds for the acquisition of any drug shall be the sum of

(1) the cost of such drug as determined pursuant to paragraph (b) of this section, and

(2) a dispensing fee determined by the Secretary to be reasonable, taking into account (i) cost components such as overhead, professional services, and profit, and (ii) payment practices of third-party payment organizations, including other Federal programs such as titles XVIII and XIX of the Social Security Act: *Provided*, That where the charge for drug dispensing is included in other costs allowable under the applicable program statute and regulations, the terms and conditions of the grant or contract, and the applicable cost principles prescribed in 45 CFR Part 74, no separate dispensing fee will be recognized.

(b) For purposes of this section, the cost of any drug shall be determined as follows:

(1) With respect to any drug for which a Maximum Allowable Cost has been established in accordance with 45 CFR Part 19, the cost shall be the lesser of (i) such Maximum Allowable Cost or (ii) the actual acquisition cost plus 25 percent of the amount, if any, by which such Maximum Allowable Cost exceeds such acquisition cost: *Provided*, That, with respect to any drug prescribed for a patient which his physician has certified in writing is the only brand of that drug which the patient can tolerate or which will be effective for him, the allowable cost shall be the actual acquisition cost.

(2) With respect to any drug for which no Maximum Allowable Cost has been established in accordance with 45 CFR Part 19, the cost shall be the actual acquisition cost.

[FR Doc.75–1648 Filed 1–17–75; 8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Allowable Cost for Drugs

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to the regulations set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. This proposed amendment to Subpart D of Regulations No. 5 of the Social Security Administration (20 CFR Part 405) would provide that the allowable cost for any drug that is a multiple-source product, may not exceed the cost that would have been incurred if obtained from the lowest-priced source which is widely and consistently available (whether sold by generic or trade name) or the maximum allowable cost established by the Department, consistent with regualtions on the "Maximum Allowable Cost for Drugs" (45 CFR Part 19), proposed by the Secretary of Health, Education, and Welfare and published in the FEDERAL REGISTER on November 15, 1974 (39 FR 40302).

A list of multiple-source drug products and their maximum allowable costs, and periodic revisions of such list, would be published in the Federal Register. This limitation would not be applied to an individual drug product until that particular drug has appeared on the list.

For purposes of reimbursement to providers under the Medicare program, the allowable cost for a multiple-source drug could not exceed the lesser of (1) the amount which would be paid by a prudent and cost-conscious provider if obtained from the lowest-priced source which is widely and consistently available (whether sold by generic or trade name), or (2) the applicable maximum allowable cost for such drug. The drug-ingredient costs incurred in the purchase of multiple-source drugs which are in excess of such allowable cost that would have been incurred in purchasing multiple-source products would be disallowed. The cost of drugs not appearing on the list would also be evaluated by intermediaries so that the allowable cost of such drugs does not exceed what a prudent and cost-conscious buyer would pay for the given drug products.

It is recognized that providers purchase drugs from manufacturers, wholesalers, or retail pharmacies, or from a combination of these sources. Therefore, in determining what a prudent and cost-conscious provider would pay for the lowest-priced, multiple-source product widely and consistently available, the cost of the drugs specified in the list would be evaluated in terms of the similar quantities and the similar purchasing arrangements at which the drug products were, in fact, purchased. The effectiveness of the purchasing practices of providers would be reviewed periodically to determine compliance with provisions of this regulation. Based on these reviews, the Social Security Administration would continue to evaluate the necessity for establishment of more extensive guidelines, at the same time avoiding burdensome recordkeeping requirements for providers where no significant savings would accrue to the Medicare program.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 21, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is issued under the authority contained in sections 1102, 1861(v)(1)(A), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395x(v)(1)(A) and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 26, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 13, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising § 405.433 to read as follows:

§ 405.433 Determining allowable cost for drugs.

(a) *Principle.* (1) The allowable cost for any multiple-source drug product (as described in paragraph (b)(1) of this section) may not exceed the lesser of:

(i) The actual cost;

(ii) The amount which would be paid by the prudent and cost-conscious provider for such drug if obtained from the lowest-priced source that is widely and consistently available (whether sold by generic or trade name), or

(iii) The "maximum allowable cost."

(2) The allowable cost for any other drug product may not exceed what a prudent and cost-conscious buyer would pay for that particular drug product.

(b) *Application.*—(1) *Multiple-source drug products.* (i) The Department of Health, Education, and Welfare will publish in the FEDERAL REGISTER, from time to time, a list of specific multiple-source drug products and their "maximum allowable cost" limitations. (See 45 CFR Part 19.) For these drug products, the allowable cost (see §§ 405.402 and 405.403) may not exceed the drug-ingredient costs incurred in purchasing such drug products that would be paid by a prudent and cost-conscious provider for such drug products if obtained from the lowest-priced source that is widely and consistently available (whether sold by generic or trade name); except that the drug-ingredient cost incurred in purchasing such drug products may, in no case, exceed the maximum allowable cost published in the FEDERAL REGISTER.

(ii) The provisions of this paragraph (b)(1) are applicable to those multiple-source drug products purchased by providers on or after the first day of the second month following the month in which such drug product appears in such list in the FEDERAL REGISTER. Similarly, an amendment to a maximum allowable cost limitation for a drug product is applicable to purchases of such drug product by providers on or after the first day of the second month following the month in which such amendment is published in the FEDERAL REGISTER.

(2) *Other drug products.* For drug products other than those described in paragraph (b)(1) of this section, the allowable cost (see §§ 405.402 and 405.403) may not exceed what a prudent and cost-conscious buyer would pay for that particular drug product.

(3) *Evaluation.* The cost of any drug products will be evaluated in terms of the quantities and purchasing arrangements at which the drug products were, in fact, purchased.

(c) *Exception.* Where a physician certifies that only a specific brand of drug can be tolerated by, or is effective for, a particular patient, the provisions of this section shall not apply. However, the physician must signify in writing the medical justification for the exception and the provider must retain such certification in its records.

(d) *Appeals.* A provider may appeal the amount of reimbursement determined under this section (see Subpart R of this part) except that it may not appeal under Subpart R of this part:

(1) The inclusion of any multiple-source drug products on the published listing, or

(2) The established maximum allowable cost for any drug product.

[FR Doc.75–1645 Filed 1–17–75;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 73]

[Airspace Docket No. 74-SO-99]

TEMPORARY ALTERATION OF FEDERAL AIRWAY AND DESIGNATION OF TEMPORARY RESTRICTED AREAS

Supplemental Notice of Proposed Rulemaking

Correction

In FR Doc. 75-663 appearing at page 1518 in the issue of Wednesday, January 8, 1975, the Airspace Docket number in brackets should read as set forth above.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

Pursuant to § 1601.12(i), Title 29, Chapter XIV to the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, published at page 3209 in this issue, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as "706 Agencies" (§ 1601.12(c)). There are three (3) purposes for such designation: First, that the agencies receive charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; Second, that the Commission accord "substantial weight" to the final findings and orders of those agencies pursuant to § 1601.19B(e); and, Third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1). At the expiration of the 15-day period, the Commission may effect designation of each of the agencies by publishing the list of them as an amendment to § 1601.12(m). Additions to the list may be made by the Commission by similar notice and publication. The proposed "706 Agencies" are as follows:

Arizona Civil Rights Division
California Fair Employment Practices Commission
Montana Commission for Human Rights
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
Omaha Human Relations Department
Springfield (Ohio) Human Relations Department
Virgin Islands Department of Labor
Wichita Commission on Civil Rights

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. 2000e-12(a)))

Written comments pursuant to this notice must be filed with the Commission on or before February 10, 1975.

Signed at Washington, D.C. this 13th day of January 1975.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.75-1731 Filed 1-17-75;8:45 am]

NATIONAL LABOR RELATIONS BOARD

[29 CFR Part 103]

DOCUMENT SEARCH AND DUPLICATION

Schedule of Fees

Correction

In FR Doc. 75-1184 appearing at page 2591 of the issue for Tuesday, January 14, 1975, in paragraph (a)(3) on page 2592 the dimensions "8½ X 4" should read "8½ X 14".

POSTAL SERVICE

[39 CFR Part 262]

FREEDOM OF INFORMATION

Schedule of Fees

Pursuant to Pub. L. 93-502, enacted November 21, 1974, notice is hereby given of a proposed amendment to the Postal Service regulations which establish the fees to be charged for retrieval and reproduction of records requested by members of the public. The proposed amendment would revise the fees schedule to conform to the criteria set forth in section 552(a)(4) of title 5, United States Code, as amended by Pub. L. 93-502. In addition it would establish more detailed procedures for the payment and waiver of fees, elaborating and in some instances modifying, existing procedures.

The fee per quarter hour for searching for records by clerical personnel is to be increased from $2.00 to $2.25. No charge is to be made for search time, however, if less than one quarter hour is spent in such a search by clerical personnel. Heretofore a minimum fee of $8.00 has been charged for the first hour or any portion thereof. A newly established rate of $2.75 per quarter hour is to be charged for searches performed by managerial or professional personnel. This is intended to apply to searches for documents which are not self-identifying and which must be located by persons with professional training or particular skills or experience not required of clerical personnel.

The fee for computer searches is to consist of a charge for a computer analyst's time at the non-clerical search rate and the costs of the computer functions actually utilized. The hourly rates for the various functions are listed in Appendix A. We have concluded that fairness to persons whose requests require computer searches calls for the development of as refined a standard schedule of charges as is feasible, in view of the widely varying costs involved in performing various computer functions.

Manual search and reproduction fees are specifically made applicable to micographic systems, such as microfilm.

The per-page fee for the reproduction of records and publications is to be reduced from $0.25 to $0.10. Because of the general waiver of fees aggregating less than $3.00, the minimum fee provision for reproduction has been eliminated. In view of the large number and the great differences in size and circumstances among post offices and other postal facilities at which records may be maintained, the proposed amendment would continue to provide possible alternatives to the copying of records by the Postal Service. In addition to authorizing the use of coin-operated copy machines upon which requestors can make copies at their own expense, the proposed amendment would authorize custodians, in appropriate instances, to permit the copying of records at locations other than the office or facility at which they are maintained. It is contemplated that off-site copying would be permitted only in those instances in which the records, if lost, could be replaced without inconvenience to the Postal Service. Provision would also be made, because of such possibilities as the lack of adequate copying capability or the shortage of personnel for extensive copying tasks, for the substitution of the opportunity for the inspection of the records, under reasonable conditions, rather than the furnishing of copies of them, even though copies may be requested.

The proposed amendment would continue special treatment for change of address orders filed by Postal Service customers. This material has been made available to the public on request since 1967, although since section 410(c) of title 39, United States Code, became effective in 1971, disclosure of the addresses of postal customers has not been required by statute. Since the disclosure of these records by the Postal Service is voluntary and for the convenience of the public rather than required by the Freedom of Information Act as amended, it is considered that the uniform fee schedule requirement of Pub. L. 93-502 are not applicable. It has been the experience of the Postal Service that most requests for change of address information have been made by commercial firms, such as credit bureaus, presumably for business purposes, rather than by individuals. It seems appropriate, therefore, not to waive the fees now charged to ensure full recovery of the costs incurred by the Postal Service in providing this service. At the same time the charging of a single flat fee to cover the costs of search and reproduction of this information provides predictability and uniformity for this discrete service. Accordingly, it is proposed to continue the present fee of $1.00 per change of address, pending development of additional data upon which a revision of the fee might be based.

Provisions relating to advance notice, payment and waiver of fees would be

significantly expended. The requestor would be expressly made liable for fees resulting from services performed in responding to his request, whether records are made available to him or not. The potential harshness of this principle would largely be relieved, however, by a general waiver of fees if none of the requested records is located or if all are withheld as exempt, and also by provision for notice to the requestor of fees estimated to exceed $25.00. If, however, after the requestor had been notified that fees in excess of $25.00 might be incurred and also that it could not be determined in advance whether any records would be made available, the fees for search time could be charged even though no records were made available. If it were to be estimated that fees in excess of $100.00 would be incurred, an advance deposit of 50 percent of the estimated fees would be required.

Accommodating the interest of members of the public in not unwittingly incurring substantial fees while meeting the deadlines for response which the 1974 amendments establish has posed a potential problem. We have sought to solve this problem by treating $25.00 as a general upper limit of liability unless the requestor is notified that greater charges are likely to be involved in responding to his request. If higher fees are anticipated, the performance of services which would incur them would not be undertaken without the requestor's approval, and the request would not be deemed received until the approval is given after notice.

The requestor could avoid any risk of delay inherent in this arrangement, however, by stating in his initial request that whatever cost is involved would be acceptable or would be acceptable up to a specified limit. When an advance deposit is required, it is contemplated that determination of the availability of the requested records would not be delayed to await the deposit unless search costs in excess of $25.00 would have to be incurred before the determination could be made.

Fees amounting in the aggregate to less than $3.00 for a single request or series of related requests would be waived and, as noted above, fees would normally be waived when no records were made available. Any custodian would have authority to waive fees of up to $25.00 if he should determine, in accordance with guidelines established by the General Counsel, that the furnishing of records would be primarily for the benefit of the general public, rather than that of the requestor individually, or if charging the fee would impose an undue hardship or inconvenience upon the requestor or an unwaranted further expense for the Postal Service. Fees in excess of $25.00 could be waived by any of the Officers of the Postal Service, e.g., the General Counsel, Assistant Postmasters General, Regional Postmasters General, or their designees.

Interested persons may comment upon the proposed amendment by submitting written data, views and arguments to the General Counsel, United States Postal Service, Washington, D.C. 20260, Attention: Legal Affairs Office. All comments received by Monday, February 3, 1975, will be considered prior to final action by the Postal Service on the proposed amendment. This relatively short period for the receipt of comments is necessitated by the fact that the statutory amendments which the proposed amendment to the regulations is intended to implement are due to become effective on February 19, 1975, and the fact that the regulations as adopted must be distributed to more than 30,000 post offices and other postal facilities. The Postal Service will consider comments received after the February 3, 1975, deadline to the extent practicable before publishing the regulations, prior to February 19, 1975, and in connection with amendments to the regulations in the future.

Accordingly, the Postal Service proposes the following amendment: In 39 CFR Part 262, § 262.7 is revised to read as follows:

§ 262.7 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit the furnishing of records to members of the public in conformity with the Freedom of Information Act, as amended, while covering the direct costs incurred by the Postal Service.

(b) *Record retrieval.* (1) The fee for each quarter hour spent by clerical personnel in searching for records other than by computer is $2.25. If no more than one quarter hour of clerical search time is required in connection with a request or a series of related requests, no charge for search time shall be made.

(2) When a search cannot be performed by clerical personnel and must be performed by professional or managerial personnel, the fee for each quarter hour in searching for records other than by computer is $2.75 for each quarter hour.

(3) The fee for retrieving data by computer is $2.75 for each quarter hour for analyst time, plus the actual computer charges as calculated in accordance with the Information Services Price List. (See appendix A)

(4) Paragraphs (b)(1), (b)(2), and (c) of this section also apply to information stored within micrographic systems.

(c) *Reproduction.* (1) The fee for reproducing any record or publication, other than a change of address order, is $.10 per page. The reproduction fee is in addition to any fee authorized by paragraph (b) of this section for the retrieval of the same records. The per-page fee is charged for each duplicate copy of computer output.

(2) The Postal Service may at its discretion make coin-operated copy machines available at any location or otherwise give the requestor the opportunity to make copies of Postal Service records at his own expense. Unless authorized by the Records Officer, however, no off-site copying shall be permitted of records which, if lost, could not be replaced without inconvenience to the Postal Service.

(3) The Postal Service will not normally furnish more than one copy of any record. If duplicate copies are furnished at the request of the requestor, the per-page fee shall be charged for each copy of each page. At his discretion, when it is reasonably necessary because of a lack of adequate copying facilities or other circumstances, the custodian may make the requested record available to the requestor for inspection under reasonable conditions and need not furnish a copy thereof.

(d) *Other costs*—(1) *Other charges.* When a response to a request requires services or materials other than the common ones listed in paragraphs (b) and (c) of this section, the direct cost of such services or materials to the Postal Service may be charged, but only if the requestor has been notified of the nature and estimated amount of such cost before it is incurred.

(2) *Change of address orders.* Although change of address information is not required by the Freedom of Information Act to be made available to the public, the fee for obtaining this information is included in this section as a matter of convenience to the public. The fee for searching for and reproducing change of address orders is $1.00 per change of address. The fee is not refundable.

(e) *Payment and Waiver of Fees*—(1) *Liability and payment.* The requestor is responsible, subject to limitations on liability provided by this section, for the payment of all fees for services resulting from his request, whether or not any of the requested records are made available to him. Payment shall be made before any record is made available or any copy is furnished unless payment is waived or deferred pursuant to paragraphs (e)(4) and (5) of this section. Checks in payment of fees shall be made payable to "United States Postal Service."

(2) *Advance notice.* To protect members of the public from unwittingly incurring liability for unexpectedly large fees, a request that is expected to result in fees in excess of $25.00 will be deemed not to have been received until the requestor is notified (promptly upon physical receipt of the request) of the estimated cost and agrees to bear it. No such notification is required if the request specifically states that whatever cost is involved is acceptable or is acceptable up to a specified amount that covers estimated costs or if payment of all fees in excess of $25.00 has been waived.

(3) *Advance deposits.* When it is estimated that the fees chargeable under this section will amount to more than $100.00, an advance deposit of not less than 50 percent of estimated fees shall be required, unless the payment of fees in excess of $100.00 has been waived. The deposit should be made within 5 working days of receipt by the requestor of notice of the requirement. The determination of the availability of the records sought

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by the requestor shall not be delayed to await this deposit, if such determination will involve search charges of less than $25.00. In other cases, however, the determination of the availability of the records shall be delayed to await the deposit and the request will not be deemed to have been received until the deposit is received.

(4) *Waiver of fees where records are not disclosed.* Ordinarily, fees shall not be charged if the requested records are not found, or if all of the records located are withheld as exempt. However, if the time spent in searching for the requested record would warrant charges in excess of $25.00 and if the requestor has been notified of the estimated cost either pursuant to paragraph (e)(2) of this section or in a separate notification, and has been specifically advised that it cannot be determined in advance whether any records will be made available and that he may be responsible for search fees even though no records are made available, search fees may be charged.

(5) *Fees not charged for certain services.* Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3.00. This general waiver shall not apply to the fee for providing change of address information.

(6) *Waiver of fees by custodian.* The custodian may waive, in whole or in part, a fee not in excess of $25.00 or the requirement for the advance payment of such a fee, when he determines, in accordance with guidelines established by the General Counsel, that the furnishing of the records is primarily for the benefit of the general public, or that charging the fee otherwise required would impose an undue hardship or inconvenience on the person making the request or would cause the Postal Service to incur costs not adequately compensated by the amount of the fees involved. If the custodian determines that waiver is appropriate, but the amount of the fee or the deposit is in excess of his authority to waive, he shall promptly submit a recommendation for such a waiver to the Officer exercising jurisdiction over his post office or facility or to the General Counsel. Until the Officer has acted on the recommendation, the custodian shall require any advance deposit or advance payment otherwise warranted by this section to be made but shall inform the requestor that waiver is under consideration and may defer any action requiring deposit or payment, if desired by the requestor, until waiver has been granted or denied.

~~(7)~~ *Waiver by officer.* Any Officer of the Postal Service, as defined in § 221.7 of this chapter, or his designee, may waive in whole or in part any fee required by this part or the requirement for advance payment or advance deposit of any fee.

(8) *Waiver of fee for changes of address.* The fee prescribed by paragraph (d) of this section is waived in the following circumstances for providing change of address information for:

(i) Telegraph companies when the sender of the telegram is the U.S. Government.

(ii) Federal, state, and local public health officials when the persons being sought are infected with or exposed to contagious diseases.

(iii) Federal, state, and local government agencies, upon certification that the change of address is required for the performance of their duties, and all other known sources for obtaining the change of address have been exhausted.

(iv) Postage meter manufacturers when they are attempting to locate a missing meter.

(f) *Accounting for fees.* Custodians shall account for fees paid in accordance with this section as follows:

(1) Deposit fees received as postal funds. Record the amounts collected as write-in entries to A/C 49299, Miscellaneous. Other than U.S. Government Agencies, in the cashbook and statement of account. Record the manner paid, the amount received, and the number of hours used to compile lists or prepare copies of other records released on the request for this information. Attach written replies to the customer's request stating the number of hours required to prepare information and the amount to be charged in lieu of the above notation. File materials chronologically.

(2) Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in paragraph (b)(3) of this section, plus the fees covered in paragraphs (b)(1) and (2), (c) and (d) of this section will enter the fees in A/C 40990, Miscellaneous; ADPC complexes will enter in A/C 49299, Miscellaneous, Other than U.S. Government Agencies. Other installations will enter all fees deposited in A/C 40990.

(39 U.S.C. 401; 5 U.S.C. 552(a)(4)(A))

ROGER P. CRAIG,
Deputy General Counsel.

APPENDIX A—INFORMATION SERVICES PRICE LIST

SYSTEM UTILIZATION CHARGES

Processor Utilization S/360 Model 65, $150.00/Process Hour.
Selector Channel Utilization, $52.40/Channel Hour.
Multiplexor Channel Utilization, $18.52/Channel Hour.

SYSTEM OCCUPANCY CHARGES

Processor Storage, $0.53/K/Occupancy Hour.
Extended Core Storage, $0.24/K/Occupancy Hour.
2314 Disk, $22.38/Occupancy Hour.
2400 Tape Drive, $14.50/Occupancy Hour.
1288 Scanner, $48.44/Occupancy Hour.
3330 Disk, $9.12/Occupancy Hour.

SYSTEM SPOOLING CHARGES

Local Card Reading, $0.17/1,000 Cards.
Remote Card Reading, $0.17/1,000 Cards.
Local Printing, $0.20/1,000 Lines.
Remote Printing, $0.20/1,000 Lines.
Local Punching, $0.51/1,000 Cards.
Remote Punching, $0.51/1,000 Cards.

PERIPHERAL CHARGES

AMUS Support, $4,850.00 Per A/P.
H-1200 Processing, $67.25 Hours.
Optical Scanning, $40.00 Hours.
Keypunch, $3.80 100 Cards.
Xerox, $2.63 Per 100 CPY.
Terminal Rental, $150.00 Terminal.
RJE Terminal, $2,300.00 Terminal.
RJE Terminal (Secaucus), $3,120.00 Terminal.
APL Service, $150.00 Terminal.
Programming Support, $19.60 Hours.
Programming Support O/T, $29.40 Hours.
Systems Analysis Support, $22.50 Hours.
Systems Analysis Support O/T, $33.75 Hours.
Education Services, Cost Per Student.
Data Transmission, $46.00 Hours.
Aids Support, $16,250.00 Per A/P.
Special Forms, 1 Part, $0.0100 Per Page.
Special Forms, 2 Part, $0.0200 Per Page.
Special Forms, 3 Part, $0.0300 Per Page.
Special Forms, 4 Part, $0.0400 Per Page.
Special Forms, 6 Part, $0.0500 Per Page.
Special Forms, Multilith, $0.0600 Per Page.

STATISTICAL SERVICES AND SUPPORT

Statistical System Design and Development, $31.00 Hour.
System Maintenance and Operation, $31.00 Hour.
Special Statistical Projects, $31.00 Hour.
Model Development and Analysis, $31.00 Hour.
Management Science or Services, $31.00 Hour.
System Implementation, $31.00 Hour.

[FR Doc.75-1946 Filed 1-17-75;9:54 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 200]

[Release Nos. 33-5556, 34-11184, 35-18772, 39-376, IC-8639, IA-433; File No. S7-546]

SCHEDULE OF FEES FOR DOCUMENT SEARCH AND DUPLICATION SERVICES

Opportunity To Submit Comments

On November 21 1974, the Congress passed over the veto of President Ford a series of amendments to the Freedom of Information Act (the "Act"), 5 U.S.C. Section 552, which go into effect on February 19, 1975, 90 days from the date of enactment. Under the new law, all agencies are required to establish, "pursuant to notice and receipt of public comment," a uniform fee schedule applicable to all requests made pursuant to the Act .

The Commission has previously established a schedule of fees applicable to search and duplication services provided in response to a request under the Act. Duplication services are presently performed by the Commission's contractor and the fees charged the public are the same fees provided in our agreement with the contractor. Fees for search services are related to the cost to the agency of providing the services of a clerical employee. The Commission proposes to continue in effect its existing fee schedule.

The Commission's present rule provides that no fee shall be imposed for search services requiring less than one-half man-hour of work; this provision will be continued in effect. Continuation of this provision is consistent both with the

purposes served by the Act and with the Commission's role, as a depositary of information with respect to securities and issuers, in providing ready access to that information.

Present regulations also provide that no charge will be made for time devoted to an attempt to locate a record which was adequately identified when the attempt is unsuccessful unless, after the requester is notified that the record could not be found, the search is continued at his insistence. This provision will also remain in effect.

The Commission proposes to amend the present provisions of 17 CFR 200.80 (g) to provide:

(g) A current schedule of fees for record services, including locating and making records available, attestations and copying appears in Appendix E to this Subpart D, 17 CFR 200.80e. Copies of the current schedule of fees may also be obtained upon request made in person, by telephone or by mail from the public reference room or at any regional office of the Commission.

The remainder of paragraph (g), 17 CFR 200(g)(1) through 17 CFR 200(g)(5), will remain in effect as it now appears.

Appendix E to Subpart D, 17 CFR 200.80e, will appear as follows:

APPENDIX E—SCHEDULE OF FEES FOR RECORDS SERVICES

Searching and attestation services

Locating and making available records requested for inspection or copying (including overhead costs) [17 CFR 200.80(g)(1)]:

First ½ man-hour (no fee)	
Each additional ½ hour or fraction thereof	$2.50
Attestation with Commission Seal (in addition to other fees, if any) [17 CFR 200.80(g)(3)]	2.00

Payments for the above services must be made by check or money order payable to: "Treasurer of the United States." Address mailed payments to: Comptroller, Securities and Exchange Commission, Washington, D.C. 20549.

Facsimile Copies of Documents [17 CFR 200.80(g)(4)(i)]

Copies of public records filed with or retained by the Commission are provided by a commercial copier at rates established by a contract between the copier and the Commission. All requests for facsimile copies should be directed to the Public Reference Section, Securities and Exchange Commission, Washington, D.C. 20549. Cost estimates with respect to any copying job will be supplied upon request by the Public Reference Section.

Copies, when authorized, will be sent directly to the purchaser by the contract copier unless attestation is requested. The purchaser will be billed by the copier for the cost of the copies plus postage or other delivery charges, if any. Payment of all copying charges must be made to the official copier, not to the SEC, in the manner specified on the company invoice. The purchaser will be billed separately by the Commission for searching and attestation services, if any, at the rates noted above.

All of the following facsimile copying services provide copies 8½" x 14" in size, regardless of the size of the original. Material to be copied which cannot be copied onto one 8½" x 14" page without reducing character images to less than 6-point type size will be copied on two pages which the purchaser may match and join.

The following types of facsimile copying services are available. The stated time for delivery in each case begins to run only after receipt of the material by the contractor; if files cannot immediately be made available by the Commission, the time of shipment will be affected.

Regular service: Photostatic copies of originals or of other hard copies will be shipped within four working days after material is received by the contractor—per page	$0.15
Minimum charge per order for regular service	2.00
Delivery costs are additional.	
Priority service: Photostatic copies of originals or of other hard copies received by the contractor by the close of a business day will be shipped by the close of business of the following day—per page	$0.30
Minimum charge per order for priority service	5.00
Delivery costs are additional.	
Watching services: (1) Photostatic copies of Form N-1Q filings may be ordered in advance on a "when-filed" basis. Subscriber to this service may designate companies the filings of which he wishes to receive. Copies shipped by the close of business of the working day following receipt by contractor—per page	$0.40
Minimum charge per order	5.00
Delivery costs are additional.	
(2) Photostatic copies of a type of filing (e.g., S-1, S-2, S-3, S-16, Proxy, 8K) on a "when-filed" basis. Subscriber to this service may request automatic receipt of a specified type of filing. This service made available only for the complete filing as submitted to the Commission. Copies shipped by the close of business of the working day following receipt of documents by the contractor—per page	$0.40
Minimum charge per order	5.00
Delivery costs are additional.	
(3) Any non-standard demands requested by the customer, such as selection criteria not specified above in connection with watch services, may include a special order handling charge to be negotiated between the contractor and the customer depending on additional order handling requirements. Please address all requests for information to: Disclosure, Inc., 1400 Spring Street, Silver Spring, Md. 20910.	

Self-Service Copying Facilities [17 CFR 200.80(g)(4)(ii)]

In addition to the copying services described above, the contract copier maintains customer operated machines in the public references rooms of the Commission in Washington, D.C., New York, Los Angeles, and Chicago. These machines can be used to make immediate copies of material available for inspection in those offices, at a cost of 12 cents per page (up to 8½" x 14" in size).

Microform Copies of Documents [17 CFR] 200.80(g)(4)(iii)]

The Contractor also offers certain microform copying services pursuant to the contract. Microfiche copies are offered in a variety of subscription and special order services. Arrangements also may be made to subscribe to reports of companies selected by the requester, or to obtain microfiche of individual documents. The cost of microfiche service varies according to the type of service and the volume.

The Contractor supplying these services will supply information and price lists upon request. Please address all requests for information, and all orders for microform copies to: Disclosure, Inc., 1400 Spring Street, Silver Spring, Maryland 20910.

Interested persons are invited to submit their views on whether the proposed fee schedule should be adopted. To be considered, written statements of views and comments should be submitted to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before February 12, 1975. All such communications should refer to File No. S7-546, and will be available for public inspection.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JANUARY 16, 1975.

[FR Doc.75-1886 Filed 1-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20247]

CABLE TELEVISION ANNUAL FINANCIAL REPORT

Extension of Time for Comments

Order extending time (39 FR 42922).

In the matter of Amendment of Part 76, Subpart I of the Commission's rules and regulations with respect to the Cable Television Annual Financial Report (FCC Form 326), Docket No. 20247.

1. The National Cable Television Association, by petition dated December 27, 1974, has requested a three week extension of time for filing comments in Docket 20247. In support, it is alleged that the technical nature of the inquiry requires that the Association receive input from the industry to file informed comments and the holiday vacations have delayed preparation of their comments.

2. It appears that good cause has been shown for a time extension. However, we are hopeful of resolving this proceeding promptly, and believe a two week rather than a three week extension is appropriate. Reply comments will be rescheduled accordingly.

Accordingly, it is ordered, Pursuant authority delegated under § 0.289 of the Commission's rules, that the National Cable Television Association's petition for an extension of time is granted, to the extent indicated above and that the times for filing comments and reply comments in the above-captioned proceeding are extended until January 17, 1975 and January 27, 1975, respectively.

Adopted: January 7, 1975.

Released: January 13, 1975.

DAVID KINLEY,
Chief,
Cable Television Bureau.

[FR Doc.75-1758 Filed 1-17-75;8:45 am]

V40I13 JAN20 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/5]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE

Notice of Study Group Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on February 13, 1975 at 10:30 a.m. in Room 752 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The agenda of the February 13 meeting will include continued consideration and development of positions the U.S. should take at international CCITT meetings on a variety of questions left unresolved following the meeting announced in the FEDERAL REGISTER of November 7, 1974 (39 FR 39479). Included will be a further review of developments which have occurred at international CCITT meetings during 1974 concerning general tariff principles covering the lease of telecommunication circuits.

Members of the general public who desire to attend the meeting on February 13 will be admitted up to the limits of the capacity of the meeting room.

Dated: January 13, 1975.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.75-1768 Filed 1-17-75;8:45 am]

Agency for International Development

[99.1.32]

AID AFFAIRS OFFICER, VENEZUELA

Cancellation of Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836) dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.32 to the AID Affairs Officer, Venezuela (38 FR 29094). This revocation is effective immediately.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

JANUARY 3, 1975.

[FR Doc.75-1705 Filed 1-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AFROTC ADVISORY PANEL

Notice of Meeting

JANUARY 14, 1975.

Members of the Air Force ROTC Advisory Panel will meet on January 27, 1975, commencing at 9 a.m. in room 4E871 of the Pentagon.

During this annual meeting, the participants will review 1974 actions on panel recommendations and discuss scholarships, course credit, status of AFROTC, enrollment/production, recruiting, retention, minority groups, women, technical specialties, flyers, summer encampments, multiple factor system, institutional reimbursement, and accession needs. An executive session and report to the Secretary of the Air Force are scheduled in the afternoon.

For further information on this meeting, contact Colonel Jack Tebo, Executive Secretary, AFROTC Advisory Panel, on 202-695-4477.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-1699 Filed 1-17-75;8:45 am]

F-15 BEDDOWN AT LANGLEY AIR FORCE BASE, VA.

Notice of Public Hearing

JANUARY 13, 1975.

In accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the United States Air Force will conduct an informal public hearing in Hampton, Virginia, on January 29, 1975, concerning the draft environmental statement on a proposal to beddown F-15 fighter jets at Langley Air Force Base, Virginia. The hearing is scheduled to begin at 7:30 p.m. in the C. Alton Lindsay Junior High School, 1636 Briarfield Road, Hampton, Virginia.

The draft environmental statement discusses the proposal to phase in 72 F-15 fighter jets beginning in January, 1976, and ending by January, 1977. Coincident with the phase in of F-15 aircraft will be the phasing out of 47 operational C-130 turboprop transport aircraft. The change in mission is expected to result in a net average daily increase of 20.7 take-offs and landings. An increase in noise from the F-15 operations will impact on an additional 2,230 people in a 46 acre area.

Individuals desiring to participate in the hearing are asked to submit a request in writing to Colonel James E. Mathews, Staff Judge Advocate, 4500th Air Base Wing, Langley Air Force Base, Virginia 23665, or by calling his office on 804-764-3276. Copies of the draft statement may be obtained from Headquarters, Department of the Air Force, Directorate of Civil Engineering, Environmental Planning Division, Washington, D.C. 20330, or Office of Information, 4500th Air Base Wing, Langley Air Force Base, Virginia 23665.

WALTER G. FENERTY,
Acting Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-1698 Filed 1-17-75;8:45 am]

Office of the Secretary

SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92-463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 13 and 14 February 1975 in Room 1E801, the Pentagon, Washington, D.C. Each session will commence at 9 a.m.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use by the Department of Defense of privately developed, commercially available off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several armed services and to recommend policies and procedures which will maximize these benefits.

This will be the first meeting of the Task Force. The planned agenda includes organizational matters and administrative arrangements for conducting the Task Force activities; detailed review and discussion of the charter; discussion of ways and means of achieving the objectives specified therein; translation of objectives into specific tasks; and assignment of work to the members.

Due to the limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address indicated below by February 6, 1975. Notices should include information with respect to interest and degree of participation.

Mr. John A. Mittino
Director, Weapons Support Systems
OASD (I&L) WS Room 2A318, Pentagon
Washington, D.C. 20301

Telephone inquiries may also be made of Mr. Mittino at (202) 695-0121.

Dated: January 15, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-1707 Filed 1-17-75;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES AND CERTAIN WORKING GROUPS

Meetings

The Department of Defense Advisory Group on Electron Devices and various working groups thereof will meet in closed sessions on dates indicated below at 201 Varick Street, New York, New York:

Working Group A (Mainly Microwave Devices), February 11, 1975.
Working Group B (Mainly Low Power Devices), February 11, 1975.
Working Group C (Mainly Imaging and Display Devices), February 13, 1975.
Advisory Group on Electron Devices, February 25, 1975.

The purpose of the DOD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices: e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Public Law 92-463 are concerned.

Dated: January 15, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-1706 Filed 1-17-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

1975 Final Aggregate Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On December 13, 1974, a notice of the proposed aggregate production quotas for these substances was published in the FEDERAL REGISTER (39 FR 241). All interested parties were invited to comment on or object to the proposed aggregate production quotas on or before January 13, 1975. Except with reference to Methylphenidate, no requests for hearings have been received by the Administration relative to the proposed quotas. Comments and objections relative to the proposed aggregate production quotas have been received from Western Fher Laboratories relative to Phenmetrazine, from Hoffman-La Roche Inc. relative to Alphaprodine, from Eli Lilly and Company relative to Amobarbital and Secobarbital, and from Richardson-Merrell Inc. relative to that portion of the Desoxyephedrine quota allocated for the production of Levo-Desoxyephedrine for use in the manufacture of a non-controlled substance. Specific details relative to these comments will be outlined in a future FEDERAL REGISTER notice.

Due to the fact that a request for a hearing has been received by the Administration with reference to the proposed aggregate production quota for Methylphenidate, the aggregate production quota for Methylphenidate does not appear in this order.

Based upon consideration of the factors set forth in 39 FR 241, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations orders that the aggregate production quotas for 1975 for controlled substances, expressed in grams in terms of their respective anhydrous bases, be established as follows:

SCHEDULE I	*Granted (1975)*
Basic class:	
1-alpha-acetylmethadole	300,000
Tetrahydrocanabinols	500
SCHEDULE II	
Alphaprodine	34,500
Amobarbital	12,504,986
Amphetamine	3,291,300
Anileridine	88,133
Apomorphine	2,000
Cocaine	600,000
Codeine (for sale)	46,273,000
Codeine (for conversion)	1,165,000
Desoxyephedrine	[1] 1,215,374
Dihydrocodeine	721,000
Diphenoxylate	1,133,000
Ecogrine	200,000
Ethylmorphine	44,680
Fentanyl	2,000
Hydrocodone	800,000
Hydromorphone	70,200
Levorphanol	3,000
Methadone	3,245,000
Methadone Intermediate (4-cyano-2 dimethyl-amino-4, 4-diphenyl butane)	1,350,000
Methaqualone	19,668,335
Mixed Alkaloids of Opium	163,321
Basic class—Con.	*Granted (1975)*
Morphine (for sale)	600,000
Morphine (for conversion)	42,182,000
Norpethidine	830,000
Opium (tinctures, extracts, etc. expressed in terms of opium)	1,904,000
Oxycodone (for sale)	1,769,400
Oxycodone (for conversion)	7,000
Oxymorphone	3,000
Pentobarbital	28,119,000
Pethidine	17,057,415
Phenazocine	225
Phenmetrazine	2,741,709
Secobarbital	18,450,000
Thebaine (for sale)	4,250,000
Thebaine (for conversion)	1,750,000

[1] (758,108 grams for the production of Levodesoxyephedrine for use in a non-controlled product, and 457,268 for production of Methamphetamine).

Pursuant to Title 21 Code of Federal Regulations, § 1303.23(c) the Administrator of the Drug Enforcement Administration will in early 1975 adjust individual manufacturing quotas allocated for 1975 based upon 1974 end of year inventory figures submitted by applicants and estimates of medical and scientific requirements to be provided by the Food and Drug Administration.

All persons who submitted an application for either an individual manufacturing quota or procurement quota for 1975 will be notified by mail as to their respective 1975 quota established by the Drug Enforcement Administration.

This order is effective on January 20, 1975.

Dated: January 15, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-1790 Filed 1-17-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 47857]

KANSAS

Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 74-30099 appearing on page 44669 in the issue for Thursday December 26, 1974, in the second paragraph under the description of the "Sixth Principal Meridian, Kansas Leavenworth County," the fourth line from the bottom, now reading "radius of 1886.67 feet, 38417 feet; N 30°42'13"" should read "radius of 1886.67 feet, 384.17 feet; N 30°42'13"."

Fish and Wildlife Service

NATIONAL ZOOLOGICAL PARK

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

V40113 JAN20 75 XUM

Applicant:
National Zoological Park
Washington, D.C. 20009
Theodore H. Reed, D.V.M., Director

Miles S. Roberts
Assistant Curator
South Mammal Unit
Office of Animal Management

OMB NO. 47-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ EXPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Export two male and one female captive born Jaguar (endangered species) to Venezuela to participate in a supervised scientific reintroduction program under the auspices of Dr. Pedro Trebbau, Director, Jardin Zoologico, Caracas, Venezuela. The animals will also be used in natural history studies in semi-natural and natural conditions in Venezuela.

3. APPLICANT. (If name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Zoological Park,
Washington, DC 20009
USA

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Exhibition, care and propogation of animals in captivity. The National Zoo also initiates and participates in scientific investigations of animals in captive, semi-natural and natural conditions

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Theodore Reed, Director 381-7222
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Export from Washington, DC to Caracas Venezuela direct.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT-5-3-X

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
See attachments. (communication w/ Trebau; grant proposal)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
Dec 15, 1974

11. DURATION NEEDED
90 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachments.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Miles S. Roberts — DATE December 5, 1974

3-200 (6/74) — INSTRUCTIONS ON REVERSE

DIRECTOR, FISH AND WILDLIFE SERVICE
U.S. Department of the Interior
Washington, D.C. 20240
(Attention Law Enforcement).

DECEMBER 5, 1974.

DEAR SIR: Below is permit application per paragraph 17.23, USDI Fish & Wildlife Regulations, Vol. 39, Number III for the export of 2.1 Jaguar (*Panthera onca*) from the National Zoological Park, Washington, D.C. to the Jardin Zoologicos Parque, Caracas, Venezuela.

17.23

1. Jaguar (*Panthera onca*)—two males born October 11, 1974 at the National Zoological Park and one female born in May 1974 at the Atlanta Zoo, Atlanta, Georgia.

2. Enclosed is a communique between Smithsonian Institution and Dr. P. Trebbau establishing agreement under which wildlife is to be imported into Venezuela. The three animals will be a gift from the National Zoological Park to the Government of Venezuela.

3. The Smithsonian Institution, National Zoological Park, is undertaking a major ecological investigation program in Venezuela in cooperation with the Organisation for the Conservation of Natural Resources in Venezuela, the Ministry of Rural Affairs, and the Jardin Zoologico, Caracas. Part of the research program involves ecological, behavioral, and reproductive investigations of the Jaguar (*Panthera onca*) to be conducted principally by Dr. G. G. Montgomery, National Zoological Park, and Dr. P. Trebbau, Director of Zoological Parks, National Institute of Parks, Venezuela.

It is proposed (see attachment) that the three animals to be exported will be released into a 100 meter x 50 meter compound enclosing a portion of natural forest. In this compound, basic natural history, growth and development and reproductive data will be recovered from these animals to be correlated with work being conducted simultaneously on a natural, wild population of Jaguars elsewhere in Venezuela. Additionally the feasibility of reintroducing these three animals into nature will be studied. This aspect of the study is extremely important as it will give valuable information as to the feasibility of reintroducing captive born carnivores back into nature. If reintroduction is deemed unfeasible, the animals will be taken to the Jardin Zoologico in Caracas where they will become part of an ongoing program of reproduction and natural history study under the auspices of Dr. Trebbau.

4. The three Jaguars will be maintained in a 100 meter x 50 meter fenced compound enclosing natural Venezuelan forest in a protected watershed area 15 miles east of Caracas. The animals will be maintained by personnel from the Smithsonian/Venezuelan Research Program and the National Institute of Parks, Venezuela. For technical purposes the address for the base of operations for the Jaguar Program will be:
Dr. Pedro Trebbau
Direccion de Parques Zoologicos
Parqua Caricuao
Apdo. 28058
Caracas 102, Venezuela

5. All three of the animals involved in this permit application were captive born in the United States in approved zoos. (See paragraph 1)

6. As these animals were all captive born no impact will be effected on natural populations of Jaguar except in a positive sense.

7i. The area where the animals will be maintained is a completely enclosed natural forest area 15 miles east of Caracas. The compound is 100 meters x 50 meters and is located in a protected (patrolled by the National Institute of Parks security) watershed area.

7ii. Technical expertise will be supplied by the National Zoological Park, Smithsonian Institution; the National Institute of Parks, Venezuela; and the Organization for the Conservation of Natural Resources in Venezuela. All three of these organizations have the most serious interest in the preservation of wildlife and the National Zoo and the Institute of Parks have had extensive experience in reproducing many diverse species of animals. Both the National Zoo and the Institute of Parks have successfully reproduced the Jaguar in captivity and both organizations intend to continue to do so.

7iii. The National Zoo, the Institute of Parks, and the Organization for the Conservation of Natural Resources will readily participate in cooperative breeding programs and in the maintenance of a studbook on *Panthera onca*.

7iv. The animals will be shipped in wooden, metal reinforced crates approximately 48" long x 24" wide x 36" high. Water pans will be included in the cage but as in-transit time is estimated at less than 12 hours no special accommodations will be made for feeding. The animals will be accompanied, in transit, by either Dr. John Eisenberg of the National Zoo or by Dr. Dale Marcellini also of the National Zoo. Special arrangements, as necessary, will be made by the accompanying official.

The animals will be aided through customs and health inspection by both the accompanying official and Dr. Pedro Trebbau. The animals will then be sent to the Jardin Zoologicos, Caracas, for necessary quarantine under the supervision of a registered veterinarian.

These animals are to be used in a research project which is a part of a broad ecological investigation of the Wildlife of Venezuela. The research project goals are to obtain information on this specific endangered species and to investigate the feasibility of "restocking" wild populations with captive born animals. This end can be seen as an attempt to achieve one logical endpoint of the captive propagation of endangered species. This approach is all the more appropriate and salient at this time in view of the fact that zoos appear close to the saturation point in Jaguars. This contention is supported by the fact that the National Zoo and other zoos, have recently encountered great difficulty in disposing of their Jaguar surpluses. The National Zoo, for example, attempted to dispose of a surplus pair on the zoo market for more than five months during 1973/74.

Your prompt attention to this application is appreciated.

Sincerely yours,

MILES S. ROBERTS,
Assistant Curator, South Mammal Unit, Office of Animal Management, National Zoological Park.

A RESEARCH PROPOSAL FROM THE OFFICE OF ZOOLOGICAL RESEARCH, NATIONAL ZOOLOGICAL PARK, SMITHSONIAN INSTITUTION

VERTEBRATE ECOLOGY IN THE RAINFOREST AND SAVANNA—A COMPARISON

Research Coordinator (US). Dr. John F. Eisenberg.[1]
Research Coordinator (Venezuela). Dr. Edgardo Mondolfi.[2]
Associated Scientists (US). Dr. G. G. Montgomery, Zoologist, NZP, Dr. E. Morton, Zoologist, NZP, Dr. D. Marcellini, NZP.
Collaborators (US). Dr. D. G. Kleiman, NZP, Dr. Y. Lubin, STRI, Dr. N. Smythe, STRI, Dr. R. W. Thorington, USNM.
Associated Scientists (Venezuela). Sr. Tomas Blohm, Dr. V. Canestri, Dr. J. Gomez-Nuñez, Dr. E. Medina, Dr. J. M. Pacheco, Dr. P. Trebbau.

INTRODUCTION

Basic ecological and behavioral studies for many mammalian species in the neotropical region are virtually nonexistent. Adequate information concerning numerical abundance, distribution, feeding patterns, reproductive cycles, and biomass estimates for a wide variety of vertebrate species are indispensable for conservation and management efforts. Conservation efforts directed toward the preservation of neotropical species have lagged behind comparable efforts in other parts of the world. The need for sustained research in neotropical habitats is becoming more critical as habitat destruction and competition for land use are increasing logarithmically through South America.

We propose to offer two programs to the appropriate agencies in Venezuela: (a) an instructional program including some lectures, but mostly practical field work to be implemented through a university chosen by the relevant Venezuelan officials. This instructional program to concern itself with tropical ecology and wildlife management techniques.

(b) We propose to establish, through the medium of the teaching program, surveys in selected Venezuelan habitats to determine numerical abundance, feeding patterns, reproductive cycles, and biomass estimates for selected mammalian and avian species.

The data gathered and the instructional program should find direct applications in the area of wildlife management and in the maintenance of national park systems in Venezuela.

Preliminary efforts concerning censusing, biomass estimation, carrying capacity estimation, and a variety of ecological studies have been carried out on Barro Colorado Island in the Panama Canal Zone by Eisenberg, Thorington, Montgomery, and Sunquist. Radio-tracking techniques developed by Montgomery have been successfully applied to sloth populations (*Bradypus* and *Choloepus*) as well as to anteaters (*Tamandau* and *Cyclopes*) (Montgomery and Sunquist, in press; Sunquist and Montgomery, 1973). The structure of the neotropical mammalian fauna on Barro Colorado Island is analyzed in the publication by Eisenberg and Thorington (1973). The role of the sloth in neotropical ecosystems has been discussed and summarized by Montgomery and Sunquist (in press).

Our studies on Barro Colorado Island point up the important contribution to the ecosystem made by primates, edentates, and caviomorph rodents. The small size of Barro Colorado Island (15 km²) imposes an unnatural restriction on the ecosystem by limiting or excluding populations of large herbivores, such as *Tapirus* and *Odocoileus*, as well as their predator complements, the larger cats. We feel it is imperative that the techniques developed on Barro Colorado Island be applied to a more representative ecosystem in tropical America. The use of techniques developed on Barro Colorado Island and in the tropical forests of Ceylon (Eisenberg and Lockhart, 1972) should prove invaluable in the comprehensive study of mammalian ecology which we propose.

The practical application which might accrue from such studies includes the development of programs for the orderly harvesting of some species on sustained basis (see Ojasti, 1973). Recent demands for laboratory primates makes such programs highly desirable. The basic ecological data on which to base such programs is still unavailable on primate populations and many areas are suffering from a lack of proper management.

The principal investigators have had a great deal of experience studying tropical mammalian ecology; Eisenberg has worked in Panama, Madagascar, and Ceylon and has been responsible for an ecological survey on Ceylon comparable to the one proposed herein (Eisenberg et al, 1972). Dr. Montgomery first successfully applied radiotracking to a neotropical edentate in his classical study of the sloths (*Bradypus* and *Choloepus*) on Barro Colorado Island, Panama (see Montgomery et al, 1973). Dr. Kleiman is one of the foremost authorities on the behavior of neotropical caviomorph rodents (Kleiman, 1970, 1971, 1973, 1974).

The team of senior investigators will provide training for graduate students in the process of studying the two proposed neotropical ecosystems. We anticipate that at least 40 percent of the field effort will be accomplished by a training program involving graduate students drawn from Venezuelan universities.

The following sections outline the specific aims of the research program, procedures to be used, and personnel schedules.

CARNIVORES

In keeping with our attempt to access the role of predators in the communities under study, we wish to enter into a three-year study of the larger cats. Considerable interest in the ocelot, *Felis pardalus*, will necessitate radio-tracking operations in Guatopo National Park and/or other areas to be selected. Montgomery will assume primary responsibility for the development of this project with aid from the World Wildlife Fund. At the conclusion of the first year's study of ocelot behavior, Montgomery should

[1] Resident Scientist, Office of Zoological Research, National Zoological Park, Smithsonian Institution, Washington, DC. 20009. Tel.: Area code 202-381-7249.
[2] Executive Director, Consejo de Bienestar Rural, Apartado de Correos 61.407 Caracas 106, Venezuela.

V40113 JAN2075 XUM

be in a position to initiate research on the jaguar, *Panthera onca*. The jaguar can be studied in Guatopo National Park, but a second study site may be selected, given appropriate reconnaissance. The presence of the jaguar in Guatopo was confirmed by Koford in 1973. A detailed plan of the operation will be forthcoming from Montgomery pending his return from Venezuela in July of 1974.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 13, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1674 Filed 1-17-75;8:45 am]

NATIONAL ZOOLOGICAL PARK

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
National Zoological Park
Smithsonian Institution
Washington, D.C. 20009
Theodore H. Reed, D.V.M., Director

OMB NO. 42-R1870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE · [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To import 2.2 white-winged wood duck, Cairina scutulata, on loan for breeding study and zoological display.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Zoological Park.
Smithsonian Institution
Washington, D. C. 20009

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT · WEIGHT
DATE OF BIRTH · COLOR HAIR · COLOR EYES
PHONE NUMBER WHERE EMPLOYED · SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Birds Unit, Office of Animal Management
National Zoological Park
Smithsonian Institution
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (202) 381-7221
Theodore H. Reed, D.V.M., Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
NA

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
National Zoological Park
Rock Creek Park
Washington, D. C.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT [X] YES ☐ NO
(If yes, list license or permit numbers)
5-SC-564 Guy A. Greenwell, Curator of Birds
#PRT-5-3-X (Injurious Animals)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
NA

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: January 1, 1975

11. DURATION NEEDED: April 15, 1975, or until arrival

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Letter dated 12/16/74 giving details as required under 17.23.
Letter dated 09/05/74 offering the birds.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Type name) T. H. Reed, D.V.M. · DATE 18 Dec 74

3-200 6/74

T. H. Reed, D.V.M.,

DIRECTOR,
Fish & Wildlife Service
Law Enforcement Division
U.S. Department of Interior
Washington, D.C. 20240

DECEMBER 16, 1974.

DEAR SIR: The undersigned hereby applies for an importation permit under Section 10(a) of the Endangered Species Act of 1973. We submit the following information pursuant to Sections 13.12 and 17.23 of Volume 39, No. 3, Part III of the FEDERAL REGISTER.

Section 17.23

(1) Common Name—White-winged wood duck; Scientific Name—*Cairina scutulata;* Number and description—Two males, 1974 hatch, Two females, 1974 hatch.

(2) These birds will be imported under a breeding loan agreement between the National Zoological Park and the consignor, The Wildfowl Trust, Slimbridge, Gloucestershire, Great Britain. (See copy of enclosed letter.)

(3) The birds for which this permit is sought were hatched and reared from eggs laid in captivity at The Wildlife Trust, Slimbridge, Gloucestershire, Great Britain. The parents and/or grandparents were reared from eggs collected in the wild in Assam under World Wildlife Fund Project #406, beginning in 1969.

That project consisted in part of collecting eggs during a deforestation project which was eliminating habitat of this forest dwelling bird. Eggs were hatched cooperatively and the young were reared on his tea plantation by Mr. M. J. S. McKenzie.

Young were distributed as follows, hopefully for propagation. Four went to the Gauhati Zoo, Assam. Four females and two males went to the Wildlife Trust in England. Four were to come to the National Zoological Park in Washington or to the collection of Dr. S. Dillon Ripley at Litchfield, Connecticut.

However, the three young which became available, products of the last rescue effort, were stopped by the U.S.D.A. waterfowl import embargo, aimed at Dutch duck disease. The three birds were sent to the Parc Zoologique de Cleres, at Cleres, France, Captain Jean Delacour's collection, for holding. One of the birds died during the two years they spent there. Then the U.S.D.A. Newcastle disease import embargo on all birds took effect. Finally, on March 14, 1974, one pair was received at the National Zoological Park. And on April 24, 1974, the male succumbed to what proved to be avian tuberculosis of long standing. The one female is being held in a large covered aviary at the National Zoological Park. To our knowledge, she is the only representative of the species in the U.S.A.

We have not heard that the birds at Gauhati Zoo have reproduced. The birds which went to Slimbridge in 1969 or 1970, however, produced gradually increasing numbers of young until about 30 were hatched in 1974. It is four of these birds we are asking for.

We plan to try to establish a compatible breeding situation among some of the two males and three females we hope to have after this importation. We want to study nutritional requirements, food preferences, breeding biology, behavior, nest preferences, artificial and natural egg incubation requirements, growth and maturation rates, fledging patterns and cage space preferences. In addition to these activities, we will try to build up a breeding population in the U.S., where the species has been displayed only rarely and sporadically.

When we have established a breeding nucleus at the National Zoological Park, we will transfer our major breeding effort to our Conservation and Research Center at Front Royal, Virginia. There we are starting sustained breeding programs for endangered and/or threatened species.

Some of the birds would be in display at the National Zoological Park almost continuously. Explanation of the nature of the project would be displayed with the birds. Thus our approximately 5,000,000 annual visitors would have the opportunity to share in it.

Benefits to wild populations can occur in two areas. The first would be the feeding back of basic biological data, now largely questionable, to Indian wildlife conservators and biologists. Parallel intensive study of unknowns, at the National Zoo and at Slimbridge, should result in rapid development of facts. Secondly, we would help to establish a captive population which would be available for reintroduction to the wild, if in the future such action is warranted.

When a captive flock of sufficient size is amassed, further study should be made. Conditions of habitat in the wild should be assessed, possibly by a Smithsonian sponsored reconnaissance, to determine whether we should breed for reintroduction or for maintenance of a captive population. If the latter course were adopted we believe now that we would want to disseminate any surplus to other qualified bird breeders and zoos.

The results, observations and scientific data collected on the birds will be published in various avicultural and ornithological journals as well as the annual report of the National Zoological Park.

(4) The National Zoological Park consists of 160 acres in Rock Creek Park in Washington, D.C. 20009. It is operated by the Smithsonian Institution. It displays 125 species of mammals, 340 species of birds and 130 species of reptiles and amphibians. About 10% of a redesign and modernization program estimated to cost $70,000,000.00 has been started. Therefore, most, if not all, of its facilities are being or will be redone. It is operated by a staff of 300 people. Its animal health staff has eight people and its research staff consists of five scientists. The Birds Unit consists of the Curator, Head Keeper, two Biological Technicians and thirteen keepers.

The Front Royal Conservation and Research Center is 3100 acres located one mile south of Front Royal, Virginia, recently transferred to the National Zoological Park from U.S.D.A. It has been a beef breeding farm so facilities for hoofed stock are being prepared first. Some of those require only high fencing to be complete. Birds facilities are planned under the 1975-1976 budget. Several buildings are available, plus several trickling streams and adequate space.

(5) The four (4) white-winged wood ducks under this application were hatched in captivity at Slimbridge.

(6) Not applicable. No birds will be taken from the wild.

(7) (i) The birds will be housed initially in a wire mesh cage seventy-five feet long, forty feet wide and with an arched top approximately thirty feet high. This cage has an artificial stream running through it. City water supply is piped directly to the cage and forms the stream. This continuously running water is emptied into the District of Columbia sanitary sewer system. Within the cage there are two oval concrete pools about eight feet by ten feet and fourteen inches deep which interrupt the stream. Heated shelters are provided, one at ground level and three at a height of approximately twelve feet. Heat is by electric radiation.

The cage is planted with shrubs and small trees. Bamboo clumps will be added. One very large hollow tree with artificial floors beneath nesting holes at several levels has been added. The National Zoological Park has appropriations for additional plants as required.

The cage is in a sheltered valley, protected from wind. If necessary in wintertime the cage will be covered or partially covered with sheet plastic. In the event of weather which presents a real threat to the birds well-being, they can be moved into one of the large aviaries in the Bird House. Additional nesting sites are planned.

When more than one pair is formed, adequate additional pen space will be made available. The zoo has a total of about 120 cages, pens and aviaries, on and off display.

(7) (ii) Medical care for the birds will be under the direct supervision of the National Zoological Park veterinarians and pathologist. The behavioral aspects of their courtship and breeding patterns will be observed and recorded under the direction of the ornithologist in our Scientific Research Section, Dr. Eugene Morton. Recording by film, tape and slides is anticipated. Vocalization analysis and recordings are planned.

The management and care of the birds will be the direct responsibility of our Curator of Birds, Mr. Guy A. Greenwell, who has had many years experience in keeping and rearing wild waterfowl. Of the closely related waterfowl, Mr. Greenwell has kept and bred the wild muscovy duck, *Cairina moschata*, North American wood duck, *Aix sponsa*, the mandarin duck, *Aix galericulata*, and the lesser Brazilian teal, *Amazonetta b. brasiliensis*, for several many years. He has bred the greater Brazilian teal, *Amazonetta b. ipecutiri*, for fewer years, and he has kept but not bred the Old World comb duck, *Sarkidiornis m. melanotus*, and the black spur-winged goose, *Plectropterus gambensis niger*. Thus, of the whole tribe of the perching ducks, only the present species, the very rare Hartlaub's duck, *Cairina hartlaubi*, and the pygmy geese, *Nettapus* spp., are outside his experience.

Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, well-known ornithologist and aviculturist and one of the instigators and participants of the original World Wildlife Fund project, will participate as advisor on this project. Dr. Ripley is a scientific associate of the National Zoological Park and has worked closely with us in maintaining and breeding birds, particularly waterfowl. Too, he has rendered assistance and advice to the Gauhati Zoo for their birds. His advice to the National Zoo will be based on continuing interest in the welfare of the species.

(7) (iii) As the birds breed, full and complete records will be kept. Genetic bloodline interchanges will be sought. We will actively participate in maintenance of a studbook.

(7) (iv) Not applicable. Details of crating, feed and water containers, etc., should be left to the shippers. The Wildfowl Trust has more expertise in this field than anyone at this zoo or anyone who could possibly review this application. They are the only *concerned and experienced* white-winged wood duck shippers in the world.

Upon arrival at J.F.K. Airport the birds will be met by the U.S. Dispatch Agency of the U.S. Department of State and carried in bond to the U.S.D.A. animal quarantine station at Clifton, New Jersey, as U.S.D.A. requires. We will consult with the quarantine station management regarding diets and care as we do on all delicate imports. When the quarantine is completed, our Curator of Birds will pick up the birds at Clifton and take them to Washington, using the containers in which the birds are imported.

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I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in the application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to criminal penalties of the 18 U.S.C. 1001.

Very truly yours,

THEODORE H. REED, D.V.M.,
Director, National Zoological Park.

SEPTEMBER 5, 1974.

G. A. GREENWELL,
Curator of Birds, National Zoological Park, Smithsonian Institution, Washington, D.C. 20009, U.S.A.

DEAR GUY: Thank you for your letter, sorry I have not answered it sooner but you know how busy a breeding season can be.

We would certainly like to lend you two pairs of White-Winged Wood Duck. They will, of course, be on the same conditions as the Nene's were, that is the birds that are bred are not resaleable and are still Wildfowl Trust property although they can be loaned out to other zoo's with the Trust's approval.

If this is agreeable to you we are ready to ship the birds as soon as you can acquire a permit and a quarantine space.

No doubt you are now in the middle of your trip to Australia and then to Europe, so I will probably be seeing you before you receive this letter. I will in fact be in America on 16th of this month to attend the Federation Convention in New York.

Look forward to hearing from you.

Yours sincerely,

M. R. LUBBOCK,
Curator.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1675 Filed 1-17-75;8:45 am]

SAN DIEGO ZOOLOGICAL GARDEN

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
San Diego Zoological Garden
Post Office Box 551
San Diego, California 92112
Clyde A. Hill, Curator of Mammals

DECEMBER 11, 1974.

DIRECTOR (FWS/LE)
U.S. Fish & Wildlife Service
U.S. Department of the Interior
P.O. Box 19183
Washington, D.C. 20036

DEAR SIR: Title: Application to import one male and one female jaguar *Leo onca onca* from Fundasao Parque Zoologico de Sao Paulo, Brazil.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit. One black male jaguar born at the Sao Paulo Zoo on 16 August 1973. One female spotted jaguar born at the Goiania Zoo on 21 September 1974 now residing at the Sao Paulo Zoo. Both animals are *Leo onca onca* (listed as *Panthera onca* on the USDI endangered wildlife list).

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife. Attached is a photocopy of a letter from the Director of the Sao Paulo Zoo which is an agreement for an exchange of one orangutan for the above described jaguars. Page 2 of Dr. Autuori's letter describes the country of origin, the birthplace of the animals and the birthplace of the animals' parents. The weight is also found on page 2. In addition there is a photocopy of the Brazilian Government's permit allowing the sale of jaguars.

3. A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project. Most jaguars in the United States cannot be traced to the subspecies level, in fact, most are subspecific hybrids because the species breeds rather well in captivity and zoos, generally, have not been particular about subspecies breeding lines. We are interested in establishing a breeding nucleus of a known subspecies. In addition, the black color phase is uncommon in zoological collections. Therefore, the male will be an excellent display animal and a demonstration of the natural phenomenon of melanism in animals.

Thus, San Diego will have a normal colored jaguar and a melanistic jaguar. Not only will the black jaguar be an eye-catching educational exhibit, he will also provide us with cubs carrying this trait. Black jaguars have always been valuable in the zoo market, therefore, cubs from this pair should be sought after by other zoos wishing to set up exhibits similar to ours.

Our present pair of jaguars are very old, in fact no longer productive. Their last cubs were born in 1968. The male will have been in the San Diego Zoo 18 years in May of 1975. The female will have been with us for 15 years next March. Many jaguars have been born at the San Diego Zoo in the present facility and have been shipped to zoos all over the world.

Because we accurately know the ancestry of the Sao Paulo cats they, and their progeny, will be valuable museum specimens upon their death both as scientific study specimens and exhibit specimens. Since museums must also obtain endangered species permits for collecting, zoo animals are more highly sought after by museums than ever before. The San Diego Zoo has always worked closely with various well known museums to provide them with specimens. Our mammal inventories are periodically sent to the American, Smithsonian, Denver and Los Angeles County natural history museums. Order lists from these museums (and others) are sent to us, allowing a minimum of delay passing on specimens.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained. These animals will be held at the San Diego Zoo. This institution is owned by the City of San Diego but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo, Box 551, San Diego, California 92112, telephone: 714-234-5151.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild. As documented in Dr. Mario Paulo Autuori's letter, both animals were captive born.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild. Both animals are zoo born, thua will not be a drain on the natural population of wild jaguars.

7. (i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed. The self-explanatory drawings are enclosed; this facility has proven to be successful in displaying and breeding the species.

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported. See enclosed personnel resumes.

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook. We are most willing to do both.

(iv) A detailed description of the type, size and construction of the container: arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements of caring for the wildlife on importation into the United States. As the director of the Sao Paulo Zoo stated in his letter on page 2, the animals will travel by Pan American to Miami. At Miami the animals will be met by our customs house broker, Mr. Jim Hamner, Novo, International Air Freight, P.O. Box 48/1292, Miami, Florida 33148. Mr. Hamner is well experienced with animal needs for not only has he been our broker for many years but has also been the broker for such wild animal firms as Charles Chase Company, 7330 NW. 66th Street, Miami, Florida 33166. Should any extra care be needed, the facilities of the Miami Zoo are nearby, see enclosed letter to director of Miami Zoo. From Miami the animals will travel via Airlift International to Los Angeles. We will meet the jaguars at Los Angeles and transport them to the San Diego Zoo. Although Dr. Autuori did not go into detail concerning the exact construction of the crate, there should be little worry since this is a large, competently staffed and well known zoological garden.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals,
San Diego Zoological Garden.

Enclosures including $50 permit fee check.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1676 Filed 1-17-75;8:45 am]

JAMES R. SPOTILA

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
James R. Spotila, Ph.D.
Department of Biology
State University College
1300 Elmwood Avenue
Buffalo, New York 14222

DECEMBER 2, 1974.

DIRECTOR
U.S. Fish and Wildlife Service
P.O. Box 19183
Washington, D.C. 20036

DEAR SIR: Enclosed please find my application for an endangered species permit for scientific research on the American alligator. I have followed all instructions on the application and included information required by 50 CFR 13.2 and 50 CFR 17.23. I would appreciate your efforts to expedite processing of my application so that I can begin my research. My Atomic Energy Commission grant is for one year (til June 30, 1975) and is renewable for two more years. Therefore, I am requesting a three year permit.

Attached please find a check for $50.00.

Sincerely yours,

JAMES R. SPOTILA, Ph.D.,
Assistant Professor, Biology Department,
State University at Buffalo.

OMB NO. 42-R1470

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Research project for AEC. Thermoregulation of Alligators & turtles from thermally stressed habitats. Laboratory and field studies of behavioral and physiological thermoregulations of alligators and turtles. Purpose is to develop accurate mathematical model to predict reaction of these animals to thermal effluents from power plants. A three year study is planned. See appendix I for copy of original research proposed

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
James R. Spotila Ph.D.-Dept. of Bio.
State University College
1300 Elmwood Avenue
Buffalo, New York 14222
716-862-6409

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6 ft. WEIGHT: 180 lb.
DATE OF BIRTH: Dec. 21, 1944
COLOR HAIR: Brown COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 716-862-6409
SOCIAL SECURITY NUMBER: 269-40-8496
OCCUPATION: Physical Ecologist - Assistant Professor of Biology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Department of Biology
State University College
Buffalo, N.Y.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Department of Biology
State University College
Buffalo, New York
New Science Building
Savannah River Ecology Laboratory
Aiken, S. Carolina - Wildlife Refugee in States of Florida, Georgia & Louisiana
Interstate shipment of live animals from field sites to Buffalo and back

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of license held)
States will not grant permits until a federal permit is obtained.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $50.00

10. DESIRED EFFECTIVE DATE: Jan. 1, 1975

11. DURATION NEEDED: 3 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Additional information attached as per CFR 13.12 and CFR 17.23

CERTIFICATION.

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): James R. Spotila — DATE: ~~2/12/75~~ 2/10/75 — December 2, 1974

3-200 (6/70)

James R. Spotila, Ph.D.

V40113 JAN 20 75 XUM

ADDITIONAL INFORMATION

13.12a.

1–4. See application.

5. Endangered Species Permit. Under 13.12b the following information is required. That required by 17.23, see below.

6. Does not apply.

7–11. See application.

17.23a.

1. American Alligator—*Alligator mississippiensis.*

Up to 30 individuals of mixed sexes 1 ft. to 5 ft. in length, age unknown, to be brought to State University College per year for each of three years.

Up to 10 individuals of mixed sexes, lengths up to 15 ft. and ages—0 years to adult to be studied at Savannah River Ecology Laboratory per year for each of three years.

Up to 10 individuals of mixed sexes, lengths up to 15 ft. and ages—0 years to adult to be studied at wildlife refuges in Florida, Georgia, and Louisiana, probably including Okefenokee Swamp in Georgia and Rockefeller Refuge in Louisiana, per year for each of three years.

2. No importation planned.

3. For detailed information see Appendix I. Laboratory experiments entail implanting thermocouples in alligators to monitor internal temperatures of animals exposed to specific temperatures in an environmental chamber. After experiments animals will be returned to the site of their capture. Field experiments entail monitoring body temperatures of free roaming alligators in their natural habitat. Radio transmitters will be force fed to alligators. Past research has demonstrated that this will not harm the animals. All alligators will be returned to the wild after being studied. None of the experiments being planned will be lethal. As in any research effort the death of one or two individuals is a possibility but is not expected. For additional information see appended copies of scientific articles in Appendix II. Professional competence of the applicant is demonstrated by his curriculum vita (Appendix III) and by the fact that the Atomic Energy Commission has approved this research (see Appendix IV for copy of AEC contract).

4. Animals studied in the field will be left in their natural environment. Animals studied in the laboratory will be maintained in the animal room facility of the Biology Department, (see Appendix V for drawing), State University College at Buffalo. This facility is located in the New Science building on the Elmwood Ave. Campus. It features an aquatics room that is well lighted and ventilated, with ceramic tile walls and floors. Seven individual pens with sloping floors and individual water supplies can hold temporarily several alligators up to 5 ft. in total length. Continuously flowing water up to 12 inches in depth is maintained in each pen. A dry basking area is also available with an incandescent lamp in each pen. Alligators will be fed fish, rats, and mice. Animals will be brought to the laboratory, acclimated for up to two weeks in the animal room, tested for one week and then returned to their native habitat.

5. Does not apply.

6. Wild alligators must be used to obtain valid results. Zoo animals lose their natural thermoregulatory behavior and may provide faulty information.

7. Does not apply.

TRANSPORT OF ALLIGATORS

Wild caught animals will be sent to Buffalo in appropriately labeled, sturdy crates made of ¾" plywood supported and strengthened by 2" x 4" boards. Holes will be drilled in the plywood to provide ventilation. A water supply will be provided. Shipment will either be via air express or by State of New York vehicle under the care of Biology Department personnel. Cages will be up to 2 ft. x 3 ft. x 6 ft. in size for the 5 ft. long animals. Animals will not be fed in transit since travel time will be less than 1 day.

Veterinary care is available from the central animal care facility of SUNY—Buffalo, for all animals at the State College facility.

The complete Research Proposal and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1678 Filed 1-17-75;8:45 am]

ROBERT B. BERRY

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Mr. Robert B. Berry, R.D. #1, Chester Springs, Pennsylvania 19425.

DECEMBER 16, 1974.

Mr. LEN A. GREENWALT,
Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

DEAR MR. GREENWALT: In accordance with the provisions of Regulation 50 CFR 17, part 17–23 regulating Endangered Wildlife, I am enclosing complete application for "special use" permit to hold peregrine falcons in captivity for propagation and reintroduction purposes. Specifically, please find original letter of submission to Mr. Leo J. Badger, Application for Migratory Bird Permit (Form 3–200) with attached Schedule I, Project Outline and Application for Migratory Bird Permit for an individual, with attached Project Outline, Personal Resumé, photographs of the Chester Springs breeding facility, and the Peregrine Fund Newsletters No. 1 and 2.

Several months have transpired since my letter of original submission and we are rapidly approaching the spring breeding season. If you anticipate a delay in the approval of this permit, I would appreciate interim approval to receive one yearling male captive bred peregrine falcon (Falco peregrinus tundrius) from Cornell's Peregrine Fund Program.

The young male is to be placed with a currently unmated four-year-old female peregrine falcon in my facility. In order to reduce probable hostility and a real threat to the welfare of the male falcon, the transfer should be undertaken during the period of greatest sexual quiescence. Your immediate consideration to this urgent request is appreciated.

I trust the above information will enable you to issue the desired "special use" permit.

Very truly yours,

ROBERT B. BERRY,
Research Collaborator, The Peregrine Fund.

SCHEDULE I—HAWKS AND FALCONS HELD AT CHESTER SPRINGS BRANCH FACILITY OF THE PEREGRINE FUND, SUBMITTED AUGUST 8, 1974

Species name	Origin	Date captured	Location held
American Goshawk	Pennsylvania	June 1971	Chester Springs.
Do	do	June 1966	Do.
Gyrfalcon [1]	Baffin Island, N.W.T	October 1967	Do.
Do [2]	Quebec	June 1971	Do.
Do [3]	do	June 1972	Do.
Do	do	June 1971	Do.
Do	do	June 1972	Do.
Peregrine Falcon [1]	Assateague Island, Md	October 1967	Do.
Do [2]	Texas	June 1969	Do.
Do	Quebec	July 1971	Do.
Do [4]	Viet Nam	November 1969	Do.
Do	Quebec	July 1970	Do.
Do	do	June 1971	Do.
Do	Assateague Island, Md	October 1966	Do.
Do	Quebec	July 1971	Do.
Do	Keewatin, N.W.T	July 1966	Do.

[1] On loan from Richard A. Graham (returned to Graham September 1974).
[2] Held under Pennsylvania Falconry Permit No. 3329.
[3] On loan from Dr. Granger Hunt.
[4] On loan from Richard A. Graham and James R. Robinson.

ROBERT B. BERRY,
Research Collaborator.

PROJECT OUTLINE

Applicant: Robert B. Berry—Yellow Springs Road, Chester Springs, Pa. 19425.

Detail reasons for need of specimen retention and/or collection. Include study title; project outline, include scheduled date for completion; research objective, if any; and name(s) of faculty advisor(s), sponsorship, etc., where applicable: See Attached Project Outline.

List numbers and species of birds required:

*8 Peregrine Falcons.
*2 Gyrfalcons.
2 American Goshawks.

List membership in ornithological, conservation, or scientific organizations: Research Collaborator, Cornell University Laboratory of Ornithology, Ithaca, New York; Raptor Research Foundation, Inc., Vermillion, South Dakota.

Additional information or remarks. (Show cooperators here.)

*2 Gyrfalcons and 1 Peregrine Falcon held under Pennsylvania Falconry Permit.

See Above and Attached Résumé.

Approved by_____
State Conservation Department
_____
Date

Signature _____
U.S. Fish & Wildlife Service
_____
Date

SUPPLEMENT TO APPLICATION FOR MIGRATORY BIRD PERMIT

Following to be completed if applicant is an individual:

Name: Robert B. Berry.

Mailing Address: R.D. 1, Yellow Springs Road, Chester Springs, Pa. 19425.

Phone No. (215)827–7147.

Date of Birth: 3/3/36, Height: 6'0", Weight: 160 lbs.

Color of Hair: Brown, Color of Eyes: Brown, Sex: Male.

Business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit: Research Collaborator, Cornell University Laboratory of Ornithology.

Following to be completed if applicant is a corporation, firm, partnership, institution, or agency, either private or public:

Name and address of the president or principal officer: N/A.

Certification (To be completed by all applicants).

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated: October 22, 1974.

ROBERT B. BERRY.

Please refer to applicable part of rules and regulations for additional information required on permit applications.

PROJECT OUTLINE—RAPTOR PROPAGATION PROGRAM, CHESTER SPRINGS BRANCH OF CORNELL UNIVERSITY'S PEREGRINE FUND

PURPOSE

The Peregrine Falcon, once the most cosmopolitan bird of prey, is threatened in North America and Europe because of sublethal effects of DDT and related chemical pollutants that alter its reproductive physiology and cause the production of abnormally thin eggshells, which break before hatching. In North America alone, the species has already disappeared as a breeding bird east of the Rocky Mountains and south of the Canadian boreal forests. In the West there are fewer than 25 eyries where Peregrines still breed. Even though the United States government has banned use of DDT, it is too late to be of much value in saving America's Peregrine Falcons. More than two-thirds of the 1½ million tons of DDT man has produced since 1946 is still chemically active, and its use is still increasing in Latin America, the winter home of many Peregrines and their prey. Many ornithologists and conservationists feel that wild Peregrines are doomed in most of North America and that one way to keep the species lies in captive propagation.

SCOPE

The main operational objective of this program is to maintain a research facility that can accommodate an experimental colony of falcons. The short-term practical goal is to develop a self-perpetuating captive falcon population on a scale large enough to provide a continuing supply for scientific, educational, and recreational uses. The long-term goal is the reintroduction of Peregrines in natural areas from which they have been extirpated.

DURATION

We estimate that it will take 3 to 5 years of exeprimental work to achieve the immediate goal of breeding falcons on a consistent and predictable basis. The long-range goal of restocking may require another 10 years and will only be feasible if there has been significant abatement of chemical pollution by that time.

HISTORY

The world of nature has been my world for as long as I can remember. Insects, birds, and animals, followed by fishing, hunting and falconry were the consuming passions of my youth. Only the emphasis has changed, a result of the already staggering effects of environmental degradation upon our wildlife heritage. As a falconer and a conservationist, I saw my first hunting companion, the Cooper's hawk, vanish from eastern Pennsylvania in the early 1950's. The magnificent Peregrine Falcon followed shortly thereafter and is now totally extinct as a breeding bird east of the Mississippi and south of the St. Lawrence River Basin. Remnant stocks exist in the West but are declining rapidly.

More than 20 years of falcony experience with the Peregrine Falcon coupled with extensive field studies of this species both in the arctic and on southern migration routes and established liaison with the scientific and business community places me in a unique position to make a significant contribution to the survival of the Peregrine Falcon and other endangered raptors through captive breeding.

CURRENT STATUS

As Research Collaborator of Cornell University's Laboratory of Ornithology, I operate a branch facility of The Peregrine Fund, located in Chester Springs, Pennsylvania. I am currently studying raptor behavior in falconry and am engaged in several raptor population surveys in the Arctic and along the Atlantic beaches. My captive propagation efforts encompass both the large falcons and the accipiters. Research facilities include a sizable behavioral ecology laboratory, similar in design to the Cornell facility, measuring 50 feet long by 36 feet wide and from 12 to 20 feet in height, suitable for housing up to 10 pairs* of falcons. Additional outbuildings are available for falcons as well as several spacious wire enclosed aviaries for accipiters.

ACCOMPLISHMENTS

My most significant contribution to date lies in the development of a new technique for the artificial insemination of raptors. In 1970, four fertile eggs from American goshawks (Accipiter gentilis) were obtained from what I have termed "cooperative" artificial insemination. In 1971, three young goshawks were successfully fledged, a first for both cooperative insemination and the propagation of the American goshawk in captivity.

I have also pioneered in propagation studies with Peregrine Falcons taken into captivity during their first southward migration. Based upon my observations as supported by other private breeding projects, we are now able to rule out categorically the probability of the "passage" falcons' successful reproduction in captivity.

*See photos attached.

In the 1974 year, 8 Peregrine Falcon eggs were received, all of which were infertile. The goshawks laid 5 eggs, one of which was fertile by cooperative insemination, regretfully dying immediately prior to hatching.

FUTURE PROSPECTS

The probability of successful Peregrine Falcon propagation in 1975 here in Chester Springs is good, with the odds swinging in my favor for the first time. I now have three pairs of eyas falcons and one mixed passage-eyas pair that are sexually mature and socially compatible. As mentioned above, one of these pairs laid eggs in 1974. They are a good bet in 1975. The other pairs will be experiencing their first full season together. One of the major problems to falcon breeding is compatibility, and it takes years to get the right birds together. The young Quebec female gyrfalcon (age 4) may lay in 1975, but the eggs may be infertile because of the younger male (age 3). Prospects for a successful year with the goshawks are excellent with the knowledge gained this season, if a suitable male can be located.

The above programs are admittedly visionary, but I believe they can be accomplished with hard work. They will require money and a great deal of goodwill and understanding from federal authorities, state conservation departments, researchers, falconers, and the concerned public.

RESUME

ROBERT B. BERRY, YELLOW SPRINGS ROAD, CHESTER SPRINGS, PENNSYLVANIA

Education:

The Haverford School, graduated 1954.

The Pennsylvania State University, 1959, B. S., President, Delta Tau Delta Fraternity.

Wharton Graduate Division of the University of Pennsylvania, 1961, M. B. A. (Insurance).

Professional Services and Experience:

Vice President, United States Liability Insurance Group, in charge of nationwide casualty underwriting. January 1963 to present date.

Casualty Reinsurance Underwriter, Stuyvesant Insurance Company. June 1961 to December 1963.

Automobile Underwriter, United States Liability Insurance Group, December 1958 to January 1961.

Practice of Falconry: has used all of the commonly trained diurnal raptors native to North America; extensive local and arctic field study of birds of prey; specialized in peregrine falcon from 1950 to present date with more than 50 individual birds handled in falconry and for scientific studies. 1946 to present date.

Federal Bird Banding (Permit No. 8861) with Pennsylvania, Maryland, and Virginia state permits; specializing in raptors. 1962 to present date.

Captive breeding and behavioral studies of American goshawk, Cooper's hawk, peregrine falcon and gyrfalcon; pioneered in the artificial insemination of raptors. 1965 to present date.

Annual Arctic Census of Peregrine Falcon populations and other raptors, including collection of addled eggs, prey remains and falcon biopsies for pesticide analysis. 1967 to present date.

Annual Autumn Census of Migrating Peregrine Falcons on Assateague Island National Park, Maryland—survey sanctioned by the Department of the Interior and supported by the U.S. Army. 1970 to present.

V40I13 JAN20 75 XUM

Panel Chairman, Artificial Insemination in Birds of Prey, Special Conference on Captivity Breeding of Raptors sponsored by Raptor Research Foundation, Inc., Sioux Falls, South Dakota.

Member:
Raptor Research Foundation, Inc., Associate and Contributor. 1964. Research Collaborator, Cornell Laboratory of Ornithology. Elected June 1971.

Publications:
1964. Berry, R. B. He Hunts with the Wild Falcon. *The Saturday Evening Post*, 20 June: 62–65.
1968. Berry, R. B. Captive Breeding Behavior—American Goshawk—Part I, *Raptor Research*, 2(3):58–97.
1970. Berry, R. B. Captive Breeding Behavior——American Goshawk—Part II. *Raptor Research*, 4(1):18–31.
1971. Berry, R. B. Peregrine Falcon Population Survey—Assateague Island, Maryland, fall 1969. *Raptor Research*, 5(1):31–43.
1972. Ward. F. P. and R. B. Berry. Autumn Migration of Peregrine Falcons on Assateague Island in 1970 and 1971. *Journal of Wildlife Management*, 36(2):484–492.
1972. Berry, R. B. Reproduction by Artificial Insemination in Captive American Goshawks. *Journal of Wildlife Management*, 36(4):1283–1288.
1972. Grier, J. W., R. B. Berry and S. A. Temple. Artificial Insemination with Imprinted Raptors. North American Falconers' Assoc. Journal 11:45–55.
1973. Berry, R. B. and F. P. Ward. Autumn Migrations of Peregrine Falcons on Assateague Islands, 1970–1972. Proceedings Conference on Raptor Conservation Techniques, Colorado State University, 22–25 March 1973 (in press).

Honors:
1972. Recipient of African Safari Club Annual Conservation Gold Medal Award and Certificate.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 19, 1975 will be considered.

Dated: January 14, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-1679 Filed 1-17-75;8:45 am]

Geological Survey

GEYSERS-CALISTOGA, CALIFORNIA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 2(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in Departmental Manual 4.1 H, Geological Survey Manual 220.2.35 and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Geysers and Calistoga known geothermal resources areas, effective February 1, 1974:

(5) CALIFORNIA

GEYSERS-CALISTOGA KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, California

T. 9 N., R. 6 W.,
Secs. 1 through 30, 33 through 36.
T. 10 N., R. 6 W.,
Secs. 19, 28 through 34.
T. 9 N., R. 7 W.,
Secs. 1 through 6, 9 through 15, 23, 24.
T. 10 N., R. 7 W.,
Secs. 6, 16 through 36.
T. 9 N., R. 8 W.,
Sec. 1.
T. 10 N., R. 8 W.,
Secs. 13 through 17, 21 through 27, 34 through 36.
Mallacomes or Moristul Grant 60
Mallacomes or Moristul y Plan de Agua Caliente Grant 61
Carne Humana Grant 79

The area described totals 92,509 acres, more or less.

Dated: December 24, 1974.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-1760 Filed 1-17-75;8:45 am]

UTAH

Known Geothermal Resources Areas

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, the Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as known geothermal resources areas:

(44) UTAH

THERMO HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

Salt Lake Meridian

T. 30 S., R. 11 W.,
Secs. 20 to 22, inclusive;
Secs. 25 to 28, inclusive;
Secs. 31 to 35, inclusive.
T. 30 S., R. 12 W.
Secs. 1, 9, 10, 12, 14, and 15;
Secs. 19 to 23, inclusive;
Secs. 25 to 30, inclusive;
Sec. 35.

The area described aggregates 17,922 acres, more or less.

COVE FORT-SULPHURDALE GEOTHERMAL RESOURCES AREA

Salt Lake Meridian

T. 24 S., R. 6 W.,
Secs. 32 and 33.
T. 24 S., R. 7 W.,
Sec. 36.
T. 25 S., R. 6 W.,
Secs. 5, 8, and 17;
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 25 S., R. 7 W.,
Secs. 10, 11, and 14;
Secs. 21 to 24, inclusive;
Secs. 27 and 35.
T. 26 S., R. 6 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 19, inclusive.
T. 26 S., R. 7 W.,
Secs. 1 and 2;
Secs. 9 to 13, inclusive;
Secs. 23 and 24.

The area described aggregates 24,874 acres, more or less.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

GEORGE H. HORN,
Conservation Manager, Central Region.

DECEMBER 23, 1974.

[FR Doc.75-1761 Filed 1-17-75;8:45 am]

National Park Service

[INT FES 75-1]

BIG BEND NATIONAL PARK, TEX.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Wilderness Recommendation for Big Bend National Park, Texas.

The environmental statement considers the designation of 535,900 acres of the Park as wilderness within the National Wilderness Preservation System and an additional 25,700 acres as potential wilderness addition. The statement discusses social, scientific, cultural and economic aspects of the action.

Copies are available from or for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
Post Office Box 728
Santa Fe, New Mexico 87501

Office of the Superintendent
Big Bend National Park
Texas

Assistant to the Regional Director, Texas
National Park Service
819 Taylor Street
Fort Worth, Texas 76102

Dated: January 8, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1732 Filed 1-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee which was scheduled for January 31, 1975, (40 FR 2243, 1-10-75) is postponed until Monday, February 10, 1975, at 1 p.m., in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602.

The reason for the postponement is that subsequent to the issuance of the notice of the meeting scheduled for January 31, 1975, it became apparent that greater representation by Committee members and supporting staff would be achieved by rescheduling the meeting on February 10, 1975.

The purpose of the meeting is to further review the report of the 5-Man Subcommittee appointed at the October 14, 1974, meeting of the Committee and consider areas of improving the grower designation plan for the 1975 flue-cured marketing season. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300—12th Street, S.W., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

JANUARY 15, 1975.

[FR Doc.75-1779 Filed 1-17-75;8:45 am]

Soil Conservation Service

WEST FORK OF BAYOU LACASSINE WATERSHED PROJECT, LA.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the West Fork of Bayou Lacassine Watershed Project, Jefferson Davis Parish, Louisiana, USDA-SCS-EIS-WS-(ADM)-75-4-(D)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The watershed plan was approved for operations on April 1, 1969 and construction began in 1969. Forty-nine miles of the proposed 83 miles of channel work have been constructed. The environmental impact statement is prepared for the 34 miles of channel and land treatment measures remaining to be installed. The channel work will involve clearing and debris removal on 2 miles of existing channel. Thirty-one miles of channel work will involve those with only ephemeral flow. The balance involves existing ponded water.

A limited supply of copies are available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before March 12, 1975 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 10, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-1759 Filed 1-17-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 10-1, Amdt. 1]

ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

Delegation of Authority

This order, effective December 31, 1974, amends the material appearing at 37 FR 5401 of March 15, 1972.

Department Organization Order 10-1, dated February 1, 1972, is hereby amended as follows: In section 4. *Delegation of authority:*

a. Delete the word "and" at the end of subparagraph 4.01e.

b. Delete period at end of subparagraph 4.01f. and add semicolon and the word "and".

c. Add a new subparagraph 4.01g. to read:

"g. Set policy guidelines on whether and where (1) to procure foreign patent protection for Government-owned inventions and (2) to issue licenses therefor under Executive Order 9865, as amended by Section 5 of Executive Order 10096 and Executive Order 10930."

Effective date: December 31, 1974.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-1718 Filed 1-17-75;8:45 am]

[Dep. Organization order 30-2B, Amend. 2]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This order, effective December 10, 1974, further amends the material appearing at 38 FR 27427 of October 3, 1973; and 39 FR 43565 of December 16, 1974.

Department Organization Order 30-2B dated September 11, 1973, is hereby further amended as follows:

1. In section 11. *Insititute for Materials Research*, Paragraph .04 is renumbered .05. A new paragraph .04 is added to read as follows:

".04 The *Office of Air and Water Measurement* shall provide central management of a Bureau-wide program on the development of new or improved methods of measurement of environmental pollutants and shall evaluate data on the generation of physical and chemical parameters associated with pollutant formation and dissipation."

2. The organization chart attached to this amendment supersedes the organization chart dated November 29, 1974. A copy of the Organization chart is attached to the original of this document on file in the Office of the Federal Register.

Effective date: December 10, 1974.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-1719 Filed 1-17-75;8:45 am]

[Dept. Organization Order 30-7A, Amdt. 1]

NATIONAL TECHNICAL INFORMATION SERVICE

Organization and Functions

This order, effective December 31, 1974, amends the material appearing at 35 FR 14475 of September 15, 1970.

Department Organization Order 30-7A, dated September 2, 1970, is hereby amended as follows:

1. In section 3. *Delegation of Authority.* Amend paragraph 3.01 to read:

".01 Pursuant to the authority vested in the Secretary of Commerce by law and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated the authority of the Secretary under:

"a. Chapter 23 of Title 15, United States Code, which pertains to a clearinghouse for technical information.

"b. Executive Order 9865, as amended by Section 5 of Executive Order 10096 and Executive Order 10930, to the extent that this authority is not reserved to the

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Assistant Secretary for Science and Technology in Department Organization Order 10–1.

"c. Other authorities that are applicable for performing the functions assigned in this order."

2. In section 4. *Functions.* Delete the word "and" under subparagraph f. and add new subparagraphs h. and i. to read:

"h. Procure foreign patent protection for Government-owned inventions and issue licenses therefor under Executive Order 9865, as amended.

"i. Provide liaison and coordination with the Committee on Government Patent Policy of the Federal Council for Science and Technology, furnish executive secretariat support to the Committee, advise the Assistant Secretary for Science and Technology on Committee matters, and assist in the development and formulation of a uniform Government-wide patent policy."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75–1721 Filed 1–17–75;8:45 am]

[Dept. Organization Order 30–3A, Amdt. 1]

PATENT OFFICE

Organization and Functions

This order, effective December 31, 1974, amends the material appearing at 38 FR 1068 of January 8, 1973.

Department Organization Order 30–3A, dated December 15, 1972, is hereby amended as follows:

1. In section 2. *Status and line of authority.* a. Paragraph .02 is changed to read as follows:

".02 The *Commissioner of Patents* (hereinafter called the Commissioner), who is appointed by the President by and with the advice and consent of the Senate, shall be the head of the Patent Office. He shall be principally assisted by a Deputy Commissioner, three Assistant Commissioners, whose titles and status are specified below, and a Solicitor. The First Assistant Commissioner (Deputy Commissioner) and the first two Assistant Commissioners are provided for by 35 U.S.C. 3 and are appointed by the President by and with the advice and consent of the Senate.

"a. The *Deputy Commissioner* (First Assistant Commissioner under 35 U.S.C. 3).

"b. The *Assistant Commissioner for Patents* (an Assistant Commissioner under 35 U.S.C. 3).

"c. The *Assistant Commissioner for Trademarks* (an Assistant Commissioner under 35 U.S.C. 3).

"d. The *Assistant Commissioner for Administration.*"

b. Paragraph .03 is changed to read:

".03 The Deputy Commissioner or, in the event of a vacancy in that office, the assistant commissioner appointed under 35 U.S.C. 3 who is senior in date of appointment, shall act as Commissioner during a vacancy in that office until a Commissioner is appointed and takes office. In the absence of the Commissioner, the Deputy Commissioner shall act as Commissioner. If the Deputy Commissioner is likewise absent or that office is vacant, one of the assistant commissioners appointed under 35 U.S.C. 3 or the Solicitor of the Patent Office, or the Assistant Commissioner for Administration shall act as Commissioner in an order of precedence prescribed by the Commissioner."

2. In section 3. *Delegation of authority.* Subparagraph 3.02(b) is changed to read as follows:

"b. The functions in Executive Order 10096 (except section 5) and Executive Order 10930, insofar as these functions relate to determining the ownership of patents and rights to inventions made by Government employees."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75–1720 Filed 1–17–75;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

Notice of Public Meeting

The Census Advisory Committee on the Black Population for the 1980 Census will convene on February 27, 1975 at 8 p.m. at Stouffer's National Center Inn, 2399 Jefferson Davis Highway, Arlington, Virginia, and on February 28, 1975 at 9:30 a.m. in Room 2113, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

This is the first meeting of the Committee, which consists of 21 members. The Committee was established in October 1974 to advise the Director, Bureau of the Census, on such 1980 Census planning elements as improving the accuracy of the population count, recommending subject content and tabulations of especial use to the black population, and expanding the dissemination of census results among present and potential users of census data in the black population.

The agenda for the February 27 session, which will adjourn at 9:30 p.m., includes a general overview of the Census Bureau's mission, the role of the Committee, introduction of members, and procedural matters. The agenda for the February 28 session, which will adjourn at 4:15 p.m. includes the following items: (a) summary descriptions of several major elements of the Bureau's program, (b) current status of 1980 census planning, (c) 1980 census minority statistics programs, (d) coverage of population in the 1970 census and implications for public programs, (e) participant-observer (ethnographic) techniques for coverage research.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions at the February 28 session. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. J. Jack Ingram, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone: (301) 763–5169.

Dated: January 15, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75–1730 Filed 1–17–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COLLEGE LIBRARY RESOURCES PROGRAM; LIBRARY RESEARCH AND DEMONSTRATION PROGRAM; LIBRARY TRAINING PROGRAM

Notice of Change of Closing Date for Receipt of Applications

Pursuant to the authority contained in: sections 201–208 of Title II, Part A of the Higher Education Act of 1965, as amended (20 U.S.C. 1021–1028)—College Library Resources Program; sections 201, 221, and 223 of Title II, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1021, 1031, and 1034), Library Research and Demonstration Program and sections 201, 221, and 222 of Title II, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1021, 1031, and 1033), Library Training Program, notice was published in the FEDERAL REGISTER on December 26, 1974, (39 FR 44672) establishing a closing date. The purpose of this notice is to establish a changed final closing date for receipt of applications.

Pursuant to the Higher Education Act of 1965, as amended, cited above, the final closing date for receipt of such basic grant applications is February 28, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.406, College Library Resources Program; or 13.475 Library Research and Demonstration Program; or 13.468 Library Training Program.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (in establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Library Programs, Bureau of Postsecondary Education, Office of Education, Rm. 5909, 7th and D Streets, Washington, D.C. 20202 Attn: College Library Resources Program; or Library Research and Demonstration Program; or Library Training Program.

D. *Applicable regulations.* The regulations applicable to the College Library Resources Program were published in the FEDERAL REGISTER on November 18, 1974, at 39 FR 40494 (45 CFR Part 131). Because of the mandatory nature of the legislation pertaining to the basic grants, there are no applicable criteria for the awarding of these grants.

Regulations applicable to the Library Research and Demonstration Program with funding criteria as Appendix A thereto were published in the FEDERAL REGISTER on May 17, 1974, at 39 FR 17546 (45 CFR Part 133).

Regulations and criteria applicable to the Library Training Program were published on May 17, 1974, at 39 FR 17540 (45 CFR Part 132).

These programs are also subject to the Office of Education General Provisions Regulations (particularly 45 CFR Parts 100 and 100a).

(20 U.S.C. 1021–1028, 1031, 1033, 1034)

(Catalog of Federal Domestic Assistance Number 13.406, College Library Resources; 13.475 Library Research and Demonstration; 13.468 Library Training)

Dated: January 13, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75–1892 Filed 1–17–75;8:45 am]

FEDERAL RESERVE SYSTEM

UNITED BANKS OF COLORADO

Acquisition of Bank

United Banks of Colorado, Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of United Bank of Steamboat Springs, Steamboat Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 10, 1975.

Board of Governors of the Federal Reserve System, January 9, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75–1702 Filed 1–17–75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CARMELLA COAL & MINERALS, INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4283–000, CARMELLA COAL & MINERALS, INC., (Formerly Sharon Holbrook Coals, Inc.), Mine No. 1, Mine ID No. 15 02592 0,
- ICP Permit No. 4283–002 (Wise 3-Phase 220AC Rubber Tired Carrier I.D. No. C–1),
- ICP Permit No. 4283–003 (Joy 12BU Loader, I.D. No. J–1),
- ICP Permit No. 4283–005 (Kersey BJ744 Battery Mine Tractor, I.D. No. T–1),
- ICP Permit No. 4283–007 (Kersey 744N Mine Tractor, I.D. No. 3),
- ICP Permit No. 4283–008 (Kersey 744 Mine Tractor).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before February 4, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

JANUARY 14, 1975.

[FR Doc.75–1704 Filed 1–17–75;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. STN 50–456, STN 50–457]

COMMONWEALTH EDISON CO.; BRAIDWOOD STATION, UNITS 1 AND 2

Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Commonwealth Edison Company (CECo) to conduct certain site activities in connection with the Braidwood Station, Units 1 and 2 prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and specifically include the following:

1. Excavations and associated activities such as de-watering for structures and equipment, and placement of mud mats for: (a) two containment buildings; (b) turbine room; (c) service building; (d) auxiliary building; (e) fuel building; (f) solid radwaste storage building; (g) installation of portions of condenser circulating water piping, not including any class I piping; and (h) switchyard and on-site transmission lines.

2. Construction of the following service requirements: (a) rail spur from adjacent Illinois Central Gulf line into site; (b) temporary construction track; (c) fencing; (d) perimeter lighting system; (e) road construction, permanent and temporary; (f) temporary construction power and lighting system; (g) sanitary system in conjunction with sewage treatment plant; (h) wells for potable and construction water requirements; (i) fire protection system; and (j) temporary parking lots.

3. Construction of support facilities with necessary utilities: (a) three metal warehouses (50' x 200' each); (b) metal construction office (50' x 200'); (c) metal contractor's office; (d) metal contractor's shop facilities; (e) main gate guardhouse; (f) temporary construction toilet; (g) temporary fire pump house; and (h) concrete batch plant.

This authorization is subject to the following conditions for the protection of the environment:

1. During the construction, CECo shall take the necessary mitigating actions, including those commitments summarized in section 4.5 of the AEC staff's Final Environmental Statement, to avoid unnecessary adverse environmental impacts from construction activities.

2. CECo shall follow the pre-operational monitoring program, including modifications recommended by the staff, described in section 6.1 of the Final Environmental Statement.

3. Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, CECo shall provide written notification to the Director of Licensing.

4. A control program shall be established by CECo to provide for a periodic review of all construction activities to assure that those activities conform to the environmental conditions set forth herein.

5. If unexpected harmful effects or evidence of irreversible damage are detected during facility construction, CECo shall

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provide to the staff an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or damage.

6. CECo shall comply with the applicable portions of the standards published by the United States Environmental Protection Agency on October 8, 1974 (39 FR 36176 et seq.).

7. CECo shall comply with the applicable portions of the Illinois Environmental Protection Act and the Water Pollution Regulations of the Illinois Pollution Control Board.

This authorization is subject to the additional condition that it will terminate upon a denial by the Director of Regulation of a Construction Permit for the Braidwood Station, Units 1 and 2.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Commonwealth Edison Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on January 8, 1975. A copy of (1) the Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report, and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated July 1974; and (5) the Commission's letter of authorization dated January 14, 1975 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois.

Dated at Rockville, Maryland, this 14th day of January, 1975.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.75-1822 Filed 1-17-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Subcommittee Meetings

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the AGS and FNP projects will hold a meeting on February 4, 1975, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to continue the Committee's formal Construction Permit review of AGS and Manufacturing Permit review for FNPs. The AGS facility will be located offshore from the coast of the State of New Jersey near Atlantic City. The FNPs will be manufactured at a facility to be located at Jacksonville, Florida.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, February 4, 1975, 9:00 a.m.–4:30 p.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of Public Service Electric and Gas Co. of New Jersey (PSE&G) and Offshore Power Systems (OPS) and their representatives and hold discussions with these groups pertinent to issuance of a Construction Permit to PSE&G for AGS and a Manufacturing Permit to OPS to fabricate FNPs. The discussions will focus principally upon Degraded Accident Studies but will not necessarily be limited to that topic.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and Applicants to discuss privileged information relating to plant security, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain information relating to site security which is privileged and falls within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than January 28, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commisison, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for AGS and the OPS Plant Design Report for the FNP and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and the following Local Public Document Rooms: Stockton State College Library, Pomona, New Jersey (AGS and FNP), and the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204 (FNP only), and the Business and Science Division, New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana 70140 (FNP only).

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, during the afternoon portion of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 3, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202–634–1414) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available

for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., and within nine days at the following Local Public Document Rooms: Stockton State College Library, Pomona, New Jersey (AGS and FNP), the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204 (FNP only), and the Business and Science Division, New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana 70140 (FNP only). Copies of the transcript may be produced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after May 4, 1975. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.75-1918 Filed 1-17-75;9:29 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 75-1-57]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, January 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The agreement was adopted at the 12th Meeting of the TC3 Specific Commodity Rates Board held in San Diego on October 10, 1974.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rate structure between Guam and other Pacific points. We are approving these revisions, outlined in the attachment hereto,[1] which reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24842 is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24842 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-1770 Filed 1-17-75;8:45 am]

[1] Attachment filed as part of the original document.

[Docket 25280; Order 75-1-56]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, January 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted at the 38th meeting of the TC1 Specific Commodity Rates Board held at San Diego, California on October 11, 1974 and has been assigned C.A.B. agreement number 24825.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rate structure applicable within the Western Hemisphere. We will approve these revisions, outlined in the attachment hereto,[1] which reflect reductions from otherwise applicable general cargo rates.

Pursuant to the authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24825 is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24825 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-1771 Filed 1-17-75;8:45 am]

[1] Attachment filed as part of the original document.

[Docket No. 27037]

OZARK AIR LINES, INC.

Prehearing Conference Regarding Deletion of Clinton, Iowa

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 25, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 6, 1975, and the other parties on or before February 17, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 15, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-1772 Filed 1-17-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Manpower and Reserve Affairs), Immediate Office, Office of the Assistant Secretary of Defense

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(Manpower and Reserve Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-1774 Filed 1-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy to the Assistant to the Secretary and Deputy Secretary of Defense, Office of the Assistant to the Secretary and Deputy Secretary of Defense, Immediate Office, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-1775 Filed 1-17-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66011; FRL 322-7]

KEMIN INDUSTRIES, INC.

Intent To Cancel Registration

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified Kemin Industries, Inc., 2104 Maury St., Des Moines, IA 50301, of its intent to cancel the registration of the pesticide product Grain Treet Liquid (EPA Reg. No. 8596-17).

The registration data is insufficient to support a finding that the composition of Grain Treet is such to warrant the claims for the product. The registrant has not fulfilled the requirements for continued registration and therefore has not fully complied with the provisions of the FIFRA.

Cancellation of this registration shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA, and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M Street, SW, Washington, DC 20460.

Dated: January 14, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-1684 Filed 1-17-75;8:45 am]

[FRL 322-1; OPP-32000/171]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before March 21, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 21, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 7405-LU. Chemical Packaging Corp., PO Box 9947, Ft. Lauderdale FL 33310. CHEMI-CAP AIRCRAFT INSECTICIDE BOMB. Active Ingredients: Pyrethrins 0.60%; Piperonyl Butoxide, technical 1.40%; Petroleum distillate 13.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34775-G. Culligan Industrial Water Conditioning Co., Inc., 2199 Frisco, Box 14867, Memphis TN 38114. POOLCIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene-(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11694-LU. Dymon, Inc., PO Box 6175, 3401 Kansas Ave., Kansas City KS 66106. DIS SPRAY DEODORIZER DISINFECTANT AIR FRESHENER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.1%; Isopropanol 33.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LG. Dymon, Inc., PO Box 6175, 3401 Kansas Ave., Kansas City KS 66106. LEMON DISINFECTANT DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C13, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.1%; Isopropanol 53.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-96. Elanco Products Co., PO Box 1750, A Div. of Eli Lilly and Co., Indianapolis IN 46206. ELANCO SURFLAN 75W. Active Ingredients: oryzalin (3,5-dinitro-N4,N4-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18035-RE. Private Label Chem., Inc., 2280 Terminal Rd., St. Paul MN 55113. BIO-QUAT 2. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035-RR. Private Label Chem. Inc. MARK 25. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035-RN. Private Label Chem., Inc. MARK H-10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035-0. Private Label Chem., Inc. MARK F-25. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18035-I. Private Label Chem., Inc., BIO-QUAT N 2. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Tetrasodium ethylenediamine tetraacetate 1.00%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 476-ERAI. Stauffer Chem. Co., 1200 S 47th St., Richmond CA 94804. CLENESCO ARC ACID—ANIONIC SANITIZER. Active Ingredients: Phosphoric acid 57.0%; Dodecylbenzenesulfonic acid 15.5%; Isopropyl alcohol 8.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 476-ERAO. Stauffer Chem. Co., 1200 S 47th St., Richmond CA 94804. CLENESCO X-SEPT SANITIZING LUBRICANT FOR CONVEYOR CHAINS. Active Ingredients: bis(trichloromethyl) sulfone 0.0100%; N-alkyl (40% C12, 50% C14, 10% C10) dimethyl benzyl ammonium chlorides 0.0076%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34810-U. Wexford Labs, Inc., PO Box 9334, St. Louis MO 63117. DAIRYWEX. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: January 10, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-1549 Filed 1-17-75;8:45 am]

[Opp-32000/172; FRL 322-8]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before March 21, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 21, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 2749-GIT. Aceto Chem. Co., Inc., Agricultural Chem. Div., 126-02 N. Blvd., Flushing NY 11368. MITYMITE. 2 (p-tert-butylphenoxy) cyclohexyl-2-propynyl sulfite 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749-GOR. Aceto Chem. Co., Inc., Agricultural Chem. Div., 126-02 N. Blvd., Flushing NY 11368. FENTHION CONCENTRATE INSECTICIDE. Active Ingredients: O,O-Dimethyl O-[4-(methylthio)-m-toyl] phosphorothioate 93%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1526-465. Arizona Agrochemical Co., P.O. Box 21537, Phoenix AZ 85036. CRYOLITE 50 DUST. Active Ingredients: Sodium Fluoluminate 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1526-450. Arizona Agrochemical Co., P.O. Box 21537, Phoenix AZ 85036. METHYL PARATHION 2 DUST. Active Ingredients: O,O-Dimethyl O-P-Nitrophenyl Thiophosphate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8612-67. B & G Co., PO Box 20372, Dallas TX 75220. B & G DIAZINON-AG500. Active Ingredients: O-O-Diethyl O-(2 - isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 48%; Xylene 38.98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 662-AN. BASF Wyandotte Corp., 1609 Biddle Ave., Wyandotte MI 48192. WYANDOTTE STERI-CHLOR HIGHLY SOLUBLE CHLORINE SANITIZER. Active Ingredients: Potassium dichloro-s-triazinetrione 6.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35133-E. C & C Chem. Sales Co., Baytown TX 77520. C & C'S PROFESSIONAL MOSQUITO SPRAY. Active Ingredients: Chlorinated Camphene 6%; Malathion 4%; BHC (Benzenhexachloride Gamma Isomers 3%; BHC, Other Isomers 4%; Solvent Emulsifier 83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132-A. Cealin Chem., 6501 Arlington Expwy, Jacksonville FL 32211. TRICHLORIN II. Active Ingredients: Trichloriscoyanuric Acid (TCC) 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132-T. Cealin Chem., 6501 Arlington Expwy, Jacksonville FL 32211. TRICHLORIN D. Active Ingredients: Calcium Hypochlorite 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-211. Chemagro, PO Box 4913, Kansas City MO 64120. DASANIT 15% GRANULAR ORNAMENTAL AND TURF NEMATICIDE. Active Ingredients: O,O-Diethyl O-[p-(methyl-suifinyl) phenyl] phosphorothioate 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4704-4. J. C. Ehrlich Chem. Co., Inc., 800 Hiesters Lane, Reading PA 19605. MAGIC CIRCLE INSECT KILLER. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500%; pyrethrins 0.052%; technical piperonyl butoxide (equivalent to 0.209% (butylcarbityl) (6-propylpiperonyl) ether and 0.52% other related compounds) 0.261%; petroleum distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4704-2. J. C. Ehrlich Chem. Co., Inc., 800 Hiesters Lane, Reading PA 19605. MAGIC CIRCLE RABBIT REPELLENT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11497-RR. Enviro Chem, 9840 Monroe St., Dallas TX 75220. NALCIDE 1. Active Ingredients: Naled 26%; Aromatic Petroleum Derivative Solvent 61%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9937-E. Head-to-Toe Products, 1697 Elizabeth Ave., Rahway NJ 07065. SANI-SEAT TOWELETTE CLEANS AND PROTECTS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.0243%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.0243%; Tetrasodium ethylenediamine tetraacetate 0.0141%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5075-EA. Jewel Co., Inc., 5015 NE Riva Rd., Chicago IL 60631. JEWEL INSECT REPELLENT. Active Ingredients: N,N, - Diethyl - Meta - Toluamide 3.78%; Other Isomers 0.42%; N-Octyl bicycloheptene dicarboximide 2,3:4,5-Bis (Δ, butylene) tetrahydro-2-furaldehyde 0.30%; Di-n-propyl isocinchomeronate 0.30%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 5075-ET. Jewel Co., Inc. JEWEL PATIO SPRAY OUTDOOR INSECT FOGGER. Active Ingredients: Pyrethrin 0.20%; Piperonyl butoxide, technical 1.00%; Methoxychlor, technical 1.00%; 2-Hydroxy ethyl-n-octyl sulfide 0.95%; Related compounds 0.05%; Petroleum distillate 0.92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5075-EI. Jewel Co., Inc. JEWEL ANT & ROACH SPRAY. Active Ingredients: Pyrethrins 0.050%; Piperonyl butoxide, technical 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Aromatic petroleum distillate 0.406%; Petroleum distillate 73.603. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA Reg. No. 635-522. E-Z Flo Chem. Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. E-Z FLO C-O MOUSE BAIT. Active Ingredients: Zinc Phosphide 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 36123-R. Pharmadyne Chem. Corp., 15 Sewaren Ave., Sewaren NJ 07077. WONDER FLUFF KILLS FLEAS, LICE AND TICKS. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.100%; N-Octyl Bicycloheptene Dicarboximide 0.166%; Petroleum Distillate 0.240%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-IA. Roberts Laboratories, Inc., 4995 N Main, Rockford IL 61101. ROBERTS YARD AND PATIO FOGGER WITH REPELLENT. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.950%; Related compounds 0.050%; Aromatic Petroleum Solvent 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523-TI. Roberts Laboratories, Inc., 4995 N Main St., Rockford IL 61101. ROBERTS DIMETHOATE 267 E.C. SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate [O,O-dimethyl S-(N-methylcarbamoyl-methyl) phosphorodithioate] 30.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2459-30. Stevens Industries, Inc., PO Box 272, Dawson GA 31742. MASTER BRAND EMULSIFIABLE SPRAY FOR COTTON. Active Ingredients: Toxaphene 58.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2459-220. Stevens Industries, Inc., PO Box 272, Dawson GA 31742. TOX.-M. PARATHION. Active Ingredients: Toxaphene 52.81%; O-O-dimethyl O-p-nitrophenyl thiophosphate 26.41%; Xylene 4.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 861-RNR. Uncle Sam Chem. Co., Inc., 575 W 131st St., New York NY 10027. VAPORIZER NO. 1000 INSECT SPRAY. Active Ingredients: Pyrethrins 1.00%; Technical Piperonyl Butoxide 2.00%; N-Octyl Bicycloheptene Dicarboximide 3.00%; Petroleum Distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 623-GT. United Chem. Co., Inc., 2100 Wyandotte St., Kansas City MO 64108. UNITED VETER-SAN CLEANER-DEODORIZER - DISINFECTANT - FUNGICIDE. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (C12 68%, C14 32%) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32560-R. Will & Baumer Candle Co., Inc., PO Box 711, Syracuse NY 13201. CITRONELLA L1017 PATIO LITE STOCK NO. 780116. Active Ingredients: Oil of Citronella 2%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: January 11, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.75-1872 Filed 1-17-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADMINISTRATOR, ERDA

General Delegation of Authority for Interim Period

Pursuant to section 104 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) certain functions, components, and officers of the Atomic Energy Commission, the Secretary of the Interior, the Department of Interior, the National Science Foundation, and the Environmental Protection Agency are transferred to, or vested in, the Administrator of the Energy Research and Development Administration (ERDA).

Valid delegations of authority heretofore delegated to such officers in accordance with pertinent laws, rules, and regulations of the aforementioned Federal entities from which the function, component, or officer was transferred, shall remain in effect until further notice and are hereby affirmed, including the power or redelegation to the extent so provided in such delegations provided, however that any contractual arrangement, interagency agreement, grant, loan guarantee, property transfer or any other action involving more than ten million dollars shall be subject to the prior approval of the Administrator or such officer of ERDA as the Administrator, in writing, may designate.

The authority affirmed herein shall be exercised in accordance with all applicable laws, rules, and regulations.

Authority vested in the Administrator by applicable laws, not encompassed by the delegations of authority hereinabove affirmed, are reserved to the Administrator or such officer of ERDA as the Administrator, in writing, may designate.

When an officer or employee had been required pursuant to his delegation of authority to refer, or provide information on, a particular matter to a higher level officer or employee, and the position of such higher level officer or employee has been abolished as a result of the enactment of Pub. L. 93-438 or has not yet been established in the Administration, referral of the matter, or provision of information thereon, shall be to the Administrator.

(Section 105(c) of the Energy Reorganization Act of 1974 (Pub. L. 93-438))

Effective Date: January 19, 1975.

ROBERT C. SEAMANS, JR.,
Administrator.

[FR Doc.75-1888 Filed 1-17-75;8:45 am]

OFFICIAL SEAL

Notice of Adoption

Pursuant to section 105(f) of the Energy Reorganization Act of 1974, the Administrator has adopted an official seal, the description of which is as follows:

A yellow gold sunburst with 28 pointed metallic silver rays encircled by fifty 5-pointed metallic silver stars all on a dark blue disc within a dark blue band rimmed in yellow on each side and inscribed Energy Research and Development Administration in white and at the base the letters USA, also in white. The sunburst is the symbol of energy. The 50 stars represent the 50 states.

The Official Seal is illustrated as follows:

The Administrator or his designee is responsible for custody of the impression seals and of replica (placque) seals.

(Sec. 105(f), Energy Reorganization Act of 1974, Pub. L. 93-438)

Effective Date: January 9, 1975.

ROBERT C. SEAMANS, JR.,
Administrator.

[FR Doc.75-1887 Filed 1-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19744, 19745; Files Nos. BRCT-33, BPCT-4458; FOC 75R-11]

BELO BROADCASTING CORP. AND WADECO INC.

Memorandum Opinion and Order Enlarging Issues

Memorandum opinion and order enlarging issues. In re applications of Belo Broadcasting Corporation (WFAA-TV), Dallas, Texas, Docket No. 19744, File No. BRCT-33, for renewal of broadcast license; WADECO, Inc., Dallas, Texas, Docket No. 19745, File No. BPCT-4453, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of Belo Broadcasting Corporation (Belo) for renewal of its license to operate on Channel 8, Dallas, Texas, and WADECO, Inc. (WADECO) for authorization to construct a new television station on that channel. These applications were designated for consolidated hearing by Commission Order, 40 FCC 2d 1131, 27 RR 2d 889, released May 24, 1973. The Review Board now has before it Belo's sixth motion to enlarge issues,[1] filed October 11,

[1] The Board also has before it the following related pleadings: (a) opposition, filed October 24, 1974, by WADECO; (b) comments, filed October 24, 1974, by the Broadcast Bureau; and (c) reply, filed November 5, 1974, by Belo.

1974,[2] requesting the addition of the following issues:

(1) To determine whether WADECO, Inc. omitted material information in its application regarding James K. Wade's financial condition in violation of § 1.514 and/or failed to amend its application with respect thereto in violation of § 1.65 of the Commission's rules.

(2) To determine whether WADECO, Inc. and/or James K. Wade misrepresented material facts concerning his personal financial condition.

(3) To determine, in the light of the foregoing issues, whether James K. Wade is qualified to be a principal of a Commission licensee.

(4) To determine, in the light of the evidence adduced under the preceding issues, whether WADECO, Inc. possesses the basic or comparative qualifications to be a licensee of the Commission.

2. In support of its petition, Belo alleges that WADECO and/or James K. Wade, president of WADECO, misled the Commission by failing to make timely disclosure of the hypothecation of Wade's life insurance cash surrender value and thus misrepresented the extent of his liquid assets. According to Belo, in an October 12, 1972, amendment to its application, WADECO submitted a balance sheet for Wade, dated October 6, 1972, which listed $47,178 as the cash surrender value of his life insurance.[3] Belo alleges that WADECO continued to rely on Wade's October 6, 1972 balance sheet; thus, in a September 25, 1974, opposition to Belo's fifth motion to enlarge issues, WADECO stated that Wade's liquid assets included the cash surrender value of life insurance in the amount of $47,178. However, petitioner continues, WADECO indicated the following for the first time in an erratum to the September 25 opposition, filed October 3, 1974:

> • • • that a substantial portion of the cash surrender value of Mr. Wade's life insurance has been pledged and is not a liquid asset. The pledged portion of that asset is included in the long-term liabilities recited in Mr. Wade's balance sheet.

Based upon the above, Belo asserts that WADECO's continued representation that the facts reflected in WADECO's October 6, 1972 balance sheet were accurate, represents a "continuing major deception by that applicant and its principal • • •" with respect to the extent of Wade's liquid assets.

[2] Although Belo's petition is untimely, the Board agrees with petitioner that WADECO's recent disclosure of information relating to the liquidity of Mr. Wade assets constitutes good cause for filing the motion at this time.

[3] Belo relates that WADECO submitted a 1971 financial statement for Wade with its original application on July 1, 1971, which reflected that Wade's life insurance had a cash surrender value of $5,200. Petitioner further notes that although by letter, dated November 4, 1971, the Commission questioned the sufficiency of Wade's liquid assets to meet his stock subscription commitment, WADECO did not respond to this specific matter until the above-mentioned amendment was submitted.

3. In opposition, WADECO alleges that the petition lacks specificity, and it is not verified by an affidavit of a person having personal knowledge of the facts alleged.[4] Moreover, WADECO asserts—without further elaboration—that Belo has ignored the statement in the erratum which indicates that the pledged portion of Wade's assets is reflected in the long-term liabilities reported on Wade's balance sheet. The Broadcast Bureau notes in its comments, however, that WADECO's erratum failed to indicate when the cash surrender value of Wade's life insurance was pledged, thereby negating its viability as a source of funds should WADECO be required to rely upon the stock subscriptions of its stockholders.[5]

4. The Review Board will add a Rule 1.65 issue against WADECO. Although Belo's petition is not supported by an affidavit of a person having personal knowledge of the facts alleged, the factual bases for petitioner's allegations appear in WADECO's own submissions to the Commission and, consequently, are matters of which the Board may properly take official notice. See Rule 1.229. Rule 1.65 requires an applicant to amend his application when the information furnished in the application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred. See, e.g., Star Stations of Indiana, Inc., 34 FCC 2d 632, 636, 24 RR 2d 165, 170 (1972). And, significant reductions in the amount of liquid assets shown on the balance sheet of a stock subscriber could constitute material changes affecting financial qualifications. Christian Voice of Central Ohio, 15 FCC 2d 303, 14 RR 2d 785 (1968); Star Stations of Indiana, Inc., supra.[6] WADECO's statement in its erratum of October 3, 1974, that the pledged portion of the cash surrender value of Wade's life insurance is included in the long-term liabilities recited in Wade's balance sheet dated October 6, 1972, raises a question of whether the pledge of that asset may have occurred as much as two years before WADECO indicated to the Commission that the cash surrender value of the life insurance was not fully a liquid asset. Moreover, we note that WADECO has not yet fully apprised the Commission of Wade's financial status, since the applicant has not stated precisely what amount of the surrender value of the policy is actually hypothecated. Thus, the Board concludes that an issue is warranted to determine whether WADECO complied with Rule 1.65.[7] However, a misrepresentation issue will not be added because petitioner's allegations in this respect are insufficient to warrant such an inquiry, and the general question of candor may be examined under the issue specified herein. Horne Industries, Inc., 28 FCC 2d 454, 21 RR 2d 851 (1971); Folkways Broadcasting Co., Inc., 21 RR 2d 211 n. 8 (1971).

5. *Accordingly, it is ordered,* That the motion for enlargement of issues, filed October 11, 1974, by Belo Broadcasting Corporation, is granted to the extent indicated below, and is denied in all other respects; and

6. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine whether WADECO, Inc., has failed to comply with the provisions of § 1.65 of the Commission's rules by not reporting a substantial change in the liquid assets of James K. Wade, and, if so, to determine the effect of such non-compliance on the applicant's basic or comparative qualifications to be a Commission licensee.

7. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Belo Broadcasting Corporation, and the burden of proof under such issue shall be on WADECO, Inc.

Adopted: January 8, 1975.

Released: January 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-1753 Filed 1-17-75;8:45 am]

[4] In its reply, Belo notes that it is unnecessary for it to verify facts contained in WADECO's earlier opposition and erratum and which have thus "already been certified to be true and correct by James K. Wade, a principal of WADECO and its President, and by counsel for WADECO."

[5] The Bureau favors the addition of Rule 1.65 and misrepresentation issues, but states that a Rule 1.514 issue is not warranted in the absence of specific allegations of fact or supporting affidavits pursuant to Rule 1.229 which indicate that WADECO's application was inaccurate or incomplete at the time of filing.

[6] FCC Form 301, section III, 4(b), states in part: "For each person (except financial institutions) who has agreed to furnish funds or purchase stock, but who has not already done so, submit a balance sheet or, in lieu thereof, a financial statement showing all liabilities and containing current and liquid assets sufficient in amount to meet current liabilities . . . and, in addition, to indicate financial ability to comply with the terms of the agreement.

[7] Since there is no indication that the original financial statement was incorrect, there is no basis for the addition of a Rule 1.514 issue. But cf. Horne Industries, Inc., 28 FCC 2d 454, 21 RR 2d 851 (1971).

[Docket No. 16070; FCC 75-23]

COMMUNICATIONS SATELLITE CORP.

Order Regarding Investigation

In the matter of Communications Satellite Corporation investigation into charges, practices, classifications, rates and regulations, Docket No. 16070.

1. The Commission has before it a motion filed January 7, 1975, by the separated Trial Staff of the Common Carrier Bureau (Trial Staff) and the

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Communications Satellite Corporation (Comsat) to postpone the last date for filing of Proposed Findings of Fact and Conclusions of Law in the above-captioned proceeding for a period of approximately one month.

2. The parties indicate that prolonged and serious illness of two key members of the Trial Staff has made it impossible to complete analysis of the record and to prepare proposed findings by the present deadline. They further state that Comsat needs a short extension to complete its findings but supports the request of the Trial Staff for a further extension.

3. We believe good cause has been shown for the requested extension. This is the second extension granted for the filing of proposed findings. By Order of the Chief, Common Carrier Bureau released November 27, 1974, the time for filing of proposed findings was extended until January 15, 1975, and that for replies to February 28, 1975.

4. In view of these two extensions, it has become clear that it will not be possible to reach a final decision by April 1, 1975, as we had hoped. We now anticipate that the two month filing extension will cause a comparable extension in the target date for our decision.

5. *Accordingly, it is ordered,* That the Memorandum Opinion and Order in the above-captioned matter, 48 F.C.C. 2d 86 (1974) is amended to allow proposed findings of fact and conclusions of law to be filed no later than February 12, 1975, and reply findings and briefs no later than March 26, 1975.

Adopted: January 13, 1975.

Released: January 14, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-1754 Filed 1-17-75;8:45 am]

[Docket Nos. 19882, 19884; FCC 75R-10]

JIMMIE H. HOWELL AND AARON J. WELLS

Memorandum Opinion and Order Enlarging Issues

In re applications of Jimmie H. Howell, Milton, Florida, Docket No. 19882, File No. BP-19402; Aaron J. Wells, Milton, Florida, Docket No. 19884, File No. BP-19430; for construction permits.

1. By Order, 38 FR 34150, published December 11, 1973, the Commission designated the above-captioned applications for hearing. Now before the Review Board is a motion to enlarge issues, filed October 25, 1974, by the Broadcast Bureau, requesting the addition of misrepresentation and Rule 1.65 issues against Jimmie H. Howell (Howell).[1]

2. In support, the Bureau asserts that the financial statement submitted with Howell's original application, filed on March 6, 1973, lists a dress shop owned by Mrs. Howell as an asset. However, the Bureau alleges, on October 7, 1974, the first day of hearing in the instant proceeding, Howell revealed that the shop had been sold approximately one year earlier. Howell's failure to inform the Commission of the sale earlier, the Bureau alleges, is a violation of Rule 1.65. With respect to its request for misrepresentation issue, the Bureau contends that it was also revealed at the hearing that Mrs. Howell's ownership interest in the shop extended only to the inventory, although the asset was listed under the real estate schedule on Howell's balance sheet. Moreover, the Bureau contends, Howell, in submissions to the Commission subsequent to the sale, continued to rely on the shop as real estate and as a source of income during the first year of operation.[2] Specifically, the Bureau submits that in a January 25, 1974, opposition to a petition to enlarge issues, filed by Aaron J. Wells (Wells), Howell placed direct reliance on his wife's income.[3] The Bureau concludes that appropriate issues are warranted. In his comments, Wells supports addition of the requested issues.

3. In opposition, Howell initially states that his wife was never paid for the sale of her interest in the dress shop and that a civil action has been commenced to reacquire it. Howell maintains that the transaction was not reported earlier pursuant to Rule 1.65 because Mrs. Howell is not the applicant and since Howell, in light of his bank loan and other assets, "is not and does not need to rely on this asset to finance the proposed station." Howell also submits that he may work part time at two other stations after his proposed station is constructed, and that he and Mrs. Howell will also live on the income from her job with a stock brokerage agency. Finally, admitting that his current balance sheet places the dress shop under the heading *Real Estate,* Howell notes that the store's assets are described therein as "Store Inventory, etc." Thus, Howell concludes, there was no concealment or misrepresentation of any former interest in real estate, nor any motive for such misrepresentation.

4. The Review Board agrees with the Bureau that a serious question as to Howell's compliance with Rule 1.65 has been raised. Specifically, the sale of Mrs. Howell's dress shop could constitute a significant changed circumstance, bearing directly on Howell's financial qualifications. As the Board's Memorandum Opinion and Order, ____ FCC 2d ____, 30 RR 2d 406 (1974), issued in response to the aforementioned Wells petition, makes clear, both the liquidity of the real estate represented on Howell's balance sheet and Mrs. Howell's income are in question. Howell, having relied on his wife's assets to make his financial showing, may not excuse his failure to amend his application to report their sale by disclaiming any personal interest in the assets. *Cf. Voice of Reason, Inc. (KICM),* 37 FCC 2d 686, 25 RR 2d 645 (1972). For these reasons, inquiry into these matters will be authorized.

5. Addition of a misrepresentation issue is also warranted. In his January 25, 1974 pleading defending his financial showing, Howell affirmatively relied on his June 30, 1973 balance sheet and his wife's property and income, even though the availability of the funds in question may have been terminated through sale several months earlier. Thus, the Board apparently reached its decision without the benefit of all pertinent information. Addition of the requested misrepresentation issue is therefore warranted regardless of the possibility that the Board would have added the financial issue even had it possessed all of the correct information, or whether or not Howell's bank loan and remaining assets would have been sufficient to meet his first year costs without relying on the dress shop. See *FCC* v. *WOKO, Inc.* 329 U.S. 223 (1946); *St. Cross Broadcasting, Inc.,* 39 FCC 2d 514, 26 RR 2d 941 (1973). Nor is the fact that the sale is disputed or in litigation sufficient to eliminate the obligation to truthfully represent information to the Commission. See *Voice of Reason, Inc. (KICM), supra.* Finally, in our opinion, the extent of Mrs. Howell's ownership interest in the dress shop and whether it too was misrepresented may be explored under the issue being added herein.[4]

6. *Accordingly, it is ordered,* That the motion to enlarge issues, filed October 25, 1974, by the Broadcast Bureau, is granted to the extent indicated herein, and IS DENIED in all other respects; and

7. *It is further ordered,* That the Rule 1.65 issue designated by the Commission by Order, 34 FR 34150, published December 11, 1974, is modified to encompass the matters raised herein; and

8. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether Jimmie H. Howell made misrepresentations to the Commission with reference to his financial qualifications.

(b) To determine, in light of the evidence adduced with respect to the foregoing issue, whether Jimmie H. Howell possesses the requisite and/or comparative qualifications to be a Commission licensee.

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein shall be on the Broadcast Bureau, and the burden of proof shall be on Jimmie H. Howell.

Adopted: January 8, 1975.

Released: January 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-1755 Filed 1-17-75;8:45 am]

[Docket No. 20271; FCC 75-6]

INTERNATIONAL TELECOMMUNICATION UNION

Notice of Inquiry

In the matter of an inquiry relating to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider revision of the Radio Regulations.

1. By Resolution Number 28, adopted by the 1973 Plenipotentiary Conference of the International Telecommunication Union (ITU), a General World Administrative Radio Conference (WARC) of the ITU for the general Revision of the international Radio Regulations will be convened in 1979. A copy of that Resolution is attached.

2. The last General WARC for such a purpose was held in 1959. Prior to that time the practice had been to revise the international Radio Regulations as a whole whenever necessary. However, the rapid growth of international communications services and the resulting complexities of the revision process has made it desirable to hold specialized WARC's dealing with one particular radio service. Five such specialized conferences have been held since 1959, and additional specialized conferences are scheduled to convene prior to the 1979 General WARC.

3. Although the Administrative Council of the ITU will subsequently determine the specific convening date, the duration and the draft agenda of the 1979 General WARC, and will invite comments from interested member nations, the nature and objectives of this Conference could result in the revision of any aspect of the international Radio Regulations. Because of the far reaching importance of this conference it is necessary that proposals for changes to the international Radio Regulations be received and considered at the earliest practicable date.

4. The purpose of this Inquiry, therefore, is to solicit comments or recommendations concerning changes or revisions to the international Radio Regulations which the public believes should be considered by the Commission in developing pertinent U.S. positions. Recommendations for inclusion of a particular subject or revision of certain regulations should be accompanied by adequate justification and/or supportive rationale. In this connection, the Commission will consider, by incorporation herein, those pertinent Petitions for Rule Making already on file as well as the results of the aforementioned specialized Radio Conferences. Typical of the questions or issues expected to be addressed is the following question:

What effect, if any, will 3 kHz channel spacing in the HF aeronautical mobile (R) bands have upon the need for and timing of an aeronautical satellite program?

5. In developing proposals for consideration by the Commission in preparation for the 1979 WARC, participants should keep in mind the importance of the conference results. Based upon past experience, decisions reached at this conference can be expected to provide the framework for the Table of Frequency Allocations through most of the remainder of this century. It is of the utmost importance to develop a U.S. position which effectively promotes that combination of telecommunications uses which offers the maximum social and economic contribution to the national welfare while at the same time retains the necessary flexibility to accommodate the important new applications of this dynamic technology as well as the unique requirements of our international partners in the ITU.

6. As in the past, the Commission will expect to coordinate its views with those of the Office of Telecommunications Policy and the Department of State in developing national proposals for the 1979 General WARC. Thus, it should be noted that this inquiry, and any of an anticipated number of additional Notices of Inquiry in this proceeding are not rule making actions and will not involve changes in, or additions to, Commission Rules and Regulations. Nonetheless, inputs to this proceeding may eventually lead to proposals for modification of the international Radio Regulations and consequent incorporations of such changes in the Commission's Rules.

7. Accordingly, interested persons desiring to submit comments, proposals, recommendations or changes to the international Radio Regulations for consideration by the 1979 WARC may do so on or before February 14, 1975. Replies to any such comments, proposals, recommendations or changes may be submitted on or before February 28, 1975. All relevant and timely filed comments as well as other pertinent information made available to the Commission will be considered.

8. Pursuant to § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed in response to this Notice are required.

9. Authority for this action is contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i).

Adopted: January 3, 1975.

Released: January 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

RESOLUTION No. 28

WORLD ADMINISTRATIVE RADIO CONFERENCE FOR THE GENERAL REVISION OF THE RADIO REGULATIONS

The Plenipotentiary Conference of the International Telecommunication Union (Mala-Torremolines, 1973),

considering:

(a) That, since 1959, various world administrative radio conferences have amended the Radio Regulations and Additional Radio Regulations on specific points without having been able to harmonize the decisions taken because of the limited nature of their agenda;

(b) That, as a result of technical advances, some of the provisions in these Regulations should be reconsidered, particularly with regard to certain services which are developing rapidly;

(c) That, for these reasons, a general revision of the Radio Regulations and of the Additional Radio Regulations should be undertaken;

resolves:

That a World Administrative Radio Conference to revise, as necessary, the Radio Regulations and the Additional Radio Regulations shall be convened in 1979;

Instructs the Administrative Council to make preparations for convening that Conference.

[FR Doc.75-1757 Filed 1-17-75;8:45 am]

[Docket Nos. 20320, 20321; File Nos. 4304-C2-P-71, 6261-C2-P-71; FCC 75-21]

VEGAS INSTANT PAGE AND WUI/TAS OF LAS VEGAS, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Vegas Instant Page, Las Vegas, Nevada, Docket No. 20320, File 4304-C2-P-71; WUI/TAS of Las Vegas, Inc., Las Vegas, Nevada, Docket No. 20321, File No. 6261-C2-P-71.

1. The Commission has before it for consideration applications filed by Vegas Instant Page (VIP) on February 8, 1971 and by Vegas Valley Associates, Inc. (now WUI/TAS of Las Vegas, Inc., hereinafter WUI/TAS) on April 19, 1971, for new one-way facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) in the Las Vegas, Nevada area. Both applications are for guardband frequency 158.70 MHz. Also before the Commission are: (a) A petition to return WUI/TAS's application as defective filed by VIP on March 30, 1973, (b) an amendment to the original Vegas Valley Associates application filed June 8, 1973 substituting WUI/TAS as the applicant; (c) a reply

[1] Also before the Review Board are: (a) Opposition, filed November 6, 1974, by Howell; (b) comments, filed November 7, 1974, by Aaron J. Wells; and (c) reply, filed November 13, 1974, by the Broadcast Bureau.

[2] The Bureau notes that in a financial statement dated June 30, 1973, submitted in an amendment dated August 7, 1973, Howell represented that he and his wife would "if necessary, sell, transfer, or hypothecate any or all of the above real estate to construct and/or operate the proposed station the first year."

[3] In his opposition, Howell defended his proposal not to draw a salary from the proposed station by declaring that his salary as a county official "• • • in addition to his wife's business, Margot's Dress Shop in Milton, is more than enough to sustain he and Mrs. Howell." In this regard, the Bureau points out that Howell has since lost his county employment.

[4] In this respect we note that although Howell claims innocent intent, his wife's dress shop is included on the balance sheet under the "Real Estate Mortgages" schedule as well.

[1] Commissioner Reid absent.

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by WUI/TAS to VIP's petition to return as defective filed July 6, 1973; (d) an amendment to its application filed by VIP on October 24, 1973; (e) WUI/TAS's "Petition to Dismiss and Return as Defective" the amended VIP application filed November 21, 1973; (f) an opposition filed by VIP on December 6, 1973; and (g) a reply to the opposition filed by WUI/TAS on January 4, 1974.

2. Both VIP and WUI/TAS presently provide paging services in the Las Vegas, Nevada area. VIP provides "tone-only" paging on a frequency of 35.58 MHz and "tone plus voice" paging on guardband frequency 152.24 MHz. WUI/TAS provides two-way mobile service primarily and one-way paging secondarily on a frequency of 152.03 MHz. According to VIP, their paging service at 35.58 MHz is subject to "skip" and inadequate building penetration in spite of significant attempts to remedy these problems. The quality of service to be afforded subscribers at the higher guardband channel applied for is expected to be technically far superior to that at the lower frequency. WUI/TAS asserts in its application and other documents that their request for the remaining guardband frequency is primarily to allow them to conform with the Commission's intent in granting the use of 152.03 MHz. If its application is approved, WUI/TAS states it will transfer its one way paging customers to the new channel and use 152.03 MHz exclusively for two-way service.

3. In its motion to oppose the grant of the WUI/TAS application, VIP argues first that the application is defective due to a failure to comply with Rule 21.15(c)(4),[1] which requires that a copy of the state authorization to provide service, if one is required, be submitted with the application filed with this Commission. Nevada does require such an authorization. Since the Nevada PSC reassigned the authorization of Vegas Valley to WUI/TAS on April 19, 1973, the argument goes, the application on file with this Commission on that date in the name of Vegas Valley was not in compliance with Rule 21.15(c)(4).

4. Failure to comply with the provisions of Rule 21.15(c)(4) has constituted a defect so serious that the Commission has rejected applications. See *Two Way Radio of Carolina*, 18 F.C.C. 2d 356 (1969); *Canaveral Communications*, 26 F.C.C. 2d 73 (1970). Those cases, however, are easily distinguished from the instant case. In *Two Way Radio*, the North Carolina PUC had refused to issue a certificate. In *Canaveral*, the adequacy of an existing certificate to cover a new service was in doubt. In the instant case, there is no claim that the certificate in the name of WUI/TAS, submitted with the amended application on June 8, 1973, is in any substantive way defective. True, there was a period between April 19 and June 8, 1973 when the certificate with the application on file (that in the name of Vegas Valley Associates) had been superceded. Under the circumstances, however, we will not consider the application defective. Vegas Valley Associates was being sold to WUI/TAS. Authorizations had to be gotten from this Commission and the Nevada PSC. Ideally, all paperwork could have been coordinated to avoid the present situation. The ideal is rarely achieved, and we will not require it here. Returning the application of WUI/TAS is much too drastic under the circumstances. See *Day Nite Radio Message Service*, 26 F.C.C. 2d 911 (1971).

5. VIP also asserts that the change in control (from Vegas Valley Associates to WUI/TAS) is a major amendment. As such, the application is a new application subject to Public Notice as provided for in § 21.27[2] of the Rules and the "cut off" provisions of § 21.30(b)[3] and 1.227(b)(3)[4] of the Rules.

6. On December 28, 1973, the Commission issued a *notice of proposed rulemaking*, Docket No. 19905, 44 F.C.C. 2d 556 (1973), to amend its definition of a major amendment to explicitly include a substantial change in ownership of an applicant. Pending final adoption, the proposed rules were to be effective not only for applications subsequently amended, but also to previously amended pending applications. Special waivers, however, would be granted to preclude unfair results. 46 F.C.C. 2d at 560. Unless a waiver is appropriate, the WUI/TAS application would be dismissed under the terms of the *notice of proposed rulemaking*.

7. We will grant a waiver of the "cut off" rule here. The application was originally filed in April, 1971. It was more than two years later, in June 1973, that the change in ownership was effective. This was also six months before WUI/TAS had notice that such a change would be considered a major amendment. Nor has VIP claimed it has been prejudiced in any way by the change in ownership. While we think our proposed amended rule is a good one, a waiver as provided for in the *notice of proposed rulemaking* is in order here. See *Racom, Inc.*, 48 F.C.C. 2d 217 (1974).

8. On October 24, 1973, VIP amended its application to provide for tone plus voice paging in lieu of tone only paging. WUI/TAS argues in its Petition to Dismiss and Return as Defective that the change is a major amendment, subject to the "cut off" rule. VIP, in its opposition to the petition to dismiss, points out that the emission designators shown in its original application would permit both tone only and tone plus voice paging. According to VIP, the amendment therefore only updates and supplements the information provided earlier and is a minor amendment. We agree, that under the circumstances, the amendment is a minor one. Not only were emission designators necessary for tone plus voice paging shown, but receivers capable of providing tone plus voice service were to be utilized as well. A grant of the application with the tone plus voice emission designator would have permitted VIP to provide that service. For that reason a change in descriptive words to more accurately reflect technical information already provided is a minor amendment.

9. Both applicants presently provide paging services in the Las Vegas area. Neither applicant has adequately shown there is any public need for the grant of its application. Further, there has been no showing that the existing facilities of each applicant are inadequate to serve whatever demand exists. *Empire Communications Company*, 47 F.C.C. 2d 329 (1974). Therefore, the capacity of each applicant's facilities in relation to the demand faced by that applicant will be in issue in the hearing.

10. Insofar as the contents of the two applications are concerned, they propose to use the same frequency in the same city and are thus mutually exclusive. Since both applicants appear to be legally, financially and technically qualified to construct and operate the proposed facilities, a comparative hearing must be held to determine which applicant is the better qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945).

11. Issue 1 calls for a comparative determination of the nature and extent of the services proposed by each applicant. We are currently reexamining the comparative criteria use in the DPLMRS. Until we announce changes in these criteria, however, we will continue to take evidence and arguments addressed to the rates, charges, maintenance, personnel, practices, classifications, regulations and facilities to be offered by the competing carriers, and to use these factors as decisional factors in selecting among applicants.

12. In view of the foregoing, *It is ordered*, That pursuant to sections 309(d) and (e) of the Communications Act of 1934 as amended, (47 U.S.C. sections 309(d) and (e)) that the captioned applications of VEGAS INSTANT PAGE AND WUI/TAS of LAS VEGAS, INC. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of the services proposed by each applicant.

2. To determine the total area and population to be served by Vegas Instant Page within the 43 dbu contour of its proposed station based upon the standards set forth in § 21.504 of the F.C.C. Rules and Regulations, and to determine the need for its proposed service in that area.

3. To determine the total area and population to be served by WUI/TAS of Las Vegas, Inc. within the 43 dbu contour of its proposed station based upon the standards set forth in § 21.504 of the F.C.C. Rules and Regulations, and to determine the need for its proposed service in that area.

4. To determine the present and prospective channel loading by VIP of its presently assigned one-way paging frequencies.

5. To determine the present and prospective channel loading by WUI/TAS of its presently assigned two-way paging frequency.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications would best serve the public interest, convenience and necessity.

13. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C. at a time and place and before an Administrative Law Judge, to be specified in a subsequent order.

14. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

15. *It is further ordered*, That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: January 8, 1975.

Released: January 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-1756 Filed 1-17-75;8:45 am]

[1] 47 CFR 21.15(c)(4).

[2] 47 CFR 21.27.

[3] 47 CFR 21.30(b).

[4] 47 CFR 1.227(b)(3).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA AIR TRAFFIC CONTROL TOWER, SUGAR GROVE, ILL.

Notice of Commissioning

Notice is hereby given that on February 4, 1975, the Airport Traffic Control Tower at Aurora Municipal Airport, Sugar Grove, Illinois will be commissioned as an FAA facility. This information will be reflected in the FAA organization statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration
Airport Traffic Control Tower
Aurora Municipal Airport
Sugar Grove, Illinois 60554

Issued in Des Plaines, Illinois on January 9, 1975.

R. O. ZIEGLER,
Director,
Great Lakes Region.

[FR Doc.75-1695 Filed 1-17-75;8:45 am]

TWIN FALLS CITY-COUNTY AIRPORT, JOSLIN FIELD, TWIN FALLS, IDAHO

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about February 10, 1975, the Airport Traffic Control Tower at Twin Falls City-County Airport, Joslin Field, Twin Falls, Idaho, will be commissioned. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Route 2
Twin Falls City-County Airport, Joslin Field
Twin Falls, Idaho 83301

Issued in Seattle, Washington, on January 10, 1975.

C. B. WALK,
Director, Northwest Region.

[FR Doc.75-1693 Filed 1-17-75;8:45 am]

WALLA WALLA CITY-COUNTY AIRPORT WALLA WALLA, WASH.

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about January 20, 1975, the Airport Traffic Control Tower at Walla Walla City-County Airport, Walla Walla, Washington, will be commissioned. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Route 4, Box 174
Walla Walla, Washington 99362

Issued in Seattle, Washington, on January 10, 1975.

C. B. WALK,
Director, Northwest Region.

[FR Doc.75-1694 Filed 1-17-75;8:45 am]

Federal Highway Administration

RHODE ISLAND

Notice of Proposed Action Plan

The Rhode Island Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Rhode Island Department of Transportation
Planning Division
State Office Building
Providence, Rhode Island 02903
2. Rhode Island Division Office—FHWA
Gardner Building, 3rd Floor
400 Fountain Street
Providence, Rhode Island 02903
3. FHWA Regional Office—Region 1
4 Normanskill Boulevard
Delmar, New York 12054
4. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building—Room 3246
400-7th Street, SW
Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before February 21, 1975.

Issued on: January 9, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-1706 Filed 1-17-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-201]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 13, 1975.

Take notice that on January 3, 1975, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP-75-201 an application pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas in interstate commerce by Applicant to Cities Service Gas Company (Cities) so as to modify, as a result of curtailment, existing sales arrangements between the two companies presently taking place near Jane, Missouri, authorizing a related exchange of gas, and authorizing the construction and operation of facilities to implement the exchange, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authorization to deliver to Cities at a point near Jane, Missouri, up to 80,000 Mcf of gas per day, which shall consist of the volumes subject to curtailment Applicant is already authorized to deliver to Cities at Jane plus volumes equivalent to the volumes Cities shall deliver to Applicant at a proposed new exchange point between the two companies at an interconnection of their systems in McClain County, Oklahoma. Applicant proposes to charge 50 cents per Mcf for all volumes delivered at Jane regardless of the source of said volumes, subject to an annual adjustment to reflect purchased gas costs. Applicant further requests authorization to install a pipeline tap on its system in McClain County for the purpose of receiving the gas from Cities.

By order issued August 15, 1967, accompanying Opinion No. 527 (38 FPC 364), Applicant was authorized to sell up to an average daily volume of 100,000 Mcf of natural gas to Cities at a point near Jane. The rate computed by Applicant for the initial sale of the subject gas was 22.5 cents per Mcf. Applicant states that, as a result of curtailment on Applicant's system, Cities is receiving, and will continue to receive into the

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foreseeable future, less gas from Applicant at Jane than is certificated. Applicant further states that Cities uses the gas delivered at Jane for service to the Springfield-Joplin, Missouri, area, and needs 80,000 Mcf per day during the winter. Applicant estimates that, as a result of curtailment, Applicant will only be delivering 44,000 Mcf per day to Cities at Jane. Cities, according to Applicant, can deliver to Applicant in McClain County sufficient gas so as to enable Applicant to supplement its deliveries at Jane to provide the 80,000 Mcf per day to Cities at that point. Applicant states that such an exchange would be of no benefit to Applicant from a supply standpoint, but would be highly desirable for Cities because of the unique location of the Jane supply point in relation to where the gas is needed in the Springfield-Joplin area. Applicant further states that Cities' alternative to this exchange agreement is to expand its own system capacity into the Springfield-Joplin area from the west at considerable investment.

Applicant states that the new proposed price of 50 cents per Mcf is calculated on the basis of the volume of gas Cities purchases from Applicant at Jane, with this amount to constitute payment not only for the gas purchased by Cities at Jane but also settlement with respect to the exchange aspect of the transaction. Applicant reserves the right not to accept any certificate issued in the instant docket authorizing the proposed exchange if the new price provided in the agreement is not approved and if Applicant cannot contemporaneously commence charging the new price upon issuance of the certificate.

Applicant states that the estimated cost of the pipeline tap in McClain County is $4,600 to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1733 Filed 1-17-75;8:45 am]

[Docket No. CP73-329, PGA 75-5B]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

JANUARY 13, 1975.

Take notice that on January 6, 1975, Chattanooga Gas Company, (Chattanooga) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1975, consisting of the following revised tariff sheets: Ninth Revised Sheet No. 6.

Chattanooga states that the sole purpose of these Revised Tariff Sheets is to adjust Chattanooga's LNG rates pursuant to the PGA provision in Section 5 of the General Terms and Conditions of its FPC Tariff to reflect increased purchased gas costs resulting from an additional January 1, 1975 rate increase by one of its suppliers, Southern Natural Gas Company, (Southern) in Docket No. RP73-64 to reflect an additional increase in their purchased gas costs from United Gas Pipeline Company and Sea Robin Pipeline Company.

Chattanooga requests that its Ninth Revised Sheet No. 6 be made effective on January 1, 1975, or on such other date as the underlying filing of Southern Natural of December 19, 1974 becomes effective.

Chattanooga further states that it is relying on its alternative rate increase reflected on Substitute Eighth Revised Sheet No. 6 filed with the Commission on November 27, 1974 to be effective on January 1, 1975, in the event Ninth Revised Sheet No. 6 is not accepted to be effective on January 1, 1975.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1734 Filed 1-17-75;8:45 am]

[Dockets Nos. CP75-191, CP75-193, CP75-194]

LONE STAR GAS CO.

Notice of Applications

JANUARY 10, 1975.

Take notice that on December 30, 1974, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket Nos. CP75-191, CP75-193 and CP75-194 applications pursuant to section 7 of the Natural Gas Act, as implemented by paragraphs (c), (g) and (b) of § 157.7 of the regulations thereunder (18 CFR 157.7 (b), (c) and (g)), respectively, for a certificate of public convenience and necessity authorizing the construction during the calendar year 1975 and operation of facilities for rearrangements of minor gas-sales or transportation facilities, for authorization for the construction, relocation, removal, or abandonment, also during the calendar year 1975, and operation of field compression and related metering and appurtenant facilities, and for a certificate of public convenience and necessity authorizing the construction during the calendar year 1975 and operation of gas purchase facilities, respectively, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

The purposes of these budget-type applications are (1) to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the applications, (2) to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system, and (3) to enable Applicant to act with reasonable dispatch in making miscellaneous minor rearrangements on its system without the delay incident to the filing and processing of numerous individual certificate applications.

Applicant states that the total cost for construction of the gas purchase facilities will not exceed $3,000,000, with no single project to exceed $750,000, that the total cost of the miscellaneous rearrangements of gas-sales and transportation facilities will not exceed $300,000 with no single project to exceed $75,000, and that the abandonment, removal and relocation, and construction of field compression facilities will not exceed $800,000, with no single project to exceed $200,000. Such costs will be financed from working capital and cash on hand, according to Applicant.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates and permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1735 Filed 1-17-75;8:45 am]

[Dockets Nos. G-11817, G-11818, and CI71-549]

MARATHON OIL CO.

Petitions To Amend

JANUARY 14, 1975.

Take notice that on December 18, 1974, Marathon Oil Company (Marathon), 539 South Main Street, Findlay, Ohio 45840, submitted filings in Docket Nos. G-11817, G-11818 and CI71-549 to effect implementation of a proposed settlement in *Hilda B. Weinert and Jane W. Blumberg, et al.*, Docket No. G-2730, *et al.*, all as more fully set forth in said filings, which are on file with the Commission and open to public inspection.

The instant filings state that by order issued December 1, 1958, the Commission granted certificates of public convenience and necessity to Marathon pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas produced from specific properties in the La Gloria Field, Brooks and Jim Wells Counties, Texas, to Natural Gas Pipeline Company of America (Natural) in Docket No. G-11818 and to Transcontinental Gas Pipe Line Corporation (Transco) in Docket No. G-11817. On January 28, 1971, Marathon filed in Docket No. CI71-549 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of the sale to Transco from the La Gloria Field.

In the order accompanying Opinion No. 655, issued on March 21, 1973 (49 FPC 738), the Commission authorized Marathon to increase its deliveries to Natural to the extent of its prior commitments to Transco and granted abandonment authorization for Marathon's sale to Transco, together with similar authorizations to other producers in the La Gloria Field. On November 12, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings.[1]

Marathon states that as a result of settlement negotiations a new and superseding gas purchase contract dated November 7, 1974, with Transco in Docket No. G-11817 and an amendment dated August 31, 1974, to Marathon's gas sales contract with Natural in Docket No. G-11818 were entered into to become effective subject to approval by the Commission of the settlement agreement in Docket No. G-2730, *et al.* Said settlement agreement was certified to the Commission on November 11, 1974. The new agreements with Transco and Natural, according to Marathon, provide for changes in the volumes delivered to Transco and Natural in accordance with the subject settlement agreement.

Marathon, accordingly, requests that upon approval of the subject settlement the orders issuing certificates in Docket Nos. G-11817 and G-11818 be amended in accordance with the terms of the applicable agreement in the respective dockets and that the proceeding on its application to abandon service in Docket No. CI71-549 be terminated.

According to Marathon's summary of the November 7, 1974, contract with Transco, Marathon will sell approximately 726,000 Mcf of gas per month at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, at a price of 54.1583 cents per Mcf, which Marathon maintains is the rate provided by § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said petitions to amend and request for termination of proceeding should on or before January 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1736 Filed 1-17-75;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

JANUARY 13, 1975.

Take notice that Mississippi River Transmission Corporation (MRT) on December 23, 1974, tendered for filing Second Substitute Alternate Twenty-Fifth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective January 1, 1975, and Substitute Twenty-Sixth Revised Sheet No. 3A to be effective February 1, 1975.

MRT states that both sheets are being filed pursuant to the provisions of MRT's Purchased Gas Cost Adjustment (PGA) clause to its tariff to reflect amended rate change filings of United Gas Pipe Line Company (United) and Natural Gas Pipeline Company of America (Natural), both of which were filed to be effective January 1, 1975.

MRT states that United initially filed a PGA rate change on November 14, 1974 to be effective January 1, 1975 and Natural filed a PGA rate change on November 21, 1974 to be effective January 1, 1975, which, among other things, reflected the PGA rate change of United. Such rate changes were reflected by MRT on Substitute Alternate Twenty-Fifth Revised Sheet No. 3A to its tariff. MRT further states that on December 17, 1974, United amended its November 14, 1974 PGA rate change filing to include as a part of its deferred purchased cost recovery an additional amount which reflects all Opinion No. 699 producer increases, prior to those prescribed in Opinion No. 699-H, up to the proposed January 1, 1975 effective date and Natural subsequently amended its PGA rate change filing to track such change of United. Both United's and Natural's amended PGA rate changes are reflected on Second Substitute Alternate Twenty-Fifth Revised Sheet No. 3A.

Finally, MRT states that it has also included herewith Substitute Twenty-Sixth Revised Sheet No. 3A to its tariff, which sheet is to be substituted for Twenty-Sixth Revised Sheet No. 3A which MRT filed on December 17, 1974, to be effective February 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 24, 1975. Protests will be

[1] *Transcontinental Gas Pipe Line Corporation v. FPC*, 488 F. 2d 1325 (D.C. Cir. 1973).

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considered by the Commission to determine appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1737 Filed 1-17-75;8:45 am]

NATIONAL POWER SURVEY COORDINATING COMMITTEE

Notice of Renewal

JANUARY 13, 1975.

This order renews the term of the National Power Survey Coordinating Committee, to a date not later than December 31, 1975. The Coordinating Committee was established by Commission order issued November 2, 1972, 37 FR 23868, for a period not to exceed two years.

By Notice of Determination and Certification with Respect to Renewal of National Power Survey Advisory Committees, published in the FEDERAL REGISTER on December 10, 1974, 39 FR 43113, the Chairman of this Commission has determined and certified that the renewal of the aforesaid committee of the National Power Survey for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Advisory Committee Management, has ascertained that renewal of the aforesaid advisory committee of the National Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773-4.

1. *Purpose.* The National Power Survey Coordinating Committee shall perform a liaison function with respect to the National Power Survey as constituted by the Federal Power Commission, together with all advisory committees, including any task forces thereto, which may be established by the Commission from time to time. The Commission contemplates that the National Power Survey Coordinating Committee, in performing this liaison function will assist in the implementation of requests for data, information, studies or other materials requested or recommended by the National Power Survey and its constituent advisory committees, including task forces thereto, as referred to above; will recommend work schedule assignments and work schedule priorities among such National Power Survey advisory committees, including task forces, as the Coordinating Committee considers appropriate to the implementation of requests for data, information, studies or other materials requested or recommended by the National Power Survey; and will assist in other ways as it may be called upon to act in performing its liaison function as requested from time to time by the Commission or its staff.

2. *Membership.* The chairman, coordinating representative, secretary, and members of the National Power Survey Coordinating Committee renewed herein, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of Future Committee Members.* All future National Power Survey Coordinating Committee members and persons designated to act as committee chairmen, coordinating representatives, and secretary, shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission order, dated June 29, 1972, 47 FPC 1740, 1742-3, as amended by Commission order issued December 19, 1972, 48 FPC 1468, 1471-4, and by Commission order issued August 7, 1974, 52 FPC ——, are hereby incorporated by reference:

3. Conduct of Meetings.
4. Minutes and Records.
5. Secretary of the Committee.
6. Location and Time of Meetings.
7. Advice and Recommendations Offered by the Committee.

5. The National Power Survey Coordinating Committee renewed herein shall terminate not later than December 31, 1975. Estimated operating cost for the calendar year 1975 for subject committee is $6,000.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order.

This order is effective January 1, 1975, and the Secretary of the Commission shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

Secretary.
[SEAL] KENNETH F. PLUMB,

NATIONAL POWER SURVEY COORDINATING COMMITTEE MEMBERS

Chairman. Shearon Harris, Chairman, National Power Survey Executive Advisory Committee.

Coordinating Representatives. B. E. Biggerstaff, Bureau of Power, Bernard B. Chew, Bureau of Power, Alexander Gakner, Bureau of Power, Dr. Richard F. Hill, Bureau of Power, Drexel D. Journey, Office of General Counsel, William W. Lindsay, Bureau of Power.

Secretary. Daniel G. Lewis, Director, National Power Survey.

Members. Gordon R. Corey, Chairman, National Power Survey Technical Advisory, Committee on Finance.

M. F. Hebb, Chairman, National Power Survey Technical Advisory Committee on Power Supply.

Paul D. Martinka, Chairman, National Power Survey Technical Advisory Committee on Fuels.

Dr. Bruce Netschert, Chairman, National Power Survey Technical Advisory Committee on Conservation of Energy.

Dr. H. Guyford Stever, Chairman, National Power Survey Technical Advisory Committee on Research and Development.

Dr. Irwin Stelzer, Chairman, National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

[FR Doc.75-1750 Filed 1-17-75;8:45 am]

[Project 2455]

NEW YORK STATE ELECTRIC & GAS CORP.

Application To Withdraw Application for License

JANUARY 13, 1975.

Public notice is hereby given that application was filed on November 8, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by New York State Electric & Gas Corporation, Applicant (correspondence to: L. T. Everett, Senior Vice President, New York State Electric & Gas Corporation, P.O. Box 287, Ithaca, New York 14850; and Frederic H. Lawrence, Esq., Huber Magill Lawrence and Farrell, Attorneys, 99 Park Avenue, New York, New York 10016), requesting approval to withdraw the application filed April 1, 1964, for major license for its constructed Colliers Hydroelectric Project No. 2455. The Colliers project is located on the North Branch of the Susquehanna River, in the Towns of Milford and Middlefield, Otsego County, New York.

Project No. 2455 consists of: a reinforced concrete dam, 200 feet long and 36 feet high; a 520-acre reservoir known as Goodyear Lake (250 acre-feet of usable storage) with normal surface elevation 1150 feet m.s.l.; an intake structure, canal and forebay; a powerhouse containing four generating units having a total installed capacity of 3,810 KW; and appurtenant facilities.

Operation of the plant was discontinued in March 1969, and the generating facilities were removed in August 1970. The plant, constructed in 1908, was retired for economic reasons. The project is no longer useful to Applicant, nor would rehabilitation of the plant be economically feasible. The power plant has been replaced by centralized dispatching in Applicant's facilities at Binghamton, New York.

In the absence of acquisition of the project by the County of Otsego for recreational purposes, Applicant proposes to obtain authorization from the New York Department of Environmental Conservation to lower the level of Goodyear Lake and eventually to complete dewatering of the Lake.

Any person desiring to be heard or to make protest with reference to said application should on or before February 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1738 Filed 1-17-75;8:45 am]

[Docket No. CP74-145]

NORTHERN NATURAL GAS CO.

Amendment to Application

JANUARY 10, 1975.

Take notice that on December 20, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-145 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by requesting authority to establish an interconnection of Applicant's gathering system with that of Natural Gas Pipeline Company of America (Natural) and to operate same for receipt of exchange gas from Natural in Carson County, Texas, and to operate on a permanent basis certain existing facilities in Wheeler County, Texas, and to exchange gas with Natural in Carson, Hansford and Wheeler Counties, Texas, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

Applicant states that in its original application in the subject docket it requests authority to construct and operate certain facilities to exchange gas with Natural. Northern, according to the original application, has available, pursuant to its rights under an agreement with Kerr-McGee Corporation, gas produced from the Dobbs No. 1 Well located close to Natural's existing facilities in Wheeler County and Natural has gas available from the Lackey No. 1 Well in Hansford County, which well is connected to Applicant's gathering system. The original application, therefore, requests authorization for an exchange of up to 2,000 Mcf of gas per day between the two companies. In order to implement said exchange Applicant requested authorization to construct and operate 1,400 feet of 4-inch pipe and appurtenances in Wheeler County. In the instant amendment Applicant states that it constructed these facilities and commenced the exchange on March 15, 1974, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22).

In the instant amendment Applicant relates that Natural has encountered delay in executing the necessary gas purchase contract for the natural gas volumes produced from the Lackey No. 1 Well, and that in order to provide for a concurrent exchange of gas upon the issuance of certificate authority in the instant docket and to make available to Applicant's system at a suitable date supplies of natural gas from dedicated gas reserves in Wheeler County, Applicant and Natural have entered into an amended agreement providing for an additional point of exchange to be located in Carson County. The instant amendment to the original application further states that Natural has interest in the Lackey No. 2 and 3 Wells in Hansford County, which under the terms of the amended agreement, have been established as additional exchange points of delivery to Applicant.

Accordingly, Applicant requests authority to construct and operate measuring facilities and to establish an interconnection of its gathering facilities in Carson County, to provide an additional exchange point with Natural, and to operate on a permanent basis the existing 1,400 feet of 4-inch pipe previously constructed for delivery of gas to Natural in Wheeler County. Applicant estimates the cost of the facilities proposed in the original application and in the instant amendment to be $10,000. Applicant further requests authority to exchange gas with Natural in Carson, Hansford and Wheeler Counties as more fully set forth in the instant amendment to its application in the subject docket.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1739 Filed 1-17-75;8:45 am]

[Docket No. E-8878]

POTOMAC EDISON CO.

Postponement of Hearing

JANUARY 13, 1975.

On January 8, 1975, The Potomac Edison Company filed a motion to postpone the hearing date fixed by order issued August 26, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until March 12, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1740 Filed 1-17-75;8:45 am]

[Rate Schedule Nos. 72 etc.]

TENNECO OIL CO., ET AL.

Rate Change Filings

JANUARY 13, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
12-23-74	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	72	Texas Eastern Transmission Corp.	Other southwest area.
12-23-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	278	Phillips Petroleum Co	Hugoton-Anadarko.
12-24-74	Burmah Oil and Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	24	Lone Star Gas Co	Other southwest area.

[FR Doc.75-1742 Filed 1-17-75;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Rate Change

JANUARY 13, 1975.

Take notice that on December 26, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FPC Gas Tariffs, Third Revised Volume No. 1 and Original Volume No. 2:

Third Revised Volume No. 1 and Effective date	
Fourth Substitute Eighth Revised Sheet No. 1, April 1, 1974.	

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Third Substitute Ninth Revised Sheet No. 7, May 1, 1974.
Fourth Substitute Ninth Revised Sheet No. 7, August 1, 1974.
Second Substitute Tenth Revised Sheet No. 7, August 2, 1974.
First Revised Sheet No. 29, February 1, 1975.
First Revised Sheet No. 30, February 1, 1975.
First Revised Sheet No. 31, February 1, 1975.
First Revised Sheet No. 32, February 1, 1975.
Second Revised Sheet No. 102, February 1, 1975.

Original Volume No. 2

Third Substitute Sixth Revised Sheet No. 333, April 1, 1974.
Third Substitute Sixth Revised Sheet No. 363, April 1, 1974.
Fourth Substitute Sixth Revised Sheet No. 363, February 1, 1975.

Texas Gas states that the revised tariff sheets are being filed pursuant to a Commission order issued December 20, 1974, in Docket No. RP74-25 which approved a Stipulation and Agreement submitted by Texas Gas in Docket No. RP74-25. Texas Gas states that the tariff sheets are to become effective on the dates listed on the respective tariff sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8, and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1743 Filed 1-17-75;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Notice of Rate Change

JANUARY 13, 1975.

Take notice that on December 26, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Fifth Substitute Tenth Revised Sheet No. 7. The proposed effective date is February 1, 1974.

Texas Gas states that pursuant to a Commission order issued December 20, 1974, in Docket No. RP74-25, it would normally be filing Settlement rates as approved by the Commission to become effective February 1, 1974. However, Texas Gas states that on December 16, 1974, as amended December 23, 1974, Texas Gas filed its semi-annual PGA increase in Docket No. RP72-156, to become effective February 1, 1974. Therefore, Texas Gas states that its instant filing reflects the reductions contemplated by the Settlement, adjusted upward to reflect the PGA increase filed on December 16, 1974, as amended December 23, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1744 Filed 1-17-75;8:45 am]

[Docket No. RP72-156, PGA75-2A]

TEXAS GAS TRANSMISSION CORP.

PGA Rate Increase

JANUARY 13, 1975.

Take notice that on December 23, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Fourth Substitute Tenth Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1.

Texas Gas states that on December 16, 1974, it filed a PGA rate increase (Docket No. RP72-156, PGA75-2) to become effective February 1, 1974, and that the December 16, 1974, filing reflected purchased gas costs increases by United Gas Pipeline Company (United) and Texas Eastern Transmission Corporation (TETCO). Texas Gas states that subsequent to its December 16, 1974, filing United and TETCO revised their PGA filings to reflect estimated purchased gas costs pursuant to Opinion No. 699-G. Texas Gas states that its December 23, 1974, filing is necessary to reflect the additional increases to be incurred from United and TETCO. Texas Gas proposes an effective date of February 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1745 Filed 1-17-75;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

JANUARY 13, 1975.

On January 6, 1975, Transwestern Pipeline Company filed a motion to extend the procedural dates fixed by order issued November 18, 1974, as most recently modified by notice issued December 10, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, February 14, 1975. Hearing, March 4, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1746 Filed 1-17-75;8:45 am]

[Docket Nos. CP75-196, CP75-197]

UNITED GAS PIPE LINE CO.

Notice of Applications

JANUARY 13, 1975.

Take notice that on December 31, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket Nos. CP75-196 and CP75-197 applications pursuant to section 7(c) of the Natural Gas Act for permission and approval to abandon deliveries of natural gas in interstate commerce on January 1, 1975, to Atlas Processing Company (Atlas) at Shreveport, Caddo Parish, Louisiana, and to Oilnkraft, Inc. (Oilnkraft) at West Monroe, Ouachita Parish, Louisiana, respectively, and facilities related to such deliveries, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that deliveries of natural gas are currently being made to Atlas at its refinery plant and Oilnkraft at its paper mill pursuant to contracts dated November 17, 1969, and November 30, 1962, respectively, both of which expire by their terms on January 1, 1975. Applicant states that extension of the contract with Atlas is at Applicant's option and that extension of the contract with Oilnkraft was at Oilnkraft's option prior to January 2, 1974, which option Oilnkraft did not exercise. Applicant has advised Atlas and Oilnkraft that Applicant would not extend their respective contracts beyond January 1, 1975. Accordingly, Applicant herein seeks permission and approval to abandon the deliveries to Atlas and Oilnkraft and related facilities authorized by Commission orders issued January 27, 1959 (21 FPC 64), April 28, 1972 in Docket No. G-232, and May 24, 1965 (33 FPC 1058) and the order accompanying Commission Opinion No. 372 issued December 17, 1962 (28 FPC 1035).

Applicant states that the predominate use of the gas in question is as boiler fuel. It is stated that alternate fuels could effectively supplant 91 percent of Atlas' and 90 percent of Oilnkraft's respective gas receipts from Applicant.[1] Applicant states that because it has begun curtailments on its system and in view of the Commission's position that boiler fuel use is relegated to the lowest priority,[2] it is Applicant's policy that contracts with major industrial customers for gas used as boiler fuel will not be extended beyond the period of Applicant's contractual obligation.

Applicant states that it recognizes that Atlas and Oilnkraft must bear the cost of conversion to alternate fuel and the difference in cost between natural gas and the higher priced alternate fuels. Applicant points out that Atlas and Oilnkraft would incur such costs in the increasingly likely event that Applicant is forced to curtail completely deliveries to them. Applicant asserts its belief that since Applicant commenced curtailments on its system in 1970 Atlas and Oilnkraft have been on notice that their contracts for gas as boiler fuel would not be extended, and that they have had adequate time for conversion to alternate fuels. Finally, Applicant maintains that the economic impact of the proposed abandonment of service to Atlas and Oilnkraft will not preclude their continued operations.

Applicant also requests permission and approval to abandon, remove and salvage a sales meter, regulator station and 1,240 feet of 8-inch pipeline in Caddo Parish and a sales meter, regulator station and 297 feet of 8-inch, 10-inch and 12-inch pipeline in Ouachita Parish. Applicant states that all of the facilities proposed to be abandoned have been operated exclusively to serve Atlas or Oilnkraft.

Applicant explains that because the gas presently committed to Atlas and Oilnkraft will remain in Applicant's system, the proposed abandonment of sales will not result in a loss of gas to interstate commerce. Applicant claims that the proposed abandonment of services and facilities will in no way impair service to any of its other existing customers.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonments are required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1747 Filed 1-17-75;8:45 am]

[1] The applications state that according to Atlas' and Oilnkraft's responses to curtailment end-use data questionnaires in Docket Nos. RP71-29 and RP71-120, 9 percent of Atlas' basic requirements from Applicant are used in process applications and 91 percent are used as boiler fuel or in other industrial applications which can also be converted to use alternate fuels and 90 percent of Oilnkraft's basic requirements from Applicant are used as boiler fuel.

[2] Applicant points to Commission Opinion Nos. 647 (49 FPC 179) and 647-A (49 FPC 1211) and Commission Order to Show Cause issued January 17, 1973, in Docket No. CP73-189.

[Docket No. E-9189]

UTAH POWER & LIGHT CO.

Notice of Application

JANUARY 13, 1975.

Take notice that on December 23, 1974, Utah Power & Light Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, a December 3, 1973 Interconnection Agreement and Service Schedules A-1 (Emergency Assistance) and B-1 (Surplus Energy Sales) thereto, with Salt River Project Agricultural Improvement and Power District (Salt River). Applicant also tenders Amendment No. 1 to Service Schedule B-1 dated February 13, 1974, and Service Schedule C-1 (Transfer of Power and Energy) dated October 16, 1974.

The Interconnection Agreement, which became effective as of the December 3, 1973 date of execution and will remain in effect for an initial twenty-year period, to be thereafter terminated by either party upon three year's written notice, establishes terms and conditions for the exchange of generating capacity, and specifies Glen Canyon and the 345 kv Switchyard of the Four Corners Project as points of interconnection. For the twelve-month period from December, 1973, Salt River has received 439,772 mwh for $5,417,806.73 in revenue, while Applicant has received 75 mwh for $1,673.25 in November, 1974.

Amendment No. 1 to Service Schedule B-1, executed by the parties on February 13, 1974, amends the terms for return of surplus energy by the receiving party, when the supplying party's cost therefor is greater than the receiving party's avoided cost, to provide for either (1) the return of 120 percent of the energy received, or (2) payment of 115 percent of the supplier's costs of furnishing such energy. The return option is to be determined by mutual agreement, and Amendment No. 1 is to be effective as of January 1, 1974.

Service Schedule C-1, dated October 16, 1974, provides for Applicant's transfer of up to 100 mw capacity and 35 mw average energy received from Salt River to the Hot Springs point of delivery during the months from November 1974 through February 1975, for further transmission to Puget Sound Power & Light Company. During the months of June, July, August, and September 1977, Applicant will deliver to Salt River 137 mw of capacity plus 35 mw of average energy, for which Salt River will supply Applicant 50 mw of capacity during the months of December 1975, January 1976, December 1976, and January 1977. Salt River will also provide Applicant an additional 50 mw of capacity as compensation, subject to Salt River's having generating resources in operation or available for operation to supply such capacity and such deliveries having priorities over non-firm sales to others, during the months of December 1975, January 1976, December 1977, and January 1978. All energy related thereto will be returned by Applicant to Salt River.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1748 Filed 1-17-75;8:45 am]

[Docket No. C172-440, et al.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend [1]

JANUARY 10, 1975.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-440..... C 12-4-74	Amoco Production Co., Security Life Bldg., Denver, Col. 80202.	Panhandle Eastern Pipe Line Co., Wattenberg and other Fields, Adams, Arapahoe, Douglas, Elbert, and Weld Counties, Colorado, and Laramie County, Wyo.	[1] [2] 50.10	14.73
C171-528..... C 12-11-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[3] [4] 60.00	14.65
C175-276..... A 10-29-75 [5]	McCulloch Oil Corp., 10880 Wilshire Blvd., Suit 1500, Los Angeles, Calif. 90024.	Transcontinental Gas Pipe Line Corp. North Lake des Allemands Field, St. John the Baptist Parish, La.	[3] [6] 50.0	14.73
C175-365..... B 12-3-74	Spartan Gas Co., 518 Kanawha Valley Bldg., Charleston, W. Va. 25301.	Columbia Gas Transmission Corp. Rocky Fork, Poca District, Kanawha County, W. Va.	Acreage sold to gas purchaser.	.....
C175-374..... (G-6882) B 12-6-74 [7]	William H. Putnam Anchorage Oil Co., P.O. Box 647 Marietta, Ohio 45750.	Columbia Gas Transmission Corp. C. E. Humphrey Field, Meigs County, Ohio.	Uneconomical	.....
C175-372..... (G-6882) B 12-6-74 [7]	William H. Putnam Anchorage Oil Co.	Columbia Gas Transmission Corp. J. B. Torrence Field, Meigs County, Ohio.	Uneconomical	.....
C175-373..... (G-6882) B 12-6-74 [7]	do.....	Columbia Gas Transmission Corp. Mays-Torrence Field, Meigs County, Ohio.	Uneconomical	.....
C175-374..... (G-6882) B 12-6-74 [7]	do.....	Columbia Gas Transmission Corp. Webster Reed Field, Meigs County, Ohio.	Uneconomical	.....
C175-375..... (G-6882) B 12-6-74 [7]	William H. Putnam Anchorage Oil Co., P.O. Box 647, Marietta, Ohio 45750.	Columbia Gas Transmission Corp., Delilah Mays Field, Meigs County, Ohio.	Uneconomical	.....
C175-376..... (G-6882) B 12-6-74 [7]	William H. Putnam Anchorage Oil Co.	Columbia Gas Transmission Corp., Warren Pickens Field, Meigs County, Ohio.	Uneconomical	.....
C175-377..... (G-6882) B 12-6-74 [7]	do.....	Columbia Gas Transmission Corp., Chloe Mills Field, Meigs County, Ohio.	Uneconomical	.....
C175-378..... A 12-11-74	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Mayfield Prospect Area, Beckham County, Okla.	[8] 54.89218	14.73
C175-379..... (14-18287) B 12-11-74	Texas International Petroleum Corp., P.O. Box 1520, Shreveport, La. 71104	United Gas Pipe Line Co., Acreage in Terrebonne Parish, La.	Depleted	.....
C175-380..... A 12-16-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Columbia Gas Transmission Corp., Pecan Island Field, Vermilion Parish, La.	[4] [9] 62.0	15.025

[1] Includes 4.85¢ per Mcf upward Btu adjustment and 2.24¢ per Mcf tax reimbursement.
[2] Applicant states that the price is to be increased to equal any higher price prescribed by the Federal Power Commission as applicable to gas being sold hereunder.
[3] Includes 1.9¢ per Mcf for substantial gathering and is subject to upward and downward Btu adjustment; estimated upward adjustment is 4.84¢ per Mcf.
[4] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[5] Being renoticed, because by amendment to application filed 12-16-74, Applicant requests a higher price.
[6] Subject to a 0.5¢/Mcf gathering charge.
[7] The application notes that the purchaser has not indicated concurrence in the abandonment.
[8] Subject to upward and downward Btu adjustment.
[9] Subject to upward and downward Btu adjustment; estimated upward adjustment is 0.28¢ per Mcf.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-1593 Filed 1-17-75;8:45 am]

[Docket No. CI75-202, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend [1]

JANUARY 10, 1975.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-202..... C 12-18-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	El Paso Natural Gas Co., J. B. Tubb "C" No. 11 well, Sand Hills Field, Crane County, Tex.	[1] 58.2205	14.65
CI75-202..... C 12-18-74	Sun Oil Co.....	El Paso Natural Gas Co., J. B. Tubb "B" No. 11 well, Sand Hills Field, Crane County, Tex.	[1] 58.2205	14.65
CI75-382..... (CI71-51) F 12-13-74	Sun Calvert Co. (succ. to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[2] 24.5	14.65
CI75-384..... A 12-13-74	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	El Paso Natural Gas Co., Acreage in Crane County, Tex.	[2] 53.75	14.65
CI75-385..... A 12-13-74	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Michigan Wisconsin Pipe Line Co., Bayou Hebert Field, Vermilion Parish, La.	[3] 26.9875	15.025
CI75-386..... A 12-16-74	Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Vermilion Block 321 Field, offshore Louisiana.	[3] 54.0	15.025
CI75-387..... A 12-23-74	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, acreage in Ward County, Tex.	[3] 52.48 [7] 55.11 [3] 52.42 [3] 55.06 [10] 63.88	14.73 14.73 14.73 14.73 14.73
CI75-389..... (G-5318) F 12-16-74	Michael L. Klein, d/b/a MKA Oil Properties (succ. to Skelly Oil Co.), 304 Midland National Bank Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Eumont Gas Field, Lea County, N. Mex.	23.6204	15.025
CI75-390..... (G-7985) B 12-18-74	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	Depleted	.....
CI75-394..... A 12-26-74	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transwestern Pipeline Co., Atoka (Morrow) and S. Carlsbad (Atoka/Morrow) Fields, Eddy County, N. Mex.	[11] 55.6031	14.65
CI75-395..... A 12-26-74	Transcontinental Production Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., South Ewing Field, San Patricio County, Tex.	[12] 60.211740	14.65
CI75-396..... (CI71-51), B 12-13-74	Sun Calvert Co., P.O. Box 2880, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Well plugged and abandoned.	.....
CI75-397..... (CI65-274) B 12-16-74	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Camrick Unit (Upper Morrow Zone), Texas and Beaver Counties, Okla.	Uneconomical	.....
CI75-398..... (G-8087) B 12-20-74	Texaco Inc., P.O. Box 2100, Denver, Colo. 80201.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Greenwood Field, Baca County, Colo.	Contract expiration with no prior gas sales.	.....
CI75-399..... B 12-26-74	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Warren Petroleum Corp., Eumont and other Fields, Lea County, N. Mex.	[13]	.....
CI75-400..... A 12-26-74	Tideway Oil Programs, Inc., P.O. Box 92, Jackson, Miss. 39205.	Northern Natural Gas Co., Hugoton Field, Stanton County, Kans.	[14] 43.0	14.65

[1] Includes 4.0320¢ per Mcf tax reimbursement; 1.50¢ per Mcf gathering allowance and 2.96¢ per Mcf upward Btu adjustment.
[2] Subject to upward Btu adjustment.
[3] Plus upward Btu adjustment.
[4] Subject to downward Btu adjustment and subject to a deduction for compression by buyer.
[5] Includes 3.5¢ per Mcf upward Btu adjustment.
[6] Rate for gas from the University 9-18 No. 1-U Well; including estimated downward Btu adjustment of 2.36¢ per Mcf.
[7] Rate for gas from the University 9-18 No. 1-L Well; including estimated upward Btu adjustment of 0.27¢ per Mcf.
[8] Rate for gas from the University 10-18 No. 1-U Well; including estimated downward Btu adjustment of 2.42¢ per Mcf.
[9] Rate for gas from the University 10-18 No. 1-L Well; including estimated upward Btu adjustment of 0.22¢ per Mcf.
[10] Rate for gas from the University 10-18 No. 2 Well; including estimated upward Btu adjustment of 9.04¢ per Mcf.
[11] Includes 4.8801¢ per Mcf tax adjustment and is subject to upward and downward Btu adjustment; estimated upward adjustment is 3.7254¢ per Mcf.
[12] Includes 6.451258¢ per Mcf upward Btu adjustment.
[13] Applicant states that The Oil Conservation Commission of New Mexico reclassified the Southland Royalty "A" No. 5 oil well to a Blinebry gas well, therefore, the well is no longer subject to the terms of the percentage-of-proceeds contract under which sales are made.
[14] Subject to upward and downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-1606 Filed 1-17-75;8:45 am]

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[Docket No. CS75-240, etc.]

"SMALL PRODUCER" CERTIFICATES[1]

Notice of Applications

JANUARY 10, 1975.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS75-240...	11-25-74	Thomas A. Rollow, P.O. Box 51781, Lafayette, La. 70501.
CS75-241...	11-25-74	George E. Coleman, 708 South Tucker, Farmington, N. Mex. 87401.
CS75-242...	11-25-74	Fortune Drilling Corp., Petroleum Bldg., San Angelo, Tex. 76901.
CS75-243...	11-29-74	Kobe Oil & Gas Co., 2460 West 26th Ave., Suite 30C, Denver, Colo. 80211.
CS75-244...	12- 2-74	Wishbone Oil and Gas, Inc., P.O. Box 94670, Oklahoma City, Okla. 73105.
CS75-245...	12- 4-74	Colt Oil Inc., 1776 Lincoln St., Suite 504, Denver, Colo. 80203.
CS75-246...	12- 4-74	J. J. Harrington Sons, 1316 Cobble Dr., Borger, Tex. 79007.
CS75-247...	12- 4-74	Erlich Foods International, 9229 Sunset Blvd., #418, Los Angeles, Calif. 90069.
CS75-248...	12- 6-74	Victor E. Ratliff, P.O. Box 1186, Edmond, Okla. 73034.
CS75-249...	12- 9-74	J. G. Stone, P.O. Box 178, Lolita, Tex. 77971.
CS75-250...	12- 9-74	George G. Anderman, 506 Denver Center Bldg., 1776 Lincoln St., Denver, Colo. 80203.
CS75-251...	12- 9-74	George W. Arrington, P.O. Box 606, Canadian, Tex. 79014.
CS75-252...	12- 9-74	Marvin Wolf, d/b/a Wolf Energy Co., 4155 East Jewell Ave., Suite 814, Denver, Colo. 80222.
CS75-253...	12-11-74	Harvey J. Wier, Sr. Estate, 50 Rockefeller Plaza, New York, N.Y. 10020.
CS75-254...	12-11-74	Joseph R. Wier.
CS75-255...	12-12-74	James B. Franklin, 309 Bank of the Southwest Bldg., Amarillo, Tex. 79109.
CS75-256...	12-12-74	General Exploration Co.; (Texas), 50 Rockefeller Plaza, Suite 911, New York, N.Y. 10020.
CS75-257...	12-12-74	Camflo Mines, Ltd., Suite 1806, P.O. Box 306, Commercial Union Tower, Toronto, Ontario, Canada M5K 1K2.
CS75-258...	12-12-74	Donald J. Zadeck, P.O. Box 3863, Shreveport, La. 71103.
CS75-259...	12-12-74	Frank Katzenstein, P.O. Box 3863, Shreveport, La. 71103.
CS75-260...	12-12-74	Herman Van Os, P.O. Box 3863, Shreveport, La. 71103.
CS75-261...	12-16-74	Morgan Enterprises, Inc., et al. P.O. Box 1166, Corpus Christi, Tex. 78403.
CS75-262...	12-16-74	Roberts, Koch & Cartwright, 205 Building of the Southwest, Midland, Tex. 79701.
CS75-263...	12-17-74	O. H. Shaller, Box 563, Cheyenne, Okla. 73628.
CS75-264...	12-18-74	Partnership 3964, 410 West Ohio Ave., Midland, Tex. 79701.
CS75-265...	12-19-74	Sanford P. Fagadau, 1301 Dallas Federal Savings Bldg., Dallas, Tex. 75201.
CS75-266...	12-19-74	The Termo Co., 3275 Cherry Ave., Long Beach, Calif., 90801.
CS75-267...	12-20-74	Page Petroleum Inc., 901 Bank of the Southwest Bldg., Amarillo, Tex. 79109.
CS75-268...	12-13-74	William B. Yarborough (Operator), et al., 202 Gibbs Tower West, Midland, Tex. 79701.
CS75-269...	12-23-74	Seaboard Well Service, Inc. P.O. Box 51286 OCS, Lafayette, La. 70501.
CS75-270...	12-23-74	Paula R. (Hicks) Simon, 516 Mont Rose Ave., Lafayette, La. 70501.
CS75-271...	12-23-74	Enterprise Resources, Inc. 1100 Milam Bldg., Suite 776, Houston, Tex. 77002.
CS75-272...	12-23-74	Helmet Petroleum Corp., Suite 2904, Lincoln Center Bldg., Denver, Colo. 80203.

[FR Doc.75-1605 Filed 1-17-75;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE; EDUCATION PANEL

Notice of Meeting

JANUARY 15, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on February 6, 1975.

The purpose of the meeting is to review Humanities Institutes applications submitted to the National Endowment for the Humanities for grants to educational institutions and nonprofit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-1682 Filed 1-17-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR METABOLIC BIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Metabolic Biology to be held at 9 a.m. on February 6 and 7, 1975, in room 511, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program, Rm. 323, 1800 G Street, NW., Washington, D.C. 20550, telephone 202/632-4312.

Dated: January 14, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1722 Filed 1-17-75;8:45 am]

ADVISORY PANEL FOR NEUROBIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Neurobiology to be held at 9 a.m. on February 6 and 7, 1975, in room 338, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. James H. Brown, Program Director, Neurobiology Program, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-4264.

Dated: January 14, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1723 Filed 1-17-75;8:45 am]

ADVISORY PANEL FOR REGULATORY BIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Regulatory Biology to be held at 9 a.m. on February 6 and 7, 1975, in room 621 at 1800 G Street, NW., Washington, D.C.

The purpose of the Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Jack W. Hudson, Program Director, Regulatory Biology Program, Rm. 323, 1800 G Street, NW., Washington, D.C. 20550, telephone 202/632-4299.

Dated: January 14, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1724 Filed 1-17-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Instructional Scientific Equipment Program (ISEP) Subpanel to be held from 9 a.m. to 5 p.m. on February 6-8, 1975, in the Sir Francis Drake Hotel, San Francisco, California.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Instructional Scientific Equipment Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about the ISEP Subpanel, please contact Dr. James C. Kellett, Program Manager, Rm. 454, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550, telephone 202/282-7760.

Dated: January 15, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-1751 Filed 1-17-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

OWNERS AND TENANTS ADVISORY BOARD

Amendment to Charter

Notice is hereby given that section 8 of the Owners and Tenants Advisory Board Charter published on page 20849 of the FEDERAL REGISTER of June 14, 1974, is hereby amended to read as follows:

"8. *Termination date.* The Advisory Board shall terminate on June 30, 1975".

This action extends the life of the organization, previously scheduled to terminate on December 31, 1974, to the end of the current fiscal year.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-1762 Filed 1-17-75;8:45 am]

COMMUNITY ADVISORY GROUP

Amendment to Charter

Notice is hereby given that section 8 of the Community Advisory Group Charter published on pages 21091 and 21092 of the FEDERAL REGISTER of June 18, 1974, is hereby amended to read as follows:

"8. *Termination date.* The Community Advisory Group shall terminate on June 30, 1975".

This action extends the life of the organization, previously scheduled to terminate on December 31, 1974, to the end of the current fiscal year.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-1763 Filed 1-17-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

JANUARY 13, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 10:00 a.m. (EST) on January 13, 1975 through midnight (EST) on January 22, 1975.

By the Commisison.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1752 Filed 1-17-75;8:45 am]

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[File No. 500–1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

JANUARY 10, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 13, 1975 through January 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–1686 Filed 1–17–75;8:45 am]

[34–11144]

AMERICAN STOCK EXCHANGE, INC.

Option Plan Declared Effective

The Securities and Exchange Commission announced today its decision to declare effective the American Stock Exchange, Inc. ("Amex" or "Exchange") plan regulating transactions in options on the Exchange ("plan") filed pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 ("Rule 9b–1"), 17 CFR 240.9b–1.[1]

Under Rule 9b–1 (17 CFR 240.9b–1), it is unlawful for a national securities exchange to effect transactions in an option by the use of its facilities except in accordance with a plan regulating transactions in options on the exchange that is declared effective by the Commission. The plan must contain rules, by-laws, constitutional provisions and other exchange requirements relating solely or significantly to transactions in options on the exchange. If the Commission finds the plan necessary or appropriate in the public interest or for the protection of investors, it shall declare the plan effective, which we have determined to do after a review of the Amex plan in accordance with these standards. We note, however, that the Amex operation will be on a pilot basis, and ongoing surveillance of the Exchange's program may result in significant alterations in its option-related activity.

While it appears to us to be unnecessary to describe fully herein the somewhat voluminous rules and accompanying documentation submitted by the Exchange as a part of its plan, we believe that some discussion of the plan's background and general structure is desirable and that special mention should be made of several of the policy issues considered by us in connection with our review.

BACKGROUND

On November 14, 1973 in response to issues raised by emerging option trading patterns on the Chicago Board Options Exchange, Inc. ("CBOE") and over-the-counter option markets, and due to the interest expressed by other national securities exchanges (including Amex) in listing and trading options, the Commission scheduled a public hearing commencing on January 29, 1974.[2] On January 15, 1974 (39 FR 2774, January 24, 1974) we announced the formal submission by Amex of its plan for listing and trading options pursuant to Rule 9b–1 under the Securities Exchange Act of 1934.[3] We noted on the latter occasion that while the specific provisions of the Amex plan were not a subject of the previously announced hearing, resolution of a number of policy issues to be considered at that hearing would be necessary before the Commission could determine whether the Exchange's plan should be made effective under Rule 9b–1.[4]

In part as a result of the hearing and CBOE experience, it appeared to us that progress should be made in several areas prior to expansion of the existing CBOE program or initiation of multiple exchange option trading by Amex and other exchanges. Among the subjects which the exchanges were advised would have to be addressed in the exchange options market area were: development of programs common clearing; dissemination of last-sale data; standardized option terms; availability of options quotations; and appropriate regulatory controls relating to trading in away-from-the-money options.[5] On August 22, 1974, the Commission noted that substantial progress had been made both by Amex and CBOE in addressing these issues.[6] We further stated that in view of this progress, we expected to declare the Amex plan effective when certain other conditions concerned with requirements set forth in Rule 9b–1 were met.[7]

GENERAL NATURE OF THE PLAN

Under the terms of the plan, which calls for the initiation of a pilot project, Amex intends initially to limit its operations to call options on 20 underlying stocks that are registered and listed on the New York Stock Exchange. The stocks (like those underlying CBOE options) would be those characterized by a substantial number of outstanding shares which are widely held and actively traded;[8] however, Amex does not intend initially to undertake dual trading of options.[9] As experience is gained and the system enlarged the Exchange expects, with Commission authorization, to increase the number of underlying stocks for option trading.[10]

Existing Amex members will, upon the plan's effectiveness, automatically obtain option trading privileges on the Exchange and Amex expects that most of these members will participate in this program.[11] Non-member access will be achieved by permitting qualified non-member brokers to introduce orders for their customers' accounts to members at a commission discount not in excess of 40% on such transactions.[12] In general, Amex intends to apply clearing principles and contract standardization methods and terms substantially identical to those currently used by CBOE—that is, options would be made fungible by limiting the contract variable. Thus, at the outset options would normally expire (expiration date) on the last Monday

[1] All the materials composing Amex's plan are available for public inspection at the Commission's public reference room at 1100 L Street, NW, Washington, D.C. 20549. File No. S7–505. Public comments on the Amex plan were first requested in Securities Exchange Act Release No. 10602 (January 15, 1974). The plan has since that time been modified. Public comments on any submission under Rule 9b–1 may be made before or after such submission is declared effective. The Option Clearing Corporation described *infra* under the heading Common Clearing has filed a prospectus pursuant to the requirements of the Securities Act of 1933 covering the options to be traded which must be delivered to each customer prior to the time such customer's account is approved for option trading. Amex Rule 926. File No. S7–505.

[2] Commission "Study of Multiple Exchange Option Trading and Option Trading in General," File No. 4–170. Securities Exchange Act Release No. 10490 (November 14, 1973).

[3] Securities Exchange Act Release No. 10602. (January 15, 1974).

[4] *Id.* These issues included the question of whether exchange option trading should be limited to the CBOE pilot project until sufficient information about option trading, including its economic functions, is developed and evaluated and on what conditions multiple pilots might be permitted.

[5] *See* letters to Mr. Joseph W. Sullivan, President, Chicago Board Options Exchange, Inc., and to Mr. Paul Kolton, Chairman of the American Stock Exchange, Inc., from Lee A. Pickard, Director, Division of Market Regulation, dated April 25, 1974. File No. 4–170. *See* generally, *Statement of the Securities and Exchange Commission on the Future Structure of the Securities Markets*, February 2, 1972 and *Policy Statement of the Securities and Exchange Commission on the Structure of a Central Market System*, March 29, 1973.

[6] See letter to Chairman Paul Kolton, American Stock Exchange, from Martin Moskowitz, Assistant Director, Division of Market Regulation, dated August 22, 1974. File No. S7–505.

[7] *Id.*

[8] Amex Rule 915. File No. S7–505.

[9] As used here the term "dual trading" means the trading of options in respect of the same underlying security on more than one national securities exchange.

[10] The special procedures pursuant to Rule 9b–1 under the Securities Exchange Act relating to the adoption and alteration of rules of registered national securities exchanges concerning acts or transactions in options would be applicable to such expansion.

[11] As of December 6, 1974, Amex had 650 regular members and 169 associate members.

[12] Amex Constitution, Article VI, Section 2(n). File No. S7–505.

of the expiration month, and Amex expects to use the same months (i.e., January, April, July and October) as CBOE. The striking prices of Amex options (the price per share at which the underlying stock may be purchased upon exercise of the option) would be fixed at 5-point intervals for stock trading below $50, 10-point intervals for those stocks trading between $50 and $100, and 20-point intervals for stocks trading above $100, and, as in the case of CBOE, new series of Amex options would be introduced for trading as the underlying stock fluctuated in price. The Exchange can impose restrictions on trading in options, and under its present plan opening transactions in certain deep-out-of-the-money options, *i.e.*, those options selling below $0.50 and with their underlying stock more than $5.00 below the exercise price would automatically be restricted.[14]

Options will generally be traded in a manner very similar to that for other securities traded on the Amex, and a major difference between Amex's program and CBOE's is that Amex will, with certain modifications applicable to its floor trading system, utilize its present unitary specialist system instead of segregating the agent and dealer functions between board brokers and competing market makers.

A notable modification in the Amex Floor trading procedure is that its registered floor traders will be expected to trade in a way that assists the specialist in maintaining a fair and orderly market, and in furtherance of this obligation he may be called upon under certain circumstances by either a floor official or floor broker acting in an agency capacity to make quotations in the market.[14] In addition, at least 50 percent of a floor trader's option transactions must be in two or more classes of assigned options. Since the Exchange feels that such trading should be encouraged to help provide liquidity in all open series of options, it will therefore extend the same margin treatment to the floor traders in options that will be afforded to specialists.[15]

COMMISSION RATES

We have also considered Amex's proposed fixed minimum commission rate structure. In essence, the Exchange will prescribe minimum non-member commission rates only on that portion of an order above $2,000 and up to and including $30,000.[16] In addition, it will apply fixed minimum intra-member floor brokerage and specialist commission rates on the part of an order involving $30,000 or less, but its intra-member clearance commissions will be fully negotiated.[17] However, under the option plan fixed minimum commissions on Amex option transactions will terminate on April 30, 1975.[18] If adopted, proposed Rule 19b–3 under the Securities Exchange Act of 1934[19] will prohibit national securities exchanges from adopting or retaining any rule of the exchange that requires, or from otherwise directly or indirectly requiring, members to charge any person any fixed rate of commission for transactions executed on, or effected by use of any facility of, such exchanges, effective May 1, 1975.[20] Pending a determination as to whether to adopt Rule 19b–3, we have decided to permit, in the interim, a fixed minimum commission rate structure for Amex's option pilot.

Throughout its existence, Amex, like other major national securities exchanges, has had fixed minimum commission rates, and the Commission has consistently taken the position that this long history of fixed rates argues against their precipitate elimination. We have instead maintained that the exchanges should be given an opportunity to develop business strategies and adjust their operations to a competitive-rate environment by April 30, 1975.[21]

Therefore, when we declared effective the registration of CBOE as a national securities exchange, we also permitted CBOE, Amex's principal competitor in options at this time, to structure its commission rates for options trading in a manner analogous to those provided by all of the existing exchanges.[22] Similar treatment for the Amex now seems appropriate, particularly since under its option plan fixed minimum commissions will automatically terminate on April 30, 1975.

COMMON CLEARING

The Amex plan provides that the options will be issued, guaranteed and registered pursuant to the Securities Act of 1933 and pursuant to Section 12(b) of the Act by the Options Clearing Corporation (the "OCC").[23] In addition, the OCC will clear and settle all options transactions effected on the Amex, the CBOE and any other options exchange which becomes a participant in OCC. The Commission has reviewed the certificate of incorporation, by-laws and rules of the OCC, a stockholders agreement and a participant exchange agreement to be executed by options exchanges participating in the OCC, and other materials and undertakings pertaining to the formation and operation of the OCC and the conditions for access to OCC by participating exchanges and their members. In declaring the Amex plan effective, the Commission has concluded that the establishment and operation of OCC as a common clearing entity is necessary and appropriate for the trading of exchange-listed options and for the protection of investors involved in the trading of exchange-listed options.[24]

LAST-SALE REPORTING

The Amex and CBOE have addressed the basic issues of a common option tape and public reporting of last sale information by proposing the establishment of a policy-making body, the Option Price Reporting Authority ("OPRA"), to

[13] There are two related differences between the Amex and CBOE non-member commission rate provisions that should be noted. Amex's minimum commission rates on orders to purchase or sell options and for exercise of options include the 10–15 percent increases implemented by exchanges (except for CBOE) in September of 1973. Its commission rates to exercise an option will be the same as that for stocks; thus, the recently added 8 percent increase will also apply to exercise of options. The CBOE does not include these increases. The Amex provides for negotiated rates on orders involving $2,000 or less whereas CBOE's minimum rates on such orders, with certain exceptions for small trades, are fixed. A condition for our not objecting to the retention of the rate increases mentioned above through April 30, 1975 was that the exchanges adopting them assume the initiative for developing a program fostering limited price competition during this period prior to the introduction of unfixed rates. The exchanges, except CBOE which did not elect to institute an increase, therefore adopted competitive commission rates on orders up to $2,000.

[14] Amex Constitution Article VI, section 8(1). File No. S7–505. These rates will expire unless the Commission does not disapprove an extension proposed by Amex pursuant to Rule 9b–1.

[15] *See* Securities Exchange Act Release No. 11073 (October 24, 1974) in which the Commission published proposed Rule 19b–3 (17 CFR 240.19b–3) and 10b–22 (17 CFR 240.10b–22) under the Act and scheduled oral hearings commencing on November 19, 1974. Proposed Rule 10b–22 would, among other things, make it unlawful for any broker, dealer or member of any national securities exchange, directly or indirectly, to participate in any agreement or arrangement with another broker, dealer or member of any exchange with respect to the fixing of any amount to be charged to other persons in respect of transactions in securities executed on, or effected by using any facility of, such exchange.

[16] Securities Exchange Act Release No. 10383 (September 11, 1973) and Securities Exchange Act Release No. 11019 (September 19, 1974). *See* Securities Exchange Act Release No. 11093 (November 8, 1974) which contains a synopsis of actions previously taken by the Commission relating to fixed commission rates on securities transactions.

[17] Securities Exchange Act Release No. 10560 (December 14, 1973).

[18] Securities Exchange Act Release No. 9985 (February 1, 1973).

[19] Initially, the OCC will be jointly owned by Amex and CBOE. Thereafter, exchanges with options trading plans declared effective by the Commission will be eligible for OCC participation and partial ownership.

[20] These submitted materials concerning the operation and capital structure of the OCC have also been filed by the CBOE as an amendment to its Rule 9b–1 option plan. In declaring this part of the plan effective, the Commission has also considered and determined to not disapprove these changes to the CBOE plan.

[21] All Amex Constitution, Article VI, Section 8(n). File No. S7–505.

[22] Amex Rule 910. File No. S7–505.

[23] Amex Rule 958. File No. S7–505. This Rule was originally submitted by telephone on December 12, 1974 and was considered by the Commission as a part of the Amex plan declared effective on December 18, 1974.

[24] Amex Rule 940(b). File No. S7–505.

[25] In the case of a purchase or sale of an option, the amount involved in an order is measured by the premium. In the case of an exercise of an option, the amount of money involved in an order is the striking price multiplied by the number of shares.

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coordinate the establishment and ongoing administration of a separate common option tape on the floor of both exchanges and the dissemination of option last sale data from these exchanges to vendors of automated interrogation devices. In addition, it has been represented to us that OPRA, after a suitable trial period, will make its common option tape available to interested subscribers for public dissemination in the form of a continuous tape or tapes separate from the existing national tape networks. The present Amex tape will not be utilized for that purpose. We are presently reviewing the OPRA proposals and, while we are thus unable to make a final determination at this time on the proposals,* we believe it appropriate to indicate here our concurrence in principle with this overall approach to the issue. Our action in declaring the Amex plan effective under Rule 9b–1 has been predicated on the substantial progress made by the exchanges in this area.

CONCLUSION

Accordingly, we find the Amex plan to be necessary and appropriate in the public interest and for the protection of investors, and therefore declare the plan effective pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (Part 240 of Chapter II of title 17 of the Code of Federal Regulations § 240.9b–1).

All interested persons are invited to submit their views and comments on the Amex plan. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number S7–505. The plan and all amendments to the plan and all such comments will be available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

By the Commission.

Dated: December 19, 1974.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–1690 Filed 1–17–75;8:45 am]

[File No. 500–1]

BBI, INC.

Suspension of Trading

JANUARY 13, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 14, 1975 through January 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–1687 Filed 1–17–75;8:45 am]

[File No. 500–1]

BURMAH OIL COMPANY LTD.

Suspension of Trading

JANUARY 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Burmah Oil Company Limited being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 13, 1975 through January 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–1688 Filed 1–17–75;8:45 am]

[File No. 500–1]

NICOA CORP.

Suspension of Trading

JANUARY 13, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 14, 1975 through January 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–1689 Filed 1–17–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1109]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December, because of the effects of a certain disaster, damage resulted to property located in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Town of Middleboro, Plymouth County, Massachusetts, suffered damage or destruction resulting from a fire which occurred December 13, 1974.

OFFICE

Small Business Administration
District Office
150 Causeway Street
10th Floor
Boston, Massachusetts 02114

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 10, 1975. EIDL applications will not be accepted subsequent to October 10, 1975.

Dated: January 9, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75–1764 Filed 1–17–75;8:45 am]

[License No. 02/02–0163]

MID-ATLANTIC FUND, INC.

Notice of Approval of Application for Transfer of Control

Pursuant to the provisions of § 107.701 of the Small Business Administration's (SBA) rules and regulations (13 CFR 107.701 (1974)), a notice of filing of an application for transfer of control of Mid-Atlantic Fund, Inc., License No. 02/02–0163, 645 Madison Avenue—7th Floor, New York, New York 10022, was published in the FEDERAL REGISTER on November 8, 1974 (39 FR 39615).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Mid-Atlantic Fund, Inc.

Dated: January 7, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc. 75–1767 Filed 1–17–75;8:45 am]

* The Amex, of course, is subject to Rule 17a–15 under the Act (17 CFR 240.17a–15) and will be required to comply therewith prior to commencement of its option trading activities.

ORANGECO INVESTMENT CO.

[Application No. 09/09–5178]

Application for License as Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Orangeco Investment Company (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1974).

The officers and directors are as follows:

James H. Jen Kin, President and Director, 16372 Maruffa Circle, Huntington Beach, Calif. 92649.
George Wong, Jr., Vice President, 3281 Pine Avenue, Long Beach, Calif. 90807.
Stanley J. Jay, Secretary-Treasurer, Manager, 195 West 31st St., Apt. 203, Long Beach, Calif. 90806.
Allan J. Blink, Director, 15728 East Dubesor Street, Valinda, Calif. 91744.
Joseph O'Campo, Director, 1149 S. Lowell Street, Santa Ana, Calif. 92707.

The applicant will maintain its principal place of business at 501 Golden Circle Drive, Suite 206, Santa Ana, California 92705.

It will begin operations with $315,000 of paid-in capital and surplus derived from the sale of 31,500 shares of common stock at $10 per share. Fifteen thousand shares will be purchased by Developcorp, Incorporated, a nonprofit corporation funded by the Office of Economic Opportunity, 8,000 shares by the Security Beneficial Investment Corporation, a small business investment company, and 8,500 shares by MESBIC Investment Company, a limited partnership whose members include directors of the applicant.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, not later than February 4, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Santa Ana, California.

Dated: January 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–1766 Filed 1–17–75;8:45 am]

[Notice of Disaster Loan Area 1106; Amdt. 2]

PUERTO RICO

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the Commonwealth of Puerto Rico as a major disaster area resulting from severe storms, landslides and flooding, beginning about October 23, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the additional Municipality of Vieques. (See 39 FR 43427 and 40 FR 1798)

Applications may be filed at the:

Small Business Administration
District Office
255 Ponce De Leon Avenue
Hato Rey, Puerto Rico 00919

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than March 7, 1975. EIDL applications will not be accepted subsequent to October 7, 1975.

Dated: January 9, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75–1765 Filed 1–17–75;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplementary industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Shirt Co., Shamokin, PA; 12–1–74 to 11–30–75 (Ladies' blouses, men's and boys' shirts).

Arizona Slack Corp., Yuma, AZ; 11–18–74 to 11–17–75 (Men's pants).

Bob Evans of Kentucky, Inc., Burkesville, KY; 10–23–74 to 10–22–75 (Washable service apparel).

Boonville Mfg. Corp., Boonville, IN; 11–1–74 to 10–31–75 (Men's pajamas).

Carthage Shirt Corp., Carthage, TN; 11–3–74 to 11–2–75 (Men's shirts and ladies' blouses).

Dover Mills, Inc., Pisgah, AL; 12–9–74 to 12–8–75 (Children's shirts and pants).

Eatonton Mfg. Co., Inc., Eatonton, GA; 10–29–74 to 10–28–75 (Men's pants).

Elder Mfg. Co., Webb City, MO; 10–31–74 to 10–30–75 (Men's, boys', and juveniles' shirts).

R. Fox, Ltd., Belleville, IL; 11–28–74 to 11–27–75 (Men's pants).

Franklin Ferguson Co., Inc., Florala, AL; 12–19–74 to 12–18–75 (Men's and boys' shirts).

Freeland Shirt Co., Inc., Freeland, PA; 11–18–74 to 11–17–75 (Men's jackets).

The Hercules Trouser Co., Inc., Hillsboro, OH; 12–1–74 to 11–30–75 (Men's and boys' pants).

The Hercules Trouser Co., Inc., Manchester, OH; 12–1–74 to 11–30–75 (Men's and boys' pants).

Jarratt Sportswear Co., Inc., Jarratt, VA; 11–15–74 to 11–14–75; 10 learners (Children's dresses).

Jonbil Mfg. Co. Of N.C., Inc., Stovall, NC; 12–10–74 to 12–9–75; 5 learners (Men's and boys' pants).

McCreary Mfg. Co., Stearns, KY; 9–23–74 to 9–22–75 (Men's shirts).

Michael Berkowitz Co., Inc., Uniontown, PA; 10–1–74 to 9–30–75 (Men's and women's sleepwear).

Monticello Mfg. Co., Inc., Monticello, KY; 9–23–74 to 9–22–75 (Men's and boys' shirts).

Oshkosh B'Gosh, Inc., Celina, TN; 10–8–74 to 10–7–75 (Men's pants and shirts).

Rector Sportswear Corp., Rector, AR; 10–28–74 to 10–27–75 (Men's pants).

J. H. Rutter Rex Mfg. Co., Inc., New Orleans, LA; 10–12–74 to 10–11–75 (Men's and boys' work pants and shirts).

Salant & Salant, Lexington, TN; 11–8–74 to 11–7–75 (Men's and boys' pants).

Salant & Salant, Paris, TN; 11–26–74 to 11–25–75 (Men's and boys' shirts).

Slidell Ind., Inc., Slidell, LA; 12–9–74 to 12–8–75 (Misses' jeans).

Stapleton Garment Co., Stapleton, GA; 9–23–74 to 9–22–75 (Men's and boys' pants).

Sullcraft Mfg. Co., Inc., Dushore, PA; 10–4–74 to 10–3–75; 10 learners (Men's and boys' pajamas).

Toll-Gate Garment Corp., Hamilton, AL; 10–1–74 to 9–30–75 (Men's shirts).

Vernon Mfg. Co., Inc., Vernon, TX; 12–31–74 to 12–30–75 (Men's and boys' trousers and shirts).

Warsaw Mfg. Co., Kingstree, SC; 11–29–74 to 11–28–75 (Ladies' capris and shorts).

Wyoming Valley Garment Co., Wilkes-Barre, PA; 10–14–74 to 10–13–75; 10 learners (Men's pants).

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The following plant expansion certificate was issued authorizing the number of learners indicated.

Jarratt Sportswear Co., Inc., Jarratt, VA; 11–15–74 to 5–14–75; 10 learners (Children's dresses).

The following certificate was issued under the cigar industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.80 to 522.85, as amended).

Budd Tobacco Processing Co., Quincy, FL; 12–4–74 to 6–3–75; 5 learners for plant expansion purposes (Cigars).

The following certificates were issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Burnham-Edina Mfg. Co., Edina, MO; 10–4–74 to 10–3–75; 5 learners for normal labor turnover purposes (Work gloves).

Good Luck Glove Co., Rosiclare, IL; 11–8–74 to 11–7–75; 10 learners for normal labor turnover purposes (Work gloves).

St. Johnsbury Glovers, St. Johnsbury, VT; 10–4–74 to 10–3–75; 10 learners for normal labor turnover purposes (Ladies' knit gloves).

The following certificates were issued under the knitted wear industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended).

Boonville Mfg. Corp., Boonville, IN; 11–1–74 to 10–31–75; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (Men's underwear).

Junior Form Lingerie Corp., Boswell, PA; 9–25–74 to 9–24–75; 5 percent of the total number of factory production workers for normal labor turnover purposes (Ladies' underwear and pajamas).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bayuk Caribe, Inc., Ciales, PR; 10–4–74 to 10–3–75; 16 learners for normal labor turnover purposes in the occupation of cigar making and packing for a learning period of 320 hours at the rates of $1.53 an hour for the first 160 hours and $1.63 an hour for the remaining 160 hours (Tobacco).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before February 4, 1975.

Signed at Washington, D.C., this 13th day of January 1975.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.75–1726 Filed 1–17–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 676]

ASSIGNMENT OF HEARINGS

JANUARY 15, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 93681 Sub 3, Horace Simmons, d.b.a. Vaca Valley Bus Lines & MC 139807, Napa Transit Co., now assigned February 18, 1975, at San Francisco, Ca., will be held in Room 2041, Court of Claims, Federal Building & Courthouse, 450 Golden Gate Ave.

MC–F–12194, F–B Truck Line Company—Purchase—Dalzell Corporation & MC 125483 Sub 50, F–B Truck Line Company, now assigned February 24, 1975, at San Francisco, Ca., will be held in Room 2021, Tax Court, Federal Building & Courthouse, 450 Golden Gate Avenue.

MC–C–8413, William H. Ott, d.b.a. Texas Hot Shot Co.—Investigation and Revocation of Certificates, now assigned February 3, 1975, at Dallas, Texas, is postponed indefinitely.

MC 117068 Sub 29, Midwest Harvestore Transport, Inc., now assigned January 17, 1975, at Chicago, Ill., is cancelled and the application is dismissed.

MC 29079 Sub 75, Brada Miller Freight System, Inc., MC 106603 Sub 133, Direct Transit Lines, Inc., MC 107295 Sub 753, Pre-Fab Transit Co., A Corp., MC 119522 Sub 32, McLain Trucking, Inc., MC 128247 Sub 25, Bursal Transport, Inc., MC 138741 Sub 11, E. K. Motor Service, Inc., now assigned February 10, 1975, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 61231 Sub 80, Ace Lines, Inc., now being assigned, February 10, 1975, at Chicago, Ill., in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC–F–12246, Ryder Truck Lines, Inc.—Purchase (Portion)—Alterman Transport Lines, Inc., now assigned February 10, 1975, at Jacksonville, Fla., will be held in Jacksonville Hilton Hotel, 565 South Main St., instead of Room 714 Federal Bldg., 400 W. Bay St.

MC 116763 Sub 285, Carl Subler Trucking, Inc., and MC 138157 Sub 13, Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, now being assigned March 5, 1975 (1 day), at Atlanta, Ga., in a hearing room to be designated later.

MC 139246 Sub 1, Leon Jones Feed & Grain, Inc., now being assigned March 6, 1975 (2 days), at Atlanta, Ga., in a hearing room to be designated later.

I&S No. 9012, Corn & Grain Sorghums, Midwest & Southwest to Pacific Ports, now being assigned March 11, 1975 (4 days), at Dallas, Texas; in a hearing room to be later designated.

NOR No. 36073, Chrysler De Mexico, S. A. V. Penn Central Transportation Company, et al., now being assigned March 17, 1975 (3 days), at Dallas, Texas; in a hearing room to be later designated.

NOM No. 36090, General Environment Corporation—Petition For Declaratory Order—Applicability Of Tariff Provisions, now being assigned March 20, 1975 (2 days), at Dallas, Texas; in a hearing room to be later designated.

I&S M No. 28239, Restructured LTL Rates, January 1975, Central & Southern Territory, now being assigned March 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FSA No. 42925, Minimum Charges on Carload Shipments—Eastern Territory, now being assigned February 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–1787 Filed 1–17–75;8:45 am]

[Notice 218]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 20, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 10, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75594. By order of January 9, 1975, the Motor Carrier Board approved the transfer to Petersen Transfer, Inc., Osmond, Nebr., of Certificate No. MC 86194 issued by the Commission August 5, 1969, to Loyal F. Petersen and Gerald F. Petersen, a partnership, doing business as L. F. Petersen & Son, Osmond, Nebr., authorizing the transportation of general commodities, with exceptions, between Osmond, Nebr., and Sioux City, Iowa; livestock and agricultural products from points in Thompson, Plum Grove, Foster, and Logan Townships, Pierce County, Nebr., to Sioux City, Iowa; and feeds, repair parts for farm implements, farm machinery, hardware, building materials, lumber, and coal from Sioux City, Iowa, to points in Thompson, Plum Grove, Foster, and Logan Townships, Pierce County, Nebr.

Patrick E. Quinn, Esq., P.O. Box 82028, Lincoln, Nebr. 68501.

No. MC–FC–75596. By order entered 1–8–75, the Motor Carrier Board approved the transfer to Metro Heavy Hauling, Inc., Kent, Wash., of that portion of the operating rights set forth in Certificate No. MC 9325, issued November 10, 1970, to K Lines, Inc., Lake Oswego, Oreg., authorizing the transportation of machinery, contractors' equipment, construction materials (with exceptions), wood poles, reinforcing and construction steel, and steel piling, between points in Oregon and Washington. George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188, attorney for applicants.

No. MC–FC–75597. By order of January 9, 1975, the Motor Carrier Board approved the transfer to Charles E. Wertz, doing business as Wertz Motor Coaches, Marcus Hook, Pa., of the operating rights in Certificate No. MC 45276 issued April 25, 1942, to Charles E. Wertz and Christian B. Wertz, a partnership, doing business as Wertz Motor Coaches, Marcus Hook, Pa., authorizing the transportation of passengers and their baggage between Chester, Pa., and Claymont, Del.; in charter operations from Marcus Hook, Pa., and points within 15 miles thereof to points in Delaware, Maryland, New Jersey, and the District of Columbia, and specified points in Virginia and Pennsylvania and the New York, N.Y., Commercial Zone; and in special operations from Marcus Hook, Pa., and points within 5 miles thereof, to specified points in New York, New Jersey, Maryland, Virginia, and the District of Columbia. Peter J. Rohana, Jr., 10 East Fifth St., Chester, Pa., 19013, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75–1784 Filed 1–17–75;8:45 am]

[Exemption No. 7 to Rev. Service Order No. 1193]

PENN CENTRAL TRANSPORTATION CO.
Notice of Authorization

JANUARY 7, 1975.

To: Maine Central Railroad Company, Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.

Pursuant to the authority vested in me by Section (a), Paragraph (7) of Revised Service Order No. 1193, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, is hereby authorized to accept from shipper at Trenton, New Jersey, for transport to destination, MEC 9249, regardless of the provisions of Revised Service Order No. 1193.

Effective JANUARY 7, 1975.

Expires JANUARY 10, 1975.

Issued at Washington, D.C., January 7, 1975.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.75–1786 Filed 1–17–75;8:45 am]

TEMPORARY AUTHORITY TERMINATION

[NOTICE #23]

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary Authority Application	Final Action or Certificate or Permit	Date of Action
Les Johnson Cartage Co.: MC–29392 Sub-19, 22	MC–29392 Sub-18	Oct. 24, 1974
L. & M. Express Co., Inc.: MC–44639 Sub-69	MC–44639 Sub-70	Nov. 19, 1974
Refiners Transport & Terminal Corp.: MC–60060 Sub-474	MC–60060 Sub-481	Sept. 13, 1974
The Mason and Dixon Tank Lines, Inc.: MC–61403 Sub-224	MC–61403 Sub-225	Nov. 4, 1974
William Z. Getz, Inc.: MC–107460 Sub-40	MC–107460 Sub-41	Nov. 21, 1974
Neuman Transit Co., Inc.: MC–116045 Sub-42	MC–116045 Sub-42	Sept. 27, 1974
Clark's Frozen Express, Inc.: MC–117589 Sub-12, 16	MC–117589 Sub-15	Do.
Provisioners Frozen Express, Inc.: MC–117589 Sub-13, 20	MC–117589 Sub-17	Do.
Caravan Refrigerated Cargo, Inc.: MC–119789 Sub-166	MC–119789 Sub-170	June 6, 1974
M & M Tan Lines, Inc.: MC–123067 Sub-117	MC–123067 Sub-118	Oct. 29, 1974
Fast Motor Service, Inc.: MC–126276 Sub-90, 91	MC–126276 Sub-85	Sept. 13, 1974
The Stout Trucking Co., Inc.: MC–128360 Sub-40, 41	MC–128360 Sub-48	Sept. 30, 1974
Frost Trucking Co., Inc.: MC–133913 Sub-2	MC–133913 Sub-1	Oct. 3, 1974
Interstate Contract Carrier Corp.: MC–134599 Sub-25	MC–134599 Sub-22	Sept. 13, 1974
Harbor Transfer, Inc.: MC–135387 Sub-1	MC–135387 Sub-2	Nov. 25, 1974
dba, McCorkle Truck Line: MC–136711 Sub-7	MC–136711 Sub-9	Sept. 27, 1974
Intermodal Transport, Inc.: MC–136903 Sub-1	MC–136903 Sub-7	Sept. 18, 1974
Decker Transport Co., Inc.: MC–138235 Sub-2	MC–138235 Sub-1	Nov. 21, 1974
E. K. Motor Service, Inc.: MC–138741 Sub-6	MC–138741 Sub-2	Sept. 30, 1974
Roberts & Oaks, Inc.: MC–139193 Sub-1	MC–139193 Sub-3	Sept. 27, 1974
McLain Trucking, Inc.: MC–119522 Sub-23 [1]	MC–119522 Sub-24	Feb. 25, 1974

[1] This is to show correct name MC–119522 Sub-No. 23 TA as McLain Trucking, Inc. in lieu of Barrettmobile Home Transport, Inc. which was inadvertently shown in Federal Register of Dec. 3, 1974 on page 41921.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–1785 Filed 1–17–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY
Elimination of Gateway Letter Notices

JANUARY 15, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission January 30, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 31462 (Sub-No. E213), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on, south and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at Bayfield, Wis., thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 53, thence along U.S. Highway 53 to La Crosse, Wis. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E214), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in that part of Michigan east and south of a line beginning in the Upper Peninsula of Michigan at Hancock, Mich., thence along U.S. Highway 41 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line. The

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purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 61592 (Sub-No. E14), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, and wood molding*, from the plant site of Barclay Industries, Ind., at Lodi, N.J., to points in that part of West Virginia on and west of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 21 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of New Lexington, Ohio.

No. MC 61592 (Sub-No. E29), filed May 31, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, and attachments and parts for tractors, and tractors* (except those vehicle beds, bed frames, fifth wheels), from points in Rock Island County, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and Washington. The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

No. MC 61592 (Sub-No. E32), filed May 31, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and attachments and parts for tractors, and tractors* (except those with vehicle beds, bed frames, and fifth wheels), from the plant and warehouse sites and experimental farms of Deere and Company in Wapello County, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line and on and south of U.S. Highway 211. The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

No. MC 61592 (Sub-No. E34), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, and agricultural implements*, from St. Louis, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateways of Moline, Ill., and Ida Grove, Iowa.

No. MC 61592 (Sub-No. E37), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight, require the use of special equipment), from Baltimore, Md., to points in South Dakota, and in that part of Minnesota on and west of a line beginning at the Minnesota-South Dakota State line, thence along Minnesota Highway 19 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of Ida Grove, Iowa, O'Fallon Park, Mo., and Columbus, Ohio.

No. MC 61592 (Sub-No. E39), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because size or weight require the use of special equipment), from New Orleans, La., to points in that part of Nebraska on and north of a line beginning at the Colorado-Nebraska State line, thence along Nebraska Highway 23 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Ida Grove, Iowa.

No. MC 61592 (Sub-No. E40), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel undercarriages and frames, iron and steel trailers, and iron and steel portable buildings*, from New Ulm, Minn., to points in that part of Illinois on and north of U.S. Highway 40 and on and south of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 30 to its junction with U.S. Highway 30 Alt., thence along U.S. Highway 30 Alt. to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 61592 (Sub-No. E42), filed May 31, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 65 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line (except Denmark), to points in Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 61592 (Sub-No. E44), filed June 10, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators*, knocked down (except those which because of size or weight, require the use of special equipment), from the Memphis, Tenn., commercial zone as defined by the Commission, to points in Wisconsin and that part of Iowa on and north of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to its junction with Iowa Highway 60, thence along Iowa Highway 60 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E46), filed June 10, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, from Tarboro, N.C., to points in Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wyoming, and points in that part of California on and north of a line beginning at the Pacific Ocean, thence along U.S. Highway 101 to its junction with California Highway 58, thence along California Highway 58 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

No. MC 61592 (Sub-No. E49), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and tractors which because of their size or weight require the use of special equipment), from ports of entry on the U.S.-Canada International Boundary line in Maine, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, and in that part of Louisiana on and west

of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 27 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to the Louisiana-Arkansas State line. The purpose of this filing is to eliminate the gateway of Port Washington, Wisconsin.

No. MC 61592 (Sub-No. E51), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonsville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements in mixed loads with tractors* (except truck tractors and commodities which because of their size or weight require the use of special equipment), from O'Fallon Industrial Park, St. Charles County, Mo., to points in that part of Florida on and southeast of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 61592 (Sub-No. E54), filed June 25, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Beardstown, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, Vermont, Virginia, Wyoming, and in that part of Missouri on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 61592 (Sub-No. E63), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas meters*, from Cedar Rapids, Iowa, to St. Louis, Mo., and points in that part of Illinois on and north of U.S. Highway 40 and on and south of a line beginning at the Iowa-Illinois State line, thence along Illinois Highway 2 to its junction with U.S. Highway 30 Alt., thence along U.S. Highway 30 Alt. to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E64), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins, (except commodities in bulk, in tank vehicles), from points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, to Omaha, Nebr. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 61592 (Sub-No. E70), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand (except such machinery and implements which because of size or weight, require the use of special equipment), from Memphis, Tenn., to points in that part of Iowa on and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E74), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used in the manufacture and operation of (1) agricultural, industrial, and construction machinery and equipment, (2) Lawn, garden, and home maintenance equipment, and (3) recreational vehicles and equipment (except commodities in bulk), from the plant sites and warehouse facilities of Deere and Company in Dodge County, Wis., to St. Louis, Mo., Omaha, Nebr., and points in that part of Illinois on and west of U.S. Highway 67, restricted to the transportation of traffic originating at or destined to the above mentioned facilities of Deere and Company in Dodge County, Wis. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E75), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas meters*, from Ottumwa, Iowa, to points in that part of Wisconsin on and south of U.S. Highway 10 and in that part of Illinois on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E81), filed July 5, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* (except chemicals and liquid wood products), from ports of entry on the U.S.-Canada International Boundary line in Minnesota, to points in that part of Indiana on and south of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 74 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line, and in Kentucky and Tennessee, restricted to the transportation of traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Beardstown, Ill.

No. MC 61592 (Sub-No. E86), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Memphis, Tenn., to points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Iowa Highway 163, thence along Iowa Highway 163 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line, and points in Wisconsin on and south of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E87), filed September 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, and agricultural implements*, from Kewanee, Ill., to points in that part of Iowa on, north, and west of a line beginning at the Iowa-Illinois State line, thence along Iowa Highway 92 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, and to Omaha, Nebr., and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 61592 (Sub-No. E90), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Warren, Ark., to points in Maine, Michigan, Massachusetts, New Hampshire, Vermont, Wisconsin, and that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 24 to its junction with Illinois Highway 29, thence along Illinois Highway 29 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Indiana State

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line. The purpose of this filing is to eliminate the gateways of points in that part of Iowa east of U.S. Highway 65 and south of U.S. Highway 20 (except Denmark, Iowa).

No. MC 61592 (Sub-No. E94), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those because of size or weight require the use of special equipment), from Philadelphia, Pa., to points in South Dakota, and that part of Minnesota on, south, and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to its junction with Minnesota Highway 19, thence along Minnesota Highway 19 to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, O'Fallon Park, Mo., and Ida Grove, Iowa.

No MC 61592 (Sub-No. E97), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), from Glenfield, Pa., to points in Kansas, Missouri, Nebraska, South Dakota, and that part of Illinois on, south, and west of a line beginning at Cairo, thence along U.S. Highway 51 to its junction with Illinois Highway 29, thence along Illinois Highway 29 to its junction with U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, and O'Fallon Park, Mo.

No. MC 61592 (Sub-No. E104), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts*, from points in that part of Illinois on and south of U.S. Highway 6 and on and north of U.S. Highway 40, to points in Arkansas, Connecticut, Delaware, Florida, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Vermont, and Virginia, restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Co., and (b) destined to the destination points specified above, (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E107), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors, and agricultural implements in mixed loads with tractors* (except truck tractors and commodities, which, because of their size or weight, require the use of special equipment), from Columbus, Ohio, to points in Missouri, South Dakota, and that part of Illinois on and west of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 127 to its junction with Illinois Highway 16, thence along Illinois Highway 16 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of O'Fallon Park, Mo.

No. MC 61592 (Sub-No. E115), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements* in mixed loads with tractors (except truck tractors and commodities which, because of their size or weight, require the use of special equipment), from Atlanta, Ga., to points in South Dakota and in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line, thence along Minnesota Highway 15 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 371, thence along U.S. Highway 371 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Minnesota Highway 72, thence along Minnesota Highway 72 to the U.S.-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of O'Fallon Park, Mo., and Ida Grove, Iowa.

No. MC 109478 (Sub-No. E5), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and cereal food preparations*, from Geneva, Ohio, to all points in Florida. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC 113459 (Sub-No. E64), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers; (3) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (4) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (5) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments, between points in that part of Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Colorado Highway 101, thence along Colorado Highway 101 to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Oklahoma State line, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 54 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the Colorado-Arizona State line (points in Oklahoma)*; (B) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment (except those used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines and except farm machinery); and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture,

processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, restricted against the stringing or picking up pipe in connection with main or trunk pipelines, between points in Nebraska, on the one hand, and, on the other, points in Alaska (points in Oklahoma and Wyoming)*, and between points in Nevada, on the one hand, and, on the other, points in Mississippi (points in Oklahoma)*; and (C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (1) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (2) the completion of holes or wells drilled, (3) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (4) the injection or removal of commodities into or from holes or wells; (a) between points in Nevada, on the one hand, and, on the other, points in Mississippi (points in Oklahoma)*; and (b) between Bullett, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmondson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Colorado (points in Illinois and Oklahoma)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114211 (Sub-No. E390), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings* for cast iron pipe from points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to the Ohio-West Virginia State line to points in Montana, Wyoming, Colorado, South Dakota, Nebraska, and points in that part of North Dakota on and west of a line beginning at the North Dakota-Canada International Boundary line, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line, and to points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 1, thence along Kansas Highway 1 to the Kansas-Oklahoma State line, and to points in that part of New Mexico on and northwest of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 60 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 62/180, thence along U.S. Highway 62/180 to the New Mexico-Texas State line, and to points in that part of Oklahoma on and northwest of a line beginning at the Kansas-Oklahoma State line, thence along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line, and to points in that part of Texas on and north of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 60 to the Texas-New Mexico State line and to that part of Texas on and north of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 62/180 to the Texas-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the plant site—Griffin Pipe Co.—Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E391), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelsen (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* and *fittings* for cast iron pipe from points in that part of Michigan on and southeast of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Mich., and from points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 40 to the Ohio-Indiana State line to points in Montana, South Dakota, Wyoming, Nebraska, Colorado; New Mexico, and points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line, and to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 60 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Mexico International Boundary line, and to points of North Dakota on and west of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 281 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to the North Dakota-Canada International Boundary line, and to points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 1, to the Kansas-Oklahoma State line, and to points of North Dakota on and west of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 281 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to the North Dakota-Canada International Boundary line, and to points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 1, thence along Kansas Highway 1 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the plant site—Griffin Pipe Co.—Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E392), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts, thereof*, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in that part of New York on and east of a line beginning at Oswego, N.Y., thence along New York Highway 57 to Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site—Stinar Corp.—Minneapolis, Minn.

No. MC 114211 (Sub-No. E393), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in the Upper Peninsula of Michigan and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Wisconsin Highway

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29, thence along Wisconsin Highway 29 to Kewanee, Wis., and to points in that part of Florida on and south of a line beginning at Daytona Beach, Florida, thence along U.S. Highway 92 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Florida Highway 40, thence along Florida Highway 40 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Florida Highway 345, thence along Florida Highway 345 to junction Florida Highway 24, thence along Florida Highway 24 to Lukens, Fla., with no transportation for compensation on return except as otherwise authorized.

No. MC 114211 (Sub-No. E395), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 99, thence along Kansas Highway 13, thence along Kansas Highway 13 to junction Kansas Highway 77, thence along Kansas Highway 77 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Kansas Highway 77, thence along Kansas Highway 77 to the Kansas-Oklahoma State line to points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 502 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 161, thence along Ohio Highway 161 to Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 208, thence along Ohio Highway 208 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 209, thence along Ohio Highway 209 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, with no transportation for compensation of return except as otherwise authorized restricted against movement to oil field locations.

No. MC 114211 (Sub-No. E400), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and northeast of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction Interstate Highway 80 to the Iowa-Illinois State line to points in that part of Texas on and southwest of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 53, thence along Texas Highway 53 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 28, thence along U.S. Highway 28 to the New Mexico-Texas State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E401), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and northwest of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction Iowa Highway 214, thence along Iowa Highway 214 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line to points in Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E406) filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from that part of Minnesota on and east of a line beginning at the Minnesota-Canada International Boundary line, thence along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line to points in Oregon, California, Nevada, Arizona, Missouri, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, Iowa, Illinois, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Utah, West Virginia, and to points in that part of Washington on and west of a line beginning at the Washington-Idaho State line, thence along Interstate Highway 90 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Canada International Boundary line, and to points in that part of Idaho on and south of a line beginning at the Idaho-Montana state line, thence along Interstate Highway 90 to the Idaho-Washington State line, and to points in that part of Montana on and west of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 287, to junction Interstate Highway 90, thence along Interstate Highway 90 to the Montana-Idaho State line and to points in that part of Wyoming on and southwest of a line beginning at the Wyoming-Montana State line, thence along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line and to points in that part of Wisconsin on and southeast of a line beginning at the Wisconsin-Illinois State line, thence along Wisconsin Highway 15 to Lake Michigan, and to points in that part of Michigan on and south of a line beginning at Lake Michigan, thence along Interstate Highway 96 to the Michigan-Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E407), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories*, and *attachments*, between points in that part of Arizona on and south of a line beginning at the California-Arizona State line, thence along U.S. Highway 66 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Minnesota and points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 45 to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, and to points in that part of Nebraska on and north of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 11 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and to points in that part of Iowa on and north of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 30 to junction Interstate

Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line, and to points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 119988 (Sub-No. E44), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to Washington, D.C. The purpose of this filing is to eliminate the gateway of Montgomery County, Kansas.

No. MC 119988 (Sub-No. E47), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under Section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in California (except San Francisco) on and north of a line beginning at the California-Arizona State line and extending along Interstate Highway 40 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 46, thence along California Highway 46 to Pacific Ocean. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma boundary line and extending along U.S. Highway 81 to junction U.S. Highway 81, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 128273 (Sub-No. E1), filed May 2, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (a) from Savannah, Ga. and the facilities of Union Camp Corp., in Autauga County, Ala., to Chicago, Ill.; (b) from Lock Haven, Pa., to Mobile Ala.; (c) from Franklin, Va., to points in that part of Tennessee on and west of U.S. Highway 45 and 45E; (d) from Memphis, Tenn., to points in Indiana, Illinois, Michigan, Wisconsin, Minnesota, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, and West Virginia, restricted to the transportation of traffic originating at the facilities of Kimberly-Clark Corporation at Memphis, Tenn.; and (e) from Mobile, Ala., and Moss Point, Miss., to points in Michigan, Minnesota, and Wisconsin; and (2) *Paper*, from points in Talladega County, Ala., to points in Michigan, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Wickliffe, Ky.

INTERSTATE COMMERCE COMMISSION
OFFICE OF PROCEEDINGS

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY APPLICATIONS

JANUARY 15, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 564 (Sub-No. 10G), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, 2120 Adams St., Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley, P.O. Box 82046, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between St. Louis, Mo., and points in Iowa, Nebraska, and Wisconsin, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, and the District of Columbia; (2) between points in Minnesota, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Connecticut, Massachusetts, New Hampshire, Maine, Rhode Island and the District of Columbia; (3) between points in Washington and Oregon; (4) between points in Washington and Oregon, on the one hand, and, on the other, West Virginia, Virginia, North Carolina, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, the District of Columbia, Indiana, Michigan, Wisconsin, Illinois, Iowa, Nebraska, Idaho, Montana, points in Minnesota, on, south, and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line, and points in Missouri south and west of a line beginning at the Kansas-Missouri State line and extending east along U.S. Highway 54 to its intersection with Missouri Highway 5, thence south along Missouri Highway 5 to the Arkansas-Missouri State line; (5) between points in Montana, North Dakota, South Dakota, Texas, Oklahoma and Arkansas, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Delaware, Maryland, Pennsylvania, Virginia, North Carolina, West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Iowa, Nebraska, the District of Columbia, points in Minnesota on, south, and east of a line beginning at the Iowa-Minnesota State line and extending north along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line, and St. Louis, Mo.; (6) between points in Colorado, Missouri, Michigan, and Kansas, on the one hand, and, on the other, points in Nebraska, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Virginia, North Carolina, Maryland, New Jersey, Delaware, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire,

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Maine, and the District of Columbia. (7) between points in Nebraska, Colorado, Iowa, Wisconsin, Missouri, and points in Minnesota on, south, and east of a line beginning at the Iowa-Minnesota State line and extending north along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line. (8) between points in Nebraska, Wisconsin, Iowa, and points in Minnesota on, south and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23, to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with Minnesota Highway 70, thence along Minnesota Highway 70 to the Wisconsin-Minnesota State line, on the one hand, and, on the other, points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways at Lincoln, Nebr., points in Illinois, Wenatchee, Wash., Austin, Minn., and points within 150 miles thereof, points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5 including points on the indicated portions of the highways specified and points in Montana.

No. MC 5470 (Sub-No. 92G), filed June 4, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in dump vehicles, from Johnstown, Pa., to Weirton, W. Va. The purpose of this filing is to eliminate the gateway of North Lima, Ohio.

No. MC 29079 (Sub-No. 73G), filed June 4, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel products, die parts, die checking fixtures, die models and jigs, tools, patterns and templates* when moved in connection with dies, (1) from points in Ohio, to points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Business Route U.S. Highway 10, thence along Business Route U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to Saginaw River, thence along the Saginaw River to Saginaw Bay. The purpose of this filing is to eliminate the gateway at Toledo, Ohio. (A) (2) from points in Ohio, to points in Indiana (except Kokomo, Ind., and 50 miles thereof, Portage, Ind., and points in the Chicago, Ill., Commercial Zone). The purpose of this filing is to eliminate the gateway at Detroit, Mich. (A) (3) from points in Ohio on and north of Interstate Highway 70, to Louisville, Ky. The purpose of this filing is to eliminate the gateways at Detroit, Mich., and Kokomo, Ind. (A) (4) from points in Ohio, to points in Illinois and St. Louis, Mo. The purpose of this filing is to eliminate the gateways at Detroit, Mich., Portage-Gary and Kokomo, Ind. (A) (5) from points in Illinois and St. Louis, Mo., to points in Ohio. The purpose of this filing is to eliminate the gateways at Portage-Gary, Ind., and Toledo, Ohio. (A) (6) (a) from Silver Creek, N.Y., to Ann Arbor, Coldwater, Detroit, Jackson, Pontiac, Sturgis, Willow Run, and Ypsilanti, Mich.; (b) from Westfield, N.Y., to Ann Arbor, Battle Creek, Coldwater, Detroit, Flint, Jackson, Lansing, Pontiac, Sturgis, Willow Run, and Ypsilanti, Mich.; and (c) from Erie, Pa., to Ann Arbor, Battle Creek, Coldwater, Detroit, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Pontiac, Port Huron, St. Joseph, Sturgis, Willow Run, and Ypsilanti, Mich. The purpose of this filing in (A) (6) above, is to eliminate the gateways at Toledo and Columbiana, Ohio. (A) (7) between points in New York on and west of U.S. Highway 62, points in West Virginia on and north of U.S. Highway 40, points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Illinois and St. Louis, Mo. The purpose of this filing is to eliminate the gateways at Columbiana, Ohio, Detroit, Mich., Portage-Gary and Kokomo, Ind. (A) (8) from Detroit, Mich., Kelsey Hayes Company, Romulus, Mich., and Gilbraltar, Mich. (no die parts, die checking fixtures, die models and jigs, tools, patterns, and templates from Gilbraltar), to points in Erie County, Pa., and points in Chautauqua and Cattaraugus Counties, N.Y., on and east of U.S. Highway 62. The purpose of this filing is to eliminate the gateway at Columbiana, Ohio. (A) (9) from points in New York on and west of U.S. Highway 62, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and north of U.S. Highway 40, to points in Indiana (except Gary-Portage and Kokomo and within a radius of 50 miles thereof. The purpose of this filing is to eliminate the gateways at Columbiana, Ohio, and Detroit, Mich. (B) *Iron, iron and steel products*, from Ashland, Ky., to points in Illinois and Indiana on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways at Detroit, Mich., Gary-Portage and/or Kokomo, Ind. (C) *General commodities*, between Toledo, Ohio, and points in New York west of U.S. Highway 62 and Erie and Crawford Counties, Pa. The purpose of this filing is to eliminate the gateway at Columbiana, Ohio. (D) *Copper cable* (outbound) and *general commodities* (inbound), between Anaconda Wire and Cable Company plantsite near LaGrange, Ky., on the one hand, and, on the other, points in Washington and Green Counties, Pa., and points in West Virginia north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway at Columbiana, Ohio.

No. MC 35628 (Sub-No. 358G), filed June 4, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat*, from Sioux Falls, S. Dak., to Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Trenton, Mo. (2) *Meat*, (a) from Arkansas City, Kans., to Fremont, Nebr.; (b) between Wichita, Kans. and Fremont, Nebr.; (c) from Fremont, Nebr., to Topeka, Kans.; (d) from Fremont, Nebr., to Hutchinson, Kans.; and (e) from Fremont, Nebr., to Great Bend, Kans. The purpose of this filing in (2) above is to eliminate the gateway of St. Joseph, Mo.

No. MC 52565 (Sub-No. 8G), filed June 4, 1974. Applicant: MYERS TRANSFER & STORAGE CO., a Corporation, 418 Third Avenue, Huntington, W. Va. 25701. Applicant's representative: Bob E. Myers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia, Kentucky, and Ohio, on the one hand, and, on the other, points in Indiana, Illinois, the lower peninsula of Michigan, Maryland, New Jersey, New York, North Carolina, South Carolina, Florida, Georgia, Pennsylvania, Tennessee, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Lawrence County, Ohio, Boyd County, Ky., Cabell and Wayne Counties, W. Va.

No. MC 59393 (Sub-No. 7G), filed June 3, 1974. Applicant: BESTWAY VAN LINES, INC., P.O. Box 1748, Monterey, Calif. 93940. Applicant's representative: Sheldon Silverman, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, Kansas, and Texas. The purpose of this filing is to eliminate the gateways at points in Kiowa County, Okla., and points 50 miles thereof, and Hobart, Okla., and points within 20 miles thereof.

No. MC 70083 (Sub-No. 29G), filed June 4, 1974. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, N.J. 08002. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such items* as are dealt in by retail department stores, between points in that part

of Pennsylvania, east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to Lemoyne, Pa., thence along Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence along unnumbered highway (formerly portion U.S. Highway 111) through Jacobus, Loganville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., and points in Bergen, Hudson, Essex Counties, N.J., points in that part of Passaic County, N.J., east and south of an imaginary straight line running from Riverdale, N.J., to Oakland, N.J., and points in that part of Union County, N.J., east of an imaginary straight line running from the northern border of Union County through Union and Rahway, N.J., to the southern boundary of Union, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y. (3) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts, Connecticut, Rhode Island, and those in New York east of the Hudson River and south of a line beginning at Newburgh, N.Y., to New York, Connecticut State line, including New York, N.Y., and points in Nassau County. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 82063 (Sub-No. 50G), filed June 4, 1974. Applicant: KLIPSCH HAULING CO., a Corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, (a) from Dupo, Ill., and points in its commercial zone, to points in Oklahoma and Texas (except Harris County, Tex.). The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo. (b) from Dupo, Ill., and points in its commercial zone, to points in Alabama, Mississippi, Louisiana, and Harris County, Tex. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark. (c) from Dupo, Ill., and points in its commercial zone, to points in Ohio. The purpose of this filing is to eliminate the gateway of Mt. Carmel, Ill. (d) from Pine Bluff, Ark., to points in Indiana (except the plant site of Commercial Solvents Corp., at Terre Haute), and Ohio. The purpose of this filing is to eliminate the gateway of Mt. Carmel, Ill. (e) from Pine Bluff, Ark., to points in Iowa. The purpose of this filing is to eliminate the gateway of Dupo, Ill. (f) from Springfield and Verona, Mo., to points in Alabama, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark. (g) from Springfield and Verona, Mo., to points in Illinois, Indiana, Iowa, Kentucky, and Tennessee. The purpose of this filing is to eliminate the gateway of Dupo, Ill. (h) from Springfield and Verona, Mo., to points in Ohio. The purpose of this filing is to eliminate the gateways of Dupo, Ill., and Mt. Carmel, Ill. (i) from White Hall, Ill., to points in Arkansas, Kansas, Oklahoma, and Texas (except Harris County). The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo. (j) from White Hall, Ill., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo., and Pine Bluff, Ark. (2) *calcined clay residue*, dry, in bulk, from Owensville, Mo., to points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. The purpose of this filing is to eliminate the gateway of Venice, Ill. (3) *liquid sulfur trioxide*, in bulk, in tank vehicles, (a) from Fairmont City, Ill., to points in Arkansas, Oklahoma, and Texas (except Harris County, Tex.). The purpose of this filing is to eliminate the gateways of Springfield or Verona, Mo. (b) from Fairmont City, Ill., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Springfield or Verona, Mo., and Pine Bluff, Ark. (c) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Alabama, Colorado, Illinois, Indiana, Kansas, Michigan, Mississippi, Missouri, Ohio, South Carolina, and Wisconsin. The purpose of this filing is to eliminate the gateway of Fairmont City, Ill. (d) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Oklahoma, Texas (except Harris County, Tex.), and Arkansas. The purpose of this filing is to eliminate the gateways of Fairmont City, Ill., and Springfield or Verona, Mo. (e) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Fairmont City, Ill., Springfield or Verona, Mo., and Pine Bluff, Ark. (4) *liquid printers ink*, in bulk, in tank vehicles, (a) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, to points in Kansas, Nebraska, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Oklahoma, Louisiana, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of the plant site of General Printing Ink Corp., at or near Overland, Mo. (b) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, to points in Colorado, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateways at the plant site of General Printing Ink Corp., at or near Overland, Mo., and North Kansas City, Mo., and its commercial zone. (c) from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission to points in Alabama, Mississippi, and Texas. The purpose of this filing is to eliminate the gateways of the plant site of General Printing Ink Corp., at or near Overland, Mo., and Pine Bluff, Ark.

No. MC 10788 (Sub-No. 6G), filed June 4, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and manufactured products thereof:* (a) from points in Michigan south of a line beginning at Indiana/Michigan state line, thence north on Michigan Highway 66 to the intersection of Michigan Highway 66 and U.S. Highway 12, thence east on U.S. Highway 12 to the intersection of U.S. Highway 12, and U.S. Highway 127, thence north on U.S. Highway 127 to the intersection of U.S. Highway 127 and U.S. Highway 94, thence east on U.S. Highway 94 to the intersection of U.S. Highway 94 and Michigan Highway 14, thence east on Michigan Highway 14 to the city of Detroit, Mich., to points in Pennsylvania on and west of U.S. Highway 219; (b) from points in Michigan north and west of a line beginning at Indiana/Michigan state line, thence north on Michigan Highway 66 to the intersection of Michigan Highway 66 to U.S. Highway 12, thence east on U.S. Highway 12 to the intersection of U.S. Highway 12 and U.S. Highway 127, thence north on U.S. Highway 127 to the intersection of U.S. Highway 127 and U.S. Highway 94, thence east on U.S. Highway 94 to the intersection of U.S. Highway 94 and Michigan Highway 14, thence east on Michigan Highway 14 to the city of Detroit, Mich., to points in Pennsylvania bounded and described as follows, on the east by U.S. Highway 219, on the north by New York/Pennsylvania state line, on the west by the Pennsylvania/Ohio state line, then on the south by a line beginning at the Ohio/West Virginia state line, thence east on Pennsylvania Highway 68 to the intersection of Pennsylvania Highway 68 and U.S. Highway 80, thence west on U.S. Highway 80 to the intersection of U.S. Highway 80 and U.S. Highway 219; and (c) from points in Michigan on and south of a line beginning at the shores of Lake Michigan, then east along Michigan Highway 21 to the intersection of Michigan Highway 21, and Michigan Highway 131, thence north along U.S. Highway 131 to the intersection of U.S. Highway 131 and Michigan Highway 20, thence east along Michigan Highway 20 to the intersection of Michigan Highway 20 and U.S. Route 10, thence east along U.S. Route 10 to the intersection of

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U.S. Route 10 and Michigan Highway 247, thence north along Michigan Highway 247 to the shores of Lake Huron to points in Ohio on, east, and south of a line beginning at Lake Erie and Interstate Highway 71, thence south on Interstate Highway 71 to the intersection of Interstate Highway 71 and Interstate Highway 70, thence west on Interstate Highway 70 to the Ohio/Indiana state line. The purpose of this filing is to eliminate the gateways at Weirton, W. Va.; Brooke and Ohio Counties, W. Va. (2) *Steel, and machinery, materials, supplies and equipment* incidental to or used in the operation and maintenance of steel mills, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in the state of Michigan, on and south of U.S. Route 12, those in Pennsylvania on and west of a line beginning at the intersection of Pennsylvania state line and Pennsylvania Highway 68, thence north on Pennsylvania Highway 68 to the intersection of Pennsylvania Highway 68 and Pennsylvania Highway 66, thence north on Pennsylvania Highway 66 to the intersection of Pennsylvania Highway 66 and the Pennsylvania Highway 948, thence north on Pennsylvania Highway 948 to the intersection of Pennsylvania Highway 948 and U.S. No. 6, thence north on U.S. Highway No. 6 to the intersection of U.S. Highway No. 6 and U.S. Highway 62, thence north on U.S. Highway 62 to the Pennsylvania/New York state line. The purpose of this filing is to eliminate the gateway at Hancock County, W. Va.

No. MC 100666 (Sub-No. 281G), filed June 4, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, from Oklahoma City, Okla., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways at Waco, Tex., and McPherson, Kans. (2) *prefinished wall panels, composition board, wallboard, plywood, and mouldings, and accessories* incidental to the installation thereof, from Pittsburg, Kans., to points in Missouri. The purpose of this filing is to eliminate the gateway at Miami, Okla. (3) *composition board*, from the plantsite of U.S. Plywood-Champion Papers, Inc., located near Oxford, Miss., to points in Tennessee. The purpose of this filing is to eliminate the gateway at West Memphis, Ark. (4) *asphalt or composition lumber*, from Craig, Okla., to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway at Miami, Okla. (5) *posts, poles, piling, qnd lumber*, from points in Arkansas, to points in and east of Maryland, New Jersey, and New York. The purpose of this filing is to eliminate the gateways at Texarkana, Tex., and Stone County, Miss. (6) *lumber*, from Memphis and Covington, Tenn., to points in and east of Delaware, Maryland, New Jersey, and New York. The purpose of this filing is to eliminate the gateways at Arkansas, Texarkana, Tex. and Stone County, Miss. (7) (a) *posts, poles, piling, pallets, and lumber*, from points in Texas over 250 miles from Texarkana, Tex., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, and South Dakota. The purpose of this filing is to eliminate the gateways at Arkansas, Louisiana, and Texas. (b) *lumber*, from points in Texas over 250 miles from Texarkana, Tex., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateways at Hamlin, Acme, Rotan, Tex., and points in Oklahoma. (8) (a) *posts, poles, piling, pallets, and lumber*, from Missouri, to points in Georgia, Illinois, Iowa, Kentucky, Mississippi, Nebraska, North Carolina, Pennsylvania, South Dakota, Wisconsin, Tennessee, and points in and east of New York. The purpose of this filing is to eliminate the gateways at Arkansas, Texarkana, Tex., and Stone County, Miss. (b) *lumber*, from Missouri, to points over 250 miles from Texarkana, Tex., and points in Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways at points in Arkansas, Goodman, Tenn., and points in Texas. (9) *posts, poles, piling, and lumber*, from Mississippi, to points in Arkansas, Missouri, and points in and east of Delaware, Maryland, and New York. The purpose of this filing is to eliminate the gateways at Goodman, Tenn., Texarkana, Tex., and points in Louisiana. (10) *lumber*, from points in Mississippi, to points in Florida, Georgia, Illinois, Indiana, North Carolina, Ohio, and Virginia. The purpose of this filing is to eliminate the gateway at Urania, La.

No. MC 115703 (Sub-No. 7G), filed June 5, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., 220 Park Road North, Wyomissing, Pa. 19610. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hotel, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors equipment, heavy and bulky articles, machinery and machine parts, and articles* which require special handling or rigging, between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted against traffic between: (A) Connecticut, on the one hand, and, on the other, points in Massachusetts, and Rhode Island; (B) Massachusetts, on the one hand, and, on the other, points in Rhode Island; and (C) the District of Columbia, on the one hand, and, on the other, points in Delaware, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateways at Berks, Luzerne, and York Counties, Pa.

No. MC 116400 (Sub-No. 4G), filed June 4, 1974. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Hollins Road NE., Roanoke, Va. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia, on the one hand, and, on the other, points in Virginia, Ohio, North Carolina, Maryland, Pennsylvania, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Harrisonburg, Waynesboro or Staunton, Va. (2) between points in Tennessee, on the one hand, and, on the other, points in New York and Delaware. The purpose of this filing is to eliminate the gateway of points in Roanoke County, Va., within 35 miles of Roanoke, Va.

No. MC 17868 (Sub-No. 7G), filed June 4, 1974. Applicant: H. E. BRINKERHOFF AND SONS TRANSPORTATION CO., a Corporation, 1001 South 14th Street, Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, Suite 1030, 1819 H Street NW., Washington D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Virginia, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Alabama, Michigan, Maryland, Tennessee, Kentucky, West Virginia, Ohio, Missouri, New York, Illinois, Indiana, Iowa, Louisiana, Texas, the District of Columbia, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; (2) between points in New Jersey, on the one hand, and, on the other, points in New York, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Maine, Ohio, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; (3) between points in New York, on the one hand, and, on the other, points in New Jersey, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Ohio, Michigan, Iowa, Tennessee, Kentucky North Carolina, South Carolina, Georgia, Florida, West Virginia, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; (4) between points in Pennsylvania beyond 75 miles of Harrisburg, Pa., on the one hand, and, on the other, points in Maryland, Indiana, Illinois, Iowa, Michigan, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, West Virginia, New Jersey, New York, and the District of Columbia. (5) between points in North Carolina, on the one hand, and, on the other, points in West Virginia, Maryland, and Indiana; (6) between points in the District of Columbia, on the one hand, and, on the other, points in Virginia, West Virginia,

North Carolina, and those in Pennsylvania beyond a 75 mile radius of Harrisburg; and (7) between points in Maryland, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Kentucky, Ohio, West Virginia, Indiana, Illinois, Iowa, Michigan, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Tennessee, Vermont, New Hampshire, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Delaware, within a 75 mile radius of Harrisburg, Pa., and Powellsville, Md.

No. MC 119689 (Sub-No. 12G), filed June 4, 1974. Applicant: PEERLESS TRANSPORT CORP., 2700 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Proceessed cheese, raw cheese, pimentos, chemicals, and paper cartons* between West Virginia, Ohio, Kentucky, Illinois, Michigan, Indiana, Wisconsin, and Minnesota, on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Virginia, Maryland, North Carolina, Tennessee, Mississippi, and Missouri. The purpose of this filing is to eliminate the gateway of Curwensville, Pa.

MC 124211 (Sub-No. 246G), filed May 31, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from points in Louisiana, Tennessee, and Texas, Pekin and Peoria, Ill., Frankfort, Ky., Detroit, Mich., Minneapolis, Minn., and St. Louis, Mo., and those points in Iowa, Kansas, Missouri, and Nebraska (except Glenwood, Iowa) along a line beginning at Lincoln, Nebr., thence along U.S. Highway 77 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with U.S. Highway 34, thence along U.S. Highway 34 to Lincoln, Nebr., to points in the United States on and west of U.S. Highway 61. The purpose of this filing is to eliminate the gateways at Omaha, Nebr., and various points in Nebraska. (2) *Unfrozen alcoholic beverages*, from Belleville, Chicago, and Quincy, Ill., Kansas City, Mo., La Crosse, Milwaukee, and Waukesha, Wis., and points in New Jersey, to points in the United States on and west of U.S. Highway 61, restricted against the transportation of commodities in bulk to points in Idaho and New Mexico, and further restricted against the transportation of whiskey, in containers, from Linden, N.J., to Omaha, Nebr. (3) *Alcoholic beverages* (except in bulk), from Lawrenceburg, Ind., Cincinnati, Ohio, and points in Kentucky (except Frankfort), to points in the United States on and west of U.S. Highway 61. The purpose of this filing in (2) and (3) above, is to eliminate the gateway at Omaha, Nebr. (4) *Alcoholic beverages* (except malt beverages and except in bulk), from points in Connecticut, Florida, Maryland, Massachusetts, New York, and Pennsylvania, to points in the United States on and west of U.S. Highway 61. The purpose of this filing is to eliminate the gateway at North Sioux City, S. Dak. (5) *Alcoholic beverages* (other than citrus and other than frozen), from Mobile, Ala., to points in the United States on and west of U.S. Highway 61, restricted against service to points in the Kansas City, Kans.-Mo., Commercial Zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways at points in Nebraska.

No. MC 134029 (Sub-No. 3G), filed June 4, 1974. Applicant: SIGEL'S HAULING, INC., P.O. Box 146, Cadiz, Ohio 43907. Applicant's representative: Paul F. Beery, 8 East Broad St., Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery, equipment, and supplies*, between points in Washington, Allegheny, and Fayette Counties, Pa., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways at points in Wood and Pleasant Counties, W. Va. (2) *Contractor's equipment and construction machinery*, which because of size or weight require special equipment, between points in Calhoun, Wood, Pleasants, Wirt, Gilmer, Braxton, Randolph, Pocahontas, Webster, Mason, Putnam, Kanawha, Roane, Clay, Nicholas, Greenbrier, Monroe, Summers, Fayette, Raleigh, Boone, Lincoln, Wayne, Cabell, Mingo, Logan, Wyoming, McDowell, and Mercer Counties, W. Va., on the one hand, and, on the other, points in West Virginia; and (3) *Contractor's equipment and heavy machinery*, which because of size or weight requires the use of special equipment, between points in Putnam, Lincoln, Boone, Kanawha, Roane, Clay, Nicholas, Fayette, and Raleigh Counties, W. Va., on the one hand, and, on the other, points in West Virginia. The purpose of this filing in (2) and (3) above is to eliminate the gateways at points in Pleasants, Wood, Wirt, and Jackson Counties, W. Va.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

CONSUMER PRODUCT SAFETY COMMISSION

■

CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14

Proposed Labeling and Recordkeeping Requirements, Policy Statement, and Solicitation of Comments

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CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Ch. II]

CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14 (FF 5–74)

Proposed Amendment and Withdrawal of Finding of Possible Need for Amendment

In the FEDERAL REGISTER of May 1, 1974 (39 FR 15228), the Consumer Product Safety Commission announced that amendments may be needed to the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14 (FF 5–74) (39 FR 15214) and instituted proceedings for the determination of appropriate amendments. The Standard was issued by the Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.). The Standard, which becomes effective on May 1, 1975, requires that all items of children's sleepwear in sizes 7 through 14 manufactured on or after the effective date must comply with the Standard.

The purpose of this notice is to propose an amendment to the Standard to require that items of sleepwear in sizes 7 through 14 which are manufactured on or after the effective date of the Standard must be labeled with an affirmative label stating that the item complies with the Standard. Under the terms of the Standard, all such items must comply with the Standard. This proposed amendment was one of four issues the Commission listed in the May 1, 1974 Notice of Possible Need for Amendment of the Standard.

In addition, in this notice, the Commission withdraws its finding of possible need for amendment to the Standard as to the three other possible amendments mentioned in the FEDERAL REGISTER notice of May 1, 1974 (39 FR 15228). These possible changes for which the Commission is withdrawing its finding of possible need for amendment include:

A. The possible need to define the term "manufacture" as used in the Standard to clarify which items of children's sleepwear in the production/distribution chain on the effective date of the Standard must comply with the Standard.

B. The possible need to clarify for the purpose of the Standard which items are to be considered "in inventory or with the trade" on the effective date of the Standard and therefore are exempt from the Standard.

C. The possible need to allow, in special cases, an exception to testing under oven-dry conditions under the Standard.

The Commission has determined that it is not necessary to amend the Standard to define the term "manufacture" or to clarify which items are to be considered "in inventory or with the trade" on the effective date of the Standard. Instead, the Commission has published elsewhere in the FEDERAL REGISTER today, a policy statement on these two issues and has invited comment on the policy statement. The reasons for this determination are discussed below under headings 2 and 3.

In addition, the Commission has decided to withdraw the finding that there is a possible need to amend the Standard to allow exceptions to testing under oven-dry conditions. The reasons for this decision are discussed under heading 4 below.

Comments. A total of 33 comments were received in response to the May 1, 1974 Notice of Possible Need for Amendment. The major comments and the Commission's responses to the comments are discussed below.

1. *Affirmative labeling.* The Commission stated in the May 1, 1974 Notice that it may be necessary to amend the Standard to require items which comply with the Standard to bear affirmative labeling to enable consumers to distinguish complying from noncomplying items of children's sleepwear in sizes 7 through 14. The Commission suggested that the labeling be required from the effective date of the Standard until stocks of noncomplying items can reasonably be expected to be exhausted. Fifteen commenters specifically mentioned affirmative labeling. Of these, only one was opposed to the concept. The major issues raised by the commenters and the Commission's views on the basis of comments received to date are as follows:

a. *Duration of labeling required.* Commenters suggested various lengths of time during which affirmative labeling should be required. Two commenters stated that affirmative labeling should be required for an indefinite period of time, or permanently. Some commenters stated that such labeling could serve as an educational tool to make consumers more aware of the dangers of flammable fabrics in general. It was also stated that permanent affirmative labeling is necessary to protect consumers from noncomplying children's sleepwear which could be accumulated in large quantities before the effective date of the standard (stockpiled) and which could remain on the marketplace for many years.

Other commenters suggested various time periods over which affirmative labeling should be required. The time periods suggested included: (1) an indefinite period until satisfactory evidence is presented that all noncomplying articles have cleared the marketplace, (2) one year with a provision that the matter be reevaluated toward the end of the period to determine whether noncomplying items have cleared the market, (3) one year, (4) at least one or two years, (5) 18 months, (6) two years, (7) three years, and (8) five years.

Discussion. None of the commenters provided data to support their suggestions regarding the length of time affirmative labeling should be required and none provided data to show how long it will take for noncomplying items of children's sleepwear in sizes 7 through 14 to clear the marketplace after the effective date of the Standard.

The Commission believes affirmative labeling is necessary only until such time as it can reasonably be expected that noncomplying items will be out of the marketplace. At this time, the Commission believes that three years will be sufficient to clear the market of noncomplying goods and has therefore proposed this time limit. However, the Commission seeks comment that would indicate the expected life of these items in the marketplace, including all types of retail and wholesale facilities.

The Commision believes that labeling is necessary in order to enable consumers to distinguish complying from noncomplying items of children's sleepwear, but it does not at this time believe that it is necessary to require such labeling indefinitely. The educational value of the labeling, while important, may be better achieved through providing more detailed information to the public through both governmental and private channels.

b. *Applicability to fabric.* One commenter stated that affirmative labeling should apply to yard goods intended or promoted for use in children's sleepwear in sizes 7 through 14 as well as to garments.

Discussion. The Commission agrees and proposes that both garments and fabric intended or promoted for use in children's sleepwear in sizes 7 through 14 and manufactured after the effective date of the Standard be affirmatively labeled. The Commission believes this requirement is necessary to protect all consumers, including those who purchase fabric to make sleepwear garments in sizes 7 through 14.

c. *Labeling as to noncompliance.* Two commenters suggested that the Commission require noncomplying items of children's sleepwear in sizes 7 through 14 sold after May 1, 1975 to be labeled with negative labels stating that they are not in compliance, or, in the alternative, that retailer segregation of complying and noncomplying garments be required.

Discussion. The Commission believes this requirement is unnecessary because the affirmative labeling requirement would enable consumers to distinguish complying from noncomplying children's sleepwear. In addition, elsewhere in the FEDERAL REGISTER today, the Commission is proposing rules and regulations under the Standard to require that noncomplying and complying items of children's sleepwear be physically separated at the point of sale to consumers and that signs identifying these items be posted.

d. *Language of label.* A retailer suggested that the language of the affirmative label be prescribed to prevent confusion, to have a greater educational impact on consumers, and to avoid any temptation to expand and exaggerate in promotional claims the performance of flame retardancy. This commenter also suggested that the Commission develop wording that could be used uniformly on garments complying with any governmental flammability standard—State or federal.

Other commenters suggested the Commission clearly specify the wording to appear on the label and suggested the wording should be as brief as possible. Some commenters stated that the Commission should allow affirmative labels to reference either FF5–74 or the Standard for Flammability of Children's Sleepwear (for sizes 0–6X) (FF 3–71). Another commenter suggested the use of a symbol to indicate flame retardancy.

Discussion. The Commission agrees that it should specify the wording to be used on affirmative labeling of items of sleepwear subject to the Standard and that the label statement should be concise and understandable. Therefore, the Commission proposes that items be labeled "Flame-resistant. U.S. Standard FF5–74." Items of children's sleepwear in sizes 7 through 14 that comply with the standard for Children's Sleepwear (sizes 0–6X) (FF 3–71) in addition to FF5–74 may be labeled to that effect in addition to the proposed required labeling. However, the Commission believes at this time that it would be unnecessarily confusing to allow items of sleepwear in sizes 7–14 to bear labels stating only that they are in compliance with FF3–71.

e. *Permanency of label.* Several commenters suggested that the affirmative labels need not be permanently affixed because the purpose of the labels is to identify complying goods to consumers at the point of sale. One commenter suggested that if permanent labels were required, that permanent care instructions should be allowed to be placed on the same label. Some commenters suggested that temporary labels be allowed to be stamped on the garment or item, affixed to the garment or item, stamped or affixed on the package, or contained on a hang tag. One commenter suggested the affirmative label be required to be permanently affixed to draw consumers attention to the fact other unlabeled garments are flammable. Another commenter stressed that the labels should be prominent, permanent, conspicuous, and legible.

Discussion. The Commission believes the major purposes of the affirmative labels would be to enable consumers to distinguish complying from noncomplying items of sleepwear at the point of sale. In addition the labeling would assist the Commission in its efforts to enforce compliance with the Standard. Therefore, at this time the Commission does not believe it is necessary to require that labels be permanently affixed. The Commission proposes that label statements may appear on a hang tag, on the item itself, or on the package enclosing the item as long as the statements are prominent, conspicuous, and legible and readily visible at the point of sale to the ultimate consumer. The Commission does not believe that stamping the affirmative label statement on items of sleepwear will meet these requirements. More detailed proposed requirements for the labels are contained elsewhere in the FEDERAL REGISTER today in a notice of a proposed regulation under the Standard.

f. *Preemption.* One commenter asked the Commission to rule in the preamble to the amended Standard that any affirmative labeling required by the Commission under the Standard would preempt any state requirements for different wording on affirmative labels for children's sleepwear in sizes 7 through 14.

The commenter also suggested that the Commission state that even after the labeling requirement expires, any State labeling requirement would be inconsistent with the federal flammability standard.

Discussion. This comment, in effect, seeks a Commission interpretation of the meaning of section 16 of the Flammable Fabrics Act. That section provides: "This Act is intended to supersede any law of any State or political subdivision thereof inconsistent with its provisions."

The comment is premature because in the present document the Commission is proposing an amendment rather than issuing a final amended standard for children's sleepwear in sizes 7 through 14. However, at this time, the Commission believes that if an affirmative labeling requirement is issued, the requirement would supersede any affirmative labeling requirement for children's sleepwear in sizes 7 through 14 issued by a State or political subdivision thereof.

2. *Application of the Standard.* The Standard applies to all items of children's sleepwear manufactured on or after the effective date of the Standard. In the May 1, 1974 Notice of Possible Need for Amendment, the Commission sought views on whether the term "manufacture" should be defined to clarify which items of children's sleepwear in the production/distribution chain on the effective date of the Standard must comply with the Standard. The Commission received a number of comments suggesting different definitions of the term "manufacture" for the purpose of the Standard. No commenters objected to clarifying the term.

3. *Clarification of exemption.* In the Notice of Possible Need for Amendment to the Standard, the Commission sought views on the time at which items, particularly imported items, are to be considered "in inventory or with the trade" for purposes of the Standard. The Commission also sought views on whether, or in what circumstances, the exemption should be limited. Section 4(b) of the Flammable Fabrics Act provides that items in inventory or with the trade on the effective date of the Standard are exempt from the Standard, except that the exemption may be limited or withdrawn if the Commission finds such items are so highly flammable as to be dangerous when used by consumers for the purpose for which they are intended. A number of commenters addressed the issues of clarification of the term "in inventory or with the trade" and withdrawing the exemption. No commenter objected to clarifying the term.

Discussion of 2 and 3. The Commission believes it is necessary to clarify both the definition of the term "manufacture" and the term "in inventory or with the trade" for the purposes of the Standard. However, it is not necessary to amend the Standard for this purpose because such clarification would be an interpretative rule, general statement of policy, or rule of agency procedure or practice and therefore notice of proposed rulemaking is not required under the Administrative Procedure Act (5 U.S.C. 553 (b)(3)(A)).

Therefore, for administrative expediency and to better provide notice to the public of the Commission policy, the Commission withdraws its Notice of Possible Need for Amendment of the Standard as to these two issues, and elsewhere in the FEDERAL REGISTER today the Commission publishes a policy statement clarifying the definitions of the terms "manufacture" and "in inventory or with the trade." The comments on these issues received in response to the May 1, 1974 Notice of Possible Need for Amendment are discussed in the policy statement. Although the Administrative Procedure Act does not require publication of general statements of policy or interpretive rules for comment, the Commission will consider additional comment on the policy statement.

4. *Testing exceptions.* Section .5(b) of the Standard requires that specimens from children's sleepwear items be conditioned before testing by placing them in a drying oven at 105° C. for 30 minutes. In the Notice of Possible Need, the Commission sought comment as to the feasibility and necessity for allowing exceptions to testing under oven-dry conditions, suggestions as to defining in what circumstances exceptions should be allowed, and comment as to the maximum relative humidity which should be allowed for testing under exceptions.

a. *Need for exceptions.* A number of commenters supported the need for exceptions to oven-dry conditioning. A number of commenters contended that oven-dry conditioning is inappropriate in that it does not relate to real-life situations. These arguments generally addressed two questions: (1) Do household conditions exist that would cause fabrics to reach an "oven-dry" state? and (2) What effect does the human body have on the moisture content of a garment fabric? One commenter indicated that "the home is never bone-dry! Under the most adverse outdoor conditions, the inside humidity approaches 50 percent." Another commenter stated that "relative humidities in various parts of the country are rarely below 25 percent." Several others expressed concern that theoretical extrapolations of outdoor conditions to indoor conditions by the National Bureau of Standards (NBS) may be inaccurate in that they do not take into account moisture input from human activity and home furnishings. Two commenters stated or implied that moisture from the body raises the moisture content in garments so that oven-dry conditions would be unlikely to occur. It was suggested that the Commission initiate a study to determine actual humidity conditions in homes and the moisture content of fabrics when being worn.

Discussion. A project was recently completed by NBS to determine the moisture content of garments in actual use in relation to the surrounding environment. The study included (1) determining the relative humidity garments normally encounter in the home, (2) reproducing these conditions and measuring the actual moisture content of the fabric, and (3) measuring the moisture content of

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fabrics exposed to space heaters and open fires.

Indoor relative humidity was measured in three Washington area homes during a seven-day period between February and March, 1974. It was found that these actual measurements did not differ significantly from the theoretical values calculated for those outdoor conditions. The NBS study also cited a graphic representation of the frequency of occurrence of the hypothetical minimum indoor relative humidity for 25 major U.S. cities. This chart indicates that approximately 80 percent of the homes exhibit 40 percent RH or less during 7 months of the year and 75 percent of the homes exhibit 30 percent RH or less for 6 months. Actual measurements in homes indicated that relative humidities below 20 percent are not uncommon, especially during the heating season.

The second portion of the NBS study was devoted to measuring the surface moisture content of fabrics while being worn as compared to the relative humidity of the room. For natural fiber garments such as cotton and wool, it appeared from the data that the moisture content of close-fitting portions of a garment differ significantly from equilibrium room conditions. Loose-fitting portions, on the other hand, accurately reflect room conditions during wear. In the case of nylon and polyester garments, loose- and close-fitting configurations exhibit surface humidities close to the room conditions.

Another segment of the NBS study revealed that exposure to a commercial space heater for as little as five minutes can effectively "oven-dry" a garment. This heating can remove more moisture from flame retardant cotton and wool fabrics than the conditioning procedure of the Standard. About one-quarter of the FFACTS (Flammable Fabrics Accident Case and Testing System) apparel cases involve fabric ignitions by space heaters, gas stoves, and open fires. Since these accidents are often preceded by the victim warming himself in front of these heat sources, the conditioning requirements of the Standard do reflect real-life situations.

b. *Reasonableness of conditioning requirements.* Seven commenters supported testing exceptions for 100 percent wool and predominately wool textile products. These commenters indicated that oven-drying is an unreasonable conditioning requirement for wool because: (1) the oven-dry procedure would preclude the use of wool in children's sleepwear (sizes 7–14), (2) oven-drying removes moisture that is normally present in wool fibers, (3) wool has never been involved in a burn injury, and (4) oven-dry conditioning is unrealistic. They indicated conditioning at 65 percent RH and 70°F for 8 hours would be appropriate for wool products for several reasons: (1) the proposed standard required these conditions, (2) 65 percent RH and 70° F are standard for testing of textiles, (3) 65 percent RH, 70° F procedure gives excellent reproducibility, and (4) with today's technology, it is no problem to obtain the equipment for conditioning.

Discussion. The Commission is aware through testing in the Engineering Sciences Laboratory and at NBS that many natural wool fabrics do not meet the requirements of this Standard even if conditioned at 65 percent RH and 75°F. According to reports submitted by a wool industry representative, stabilizing treatments allow some washable wool fabrics to pass the test requirements when conditioned at relative humidities as low as 20 percent. The Commission concludes that wool fabrics are no different from others in that they require a flame retardant treatment in order to pass the vertical flammability test. The FFACTS contains eight cases of burn injuries involving wool and wool blend fabrics which make it clear that such injuries do occur. Just as 65 percent RH, 70°F is standard for some textile testing, so is oven drying a standard and reproducible procedure for determining moisture regain of textile materials.

One commenter representing cotton producers stated that FF 5–74 conditioning requirements are overly severe for cotton; that the oven-drying requirement is not representative of real life situations; and that it increases the cost of cotton products by requiring overtreatment. To take into consideration the high moisture regain of cotton, the cotton producers suggested amendment of FF 5–74 to allow testing of all fibers at 65 percent relative humidity or possibly 50 percent.

As previously stated, the Commission believes that oven-dry conditioning is representative of real-life conditions. In view of this, the Commission believes that testing exceptions for wool, cotton, and other fibers should not be allowed.

Further information regarding the studies mentioned in this Notice is available from the Office of the Secretary of the Commission.

On the basis of the foregoing, the Commission withdraws the Notice of Possible Need for Amendment as to the issue of testing exceptions and does not propose an amendment to the Standard on this issue.

5. *Other Topics.* (a) One commenter expressed concern that the word polymer had been added in paragraph .4(a) (4) of the Proposed and Final Standards. The Commission intended that production units of fabric dependent on chemical reactants to polymer, fiber, yarns, or fabrics should be tested after 50 launderings as required in FF 5–74. The Commission does not have the assurance that chemical reactants to polymers will remain effective through the lifetime of a garment.

(b) Another submission requested exempting close-fitting sleepwear, such as pajamas, from the requirements of FF 5–74. Data from accident cases show that a large number of burn injuries to children are caused by the ignition of pajamas. The data also shows that children encounter the same ignition sources regardless of whether their sleepwear is "close-fitting" like pajamas or "loose-fitting" like nightgowns. In view of the fact that pajamas do burn and are capable of causing burn injuries, the Commission has decided not to accept the exempting of close-fitting sleepwear such as pajamas from the Standard.

(c) One commenter representing Linen supply companies asked whether it may rent its inventories of noncomplying items of children's sleepwear in sizes 7 through 14 after the effective date of the Standard. Although the Commission is concerned that such action could endanger consumers, and urges companies not to rent noncomplying items, such rental of noncomplying items does not appear to violate the Flammable Fabrics Act.

(d) A number of commenters raised issues outside this proceeding. These issues include suggestions for amendment to the Standard for Flammability of Children's Sleepwear for sizes 0–6X (DOC FF 3–71), suggested provisions for rules and regulations under FF 5–74, and a recommendation that the Commission amend the procedure for issuing standards under the Flammable Fabrics Act. One commenter stated that consumers have difficulty in caring for garments that meet the Standard DOC FF 3–71 and suggested the Commission urge industry to develop flame retardant fabric that is safe, practical, and reasonably priced. Two commenters suggested that FF 5–74 apply to all clothing items.

The Commission believes it is inappropriate to address these issues in this proceeding.

Conclusion. The Consumer Product Safety Commission preliminarily finds that the following amendment to the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14 (FF 5–74) is:

1. Needed for children's sleepwear in sizes 7 through 14 to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage; and

2. Reasonable, technologically practicable and appropriate, and stated in objective terms; and

3. Limited to items of children's sleepwear in sizes 7 through 14 which currently present unreasonable risks of the occurrence of fire leading to death, personal injury, or significant property damage.

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 4, 67 Stat. 112, as amended 81 Stat. 569–70, 15 U.S.C. 1193) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the following amendment is proposed to the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74), (39 FR 15214). If finalized, the Commission intends that the amendment would become effective on the effective date of the Standard, May 1, 1975.

The provision of Section .6 of the Standard appearing after the title

thereof, Labeling requirements, is designated as paragraph (a).

A new paragraph is added to section .6, paragraph (b), to read as follows:

(b) All items of children's sleepwear complying with this Standard and manufactured on or after May 1, 1975 through May 1, 1978, shall bear the following label: "Flame-resistant. U.S. Standard FF 5–74." The label must be prominent, conspicuous, and legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently.

Interested persons are invited to submit on or before February 19, 1975, written comments regarding these proposed amendments. Comments received after that date will not be considered. Comments and any accompanying material should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Room 1025, 1750 K Street, NW, Washington, D.C., during working hours, Monday through Friday.

Dated: January 14, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.75–1626 Filed 1–17–75;8:45 am]

[16 CFR Part 302]

CHILDREN'S SLEEPWEAR, SIZES 7 THROUGH 14

Proposed Labeling, Recordkeeping, and Other Requirements Under Standard FF 5–74

In this document, the Consumer Product Safety Commission proposes to issue a regulation (16 CFR 302.21) under the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74) (39 FR 15214). The proposed regulation would set requirements for:

1. Labeling of items subject to the Standard;

2. Displaying of items of children's sleepwear in sizes 7 through 14 when those items are offered for sale to consumers in retail establishments;

3. Recordkeeping by persons who market or handle items of children's sleepwear subject to the Standard; and

4. Testing for guaranty purposes under the Standard.

The proposed regulation and the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 are issued under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.). Functions under that Act were transferred to the Consumer Product Safety Commission effective May 14, 1973 by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)). Section 5 of the Flammable Fabrics Act authorizes this Commission to promulgate regulations for the enforcement and administration of the Flammable Fabrics Act.

The Standard FF 5–74 requires that all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 comply with the Standard. The Commission intends that a final regulation issued under this Standard will become final on May 1, 1975, the effective date of the Standard.

The Commission administers, in addition to FF 5–74, the Standard for the Flammability of Children's Sleepwear for sizes 0–6X (DOC FF 3–71) (37 FR 14625, July 21, 1972), and the regulation issued thereunder (16 CFR 302.19; 39 FR 4852; February 7, 1974). The Commission also proposed an additional regulation under DOC FF 3–71 in the FEDERAL REGISTER of February 7, 1974 (39 FR 4855).

The regulation proposed in this document for children's sleepwear in sizes 7 through 14 is similar to the regulation and proposed amended regulation under the Standard for children's sleepwear in sizes 0 through 6X (DOC FF 3–71).

Paragraph .6 of the Standard for sizes 7 through 14 (FF 5–74) states that the Commission may establish rules and regulations governing the labeling of items subject to the Standard. The provisions of the proposed regulations which establish labeling requirements appear in § 302.21(b).

Elsewhere in the FEDERAL REGISTER today the Commission proposes to amend the Standard for sizes 7 through 14 to require that sleepwear subject to the Standard manufactured on or after May 1, 1975 through May 1, 1978 be affirmatively labeled to indicate compliance with the Standard. The proposed regulation published below at § 302.21(b)(8) would set requirements for items subject to the proposed amendment to the Standard. Neither the Standard for sizes 0 through 6X (DOC FF 3–71) nor the regulations under that Standard contain a provision of this kind.

The Standard applies to all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975. Experience with the flammability standard for children's sleepwear in sizes 0–6X indicates to the Commission that for some period of time after the effective date of FF 5–74 retail stores may continue to sell exempt items of children's sleepwear in sizes 7 through 14 which do not comply with the Standard, and at the same time begin to sell items which do comply with the Standard. Provisions of § 302.21(c) of the proposed regulation are intended to help consumers distinguish those items of children's sleepwear in sizes 7 through 14 which comply with the Standard from those which do not. This paragraph requires dealers who offer noncomplying items of children's sleepwear in sizes 7 through 14 for sale to consumers in retail establishments to segregate those items of children's sleepwear which comply with the Standard from those which do not, and to post clear and conspicuous signs at the location of the merchandise to identify displays of complying and noncomplying items of children's sleepwear in sizes 7 through 14.

Paragraph .4 of the Standard sets sampling and acceptance procedures and paragraph .5 of the Standard sets test procedures to be followed by those subject to the Standard. The purpose of § 302.21(d) of the proposed regulation is to establish recordkeeping requirements for manufacturers, importers, or other persons initially introducing items subject to the Standard into commerce. Generally, the regulation requires that the records establish a line of continuity through the process of manufacture of each production unit of items subject to the Standard to the sale and delivery of the finished items, and from the specific finished items back to the manufacturing records.

Provisions of proposed § 302.21(d)(1) set forth general requirements for records which must be maintained for both fabric production units and garment production units. Provisions of proposed § 302.21(d)(2) contain additional recordkeeping requirements applicable only to fabric production units; and proposed §§ 302.21(d)(3) and (4) contain additional recordkeeping requirements applicable only to garment production units.

The records required for every production unit must relate that unit to a production unit identification number, letter or date, which is required to be placed on a permanent, accessible and legible label on all items in that production unit in accordance with the provisions of § 302.21(b)(7) of the proposed regulation.

Provisions of proposed § 302.21(e) prescribe recordkeeping requirements for persons subject to the Flammable Fabrics Act who market or handle items subject to the Standard but who do not initially introduce those items into commerce. Those persons would be required to maintain records for a period of three years to: (1) identify the items marketed or handled; (2) identify the source of those items; (3) establish the date those items were received; (4) identify the purchaser of those items, except ultimate retail purchaser; and (5) establish the date of sale to ultimate retail purchasers, except the date of sale to ultimate retail purchasers.

Provisions of § 302.21(f) of the proposed regulation prescribe the testing which is required for issuing guaranties for items subject to the Standard under section 8 of the Flammable Fabrics Act.

Proposed § 302.21(g) provides that persons subject to the Standard must comply with the regulation at § 302.21.

Pursuant to provisions of the Flammable Fabrics Act (section 5, 67 Stat. 112–13, as amended 81 Stat. 571; 15 U.S.C. 1194) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (Pub. L. 92–573, section 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the Commission proposes to issue 16 CFR 302.21 as follows:

§ 302.21 Children's sleepwear sizes 7 through 14 labeling, recordkeeping, retail display, and guaranties under FF 5–74.

(a) *Definitions.* For the purpose of this section, the following definitions apply:

(1) "Standard" means the "Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74)," promulgated by the Consumer

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Product Safety Commission in the FEDERAL REGISTER of May 1, 1974 (39 FR 15214).

(2) "Children's sleepwear" means "children's sleepwear" as defined in .2(a) of the Standard, that is, "any product of wearing apparel size 7 through 14, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition."

(3) "Item" means "item" as defined in .2(c) of the Standard, that is, "any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear."

(4) "Market or handle" means any one or more of the transactions set forth in Section 3 of the Flammable Fabrics Act (15 U.S.C. 1192).

(5) The definition of terms set forth in .2 of the Standard shall also apply to this section.

(b) *Labeling.* (1) Where any agent or treatment is known to cause deterioration of flame resistance or otherwise causes an item to be less flame resistant, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment.

(2) If the item has been initially tested under .5(c)(4) of the Standard after one washing and drying, it shall be prominently, permanently, conspicuously and legibly labeled with instructions to wash before wearing.

(3) Where any fabric or related material intended or promoted for use in children's sleepwear subject to the Standard is sold or intended for sale to the ultimate consumer for the purpose of conversion into children's sleepwear, each bolt, roll, or other units shall be labeled with the information required by this section. Each item of fabric or related material sold to an ultimate consumer must be accompanied by a label, as prescribed by this section, which can by normal household methods be permanently affixed by the ultimate consumer to any item of children's sleepwear made from such fabric or related material.

(4) Where items required to be labeled or stamped in accordance with the paragraphs (b)(1), (b)(2), (b)(3), and (b)(7), of this section are marketed at retail in packages, and the required label or stamp is not readily visible to prospective purchasers, the packages must also be prominently, conspicuously, and legibly labeled with the required information.

(5) Samples, swatches, or specimens used to promote or effect the sale of items subject to the Standard shall be labeled in accordance with this section with information required by this section: except that such information may appear on accompanying promotional materials attached to fabric samples, swatches, or specimens used to promote the sale of fabrics to garment manufacturers. This requirement shall not apply, however, to samples, swatches, or specimens prominently, permanently, conspicuously, truthfully and legibly labeled: "Flammable. Sample only. Not for use or resale. Does not meet Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF5–74)."

(6) The information required on labels by this section shall be set forth separately from any other information appearing on the same label. Other information, representations, or disclosures not required by this section but placed on the same label with information required by this section, or placed on other labels elsewhere on the item, shall not interfere with the information required by this section. No person, other than the ultimate consumer, shall remove, mutilate, or cause or participate in the removal or mutilation of any label required by this section to be affixed to any item.

(7) Every manufacturer, importer, or other person (such as converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter or date, or combination thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification, respectively, at the option of the labeler.

(i) Each garment subject to the Standard shall bear a label with minimum dimensions of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters at least 0.4 centimeter (one-sixth of an inch) in height and in a color which contrasts with the background of the label, or shall have such information clearly, conspicuously, and legibly stamped on the garment itself in letters at least 0.4 centimeters (one-sixth of an inch) in height, in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner, as to remain on or attached to the garment and legible and visible at the point of sale and throughout its intended period of use.

(ii) The fabric production unit identification shall appear in letters at least 0.4 centimeters (one-sixth of an inch) in height against a contrasting background on each label that relates to such fabric and is required by the Textile Fiber Products Identification Act (15 U.S.C. 70–70k) and the regulations thereunder (16 CFR 303.1 through 303.45) or by the Wool Products Labeling Act of 1939 (15 U.S.C. 68–68j) and the regulations thereunder (16 CFR 300.1 through 300.36). When the information required by the Textile Fiber Products Identification Act or by the Wool Products Labeling Act of 1939 appears on an invoice used in lieu of labeling, the fabric production unit identification required by this section may be placed clearly, conspicuously, and legibly on the same invoice in lieu of labeling.

(8) All items complying with Standard and manufactured on or after May 1, 1975, through May 1, 1978, shall bear the following label: "Flame-resistant. U.S. Standard FF 5–74." The label must be prominent, conspicuous, and legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently. The letters of the label must be at least 0.4 centimeters (one-sixth of an inch) in height and in a color which contrasts with the background of the label.

(c) *Segregation of complying and noncomplying items by retailer.* Every person who sells non-complying items (as defined in paragraph .2(c) of the Standard and § 302.21(a)(3) of this section) at retail stores or other establishments open to the general public where goods are offered for sale shall:

(1) Display the items which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that no other merchandise is intermingled with those items; and identify such complying items with at least one sign, with black letters at least 2.5 centimeters (one inch) in height against a solid white background, bearing the statement "Flame resistant. Complies with the Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(2) Display all other items of children's sleepwear, sizes 7 through 14, at a separate location within the store and identify those items with at least one sign, with black letters at least 2.5 centimeters (1 inch) in height against a solid white background, bearing the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(3) Segregate those items of children's sleepwear, sizes 7 through 14, which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that they shall not be located within 91 centimeters (36 inches) of any other items of children's sleepwear, sizes 7 through 14, when displayed for sale to consumers.

(d) *Records—manufacturers, importers, or other persons initially introducing items into commerce.*—(1) *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective of whether guaranties are issued under paragraph (f) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items and from the specific finished item to the manufacturing records. Such records shall show with respect to such items:

(i) Details, description and identification of any and all sampling plans engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan(s) and must relate the sampling plan(s) to the actual items produced, marketed, or handled. This requirement is not limited by other provisions of this paragraph (d).

(ii) Garment production units or fabric production units of all garments or fabrics marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the item itself in accordance with paragraph (b)(7) of this section, and the production unit identification must relate to the garment production unit or fabric production unit.

(iii) Test results and details of all tests performed both prototype and production, including char lengths of the samples required to be tested, details of the sampling procedure employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the Standard or authorized alternate sampling plan.

(iv) Disposition of all failing or rejected items. Such records must demonstrate that the items were retested or reworked and retested in accordance with the Standard prior to sale or distribution and that such retested or reworked and retested items comply with the Standard, or otherwise show the disposition of such items.

(v) Fiber content and manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Data and test results relied on as a basis for inclusion of different colors or different print patterns of the same fabric as a single fabric or garment production unit under .4(a)(2) of the Standard.

(vii) Data and test results relied on as a basis for reduced laundering of fabric or garments during test procedures under .5(c)(4) of the Standard and any guarantees issued or received relating to laundering as well as details of the laundering procedure utilized.

(viii) Identification, composition, and details of application of any flame retardant treatments employed. All prototype and production records shall relate to such information.

(ix) Date and quantity of each sale or delivery of items subject to the Standard and the name and address of the purchaser or recipient relating such sale to the production unit or other unit identification.

(2) *Fabrics.* In addition to the information specified in paragraph (d)(1) of this section, the written and physical records maintained with respect to each fabric production unit shall include (i) finished fabric samples sufficient to repeat the fabric sampling procedure required by .4 of the Standard for each production unit marketed or handled; and (ii) records to relate the samples to the actual fabric production unit. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the sampling and testing of any production unit in accordance with the Standard shall be furnished from these records within the time specified in the written request.

(3) *Garments—prototype testing.* In addition to the records specified in paragraph (d)(1) of this section, the following written and physical records shall be maintained with respect to the garment prototype testing required by the Standard:

(i) Specification; fiber content, and details of construction on all seams, fabrics, threads, stitches, and trims used in each garment style or type upon which prototype testing was performed, relating the same to such garment style or type and to all production units to which such prototype testing is applicable.

(ii) Samples sufficient to repeat the prototype tests required by .4 of the Standard for all fabrics, seams, threads, stitches, and trims used in such prototype testing, relating such samples to the records required by this paragraph (d), including the information required by paragraph (d)(3)(i) of this section. Upon the written request of any duly authorized employee or agent of the Commission, samples sufficient for the testing of any prototype specimens identical to those specimens that were actually tested pursuant to the Standard shall be furnished from these records within the time specified in the written request.

(iii) A complete untested garment from each style or type of garment marketed or handled.

(iv) Remains of all physical specimens tested in accordance with the prototype testing required by .4 of the Standard, relating such samples to the records required by this paragraph (d), including information required by paragraph (d)(3)(i) of this section.

(4) *Garments—production testing.* In addition to the records required by paragraph (d)(1) of this section, written and physical records shall be maintained and shall show with respect to each garment production unit:

(i) Source and fabric production unit identification of all fabrics subject to testing used in each garment production unit.

(ii) Identification and appropriate reference to all prototype records and prototype tests applicable to each production unit.

(iii) Any guaranty relied upon to demonstrate that the fabric utilized in such garments meets the laundering requirements of the Standard.

(iv) Data sufficient to show that tested samples were selected from the production unit at random from regular production.

(v) Written data that will enable the Commission to obtain and test garments under any applicable compliance market sampling plan.

(5) *Record retention requirements.* The records required by this paragraph (d) shall be maintained for 3 years, except that records relating to prototype testing shall be maintained for so long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(e) *Records—persons not subject to paragraph (d) of this section.* Any person not subject to paragraph (d) of this section who markets or handles items subject to the Standard shall keep and maintain for 3 years records to show the source, date of receipt, and identity of items marketed or handled; the identity of purchasers (other than ultimate retail purchasers); and the date of sale (other than the date of sale to ultimate retail purchasers).

(f) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(g) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any item subject to the Standard, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section 302.21.

(section 5, 67 Stat. 11–13, as amended 81 Stat. 571; 15 U.S.C. 1194)

Interested persons are invited to submit on or before February 19, 1975, written comments regarding the matters proposed herein. Comment received after this date will not be considered. Comments and any accompanying material should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Room 1025, 1750 K Street, NW, Washington, D.C., during working hours, Monday through Friday.

Dated: January 14, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-1627 Filed 1-17-75;8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14 (FF 5–74)

Policy Statement and Solicitation of Comments

The purpose of this notice is to announce and invite comment on a two part policy statement, regarding the applicability of the Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74). The Standard was issued by the Consumer Product Safety Commission on May 1, 1974 (39 FR 15210) under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.). on May 1, 1975 and applies to children's sleepwear. It becomes effective garments in sizes 7 through 14 and to fabric or related material intended or promoted for use in such children's sleepwear.

In the FEDERAL REGISTER of May 1, 1974, the Commission issued a Notice of Finding of Possible Need for Amendment to the Standard in four different respects (39 FR 15228). Elsewhere in the FEDERAL REGISTER today, the Commission proposes an amendment to the Standard, and withdraws the Notice of Possible Need for Amendment as to three of the items mentioned in the Notice.

The Commission has determined that two of the possible amendments mentioned in the May 1, 1974 Notice should be treated as policy statements rather than as amendments to the Standard. In this Notice, the Commission discusses the comments on these two possible amendments received in response to the May 1, 1974 Notice of Possible Need for Amendment, states the Commission policy on these issues, and invites further comment on the policy.

1. *Application of the Standard.* The Standard applies to all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975, the effective date of the Standard. In the May 1, 1974 Notice, the Commission stated it believed that the term "manufacture" should be defined to clarify which items of children's sleepwear in the production/distribution chain on the effective date of the Standard must comply with the Standard, so that all affected parties will know which items are subject to the Standard. Comment was invited on the necessity for clarification and suggested definitions were sought.

Comments. Eight commenters presented views on this issue. No commenter objected to clarifying the term "manufacture." One commenter stated that retailers consider manufacture to end with the completion of the last productive act on the article and that therefore storing, packing, and preparing goods for distribution and sale are not part of the manufacturing process.

Other commenters suggested the Commission focus on the beginning rather than the end of the manufacturing process because when fabric is cut, materials have been committed to the manufacture of children's sleepwear. Therefore, these commenters suggested that the Standard should be applicable to all items of sleepwear for which the manufacturing process begins after the Standard's effective date and manufacture should be defined as beginning when the fabric is cut to make garments. Another commenter agreed that the manufacturing process begins with cutting fabric and stated the process ends with placing garments in a warehouse for shipping.

One commenter assumed definition of the term "manufacture" would apply only to garments and not to fabric intended or promoted for use in children's sleepwear.

One commenter stated the term "manufacture" should be defined to include as many garments as possible within the protective framework of the Standard and that therefore the end of the manufacturing process should be defined at as late a time as is reasonably supportable. Another commenter suggested that a garment must be constructed, labeled, and packaged in a form suitable for immediate delivery to the seller of the goods before May 1, 1975 in order to be outside the scope of the Standard. This commenter stated that this definition would not preclude a retailer from being able to affix promotion and price labeling or to repackage individual items of sleepwear after the effective date of the Standard. However, the commenter stated that the addition of buttons or other functional materials, the assembly of cut pieces of sleepwear, or the packaging for commercial shipping should be considered part of the manufacturing process.

Discussion. The Commission believes the term "manufacture" must be defined as to both garments and fabric intended or promoted for use in children's sleepwear in sizes 7 through 14 to avoid any questions as to which items must comply with the Standard. The term "manufacture" must be defined in a manner consistent with the generally understood meaning of the term and in a manner that allows the Standard to be effectively enforced.

The term manufacture is generally understood to encompass the process of producing a final object or assembling materials into a final form. Therefore, the Commission believes that for the purposes of the Standard the manufacturing process ends when an item has been completely assembled, when all permanently affixed labels have been attached, and when all functional materials have been affixed. Until these actions have been completed, an item of children's sleepwear will not be deemed to have been "manufactured."

The Commission believes the operative time in the manufacturing process for the purposes of determining which items are covered by the Standard is the end of the manufacturing process.

The Standard was issued on May 1, 1974 but it will not go into effect until May 1, 1975. Therefore, there is a one year period for manufacturers and others subject to the Standard to come into compliance. The Commission believes that this time period will be sufficient for planning purposes and that it would not serve the public interest to allow manufactures to complete the manufacturing process for noncomplying sleepwear in sizes 7 through 14 after the effective date of the Standard. Therefore, the Commission will define the term as of the end of the manufacturing process of both garments and fabric.

The Commission does not believe that the packaging of items or their labeling with temporary hang tags or other sales or promotional materials come within the definition of the term "manufacture," because these actions are not an integral part of the manufacturing process.

Policy. It is the policy of the Commission that all items of children's sleepwear in sizes 7 through 14 (including garments and fabric intended or promoted for use in such children's sleepwear) are subject to the Standard FF 5–74 unless the manufacturing process has ended before May 1, 1975. The manufacturing process is deemed to end, for the purposes of the Standard, at the time the item is completely assembled, all functional materials have been affixed, and labeling of a permanent nature has been stamped, sewn, or otherwise permanently affixed to the item. Affixing of temporary price or promotional information or the packaging of items of sleepwear (including garments and fabrics intended or promoted for use in such sleepwear) does not affect the date on which the manufacturing process is deemed to end.

2. *Clarification of Exemption.* Section 4(b) of the Flammable Fabrics Act provides that products, fabrics, or related materials subject to a Standard, which are "in inventory or with the trade" on the effective date of the Standard, are exempt from the Standard, except that the exemption may be limited or withdrawn if the Commission finds that any such items are so highly flammable as to be dangerous when used by consumers for the purpose for which they are intended. In the May 1, 1974 Notice of Possible Need for Amendment to the Standard, the Commission sought views as to the time items, particularly imported items, are to be considered "in inventory or with the trade." The Commission also sought views as to whether or in what circumstances, the exemption should be limited.

Comments. Nine commenters addressed this issue. One commenter stated that goods are "in inventory or with the trade" when the manufacturer has completed the final production process. Thus, goods being stored, packaged, or prepared for shipment or distribution by a manufacturer, importer, or someone else would be "in inventory or with the trade." Other commenters stated that goods manufactured outside the United States are "in inventory or with the trade" when they have cleared customs, or when they have entered this country for consumption under the customs regulations. Others said that goods should be considered in inventory when they are delivered to the ship or other carrier by the foreign manufacturer, since that is

the time when the American company gains possession of the goods, and this time is easily documented.

One commenter stated imported items should be considered in inventory when they are shipped from the original FOB point. Another commenter stated the time should be when the garments are manufactured or ordered, whichever is earlier since at each of these times the manufacturer cannot reasonably change the flame retardant characteristics of the items.

Two commenters suggested withdrawing the exemption for items "in inventory or with the trade," on the ground that the Commission's findings in issuing the Standard on May 1, 1974 provide a basis for withdrawing the exemption. These commenters state that most manufacturers are now able to comply with the Standard and that no producer would be caught by surprise with noncomplying goods if such action were taken because there has been a one year lead time before the effective date of the Standard.

One commenter believes the exemption should apply only to items in the inventory of retailers or wholesalers, to protect wholesalers and retailers from hardship over which they may have little control. The commenter stated that manufacturers do not fall within the exemption because they are protected by provisions of the Flammable Fabrics Act which provide a one year hiatus before the effective date of a Standard and because a manufacturer has more control over its inventory than a retailer or distributor. This commenter also stated that section 9 of the Flammable Fabrics Act precludes importation of goods that do not comply with a standard in effect on the date of entry of the merchandise and therefore suggests that imported goods with an entry date on or after May 1, 1975 be excluded from the United States if they do not comply with the Standard FF 5–74.

One commenter suggested that the Commission take action under section 30(d) of the Consumer Product Safety Act to apply the provisions of section 9(d)(2) of that Act to items subject to FF 5–74. Section 9(d)(2) of that Act allows the Commission by rule to "prohibit a manufacturer of a consumer product from stockpiling any product to which a consumer product safety rule applies, so as to prevent such manufacturer from circumventing the purpose of such consumer product safety rule."

Discussion. The Commission has decided not to withdraw the exemption for items "in inventory or with the trade" on the effective date of the Standard because the Commission believes it may be unfair to manufacturers, distributors, retailers, and others who are marketing or handling noncomplying items manufactured in good faith prior to the effective date of the Standard. Moreover, the Commission does not believe it is necessary for the protection of consumers to withdraw the exemption for items subject to the Standard that are "in inventory or with the trade" on the effective date of the Standard. If the Commission amends the Standard to require affirmative labeling of complying items for three years after the Standard's effective date, consumers will be able to distinguish complying from noncomplying items of children's sleepwear. Proposed regulations under the Standard published elsewhere in the FEDERAL REGISTER today would require segregation of complying and noncomplying items at the point of sale to consumers.

In addition, for the foregoing reasons and because it is not clear that those subject to the Standard will be engaged in stockpiling children's sleepwear in sizes 7 through 14, the Commission declines to reach the issue of whether it can or should take action under section 30(d) of the Consumer Product Safety Act to apply the anti-stockpiling provisions of section 9(d)(2) of that Act to items subject to the Standard.

The Commission believes, as to domestically manufactured items, that they are "in inventory or with the trade" on the effective date of the Standard and thus subject to the exemption if they have been manufactured before May 1, 1975.

The definition of the term "manufacture" and the reasoning behind the definition are set forth in the previous section of this policy statement. The Commission has found no support in section 4(b) of the Flammable Fabrics Act or the legislative history of the Act for the contention that the exemption for items "in inventory or with the trade" is unavailable to manufacturers, and the Commission believes it may be unfair to prevent manufacturers from selling noncomplying items manufactured in good faith before the effective date of the Standard.

As to imported items, the Commission believes that section 9 of the Flammable Fabrics Act clearly requires that an imported item that fails to meet a Standard in effect on the date of entry of the item should not be allowed admission into the United States. The Commission recognizes that its policy as to imported goods must be somewhat different than the policy for domestically manufactured goods because the Commission's compliance staff is less able to verify the date manufacture of foreign-made goods has been completed. It is the Commission's policy that domestic manufacturers and importers must be subject to the same or similar requirements wherever possible under the laws the Commission administers. Thus, both foreign and domestically made goods must have been "manufactured" prior to May 1, 1975 to be considered "in inventory or with the trade" on the effective date of the Standard.

The Commission believes the exemption in section 4 of the Flammable Fabrics Act for items "in inventory or with the trade" on the effective date of the Standard was intended to apply to items in the United States, because the purpose of the Act is to protect consumers in the United States. This interpretation is consistent with section 9 of the Act. In addition, the Commission believes that there will have been sufficient lead time for compliance with the Standard when the Standard becomes effective on May 1, 1975. Therefore, the Commission believes that imported items should be considered "in inventory or with the trade" on the date the goods have been entered into the United States.

Policy. All items of children's sleepwear in sizes 7 through 14 (including garments and fabric intended or promoted for use in such children's sleepwear) which are in inventory or with the trade on the effective date of Standard FF 5–74 are exempt from the requirements of the Standard. For domestically made items of children sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended prior to May 1, 1975. For foreign-made items of children's sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended and the goods must have been entered into the United States before May 1, 1975.

Solicitation of Comments. This policy statement reflects the Commission's views as to two aspects of enforcement of the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14. This matter is considered a general statement of policy, interpretative rule, or rule of agency procedure or practice and therefore exempt from the notice and public procedure provisions of 5 U.S.C. 553 (Administrative Procedure Act). However, the Commission has decided to allow public comment on the policy.

Therefore interested persons are invited to submit, on or before, February 19, 1975, written comments regarding the proposal. Comments received after that date will not be considered. Comments and any accompanying material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Room 1025, 1750 K Street, NW, Washington, D.C. during normal working hours.

Dated: January 14, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

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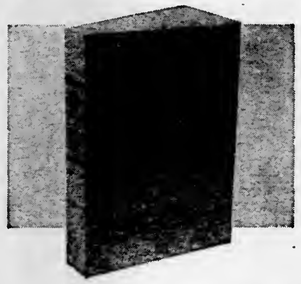
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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Adviser to the Secretary (Counselor to the Chairman, Economic Policy Board) is excepted under Schedule C.

Effective January 21, 1975, § 213.3305 (a) (59) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.*

• • • • • •

(59) Adviser to the Secretary (Counselor to the Chairman, Economic Policy Board).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–2044 Filed 1–20–75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

MANAGEMENT OF USDA ENERGY RESOURCES

Section 2.65, Title 7, Code of Federal Regulations is amended to revise the delegations of authority to the Administrator, Agricultural Stabilization and Conservation Service regarding energy management activities.

1. Section 2.65 is amended by adding new paragraph (a) (32) to read as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) • • •

(32) Administer energy management activities related to people and organizations served by the Department. Maintain liaison with other Government agencies in these matters.

Effective Date: This amendment shall become effective January 21, 1975.

Dated: January 16, 1975.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.75–1908 Filed 1–20–75;8:45 am]

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

MANAGEMENT OF USDA ENERGY RESOURCES

Section 2.79, Title 7, Code of Federal Regulations is amended to revise the delegations of authority to the Director, Office of Operations, regarding energy management activities.

1. Section 2.79 is amended by adding new paragraph (a) (1) (xiv) to read as follows:

§ 2.79 Director, Office of Operations.

(a) *Delegations.*

(1) • • •

(xiv) Develop and implement energy management actions related to the internal operations of the Department. Maintain liaison with other Government agencies in these matters.

Effective date: This amendment shall become effective January 21, 1975.

Dated: January 16, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.75–1906 Filed 1–20–75;8:45 am]

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Directors

Management of USDA Energy Resources

Part 2, Subtitle A, of Title 7, Code of Federal Regulations, is amended to extend the delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs and to the Assistant Secretary for Administration regarding matters pertaining to the conservation of the Department's energy resources.

1. Section 2.21 is amended by adding new paragraph (a) (32) to read as follows:

§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.

• • • • • •

(a) • • •

(32) Coordinate the energy management activities of the Department related to people and organizations served by the Department. Maintain liaison with other Government agencies in these matters.

2. Section 2.25 is amended by adding new paragraph (f) (1) (xiv) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

• • • • • •

(f) *Related to operations.*

(1) • • •

(xiv) Develop and implement energy management actions related to the internal operations of the Department. Maintain liaison with other Government agencies in these matters.

• • • • • •

Effective Date: This amendment shall become effective January 21, 1975.

Dated: January 16, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75–1907 Filed 1–20–75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $433,850 of the Navel Orange Administrative Committee, under Marketing Order No. 907, for the 1974–75 fiscal year, and fixes a rate of assessment of $0.0125 per carton of oranges handled during such year to be paid to the committee by each first handler as his pro rata share of such expenses.

On December 30, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 45019) regarding proposed expenses and related rate of assessment for the period November 1, 1974, through October 31, 1975 and carryover of unexpended funds from the period November 1, 1973, through October 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. This notice allowed interested persons 15 days to submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the

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Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 907.212 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1974, through October 31, 1975, will amount to $433,850.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41, is fixed at $0.0125 per carton of Navel oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1974, in the amount of $50,000 shall be carried over as a reserve in accordance with § 907.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) shipments of oranges have already begun, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the 1974–75 fiscal year; and (3) such year began on November 1, 1974, and the rate of assessment herein fixed will automatically apply to all assessable oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674)).

Dated: January 16, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–1902 Filed 1–20–75;8:45 am]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Miscellaneous Amendments

Correction

In FR Doc. 74–30188, appearing at page 44736, in the issue for Friday, December 27, 1974, the second word in the ninth line of § 906.120 (b), now reading "is", should read "if".

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program for Milk

The United States Department of Agriculture has announced an increase in the price support program for milk, effective January 4, 1975, for the remainder of the 1974–75 marketing year and for the marketing year April 1, 1975, through March 31, 1976, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein. Inasmuch as immediate action was required to increase the level of support in order to enable farmers to meet unusually high production costs and to assure adequate supplies of milk and dairy products next year, compliance with the notice of proposed rule making procedure would be impracticable and contrary to the public interest. Accordingly, § 1430.282 is revised to read as follows:

§ 1430.282 Price support program for milk.

(a) (1) The general levels of prices to producers for milk will be supported from January 4, 1975, through March 31, 1976, at $7.24 per hundredweight for manufacturing milk.

(2) Price support for milk will be through purchases by CCC of butter, nonfat dry milk, and Cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcements, offer to purchase other dairy products to support the price of milk.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Commodity Operations Division, Washington, D.C. 20250.

or

United States Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minnesota 55435.

(b) (1) CCC will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

Commodity and location	Produced before Jan. 4, 1975	Produced on or after Jan. 4, 1975
	Cents per pound	*Cents per pound*
Cheddar cheese—U.S. Grade A or higher (standard moisture basis, 37.8 to 39.0 percent) [1]	70.75	77.25
Nonfat dry milk, spray process—U.S. Extra Grade [2]	56.6	60.6
Butter—U.S. Grade A or higher:		
New York, N.Y., and Jersey City, Newark, and Secaucus, N.J.	62.00	69.50
Alaska, Hawaii, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina	61.00	68.50
Seattle, Wash.; San Francisco, Calif.; California, Idaho, Oregon, Washington	59.00	66.50

[1] For cheese which is offered on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in form ASCS–150. Copies are available in offices listed in (a)(4).

[2] If upon inspection bags do not fully comply with specifications, the price paid will be subject to a discount of 0.25 cent (¼ cent) per pound of nonfat dry milk.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000 pound carlot, in effect at the beginning of each marketing year (April 1), from such other point to the designated market named by the seller. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, CCC will purchase only bulk butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States. Butter produced in the area of California, Idaho, Oregon and Washington is ineligible for offering to CCC outside that four-state area.

(c) The butter shall be U.S. Grade A or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The Cheddar cheese shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States and shall not have been previously owned by CCC.

(e) Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 201, 401, 63 Stat. 1052, 1054, as amended; Sec. 4(d), 62 Stat. 1070, as amended; 7 U.S.C. 1446, 1421, 15 U.S.C. 714b(d))

Signed at Washington, D.C., on January 15, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–1904 Filed 1–20–75;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 745—CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Change in Units

The Administrator of the National Credit Union Administration considers it necessary to amend Part 745 (12 CFR 745) in order to implement the provisions of Pub. L. 93–495 relating to changes in insurance coverage. Therefore, effective immediately, the Administrator amends §§ 745.2, 745.3, 745.4, 745.5, 745.6, 745.7, 745.8, and 745.9 by deleting "$20,000" each place it appears therein and inserting in lieu thereof "$40,000."

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789.)

HERMAN NICKERSON, JR.,
Administrator.

JANUARY 13, 1975.

[FR Doc.75–1814 Filed 1–20–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–EA–86; Amdt. 39–2077]

PART 39—AIRWORTHINESS DIRECTIVE

Bendix Corp.

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 65–21–1 applicable to Bendix 756 and Garwin G–760 starters installed on Lycoming engines.

This amendment will delete Bendix Eclipse 397 and certain series of Bendix 756 starters from the requirements of the airworthiness directive and revise the applicable service bulletin number.

Since the foregoing is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 65–21–1 as follows:

a. In the applicability paragraph delete "–9C, –9E, –21C, –21E, Bendix Eclipse 397 series".

b. In paragraphs (c) and (d) delete the numbers "93" and insert in lieu thereof "93a".

This amendment is effective January 28, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on January 14, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75–1839 Filed 1–20–75;8:45 am]

[Docket No. 74–EA–97; 39–2078]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend and revise AD 73–12–5 applicable to Fairchild F–27 and FH–227 type airplanes.

There have been reports of corrosion on the vertical stabilizer fittings of a Fairchild F–27 which had been inactive for a number of years. AD 73–12–5 as published required inspections corollated only to service time. Since the foregoing can exist or develop in aircraft of similar type design, particularly those in storage, the airworthiness directive is being amended to include a calendar time requirement and is being revised for clarification purposes. Aircraft in storage need not be inspected until they are ready for return to operational status.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending and revising AD 73–12–5 as follows:

FAIRCHILD. Applies to all Fairchild F–27 and FH–227 Type Aircraft Certificated in all categories.

Compliance required as indicated:

1. Affects the vertical stabilizer fittings P/N's 27–233000–11, –12, –31, –32, –41 and –42 which have accumulated 2500 hours or more in service.

a. Within the next 30 days unless accomplished within the last 11 months, inspect stabilizer spar fittings for cracks using a dye penetrant method or a 10-power glass or an approved equivalent inspection.

b. Within the next 60 days unless accomplished within the last 10 months, inspect the fittings around the flanges and inner cavity for corrosion in accordance with Section 2 of Fairchild Service Bulletins F 27–55–20 and FH 227–55–11 dated December 4, 1974, or inspect in accordance with an approved equivalent procedure.

c. The inspection specified in "a" above shall be repeated at intervals not to exceed 12 calendar months or 2500 hours in service from the last inspection, whichever occurs first.

d. The inspection specified in "b" above shall be repeated at intervals not to exceed 12 calendar months from the last inspection.

2. Cracked parts shall be replaced and corroded parts shall be replaced or repaired prior to further flight.

a. Parts replacement shall be in accordance with Section 2 of Fairchild Service Bulletins F 27–55–20 and FH 227–55–11 dated December 4, 1974, and shall be the same part number or approved equivalent parts.

b. Parts repair shall be in accordance with Section 2 and Figures 2 and 3 of Fairchild Service Bulletin F 27–55–20 and FH 227–55–11 dated December 4, 1974, or approved equivalent rework.

3. The aircraft may be flown in accordance with FAR 21.197 to a base where the inspection or repairs can be performed.

4. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection interval specified in this AD. Equivalent inspections, parts or repair must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective January 28, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 14, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75–1840 Filed 1–20–75;8:45 am]

[Docket No. 75–NW–1–AD; Amendment 39–2074]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–300, –300B, –300C, and –400 Series Airplanes

Amendment 39–1829 (39 FR 15027), AD 74–09–07, as amended by Amendment 39–2002, requires X–Ray inspection of the upper wing skin, splice plate and rib cap at wing station 360 on Boeing 707–300, –300B, –300C, and –400 series airplanes. After issuing Amendment 39–2002, a 39 inch crack was reported in a 707–300C airplane. Six hundred seventy-three (673) landings had been made since the last X–Ray inspection was conducted which showed no cracks. Since significant cracks in the splice plate which seriously jeopardize the structural integrity of the airplane can occur earlier than the repetitive inspection interval of AD 74–09–07, the AD is being superseded by a new AD that reduces the repetitive inspection interval to each 400 flights.

Since a situation exists that requires immediate adoption of this regualtion, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

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BOEING: Applicable to all Boeing 707-300, -300B/C, and -400 series airplanes listed in Boeing Service Bulletin No. 3157, Revision 2 or later FAA approved revisions, upon accumulation of the following number of landings since new, or since hole oversizing in accordance with Part IV of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions:

Models:	*Since new or oversizing*
707-300, -400	13,000 or more landings.
707-300B	11,000 or more landings.
707-300C	8,000 or more landings.

Compliance required as indicated.

To detect cracks in the upper wing skin, upper wing skin splice plate and upper rib cap at wing station 360, accomplish the following:

(A) Unless X-Ray inspected within the last 350 landings, X-Ray inspect the upper wing surface, splice plate and rib cap at wing station 360 within the next 50 landings from the effective date of this AD and at intervals thereafter not to exceed 400 landings, in accordance with the instructions in Boeing Alert Service Bulletin No. 3157 dated April 10, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If cracks are found, repair as necessary prior to further flight in accordance with Paragraph (B) below.

(B) If cracks are found, repair prior to further flight in accordance with Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The repetitive inspections of Paragraph (A) must be accomplished in areas not covered by repairs per Part VII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions. Airplanes which have accomplished repairs per Part VII and the oversizing per Part IV in areas not covered by the repair, need not be reinspected until the thresholds called out in the applicability statement hereof have been reached.

(C) The inspections required by this AD may be terminated when the following is accomplished:

(1) Splice plate, skin and rib cap fastener holes are oversized to remove fatigued material per Part IV of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, and complete external doublers are installed in accordance with Part VIII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or

(2) Other modifications are made in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(D) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(E) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

This supersedes Amendment 39-1829 (39 FR 15027), AD 74-09-07, as amended by Amendment 39-2002.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 27, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); of sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington, January 13, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75-1837 Filed 1-20-75;8:45 am]

[Docket No. 74-NW-08-AD; Amendment 39-2073]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1836 (39 FR 16875), AD 74-10-08, to require a nut torque check inspection of the P/N 69-67076-2 rod installations or any other rod installations utilizing a rod with a Class 2 thread on Boeing 727 Series airplanes was published in 39 FR 40036.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1836 (39 FR 16875), AD 74-10-08, is amended by adding the following new paragraph at the end thereof:

(D) If a threaded rod, P/N 69-67076-2, or an equivalent fabricated rod made from threaded rod NAS 1454-()-(), or any other rod with a Class 2 thread has been installed, unless already accomplished, conduct, before September 6, 1975, the hinge pin retainer nut torque inspection in accordance with Paragraph III, Part II of Boeing Alert Service Bulletin No. 727-55-59, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If the torque required to rotate the self-locking nut is less than 30 inch-pounds, replace the rod in accordance with Boeing Alert Service Bulletin No. 727-55-59, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Effective on February 27, 1975.

Issued in Seattle, Washington, January 13, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75-1836 Filed 1-20-75;8:45 am]

[Docket No. 74-EA-88; 39-2071]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller 1100 and FH1100 type helicopters.

There have been reports of fractures in the tail fin spar surface of the subject helicopters. Since this is a deficiency which can exist or develop in helicopters of similar type design, an airworthiness directive is being issued which will require a repetitive inspection and repair where necessary of the affected area.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] section 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

FAIRCHILD (Hiller). Applies to models 1100 and FH1100 type helicopters certificated in all categories including military type OH-5A.

To detect cracks in the tail fin spar channel, P/N 24-62030-7 or P/N 24-62030-43 in the area of the tail rotor gear box mount, P/N 24-62006-3, accomplish the following inspection or an equivalent inspection approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, within the next five hours in service after receipt of this message unless already accomplished within the last 45 hours in service and at every 50 hours in service thereafter:

1. Remove tail rotor gear box in accordance with paragraph 25-1-10 of Fairchild FH1100 Service Manual.

2. Clean the aft ten inches of tail fin spar (channel to which the tail rotor gear box mount is attached by ten huck bolts) with metachlor or equivalent grease and oil remover by light scrubbing with a stiff bristle brush.

3. Inspect the aft ten inches of the tail fin spar channel section for cracks with at least a ten power magnifying glass. This inspection includes the area around the ten tail rotor gear box mount attachment bolts, five on each side. The inspection should be accomplished by looking down through the tail rotor gear box mount fitting opening and through the front end of the tail rotor gear box mount fitting.

4. If a crack is found, remove fin assembly and replace with an uncracked fin assembly that has been inspected in accordance with the above procedure before further flight.

5. If the spar is not cracked, reinstall tail rotor gear box in accordance with paragraph 25-1-11 of Fairchild FH1100 Service Manual.

6. Report the results of the above inspection to Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. (Reporting approved by the Bureau of Budget under BOB NO. 04.R0174.)

This amendment is effective January 27, 1975, and was effective for all recipients of the telegram of December 6, 1974, upon receipt.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on January 13, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-1835 Filed 1-20-75;8:45 am]

[Docket No. 74-RM-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establish Transition Area

On December 12, 1974, a notice of proposed rulemaking was published in the Federal Register (39 FR 43315) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a transition area at Forsyth, Montana.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., March 27, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on January 13, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.181 (40 FR 441) the following transition area is added:

FORSYTH, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Forsyth Airport (latitude 46°16'14" N., longitude 106°37'00" W.); within 4 miles north and 5 miles south of the 075° bearing from the Forsyth NDB (latitude 46°16'10" N., longitude 106°31'01" W., extending from the NDB to 10 miles east of the NDB; and that airspace extending upward from 1200 feet above the surface within 9.5 miles north and 5 miles south of 089° bearing from the Forsyth NDB, extending from the NDB to 18.5 miles east of the NDB, excluding that portion which overlies the Miles City, Mont. transition area.

[FR Doc.75-1841 Filed 1-20-75;8:45 am]

[Airspace Docket 74-EA-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Amendment to Docket

The Federal Aviation Administration issued the subject docket so as to alter the Westminster, Md. Transition Area and designate a Westminster, Md. (Clearview Airpark) Transition Area effective January 30, 1975. Due to a change of one degree in the instrument approach procedure to Clearview Airpark, a similar change is required in the overlying transition area.

Since the amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Docket 74-EA-72 is amended effective upon publication in the Federal Register as follows:

1. In the description of the Westminster, Md. (Clearview Airpark) Transition Area delete the figures "048°" where they appear and insert in lieu thereof "047°".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1346), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on January 9, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-1842 Filed 1-20-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SEMIRIGID AND RIGID ACRYLIC AND MODIFIED ACRYLIC PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B2952) filed by American Cyanamid Co., Wayne, NJ 07470, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for safe use of di(2-ethlyhexyl) phthalate as a flow promoter in semirigid and rigid acrylic and modified acrylic plastics intended for contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2591(a)(8) is amended by alphabetically inserting a new item as follows:

§ 121.2591 Semirigid and rigid acrylic and modified acrylic plastics.

* * * * * *

(a) * * *

(8) Miscellaneous materials:

* * * * * *

Di(2-ethylhexyl) phthalate, for use only as a flow promoter at a level not to exceed 3 weight-percent based on the monomers.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before February 20, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective January 21, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: January 15, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-1862 Filed 1-20-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7344]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Carryover of Inventories and Accounting Methods in Certain Corporate Acquisitions

Correction

In FR Doc. 75-1068, appearing at page 2683 in the issue of Wednesday, January 15, 1975, insert a PARAGRAPH 2. between PARAGRAPHS 1. and 3., to read as follows:

PAR. 2. Section 1.381(c)(5)-1 as set forth in paragraph 2 of the notice of proposed rulemaking is further changed by deleting the last sentence of paragraph (b)(2)(i), by deleting the last

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sentence of paragraph (b)(3)(i) and by revising paragraphs (c)(1) and (c)(2) to read as set forth below.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-215]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Little (Petit) Caillou, La.

This amendment changes the regulations for the drawbridges across Bayou Little Caillou at mile 26.6 and mile 29.9 to require that the draw open on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given. From 5 a.m. to 9 p.m. the draw will open on signal. This amendment was circulated as a public notice dated 25 September 1974 by the Commander, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-215) on September 19, 1974 (39 FR 33710). The three responses received had no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

In § 117.540(b)(2), insert the words "Bayou Little (Petit) Caillou, mile 26.6, S-56 highway (Smith River) drawbridge near Montegut" and "Bayou Little (Petit) Caillou, mile 29.9, S-56 highway (Duplantis) drawbridge near Bourg" immediately after the words "Bayou Little (Petit) Caillou, mile 25.7, S-58 highway drawbridge at Sarah" in the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655 (g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on February 21, 1975.

Dated: January 14, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-1885 Filed 1-20-75;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER C—PROPERTY MANAGEMENT

[FMC 74-1, Supp. 2]

PART 232—FEDERAL ENERGY CONSERVATION

Amendments to Federal Energy Conservation Policies

This regulation provides additional information related to the background and policy intent of Part 232 and references other related energy issuances.

The table of contents for Part 232 is amended by the addition of the following new entry:

Sec.
232.8-1 Related energy issuances.

1. Section 232.4 is revised to read as follows:

§ 232.4 **Background.**

This part is issued in recognition of the need to bring about immediate and long-term savings in Federal energy consumption through formal conservation programs. It is prepared pursuant to a Federal Energy Office memorandum dated January 17, 1974; and pursuant to Executive Order 11717 of May 9, 1973, subject: Transferring Certain Functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce; under authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended; and OMB letter of August 24, 1973, which assigned to the General Services Administration the management responsibility for the development, coordination, and implementation of policy concerning the provision of parking facilities by executive agencies for their employees. This part is also prepared in accordance with the President's memorandum of October 18, 1974, in which he asked the Administrator of the Federal Energy Administration and the Administrator of General Services to develop a multiyear program for increasing energy efficiency in all Federal facilities and operations.

2. Section 232.5 is revised to read as follows:

§ 232.5 **Policy intent.**

a. The intent of this part is to bring about more efficient use of energy resources through revised Federal motor vehicle management policies; Federal employee carpooling; more judicious lighting, heating, and cooling of Federal buildings; and procurement policies governing acquisition of air-conditioners.

b. This part is also intended to establish the overall goal for energy reduction by Federal departments and establishments for fiscal year 1975 as 15 percent below energy consumed in fiscal year 1973. This part reflects certain adjustments to the details of the energy conservation program announced by the Federal Energy Administration on April 5, 1974. These detail adjustments were implemented by changes to the appropriate Federal Property Management Regulations. It should be noted that implementation of the provisions of this part may require consultation, as appropriate, with recognized labor organizations.

3. Section 232.8-1 is added as follows:

§ 232.8-1 **Related energy issuances.**

The details of the Federal energy conservation program are reflected in the following Federal Property Management Regulations and other issuances:

FPMR 101-20.116, Conservation of energy by executive agencies (39 FR 39266, Nov. 6, 1974)
FPMR Temporary Regulation D-47, Federal employee parking, and Supplement 1 thereto
FPMR Temporary Regulation G-17, Reduction in motor vehicle fuel consumption
GSA Bulletin FPMR G-99, Conservation of motor vehicle fuels
FPMR 101-26.5, GSA Procurement Programs (39 FR 37379, Oct. 21, 1974)
FPMR 101-39.6, Official use of Government Motor Vehicles and Related Motor Pool Services (39 FR 37380, Oct. 21, 1974)

(Federal Energy Office memorandum dated January 17, 1974; Executive Order 11717 (38 FR 12315, May 11, 1973); and Presidential memorandum dated October 18, 1974)

Effective date. This regulation is effective November 15, 1974.

Dated: January 13, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-1807 Filed 1-20-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 231—GRAZING

The average fee for grazing livestock on the National Forests in the western States in 1975 will be $1.11 per animal unit month, the same as in 1974, instead of the scheduled $1.60. The adjustment is in recognition of the difficult economic and drought conditions which exist for much of the livestock industry throughout the western States.

Effective Date. This revision takes effect January 20, 1975.

In accordance with exception to rulemaking procedures in 5 U.S.C. 553 and USDA policy (36 FR 13804), it has been found and determined that advance notice and request for comments would be impracticable. Delay in making a decision and request for comments would delay timely issuance of grazing permits and delay the billing of affected livestock operators until late February or early March 1975, and thereby fail to meet the requirement for payment of fees in advance of livestock entering the public lands.

(Sec. 1, 30 Stat. 35, as amended; sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472); sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011); sec. 501, 65 Stat. 290 (31 U.S.C. 483a))

In consideration of the foregoing, subparagraph (a)(4), § 231.5, Part 231 of Chapter II of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 231.5 **Fees, Payments, and Refunds or Credits.**

(a) *Fees.* • • •

(4) Adjustment between the 1966 average fair market value (base rate) of $1.23 and fees paid in 1966 will be made in annual installments and will be completed by 1980. An average installment of 7.2 cents was added in 1969, 1971, 1973, and 1974, and the installments will be completed by 1980. In addition, increases or decreases in the base rate because of changes in fair market value as determined by the index of private land grazing lease rates will be made each year. Changes in fair market value between 1966 and 1974 increased the base rate by 73 cents to $1.96 per animal unit month for the 1975 fee year. Where competitive bidding is used to establish a fee structure representing fair market value, the fee established shall remain unchanged during the period specified in the bid. For 1975, fees on the National Grasslands and the Land Utilization Projects in the six western Forest Service Regions will also be limited to their 1974 levels.

• • • • • •

(Sec. 501, 65 Stat. 290 (31 U.S.C. 483a))

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

JANUARY 16, 1975.

[FR Doc.75-1905 Filed 1-20-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

CANCELLATION OF CHAPTER

CROSS REFERENCE.—For a document cancelling Chapter 5 of Title 41 of the Code of Federal Regulations, see FR Doc. 75-1703, *infra.*

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

[ADM 2806.4]

PART 5A-60—CONTRACT APPEALS

Rules of GSA Board of Contract Appeals

1. *Purpose.* This order sets forth revised rules to be followed by the GSA Board of Contract Appeals in processing contract appeals. The internal operating procedures of the Board are set forth in GSA Order ADM 2806.2A.

2. *Cancellation.* Chapter 5 of Title 41 of the Code of Federal Regulations is canceled.

3. *Background.* The Public Contract Section of the American Bar Association and the Government Contract Committee of the Federal Bar Association have frequently urged the adoption of uniform Contract Appeals Boards' rules of procedure for the handling of appeals. Our Board and the Armed Services Board are the largest, both in size and in number of appeals handled, and are thus taking the lead in this effort.

4. *Publication in Federal Register.* The rules of the GSA Board of Contract Appeals are set forth below.

5. *Effective date.* The revised rules prescribed by this order shall take effect December 31, 1974. They shall not apply to appeals which have been docketed prior to this date, except as otherwise directed by the Board and agreed to by both parties.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 9, 1975.

Section 5A-60.000 and Subpart 5A-60.1 consisting of § 5A-60.101 are added to 41 CFR Part 5A-60 as follows.

§ 5A-60.000 **Scope of part.**

This part sets forth the rules of the GSA Board of Contract Appeals and establishes policies and procedures regarding matters to be considered by the Board.

Subpart 5A-60.1—Rules of the GSA Board of Contract Appeals.

§ 5A-60.101 **Rules of the GSA Board of Contract Appeals (GSBCA)**

The rules of the GSBCA prescribed by the Administrator of General Services in GSA Order ADM2806.4 dated January 9, 1975, are as follows:

PREFACE TO RULES

1. *Jurisdiction for considering appeals.* (1) Except as stated in (2) below, the General Services Administration Board of Contract Appeals (referred to herein as "the Board") shall consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the head of an agency or his duly authorized representative or board. In addition the Board shall have jurisdiction over other matters assigned to it by the Administrator. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Administrator himself.

(2) The authority of the Board does not apply to any matters arising from complaints originating under the Equal Opportunity clause in contracts.

2. *Organization and location of the Board.* (1) The Board is located in Washington, D.C., and is part of the staff of the Administrator.

(2) The Board consists of a Chairman and six other members, all of whom shall be attorneys at law duly licensed by any state, commonwealth, territory, or the District of Columbia, in addition to clerical personnel. In general, the appeals are assigned to a panel of at least three members of the Board. The decision of a majority of the panel constitutes the decision of the Board. Board members are designated as Administrative Judges and the Chairman is designated as Chief Administrative Judge.

3. *Decisions on questions of law.* When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion, hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

4. *Board of Contract Appeals procedure—*(1) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(2) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(3) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(4) *Time, computation, and extensions.* (a) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitation are similarly eligible for extension in appropriate circumstances, on good cause shown.

(b) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(c) Requests for extensions of time from either party shall be made in writing and stating good cause therefor.

(5) *Representation of parties.* An appellant may appear before the Board in person or may be represented by counsel or by any other duly authorized representative. Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties, as soon as appropriate notices of appearance have been filed with the Board.

PRELIMINARY PROCEDURES

1. *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

2. *Notice of appeal, contents of.* A notice appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in Rule 6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

3. *Forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor will be furnished a copy of these rules.

4. *Preparation, contents, organization, forwarding, and status of appeal file—*(a) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board, through the Assistant General Counsel, Claims and Litigation Division, an appeal file consisting of all documents pertinent to the appeal, including:

(1) the decision and findings of fact from which appeal is taken;

(2) the contract, including specifications, plans and drawings and pertinent amendments;

(3) all correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any Government witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) any additional information considered pertinent.

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Within the same time above specified, the Assistant General Counsel, Claims and Litigation Division shall furnish the appellant a copy of each document he transmits to the Board, except those stated in subparagraph (a)(2) and (a)(3) above, as to which a list furnished appellant indicating specific contractual documents transmitted will suffice, and those stated in subparagraph (d), below.

(b) *Duties of the appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall supplement the same by transmitting to the Board any documents not contained therein which he considers pertinent to the appeal, and furnishing two copies of such documents to the Government trial attorney.

(c) *Organization of appeal file.* Documents in the appeal file may be originals or legible facsimile or authenticated copies thereof, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents.* The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of settling the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon its admissibility into the record and/or the weight to be attached to it as evidence in accordance with Rules 13 and 20, hereof.

5. *Dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

6. *Pleadings.* (a) Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Clerk of the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal, if in the opinion of the Board the issues before the Board are sufficiently defined, may be deemed to set forth his complaint and the respondent shall be so notified.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the Clerk of the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counter-claims as appropriate. Upon receipt thereof, the Clerk shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

7. *Amendments of pleadings or record.* The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in Rule 4, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the Rule 4 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

8. *Hearing election.* Upon receipt of respondent's answer or the notice referred to in the last sentence of Rule 6(b), above, appellant shall advise whether he desires a hearing, as prescribed in Rules 17 through 25, or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in Rule 11. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in Rule 12.

9. *Prehearing briefs.* Based on an examination of the documentation described in Rule 4, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to Rule 8. In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

10. *Prehearing or presubmission conference.* Whether the case is to be submitted pursuant to Rule 11, or heard pursuant to Rules 17 through 25, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member or examiner of the Board for a conference to consider:

(a) the simplification or clarification of the issues;

(b) the possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) the limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) the possibility of agreement disposing of all or any of the issues in dispute; and

(e) such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the Board member or examiner in the presence of the parties, and this writing shall thereafter constitute part of the record.

11. *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to Rule 13. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with Rule 23.

12. *Optional accelerated procedure.* In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board, acting through the Chairman, sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board member with the concurrence of the Chairman; except that in cases involving $5,000 or less where there has been a hearing, the single Board member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the latter instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under Rule 29 commences.

Except as herein modified, these rules otherwise apply in all respects.

13. *Settling the record.* (a) The record upon which the Board's decision will be rendered consists of the appeal file described in Rule 4, and, to the extent the following items have been filed, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will

at all reasonable times be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

14. *Discovery—depositions*—(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may in its discretion receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

15. *Interrogatories to parties, production and inspection of documents*—(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 15 days. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted. The scope and use of interrogatories will be controlled by Rule 14.

(b) *Production and inspection of documents.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions in making the inspection and taking the copies and photographs.

16. *Service of papers.* Papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. All copies of complaints, answers and simultaneous briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board, or on the letter transmitting the same, that a copy has been so furnished.

HEARINGS

17. *Where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

18. *Notice of hearings.* The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in Rule 11.

19. *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in Rule 11.

20. *Nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in non-jury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

21. *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath, the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, Sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

22. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

23. *Posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member or examiner at the conclusion of the hearing. Ordinarily, they will be simultaneous briefs, exchanged within 30 days after receipt of transcript.

24. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by General Services Administration.

25. *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

26. *The appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, commonwealth, territory, or in the District of Columbia.

27. *The respondent.* Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

DECISIONS

28. Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made solely upon the record, as described in Rule 13.

MOTION FOR RECONSIDERATION

29. A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

DISMISSALS

30. *Dismissal without prejudice.* In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without

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prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

31. *Dismissal for failure to prosecute.* Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show such cause, the Board may take such action as it deems reasonable and proper under the circumstances.

EX PARTE COMMUNICATIONS

32. No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

SANCTIONS

33. If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal.

[FR Doc.75-1703 Filed 1-20-75;8:45 am]

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.52—Procurement of Special Items

AEC FORMS

This revision to AECPR 9-5.5206-3 is being made in order to delete paragraph (b) thereof and to change paragraph (c) to (b). This action is being taken since it is not considered appropriate to cite in the AECPRs the material set forth in paragraph (b).

In Subpart 9-5.52, Procurement of Special Items, § 9-5.5206-3, paragraph (b) is deleted and paragraph (c) is redesignated as (b) to read as follows:

§ 9-5.5206-3 AEC forms.

* * * * *

(b) Cost-type contractors shall obtain their requirements for AEC forms through the AEC.

AUTHORITY: Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Effective Date: This amendment is effective January 21, 1975.

Dated at Germantown, Maryland this 9th day of January, 1975.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.75-1824 Filed 1-20-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations; Further Extension of Time for Submission of X-rays

On September 18, 1974, the regulations governing the second round of medical examinations of underground coal miners, which were promulgated in 1973 (38 FR 20076), were amended to extend the examination period to December 30, 1974 (39 FR 33518).

During a work stoppage in the coal mining industry which began on November 12, 1974, and continued for some time, it has not been possible to afford miners an adequate opportunity to obtain their second round examination.

In view of the foregoing and to permit the second round examination of all underground miners in accordance with section 203 of the Federal Coal Mine Health and Safety Act (30 U.S.C. 843), (1) it is necessary to extend the date for the completion of the second round examinations to March 31, 1975 and (2) it is found, pursuant to section 553 of Title 5, United States Code, that it would be impracticable and contrary to the public interest to give notice of proposed rulemaking and opportunity for public participation in the rulemaking which extends the date.

Therefore, § 37.3(a) is amended as set forth below, effective on December 30, 1975."

(Sec. 203, 83 Stat. 763 (30 U.S.C. 843))

Dated: January 13, 1975.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: January 15, 1975.

CASPAR W. WEINBERGER,
Secretary.

§ 37.3 [Amended]

In the first sentence of paragraph (a) of § 37.3, the date reading "December 30, 1974" is changed to read "March 31, 1975."

[FR Doc.75-1897 Filed 1-20-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2366]

PART 1780—COOPERATIVE RELATIONS

Subpart 1784—Advisory Boards

PROCEDURES FOR THE OPERATION OF ADVISORY BOARDS

On pages 35800 and 35801 of the FEDERAL REGISTER of October 4, 1974, there was published a notice and text of proposed rules amending Subchapter A of Chapter II, Title 43, Code of Federal Regulations. The purpose of this amendment is to provide regulations to implement requirements of the Federal Advisory Committee Act (86 Stat. 770; 5 App. I U.S.C.). The regulations provide procedures for the establishment, operation, control and termination of advisory boards created to advise the Secretary of the Interior and the Director, State Directors, and District Managers of the Bureau of Land Management on matters pertaining to the use and management of lands under the administration of the Bureau of Land Management.

Separate regulations dealing specifically with structuring of district, state and national advisory boards are being published in the FEDERAL REGISTER for public review and comment.

Interested persons were given until November 8, 1974, to submit comments, suggestions, or objections to the proposed amendment. Thirty-five comments were received. Most commentors objected to any change in the present structure and operation of grazing district advisory boards. As indicated above, separate regulations that would provide for district boards are being published. This suggestion must therefore be considered premature.

One commentor suggested that one-year terms for board members are too short to allow an individual to contribute to the program. The one-year appointment provision is intended to provide the appointing officer an opportunity to review the appointment and determine if an individual is performing the functions required by the board charter. The provision does not preclude reappointment of an individual who continues to meet the requirements of the position.

Several commentors questioned the meaning of the language in § 1784.2(a) which states that a person will not be qualified as an advisor with respect to an industry, service, or discipline if he has a substantial relationship to a conflicting or competing interest. The intent of this provision is to secure the most objective advice possible and to avoid questions that could arise if an individual, chosen to represent an industry, service, or discipline were to be employed by or have a substantial relationship to an interest that could be considered conflicting. This provision has been clarified by incorporating new language, including some from the Federal Advisory Committee Act into the regulations.

Other comments dealt with composition and methods of selecting representatives on the boards, and most particularly the district boards. These comments anticipate other regulations, noted above, which are being prepared separately and will deal with composition of the boards, how the members will be selected, and who will select the members. The suggestions therefore were not considered pertinent to this amendment.

Other changes from the proposed rulemaking have been made to clarify the regulations and to make the organization of the regulations consistent through-out. A new paragraph (d) has been added to § 1784.2 to assure that appointment of advisory board members is conducted in a non-discriminatory manner.

The proposed amendment is hereby adopted as set forth below and will become effective February 24, 1975.

Group 1700 of Chapter II, Title 43 of the Code of Federal Regulations is amended as follows:

1. The heading of Part 1780 and a Subpart 1784 are added to read as follows:

Group 1700—Program Management

PART 1780—COOPERATIVE RELATIONS

Subpart 1784—Advisory Boards

Sec.
1784.0-1 Purpose.
1784.0-2 Objectives.
1784.0-3 Authority.
1784.0-4 Definitions.
1784.1 Establishment, termination, and renewal.
1784.2 Appointment of members.
1784.3 Termination of appointments.
1784.4 Operating procedures.

AUTHORITY: The act of Oct. 6, 1972 (86 Stat. 770; 5 App. I U.S.C.).

Subpart 1784—Advisory Boards

§ 1784.0-1 Purpose.

This subpart contains guidelines and procedures for advisory boards created to advise the Secretary of the Interior and Director, State Directors, and district Managers of the Bureau of Land Management on matters relating to the use and management of lands and resources under the administrative jurisdiction of the Bureau of Land Management.

§ 1784.0-2 Objectives.

The objective of advisory boards under these regulations is to make available to the Department of the Interior and the Bureau of Land Management expert counsel by concerned people who are knowledgeable by experience, training, or education about the use and management of lands and their natural resources and the environment.

§ 1784.0-3 Authority.

The Act of October 6, 1972 (86 Stat. 770; 5 App. I U.S.C.) authorizes the establishment of a system governing the creation, operation, and termination of advisory boards in the executive branch of the Federal Government and specifies responsibilities, policies, and procedures in the creation, management, and termination of those boards.

§ 1784.0-4 Definitions.

An "advisory board" has the same meaning as an "advisory committee" which is defined in section 3 of the Federal Advisory Committee Act.

§ 1784.1 Establishment, termination, and renewal.

(a) An advisory board not specifically authorized by statute or by the President shall become established if and when the Secretary of the Interior determines, as a matter of formal record, after consultation with the Director, Office of Management and Budget, with timely notice published in the FEDERAL REGISTER, that establishment of the board is in the public interest in connection with duties imposed on the Department of the Interior by law. No advisory board shall meet or take any action until an advisory committee charter is filed as required by the Act.

(b) (1) Each nonstatutory advisory board (i.e. not established by statute or reorganization plan) which is in existence on January 5, 1973, shall terminate no later than January 5, 1975, unless it is renewed by the Secretary of the Interior prior to January 5, 1975, in accordance with the regulations of the Office of Management and Budget. Any advisory board which is renewed shall continue for not more than two years unless, prior to the expiration of that period, it is renewed. Each such advisory board established by the Secretary of the Interior after January 5, 1973, shall terminate not later than two years after its establishment unless prior to that time it is renewed.

(2) Each advisory board established by statute or reorganization plan which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless its duration is otherwise provided for by law.

(i) Each such advisory board established by statute or reorganization plan which is established after January 5, 1973, shall terminate not later than two years after its establishment unless its duration is otherwise provided for by law.

(ii) Any such statutory advisory board shall file a new charter upon the expiration of each successive two-year period following the date of enactment of the statute establishing the board.

§ 1784.2 Appointment of members.

(a) The membership of the advisory board shall be fairly balanced in terms of points of view represented and the functions to be performed by the advisory board. To be qualified for appointment to an advisory board, a person must be capable, through education, training, or experience, to give informed advice as to a specified industry, service, or discipline. To assure that the advice and recommendations of the advisory board will not be inappropriately influenced, a person will not be qualified as an advisor with respect to an industry, service, or discipline if, in the judgment of the appointing officer, he has substantial relationship to a conflicting or competing industry, service, or discipline.

(b) Appointments to an advisory board will terminate 365 days from and after the beginning of appointment, unless a shorter period is specified in the appointing document. An individual may serve on any one advisory board for not more than a total of 10 years. Exceptions will be made only on demonstration to the Secretary or his delegate that longer service will yield substantially more benefits to the public interest than appointment of another individual.

(c) For purposes of compensation, members of advisory boards are considered nonsalaried employees of the Bureau of Land Management. While on advisory board business, they will receive reimbursement for travel costs and per diem as authorized by section 5703 of Title 5, United States Code.

(d) Minorities and women are to be given every opportunity and consideration for appointment to an advisory board. No person is to be denied an opportunity to serve on any board or committee because of race, sex, religion, national origin or age.

§ 1784.3 Termination of appointments.

(a) The Secretary or his authorized representative may, after due notice, terminate the services of an advisor if the person: (1) no longer meets the criteria or requirements under which appointed, or (2) fails to or is unable to serve, or (3) in the opinion of the Secretary or his authorized representative should be removed in the public interest.

§ 1784.4 Operating procedures.

(a) Unless otherwise provided for by statute, all activities of advisory boards chartered under the regulations of this subpart shall conform to the committee management requirements set forth in Part 308 of the Department of the Interior Manual which incorporates the requirements of relevant statutes, executive orders, and executive agency directives.

(b) The function of advisory boards is solely advisory to the official or officials to whom they report. Members of advisory boards may not act individually or collectively as advisory board members in any other capacity. Additionally, no board member may offer advice or make recommendations on any matter before a board if he has a financial or other interest in such matter. Membership on advisory boards, however, shall not diminish the exercise of rights of members as private individuals or members of other organizations or offices. Determinations of action to be taken on advisory board reports and recommendations shall be made solely by the Secretary of the Interior or his delegate.

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(c) Advisory board meetings shall be held only at the call of the Secretary of the Interior or his authorized representative after at least 15-day published notice in the FEDERAL REGISTER. The authorized representative of the Secretary shall give such advance notice of time, place, and general subject matter of scheduled meetings as, in his judgment, will provide interested parties adequate opportunity to participate in or attend the meeting. The time and place of meetings shall be scheduled with the objective of permitting such participation or attendance. The authorized representative may adjourn a meeting at any time if he determines it to be in the public interest for any reason including, but not limited to, any instance where continuance of the meeting would be inconsistent (1) with governing laws, rules, or regulations, or (2) with the purpose for which the board convened. All meetings shall be held in the presence of an authorized representative of the Secretary. Each meeting shall be conducted in accordance with an agenda approved by the Secretary or his authorized representative prior to the meeting. All meetings of advisory boards shall be open to the public. Interested persons may attend, appear before, or file statements with any advisory board. The number of observers or participants at any advisory board meeting may be limited to the extent that available accommodations and time require limitation.

(d) Detailed minutes shall be kept of each advisory board meeting. The minutes shall include: the time and place of the meeting; a list of advisory board members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory board; a description of the extent to which the meeting was open to the public; and a description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting. The chairman of the advisory board shall certify to the accuracy of the minutes.

(e) Subject to section 552 of Title 5, U.S.C., the records, reports, studies, working papers, or other documents which were made available to or prepared for or by an advisory board shall be available for public inspection and copying in the office of the authorized officer responsible for support services for that board under the regulations in this subpart until the advisory board ceases to exist. Departmental rules issued pursuant to the Freedom of Information Act (5 U.S.C. 552) and contained in Part 2 of this title apply to such documents.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 14, 1975.

[FR Doc.75-1809 Filed 1-20-75;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 76—CABLE TELEVISION SERVICE

Technical Standards; Terminology

Correction

In FR Doc. 75-1293, appearing at page 2690, in the issue for Wednesday, January 15, 1975, in the third line of § 76.605 (a)(4), the radical sign should be extended to encompass the symbol "Z".

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; DEPARTMENT OF TRANSPORTATION

[Docket No. 74-36; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars; Procedures for Adding New Tire Size Designations; Correction

In FR Doc. 74-18526, appearing on page 28980 in the issue of August 13, 1974, the reference to the Japan Automobile Manufacturers Association in paragraph (4) of the Appendix should read, "the Japan Automobile Tire Manufacturers' Association".

(Secs. 103, 119, 201, 202; Pub. L. 89-563, 88 Stat. 718 (15 U.S.C. 1392, 1407, 1421, 1422); delegation of authority at 49 CFR 1.51)

Issued on January 15, 1975.

NOEL C. BUFE,
Acting Administrator.

[FR Doc.75-1864 Filed 1-20-75;8:45 am]

[Docket No. 74-31; Notice 04]

PART 576—RECORD RETENTION

Response to Petition for Reconsideration

This notice responds to a petition for reconsideration of Record Retention regulations published August 20, 1974 (39 FR 30045), that require manufacturers of motor vehicles to retain records regarding vehicle malfunctions that may be related to motor vehicle safety. The regulation was established as a temporary requirement until final requirements, based upon a proposal published concurrently (39 FR 30048), are issued.

One petition for reconsideration, from American Motors Corporation, was received. The petitioner requests that the regulation be revoked and that the agency refrain from issuing any similar final rule until comments received in response to the proposed rule are evaluated. American Motors Corporation lists the following reasons for its request: (1) the regulation was made effective without prior notice and before its publication in the FEDERAL REGISTER, (2) the classification of materials required to be retained is too broad, (3) the definition of "malfunctions that may be related to motor vehicle safety" is ambiguous, and (4) certain materials required to be retained may be privileged and confidential. American Motors' petition is hereby denied. The NHTSA has concluded for the following reasons that each of the petitioner's objections is invalid.

The decision by the NHTSA not to provide prior notice, and to impose an effective date prior to publication (in this case, the day the document was "posted" at the FEDERAL REGISTER) was within the agency's authority under relevant provisions of the Administrative Procedures Act. An agency need not publish prior notice when it finds that such notice would be "contrary to the public interest" (5 U.S.C. § 553(b)) and a rule may be made effective less than 30 days from publication "for good cause found and published with the rule" (5 U.S.C. § 553(d)). The NHTSA found and published its reasons for finding that prior notice of these requirements would be contrary to the public interest. The purpose of the requirements is to prevent the destruction of certain manufacturer records relating to motor vehicle malfunctions that are safety related. Both prior notice of the requirements and an effective date following initial public release of the requirements could induce the destruction of the records. In either case, their destruction would very likely be detrimental to the discovery and remedy of motor vehicle safety defects which would clearly be contrary to the public interest. This justification was published with the regulation in accordance with the statutory requirements, and the agency's action was therefore fully authorized by law.

The petitioner also complains that the classification of records is too broad and that the burden of retaining this number of documents outweighs the safety benefits that may be achieved. This argument is unpersuasive, especially in light of the temporary nature of the rule in question. The purpose of the interim rule is to keep a broad range of records from being destroyed while the agency decides on the proper outlines of a permanent rule. To serve this purpose the interim rule must be at least as broad as any permanent rule that is likely to be issued after consideration of all comments. Since this rule is to serve a temporary situation, the cost of maintaining any excess records will be small and transient. The NHTSA does not concede, however, that the scope of records covered in the interim rule is overly broad. The basic fund of historical materials concerning vehicle problems, of which the manufacturer is necessarily the custodian, must be maintained intact in order for later retrospective determinations concerning vehicle defects to be made. Manufacturer allegations that certain types of records are unnecessary, unprobative, or unreliable indicators of true problems, are manifestly self-serving. Since a determination that particular records may be destroyed is unsupervised and irreversible, as well as self-serving, the rules concerning their retention must be comprehensive.

Much the same response applies to AMC's argument that the definition of "malfunctions that may be related to motor vehicle safety" is insufficiently precise. The agency is concerned here with broad categories of future problems. The problems cannot be defined in advance. Any suggestions that may be received in the comments that would help to clarify the rule will be welcomed. But at this stage the NHTSA does not agree that the terms attacked by AMC—"normal deterioration," "unintended deviation," "injury to a person," "flaw," and "accident"—are too ambiguous to serve the purpose of the rule. In any case of doubt as to a particular type of record, a manufacturer has two viable choices: keep the record, or ask the NHTSA for an interpretation as to whether the rule covers it.

The petitioners final argument, that some of the material covered by the regulation is confidential, misconstrues the purpose of the rule. The rule does not determine what shall be revealed—it only relates to what shall not be destroyed. It does not prevent the manufacturer from questioning the propriety or legality of an agency request in a particular case, nor from requesting under appropriate statutory provisions that certain information be kept confidential. The NHTSA does not agree that the concepts of confidentiality or privilege include the right to destroy records that may contain information relevant to the public's safety.

For the reasons stated above the petition of American Motors Corporation is denied.

(Secs. 108, 112, 113, 119, Pub. L. 89-563, 80 Stat. 718; (15 U.S.C. 1397, 1401, 1402, 1407); delegation of authority at 49 CFR 1.51)

Issued on January 15, 1975.

NOEL C. BUFE,
Acting Administrator.

[FR. Doc.75-1863 Filed 1-20-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Park River National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period January 15, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into those portions of the refuge not posted as closed is permitted for certain uses specified herein during the hours that are designated at the entrance gate (generally dawn to dusk). Sightseeing, nature study, photography, hiking, snowshoeing, and cross-country skiing are encouraged.

Boating is permitted on navigable tidal waters which lie within the refuge. Boats may be landed only at the refuge boat launching site near the entrance gate.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk.

A limit of one-half bushel of plums and cranberries per family per year may be picked from August 25 through October 31. Cranberry rakes or scoops are not permitted.

Access to clam flats for clamming is permitted across refuge marshes. Permits are required and may be obtained at the refuge.

Small cooking fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge.

Alcoholic beverages, camping, tents, camping trailers, floating devices, and nudity in any form, are not permitted on the refuge.

Pets under full control on a leash not exceeding 10 feet in length are permitted on the refuge from November 1 to March 31 and on weekdays only from April 1 through May 23 and September 3 through October 31. Pets are not permitted on the refuge at any other time.

Organized group activities must be confined to the northern one-quarter mile of beach east of Lot 1. Advance reservations are required and there must be at least one adult supervisor for every 10 children.

The possession of any drugs or substances, or immediate precursors, identified in schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act is prohibited on the refuge, unless such drugs or substances were obtained in accordance with the law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause interference with another person's enjoyment of the refuge is prohibited.

Bicycles and registered motor vehicles are permitted on the main refuge road and in numbered parking areas only. Snowmobiles, air-cushion, all-terrain, or other similar vehicles deemed improper by refuge agents are not permitted on the refuge.

SURF FISHING (WALK-IN FISHERMAN)

Entire year, day only, no permit required.

May 1 through October 15, day and night, night permit required.

SURF FISHING (OVER-THE-SAND SURF FISHING VEHICLES)

May 1 through October 15 only, permit required.

May 1 through May 23, day and night.

May 24 through September 1, night (6 p.m. to 8 a.m.) only: No vehicle shall be operated on the beach between the hours of 8 a.m. to 6 p.m. During these hours all vehicles shall remain in the designated surf fishing vehicle parking area at the east end of Beach Access Trail #2 or exit from the beach area. This same designated daytime parking area must, however, be vacated by 8 p.m. each evening not to be reoccupied before 6 a.m. the next morning.

September 2 through October 15, day and night.

No fishing is permitted on the northern one-quarter mile of beach east of Lot 1 from 8 a.m. to 6 p.m.

Permit requirements are as follows:

Night permittees may enter the refuge only until dusk except they may enter until 10 p.m. from May 24 through September 1. Night permittees may remain on the refuge, or may exit through a one-way gate at any time.

Vehicles with the special permit may be on the ocean beach only when the occupants are actively engaged in surf fishing.

All vehicle permits must be affixed to the vehicles as instructed at the time of issuance.

Motocycles, or any vehicle deemed improper by refuge agents, may not receive the permit.

Over-the-sand surf fishing vehicles must be equipped with spare tire, shovel, jack, tow rope or chain, board or similar support for jack, and low-pressure tire gauge.

Vehicles, under the terms of an over-the-sand surf fishing permit, may drive only on designated beach access routes and on the beach east of the line formed by the eastern base of the dunes.

No vehicle is permitted on the northern one-quarter mile of beach east of Lot 1 at any time.

Ruts or holes resulting from freeing a stuck vehicle shall be promptly filled by the operator.

Riding on fenders, tailgates, roof, or any other position outside of the vehicle is prohibited.

Failure to comply with any regulation shall be grounds for immediate cancellation of all permits.

A map of the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

JANUARY 7, 1975.

[FR Doc.75-1812 Filed 1-20-75;8:45 am]

PART 33—SPORT FISHING

Wildlife Refuges in Oklahoma and Texas

The following special regulations are issued and are effective January 21, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,100 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New

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Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, except for an area of approximately 2,200 acres south of Vian Creek, as posted, to be closed during the period October 1, 1975 through March 31, 1976, inclusive.

(2) Some refuge roads leading to waters open to fishing may be closed during the period October 1, 1975 through March 31, 1976, inclusive, as posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge, Oklahoma, during open season in areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1975, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) All trotlines must be removed from refuge waters on or before October 14, 1975.

(4) From State Highway 33 south to Big Panther Creek, a "no visible wake zone" is in effect for all boats.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 14, 1975.

TEXAS

ANAHUAC NATIONAL WILDLIFE REFUGE

Sport fishing and crabbing on the Anahuac National Wildlife Refuge, Texas, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2¾ miles of roadside drain and pond edge and 7 miles of East Bay and Oyster Bayou shoreline, are delineated on maps available at refuge headquarters, Anahuac, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Boats and floating devices may not be used for fishing on inland waters.

(2) In inland waters, fishing is permitted only by ordinary pole and line, rod and reel, or hand-held line. Trotlines, throw lines, set lines, bows and arrows, gigs, and spears may not be used in inland waters.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Texas, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 18 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted on interior waters except Nicks Lake, Salt Lake and Lost Lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

Due to the lack of water in Buffalo Lake, the Buffalo Lake National Wildlife Refuge, Texas, is closed to fishing for Calendar Year 1975.

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

Sport fishing on the Laguna Atascosa National Wildlife Refuge, Texas, is permitted from January 1 through December 31, 1975, inclusive, but only on the area designated by signs as open to fishing. This open area, comprising 140 acres, is limited to the Arroyo Colorado Navigation District (Harlingen) Ship Channel and the banks of the channel as it extends through the refuge. Maps, delineating the area, are available at refuge headquarters, Harlingen, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Fishing shall be in accordance with all applicable State regulations governing sport fishing subject to the following special conditions:

(1) Fishing with trotlines is not permitted.

(2) The refuge officer in charge may at his discretion close the fishing area for public safety, to protect wildlife, or to protect government property.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

MULESHOE NATIONAL WILDLIFE REFUGE

Due to the lack of water in fishing lakes, Muleshoe National Wildlife Refuge, Texas is closed to fishing for Calendar Year 1975.

JERRY L. STEGMAN,
Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

JANUARY 14, 1975.

[FR Doc.75-1811 Filed 1-20-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 111]

CUSTOMHOUSE BROKERS

Application Fee for License To Transact Business in Additional District

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), sections 624, 641, 46 Stat. 759, as amended (19 U.S.C. 1624, 1641), and section 501, 65 Stat. 290 (31 U.S.C. 483(a)), it is proposed to amend § 111.19(b) of the Customs Regulations (19 CFR 111.19(b)) to increase the Customs fee required to accompany an application by a customhouse broker for a license to transact Customs business in an additional Customs district.

On July 25, 1974, Treasury Decision 74-200 (39 FR 27127) amended § 111.12 (a) of the Customs Regulations, increasing the fee required to accompany the application for a customhouse broker's license from $150 to $200. This increase was necessary in order to more nearly recover the actual costs incurred by the United States Customs Service in rendering this service to the public. Section 111.19(b) currently specifies that a fee of $150 is required to accompany an application by a customhouse broker for a license to transact Customs business in an additional Customs district. However, no significant difference exists in the costs incurred by the United States Customs Service in processing an initial application for a customhouse broker's license and those incurred in processing an application for a license to transact business in an additional Customs district. Therefore, in order to more nearly recover the actual costs incurred in processing applications for licenses to transact business in additional Customs districts and to again conform the fee specified in § 111.19(b) with that specified in § 111.12(a), it is necessary to amend § 111.19(b) to increase the amount of the specified fee from $150 to $200.

Accordingly, it is proposed to amend § 111.19(b) of the Customs Regulations (19 CFR 111.19(b)) to read as follows:

§ 111.19 Licenses for additional districts.

* * * * *

(b) Submitting the fee of $200 with the application; and

* * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such Communications, they must be received on or before February 5, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: January 9, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-1895 Filed 1-20-75;8:45 am]

Internal Revenue Service

[26 CFR Parts 31, 301]

EMPLOYMENT TAX, PROCEDURE AND ADMINISTRATION REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 20, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by February 20, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Employment Tax Regulations (26 CFR Part 31) and the Regulations on Procedure and Administration (26 CFR Part 301) in order to conform such regulations to the provisions of sections 123(b), 502 (a) and (c), and 504 (a) and (b) of the Social Security Amendments of 1967 (81 Stat. 845, 934, 935), sections 203(b) and 204 of the Act of March 17, 1971 (Pub. L. 92-5, 85 Stat. 11), sections 203(b) and 204 (a) and (b) of the Act of July 1, 1972 (Pub. L. 92-336, 86 Stat. 419, 421), sections 135 (a) and (b), 144(c), and 293 of the Social Security Amendments of 1972 (86 Stat. 1362, 1370, 1459), section 203 (b) and (d) of the Act of July 9, 1973 (Pub. L. 93-66, 87 Stat. 153), and sections 5 (b), (d), and (f) and 6 (a) and (b) of the Act of December 31, 1973 (Pub. L. 93-233, 87 Stat. 954, 955).

Several of the above statutory amendments revised the tax rates under the Federal Insurance Contributions Act, and several of the amendments revised the amount of the earnings base which is subject to the tax. For taxable years beginning after 1974, the taxable earnings base may be increased by the Secretary of the Department of Health, Education, and Welfare under section 230 of the Social Security Act if he provides a cost-of-living increase in benefits under section 215(i) of that Act.

The Social Security Amendments of 1967 added an exclusion from "wages" for purposes of the Federal Insurance Contributions Act and the Federal Unemployment Tax Act for certain deferred compensation payments. This provision provides that the term "wages" does not include any payment or series of payments by an employer to an employee or any of his dependents which is paid (1) upon or after the termination of an employee's employment relationship because of the retirement or death of the employee, and (2) under a plan established by the employer which makes provision for his employees generally or a class or classes of his employees, or for such employees or class or classes of such employees and their dependents. In the case of payments made upon or after termination of employment because of retirement, the exclusion applies only if the retirement is for disability or after

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attaining an age specified in the plan. Furthermore, payments which would have been paid if the employment relationship had not been so terminated are not excluded.

The 1967 Amendments amended the Internal Revenue Code of 1954 to extend Federal Insurance Contributions Act coverage to domestic employment performed in an employer-employee relationship by a parent for his son or daughter where there is a need for the parent to perform such work. Such employment is covered if the employer has living in his home a son or daughter (including an adopted child or stepchild) who is under age 18 or whose mental or physical condition requires the personal care and supervision of an adult for at least 4 continuous weeks in the quarter, and the employer either is widowed or divorced (and has not remarried) or has a spouse living in the home who, because of a mental or physical condition, is incapable of caring for the child for a least 4 continuous weeks in the quarter.

The 1967 Amendments also provided a credit or refund, under certain circumstances, in respect of the hospital insurance tax in the case of a railroad employee or employee representative subject to tax under the Railroad Retirement Tax Act who has other employment or is self-employed and is therefore also subject to tax under the Federal Insurance Contributions Act. The purpose of this change was to prevent the imposition of a double tax burden on an individual with respect to hospital insurance.

The 1967 Amendments also amended the Internal Revenue Code of 1954 to require railroad employers to furnish employees with statements showing the total amount of compensation on which railroad retirement employee tax was deducted and the amount of tax so deducted. This legislative change was intended to provide employees subject to both railroad retirement and social security taxes with information upon which to base a claim for credit or refund of excess hospital tax.

The Social Security Amendments of 1972 deleted this requirement. Instead, the 1972 Amendments require such employers to notify employees that they may be eligible for a credit or refund of any excess hospital tax. Also, such employers are to provide certain tax information to an employee with dual coverage upon his request.

The proposed regulations provide that the use of railroad employee's wage and tax statements (Form W–2 (RR)) is optional for 1968 and 1969. They require the use of that form for 1970 and 1971 unless the employer has been authorized by the Internal Revenue Service to use Form W–2 in lieu of Form W–2 (RR). This relaxation of the statutory rule is proposed because employers had difficulty including the data required by the 1967 Amendments on timely statements.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Employment Tax Regulations (26 CFR Part 31) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by sections 123(b), 502 (a) and (c), and 504 (a) and (b) of the Social Security Amendments of 1967 (81 Stat. 845, 934, 935), sections 203(b) and 204 of the Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11), sections 203(b) and 204 (a) and (b) of the Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 419, 421), sections 135 (a) and (b), 144(c), and 293 of the Social Security Amendments of 1972 (86 Stat. 1362, 1370, 1459), sections 203 (b) and (d) of the Act of July 9, 1973 (Pub. L. 93–66, 87 Stat. 153), and sections 5 (b), (d), and (f) and 6 (a) and (b) of the Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954, 955), such regulations are amended as follows:

PARAGRAPH 1. Section 31.3101 is amended to read as follows:

§ 31.3101 Statutory provisions; rate of tax.

Sec. 3101. *Rate of tax*—(a) *Old-age, survivors, and disability insurance.* In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages received during the calendar year 1968, the rate shall be 3.8 percent;

(2) With respect to wages received during the calendar years 1969 and 1970, the rate shall be 4.2 percent;

(3) With respect to wages received during the calendar years 1971 and 1972, the rate shall be 4.6 percent;

(4) With respect to wages received during the calendar year 1973, the rate shall be 4.85 percent;

(5) With respect to wages received during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

(6) With respect to wages received after December 31, 2010, the rate shall be 5.95 percent.

(b) *Hospital insurance.* In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages received during the calendar years 1968, 1969, 1970, 1971, and 1972, the rate shall be 0.60 percent;

(2) With respect to wages received during the calendar year 1973, the rate shall be 1.0 percent;

(3) With respect to wages received during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

(4) With respect to wages received during the calendar years 1978 through 1980, the rate shall be 1.10 percent;

(5) With respect to wages received during the calendar years 1981 through 1985, the rate shall be 1.35 percent; and

(6) With respect to wages received after December 31, 1985, the rate shall be 1.50 percent.

[Sec. 3101 as amended by sec. 208(b), Social Security Amendments 1954; sec. 202(b), Social Security Amendments 1956; sec. 401(b), Social Security Amendments 1958; sec. 201 (b), Social Security Amendments 1961; secs. 111(c)(5) and 321(b), Social Security Amendments 1965; sec. 109 (a)(2) and (b)(2), Social Security Amendments 1967; sec. 204(a)(1), Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); sec. 204 (a)(2) and (b)(2), Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 421); sec. 135 (a)(2) and (b)(2), Social Security Amendments 1972; sec. 6 (a)(1) and (b)(2), Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954, 955)]

PAR. 2. Section 31.3101–2 is amended to read as follows:

§ 31.3101–2 Rates and computation of employee tax.

(a) *Old-age, survivors, and disability insurance.* The rates of employee tax for old-age, survivors, and disability insurance with respect to wages received in calendar years after 1954 are as follows:

Calendar years:	Percent
1955 and 1956	2
1957 and 1958	2.25
1959	2.5
1960 and 1961	3
1962	3.125
1963 to 1965, both inclusive	3.625
1966	3.85
1967	3.9
1968	3.8
1969 and 1970	4.2
1971 and 1972	4.6
1973	4.85
1974 to 2010, both inclusive	4.95
2011 and subsequent calendar years	5.95

(b) *Hospital insurance.* The rates of employee tax for hospital insurance with respect to wages received in calendar years after 1965 are as follows:

Calendar years:	Percent
1966	0.35
1967	.50
1968 to 1972, both inclusive	.60
1973	1.0
1974 to 1977, both inclusive	0.90
1978 to 1980, both inclusive	1.10
1981 to 1985, both inclusive	1.35
1986 and subsequent calendar years	1.50

(c) *Computation of employee tax.* The employee tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example. In 1972, employee A performed for employer X services which constituted employment (see § 31.3121(b)–2). In 1973 A receives from X $1,000 as remuneration for such services. The tax is payable at the 5.85 percent rate (4.85 percent plus 1.0 percent) in effect for the calendar year 1973 (the year in which the wages are received) and not at the 5.2 percent rate which was in effect for the calendar year 1972 (the year in which the services were performed).

PAR. 3. Section 31.3111 is amended to read as follows:

§ 31.3111 Statutory provisions; rate of tax.

Sec. 3111. *Rate of tax*—(a) *Old-age, survivors, and disability insurance.* In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages paid during the calendar year 1968, the rate shall be 3.8 percent;

(2) With respect to wages paid during calendar years 1969 and 1970, the rate shall be 4.2 percent;

(3) With respect to wages paid during the calendar years 1971 and 1972, the rate shall be 4.6 percent;

(4) With respect to wages paid during the calendar year 1973, the rate shall be 4.85 percent;

(5) With respect to wages paid during the calendar years 1974 through 2010, the rate shall be 4.95 percent; and

(6) With respect to wages paid after December 31, 2010, the rate shall be 5.95 percent.

(b) *Hospital insurance.* In addition to the tax imposed by the preceding subsection, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))—

(1) With respect to wages paid during the calendar years 1968, 1969, 1970, 1971, and 1972, the rate shall be 0.60 percent;

(2) With respect to wages paid during the calendar year 1973, the rate shall be 1.0 percent;

(3) With respect to wages paid during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

(4) With respect to wages paid during the calendar years 1978 through 1980, the rate shall be 1.10 percent;

(5) With respect to wages paid during the calendar years 1981 through 1985, the rate shall be 1.35 percent; and

(6) With respect to wages paid after December 31, 1985, the rate shall be 1.50 percent.

[Sec. 3111 as amended by sec. 208(c), Social Security Amendments 1954; sec. 202(c), Social Security Amendments 1956; sec. 401 (c), Social Security Amendments 1958; sec. 201(c), Social Security Amendments 1961; secs. 111(c)(6) and 321(c), Social Security Amendments 1965; sec. 109 (a)(3) and (b)(3), Social Security Amendments 1967; sec. 204(a)(2), Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); sec. 204 (a)(3) and (b)(3), Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 421); sec. 135 (a)(3) and (b)(3), Social Security Amendments 1972; sec. 6 (a)(2) and (b)(3), Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954, 955)]

PAR. 4. Paragraphs (a) and (b) of § 31.3111–2 are amended to read as follows:

§ 31.3111–2 Rates and computation of employer tax.

(a) *Old-age, survivors, and disability insurance.* The rates of employer tax for old-age, survivors, and disability insurance with respect to wages paid in calendar years after 1954 are as follows:

Calendar years:	Percent
1955 and 1956	2
1957 and 1958	2.25
1959	2.5
1960 and 1961	3
1962	3.125
1963 to 1965, both inclusive	3.625
1966	3.85
1967	3.9
1968	3.8
1969 and 1970	4.2
1971 and 1972	4.6
1973	4.85
1974 to 2010, both inclusive	4.95
2011 and subsequent calendar years	5.95

(b) *Hospital insurance.* The rates of employer tax for hospital insurance with respect to wages paid in calendar years after 1965 are as follows:

Calendar years:	Percent
1966	0.35
1967	.50
1968 to 1972, both inclusive	.60
1973	1.0
1974 to 1977, both inclusive	0.90
1978 to 1980, both inclusive	1.10
1981 to 1985, both inclusive	1.35
1986 and subsequent calendar years	1.50

• • • • • •

PAR. 5. Section 31.3121(a)–1 is amended by revising paragraphs (a), (b), and the portion of paragraph (j) which precedes subparagraph (1), to read as follows:

§ 31.3121(a)–1 Wages.

(a) Whether remuneration paid after 1954 for employment performed after 1936 constitutes wages is determined under section 3121(a). This section and §§ 31.3121(a)(1)–1 to 31.3121(a)(15)–1, inclusive (relating to the statutory exclusions from wages), apply with respect only to remuneration paid after 1954 for employment performed after 1936. Whether remuneration paid after 1936 and before 1940 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of 26 CFR (1939) Part 401 (Regulations 91). Whether remuneration paid after 1939 and before 1951 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of 26 CFR (1939) Part 402 (Regulations 106). Whether remuneration paid after 1950 and before 1955 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and of 26 CFR (1939) Part 408 (Regulations 128).

(b) The term "wages" means all remuneration for employment unless specifically excepted under section 3121(a) (see §§ 31.3121(a)(1)–1 to 31.3121(a)(15)–1, inclusive) or paragraph (j) of this section.

• • • • • •

(j) In addition to the exclusions specified in §§ 31.3121(a)(1)–1 to 31.3121(a)(15)–1, inclusive, the following types of payments are excluded from wages:

• • • • • •

PAR. 6. Section 31.3121(a)(1) is amended to read as follows:

§ 31.3121(a)(1) Statutory provisions; definitions; wages; annual wage limitation.

Sec. 3121. *Definitions*—(a) *Wages.* • • •

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year prior to such acquisition shall be considered as having been paid by such successor employer;

(Sec. 3121(a)(1) as amended by sec. 204(a), Social Security Amendments 1954; sec. 402 (b), Social Security Amendments 1958; sec. 320(b)(2), Social Security Amendments 1965; sec. 108(b)(2), Social Security Amendments 1967; sec. 203(b)(2), Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); sec. 203 (b)(2), Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 419); sec. 203(b)(2) and (d), Act of July 9, 1973 (Pub. L. 93–66, 87 Stat. 153); sec. 5(b)(2), (d), and (f), Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954))

PAR. 7. Section 31.3121(a)(1)–1 is amended by revising paragraph (a)(1), by revising so much of paragraph (a)(3) as precedes example (1), and by revising paragraph (b)(1), to read as follows:

§ 31.3121(a)(1)–1 Annual wage limitation.

(a) *In general.* (1) The term "wages" does not include that part of the remuneration paid by an employer to an employee within any calendar year—

(i) After 1954 and before 1959 which exceeds the first $4,200 of remuneration,

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(ii) After 1958 and before 1966 which exceeds the first $4,800 of remuneration,
(iii) After 1965 and before 1968 which exceeds the first $6,600 of remuneration,
(iv) After 1967 and before 1972 which exceeds the first $7,800 of remuneration,
(v) After 1971 and before 1973 which exceeds the first $9,000 of remuneration,
(vi) After 1972 and before 1974 which exceeds the first $10,800 of remuneration,
(vii) After 1973 and before 1975 which exceeds the first $13,200 of remuneration, or
(viii) After 1974 which exceeds the amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year

(exclusive of remuneration excepted from wages in accordance with paragraph (j) of § 31.3121(a)–1 or §§ 31.3121 (a)(2)–1 to 31.3121(a)(15)–1, inclusive) paid within the calendar year by an employer to the employee for employment performed for him at any time after 1936. For provisions relating to the treatment of tips for purposes of the annual wage limitation see § 31.3121(q)–1.

• • • • •

(3) If during a calendar year the employee receives remuneration from more than one employer, the annual wage limitation does not apply to the aggregate remuneration received from all of such employers, but instead applies to the remuneration received during such calendar year from each employer with respect to employment after 1936. In such case the first remuneration received in any calendar year after 1974 up to the amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) (the first $13,200 received in 1974, the first $10,800 received in 1973, the first $9,000 received in 1972, the first $7,800 received in any calendar year after 1967 and before 1972, the first $6,600 received in any calendar year after 1965 and before 1968, the first $4,800 received in any calendar year after 1958 and before 1966, or the first $4,200 received in any calendar year after 1954 and before 1959) from each employer constitutes wages and is subject to the taxes, even though, under section 6413(c), the employee may be entitled to a special credit or refund of a portion of the employee tax deducted from his wages received during the calendar year. In this connection and in connection with the two examples immediately following, see § 31.6413(c)–1, relating to special credits or refunds of employee tax. In connection with the annual wage limitation in the case of remuneration paid for services performed in the employ of the United States or a wholly owned instrumentality thereof, see § 31.3122. In connection with the annual wage limitation in the case of remuneration paid for services performed in the employ of the Government of Guam, the Government of American Samoa, the District of Columbia, a political subdivision of the Government of Guam, or the Government of American Samoa, or any instrumentality of any of the foregoing which is wholly owned thereby, see § 31.3125. In connection with the application of the annual wage limitation, see also paragraph (b) of this section, relating to the circumstances under which wages paid by a predecessor employer are deemed to be paid by his successor.

• • • • •

(b) *Wages paid by predecessor attributed to successor.* (1) If an employer (hereinafter referred to as a successor) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and if immediately after the acquisition the successor employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for purposes of the application of the annual wage limitation set forth in paragraph (a) of this section, any remuneration (exclusive of remuneration excepted from wages in accordance with paragraph (j) of § 31.3121(a)–1 or §§ 31.3121 (a)(2)–1 to 31.3121(a)(15)–1, inclusive) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by the predecessor during such calendar year and prior to the acquisition shall be considered as having been paid by the successor.

• • • • •

PAR. 8. Section 31.3121(a)(12) is amended to read as follows:

§ 31.3121(a)(12) Statutory provisions; definitions; wages; tips.

Sec. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(12) (A) Tips paid in any medium other than cash;

(B) Cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more;

(Sec. 3121(a)(12) as added by sec. 313(c)(3), Social Security Amendments 1965; as amended by sec. 504(a), Social Security Amendments 1967; sec. 122(b), Social Security Amendments 1972)

PAR. 9. The following sections are inserted immediately following § 31.3121(a)(12)–1:

§ 31.3121(a)(13) Statutory provisions; definitions; wages; payments under certain employers' plans after retirement, disability, or death.

Sec. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(13) Any payment or series of payments by an employer to an employee or any of his dependents which is paid—

(A) Upon or after the termination of an employee's employment relationship because of (i) death, (ii) retirement for disability, or (iii) retirement after attaining an age specified in the plan referred to in subparagraph (B) or in a pension plan of the employer, and

(B) Under a plan established by the employer which makes provision for his employees generally or a class or classes of his employees (or for such employees or class or classes of employees and their dependents), other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated;

(Sec. 3121(a)(13) as added by sec. 504(a), Social Security Amendments 1967; as amended by sec. 122(b) and 138(b), Social Security Amendments 1972)

§ 31.3121(a)(13)–1 Payments under certain employers' plans after retirement, disability, or death.

(a) *In general.* The term "wages" does not include the amount of any payment or series of payments made after January 2, 1968, by an employer to, or on behalf of, an employee or any of his dependents under a plan established by the employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), which is paid or commences to be paid upon or within a reasonable time after the termination of an employee's employment relationship because of the employee's—

(1) Death,
(2) Retirement for disability, or
(3) Retirement after attaining an age specified in the plan established by the employer or in a pension plan of the employer at the age at which a person in the employee's circumstances is eligible for retirement.

A payment or series of payments made under the circumstances described in the preceding sentence is excluded from "wages" even if made pursuant to an incentive compensation plan which also provides for the making of other types of payments. However, any payment or series of payments which would have been paid if the employee's relationship had not been terminated is not excluded from "wages" under this section and section 3121(a)(13). For example, lump-sum payments for unused vacation time or a final paycheck received after retirement are payments which the employee would have received whether or not he retired and therefore are not excluded from "wages" under this section. Further, if any payment is made upon or after termination of employment for any reason other than those set out in subparagraphs (1), (2), and (3) of this paragraph such payment is not excludable from "wages" by this section. For example, if a pension plan provides for retirement upon disability, completion of 30 years of service, or attainment of age 65, and if an employee who is not disabled retires at age 61 after 30 years of service, none of the retirement payments made to the employee under the pension plan (including any made after he is 65) is excludable from "wages" under this section. However, if the pension plan had conditioned retirement after 30 years of service upon attainment of age 60, all of the retirement payments would have been excludable.

(b) *Plan.* The plan or system established by an employer need not provide for payments because of termination of employment for all the reasons set out in subparagraphs (1), (2), and (3) of paragraph (a), but such plan or system may provide for payments because of termination for any one or more of such reasons. Payments because of termination of employment for any one or more of such reasons under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(c) *Dependents.* Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(d) *Benefit payment.* It is immaterial for purposes of this exclusion whether the amount or possibility of benefit payments is paid on account of services rendered or taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly or impliedly, by the contract of service.

(e) *Example.* The application of this section may be illustrated by the following example:

Example. A, an employee, receives a salary of $1,500 a month, payable on the 5th day of the month following the month for which the salary is earned. A's employer has established an incentive compensation plan for a class of his employees, including A, providing for the payment of deferred compensation on termination of employment, including termination upon an employee's death, retirement at age 65 (the retirement age specified in the plan), or retirement for disability. On March 1, 1973, A attains the age of 65 and retires. On March 5, 1973, A receives $5,500 from his employer of which $1,500 represents A's salary for services he performed in February 1973, and $4,000 represents incentive compensation paid under the employer's plan.

The amount of $4,000 is excluded from "wages" under this section. The amount of $1,500 is not excluded from "wages" under this section.

PAR. 10. The following sections are inserted immediately following § 31.3121(a)(13)–1:

§ 31.3121(a)(14) Statutory provisions; definitions; wages; payments by employer to survivor or estate of former employee.

Sec. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(14) Any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died; or

(Sec. 3121(a)(14) as added by sec. 122(b), Social Security Amendments 1972)

§ 31.3121(a)(14)–1 Payments by employer to survivor or estate of former employee. [Reserved]

§ 31.3121(a)(15) Statutory provisions; definitions; wages; payments by employer to disabled former employee.

Sec. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • •

(15) Any payment made by an employer to an employee, if at the time such payment is made such employee is entitled to disability insurance benefits under section 223(a) of the Social Security Act and such entitlement commenced prior to the calendar year in which such payment is made, and if such employee did not perform any services for such employer during the period during which such payment is made.

(Sec. 3121(a)(15) as added by sec. 138(b), Social Security Amendments 1972)

§ 31.3121(a)(15)–1 Payments by employer to disabled former employee. [Reserved]

PAR. 11. Section 31.3121(b)(3) is amended by revising section 3121(b)(3)(B) and the historical note. These amended provisions read as follows:

§ 31.3121(b)(3) Statutory provisions; definitions; employment; family employment.

Sec. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • •

(3)(A) Service performed by an individual in the employ of his spouse, and service performed by a child under the age of 21 in the employ of his father or mother;

(B) Service not in the course of the employer's trade or business, or domestic service in a private home of the employer, performed by an individual in the employ of his son or daughter; except that the provisions of this subparagraph shall not be applicable to such domestic service if—

(i) The employer is a surviving spouse or a divorced individual and has not remarried, or has a spouse living in the home who has a mental or physical condition which results in such spouse's being incapable of caring for a son, daughter, stepson, or stepdaughter (referred to in clause (ii) for at least 4 continuous weeks in the calendar quarter in which the service is rendered, and

(ii) A son, daughter, stepson, or stepdaughter of such employer is living in the home, and

(iii) The son, daughter, stepson, or stepdaughter (referred to in clause (ii)) has not attained age 18 or has a mental or physical condition which requires the personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the service is rendered;

(Sec. 3121(b)(4) redesignated paragraph (3) by sec. 205(b), Social Security Amendments 1954; as amended by sec. 104(b), Social Security Amendments 1960; sec. 123(b), Social Security Amendments 1967)

PAR. 12. Paragraphs (a) and (b) of § 31.3121(b)(3)–1 are revised to read as follows:

§ 31.3121(b)(3)–1 Family employment.

(a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) (i) Services performed before 1961 by a father or mother in the employ of his of her son or daughter;

(ii) Services not in the course of the employer's trade or business, or domestic service in a private home of the employer, performed after 1960 but prior to 1968 by a father or mother in the employ of his or her son or daughter;

(iii) Services not in the course of the employer's trade or business, or domestic service in a private home of the employer, performed after 1967 by a father or mother in the employ of his or her son or daughter unless (*a*) the employer has a child (including an adopted child or stepchild) living in his or her home who is under age 18 or who has a mental or physical condition which requires the personal care and supervision of an adult for at least 4 continuous weeks in the calendar quarter in which the services are rendered; and (*b*) the employer is during the calendar quarter in which the services are rendered:

(*1*) A widow or widower;

(*2*) A divorced person who has not remarried; or

(*3*) A married person who has a spouse living in the home who has a mental or physical condition which results in such spouse's being incapable of caring for such child for at least 4 continuous weeks in the calendar quarter in which the services are rendered; and

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a)(1) and (2)(i) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a)(2)(ii) and (iii) of this section, in addition to the family relationship, there is a further requirement that

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the services performed after 1960 and before 1968 for purposes of paragraph (a)(2)(ii) and after 1967 for purposes of paragraph (a)(2)(iii) shall be services not in the course of the employer's trade or business or shall be domestic service in a private home of the employer. The terms "services not in the course of the employer's trade or business" and "domestic service in a private home of the employer" have the same meaning as when used in § 31.3121(a)(7)–1, except that it is immaterial under paragraphs (a)(2)(ii) and (iii) of this section whether or not such services are performed on a farm operated for profit. The mere fact that a mental or physical disability, whether temporary or permanent, renders a child or spouse incapable of self-support does not necessarily mean that the child requires the personal care and supervision of an adult or that the spouse is incapable of caring for a child within the meaning of paragraph (a)(2)(iii) of this section. A written statement by a doctor of the existence of the mental or physical condition of the child or spouse which states that the child requires the personal care and supervision of an adult or that the spouse is incapable of caring for a child and which sets forth the period of time during which the condition has existed and is likely to exist will usually be sufficient evidence to establish the existence and duration of the condition at the time of the statement. Under paragraph (a)(3) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that the son or daughter is under the age of 21.

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PAR. 13. Section 31.3122 is amended to read as follows:

§ 31.3122 Statutory provisions; Federal service.

Sec. 3122. *Federal service.* In the case of the taxes imposed by this chapter with respect to service performed in the employ of the United States or in the employ of any instrumentality which is wholly owned by the United States, including service, performed as a member of a uniformed service, to which the provisions of section 3121(m)(1) are applicable, and including service, performed as a member of a uniformed service, to which the provisions of section 3121(m)(1) are applicable, and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable, the determination whether an individual has performed service which constitutes employment as defined in section 3121(b), the determination of the amount of remuneration for such service which constitutes wages as defined in section 3121(a), and the return and payment of the taxes imposed by this chapter, shall be made by the head of the Federal agency or instrumentality having the control of such service, or by such agents as such head may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 3111 with respect to such service without regard to the contribution and benefit base limitation in section 3121(a)(1), and he shall not be required to obtain a refund of the tax paid under section 3111 on that part of the remuneration not included in wages by reason of section 3121(a)(1). Payments of the tax imposed under section 3111 with respect to service, performed by an individual as a member of a uniformed service, to which the provisions of section 3121(m)(1) are applicable, shall be made from appropriations available for the pay of members of such uniformed service. The provisions of this section shall be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; and for purposes of this section the Secretary of Defense shall be deemed to be the head of such instrumentality. The provisions of this section shall be applicable also in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard; and for purposes of this section the Secretary shall be deemed to be the head of such instrumentality.

[Sec. 3122 as amended by secs. 202(c) and 203(a), Social Security Amendments 1954; sec. 411(b), Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 402(c), Social Security Amendments 1958; sec. 70, Technical Amendments Act 1958 (72 Stat. 1660); sec. 202(a)(3), Peace Corps Act (75 Stat. 626); sec. 320(b)(3), Social Security Amendments 1965; sec. 108(b)(3), Social Security Amendment 1967; sec. 203(b)(3), Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); sec. 203(b)(3), Act of July 1, 1972 (Pub. Law 92–336, 86 Stat. 419); sec. 203(b)(3) and (d), Act of July 9, 1973 (Pub. Law 93–66, 87 Stat. 153); sec. 5(b)(3), (d), and (f), Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954)]

PAR. 14. Section 31.3125 is amended to read as follows:

§ 31.3125 Statutory provisions; returns in the case of Government employees in Guam, American Samoa, and the District of Columbia.

Sec. 3125. *Returns in the case of Government employees in Guam, American Samoa, and the District of Columbia*—(a) *Guam.* The return and payment of the taxes imposed by this chapter on the income of individuals who are officers or employees of the Government of Guam or any political subdivision thereof or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, and those imposed on such Government or political subdivision or instrumentality with respect to having such individuals in its employ, may be made by the Governor of Guam or by such agents as he may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 3111 with respect to the service of such individuals without regard to the contribution and benefit base limitation in section 3121(a)(1).

(b) *American Samoa.* The return and payment of the taxes imposed by this chapter on the income of individuals who are officers or employees of the Government of American Samoa or any political subdivision thereof or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, and those imposed on such Government or political subdivision or instrumentality with respect to having such individuals in its employ, may be made by the Governor of American Samoa or by such agents as he may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 3111 with respect to the service of such individuals without regard to the contribution and benefit base limitation in section 3121(a)(1).

(c) *District of Columbia.* In the case of the taxes imposed by this chapter with respect to service performed in the employ of the District of Columbia or in the employ of any instrumentality which is wholly owned thereby, the return and payment of the taxes may be made by the Commissioners of the District of Columbia or by such agents as they may designate. The person making such return may, for convenience of administration, make payments of the tax imposed by section 3111 with respect to such service without regard to the contribution and benefit base limitation in section 3121(a)(1).

(Sec. 3125 as added by sec. 103(q)(1), Social Security Amendments 1960; amended by secs. 317(c)(1), (2), 320(b)(4), Social Security Amendments 1965; sec. 108(b)(4), Social Security Amendments 1967; sec. 203(b)(4), Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); sec. 203(b)(4), Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 419); sec. 203(b)(4) and (d), Act of July 9, 1973 (Pub. L. 93–66, 87 Stat. 153); sec. 5(b)(4), (d), and (f), Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954))

PAR. 15. The following sections are inserted immediately following § 33.3306(b)(9)–1:

§ 31.3306(b)(10) Statutory provisions; definitions; wages; payments under certain employers' plans after retirement, disability, or death.

Sec. 3306. *Definitions.* • • •

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

• • • • • •

(10) Any payment or series of payments by an employer to an employee or any of his dependents which is paid—

(A) Upon or after the termination of an employee's employment relationship because of (i) death, (ii) retirement for disability, or (iii) retirement after attaining an age specified in the plan referred to in subparagraph (B) or in a pension plan of the employer, and

(B) Under a plan established by the employer which makes provisions for his employees generally or a class or classes of his employees (or for such employees or class or classes of employees and their dependents),

other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated.

(Sec. 3306(b)(10) as added by sec. 504(b), Social Security Amendments 1967 (81 Stat. 935))

§ 31.3306(b)(10)–1 Payments under certain employers' plans after retirement, disability, or death.

(a) *In general.* The term "wages" does not include the amount of any payment or series of payments made after January 2, 1968, by an employer to, or on behalf of, an employee or any of his dependents under a plan established by the employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), which is paid or commences to be paid upon or within a reasonable time after the termination of an employee's employment relationship because of the employee's—

(1) Death,

(2) Retirement for disability, or

(3) Retirement after attaining an age specified in the plan established by the employer or in a pension plan of the employer as the age at which a person in the employee's circumstances is eligible for retirement.

A payment or series of payments made under the circumstances described in the preceding sentence is excluded from "wages" even if made pursuant to an incentive compensation plan which also provides for the making of other types of payments. However, any payment or series of payments which would have been paid if the employee's relationship had not been terminated is not excluded from "wages" under this section and section 3306(b)(10). For example, lump-sum payments for unused vacation time or a final paycheck received after retirement are payments which the employee would have received whether or not he retired and therefore are not excluded from "wages." Further, if any payment is made upon or after termination of employment for any reason other than those set out in subparagraphs (1), (2), and (3) of this paragraph such payment is not excludable from "wages" by this section. For example, if a pension plan provides for retirement upon disability, completion of 30 years of service, or attainment of age 65, and if an employee who is not disabled retires at age 61 after 30 years of service, none of the retirement payments made to the employee under the pension plan (including any made after he is 65) is excludable from "wages" under this section. However, if the pension plan had conditioned retirement after 30 years of service upon attainment of age 60, all of the retirement payments would have been excludable.

(b) *Plan.* The plan or system established by an employer need not provide for payments because of termination of employment for all the reasons set out in subparagraphs (1), (2), and (3) of paragraph (a), but such plan or system may provide for payments because of termination for any one or more of such reasons. Payments because of termination of employment for any one or more of such reasons under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(c) *Dependents.* Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(d) *Benefit payments.* It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is paid on account of services rendered or taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required expressly or impliedly by the contract of service.

(e) *Example.* The application of this section may be illustrated by the following example:

Example. A, an employee, receives a salary of $1,500 a month, payable on the 5th day of the month following the month for which the salary is earned. A's employer has established an incentive compensation plan for a class of his employees, including A, providing for the payment of deferred compensation on termination of employment, including termination upon an employee's death, retirement at age 65 (the retirement age specified in the plan), or retirement for disability. On March 1, 1973, A attains the age of 65 and retires. On March 5, 1973, A receives $5,500 from his employer of which $1,500 represents A's salary for services he performed in February 1973, and $4,000 represents incentive compensation paid under the employer's plan. The amount of $4,000 is excluded from "wages" under this section. The amount of $1,500 is not excluded from "wages" under this section.

PAR. 16. Section 31.6051 is amended by revising subsection (a) of section 6051, by adding new subsection (e) at the end of section 6051, and by revising the historical note. These amended and added provisions read as follows:

§ 31.6051 Statutory provisions; receipts for employees.

Sec. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to subsection (n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),

(3) The total amount of wages as defined in section 3401(a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121(a), and

(6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(2). In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3). In the case of tips received by an employee in the course of his employment, the amounts required to be shown by paragraphs (3) and (5) shall include only such tips as are included in statements furnished to the employer pursuant to section 6053(a).

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(e) *Railroad employees*—(1) *Additional requirement.* Every person required to deduct and withhold tax under section 3201 from an employee shall include on or with the statement required to be furnished such employee under subsection (a) a notice concerning the provisions of this title with respect to the allowance of a credit or refund of the tax on wages imposed by section 3101(b) and the tax on compensation imposed by section 3201 or 3211 which is treated as a tax on wages imposed by section 3101(b).

(2) *Information to be supplied to employees.* Each person required to deduct and withhold tax under section 3201 during any year from an employee who has also received wages during such year subject to the tax imposed by section 3101(b) shall, upon request of such employee, furnish to him a written statement showing—

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(A) The total amount of compensation with respect to which the tax imposed by section 3201 was deducted,

(B) The total amount deducted as tax under section 3201, and

(C) The portion of the total amount deducted as tax under section 3201 which is for financing the cost of hospital insurance under part A of title XVIII of the Social Security Act.

(Sec. 6051 as amended by sec. 412, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 202(a)(4), Peace Corps Act (75 Stat. 626); secs. 107 and 313(e)(1), Social Security Amendments 1965 (79 Stat. 337, 384); sec. 502(c), Social Security Amendments 1967; sec. 805(f)(2), Tax Reform Act 1969 (83 Stat. 708); sec. 293, Social Security Amendments 1972)

PAR. 17. Section 31.6051-1 is amended by redesignating paragraph (f) thereof as paragraph (g), and by inserting a new paragraph (f) immediately after paragraph (e), to read as follows:

§ 31.6051-1 Statements for employees.

* * * * *

(f) *Statements with respect to compensation, as defined in the Railroad Retirement Tax Act, paid after December 31, 1967*—(1) *Required information relating to excess medicare tax on compensation paid after December 31, 1971*—(i) *Notification of possible credit or refund.* With respect to compensation (as defined in section 3231(e)) paid after December 31, 1971, every employer (as defined in section 3231(a)) who is required to deduct and withhold from an employee (as defined in section 3231(b)) a tax under section 3201, shall include on or with the statement required to be furnished such employee under section 6051(a), a notice concerning the provisions of this title with respect to the allowance of a credit or refund of the tax on wages imposed by section 3101 (b) and the tax on compensation imposed by section 3201 or 3211 which is treated as a tax on wages imposed by section 3101(b). Such notice shall inform such employee of the eligibility of persons having a second employment, in addition to railroad employment, for a credit or refund of any excess hospital insurance tax which such persons have paid because of employment under both social security (including employee and self-employment coverage) and railroad retirement. See section 6413(c)(3) and paragraph (c) of § 31.6413(c)-1, relating to special refunds with respect to compensation as defined in the Railroad Retirement Tax Act.

(ii) *Information to be supplied to employees upon request.* With respect to compensation (as defined in section 3231(e)) paid after December 31, 1971, every employer (as defined in section 3231(a)) who is required to deduct and withhold tax under section 3201 from an employee (as defined in section 3231(b)) who has also received wages during such year subject to the tax imposed by section 3101(b), shall upon request of such employee furnish to him a written statement showing—

(*a*) The total amount of compensation with respect to which the tax imposed by section 3101(b) was deducted,

(*b*) The total amount of employee tax under section 3201 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year), and

(*c*) The proportion thereof (expressed either as a dollar amount, or a percentage of the total amount of compensation as defined in section 3231(e), or as a percentage of the total amount of employee tax under section 3201) withheld as tax under section 3201 for financing the cost of hospital insurance benefits.

(2) *Statements on Form W-2 (RR).* (i) *Compensation paid during 1970 or 1971.* With respect to compensation (as defined in section 3231(e)) paid during 1970 or 1971, every employer (as defined in section 3231(a)) who is required to deduct and withhold from an employee (as defined in section 3231(b)) a tax under section 3402 with respect to compensation, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to section 3402(n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of such compensation the tax return copy and the employee's copy of a statement on Form W-2 (RR) instead of Form W-2, unless such employers are permitted by the Internal Revenue Service to continue to use Form W-2 in lieu of Form W-2 (RR). If the wage bracket method of withholding provided in section 3402(c)(1) is used in respect of such compensation, a statement on Form W-2 (RR) must be furnished to each employee whose wages during any payroll period are equal to or in excess of the smallest wage from which tax must be withheld in the case of an employee claiming one exemption. If the percentage method is used, a statement on Form W-2 (RR) must be furnished to each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 3402(b)(1). Each statement on Form W-2 (RR) shall show the following:

(*a*) The name, address, and identification number of the employer,

(*b*) The name and address of the employee and his social security account number,

(*c*) The total amount of wages as defined in section 3401(a),

(*d*) The total amount deducted and withheld as tax under section 3402,

(*e*) The total amount of compensation as defined in section 3231(e), and

(*f*) The total amount of employee tax under section 3201 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year) and the proportion thereof (expressed either as a dollar amount, as a percentage of the total amount of compensation as defined in section 3231(e), or as a percentage of the total amount of employee tax under section 3201) withheld as tax under section 3201 for financing the cost of hospital insurance benefits.

The provisions of this chapter applicable to Form W-2, other than those relating solely to the Federal Insurance Contributions Act, are hereby made applicable to Form W-2 (RR). See paragraph (d) of this section for provisions relating to the time and place for furnishing the statement required by this subparagraph.

(ii) *Compensation paid during 1968 or 1969.* At the option of the employer, the provisions of subdivision (i) of this subparagraph may apply with respect to compensation paid during 1968 or 1969.

(iii) Every employer who, pursuant to subdivision (i) or (ii) of this subparagraph, does not provide Form W-2 (RR) with respect to compensation must furnish the additional information required by Form W-2 (RR) upon request by the employee.

(g) *Cross references.* * * *

PAR. 18. Section 31.6413(c) is amended by revising paragraphs (1) and (2) (A) of section 6413 (c), by adding a new paragraph (3) at the end of section 6413 (c) and by revising the historical note. These amended and added provisions read as follows:

§ 31.6413(c) Statutory provisions; special rules applicable to certain employment taxes; special refunds.

Sec. 6413. *Special rules applicable to certain employment taxes.* * * *

(c) *Special refunds*—(1) *In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed $3,600, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceed $4,200, or (B) during any calendar year after the calendar year 1958 and prior to the calendar year 1966, the wages received by him during such year exceed $4,800, or (C) during any calendar year after the calendar year 1965 and prior to the calendar year 1968, the wages received by him during such year exceed $6,600, or (D) during any calendar year after the calendar year 1967 and prior to the calendar year 1972, the wages received by him during such year exceed $7,800, or (E) during any calendar year after the calendar year 1971 and prior to the calendar year 1973, the wages received by him during such year exceed $9,000, or (F) during any calendar year after the calendar year 1972 and prior to the calendar year 1974, the wages received by him during such year exceed $10,800, or (G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $13,200, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year; and the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first $4,800 of such wages received in such calendar year after 1958 and before 1966, or which exceeds the tax with respect to the first $6,600 of such wages received in such calendar year after 1965 and before 1968, or which exceeds the tax with respect to the first $7,800 of such wages received in such calendar year after 1967 and before 1972, or which exceeds the tax with respect to the first $9,000 of such wages received in such calendar year after 1971 and before 1973, or which exceeds the tax with respect to the first $10,800 of such wages received in such calendar year after 1972 and before 1974, or which exceeds the tax with respect to the first $13,200 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year.

(2) *Applicability in case of Federal and State employees, employees of certain foreign corporations, and Governmental employees in Guam, American Samoa, and the District of Columbia*—(A) *Federal employees.* In the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term "wages" includes for purposes of this subsection the amount, not to exceed $3,600 for the calendar year 1951, 1952, 1953, or 1954, $4,200 for the calendar year 1955, 1956, 1957, or 1958, $4,800 for the calendar year 1959, 1960, 1961, 1962, 1963, 1964, or 1965, $6,600 for the calendar year 1966 or 1967, $7,800 for the calendar year 1968, 1969, 1970, or 1971, or $9,000 for the calendar year 1972, $10,800 for the calendar year 1973, $13,200 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective, determined by each such head or agent as constituting wages paid to an employee.

* * * * *

(3) *Applicability with respect to compensation of employees subject to the Railroad Retirement Tax Act.* In the case of any individual who, during any calendar year after 1967, receives wages from one or more employers and also receives compensation which is subject to the tax imposed by section 3201 or 3211, such compensation shall, solely for purposes of applying paragraph (1) with respect to the tax imposed by section 3101(b), be treated as wages received from an employer with respect to which the tax imposed by section 3101(b) was deducted.

(Sec. 6413(c) as amended by sec. 202(a)(1), Social Security Amendments 1954; sec. 402 (d), Social Security Amendments 1958; sec. 103(r)(3), (4), Social Security Amendments 1960; sec. 317(f)(1), (2), sec. 320(b)(5), (6), Social Security Amendments 1965; sec. 108(b)(5), (6), sec. 502(a), Social Security Amendments 1967; sec. 203(b)(5), (6), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 11); sec. 203(b)(5), (6), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 419); sec. 144(c), Social Security Amendments 1972; sec. 203 (b)(5), (6), Act of July 9, 1973 (Pub. Law 93-66, 87 Stat. 153); sec. 5(b)(5), (6) and (f), Act of December 31, 1973 (Pub. Law 93-233, 87 Stat. 954). The provisions of section 6413(c)(2)(D) are not applicable, for the reason that a certification by the Governor of Guam, for which there is provision in sec. 103(v)(1), Social Security Amendments 1960, has not been received by the Secretary of the Treasury. Such a certification was made by the Governor of American Samoa and was received by the Secretary of the Treasury on December 29, 1960. Such a certification was made by the Commissioners of the District of Columbia and was received by the Secretary of the Treasury on August 12, 1965)

PAR. 19. Section 31.6413(c)-1 is amended by revising subparagraphs (1) (i), (2), (5) and (6) of paragraph (a) and by adding a new paragraph (c) at the end thereof. These amended and added provisions read as follows:

§ 31.6413(c)-1 Special refunds.

(a) *Who may make claims*—(1) *In general.* (i) If an employee receives wages, as defined in section 3121(a), from two or more employers in any calendar year:

(*a*) After 1954 and before 1959 in excess of $4,200,

(*b*) After 1958 and before 1966 in excess of $4,800,

(*c*) After 1965 and before 1968 in excess of $6,600,

(*d*) After 1967 and before 1972 in excess of $7,800,

(*e*) After 1971 and before 1973 in excess of $9,000,

(*f*) After 1972 and before 1974 in excess of $10,800,

(*g*) After 1973 and before 1975 in excess of $13,200, or

(*h*) After 1974 in excess of the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,

the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed by section 3101 with respect to such wages and deducted therefrom (whether or not paid) exceeds the employee tax with respect to the amount specified in (*a*) through (*h*) of this subdivision for the calendar year in question. Employee tax imposed by section 3101 with respect to tips reported by an employee to his employer and collected by the employer from funds turned over by the employee to the employer (see section 3102(c)) shall be treated, for purposes of this paragraph, as employee tax deducted from wages received by the employee. If the employee is required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year) he may obtain the benefit of the special refund only by claiming credit as provided in § 1.21-2 of this chapter (Income Tax Regulations).

* * * * *

(2) *Federal employees.* For purposes of special refunds of employee tax, each head of a Federal agency or of a wholly-owned instrumentality of the United States who makes a return pursuant to section 3122 (and each agent designated by a head of a Federal agency or instrumentality who makes a return pursuant to such section) is considered a separate employer. For such purposes, the term "wages" includes the amount which each such head (or agent) determines to constitute wages paid an employee, but not in excess of the amount specified in subparagraph (1)(i)(*a*) through (*h*) of this paragraph for the calendar year in question. For example, if wages received by an employee during calendar year 1974 are reportable by two or more agents of one or more Federal agencies and the amount of such wages is in excess of $13,200 the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first $13,200 of such wages. Moreover, if an employee receives wages during any calendar year from an agency or wholly-owned instrumentality of the United States and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

* * * * *

(5) *Governmental employees in American Samoa.* For purposes of special refunds of employee tax, the Governor of American Samoa and each agent desig-

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nated by him who makes a return pursuant to section 3125(b) (see § 31.3125) is considered a separate employer. For such purposes, the term "wages" includes the amount which the Governor (or any agent) determines to constitute wages paid an employee, but not in excess of the amount specified in subparagraph (1)(i) (*a*) through (*h*) of this paragraph for the calendar year in question. For example, if wages received by an employee during calendar year 1974 are reportable by two or more agents pursuant to section 3125(b) and the total amount of such wages is in excess of $13,200, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first $13,200 of such wages. Moreover, if an employee receives wages during any calendar year from the Government of American Samoa, from a political subdivision thereof, or from any wholly-owned instrumentality of such government or political subdivision and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

(6) *Governmental employees in the District of Columbia.* For purposes of special refunds of employee tax, the Commissioner of the District of Columbia (or, prior to the transfer of functions pursuant to Reorganization Plan No. 3 of 1967 (81 Stat. 948), the Commissioners of the District of Columbia) and each agent designated by him who makes a return pursuant to section 3125(c) (see § 31.3125) is considered a separate employer. For such purposes, the term "wages" includes the amount which the Commissioner (or any agent) determines to constitute wages paid an employee, but not in excess of the amount specified in subparagraph (1)(i) (*a*) through (*h*) of this paragraph for the calendar year in question. For example, if wages received by an employee during calendar year 1974 are reportable by two or more agents pursuant to section 3125(c) and the total amount of such wages is in excess of $13,200 the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first $13,200 of such wages. Moreover, if an employee receives wages during any calendar year from the Government of the District of Columbia or from a wholly-owned instrumentality thereof and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

* * * * *

(c) *Special refunds with respect to compensation as defined in the Railroad Retirement Tax Act*—(1) *In general.* In the case of any individual who, during any calendar year after 1967, receives wages (as defined by section 3121(a)) from one or more employers and also receives compensation (as defined by section 3231(e)) which is subject to the tax imposed on employees by section 3201 or the tax imposed on employee representatives by section 3211 such compensation shall, solely for purposes of applying section 6413(c)(1) and this section with respect to the hospital insurance tax imposed by section 3101(b), be treated as wages (as defined by section 3121(a)) received from an employer with respect to which the hospital insurance tax imposed by section 3101(b) was deducted. For purposes of this section, compensation received shall be determined under the principles provided in chapter 22 of the Code and the regulations thereunder (see section 3231(e) and § 31.3231(e)–1). Therefore, compensation paid for time lost shall be deemed earned and received for purposes of this section in the month in which such time is lost, and compensation which is earned during the period for which a return of taxes under chapter 22 is required to be made and which is payable during the calendar month following such period shall be deemed to have been received for purposes of this section during such period only. Further, compensation is deemed to have been earned and received when an employee or employee representative performs services for which he is paid, or for which there is a present or future obligation to pay, regardless of the time at which payment is made or deemed to be made.

(2) *Example.* The application of this paragraph may be illustrated by the following example.

Example. Employee A rendered services to X during 1973 for which he was paid compensation at the monthly rate of $650 which was taxable under the Railroad Retirement Tax Act. A was paid $550 by X in January 1973 which was earned and deemed received in December 1972 and $650 in January of 1974 which was earned and deemed received in December of 1973. A also earned and received wages in 1973 from employer Y, which were subject to the employee tax under the Federal Insurance Contributions Act, in the amount of $6,000. A paid hospital insurance tax on $13,800 ($7,800 compensation from X including $650 earned and deemed received in December 1973 but paid in January 1974 and not including $550 paid in January 1973 but earned and deemed received in December 1972, $6,000 compensation from Y) received or deemed received or earned in 1973. For purposes of the hospital insurance tax imposed by section 3101(b), these amounts are all wages received from an employer in 1973. Therefore, A is entitled to a special refund for 1973 under section 6413(c) and this section of $30 (1.0% x $13,800—1.0% x $10,800).

PAR. 20. Section 301.6051 is amended by revising subsection (a) of section 6051, by adding new subsection (e) at the end of section 6051, and by revising the historical note. These amended and added provisions read as follows:

§ 301.6051 Statutory provisions; receipts for employees.

Sec. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to subsection (n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, or or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),

(3) The total amount of wages as defined in section 3401(a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121(a), and

(6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(2). In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3). In the case of tips received by an employee in the course of his employment, the amounts required to be shown by paragraphs (3) and (5) shall include only such tips as are included in statements furnished to the employer pursuant to section 6053(a).

* * * * *

(e) *Railroad employees*—(1) *Additional requirement.* Every person required to deduct and withhold tax under section 3201 from an employee shall include on or with the statement required to be furnished such employee under subsection (a) a notice concerning the provisions of this title with respect to the allowance of a credit or refund of the tax on wages imposed by section 3101(b) and the tax on compensation imposed by section 3201 or 3211 which is treated as a tax on wages imposed by section 3101(b).

(2) *Information to be supplied to employees.* Each person required to deduct and withhold tax under section 3201 during any year from an employee who has also received wages during such year subject to the tax imposed by section 3101(b) shall, upon request of such employee, furnish to him a written statement showing—

(A) The total amount of compensation with respect to which the tax imposed by section 3201 was deducted,

(B) The total amount deducted as tax under section 3201, and

(C) The portion of the total amount deducted as tax under section 3201 which is for financing the cost of hospital insurance under part A of title XVIII of the Social Security Act.

(Sec. 6051 as amended by sec. 412, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 202(a)(4), Peace Corps Act (75 Stat. 626); secs. 107 and 313(e)(1), Social Security Amendments 1965 (79 Stat. 337, 384); sec. 502(c), Social Security Amendments 1967 (81 Stat. 934); sec. 805(f)(2), Tax Reform Act 1969 (83 Stat. 708); sec. 293, Social Security Amendments 1972 (86 Stat. 1459))

PAR. 21. Section 301.6413 is amended by revising paragraphs (1) and (2)(A) of section 6413(c), by adding a new paragraph (3) at the end of section 6413 (c) and by revising the historical note. These amended and added provisions read as follows:

§ 301.6413 Statutory provisions; special rules applicable to certain employment taxes.

Sec. 6413. *Special rules applicable to certain employment taxes.* * * *

(c) *Special refunds*—(1) *In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed $3,600, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceed $4,200, or (B) during any calendar year after the calendar year 1958 and prior to the calendar year 1966, the wages received by him during such year exceed $4,800, or (C) during any calendar year after the calendar year 1965 and prior to the calendar year 1968, the wages received by him during such year exceed $6,660, or (D) during any calendar year after the calendar year 1967 and prior to the calendar year 1972, the wages received by him during such year exceed $7,800, or (E) during any calendar year after the calendar year 1971 and prior to the calendar year 1973, the wages received by him during such year exceed $9,000, or (F) during any calendar year after the calendar year 1972 and prior to the calendar year 1974, the wages received by him during such year exceed $10,800, or (G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $13,200, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year; and the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first $4,800 of such wages received in such calendar year after 1958 and before 1966, or which exceeds the tax with respect to the first $6,600 of such wages received in such calendar year after 1965 and before 1968, or which exceeds the tax with respect to the first $7,800 of such wages received in such calendar year after 1967 and before 1972, or which exceeds the tax with respect to the first $9,000 of such wages received in such calendar year after 1971 and before 1973, or which exceeds the tax with respect to the first $10,800 of such wages received in such calendar year after 1972 and before 1974, or which exceeds the tax with respect to the first $13,200 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year.

(2) *Applicability in case of Federal and State employees, employees of certain foreign corporations, and Governmental employees in Guam, American Samoa, and the District of Columbia*—(A) *Federal employees.* In the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term "wages" includes for purposes of this subsection the amount, not to exceed $3,600 for the calendar year 1951, 1952, 1953, or 1954, $4,200 for the calendar year 1955, 1956, 1957, or 1958, $4,800 for the calendar year 1959, 1960, 1961, 1962, 1963, 1964, or 1965, $6,600 for the calendar year 1966 or 1967, $7,800 for the calendar year 1968, 1969, 1970, or 1971, $9,000 for the calendar year 1972, $10,800 for the calendar year 1973, $13,200 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective, determined by each such head or agent as constituting wages paid to an employee.

* * * * *

(3) *Applicability with respect to compensation of employees subject to the Railroad Retirement Tax Act.* In the case of any individual who, during any calendar year after 1967, receives wages from one or more employers and also receives compensation which is subject to the tax imposed by section 3201 and 3211, such compensation shall, solely for purposes of applying paragraph (1) with respect to the tax imposed by section 3101(b), be treated as wages received from an employer with respect to which the tax imposed by section 3101(b) was deducted.

* * * * *

[Sec. 6413 as amended by sec. 202(a)(1), Social Security Amendments 1954 (68 Stat. 1089); sec. 402(d), Social Security Amendments 1958 (72 Stat. 1043); sec. 103(r)(2), (3), and (4), Social Security Amendments 1960 (74 Stat. 940); sec. 317(e) and (f)(1) and (2), sec. 320(b)(5) and (6), Social Security Amendments 1965 (79 Stat. 389); sec. 108(b)(5) and (b), Social Security Amendments 1967 (81 Stat. 835); sec. 203(b)(5), (6), Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); sec. 203(b)(5), (6), Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 419); sec. 144(c), Social Security Amendments 1972 (86 Stat. 1370); sec. 203(b)(5), (6), Act of July 9, 1973 (Pub. L. 93–66, 87 Stat. 153); sec. 5(b)(5), (6) and (f), Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954). The provisions of section 6413(c)(2)(D) are not applicable, for the reason that a certification by the Governor of Guam, for which there is a provision in sec. 103(v)(1), Social Security Amendments 1960, has not been received by the Secretary of the Treasury. Such a certification was made by the Governor of American Samoa and was received by the Secretary of the Treasury on Dec. 29, 1960. Such a certification was made by the Commissioners of the District of Columbia and was received by the Secretary of the Treasury on Aug. 12, 1965]

[FR Doc.75–1830 Filed 1–20–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 41]

PREPARATION OF ROLLS OF INDIANS

Proposed Enrollment of Northern Paiute Indians

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to amend § 41.3, Part 41, Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations by the addition of a new paragraph (t). These regulations are proposed pursuant to the authority contained in the Northern Paiute plan for use and distribution of judgment funds which was prepared pursuant to the Act of October 19, 1973 (87

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Stat. 466), and which became effective October 10, 1974. The Northern Paiute plan was published on page 43412 of the December 13, 1974, FEDERAL REGISTER (39 FR 43412). The proposed regulations will govern the preparation of a roll of Northern Paiute Indians as provided in the October 10, 1974, plan to be used for the per capita distribution of the award of the Indian Claims Commission in Docket 87.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the Director, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C. 20245, on or before February 20, 1975.

It is proposed to amend § 41.3, Part 41, Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations by the addition of a new paragraph (t) to read as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(t) *Northern Paiute Indians.* (1) All persons who meet the following requirements shall be entitled to be enrolled to share in the distribution of judgment funds awarded the Northern Paiute Indians in Indian Claims Commission Docket 87:

(i) Persons who were born on or prior to and living on October 10, 1974, and

(ii) who are lineal descendants of Northern Paiute Indians and

(iii) whose name or whose lineal ancestor's name appears on any available census roll or other record or evidence acceptable to the Secretary, and who is identified as being of Northern Paiute ancestry.

(2) Any person who has shared in the awards granted by the Indian Claims Commission in Dockets 88, 330 and 330–A, to the Southern Paiute Indian Nation; or in Dockets 31, 37, 80, 80–D, 176, 215, 333, and 347, to "Certain Indians of California"; or in Dockets 351 and 351–A to the Chemehuevis; or in Docket 17, to the Malheur Paiutes; or whose Indian ancestry is derived solely from the Walpapi Paiutes, Yahooskin Snakes, Bannocks, or Western Monos; or who is a member of the Quechan Tribe or of the Washoe Tribe of Nevada and California shall not be eligible to be enrolled to share in the Northern Paiute judgment funds.

(3) Applications for enrollment must be filed with the Superintendent, Bureau of Indian Affairs, Nevada Agency, Stewart, Nevada 89437, on the form provided for that purpose, and must be received by the Superintendent by close of business no later than 180 days from the date final regulations are published in the Federal Register.

No further amendments are made to the text of Part 41.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75–1808 Filed 1–20–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1434]

HONEY

Notice of Determination Regarding 1973 Crop

Correction

NOTE: FR Doc. 75–1267, which appeared at page 2726 in the issue for Wednesday, January 15, 1975, was a notice of proposed rulemaking. It was published in error in the "Notices" section of the FEDERAL REGISTER. This correction is made to show that this document should have appeared in the "Proposed Rules" section of the issue.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Parts 1909, 1911]

[Docket No. R–75–315]

NATIONAL FLOOD INSURANCE PROGRAM

Notice of Proposed Rulemaking

Pursuant to the authority contained in 82 Stat. 574. 42 U.S.C. 4012, the Federal Insurance Administrator is considering the addition of a new § 1911.12 to Part 1911 of Title 24 of the Code of Federal Regulations, and two new definitions in Part 1909 in conformity with the new section, as set forth below.

The Housing and Community Development Act of 1974, Pub. L. 93–383; 88 Stat. 739, added a new section 1307(e) of Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448; 82 Stat. 587; 42 U.S.C. SS 4001–4127), as amended, necessitating this revision of the regulations governing the National Flood Insurance Program.

The proposed new section implements section 1307(e), and provides a procedure by which communities that have made adequate progress towards completion of a flood protection system may obtain flood insurance at rates applicable as if that system was complete. The proposed amendment to Part 1909 adds definitions for "flood protection system" and "project cost", terms which are used in the new section.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the above Docket No. and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410. All communications received on or before Feb. 19, 1975, will be considered by the Administrator before taking action on the proposals. The proposals contained in this notice may be changed in light of comments received. A copy of each submission will be available for public inspection during business hours of the above address.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1909—GENERAL PROVISIONS

1. Section 1909.1 is amended by adding new definitions in alphabetical order to read as follows:

§ 1909.1 Definitions.

* * * * *

"Flood protection system" means those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and of the depths of associated flooding for which public funds have been authorized, appropriated and expended. Such a system typically includes hurricane tidal barriers and levees or dikes. These specialized flood modifying works are those constructed in conformance with sound federal engineering standards, and must involve federal funds for construction of the system.

* * * * *

"Project cost" means the total financial cost of a flood protection system (including design, land acquisition, construction, fees, overhead, and profits) unless the Federal Insurance Administrator determines a given "cost" not to be a part of such project cost because not within the meaning of section 1307 (e) of the National Flood Insurance Act of 1968, as amended.

* * * * *

PART 1911—INSURANCE COVERAGE AND RATES

2. A new § 1911.12 is amended to read as follows:

§ 1911.12 Rates based on flood protection system.

(a) Pursuant to Section 1307 of the Act, where the Federal Insurance Administrator (Administrator) determines that a community has made adequate progress on the construction of a flood protection system involving federal funds which will significantly limit the area with "special flood hazard" (area with one percent chance of annual flood), the applicable rates for any property, located within any area within the community having a "special flood hazard", intended to be protected directly by such system's local effect will be those rates which would be applicable when the system is complete.

(b) Adequate progress in paragraph (a) of this section means that the community has provided information to the Administrator sufficient to determine that substantial completion of the flood control system has been effected because:

(1) 100 percent of the total financial project cost of the completed flood protection system has been authorized;

(2) At least 60 percent of the total financial project cost of the completed flood protection system has been appropriated;

(3) At least 50 percent of the total financial project cost of the completed flood protection system has been expended;

(4) The flood protection system's physical features are under construction and 50 percent completed as measured by the actual expenditure of the estimated construction budget funds; and

(5) The community has not been responsible for any delay in the completion of the system.

(c) Each request by a community for a determination must be submitted in writing to the Division of Engineering and Hydrology of the Federal Insurance Administration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, and contain a complete statement of all relevant facts relating to the flood protection system, including, but not limited to, supporting technical data (e.g., U.S. Army Corps of Engineers flood protection project data), cost schedules, budget appropriation data and the extent of federal funding of the system's construction. Such facts shall include information sufficient to identify all persons affected by such flood protection system or by such request; a full and precise statement of intended purposes of the flood protection system; and a carefully detailed description of such project, including construction completion target dates. In addition, true copies of all contracts, agreements, leases, instruments, and other documents involved must be submitted with the request. Relevant facts reflected in documents, however, must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the requirements of paragraph (b) of this section, specifying the pertinent provisions. The request must contain a statement whether, to the best of the knowledge of the person responsible for preparing the application for the community, the flood protection system is currently the subject matter of litigation before any Federal, state, or local court or administrative agency, and the purpose of that litigation. The request must also contain a statement as to whether the community has previously requested a determination with respect to the same subject matter from the Federal Insurance Administrator, detailing the disposition of such previous request. As documents become part of the file and cannot be returned, the original documents should not be submitted.

(d) The effective date for any premium rates established under this section shall be the date of final determination by the Administrator that adequate progress toward completion of a flood protection system has been made in a community.

(e) A responsible official of a community which received a determination that adequate progress has been made towards completion of a flood protection system must certify annually on the anniversary date of receipt of such determination to the Administrator that no present delay in completion of the system is attributable to local sponsors of the system, and that a good faith effort is being made to complete the project.

(f) To the extent that partial completion of the flood protection system modifies flooding in the area of "special flood hazard", the Administrator will make appropriate adjustments in actuarial rates only after sufficient scientific and technical data have been supplied by the community to justify such an adjustment.

(g) A community with respect to which actuarial rates have been made available under section 1307(e) of the National Flood Insurance Act of 1968, as Amended, shall notify the Federal Insurance Administrator if, at any time, all progress on the completion of the flood control system has been halted or if the project for the completion of the flood control system has been canceled.

(Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4012); sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)))

Issued in Washington, D.C. on January 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–1866 Filed 1–20–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75 013]

NORTH MIAMI BEACH, FLA.

Proposed Drawbridge Operation Regulations

At the request of Metropolitan Dade County, Florida, the Coast Guard is considering revising the regulations for the N.E. 163rd Street drawbridge across the Atlantic Intracoastal Waterway, mile 361.0 to permit closed periods from 7 a.m. to 6 p.m., Monday through Friday and from 10 a.m. to 6 p.m. Saturdays and Sundays. This change is being considered because of an increase in vehicular traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast District, Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before February 21, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.446g immediately after § 117.446f to read as follows:

§ 117.446g N.E. 163rd Street, A.I.W.W., North Miami Beach, Florida.

(a) From 7 a.m. to 6 p.m., Monday through Friday, and 10 a.m. to 6 p.m., Saturdays, Sundays, and holidays, the draw need not open for the passage of vessels except that on the quarter hour and three quarter hour the draw shall open to pass any waiting vessels. At all other times the draw shall open on signal.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats on a regular schedule, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling the bridge shall conspicuously post notice containing the substance of these regulations, both upstream and downstream, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: January 14, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75–1884 Filed 1–20–75;8:45 am]

[46 CFR Part 167]

[CGD 74–201]

MANNING OF NAUTICAL SCHOOL SHIPS

Notice of Proposed Rulemaking

The Coast Guard is considering amending the nautical school ship regulations to provide that manning requirements be stated in the Certificate of Inspection.

This change is being considered in order to assure continuity and adequate manning for all Coast Guard certificated vessels. It is felt that whether or not the vessel is documented, the minimum number of officers and crew necessary for the safe navigation of all manned vessels should be stated in the Certificate of Inspection.

The amendment also permits students on school ships to perform required watchstanding duties when they are considered qualified to do so by the Master of the vessel.

On February 7, 1969, the Coast Guard issued a notice of a public hearing (34 FR 1835) on this subject. The proposed rule was contained in the Merchant Marine Council Public Hearing Agenda (CG–249) dated March 24, 1969. Because of the length of time that has elapsed since the amendment was originally proposed, a new proposal is being published in this document.

Interested persons are invited to participate in this rulemaking by submitting written comments, data, views, or arguments to the Executive Secretary,

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Marine Safety Council (G-CMC/82), 400 Seventh Street SW., Washington, D.C. 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and the reasons for each suggested change.

All relevant communications received before March 6, 1975 will be fully considered in the drafting of the final rule. Copies of comments received will be available for examination in Room 8234, Coast Guard Headquarters. This proposal may be changed in the light of the comments received.

In consideration of the foregoing, it is proposed that Part 167 of Title 46 be amended as follows:

By revising § 167.60-15 to read as follows:

§ 167.60-15 Manning and Persons Allowed to be Carried.

(a) The Officer in Charge, Marine Inspection, shall specify in the Certificate of Inspection the minimum complement of officers and crew necessary for the safe navigation of the vessel and shall specify the total number of persons allowed to be carried.

(b) Students who are specifically accepted by the Master of the vessel as being qualified to perform the appropriate duties may fill the unlicensed crew requirements.

(R.S. 4405, as amended, R.S. 4462, as amended, Sec. 6(b)(1), 80 Stat. 937; (46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Dated: January 12, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-1882 Filed 1-20-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-24-AD]

BOEING MODEL 727 SERIES AIRPLANES

Proposed Airworthiness Directives

Stress corrosion cracking has been discovered in the horizontal stabilizer rear spar center section fittings on Boeing Model 727 series airplanes. The fittings which were found cracked were made from 7079-T6 aluminum which has a high susceptibility to this failure mechanism. Even though the rear spar stabilizer assembly is failsafe, cracking could initiate and grow to the point of fitting failure unless inspections are made; failure results in an understrength stabilizer. Flight time of the airplanes on which the cracks were discovered ranged from 5,500 hours to 30,000 hours.

Therefore, since this condition is likely to exist or develop in other airplanes of the same type design, the Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring inspections, repair, and/or replacements, as necessary, of the 7079-T6 aluminum horizontal stabilizer rear spar center section fittings on Boeing Model 727 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before March 18, 1975 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 727 series airplanes, certificated in all categories, line numbers 1 through 641 inclusive. Compliance required as indicated.

To detect cracking in the horizontal stabilizer rear spar center section fitting, accomplish the following:

A. Within the next 750 flight hours after the effective date of this AD, unless accomplished within the last 2250 flight hours, inspect the horizontal stabilizer rear spar center section fitting in accordance with Paragraph II.A of Boeing Service Bulletin 727-55-34, Revision 1, or later FAA approved revisions, or superseding service bulletins, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

1. If no cracks are found in the fitting, repeat the inspections at intervals not to exceed 3000 flight hours, until replaced per Paragraph (B).

2. If crack(s) are found in the fitting, repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, prior to further flight, and inspect thereafter at intervals not to exceed 1500 flight hours.

3. Fittings with cracks exceeding the limits specified in Boeing Service Bulletin No. 727-55-34, Revision 1, or later FAA approved revisions, or superseding service bulletins, must be replaced with a new improved fitting per Paragraph (B) before further flight.

B. As terminating action for this AD, replace the horizontal stabilizer rear spar center section fitting with a new improved 7075-T73 aluminum fitting.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

C. B. WALK, JR.,
Director, Northwest Region.

Issued in Seattle, Washington, JANUARY 13, 1975.

[FR Doc.75-1844 Filed 1-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Van Horn, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 20, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

VAN HORN, TEX.

That airspac extending upward from 700 feet above the surface within an 8.5-mile radius of the Culberson County Airport (latitude 31°03'42" N., longitude 104°47'09" W.) and extending 6.0 miles north and 9.5 miles south of the 054°T (043°M) bearing from the airport coordinates to a point 19 miles northeast of the airport coordinates.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB runway 21 instrument approach procedure.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on January 10, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-1845 Filed 1-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-56]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sturgis, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before Feburary 20, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach has been developed for the Kirsch Airport, Sturgis, Michigan, and the original procedure revised. The controlled airspace is revised to protect the procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 F.R. 440), the following transition area is amended to read:

STURGIS, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of Kirsch Airport, Sturgis, Michigan (Latitude 41°48'35" N., Longitude 85°26'10" W.); within 3½ miles either side of the 059° bearing from the airport, extending from the 5.5 mile radius area to 13 miles northeast of the airport and within 3 miles either side of the 341° bearing from the airport, extending from the 5.5 mile radius area to 8 miles north of the airport.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on January 2, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-1843 Filed 1-20-75;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 294]

AVAILABILITY OF OFFICIAL INFORMATION

Proposed Uniform Schedule of Fees for Information Furnished Under Freedom of Information Act

Notice is hereby given that, under authority of section 552, title 5, United States Code, it is proposed to amend Part 294 of title 5, Code of Federal Regulations, by adding § 294.104(e) to establish a uniform schedule of fees for searching and duplicating information requested under the provisions of the Freedom of Information Act, as amended.

Interested parties may submit comments, objections, or suggestions on this proposed amendment to the Director, Bureau of Management Services, U.S. Civil Service Commission, Washington, D.C. 20415, on or before before February 13, 1975.

Section 294.104(e) is proposed to read as follows:

§ 294.104 Service charges for information.

* * * * *

(e) When a request is made for information under the Freedom of Information Act, the Commission will charge a fee for searching and duplicating such information. The fees charged shall be as follows:

Photocopies, per page	$.10
Printed material, per 25 pages or fraction thereof	.25
Manual records search, per hour	5.00
Automated records search:	
Programming, per hour	14.00
Key punching, per hour	8.75
Computer time, per hour	65.00
Duplication, per hour	47.00

Unless the request specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that is expected to involve assessed fees in excess of $5.00 will not be deemed to have been received until the requester is advised promptly on physical receipt of the request of the anticipated cost and agrees to bear it.

When the anticipated fees exceed $50.00, a deposit of 20 percent of the amount must be made within 5 days after the requester has been advised that the anticipated fees exceed this amount.

Charges will be assessed in cases of unproductive or unsuccessful searches unless waived by the appropriate Commission official. Services performed that are not required under the Freedom of Information Act such as formal certification of records as true copies may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statute depending upon the services performed.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-2043 Filed 1-20-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

[45 CFR Part 612]

FREEDOM OF INFORMATION ACT

Proposed Regulations

Proposed regulations of the National Science Foundation implementing the Freedom of Information Act are published herewith for comment.

Interested persons may comment in writing upon these proposed regulations by submitting written data, views and arguments to the Assistant Director for Administrative Operations, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550, on or before February 20, 1975.

The proposed regulations are set forth below.

Dated: January 16, 1975.

H. GUYFORD STEVER,
Director.

PART 612—PUBLIC INFORMATION

Sec.
612.1 Scope.
612.2 Information Policy.
612.3 Procedures applicable to the public—requests and appeals.
612.4 Copies of records.
612.5 Creation of records.
612.6 Fees.
612.7 Agency actions on receipt of properly presented request for record.
612.8 Records available.
612.9 Records not available.
612.10 Records and reports on requests for information.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

§ 612.1 Scope.

This part establishes procedures for the National Science Foundation (NSF) to implement the provisions of the Administrative Procedure Act (5 U.S.C. 552(a)) relating to the availability to the public of records of NSF.

§ 612.2 Information policy.

(a) It is the policy of NSF to make the fullest possible disclosure of information to any person who requests information, without unjustifiable expense or delay. The Deputy Director, NSF, may, in particular instances except where prohibited by law, order disclosure in the public interest of records exempt from mandatory disclosure under § 612.9.

(b) A collection of NSF policy documents, staff instructions, and of agency opinions and orders in the adjudication of cases, with respective indices, shall be physically located in the National Science Foundation library at 1800 G Street,

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NW., Washington, D.C. where they will be available for inspection by the public during regular working hours on Monday through Friday. Copies of such documents shall be furnished in accordance with these regulations.

(c) The Assistant Director for Administrative Operations (AD/AO) shall be responsible for maintaining, publishing, distributing and making available for inspection and copying the current indexes and supplements thereto which are required by 5 U.S.C. 552(a)(2). Such indexes, shall promptly be published, quarterly or more frequently, unless the ADAO determines by order published in the FEDERAL REGISTER that the publication would be unnecessary. The fee for furnishing copies of indexes and supplements shall not exceed the direct cost of duplication.

§ 612.3 Procedures applicable to the public—requests and appeals.

(a) *Publications excluded.* For the purpose of public requests for records the term "record" does not include publications which are available to the public in the FEDERAL REGISTER, or by sale or free distribution. Such publications may be obtained from the Government Printing Office, the National Technical Information Service, the NSF Distribution Section or NSF grantees or contractors. Requests for such publications will be referred to or the requester informed of the appropriate source.

(b) *Form of request.* A request need not be in any particular format, but it (1) must be in writing, (2) must be clearly identified both on the envelope and in the letter as a Freedom of Information Act or FOIA request, (3) must describe the records sought with sufficient specificity to permit identification, and (4) must state that the requester promptly will pay the fees chargeable under this regulation. In appropriate instances, such as when the requester places an inadequate limit on the amount he will pay or the requester has failed to make payment for previous requests, the notice of determination whether or not to comply with the request will be furnish within ten days as provided it § 612.7 but no copies will be furnished until appropriate payment is received.

(c) *Place of request.* Any request for a record under FOIA shall be addressed to the National Science Foundation, Public Information Office, 1800 G Street, NW., Washington, D.C. 20550. A request which meets the requirements of subsection (a) above and is properly addressed shall be deemed received on the date of arrival in the NSF mailroom. Since NSF liaison offices located outside of Washington, D.C. maintain no permanent records, any request received by such offices will be returned to the requester with instructions for submission as provided herein.

(d) *Time for appeal.* A person whose request has been denied or partially denied may initiate an appeal by filing a request for review within ten days of the receipt of the denial, Saturdays, Sundays, and legal public holidays excluded.

(e) *Form of appeal.* The appeal shall include a copy of the written request and the denial together with any written argument the requester wishes to submit, and shall be signed by the requester.

(f) *To whom appeal is made.* An appeal shall be addressed to the Deputy Director, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

(g) *Decisions on appeal.* Decisions on appeal shall be made by the Deputy Director in writing within 20 days (excepting Saturdays, Sundays, and legal public holidays) from receipt of the appeal. If the decision is in favor of the requester it shall order the record made available promptly to the requester. If adverse to the requester in whole or in part it shall briefly state the reasons for the decision and shall notify the requester that he may seek judicial review of the decision pursuant to paragraph (4) of section 552(a), Title 5, United States Code. Before final denial the Deputy Director, acting through the Office of General Counsel, shall consult the Department of Justice concerning the proposed denial.

§ 612.4 Copies of records.

If it is determined that a requested record may be disclosed, copies will be furnished the requester as promptly as possible provided payment of fees has been arranged for pursuant to § 612.6(a) of this regulation. Copying service shall be limited to not more than two copies of any page, except that additional copies may be made where administrative considerations permit. Records shall not be released for copying by non-NSF personnel. When a determination not to disclose a portion of a record has been made, those exempt portions shall be masked and copies made only of the non-exempt portions. Records which are published or are otherwise available for sale need not be copied. The booklet "Publications of the National Science Foundation" which is available without charge from the Central Processing Section, National Science Foundation, Washington, D.C. 20550, identifies Annual Reports, Descriptive Brochures, Program Announcements, Science Resources Studies, Special Studies, and Periodicals descriptive of Foundation activities, policies, and procedures, sets forth the cost of each, and tells how copies may be obtained.

§ 612.5 Creation of records.

A record will not be created by compiling selected items from other documents at the request of a member of the public nor will a record be created by analysis, computation or other processing specifically for the requesting party. If such analysis or computation is available in the form of a record, copies shall be made available as provided in this regulation.

§ 612.6 Fees.

(a) *General.* User fees shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for NSF records under this regulation. Copies shall be furnished without charge or at a reduced charge where it is determined that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefitting the general public. Fees shall be charged only where they amount to more than $3.00 in the aggregate for a request or series of related requests. Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt.

(b) *Services charged for, and amounts charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges will be assessed:

(1) Copies. For photocopies of documents $0.10 per copy of each page. Where records are not susceptible to photocopying, e.g., punchcards, magnetic tapes, or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis.

(2) Clerical searches. For each one quarter hour spent by clerical personnel after the first quarter hour, in searching for producing a requested record, $1.25.

(3) Certification or authentication of true copies—each: $3.00.

(4) Nonroutine, nonclerical searches. Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.75.

(5) Examination and related tasks in screening records. No charge shall be made for the time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall ordinarily be made for the time involved in examining records in connection with determining whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy. However, where a broad request requires NSF personnel to devote a substantial amount of time to examining records for the purpose of screening out certain records or portions thereof in accordance with determinations that material of such a nature is exempt and should be withheld as a matter of sound policy, a fee may be assessed for the time consumed in such examination. Where such examination can be performed by clerical personnel, time will be charged for at the rate of $1.25 per quarter hour, and where higher level personnel are required, time will be charged for at the rate of $3.75 per quarter hour.

(6) Computerized Records. Fees for services in processing requests maintained in whole or in part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search shall be charged for at rates prescribed in paragraph (c)(4) of this section unless the level of personnel involved permits rates in accordance with paragraph (c)(2) of this section. A charge shall be made for the direct cost of the computer time involved, based upon the prevailing level of costs to governmental organizations and upon the particular types of computer and associated equipments and the amounts of time on such equipments that are utilized. A charge shall also be made for the direct costs of special supplies or materials used to contain, present, or make available the output of the computers. Nothing in this paragraph shall be construed to entitle any person as of right, to any special processing of computerized records such as a reordered listing of or special summaries of file contents.

(c) *Notice of anticipated fees in excess of $25.00.* Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated charges. In appropriate cases, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable NSF personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester.

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States.

§ 612.7 Agency actions on receipt of a properly presented request for record.

(a) *Monitoring of requests.* The NSF Public Information Office (PIO) will serve as central office for internal administration of these regulations. PIO will control incoming requests, assign them to appropriate action offices, monitor compliance, consult with action offices on disclosure, approve unavoidable extensions, dispatch denial letters, maintain administrative records and prepare annual reports to Congress required under these regulations.

(b) *Action offices.* Upon assignment of a particular request, the head of the action office shall be responsible to obtain the requested record so that appropriate agency action can be completed within 10 days (excepting Saturdays, Sundays, and legal public holidays). In a situation where the record may exist only in a retired file which has been placed in storage, the head of the action office shall immediately notify the requester by letter that the record has been ordered from storage and that the time limit for acting on the request is extended by the length of time required to obtain the record, setting forth the date on which a determination is expected to be dispatched. If the request seeks a voluminous amount of separate and distinct records requiring an unusual length of time for search, collection, and appropriate examination, and determination on the request cannot be made within 10 working days after agency receipt, the office head shall within such ten-day period furnish to the requester written notice extending the period for not more than ten working days. This notice shall set forth the reasons for such extension and the date on which a determination is expected to be dispatched. If the record has not been obtained and examined and notice of the determination whether to comply with the request has not been given by the last day of the period as extended, the requester shall be notified on that last day that the request is denied because the record has not yet been found and examined. Such denial shall state that NSF will reconsider the denial as soon as the search and examination is complete, which should be within a specifically stated number of days, but that the requester may, if he wishes, file an administrative appeal with the Deputy Director of NSF within 10 days from receipt of the denial. This same procedure for extending the period shall be followed if the nature of the record requires consultation with another agency having a substantial interest in the determination of the request or requires consultation among two or more components of NSF having substantial subject-matter interest therein.

(c) *Denial of request.* No written request for record shall be denied except by the Director of the Office of Government and Public Programs. Notice of the denial of a request shall briefly set forth the reasons therefor which shall be based solely upon one or more of the exemptions specified in § 612.9 of this regulation. Each notice of denial also shall set forth the names and title or positions of each person responsible for the denial and shall inform the requester of the right to appeal as provided in § 612.3 of this regulation.

Nothing in these regulations shall be deemed to preclude NSF from honoring oral requests for information where feasible, but if the requester is dissatisfied with the disposition of such a request, he shall be asked to put the request in writing.

§ 612.8 Records available.

The following categories of records shall, unless exempted under the provisions of § 612.9, be made available in addition to the policy documents and final opinions and orders in adjudicated cases specified in 5 U.S.C. 552(a)(1) and (2):

(a) *Correspondence.* Correspondence between NSF or any official of NSF and individuals or organizations outside the executive branch of the Federal Government relating to or resulting from the conduct of the official business of the agency.

(b) *Records pertaining to grants and fellowships.* (1) Portions of funded grant applications and other supporting documents submitted by applicants which are not exempt from disclosure under this regulation; (2) Grant award documents; (3) Portions of funded fellowship applications and other supporting documents submitted by applicants, the disclosure of which would not constitute a clearly unwarranted invasion of personal privacy.

(c) *Contracts.* (1) Contract instruments, (2) Portions of offers reflecting final prices submitted in negotiated procurements.

(d) *Reports on grantee or contractor performance.* Final reports of audits, surveys, reviews, or evaluations by, for, or on behalf of NSF or performance by any grantee or contractor under any NSF financed or supported program or activity, which reports have been transmitted to the grantee or contractor.

(e) *Reports and other items prepared by grantees and contractors.* The final report of a grantee or contractor of the performance under any grant or contract. To the extent that NSF has taken delivery of other items produced in connection with grants and contracts, such as films, computer software, other copyrightable materials and reports of inventions, such materials will be made available except that considerations relating to obtaining copyright and patent protection may require delay in disclosure for such period as necessary to accomplish such protection. Release of records which are copyrightable or which disclose patentable inventions shall not confer upon the requester any license or other interest in the subject matter or the expression thereof.

§ 612.9 Records not available.

(a) *Exemptions.* The following types of records are not normally available for inspection and copying:

(1) Records specifically authorized and in fact properly classified pursuant to Executive Order to be kept secret in the interest of national defense or foreign policy.

(2) Records related solely to the internal personnel rules and practices of NSF. This exemption does not apply to rules relating to the work hours, leave, and working conditions of NSF personnel, or similar matters, to the extent that they can be disclosed without harm to the functions to which they pertain. Examples of exempt records of the type specified in the first sentence of this paragraph include, but are not limited to:

(i) Operating rules, guidelines, manuals on internal procedure, schedules and methods utilized by NSF auditors and examiners;

(ii) Negotiating positions and limitations involved in a negotiation prior to the execution of a contract or the completion of the action to which the negotiating positions or limitations were applicable except as they may be exempt pursuant to other provisions of this section.

(iii) Personnel policies, procedures and instructions, internal staffing plans, requirements, authorizations, controls, and supporting data relating to position

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management and manpower utilization and information involved in the determination of the qualifications of candidates for employment or advancement.

(3) Records specifically exempted from disclosure by statute such as 18 U.S.C. 1905 which prohibits disclosure of information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation or association.

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. Matter subject to this exemption is that which is customarily held in confidence by the originator without regard to whether or not the originator is, or is not employed by, a nonprofit organization. It includes, but is not limited to:

(i) Information received in confidence, such as grant applications, fellowship applications and research proposals prior to award;

(ii) Statistical data or information if received in confidence from a contractor or potential contractor concerning contract performance, income, profits, losses, and expenditures.

(5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with NSF. To the extent not so available by law, examples include, but are not limited to:

(i) Reports, memoranda, correspondence, workpapers, minutes of meetings (other than those governed by the Federal Advisory Committee Act), and staff papers prepared for use within NSF or within the Executive Branch of the Government by personnel and consultants of NSF, or any Government agency.

(ii) Advance information on proposed NSF plans to procure, lease, or otherwise acquire, or dispose of materials, real estate, facilities, services or functions, when such information would provide undue or unfair competitive advantage to any person;

(iii) Records prepared for use in proceedings before any Federal or State court or administrative body;

(iv) Evaluations of and comments on specific grant applications, research proposals, or potential contractors, whether made by NSF personnel or by external reviewers acting either individually or in committees;

(v) Preliminary, draft unapproved recommendations, evaluations, and opinions, such as evaluations of invention disclosures, of research projects, and of incomplete studies conducted or supported by NSF;

(vi) Proposed budget requests and supporting projections used or arising in the preparation and/or execution of a budget; proposed annual and multi-year policy, priorities, program and financial plans and supporting papers.

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Information in such files which is not otherwise exempt from disclosure pursuant to other provisions of this section will be released to the subject or to his designated legal representative, and it may be disclosed to others with his written consent. Examples of personnel files exempt from disclosure include, but are not limited to, files containing reports, records, and other materials pertaining to individual cases in which disciplinary or other administrative action has been or may be taken, including records of proceedings pertaining to the conduct of or performance of duties by NSF personnel. Opinions and orders resulting from those proceedings shall be disclosed without identifying details if used, cited, or relied upon as precedent.

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

(8) Matters contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of any government agency responsible for the regulation or supervision of financial institutions.

(9) Geological and geophysical information and data (including maps) concerning wells.

(10) Records belonging to another government agency or dealing with subject matter as to which government agency, other than NSF, has exclusive or primary responsibility. Requests for such records shall be promptly forwarded to the appropriate government agency.

(b) *Deletion of exempt portion and identifying details.* Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt. Whenever any final opinion, order, or other materials required to be made available relates to a private party or parties and the release of the name or names of other identifying details will constitute a clearly unwarranted invasion of personal privacy, the record shall be published or made available with such identifying details left blank, or shall be published or made available with obviously fictitious substitutes and with a notification such as the following as a preamble:

Names of parties and certain other identifying details have been removed (and fictitious names substituted) in order to prevent a clearly unwarranted invasion of the personal privacy of the individuals involved.

(c) *Records of other agencies.* If a requested record is one of another government agency or deals with subject matters as to which a government agency other than NSF has exclusive or primary responsibility, the request for such a record shall be promptly referred by NSF to that government agency for disposition or for guidance with respect to disposition.

§ 612.10 Records and reports on requests for information.

The Director of the Office of Government and Public Programs will be responsible for maintaining a record of denials of written requests for information. On or before March 1 of each year, OGPP shall prepare and submit it to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress a report concerning requests received during the preceding calendar year. The report shall include: (a) The number of determinations made not to comply with requests for records and the reasons for each such determination; (b) the number of appeals made, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; (c) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each; (d) the results of each court order which requires the production of a record, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken; (e) a copy of every rule made by NSF regarding this section; (f) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and (g) such other information as indicates efforts to administer fully the provisions of 5 U.S.C. 502.

[FR Doc.75-1865 Filed 1-20-75;8:45 am]

PANAMA CANAL CO.

[35 CFR Part 9]

AVAILABILITY OF INFORMATION

Proposed Schedule of Fees

Notice is hereby given that, in accordance with the requirement of section 552 (a) (4) (A) of Title 5, United States Code, as added by Pub. L. 93-502, the Panama Canal Company proposes to amend Part 9 of Title 35, Code of Federal Regulations to add thereto a schedule of fees which will be assessed against persons requesting information and copies of records under the Freedom of Information Act, 5 U.S.C. § 552. It is proposed to make the amendment effective on February 19, 1975.

Inquiries may be addressed, and data, views and arguments concerning the proposed amendment may be submitted to the Secretary, Panama Canal Company, 425 13th Street NW (Room 312), Washington, DC 20004 or to the Comptroller, Panama Canal Company, Box M, Balboa Heights, Canal Zone. All material received on or before February 12, 1975 will be considered. All comments in response to this notice will be available for public inspection during normal business hours at the foregoing addresses.

It is therefore proposed to amend Part 9 by adding thereto a new section 9.5 reading as follows:

§ 9.5 Uniform schedule of fees.

(a) Except as provided in paragraph (d) of this section, persons requesting information or copies of records from the Panama Canal Company under the Freedom of Information Act, 5 U.S.C. § 552, and this Part shall be charged for the direct search and duplication costs incurred by the Company in accordance with the following schedule:

(1) The fee for copies shall be $.07 per page.

(2) The search fee shall be $5.00 per hour for services performed by clerical personnel and $12.50 per hour for services performed by supervisory and professional personnel.

(3) The fee for searches requiring the use of computers shall be $100.00 for the first two hours or fraction thereof and $50.00 for each additional hour.

(b) A request that is expected to involve fees in excess of $50.00 will not be deemed to have been received until the requester has been advised of the anticipated costs and agrees to bear it.

(c) Except as provided in paragraph (d) of this section, search fees are assessable against a requester even when no records responsive to the request, or no records exempt from duplication under the Freedom of Information Act, 5 U.S.C. § 552, are found.

(d) Information and documents shall be furnished without charge, or at a reduced charge, when the Administrative Assistant to the President, Panama Canal Company, or, if the request is on appeal, the Vice President, Panama Canal Company, determines that waiver or a reduction of the fees provided for in paragraph (a) of this section is in the public interest because furnishing the information can be considered as primarily benefiting the public. In the case of a reduced charge, the Administrative Assistant, or the Vice President if the request is on appeal, shall determine the amount of the reduction.

(5 U.S.C. 552(a)(4)(A))

Dated: January 8, 1975.

RICHARD L. HUNT,
Vice President,
Panama Canal Company.

[FR Doc.75-1891 Filed 1-20-75;8:45 am]

RAILROAD RETIREMENT BOARD

[20 CFR Part 200]

EMPLOYEES' BENEFITS

Proposed Procedures and Forms

Proposed amendments to the Board's regulations to implement the 1974 Freedom of Information Act amendments are in process of preparation. The amendments will include a fee schedule for search and duplication of Board records. The proposed schedule is set forth below. Interested persons may comment upon the proposed fee schedule by submitting written data, views, and arguments to the Chief Executive Officer, Room 536, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, not later than February 15, 1975.

As amended, paragraph (g) of § 200.3 would read as follows:

§ 200.3 Availability of information to public.

* * * * *

(g) The Chief Executive Officer may charge the person or persons making a request for records under paragraph (f) of this section a fee in an amount not to exceed the costs actually incurred in complying with the request. Any such fees charged by the Chief Executive Officer shall be in accordance with the following schedule.

(1) The fee for copies shall be $.10 per copy per page.

(2) The charge for making a manual search for records shall be $6.00 per man hour.

(3) The maximum computer search charge shall be $268.00 per hour ($4.50 per minute).

(4) Any or all fees may be waived or reduced by the Chief Executive Officer whenever he or she determines that it is in the public interest to do so.

(5) All fees shall be paid to the Board's Director of Budget and Fiscal Operations.

Dated: January 13, 1975.

By Authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.75-1818 Filed 1-20-75;8:45 am]

UNITED STATES INFORMATION AGENCY

[22 CFR Part 503]

FREEDOM OF INFORMATION ACT

Notice of Proposed Rule Making

The United States Information Agency (USIA) is considering an amendment to Chapter V, Part 503 of Title 22 of the Code of Federal Regulations, that would establish a uniform schedule of fees for search and duplication of documents requested pursuant to the Freedom of Information Act, as amended (5 USC 552).

Interested persons may participate in the proposed rulemaking by submitting written data, views, and arguments to the Assistant Director, Office of Public Information (I/R), USIA, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547. No public hearing will be held.

Section 503.6(c)(2)—(9) of Title 22 of the Code of Federal Regulations is proposed to be revised as follows:

§ 503.6 [Amended]

* * * * *

(c) * * *

(2) *Schedule of fees.* The following specific fees shall apply with respect to services rendered to the public:

(i) Making of copies (Xerox or comparable) per page—$0.20.

(ii) Searching for records, per hour or fraction thereof—$5.

(iii) Duplication of architectural photographs and drawings—$2.

(iv) For signed statement of non-availability of record—No fee.

(3) When no specific fee has been established for a service, for example, when the search involves computer time of special travel, transportation, or communications cost, the Assistant Director, Office of Public Information, is authorized to determine the direct costs of the service and include such costs in the fees chargeable under this section.

(4) Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, and the requestor has not indicated in advance his willingness to pay fees as high as are anticipated, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requestor to confer with knowledgeable Agency personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requestor. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requestor.

(5) Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts or if the Agency determines that a record which has been requested but which is exempt from disclosure under this part is to be withheld.

(6) Fees must be paid in full prior to issuance of requested copies.

(7) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasurer of the United States and mailed to the Assistant Director, Office of Public Information, USIA, 1750 Pennsylvania Ave., NW., Washington, D.C., 20547. The Agency will assume no responsibility for cash which is lost in the mail.

(8) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(9) The Assistant Director, Office of Public Information, or an officer designated by the Assistant Director, may waive all or part of any fee provided for in this section when the Assistant Director or the designated officer deems it to be in either the Agency's interest or in the general public's interest.

This revision is proposed under the authority of 5 USC 552 as amended by Public Law 93-502.

GORDON W. MURCHIE,
Deputy Assistant Director,
Office of Public Information.

[FR Doc.75-2054 Filed 1-20-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-23]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-264 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
Dec. 23, 1974	$0.0574
Dec. 24, 1974	.0576
Dec. 25, 1974	Holiday
Dec. 26, 1974	.0576
Dec. 27, 1974	.0580
Dec. 30, 1974	.0587
Dec. 31, 1974	.0584
Belgium franc:	
Dec. 23, 1974	$0.027398
Dec. 24, 1974	.027400
Dec. 25, 1974	Holiday
Dec. 26, 1974	.027250
Dec. 27, 1974	.027300
Dec. 30, 1974	.027650
Dec. 31, 1974	.027690
Denmark krone:	
Dec. 23, 1974	$0.1740
Dec. 24, 1974	.1733
Dec. 25, 1974	Holiday
Dec. 26, 1974	.1740
Dec. 27, 1974	.1750
Dec. 30, 1974	.1778
Dec. 31, 1974	.1773
Finland markka:	
Dec. 23, 1974	$0.2767
Dec. 24, 1974	.2767
Dec. 25, 1974	Holiday
Dec. 26, 1974	.2765
Dec. 27, 1974	.2650
Dec. 30, 1974	(1)
Dec. 31, 1974	.2799
France franc:	
Dec. 23, 1974	$0.2239
Dec. 24, 1974	.2245
Dec. 25, 1974	Holiday
Dec. 26, 1974	.2241
Dec. 27, 1974	.2247
Dec. 30, 1974	.2248
Dec. 31, 1974	.2252
Germany deutsche mark:	
Dec. 23, 1974	$0.4095
Dec. 24, 1974	.4113
Dec. 25, 1974	Holiday
Dec. 26, 1974	.4116
Dec. 27, 1974	.4136
Dec. 30, 1974	.4169
Dec. 31, 1974	.4150
Netherlands guilder:	
Dec. 23, 1974	$0.3930
Dec. 24, 1974	.3937
Dec. 25, 1974	Holiday
Dec. 26, 1974	.3938
Dec. 27, 1974	.3987
Dec. 30, 1974	.4001
Dec. 31, 1974	.3998
Norway krone:	
Dec. 26, 1974	$0.1908
Dec. 27, 1974	.1912
Dec. 30, 1974	.1931
Dec. 31, 1974	.1917
Portugal escudo:	
Dec. 30, 1974	$0.0408
Sweden krona:	
Dec. 23, 1974	$0.2413
Dec. 24, 1974	.2418
Dec. 25, 1974	Holiday
Dec. 26, 1974	.2420
Dec. 27, 1974	.2240
Dec. 30, 1974	.2462
Dec. 31, 1974	.2453
Switzerland franc:	
Dec. 23, 1974	$0.3895
Dec. 24, 1974	.3940
Dec. 25, 1974	Holiday
Dec. 26, 1974	.3955
Dec. 27, 1974	.3980
Dec. 30, 1974	.3965
Dec. 31, 1974	.3960

[1] Use quarterly rate.

[SEAL] JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc.75-1896 Filed 1-20-75;8:45 am]

Internal Revenue Service

[Order No. 47 (Rev. 9)]

ASSISTANT COMMISSIONERS, ET AL.

Authorizing Delegation

Authority to Authorize or Approve Attendance at Meetings at Government Expense.

1. There is hereby delegated to the following officials the authority vested in the Commissioner of Internal Revenue to authorize or approve attendance of employees performing functions under their general supervision, at Government expense, within the geographic limits authorized by the Consolidated Travel Authorization, at meetings of scientific or professional societies, municipal, state, federal, or international organizations, congresses and law enforcement or other groups for the purpose of transmitting or receiving information or knowledge relating to the substantive or administrative activities of the Internal Revenue Service:

Assistant Commissioners
Chief Counsel
Assistant to the Commissoner (Public Affairs)
Regional Commissioners
Regional Counsel
Regional Inspectors

2. The authority delegated herein to Regional Commissioners, Regional Counsel, and Regional Inspectors does not include attendance at meetings which are national in scope. The authorization or approval of the Assistant Commissioner (Administration), Assistant Commissioner (Compliance), Assistant Commissioner (ACTS), Assistant Commissioner (Employee Plans and Exempt Organizations), Assistant Commissioner (Inspection), Assistant to the Commissioner (Public Affair), or the Chief Counsel, in their respective areas of operation, must be obtained for employees under the general supervision of Regional Commissioners, Regional Counsel, or Regional Inspectors to attend meetings which are national in scope.

3. The authority herein delegated may not be redelegated except by Regional Commissioners to (1) Assistant Regional Commissioners and District Directors to authorize or approve attendance of employees under their supervision at meetings not national in scope held within their respective regions; and (2) Service Center Directors to authorize or approve attendance of service center employees at meetings not national in scope held within the geographical area serviced.

4. The authorization or approval of the Regional Commissioner must be obtained for attendance of employees under the general supervision of Assistant Regional Commissioners and District Directors at meetings held outside their respective regions. Attendance of district or service center employees at meetings national in scope requires approval of the Assistant Commissioner (Administration), Assistant Commissioner (Compliance), Assistant to the Commissioner (Public Affairs), Assistant Commissioner (Employee Plans and Exempt Organizations) or Assistant Commissioner (ACTS) in their respective areas of operation.

5. The restrictions (other than on redelegation) set forth in Sections 2, 3 and 4, above, do not apply to meetings or conventions held by recognized employee groups, organizations, or associations. Assistant Commissioners, the Assistant to the Commissioner (Public Affairs), the Chief Counsel, and Regional Commissioners are authorized to approve attendance of employees under their general supervision at meetings held by such employee groups, organizations, or associations when attendance is for the purpose of transmitting or receiving information or knowledge relating to the substantive or administrative activities of the Internal Revenue Service.

6. This Order supersedes Delegation Order No. 47 (Rev. 8), issued July 19, 1972.

Date of issue: January 13, 1975.

Effective Date: January 13, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-1827 Filed 1-20-75;8:45 am]

[Order No. 35 (Rev. 6)]

ASSISTANT REGIONAL COMMISSIONERS, ET AL.

Authority Delegation; Agreements Treated as Determinations

1. Pursuant to the authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701-9 and 26 CFR 1.1313(a)-4, the authority to enter into agreements pursuant to section 1313(a)(4), Internal Revenue Code of 1954, relating to agreements treated as determinations, is hereby delegated to the following officials:

a. Assistant Regional Commissioners (Employee Plans and Exempt Organizations),

b. Assistant Regional Commissioners (Appellate),

c. Chiefs and Assistant Chiefs of Appellate Branch Offices,

d. Director of International Operations,

e. Assistant District Directors,

f. Chiefs of Audit Divisions, and

g. Chiefs of Employee Plans and Exempt Organizations Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents and Tax Law Specialists (Reviewers or Conferees) not lower than GS-11 for field audit cases; and to Revenue Agents and Tax Technicians (Reviewers or Conferees) not lower than GS-9 for office audit cases.

3. This Order supersedes Delegation Order No. 35 (Rev. 5), issued November 23, 1970.

Effective date: January 13, 1975.

Dated: January 13, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-1828 Filed 1-20-75;8:45 am]

[Order No. 42 (Rev. 6)]

ASSISTANT REGIONAL COMMISSIONERS, ET AL.

Authority Delegation

Authority to Execute Consents Fixing the Period of Limitations on Assessment or Collection Under Provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1972; 26 CFR 301.6501(c)-1; 26 CFR 301.6502-1; 26 CFR 301.6901-1(d); and 26 CFR 301.7701-9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collection to the following officials:

a. Assistant Regional Commissioners (Appellate).

b. Assistant Regional Commissioners (Employee Plans and Exempt Organizations).

c. Service Center Directors.

d. District Directors.

e. Director of International Operations.

2. This authority may be redelegated but not below the following level for each activity:

a. Service Centers—Chief, Accounting Branch; Chief, Correspondence Audit Branch.

b. Collection—Revenue Officer.

c. Audit—Conferees and Reviewers, Grade GS-11; Group Managers; Case Managers; and Returns Program Managers.

d. Intelligence — Chief, Intelligence Division.

e. Appellate—Appellate Conferee.

f. Office of International Operations—Conferees and Reviewers, Grade GS-11; Group Managers, Case Managers and Returns Program Managers; Representatives at foreign posts; and Revenue Agents, Tax Auditors and Special Agents on foreign assignments; and Revenue Officers.

g. Employee Plans and Exempt Organizations—Conferees and Reviewers, Grade GS-11; Group Managers.

3. This Order supersedes Delegation Order No. 42 (Rev. 5), issued September 24, 1974.

Date of issue: January 13, 1975.

Effective Date: January 13, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-1829 Filed 1-20-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE PANEL ON INTELLIGENCE

Establishment, Organization and Functions

In accordance with provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense Panel on Intelligence has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its extension.

The panel has reviewed the Department of Defense Intelligence Organization and activities with a view toward recommending actions which should be undertaken to achieve improvements in management and general effectiveness. Reports have been received from all Defense Intelligence Organizations and studies have been undertaken on a number of issues in more detail. A draft report of the Panel is now under preparation and will be reviewed by Panel members prior to submission to the Deputy Secretary of Defense.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 16, 1975.

[FR Doc.75-1894 Filed 1-20-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CROW INDIAN RESERVATION DRAFT ENVIRONMENTAL STATEMENT

Public Hearing on Projected Coal Development

A public hearing will be held at 10:00 a.m. February 26, 1975 at the Crow Tribal Headquarters, Crow Agency, Montana, to receive public comments regarding the Department of the Interior's Draft Programmatic Environmental Impact Statement which presents the anticipated environmental impacts of various levels of coal development on the Crow Indian Reservation and ceded area.

Oral and written statements by interested parties are invited. Oral statements by any party will be limited to no more than ten minutes. Written statements can be entered into the record by filing a copy with the presiding officer.

Additional information on the hearings and copies of the Draft Statement may be obtained from the Office of the Billings Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101, Telephone (406) 245-6711, extension 6315.

Dated: January 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1900 Filed 1-20-75;8:45 am]

[INT DES 75-2]

CROW INDIAN RESERVATION AND CEDED AREA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental programmatic statement which projects the anticipated environmental impacts of coal development on the Crow Reservation and Ceded Area. Written comments are invited before March 10, 1975.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs
Division of Environmental Quality
Room 3429—Department of Interior Bldg.
Washington, D.C. 20245
Telephone (202) 343-2139

Bureau of Indian Affairs
Billings Area Office
316 North 26th Street
Billings, Montana 59101
Telephone (406) 245-6315

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Copies of the draft statement may be obtained without cost by writing to the Billings Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101.

Dated: JANUARY 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1901 Filed 1-20-75;8:45 am]

Bureau of Land Management

[Serial No. I-7435]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 14, 1975.

Notice of an application, Serial No. I-7435, for withdrawal and reservation of lands was published as FR Doc. 74-2518 on page 3977 of the issue for January 31, 1974. The Atomic Energy Commission has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2300, such lands will be at 10 a.m. on February 14, 1975 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 25 E.,
Secs. 23, 24, 25, 26, 27, 34 and 35.
T. 15 S., R. 25 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15 and 22.

The areas described aggregate 10,017.62 acres.

VINCENT S. STROBEL,
Chief,
Branch of L&M Operations.

[FR Doc.75-1810 Filed 1-20-75;8:45 am]

Geological Survey

PLATFORMS, STRUCTURES, AND ASSOCIATED EQUIPMENT

Revision of OCS Order No. 8, Gulf of Mexico Area

By Notice in the FEDERAL REGISTER dated June 3, 1974, (39 FR 19513) comments were solicited on a proposed revision of OCS Order No. 8, Platforms and Structures, for the Gulf of Mexico Area. As a result of these comments and additional input from field office personnel of the Geological Survey, a modified revision of this Order is now proposed and included herein.

A meeting to discuss the technical aspects of this Order will be held with the Offshore Operators Committee commencing at 9 a.m., February 25, 1975, at the Ramada Inn, Terrace Room, 2261 North Causeway Boulevard, Metairie, Louisiana. This meeting will be open to the public and all interested parties are invited to attend.

W. A. RADLINSKI,
Acting Director.

OCS ORDER NO. 8

PLATFORMS, STRUCTURES, AND ASSOCIATED EQUIPMENT

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.19(a). Section 250.19(a) provides as follows:

(a) The supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under Paragraphs (a) and (b) of § 250.18 or authorized under any lease issued or maintained under the Act.

The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all platforms and structures, including all facilities installed on a platform or structure, whether or not operated or owned by the operator. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. References in this Order to approvals, determinations, or requirements are to those given or made by the Area Oil and Gas Supervisor or his delegated representative.

1. *Design, application and certification.* The following requirements are applicable to all platforms and structures approved and installed subsequent to the effective date of this Order. When structural or equipment modifications to existing platforms and structures are proposed, only requirements relevant to the modifications shall be applicable.

A. *Platform design.* (1) *General design.* A platform or structure shall be designed for safe installation and operation for its intended use and service life at a specific site. Steel structures shall be designed in accordance with those provisions of API RP 2A, January 1974, Planning Designing and Constructing Fixed Offshore Platforms, that are not in conflict with this Order. The design of structures other than steel shall be evaluated on an individual basis. Consideration shall be given to conditions which may contribute to structural damage such as:

(a) Wind, wave and current forces and other environmental loading forces.

(b) Functional loading conditions including the weight of the structure and all permanently fixed equipment, and the effects of static and dynamic functional load conditions during installation and the designed operational service period.

(c) Water depth, topography, surface and subsurface soil conditions, slope stability, scour conditions and other pertinent geologic conditions based on information from on-site investigations.

B. *Application.* Prior to construction of a fixed platform or structure, the operator shall submit for approval, in duplicate, an application showing all essential features of the platform or structure and supporting design information including the following:

(1) *General information.* (a) Identification data, which shall include the platform or structure designation, lease number, area name, block number, and operator.

(b) Location data including plat showing the distance from the nearest two block lines.

(c) Primary use and other intended functions including planned drilling and production operations, storage, etc.

(d) Personnel facilities, personnel access to living quarters, boat landings, heliports.

(e) Procedures for installation of the platform or structure and its foundation.

(f) Operational plans including a description of each phase of operation and planned simultaneous operations for the service life of the platform or structure.

(g) The application should include design drawings and plats to clearly illustrate all essential parts including number and location of well slots, dimensions, and specifications of the platform or structure and the foundation.

(2) *Environmental information.* (a) Description of all pertinent environmental data which may have a bearing on the installation, operation or design of the platform or structure including the source of the data.

(b) Information on the type and magnitude of the design environmental loading conditions.

(3) *Foundations.* (a) Information on methods and extent of on-site investigations and tests including the results and supporting data.

(b) A description of foundation loads and loading conditions.

(4) *Design features.* (a) A description of the critical design loading and design criteria taking into consideration maximum environmental and operational loading conditions expected over the service life of the platform or structure. This shall include those conditions considered under paragraph 1.A.(1) (a), (b), and (c) above.

(b) For steel structures, a description of the materials, specification, strength analyses, and allowable stresses over the design service life.

(c) For concrete structures, a description of the materials, specification, strength and serviceability requirements and analysis of the reinforcing systems.

(d) An analysis of slope and soil stability in relation to the foundation and the foundation design loads.

(e) Method of corrosion protection.

C. *Certification.* (1) Detailed structural plans certified by a registered professional engineer shall be on file and maintained by the operator or his designee.

(2) The following certifications, signed and dated by a company representative shall accompany the application.

(a) Operator certifies that this platform has been certified by a registered professional engineer and the structure will be constructed, operated and maintained as described in the application, and any approved modification thereto. Certified Plans are on file at _____.

(b) Certification that the mechanical and electrical systems of the facility will be designed and installed under the supervision of a registered professional engineer. Maintenance of these systems will be by qualified personnel.

D. *Design features of production facilities.* Information relative to design features, as follows, shall be submitted in duplicate prior to installation:

(1) A flow schematic showing size, capacity, and design working pressure of separators, treaters, storage tanks, compressors, pipeline pumps, and metering devices.

(2) A schematic diagram showing pollution and safety control equipment identified according to nomenclature (Definition, Symbols and Identification) contained in API RP 14C, June 1974, Analysis, Design, Installation and Testing of Basic Surface Safety Systems on Offshore Production Platforms, accompanied by an explanation as to the function and sequence of operation. The basic platform surface safety systems shall be in accordance with the guidelines set forth in API RP 14C when not in conflict with the provisions of this Order.

(3) A schematic piping diagram showing the size and design working pressure with reference to welding specification(s) or code(s) used.

(4) A diagram of the fire-fighting system.

(5) Electrical system information shall include the following:

(a) Plan view of each platform deck outlining any nonhazardous area—areas which are unclassified with respect to electrical equipment installations, and areas in which potential ignition sources, other than electrical are to be installed. The area outline should include the following:

(i) Any surrounding production or other hydrocarbon source and a description of deck, overhead and firewall.

(ii) Location of generators, control rooms, panel boards, major cabling—conduit routes and identification of wiring method.

(b) One line electrical schematic which includes the following information:

(i) Type, rating and the operating and safety controls of generators and prime movers.

(ii) Main generator switchboard including interlocks, controls and indicators.

(iii) Feeder and branch circuits, including circuit load, wire type and size, motor running protection and circuit breaker setting.

(c) Elementary electrical schematic of any platform safety-shutdown system with functional legend.

2. *Operations on platforms and structures.* A. *Safety and Pollution Control Equipment and Procedures.* Operators of platforms and structures installed prior to the effective date of this Order shall comply with the requirements of the following subparagraphs (1) (g), (2) (e), (4) (e), and (4) (f) within six months and with the requirements of the following sub-paragraphs (1) (e), (1) (h), (1) (i), (3) (a), (3) (c) and (3) (d) within one year from the effective date of this Order. Any device on wells, vessels, or flowlines temporarily out of service shall be flagged. Safety devices and systems on wells which are capable of producing shall not be bypassed or locked out of service unless necessary during start-up or maintenance operations, and then only with personnel on duty aboard the platform.

(1) *Shut-in devices.* The following shut-in devices shall be installed and maintained in an operating condition on all vessels and water separation facilities when such vessels and separation facilities are in service:

(a) Separators shall be equipped with high and low pressure shut-in sensors and a relief valve. Vessels connected together by a system of adequate piping not containing valves which can isolate any vessel may be considered as one unit having an effective working pressure equal to the lowest rated working pressure of any compenent. All separators shall be equipped with low liquid level shut-in controls. High liquid level shut-in control devices shall be installed when the vessel can discharge to a flare.

(b) Pressure surge tanks shall be equipped with high and low pressure shut-in sensors, a high liquid level shut-in control, flare line, and relief valve.

(c) Atmospheric tanks that may contain possible pollutants, including oil production tanks, surge tanks, etc., shall be equipped with a high liquid level shut-in control. When two or more tanks are connected in series or parallel and the operating levels are equalized, only one high liquid level shut-in control is required, providing it is located so that it cannot be isolated from any tank and will provide adequate high-level protection for all tanks.

(d) Other hydrocarbon-handling pressure vessels shall be equipped with high and low pressure shut-in sensors and relief valves. Vessels connected together by a system of adequate piping not containing valves which can isolate any vessel may be considered as one unit having an effective working pressure equal to the lowest rated working pressure of any component. In addition, such pressure vessels shall be equipped with high and low liquid level shut-in controls.

(e) The following requirements shall apply to all gas-fired production vessels:

(i) Fuel supply lines to the main and pilot burners shall be equipped with manually operated shut-off valves.

(ii) A flame detector or heat sensor to determine if the pilot is adequate to light the main burner shall be installed; and, on vessels in which the pilot is not continuously lighted, shall indicate a main burner flame failure.

(iii) The exhaust stack of natural draft heaters shall be equipped with spark arrestors.

(iv) Natural draft air intakes shall be equipped with a flame arrestor.

(v) Forced draft burners shall be equipped with a low pressure or low flow rate shut-in sensor.

(vi) Vessels in which the media in contact with the fire tubes is not the primary product to be heated shall be protected by high temperature and low level shut-in sensors in the heat exchange media stream.

(vii) Pressure relief valves shall be designed, installed, and maintained in accordance with applicable provisions of Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974. All relief valves and vents shall be piped in such a way as to minimize the possibility of fluid striking personnel or ignition sources.

(viii) Required sensors and monitors shall respond to an abnormal condition in the vessel by automatically: 1) shutting off fuel supply and 2) shutting off combustible media inflow to the vessel. However, in closed heat-transfer systems where the heated media is temperature degradable and flows through tubes located in the fired chamber, circulation of the media shall continue until the heat exchange area has cooled below the temperature at which the media degrades.

(ix) Steam generators shall be equipped with low water level controls in accordance with applicable provisions of Sections I and IV of the ASME Boiler and Pressure Vessel Code, July 1, 1974.

(x) An operating procedure shall be posted in a prominent location near the controls of the unit, and personnel responsible for the unit's operation shall be properly trained.

(f) All relief valves shall be set to start relieving at the design working pressure of the vessel and shall be sized to prevent the pressure from rising more than 10 percent above the design working pressure of the vessel or as otherwise provided by Section VIII of the ASME Boiler and Pressure Vessel Code, July 1, 1974. The high pressure shut-in sensor shall activate sufficiently below the design working pressure to positively insure operation before the relief valve starts relieving. The low pressure shut-in sensor shall activate no lower than 15 percent or 5 psi, whichever is greater, below the lowest pressure in the operating range.

(g) Pressure sensors may be of the automatic or nonautomatic reset type, but where the automatic reset types are used, a nonautomatic reset relay must be installed. All pressure sensors shall be equipped to permit testing with an external pressure source.

(h) All flare lines shall be equipped with a scrubber with a high liquid level shut-in control.

(i) Surge tanks and all hydrocarbon storage tanks shall be equipped with an automatic fail-close shut-in valve located in the pump suction line as close to the tank as practical. Such valve is to be activated by pump shutdown controls and the platform emergency shutdown system.

(2) *Wellhead and Flowline Safety Devices.* The following safety devices shall be installed and maintained in an operating condition at all times. When wells are disconnected from producing facilities and blind-flanged or equipped with a tubing plug, compliance with subparagraphs (a), (b), and (c) below is not required.

(a) All wellhead assemblies shall be equipped with an automatic fail-close surface safety valve. All new wells drilled and completed after the effective date of this Order shall be equipped with a surface safety valve installed in the vertical run of the Christmas tree.

(b) All flowlines from wells shall be equipped with high and low pressure shut-in sensors located downstream of the well choke. If there is more than 10 feet of line between the wellhead wing valve and the primary choke, an additional low pressure shut-in sensor shall be installed in this section. The high pressure shut-in sensor shall be set no higher than 10 percent above the highest operating pressure of the line, but in no case shall it exceed 90 percent of the shut-in pressure of the well or the gas lift supply pressure. The low pressure shut-in sensor shall be set no lower than 10 percent or 5 psi, whichever is greater, below the lowest operating pressure of the section of the line in which it is installed.

(c) All headers shall be equipped with check valves on the individual flowlines.

(d) The flowline and valve from each well located upstream of and including the header valves, shall be able to withstand the shut-in pressure of that well unless protected by a relief valve bypass system with connections to rejoin the main production stream at the separator or at a point upstream of the separator. If there is an inlet valve to a separator, the valve, flowline, and all equipment upstream of the valve shall also be able to withstand shut-in wellhead pressure, unless protected by a relief valve bypass system with connections to rejoin the main production stream at the separator, or at a point upstream of the separator. In the event a well flows directly to pipeline before separation, the flowline and valves from the well located upstream of, and including the header inlet valve shall be able to withstand the maximum shut-in pressure of the well unless protected by a relief valve connected to either the platform flare scrubber or some other approved location other than into the departing pipeline.

(e) On all gas lift wells, a check valve shall be installed on the gas input line to the casing.

(f) All pneumatic shut-in systems shall be equipped with fusible material at strategic points.

(g) Remote shut-in controls shall be located on the helicopter deck and on all exit stairway landings, including at least one on each boat landing. These controls shall be quick-opening valves, except that those on the boat landing may be a plastic loop.

(3) *Other equipment.*

(a) All engine exhausts with temperatures greater than 400° F. (205°C.) shall be insulated and piped away from fuel sources. Exhaust piping from diesel engines shall be equipped with spark arrestors.

(b) All pressure or fired vessels used in the production of oil or gas installed after the effective date of this Order shall conform to the requirements stipulated in the edition of the ASME Boiler and Pressure Vessel Code, Sections I, IV, and VIII, as appropriate, in effect at the time the vessel is installed. Uncoded vessels now in use shall be hydrostatically tested to a pressure 1.5

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times their normal working pressure. The test date, test pressure, and working pressure shall, within six months after the effective date of this Order, be marked on the vessel in a prominent place. A record of the test shall be maintained by the operator.

(c) A hydrocarbon separator shall be installed in the glycol return line on all glycol dehydration units.

(d) The following requirements shall apply to hydrocarbon gas compressors:

(i) Each compressor suction line and associated suction scrubber vessel shall be protected by high and low pressure shut-in sensors, high and low liquid level shut-in controls in the suction scrubber, and a pressure relief valve.

(ii) Each compressor discharge line shall be protected by a pressure relief valve and high and low pressure shut-in sensors.

(iii) Each compressor interstage scrubber shall be protected by high and low pressure and high and low liquid level shut-in controls and a pressure relief valve.

(iv) High and low pressure shut-in sensors and low liquid level shut-in controls protecting compressor suction and discharge piping and associated suction and interstage scrubbers shall be designed to actuate automatic isolation valves located in each compressor suction and fuel gas line so that the compressor unit and associated vessels can be isolated from all input sources. If the compressor unit is installed in a building, the isolation valves shall be located outside the building. Each suction and interstage high liquid level shut-in control shall, as a minimum, be designed to shutdown the compressor prime mover. As an alternative, low liquid level shut-in control(s) installed in suction and interstage scrubber(s) may be designed to actuate automatic shutoff valve(s) installed in the scrubber dump line(s).

(v) Each compressor discharge line shall be equipped with a check valve to prevent back flow. If the compressor unit is installed in a building, the check valve shall be located outside the buildings.

(vi) Compressor units installed in inadequately ventilated buildings or enclosures shall be protected by a gas detector designed to actuate automatic isolation valves installed in the compressor suction and fuel gas lines.

(vii) Automatic isolation valves installed in compressor suction and fuel gas piping shall be actuated by the platform remote manual shut-in system and fire loop, as well as by any abnormal pressure or level condition sensed in the compressor piping or associated scrubber vessels.

(viii) Each compressor discharge line shall be equipped with an automatic blowdown valve actuated by the platform fire loop and remote manual shut-in system and by the compressor's gas detection system. The blowdown system must be piped to vent at a nonhazardous location away from all possible sources of ignition.

(4) *Safety device testing.* The safety devices required in sub-paragraphs 2A (1) and (2) above shall be tested by the operator as follows or at more frequent intervals. Records shall be maintained at the field headquarters for a period of one year, showing the present status and past history of each device, including dates and details of inspection, testing, repairing, adjustment, and reinstallation. Such records shall be available to any authorized representative of the Geological Survey.

(a) All pressure relief valves shall be tested for operation annually. Pressure relief valves shall either be bench-tested or equipped to permit testing with an external pressure source. Bench tests not witnessed by Geological Survey personnel must be certified by a third party.

(b) All pressure sensors shall be tested at least once each calendar month, but at no time shall more than six weeks elapse between tests. Any sensor which consistently varies more than ±5 percent from its set pressure shall be repaired or replaced.

(c) All automatic wellhead safety valves and check valves on all flowlines shall be checked for operation and holding pressure once each calendar month, but at no time shall more than six weeks elapse between tests. For any valve which these monthly tests indicate a shorter time interval is needed, such shorter interval shall be instituted. If any wellhead safety valve indicates leakage, it shall be repaired or replaced. A check valve sustaining a liquid flow in excess of 400 cc./min. or gas flow exceeding 15 cubic ft./min. shall be repaired or replaced.

(d) All liquid level shut-in controls shall be tested at least once within each calendar month, but at no time shall more than six weeks elapse between tests. These tests shall be conducted by raising or lowering the liquid level across the level-control detector.

(e) All automatic inlet shut-off valves actuated by a sensor on a vessel or a compressor shall be tested for operation at least once within each calendar month, but at no time shall more than six weeks elapse between tests.

(f) All automatic shut-off valves located in liquid discharge lines and actuated by vessel low-level sensors shall be tested for operation once within each calendar month, but at no time shall more than six weeks elapse between tests.

(5) *Curbs, gutters, and drains.* Curbs, gutters, and drains shall be constructed in all deck areas in a manner necessary to collect all contaminants, unless drip pans or equivalent are placed under equipment and piped to a sump which will automatically maintain the oil at a level sufficient to prevent discharge of oil into Gulf waters. Sump piles or open-ended sumps shall be used to collect only produced water and liquids from drip pans and deck drains. Closed sumps or sump transfer tanks shall be equipped with a high liquid level shut-in device.

(6) *Fire-fighting system.* A fire-fighting system shall be installed and maintained in an operating condition in accordance with the following:

(a) A fire water system of rigid pipe with fire hose stations shall be installed and may include a fixed water spray system. Such a system shall be installed in a manner necessary to provide needed protection in areas where production-handling equipment is located. A fire-fighting system using chemicals may be used in lieu of a fire water system if determined to provide equivalent fire protection control.

(b) Pumps for the fire water systems shall be inspected and test operated weekly. A record of the tests shall be maintained at the field headquarters for a period of one year. An alternate fuel or power source shall be installed to provide continued pump operation during platform shutdown, unless an alternate fire-fighting system is provided.

(c) Portable fire extinguishers shall be located in the living quarters and in other strategic areas.

(d) A diagram of the fire-fighting system showing the location of all equipment shall be posted in a prominent place on the platform or structure.

(7) *Automatic Gas Detectors.* An automatic gas detector and alarm system shall be installed and maintained in an operating condition in accordance with the following:

(a) Gas detection systems shall be installed in all enclosed areas containing production facilities or equipment. Gas detectors shall be installed in all enclosed areas where fuel gas is used; however, the use of fuel gas odorant is an acceptable alternate. In partially open buildings, enclosures or meter houses where adequate ventilation is provided in lieu of a gas detector installation, ventilation shall, as a minimum, be by natural draft at a rate not less than one enclosure air change per five minutes.

(b) All gas detection systems shall be capable of continuously monitoring for the presence of combustible gas in the areas in which the detection devices are located. The gas detector power supply must be from a continually energized power source.

(c) The central control shall be capable of giving an alarm at a point not greater than 25 percent of the lower explosive limit of the gas or vapor being monitored.

(d) A high-level setting of not more than 75 percent of the lower explosive limit of the gas or vapor being monitored shall be used for platform shut-in sequences and the operation of emergency equipment.

(e) Records of maintenance and calibration shall be maintained in the field headquarters for a period of one year and made available to any authorized representative of the Geological Survey. The system shall be tested for operation and recalibrated semi-annually.

(f) An application for the installation and maintenance of any gas detection system shall be filed with the appropriate District office for approval. The application shall include the following:

(i) Type, location, and number of detection heads.

(ii) Type and kind of alarm, including emergency equipment to be activated.

(iii) Method used for detection of combustible gases.

(iv) Method and frequency of calibration.

(v) A functional block diagram of the gas detection system, including the electric power supply.

(vi) Other pertinent information.

(g) A diagram of the gas detection system showing the location of all gas detection points shall be posted in a prominent place on the platform or structure.

(8) *Electrical Equipment.* The following requirements shall be applicable to all electrical equipment and systems installed:

(a) All engines shall be equipped with a low-tension ignition system of a low fire hazard-type and shall be designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external combustible mixture.

1. Description of operations.

2. Schematic plans showing areas of activities.

3. Identification of critical areas of simultaneous activities.

4. Plan for mitigation of potential undesirable events including provisions for coordination and supervision of activities such that all persons involved will be informed as to all activities and be aware of critical areas.

C. *Welding practices and procedures.* The following requirements shall apply to all platforms and structures, including mobile drilling and workover structures. The period of time during which these requirements are considered applicable to mobile drilling structures is the interval from the drilling out of the drive conductor or shoe of the casing until the BOP stack and riser are pulled in the final abandonment, suspension, or completion. These requirements shall apply to workover rigs when such rigs are performing remedial work on any wells open to hydrocarbon bearing zones.

For the purpose of this Order, the term "burning and welding" is defined to include arc or acetylene cutting and arc or acetylene welding.

Each operator shall prepare and submit to the District Supervisor for approval a Welding and Burning Safe Practices and Procedures Plan, which includes company qualification standards or requirements for welders. Any person designated as a welding supervisor must be thoroughly familiar with this plan.

Prior to burning or welding operations, the operator shall establish approved welding areas. Such areas shall be constructed of noncombustible or fire-resistant materials free of combustible or flammable contents and be suitably segregated from adjacent areas. NFPA Bulletin No. 51B, Cutting and Welding Processes, 1971, shall be used as a guide to designate these areas.

(b) All electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500 B in effect at the time of installation.

(c) Wiring methods which conform to the National Electrical Code or IEEE 45 in effect at the time of installation are acceptable.

(d) An auxiliary power supply shall be installed to provide emergency power capable of operating all electrical equipment required to maintain safety of operations in the event of a failure in the primary electrical power supply.

(9) *Erosion.* A program of erosion control shall be in effect for wells having a history of sand production. The erosion control program may include sand probes, X-ray, ultrasonic, or other satisfactory monitoring methods. A report on the results of the program shall be submitted annually to the District Supervisor.

B. *Simultaneous facility operation.* Prior to conducting activities on a facility simultaneously with production operations, which could increase the possibility of undesirable events occurring such as damage to equipment, harm to personnel or the environment, a plan shall be filed and approved by the District Supervisor which will provide for the mitigation of such events. Activities requiring a plan are drilling, workover, wireline, and major construction operations. Such plans submitted for approval may cover sequential or individual operations. The plan shall include:

All welding which cannot be done in the approved welding area shall be performed in compliance with the procedures outlined below:

(1) All welding and burning shall be minimized.

(2) Such welding and burning as are necessary on a structure shall adhere to the following practices:

(a) Prior to the commencement of any burning or welding operations on a structure, the operator's designated welding supervisor at the installation shall personally inspect the qualifications of the welder or welders to insure that they are properly qualified in accordance with the approved company qualification standards or requirements for welders. The designated welding supervisor and the welders shall personally inspect the area in which the work is to be performed for potential fire and explosion hazards. After it has been determined that it is safe to proceed with the welding or burning operation, the welding supervisor shall issue a written authorization for the work.

(b) All welding equipment shall be inspected prior to beginning any burning or welding. Welding machines located on production or process platforms shall be equipped with spark arresters and drip pans. Welding leads shall be completely insulated and in good condition; oxygen and acetylene bottles secured in a safe place; and hoses leak-free and equipped with proper fittings, gauges, and regulators.

(c) During all welding and burning operations, one or more persons as necessary shall be designated as a Fire Watch. Persons assigned as a Fire Watch shall have no other duties while actual burning or welding operations are in progress.

(d) Prior to any welding or burning, the Fire Watch shall have in his possession fire-fighting equipment in a condition ready to use.

(e) No welding shall be done on containers, tanks, or other vessels which have contained a flammable substance unless the contents of the vessels have been rendered inert and determined to be safe for welding or burning by the designated welding supervisor.

(f) No welding shall be permitted during wireline operations.

(g) All production shall be shut in at the surface safety valves while welding or burning in the wellhead or production area.

D. *Requirements for drilling rigs.* The requirements of subparagraphs 2.A.(5), 2.A.(8), and 2.C. above shall apply to all drilling rigs used to conduct drilling or workover operations on Federal leases in the Gulf of Mexico.

E. *Employee orientation, qualification, and motivation programs for personnel working offshore.* The following API documents should be utilized as appropriate for personnel working offshore:

(1) API RP T-1, January 1974, Orientation Program for Personnel Going Offshore for the First Time.

(2) API RP T-2, September 1974, Qualification Programs for Offshore Production Personnel Who Work with Anti-Pollution Safety Devices.

(3) API Bulletin T-5, September 1974, Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations.

[FR Doc.75-1792 Filed 1-20-75;8:45 am]

MONTANA

Definition of Known Geologic Structure of Producing Oil and Gas Field

Pursuant to 43 CFR 3100.7 and delegations of authority in 220 Departmental Manual 41. G, Geological Survey Manual 220.2.2B(2), and Conservation Division Supplement (Geological Survey Manual) 220.2.1F(2), notice is hereby given that the known geologic structure of a producing oil and gas field has been defined as follows:

(26) MONTANA

Bell Creek field (Montana) Known Geologic Structure; May 25, 1974; 27,289 acres.

Map and diagram showing the boundary of the defined structure has been filed with the appropriate land office of the Bureau of Land Management. Copy of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Federal Center, Denver, Colorado 80225.

GEORGE H. HORN,
Conservation Manager,
Central Region.

DECEMBER 18, 1974.

[FR Doc.75-1813 Filed 1-20-75;8:45 am]

Office of the Secretary

[INT FES 75-5]

PROPOSED ILIAMNA NATIONAL RESOURCE RANGE; ALASKA

Availability of Final Environmental Statement

Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Iliamna National Resource Range in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Iliamna National Resource Range and its management by the agencies indicated below.

Proposal recommends that: Approximately 3.0 million acres of public lands and waters west of Cook Inlet, Alaska, be designated by Congress as the Iliamna National Resource Range and that a 47-mile segment of the Alagnak River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Fish and Wildlife Service and Bureau of Land Management.

The final environmental statement is available for inspection at the following locations.

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

Western Regional Office
National Park Service
450 Golden Gate Avenue
Box 36063
San Francisco, California 94102

Fish and Wildlife Service
1500 Plaza Building, Room 288
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Fish and Wildlife Service
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

U.S. Forest Service
Federal Building
Missoula, Montana 59801

U.S. Forest Service
Federal Building
517 Gold Avenue, SW.
Albuquerque, New Mexico 87101

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

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Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Southwest Regional Office
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office
National Park Service
Room 931, 4th and Pike Building
1424 Fourth Avenue
Seattle, Washington 98101

Fish and Wildlife Service
500 Gold Avenue, SW.
Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Fish anw Wildlife Service
17 Executive Park Drive, NE.
Room 411
Atlanta, Georgia 30329

Fish and Wildlife Service
10597 West Sixth Avenue
Denver, Colorado 80215

U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

U.S. Forest Service
319 SW. Pine Street
P.O. Box 3623
Portland, Oregon 97208

U.S. Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

Bureau of Land Management
Federal Building
300 Booth Street
Reno, Nevada 89502

Bureau of Land Management
Federal Building, Room 398
550 W. Fort Street
Boise, Idaho 83702

Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

Bureau of Land Management
Federal Building
316 North 26th Street
Billings, Montana 92301

Bureau of Land Management
Robin Building
7981 Eastern Avenue
Silver Spring, Maryland 20910

Southeast Regional Office
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia 30303

Mid-Continent Regional Office
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

Northwest Regional Office
Bureau of Outdoor Recreation
1000 2nd Avenue
Seattle, Washington 98104

U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

Bureau of Land Management
Federal Building
Room 3022
Phoenix, Arizona 85025

Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

Bureau of Land Management
2800 Cottage Way
Room E-2841
Sacramento, California 95825

Bureau of Land Management
729 Northeast Oregon Street
P.O. Box 2965
Portland, Oregon 97208

Northeast Regional Office
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Lake Central Regional Office
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

South Central Regional Office
Bureau of Outdoor Recreation
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office
Bureau of Outdoor Recreation
450 Golden Gate Avenue
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior
Alaska Planning Group
Washington, D.C. 20240

Department of the Interior
National Park Service
524 W. Sixth Avenue
Room 201
Anchorage, Alaska 99501

Department of the Interior
Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

Dated: January 14, 1975.

STANLEY D. DOREMUS,
Deputy Assistant,
Secretary of the Interior.

[FR Doc.75-1898 Filed 1-20-75;8:45 am]

[INT FES 75-6]

PROPOSED YUKON-CHARLEY NATIONAL RIVERS; ALASKA

Availability of Final Environmental Statement

Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Yukon-Charley National Rivers in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Yukon-Charley National Rivers and their management by the agency indicated below.

Proposal recommends that: Approximately 2.0 million acres of public lands and waters along the upper Yukon River be designated by Congress as the Yukon-Charley National Rivers.

Management by: National Park Service.

The final environmental statement is available for inspection at the following locations.

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

Western Regional Office
National Park Service
450 Golden Gate Avenue
Box 36063
San Francisco, California 94102

Fish and Wildlife Service
1500 Plaza Building, Room 288
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Fish and Wildlife Service
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

U.S. Forest Service
Federal Building
Missoula, Montana 59801

U.S. Forest Service
Federal Building
517 Gold Avenue, SW.
Albuquerque, New Mexico 87101

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Southwest Regional Office
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office
National Park Service
Room 931, 4th and Pike Building
1424 Fourth Avenue
Seattle, Washington 98101

Fish and Wildlife Service
500 Gold Avenue, SW.
Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Fish and Wildlife Service
17 Executive Park Drive, NE.
Room 411
Atlanta, Georgia 30329

Fish and Wildlife Service
10597 West Sirth Avenue
Denver, Colorado 80215

U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

U.S. Forest Service
319 SW. Pine Street
P.O. Box 3623
Portland, Oregon 97208

U.S. Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

Bureau of Land Managment
Federal Building
300 Booth Street
Reno, Nevada 89502

Bureau of Land Management
Federal Building, Room 398
550 W. Fort Street
Boise, Idaho 83702

Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

Bureau of Land Management
Federal Building
316 North 26th Street
Billings, Montana 92301

Bureau of Land Management
Robin Building
7981 Eastern Avenue
Silver Spring, Maryland 20910

Southeast Regional Office
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia 30303

Mid-Continent Regional Office
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

Northwest Regional Office
Bureau of Outdoor Recreation
1000 2nd Avenue
Seattle, Washington 98104

U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

Bureau of Land Managment
Federal Building
Room 3022
Phoenix, Arizona 85025

Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

Bureau of Land Management
2800 Cottage Way
Room E-2841
Sacramento, California 95825

Bureau of Land Management
729 Northeast Oregon Street
P.O. Box 2965
Portland, Oregon 97208

Northeast Regional Office
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Lake Central Regional Office
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

South Central Regional Office
Bureau of Outdoor Recreation
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office
Bureau of Outdoor Recreation
450 Golden Gate Avenue
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior
Alaska Planning Group
Washington, D.C. 20240

Department of the Interior
National Park Service
524 W. Sixth Avenue
Room 201
Anchorage, Alaska 99501

Department of the Interior
Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

Dated: January 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.75-1899 Filed 1-20-75;8:45 am]

[INT FES 75-4]

PROPOSED CAPE ROMAIN WILDERNESS AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the proposed Cape Romain Wilderness Area, Charleston County, South Carolina.

The proposal recommends that approximately 28,000 acres of Cape Romain National Wildlife Refuge in Charleston County, South Carolina be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director
U.S. Fish and Wildlife Service
17 Executive Park Drive, NE.
Atlanta, Georgia 30329

Refuge Manager
Cape Romain National Wildlife Refuge
Route 1, Box 191
Awendaw, South Carolina 29429

U.S. Fish and Wildlife Service
Office of Environmental Coordination
Department of the Interior
Room 2252
18th and C Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: January 14, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.75-1890 Filed 1-20-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TONGASS NATIONAL FOREST LAND USE PLAN AND DRAFT ENVIRONMENTAL STATEMENT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the land use plan for the Tongass National Forest, USDA-FS-R10-75-05.

This environmental statement concerns a land use plan for the 16 million acre Tongass National Forest in Alaska.

This draft environmental statement was transmitted to the CEQ on January 13, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
126th St. & Independence Ave., SW
Washington, D.C. 20230

USDA Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99802

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

A limited number of single copies are available upon request to Regional Forester C. A. Yates, U.S. Forest Service, Federal Office Building, Juneau, Alaska 99802.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester C. A. Yates, U.S. Forest Service, Federal Office Building, Juneau, Alaska 99802. Comments must be received by March 24, 1975 in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester,
Alaska Region.

JANUARY 13, 1975.

[FR Doc.75-1806 Filed 1-20-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COLGATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scien-

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tific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00466–33–46500. Applicant: Colgate University, Hamilton, New York 13346. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in the course Biology 412-Ultrastructural Cytology designed to familiarize the students with modern concepts of plant and animal cellular ultrastructure through electron microscopy. The main objective of the laboratory portion of the course is to provide training in the use of the electron mircoscope and the techniques employed in preparing tissue for examination with this instrument.

Comments: Comments with respect to this application were received on July 19, 1974, from DuPont Instruments (DuPont) who alleges inter alia, that its Sorvall Model MT2–B is scientifically equivalent to the foreign article for the applicant's intended purposes. DuPont noted further that the applicant concedes the Sorvall microtome can cut the desired sections and that the request for free entry of the article is based on personal preferences which are not a basis for duty-free entry under § 701.9(4)(iii).

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, is being manufactured in the United States.

Reasons: In reply to question 7 the applicant indicates the article is intended to be used in a course in Ultrastructural Cytology (Biology 412). The applicant states that the course is designed to familiarize the student with modern concepts of plant and animal ultrastructure through electron microscopy and includes laboratory sessions which stress training in the use of the ultramicrotome and both transmitting and scanning electron microscopes.

The applicant states in reply to question 8C(3) that "The only reason for purshasing the OmU3 is to allow us to provide our students with training in the use of a microtome with a thermal advance mechanism in addition to the training they currently receive on microtomes with mechanical advance (we are currently using Sorvall Porter Blum MT–2B's)." The applicant indicates further that since both types of microtomes are used in laboratories around the world, the "extra training" the foreign article would provide would better prepare the students for the job market. The Department of Commerce considers the Sorvall Model MT2–B manufactured by DuPont Instruments as the domestic instrument most closely comparable to foreign article.

The basic purpose of the course in Ultracellular Cytology is to familiarize the students with the concepts of plant and animal cellular ultrastructure. The use of the ultramicrotome in this connection, is as a tool to prepare sections of plant and animal tissue for viewing through both scanning and transmission electron microscopes. The applicant concedes that the domestic MT2–B's presently used in the University's laboratories are capable of performing the tissue sectioning needed in connection with this course. In fact, the applicant states the only reasons for purchasing the foreign article is to provide the added training which would result from exposure to an instrument with a design feature (thermal advance) which differs from the design feature (mechanical advance) of the presently utilized domestic article. The applicant does not allege that the domestic article is not scientifically equivalent to the foreign article for the purposes for which it is intended to be used in this course, but only that the foreign article is different from the domestic instrument and that exposure to both types would be desirable from an educational viewpoint.

The Department of Commerce recognizes that there may be collateral educational benefits accuring to students who are given exposure to the widest range of instruments possible in their courses. However, the Department does not consider such collateral benefits to present an adequate justification for duty-free entry under the Act. The scientific equivalency test contained in the Act would be effectively circumvented if the desirability of exposure to instruments with differing design features or handling characteristics were to serve as a justification for duty-free entry.

Thus, the Department of Commerce finds that the Model MT–2B ultramicrotome is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1876 Filed 1–20–75;8:45 am]

COLORADO STATE UNIV.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00127–98–74600. Applicant: Colorado State University, Department of Physics, College Avenue, Ft. Collins, Colorado 80521. Article: "Malvern" High Speed Correlator, Type K7023 with Photon Detection System, High Speed Punch Output, TTY Serial Interface. Manufacturer: Precision Devices and Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine and analyze the correlation spectrum of the laser light scattered from the turbulent flow (either laboratory flow or the real atmospheric flow) of either clear air or disturbed air under investigation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a time resolution of 50 nanoseconds and the ability to correlate every photon with every previous photon. The National Bureau of Standards (NBS) advises in its memorandum dated December 17, 1974 that the capabilities described above are pertinent to the applicant's intended purposes. NBS also advises that the most closely comparable domestic instrument, the Saicor SA1–42 digital correlator, does not provide either of the capabilities of the article found to be pertinent. In addition, NBS advises that it knows of no domestically available digital correlator or other combination of [domestic] instruments which is of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1877 Filed 1–20–75;8:45 am]

MEHARRY MEDICAL COLLEGE ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 10, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00286–33–46500. Applicant: Meharry Medical College, 1005 18th Avenue North, Nashville, Tennessee 37208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study a wide variety of biological materials, mostly from mammalian sources, which exhibit both normal and pathologic structure. These materials will come from experimental animals as well as from human surgical and cadaveric sources. The article will also be used in a training program in microscopic anatomy and in research techniques. Application received by Commissioner of Customs: December 19, 1974.

Docket Number: 75–00287–63–46500. Applicant: Department of Plant Pathology and Weed Science, P.O. Drawer PG, Mississippi State, MS 39762. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to provide ultra-thin microtomy in carrying out the following projects:

(1) Ultrastructural and morphological investigations of resistance mechanisms in Southern Pines to *Cronartium fusiforme.*

(2) Investigations of Loblolly Pine selected for resistance to *Scirrhia acicola*—Mechanisms of Resistance and Disease impact.

(3) Investigations of Sycamore Anthracnose.

(4) Cultural, physiological and pathological studies of certain greenhouse florist crops.

(5) Develop and evaluate technologies for the production and processing of tomatoes.

(6) Virus diseases of certain horticultural plants and their control.

The article will also be used in the courses PW 8123: Virology and PW 8513: Methods in Plant Pathology and Weed Science for educational purposes. Application received by Commissioner of Customs: December 19, 1974.

Docket Number: 75–00288–33–46500. Applicant: VA Hospital 3900 Loch Raven Blvd., Baltimore, Md. 21218. Article: Ultramicrotome, Model LKB 8800A and Cryokit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for diagnostic electron microscopy and preparation of ultrathin sections of human biopsy and autopsy tissues for determination of tissue electrolyte distributions. The article will also be used in a residency training program to familiarize students with electron microscopy and its application in the early diagnosis of pathological conditions. Application received by Commissioner of Customs: December 19, 1974.

Docket Number: 75–00289–33–46500. Applicant: Veterans Administration Hospital, Middleville Road, Northport, N.Y. 11768. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare sections of a variety of diseased human and animal tissues including tumors, inflammatory lesions, skeletal muscle, renal, skin, lung, liver, brain and gastrointestinal mucosal biopsies for electron microscopic examination. Among the studies to be done is the establishment of cell of origin of poorly differentiated tumors. identification of infectious agents, recognition of antigen-antibody complexes in various tissues and identification of ultrastructural abnormalities in muscle cells as well as in the epithelial cells of intestine and skin. Specimens from animal experiments related to immune complex diseases are also examined. Application received by commissioner of customs: December 19, 1974.

Docket Number: 75–00290–33–46500. Applicant: University of Michigan, Great Lakes Research Division, Institute of Science & Tech. Bldg., Ann Arbor, Michigan. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for thick and thin sectioning of biological tissues and cells, which, in turn, will be examined in transmission electron microscope for polyphosphate deposition as well as be analyzed by X-ray energy dispersive analysis. Application received by commissioner of customs: December 19, 1974.

Docket Number: 75–00291–33–46500. Applicant: Meharry Medical College, 1005 18th Avenue North, Nashville, Tennessee 37208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study a wide variety of biological materials, mostly from mammalian sources, which exhibit both normal and pathologic structure. These materials will come from experimental animals as well as from human surgical and cadaveric sources. The article will also be used in a training program in microscopic anatomy and in research techniques. Application received by Commissioner of Customs: December 19, 1974.

Docket Number: 75–00295–65–77045. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Combined X-ray Diffractometer/Spectrometer. Manufacturer: Rigaku Denki Co. Ltd., Japan. Intended use of article: The article is intended to be used to determine the chemical composition of plant and animal tissue, soils, rocks, ores, aerosolic dust, suspended particulate matter and the mineral species of the crystalline fraction of the above materials. This information will be used to study soil-plant-animal relationships and to determine the sources, sinks, and modes of transport of nutrients, contaminants, and elements in the environment. The article will also be used in the courses: Soil Chemistry, Soil Science and Plant Nutrition and Properties and Weathering of Soil Minerals, which provide the basic information and techniques to the above research. Application received by Commissioner of Customs: December 23, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–1878 Filed 1–20–75;8:45 am]

NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

Rescheduled Meeting

On December 31, 1974, a notice appeared in the FEDERAL REGISTER (39 FR 45348) announcing a meeting of the National Industrial Energy Conservation Council for January 29, 1975, in Room 4830 of the Main Commerce Building, 14th & Constitution Avenue, NW, Washington, D.C. 20230, from 10 a.m. to 12 noon.

This advisory committee meeting has been rescheduled for February 6, 1975, in Room 4830, Main Commerce Building, 14th & Constitution Avenue, NW, Washington, D.C. 20230, from 10 a.m. to 12 noon.

HERBERT K. SCHMITZ,
Executive Director, National Industrial Energy Conservation Council.

[FR Doc.75–2059 Filed 1–20–75;9:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG–13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Thursday, March 6, 1975, in Room B–255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of four workgroups which are addressing the areas of Problem Definition, Benchmark Program Transferability, Preliminary Benchmarking Guidelines, and Workload Definition.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301–921–3485).

ERNEST AMBLER,
Acting Director.

JANUARY 15, 1975.

[FR Doc.75–1848 Filed 1–20–75;8:45 am]

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National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, March 6 and 7, 1975. The meeting will commence at 9 a.m. on each day at the Bourbon Orleans Ramada, 717 Orleans Street, New Orleans, Louisiana.

Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:25 a.m. until 12 noon on March 6, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements that day may be limited to five, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on March 6 with the Executive Secretary between 8:30 a.m. and 9 a.m. in the meeting room and must provide their name, legal address, a list of any affiliations relevant to their intended topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 6001 Executive Blvd., Rockville, Maryland 20852; (Attn: Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting.

The items for Committee discussion at the meeting will include the following:

March 6

9 am	Call to Order and Announcements.
9:15 am	Consideration of Possible Changes in Committee's "Operating Procedures."
9:45 am	*Substantive Topic #1:* Consideration of the Accelerated Outer Continental Shelf Oil and Gas Exploration Program and its Relationship to States' Coastal Zone Management Programs.
10:30 am	Brief Recess.
10:45 am	Continuation of Substantiv Topic #1.
11:25 am	Oral Statements (if any) by Interested Persons.
12 noon	Recess for Lunch.
1:30 pm	Continuation of Substantive Topic #1.
3:15 pm	Brief Recess.
3:30 pm	Committee Consideration of Possible Actions on Substantive Topic #1.
4:30 pm	Adjourn.

March 7

9 am	Call to Order.
9:15 am	*Substantive Topic #2:* Staff Presentation of Federal Consistency Study.
10:20 am	Brief Recess.
10:30 am	*Substantive Topic #3:* Staff Presentation on Options for Segmented Management Program Approval (Functional and Geographic).
12:15 pm	Recess for Lunch.
1:30 pm	Reserved for Additional Discussion on Matters Related to Items 2 and 3.
3:15 pm	Brief Recess.
3:30 pm	Consideration of Agenda and Time and Place of Next Meeting.
4:30 pm	Adjourn.

Dated: January 13, 1975.

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75-1794 Filed 1-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

INDIAN HEALTH ADVISORY COMMITTEE

Meeting

Correction

In FR Doc. 75-1274, appearing on page 2738 in the issue of Wednesday, January 15, 1975, the heading should read as set forth above.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74 302]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 31, 1974 to November 14, 1974 (List No. 25-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017/36/4, Model 11 PL-S, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. dated June 15, 1965 and revised November 18, 1968, approval limited to ladders 65 feet or less in length, superseding Nos. 1 and 2 passed over as requested by Mfg. and to agree with lot 1, manufactured by H. K. Metalcraft Manufacturing Corporation, 35 Industrial Road, P.O. Box 275, Lodi, New Jersey 07644, effective November 8, 1974. (It is an extension of Approval No. 160.017/36/4 dated January 30, 1970.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/199/0, Type SS 1404 small survival capsule launching system (winch-type); approved as an alternate to a lifeboat davit for a maximum working load of 6,000 lbs. on a single fall; identified by general arrangement drawing SS 1404, dated August 1, 1974, electrical system acceptable in Class I, Group D hazardous locations as defined by 46 CFR 111.80-5, approved for installation with Lake Shore, Inc. Model LS-555-DS lifeboat winch (Approval #160.015/106/0) for use on artificial islands, fixed structures, and drilling rigs, both self-propelled and nonself-propelled, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective October 31, 1974.

HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

Approval No. 160.034/18/0, Type M, hand-propelling gear identified by dwg. list Type M dated August 16, 1974, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective November 7, 1974.

LIFEBOATS

Approval No. 160.035/474/1, Model 1401 survival capsule, 11.2' diameter x 3.33' depth, fibrous glass reinforced plastic (FRP) motor-propelled, totally enclosed model, 14-person capacity, alternate for lifeboat, inflatable life raft or life float, identified by general arrangement dwg. No. 1401-101 dated October 5, 1974, and drawing list No. Model 1401 dated October 5, 1974, approved for use only on artificial islands, fixed structures, and drilling rigs, both self-propelled semi-submersible and nonself-propelled,

Marking, Weights: Condition "A"=2,310 pounds; Condition "B"=5,483 pounds, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective November 5, 1974. (It supersedes Approval No. 160.035/474/0 dated April 24, 1974.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/1/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), Type IV PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective November 8, 1974. (It is an extension of Approval No. 160.048/1/0 dated January 19, 1970.)

Approval No. 160.048/238/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, Ero dwgs. Nos. 1 and 2 dated February 1, 1965, and Bill of Materials dated February 10, 1965, Type IV PFD, manufactured by Ero Manufacturing Company, 308 William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607, effective November 8, 1974. (It is an extension of Approval No. 160.048/238/0 dated January 14, 1970.)

LIGHT (WATER); ELECTRIC FLOATING, (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS

Approval No. 161.010/5/0, Model S1307 Seastar Distress Marker, floating electric water light, manufactured by Soderberg Manufacturing Company, Inc., 20821 Currier Road, Walnut, California 91789, effective November 4, 1974.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/220/0, Type 1910Fc, consolidated safety valve, steel body, 300 p.s.i., 450° F., dwg. No. 1905F-1908F, Rev. July 1, 1957, approved for 1½", manufactured by DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective November 8, 1974. (It is an extension of Approval No. 162.001/220/0 dated January 29, 1970.)

BROMOTRIFLUOROMETHANE-TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.035/1/1, Kidde Bromotrifluoromethane ($CBrF_3$) Fire Extinguishing Systems for Hydrofoil Craft, Typical Installation dwg. No. L-98754-C dated February 28, 1962, Rev. C dated October 10, 1974, manufactured by Walter Kidde & Company, Inc., Belleville, New Jersey 07109, effective November 12, 1974. (It supersedes Approval No. 162.-035/1/0 dated June 5, 1972 to show modified and updated dwg.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTER; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/113/0, Volvo-Penta flame control device, stainless steel cover, brass elements 0.016" thick, Model No. 886601, show on Volvo-Penta drawings 886600, 886601, 824663, 824699, and 827004, this approval is for flame arresting elements and housing only, carburetor assembly is not included, identical to U.S.C.G. Approval No. 162.-041/107/0, manufactured by Volvo Penta of America, Inc., P.O. Box 12758, Norfolk, Virginia 23502, formerly Volvo, Inc., effective November 12, 1974. (It is an extension of Approval No. 162.041/113/0 dated December 12, 1969, and change of name and address of manufacturer.)

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/50/0, "O'Neill's Insulating Underlayment" perlite aggregate oxychloride cement deck covering, identical to that described in E. H. O'Neill Floors Company letter dated October 29, 1963, approved for use without other insulating material as meeting Class A-60 requirements in a 1-inch thickness, manufactured by E. H. O'Neill Company, Inc., 5515 Belair Road, Baltimore, Maryland 21206, formerly E. H. O'Neill Floors Company, effective November 4, 1974. (It supersedes Approval No. 164.006/50/0 dated September 10, 1973, to show change of name and address of manufacturer.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/64/1, E. F. Hauserman's "Double Wall" marine bulkhead panel system identical to that described in National Bureau of Standards Test Report No. FR 3815 dated August 29, 1972, and as shown on Hauserman's drawing 27063 dated February 16, 1972; approved as meeting Class B-15 requirements, finishes shall be UL listed/labeled materials or materials tested to prove compliance with Paragraph 164.012-10(a) and as accepted by the U.S. Coast Guard, manufactured by the E. F. Hauserman Company, 5711 Grant Avenue, Cleveland, Ohio 44105, effective November 14, 1974. (It supersedes Approval No. 164.008/64/0 dated September 29, 1972, to show revised remarks; limitation removed.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/16/1, "No. 100 Ultralite MC Insulation", glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1519: FR 2622 dated May 19, 1948, approved in a one-pound per cubic foot density, product manufactured by Certain-Teed Products Corporation at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Certain-Teed Products Corporation, CSG Group, Old Route 202, Eagle School Road, Valley Forge, Pennsylvania 19481, effective November 5, 1974. (It supersedes Approval No. 164.009/16/1 dated May 7, 1974 to show change of name and address of company.)

Approval No. 164.009/23/0, "No. 75 Ultralite MC Insulation", glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1656: FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 0.75 pound per cubic foot, product manufactured by Certain-Teed Products Corporation at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Certain-Teed Products Corporation, CSG Group, Old Route 202, Eagle School Road, Valley Forge, Pennsylvania 19481, effective November 5, 1974. (It supersedes Approval No. 164.009/23/0 dated May 7, 1974 to show change of name and address of company.)

Approval No. 164.009/24/0, "No. 150 Ultralite MC Insulation", glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1656:FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, product manufactured by Certain-Teed Products Corporation at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Certain-Teed Products Corporation, CSG Group, Old Route 202, Eagle School Road, Valley Forge, Pennsylvania 19481, effective November 5, 1974. (It supersedes Approval No. 164.009/24/0 dated May 7, 1974 to show change of name and address of company.)

Approval No. 164.009/82/1, "Ultrafine CG #1 through CG #7", fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report Nos. TG10210-2120:FR3651 dated June 7, 1965, and TG10210-2122:FR3653 dated September 17, 1965, approved in a range from ½ through 3 pounds per cubic foot density, product manufactured at Plant #7, 3031 Fiberglas Road, Kansas City, Kansas 66115, Mountaintop, Pennsylvania Plant, Crestwood Industrial Park, Mountaintop, Pennsylvania 18707 & Berlin, New Jersey Plant, New Booklyn & New Freedom Roads, Williamstown Junction, New Jersey 08009, for Certain-Teed Products Corporation, CSG Group, Old Route 202, Eagle School Road, Valley Forge, Pennsylvania 19481, effective November 5, 1974. (It supersedes Approval No. 164.-009/82/1 dated April 30, 1970 to show change of name and address of company.)

Dated: January 12, 1975.

D. H. CLIFTON,
Captain U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-1883 Filed 1-20-75;8:45 am]

Federal Highway Administration

TRUCKS ON INTERSTATE SYSTEM HIGHWAYS

Maximum Weight; Interpretation

The purpose of this notice is to advise interested persons of the contents of a significant new interpretation issued by the Federal Highway Administration, pertaining to the construction of 23 U.S.C. 127, as amended by section 106 (b) of the Federal-Aid Highway Amendments of 1974. Those provisions of law pertain to maximum weight of motor

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vehicles that may lawfully be permitted to use Interstate System highways.

Since this interpretation is of general interest, the Federal Highway Administrator is publishing it for the information of all persons concerned. The text of the interpretation is set forth below.

This notice is issued under the authority of 23 U.S.C. 127, 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on January 13, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Construction of the "Grandfather Clause" in 23 U.S.C. 127 As Amended by Section 106(b) of the Federal-Aid Highway Amendments of 1974. It has come to the attention of the Federal Highway Administrator that there may be some confusion as to the correct meaning of the amendments made to the "grandfather clause" of 23 U.S.C. 127 by section 106(b) of the Federal-Aid Highway Amendments of 1974, P.L. 93-643. As amended, the statute provides, in pertinent part, as follows (language added by the 1974 amendments is italicized):

No [Interstate] funds • • • shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles with weight in excess of [single axle, 20,000 lbs.; tandem axle, 34,000 lbs.; gross weight, by formula up to 80,000 lbs.] • • • or the corresponding maximum weights or maximum widths permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater.

• • • • • •

This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof that could be lawfully operated within such State on July 1, 1956 except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974.

Since, on January 4, 1975, the date of enactment of the 1974 amendments, 13 western States had laws which provided for weights of over 80,000 pounds for vehicles using highways off the Interstate System, and lower weights for vehicles using the Interstate System, the question arises whether the revised grandfather language quoted above refers to the lower or the higher limits. The Federal Highway Administrator interprets the revised section 127 as referring to the lower State limits for Interstate System use.

In the 13 States concerned, the "corresponding maximum weights • • • permitted • • • under laws or regulations established by appropriate authority in effect on • • • [January 4, 1975]" were of a dual nature, and geographically restrictive. Specifically, a vehicle weighing over 80,000 pounds was restricted to operation on highways off the Interstate System. Likewise, while such a vehicle "could be lawfully operated within such State," the operation would not have been lawful on the Interstate System. The primary purpose of 23 U.S.C. 127 is to protect the Interstate System highways from premature damage. This purpose can best be achieved by construing the "grandfather clause" so as to permit use of Interstate highways by only those vehicles having gross weights that would have allowed their lawful operation on the Interstate System on the "grandfather" date.

Further, it is necessary to read subsections (a) and (b) together. With respect to gross weight, subsection (a) introduces the new concept of "group of axles" weight determined by a formula which permits gross weight to rise in increments with increasing vehicle lengths and increasing number of axles, up to a fixed ceiling of 80,000 pounds. This language, providing for incremental gross weight increases, replaces the non-incremental, single-figure limit of 73,280 pounds in prior law which was applicable without regard to how short or long a vehicle was, or the number of axles it had.

Subsection (b) changes the grandfather date for vehicle gross weights, as determined by the formula, to the date of enactment of the Act. One clear result is that States which had single-figure Interstate gross weight limits on the date of enactment are not required to roll them back to the more restrictive incremental limits of the Federal formula. Another is that States which employed Interstate gross weight formulas different than the Federal formula may retain them. Still a third is to permit two States, Hawaii and New Mexico, to continue in effect their laws providing for Interstate System limits in excess of 80,000 pounds.

Reading subsections (a) and (b) together in this manner results in a harmonious construction of the section as a whole. It is also consistent with the intent of Congress as expressed in the legislative history of the section. The conference report, H. Rept. No. 93-1622 (at p. 19), for example, indicates the one purpose of the amended "grandfather clause" was to permit certain vehicles "to continue to operate on the Interstate System," a result which could not be achieved if those vehicles had not lawfully operated there before. Conversely, the legislative history provides no support for the view that Congress intended to confer a special status, by making a broad special exemption from the 80,000-pound gross weight ceiling, upon 13 States concentrated in one corner of the Nation.

Therefore, the Federal Highway Administrator advises all interested persons that, in reviewing State sections for conformity with 23 U.S.C. 127, he will do so in the light of the foregoing interpretation of 23 U.S.C. 127.

[FR Doc.75-1820 Filed 1-20-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON COMPLIANCE AND ENFORCEMENT PROCEEDINGS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States to be held at 10 a.m., February 7, 1975 in the Library of the Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, D.C. 20037.

The Committee will meet to consider:

1. Professor Jan Vetter's revised report and recommendations concerning affirmative action regulations in university faculty employment;
2. Professor Jerry Mashaw's final report and recommendation concerning citizens suit provisions in federal regulatory statutes;
3. William R. Shaw's report and recommendation concerning procedures to ensure federal facility compliance with environmental quality standards; and
4. Any other matters.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw, (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JANUARY 15, 1975.

[FR Doc.75-1833 Filed 1-20-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26494, Order 75-1-67]

JOINT TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to South Pacific Air Fares Agreement

JANUARY 14, 1975.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, proposed to be effective April 1, 1975 through March 31, 1976 would establish fares over the South Pacific.

The agreement would increase, with certain exceptions, all fares for U.S. originating travel over the South Pacific by 13 percent;[1] and impose stopover restrictions on various promotional fares not heretofore so restricted. Free stopovers in connection with the 28 day excursion and 35 day individual inclusive tour fare would be limited to a total of five with additional stopovers available at a charge of $25 each.

The purpose of this order is to establish dates for the submission of carrier justifications in support of the subject agreements, and comments from other interested persons. The carriers' justifications should include historical data, as reported to the Board in form 41 reports by functional account, for total Pacific services for the year ended September 30, 1974, adjusted to exclude all charter and cargo operations so as to establish the present economic status of passenger services in the areas covered by the subject agreement.[2] The carriers will also be expected to include a forecast for the year ending March 31, 1976, both including and excluding the increased fares for which they seek approval.

In addition to the above information, we request that the South Pacific carriers also address the question of fare structure on this route; including proposed continuation of a number of promotional fares at discounts in excess of 50 percent, the relatively high yields from west coast-Papeete and Honolulu-Sydney fares compared with fares between west coast-Sydney and Honolulu-Papeete and the rationale for the same dollar fares for affinity group, individual inclusive tour and group inclusive tour fares between Honolulu and Papeete.

Accordingly, it is ordered That:

1. All United States air carrier members of the International Air Transport Association shall file within twenty days after the date of service of this order, full documentation and economic justification (as described above) in support of the subject agreement;
2. Comments and/or objections from interested persons shall be submitted within thirty days after the date of service of this order; and
3. Tariffs implementing the subject agreements shall not be filed in advance of Board action on the agreements.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, *Chief, Passenger and Cargo Rates Division, Bureau of Economics.*

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[1] The agreement would increase the Honolulu-Papeete and west coast-Papeete normal economy fares by 20 and 15 percent respectively. The Honolulu-Papeete first class fare would be increased by 18 percent.

[2] A suggested format is shown in the Appendix, which should also be used to set forth historical and forecast information relating to traffic and capacity.

Operating Revenues and Expenses International—Pacific Area

	Year ended Sept. 30, 1974 [1]	Exclusions [2] Military and commercial charter services	Exclusions [2] Cargo services [3]	South Pacific scheduled Passenger As reported	South Pacific scheduled Passenger Accounting adjustments	Forecasts year ended Mar. 31, 1976, South Pacific scheduled passenger operations At present fares	Forecasts year ended Mar. 31, 1976, South Pacific scheduled passenger operations At proposed fares
Revenues:							
Total passenger revenues (scheduled)							
Express (scheduled)							
Freight (scheduled)							
Mail (scheduled)							
Charter, passenger							
Charter, freight							
Other transport							
Overall transport revenues							
Nontransport revenues							
Overall operating revenues							
Expenses:							
Flying Operations—fuel							
Maintenance—direct							
Maintenance—indirect							
Passenger service							
Aircraft and traffic servicing							
Promotion and sales							
General and administration—transport related							
Amortization of development and Preop. Exp. etc							
Depreciation, flight equipment							
Depreciation, other than flight equipment							
Overall operating expenses							
Operating profit (loss)							
Other nonoperating income and expense, net							
Net income before tax							
Income tax at 48 percent							
Special items—net							
Income after tax and special items							
Additional interest expense							
Return element							
Investment							
ROI							

[1] As reported in form 41.
[2] Pan American is required to exclude separately its total North/Central Pacific and intra-Pacific operations.
[3] Belly and all cargo services, including mail.
[4] Balance.
[5] To include but not limited to an annualization of present revenues and expenses explain fully.

[FR Doc.75-1769 Filed 1-20-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

SWIMMING POOL SLIDES

Acceptance of Offer To Develop Safety Standard; Summary of Terms of Acceptance

By notice in the FEDERAL REGISTER of October 24, 1974 (39 FR 37804) the Consumer Product Safety Commission commenced a proceeding pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to swimming pool water slides. The notice invited any person to submit to the Commission, on or before November 25, 1974, either of the following:

1. One or more existing standards as a proposed consumer product safety standard in this proceeding; or,
2. An offer to develop one or more proposed consumer product safety standards applicable to swimming pool slides to reduce or eliminate any or all of the unreasonable risks of injury associated with swimming pool slides identified in this notice.

In response to the October 24 FEDERAL REGISTER notice, the Commission received two offers to develop a recommended standard applicable to swimming pool water slides. The purpose of this notice is to announce the acceptance of one of these offers.

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The Commission has accepted the offer of the National Swimming Pool Institute, 2000 K Street, NW, Washington, D.C. 20006 to develop a recommended consumer product safety standard applicable to swimming pool water slides. The Commission has determined that the NSPI (1) is technically competent, (2) is likely to develop an appropriate standard within the 120 day period provided by the Commission and (3) will comply with the regulations issued by the Commission under section 7 of the Consumer Product Safety Act (16 CFR 1105; 39 FR 16206) applicable to the development of the standard.

Method of development. The National Swimming Pool Institute (NSPI) intends to develop the standard with the help of a management committee consisting of technical and use-oriented consumers. Experts from industry, medicine, and human factors, water safety organizations, and safety engineering and standard writing firms will participate in the activities of the management committee. This committee will solicit information from the public, consumer groups, and individual consumers and experts about swimming pool water slide problems.

A development committee, utilizing experts of different disciplines as well as technical and use-oriented consumers, will gather information affecting the standard through technical research, personal experience and public hearings. The committee will be supported by a project engineer and technical support working groups. Consumer input will be provided to the committee through participation of use-oriented and technically-oriented consumer volunteers. The committee will be responsible for drafting the recommended standard.

Meetings of the management committee, the development committee and other subcommittees which will be set up will be open to attendance and participation by all interested persons.

In its technical program, NSPI will compile available accident data on swimming pool water slides. Accidents will be categorized into: (1) product or installation caused accidents and (2) product misuse accidents. Existing engineering analysis from studies by Utah and Nova Universities will be analyzed. Medical and human factor input will be incorporated in the standards development process.

Test programs to augment the committee's work which might become necessary to verify or extend earlier testing will be carried out at facilities arranged by NSPI and its members. Additionally, swimming pool water slide test programs will be carried out at facilities of Aqua Slide 'N' Dive, Brownsville, Texas or Los Angeles.

Participation by consumers and other interested persons. In accordance with the Commission's regulations and the terms of NSIP's offer, all persons are invited to participate in the standard development process. In order to ensure this participation, the NSPI will distribute a detailed questionnaire about swimming pool water slides to persons and organizations which can be identified as accident and safety sources for data. Additional public participation will be accomplished using technically and use-oriented consumers from the American Red Cross and the National Safety Council. Furthermore, four technically and use-oriented consumers have been invited to serve on the NSPI development committee to make a direct input to the standard.

Offer acceptance agreement. NSPI has agreed to develop a recommended standard applicable to swimming pool water slides in accordance with the terms of the October 24 notice of proceedings (39 FR 37804), the Commission's regulations for developing Consumer Product Safety Standards (16 CFR 1105; 39 FR 16206) and the terms of the agreement entered into with the Commission on January 14, 1975.

The Commission has agreed to contribute $14,000 toward the cost of developing the recommended standard. These funds will be used to defray consumer travel and per diem expenses as specified in the agreement.

The Consumer Product Safety Act specifies in section 7(b) (15 U.S.C. 2056 (b)) that the period in which a recommended standard is to be developed shall end on June 20, 1975 after publication in the FEDERAL REGISTER of a notice inviting any person to submit an offer to develop a proposed standard which in this case is March 23, 1975. The Commission, however, in accepting the offer of NSPI specified that NSPI shall have a period of 120 days beginning January 6, 1975, in which to develop a standard, with this period to end on May 6, 1975.

The Commission finds that the additional period is appropriate due to the complex nature of the swimming pool water slide problem and the need by the offeror to conduct various human factor studies. The extended development period will also ensure the opportunity for adequate participation by all interested parties, and provide the offeror with sufficient opportunity to evaluate all comments on the standard it drafts. The Commission may, by notice in the FEDERAL REGISTER, extend the period for development if it finds for good cause that a different period of time is appropriate.

Copies of NSPI's offer and a copy of the formal agreement entered into between the Commission and NSPI are available for inspection in the Office of the Secretary, Room 1025, 1750 K Street, NW., Washington, D.C.

All persons interested in participating in the development of the standard applicable to swimming pool slides should contact Mr. Larry Paulick, NSPI Program Coordinator, National Swimming Pool Institute, 2000 K Street, NW., Washington, D.C. 20006, telephone (202) 331–8844.

Dated: January 15, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.75–1881 Filed 1–20–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL323–1]

AREAWIDE WASTE TREATMENT

Management Planning Approvals; Area and Agency Designations

Pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals and disapprovals of designation of areawide waste treatment management planning areas and agencies for the period December 3, 1974, through January 7, 1975.

The following area and agency designations have been approved by the Environmental Protection Agency:

Augusta-Cobbossee, Maine (Southern Kennebec Valley Regional Planning Commission, 154 State Street, Augusta, Maine 04330).

Lewiston-Auburn, Maine (Androscoggin Valley Regional Planning Commission, 34 Court Street, Auburn, Maine 04210).

Southeast Wisconsin (Southeastern Wisconsin Regional Planning Commission, 916 N. East Avenue, Waukesha, Wisconsin 53186).

Fredericksburg, Virginia (Rappahannock Area Development Commission, Planning District 16, P.O. Box 863, Fredericksburg, Virginia 22401).

In addition, the designation of Bonneville County, Idaho and of the Bonneville Council of Governments as a 208 area and agency, respectively, was disapproved. The area does not appear to have sufficiently complex water quality problems to warrant an intensive areawide planning and management program for water quality at the local level. The surface water quality problems seem to be minor and readily correctable through effective use of discharge permits for municipal and industrial pollutants. Furthermore, the groundwater problems appear to be localized and can be solved by traditional control measures such as tighter zoning controls.

G. M. DIETRICH,
Acting Assistant Administrator for Water and Hazardous Materials.

JANUARY 15, 1975.

[FR Doc.75–1873 Filed 1–20–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75–50]

PENNSYLVANIA GAS AND WATER CO. AND TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Notice of Complaint

Take notice that on January 3, 1975, Pennsylvania Gas and Water Company (Complainant), 30 North Franklin Street, Wilkes-Barre, Pennsylvania 18701, filed in Docket No. RP75–50 a complaint against Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Defendant), P.O. Box 2511, Houston, Texas 77001, alleging violation of section 4 of the Natural Gas Act as a result of Defendant's unreasonable, preferential, discriminatory and unlawful implementation of its curtailment plan for sales of natural gas made pursuant to authorizations issued under the Natural Gas Act and requesting that the Commission issue an order providing for an immediate formal hearing on the issues raised in the instant complaint and to provide interim relief from Defendant's curtailment implementation pending consideration of said complaint, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

The complaint asserts that Defendant notified Complainant on December 13, 1974, that on the basis of certain recently collected customer end-use data Defendant's system curtailment rate during the period December 16, 1974, through March 31, 1975, would be raised from 5.1 percent to 14 percent and that curtailment of Complainant's requirements would be increased from 5.1 percent to 45 percent. The complaint alleges that by establishing such revised curtailment rates on the basis of this recently collected but untested and unverified data Defendant is acting in an unreasonable, preferential and unduly discriminatory manner in violation of section 4(b) of the Natural Gas Act. The complaint cites as further violation of the Act Defendant's refusal to allow Complainant an opportunity to correct a patent discrepancy in the end-use data it furnished Defendant and which forms a part of the unverified and untested data relied on by Defendant in establishing revised curtailment rates for its customers. The complaint asserts that a 45 percent curtailment of Complainant's winter requirements would wreak havoc on the economy of its market areas and that Complainant is processing data in contemplation of filing a petition for extraordinary relief from the implementation of Defendant's curtailment plan. Complainant argues, however, that such extraordinary relief would not be required if Defendant were curtailing on the basis of meaningful end-use data.

Complainant is a public utility corporation engaged in the supply and distribution of water and natural gas within the Commonwealth of Pennsylvania. Natural Gas service is said to be provided by Complainant to the public in parts of the following Pennsylvania counties: Lackawanna, Wyoming, Luzerne, Columbia, Northumberland, Snyder, Montour, Union and Lycoming. Complainant states that its market is mostly residential, commercial and small process-use industrial and that it does not meet the needs of large interruptible or boiler fuel consumers. Complainant states that it is imperative that the recently collected data of Defendant be made subject to evidentiary scrutiny, particularly in comparison with the data submitted by these same customers in 1973 (as estimated customer end-use requirements for 1974) which Defendant offered into the record at the hearing in Docket No. RP74–24 as Exhibit 2. Complaint alleges that Defendant stated at that time that its capacity entitlement during 1974 would be implemented on the basis of the end-use data reflected in Exhibit 2, which data were evaluated to ascertain whether such customer projections were in line with past experience and the customer contacted where projections were not in line, that Defendant is now-basing curtailments on recently collected unverified data. Complaint states that after notification of the new curtailment level by Defendant it sought an explanation of the massive disparity in curtailments between Defendant's system curtailment of 14 percent and Complainant's curtailment of 45 percent of requirements. The complaint alleges that on reviewing the end-use data report submitted by Complainant to Defendent early in December 1974, Complainant first noticed a blatent discrepency in which Priority 3 requirements had been listed as increasing from 5.3 percent of total requirements to 39.7 percent of total requirements with a corresponding reduction in reported Priority 2 requirements. Complainant states that on further investigation it discovered that this discrepancy resulted from an improper priority categorization in its preparation of the December 1974 submittal.[1] The complaint states that whereas in the data submittal reflected in Exhibit 2, Complainant properly included firm process gas requirements in Priority 2, in the December 1974 submittal all firm process gas was erroneously categorized as Priority 3 load.

The complaint states that Defendant refused to allow Complainant to correct the erroneous December 1974 data and that Defendant took the position that time did not permit its customary review of this recently collected end-use data. Moreover Defendant's position is stated to be that such review by it would not necessarily support the accuracy of the data reported by its customers and that the current implementation of its curtailment plan is being based on raw untested end-use data as furnished by all customers. Complainant alleges that Defendant, while recognizing the patent nature of the discrepancy, informed Complainant that the data it submitted could not be revised or corrected and that Complainant would have to seek relief from the Commission which Defendant would not oppose.

Complainant argues that in view of the fact that Defendant is relying on unverified data developed unilaterally by its customers and that Defendant does not purport to support the accuracy of such data it is clearly an unreasonable and unduly discriminatory practice on the part of Defendant to refuse to accede to Complainant's request to be permitted to revise data with data that Defendant previously reviewed and supported at the hearing in Docket No. RP74–24. The complaint states that a curtailment by Defendant of 45 percent of Complainant's winter requirement could have an adverse impact on the economies of its market areas particularly in and around Scranton and Wilkes-Barre. The economy of these areas is said to be already severely depressed due, in large measure, to the disastrous flooding in the spring of 1972. Complainant states that a 45 percent curtailment would severely reduce the gas supply for its firm industrial consumers, which have almost no alternate fuel capabilities, and that said consumers would have to cease their operations in the event Complainant could not supply their gas needs. Complainant alleges that this would result in an irreparable impact on the economy of these areas.

In light of the impact of Defendant's curtailment on Complainant and other customers, and the availability of more reliable end-use data Complainant requests that the Commission provide for interim relief pending resolution of the instant complaint. Specifically, Complainant requests that Defendant be ordered to implement its curtailment plan on the basis of end-use data underlying Exhibit 2 in Docket No. RP74–24 or that Defendant be directed to base Complainant's curtailment requirements on the corrected end-use data reflected in the instant complaint. In addition, Complainant requests that all customers of Defendant be put on immediate notice that deliveries by Defendant during its present period of curtailment will be made subject to later pay-back in the event that a final order in this proceeding shall disclose that as a result of incorrect end-use data reporting some customers have received an unfair portion of Defendant's gas.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing of petitions to intervene and protests. Therefore, any person desiring to be heard or to make any protest with reference to said complaint should on or before January 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a pro-

[1] See the following table:

End-use data submittals by Penn Gas

	Per exhibit 2, docket No. RP74–24		December 1974	
	Million cubic feet	*Percent*	*Million cubic feet*	*Percent*
Company use and unaccounted	176	1.4	124	1.0
Priority 1	3,273	26.5	3,100	25.6
Priority 2	7,932	64.2	4,143	33.5
Priority 3	652	5.2	4,902	39.7
Priority 6	326	2.6	31	0.2
Total	12,360		12,360	

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test in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

A copy of the instant complaint was served upon Defendant on January 10, 1975. It appears reasonable and consistent with the public interest in this case to call upon Defendant to satisfy the complaint or answer the same in writing by January 30, 1975.

KENNETH F. PLUMB,
Secretary.

JANUARY 14, 1975.

[FR Doc.75-1848 Filed 1-20-75;8:45 am]

[Docket No. CP75-32]

ARKANSAS LOUISIANA GAS COMPANY

Notice of Petition To Amend

Take notice that on January 3, 1975, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP75-32 a petition to amend the order issuing a budget-type certificate of public convenience and necessity in said docket on October 31, 1974, pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the Regulations thereunder (18 CFR 157.7), by authorizing an increase in the maximum single project cost from $1 million to $1.5 million and by authorizing Petitioner to use its budget certificate to implement exchanges of gas with other pipeline companies, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner's certificate in the instant docket authorizes Petitioner to construct during the calendar year 1975 and operate natural gas facilities to enable Petitioner to take into its certificated main pipeline system natural gas which would be purchased from producers in the general vicinity thereof. Total expenditures for facilities is limited, pursuant to § 157.7(b) of the regulations under the Natural Gas Act, to $7 million with no single project to exceed a cost of $1 million.

Petitioner states that it could arrange exchange agreements with other pipeline companies more expeditiously if it were authorized to use its budget-type certificate in lieu of having to apply for separate authorization. Petitioner further states inflation has greatly increased construction, material and installation costs in recent years as justification for the increase in the single project cost maximum to $1.5 million.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

JANUARY 14, 1975.

[FR Doc.75-1847 Filed 1-20-75;8:45 am]

[Docket No. RI73-227]

AUSTRAL OIL CO.

Extension of Time

JANUARY 7, 1975.

On January 6, 1975, Austral Oil Company Incorporated filed a motion to extend the time for filing briefs on exceptions to the decision of the Presiding Administrative Law Judge issued November 6, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the time for filing briefs on exceptions is extended to January 13, 1975 and the date for filing briefs opposing exceptions is extended to February 3, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1856 Filed 1-20-75;8:45 am]

[Docket No. E-9109]

CONSUMERS POWER CO. AND THE DETROIT EDISON CO.

Tariff Change

JANUARY 14, 1975.

Take notice that Consumers Power Company (Consumers Power) on November 13, 1974 tendered for filing proposed changes in data supporting the Electric Coordination Agreement between Consumers Power Company and The Detroit Edison Company (Detroit Edison), designated Consumers Power Company Rate Schedule FPC No. 33. The proposed changes would increase the charges under the Agreement for seasonal, weekly and daily capacity reservations by approximately five percent (5%).

The increased rates are necessitated by changes in the generating facilities designated to provide the capacity and by the addition of several new transmission lines.

Copies of the filing were mailed to Detroit Edison and to the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, DC. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection. (Order No. 487, 38 FR 19967, July 26, 1973)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1855 Filed 1-20-75;8:45 am]

[Docket No. E-8843]

HOLYOKE WATER POWER CO., HOLYOKE POWER AND ELECTRIC CO.

Extension of Procedural Dates

JANUARY 14, 1975.

On January 10, 1975, Chicopee, Massachusetts Electric Light Department filed a motion to extend the procedural dates fixed by order issued August 9, 1974, as most recently modified by notice issued December 31, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, February 18, 1975.
Service of Company Rebuttal, February 28, 1975.
Hearing, March 11, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-1858 Filed 1-20-75;45 am]

[Docket No. R175-76]

EXXON CORP.

Order Setting Date for Hearing and Consolidating Proceedings

JANUARY 8, 1975.

On November 18, 1974, Exxon filed with the Commission a contract amendment dated October 28, 1974, designated as Supplement No. 42 to its Rate Schedule No. 357 and a notice of change in rate designated as Supplement No. 43 to its Rate Schedule No. 357, for gas sold to Columbia Gas Transmission Corporation (Columbia) from acreage in the Louisiana and offshore Louisiana areas. The amendment to Exxon's June 28, 1963 basic contract adds an area rate clause, excess royalty reimbursement clause and a deregulation clause as consideration for Exxon to undertake a work program involving the drilling of additional wells on acreage presently committed to Columbia and for making other investments to increase deliverability. The October 28, 1974, amendment and resulting notice of change in rate will increase the prices Exxon receives for the sale of gas up to the applicable area rates established by the Commission in Opinion No. 598[1] and Opinion No. 699[2]. The proposed increase were suspended for one day from the dates they would otherwise become effective by order issued December 18, 1974, in the above-entitled proceeding.

The proposed rates do not exceed the applicable ceiling rates established by this Commission. There is a question, however, as to whether Exxon is entitled to amend its basic contract, as it has done in its October 28, 1974 agreement, in light of the permanent certificate issued to it on November 15, 1963, in Docket No. CI64-5, 30 FPC 1297. Therefore, we deem it necessary that a hearing be held in this matter to decide the issues raised by Exxon's filings herein.

There is currently set for hearing on January 7, 1975, in Docket No. RI75-46 a closely related contractual issue raised by Exxon's notice of change in rate designated as Supplement No. 41 to its Rate Schedule No. 357 for gas sold to Columbia from the same acreage. Consolidation of Docket Nos. RI75-46 and RI75-76 will permit a complete and comprehensive hearing on all related matters and reduce the administrative burden on the parties.

The Commission permitted Columbia to intervene in Docket No. RI75-46 by order dated December 20, 1974. Columbia need not file a further petition to intervene in the consolidated proceeding we hereby set for hearing.

The Commission finds:

It is in the public interest and convenience that Docket Nos. RI75-46 and RI75-76 be consolidated and set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulation under the Natural Gas Act (18 CFR, Chapter I), Docket Nos. RI75-46 and RI75-76 are consolidated and set for hearing and disposition.

(B) A public hearing on the contractual and certificate issues presented by the filings herein shall be held commencing on March 12, 1975, 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Exxon Corporation and parties in support shall file their direct testimony and evidence on or before February 18, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, shall file their direct testimony and evidence on or before February 28, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before March 7, 1975. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to the proceeding.

(G) Notice of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, Washington, D.C., 18 CFR 1.8 and 1.37(f), on or before January 15, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1850 Filed 1-20-75;8:45 am]

[Docket No. RI75-21]

INDEPENDENT OIL AND GAS ASSOCIATION OF WEST VIRGINIA

Extension of Procedural Dates

JANUARY 14, 1975.

On January 8, 1975, Independent Oil and Gas Association of West Virginia (IOGA) filed a motion to extend the procedural dates fixed by order issued December 2, 1974 in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of IOGA's Direct Testimony, January 17, 1975.
Pre-Hearing Conference, January 28, 1975 10:00 a.m. e.s.t.

Any further proceedings necessary shall be fixed by the Presiding Administrative Law Judge.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1852 Filed 1-20-75;8:45 am]

[Docket No. RP73-43; PGA75-2]

MID LOUISIANA GAS CO.

Proposed Change in Rates

JANUARY 14, 1975.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on December 20, 1974, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Eleventh Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, 101 and E-1; that the revised tariff sheet is proposed to be effective February 1, 1975, and that the filing is being made in accordanace with section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1857 Filed 1-20-75;8:45 am]

[Docket No. E-8547]

MISSOURI EDISON CO.

Further Extension of Procedural Dates

JANUARY 14, 1975.

On January 8, 1975, Staff Counsel filed a motion to indefinitely suspend the procedural dates fixed by order issued February 15, 1974, as most recently modified by notice issued December 16, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 7, 1975.
Service of Company Rebuttal, February 21, 1975.
Prehearing Conference, February 25, 1975 (10:00 a.m. e.s.t.).
Hearing, March 4, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1853 Filed 1-20-75;8:45 am]

[Docket No. CP75-202]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

JANUARY 14, 1975.

Take notice that on January 7, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-202 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and the construction

[1] *Southern Louisiana Area Rate Proceeding*, 46 FPC 86 (1971), affirmed, *sub nom. Placid Oil Co. v. F.P.C.*, 5th Cir. 483 F.2d 880 (1973), affirmed, *sub nom. Mobil Oil Corp. v. F.P.C.*, ---- U.S. ---- 42 U.S.L. Week 4842 (June 10, 1974).

[2] ---- FPC ---- (1974). Rehearing of Opinion No. 699 for purposes of further consideration was granted by the Commission's order of August 2, 1974. ---- FPC ---- amended, ---- FPC ---- (August 12, 1974).

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and operation of the facilities required to implement such exchange, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that Applicant and Michigan Wisconsin have entered into a long-term contract dated November 13, 1974, to exchange gas in Wheeler and Hansford Counties, Texas. Pursuant to such agreement, Applicant will receive up to 10,000 Mcf of gas per day, or whatever quantity is otherwise mutually agreed upon, from Michigan Wisconsin through a proposed tap connection on Applicant's existing 26-inch pipeline in Section 2, AB & M Survey, Wheeler County, Texas; Michigan Wisconsin will deliver gas to Applicant from reserves committed to Michigan Wisconsin in the vicinity of Applicant's Wheeler County facilities.

Applicant proposes to deliver concurrently exchange volumes to Michigan Wisconsin at an existing point of interconnection between the systems of Applicant and Michigan Wisconsin in Hansford County, Texas, which is presently used for the exchange of gas between Applicant and Michigan Wisconsin under an existing exchange agreement.

Applicant further states that all volumes of gas exchanged will be adjusted for Btu content and all gas balances will be calculated on a volume weighted average Btu basis. Aside from a 1.25 percent adjustment for fuel gas used by Applicant, no compensation is provided for in the exchange agreement, it being understood that the transaction is to be a gas-for-gas exchange, according to Applicant.

Applicant further proposes to construct and operate a 4-inch tap connection on its existing 26-inch pipeline in Wheeler County at an estimated cost of $5,350, which cost will be reimbursed to Applicant by Michigan Wisconsin.

Applicant asserts that the proposed exchange is mutually beneficial to Applicant and Michigan Wisconsin in that it provides a means for each party to connect remote sources of gas supply into their respective systems while obviating the necessity to construct and operate duplicate facilities otherwise required if they were to proceed independently. Applicant states the exchange will have no effect on any of the other sales or services now rendered by Applicant nor will there be any change in Applicant's operations occasioned thereby.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1861 Filed 1-20-75;8:45 am]

[Docket No. RP73-8; PGA75-5]

NORTH PENN GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 14, 1975.

Take notice that North Penn Gas Company (North Penn) on January 2, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective February 1, 1975. The proposed rate increase would generate $222.9 thousand annually in additional jurisdictional revenues based on the twelve-month period ending November 30, 1974.

North Penn states that the PGA filing was triggered by a PGA rate increase filed by Consolidated Gas Supply Corporation on December 26, 1974, to become effective February 1, 1975, and a general rate increase filed by Transcontinental Gas Pipe Line Corporation at Docket No. RP75-3 to become effective February 1, 1975.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the suppliers' revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on February 1, 1975.

Copies of this filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1860 Filed 1-20-75;8:45 am]

[Docket No. RP71-119; Docket No. RP74-31-25]

PANHANDLE EASTERN PIPE LINE CO. (OKIE PIPE LINE CO.)

Petition for Extraordinary Relief

JANUARY 16, 1975.

By Order issued November 6, 1973, in Docket No. RP71-119, we accepted and made effective as of November 1, 1973, certain revised tariff sheets tendered by Panhandle Eastern Pipe Line Company (Panhandle). Those revised tariff sheets contain a curtailment plan filed by Panhandle which conformed to the curtailment procedures contained in the Commission's Statement of Policy, issued in Docket No. R-469, Order 467-B.

Numerous petitions for extraordinary relief from this curtailment plan have been filed by Panhandle's customers. The Commission by order issued on December 13, 1973, in Docket Nos. RP74-31-1, *et al.* set numerous petitions for formal hearing and assigned the various petitions for extraordinary relief filed thereafter by customers of Panhandle an appropriate docket number in this series.

Take notice that on January 8, 1973, Okie Pipe Line Company filed a petition pursuant to § 1.7(b) of the Commission's Rules of Practice and Procedure requesting extraordinary relief from the natural gas curtailments imposed under the provision of the presently effective 467-B interim plan which was filed by Panhandle on November 6, 1973.

Okie Pipe Line owns and operates a gas liquids pumping station located at Liberal, Kansas. The station operates a stand-by natural gas powered engine used to pump gas liquids in the event of failure of primary electric pumps. Okie Pipe Line also owns homes at Liberal Station used by company employees, each of which relies upon natural gas for heating and cooking. Panhandle is the source of supply of Liberal Station.

In its petition Okie Pipe Line alleges that it was advised by Panhandle that pursuant to its effective curtailment plan that deliveries to the Liberal Station would be completely curtailed during the course of the winter months.

Okie Pipe Line asserts in its petition that the projected curtailment creates an emergency at its Liberal Station. If auxiliary power is needed, there would be no alternative source to turn to at this station. In addition, Okie Pipe Line's employees will have no source of heating during the winter.

Okie Pipe Line notes in its petition that Panhandle has granted it temporary emergency relief for a period of 60 days, commencing December 1, 1974. However, it contends that it has no prospect for supply in February or in the remaining winter months. It thus contends that permanent emergency relief is warranted.

In its petition it further reflects that it requires varying volumes during the course of the different months with a maximum monthly volume of 3,530 Mcf in January and a minimum volume of 1200 Mcf in the month of August.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-1880 Filed 1-16-75;2:38 pm]

[Docket No. RP75-45]

TENNESSEE GAS PIPELINE CO.

Investigation of Revised Curtailment Level on System; Order Amending Order To Include Additional Parties

JANUARY 14, 1975.

Pursuant to Section 16 of the Natural Gas Act, the Commission herewith amends its order issued December 24, 1974, that initiated the investigation into the level of curtailment on Tennessee Gas Pipeline Company's (Tennessee) system to include as parties therein persons selling and delivering gas to Tennessee under Commission certificate authority in excess of 5,000 Mcf per day. This amendment is necessary to accomplish a full and complete evidentiary record upon which the Commission can obtain all of the relevant and necessary facts and data required in ascertaining the reasons for and determining the remedies underlying the instant investigation.

The Commission finds: Good cause exists to amend our order of December 24, 1974, as hereinafter ordered.

The Commission orders: (A) Our order of December 24, 1974, in this proceeding is hereby amended to include therein a new ordering paragraph (F) that will read as follows:

(F) All parties selling and delivering gas to Tennessee under FPC certificate authority in excess of 5,000 Mcf per day are deemed to be parties to this proceeding and may be required to present testimony and evidence as circumstances dictate and as may be determined by the Administrative Law Judge.

(B) In all other respects, our order of December 24, 1974, remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1851 Filed 1-20-75;8:45 am]

[Docket No. RI74-240]

TERRA RESOURCES, INC.

Final Decision

JANUARY 14, 1975.

On December 2, 1974, the Presiding Administrative Law Judge in the above-designated matter issued an initial decision on petition for special relief from area rates.

No exceptions having been filed by the parties or Staff Counsel and no review having been initiated by the Commission, the decision is final, effective January 13, 1975, pursuant to § 1.30(d)(3) of the Commission's rules of practice and procedure.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1849 Filed 1-20-75;8:45 am]

[Docket No. E-8997]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Extension of Procedural Dates

JANUARY 14, 1975.

On January 8, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 27, 1974 in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 13, 1975.
Service of Intervenor's Testimony, February 27, 1975.
Service of Company Rebuttal, March 13, 1975.
Hearing, March 25, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1854 Filed 1-20-75;8:45 am]

[Docket No. CI75-406]

PHILLIPS PETROLEUM CO.

Application

JANUARY 14, 1975.

Take notice that on December 30, 1974, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI75-406 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of Natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco) from the Read "B" No. 1 Well in Evangeline Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it commenced an emergency sale from the subject acreage to Transco on December 17, 1974, for sixty days within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 175.29) and proposes to continue said sale after the end of the emergency period for one year at 85.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplating of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant estimates monthly deliveries at 10,850 Mcf.

Applicant states that it and Transco have entered into a one-year contract in order to test the subject well, drilled as an exploratory well, under producing conditions at pipeline pressure and that during this period Applicant will evaluate reserves underlying the well and determine whether additional development is justified on acreage held by Applicant in the area. Applicant, therefore, asserts that the supply of gas will be available only for the limited period for which certification is sought until the well can be tested and reserves evaluated. Applicant further states that the subject gas is available to it in excess of its present requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1859 Filed 1-20-75;8:45 am]

[Docket No. RI75-100]

SOUTHERN UNION PRODUCTION CO.

Order Relating to Proposed Rate Change

JANUARY 14, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[1]		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI75-100..	Southern Union Production Co.	10	12	El Paso Natural Gas Co. (Rocky Mountain area).	$15,860	12-19-74	.....	6-19-75	[3] 24.98	[3] 25.48	RI74-134
.....do.....				.....do.....	354	12-19-74	.....	6-19-75	[4] 28.5	[4] 29.0	RI74-134

[1] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[2] Plus applicable tax and Btu adjustment.
[3] Applicable to production from wells completed prior to June 1, 1970.
[4] Applicable to production from wells completed on or after June 1, 1970.

The proposed rate increase of Southern Union exceeds the applicable area ceiling in Opinion No. 658 and is suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75-1741 Filed 1-20-75;8:45 am]

[Docket No. RP74-85]

WESTERN GAS INTERSTATE CO.

Order Approving Settlement Agreement

JANUARY 13, 1975.

On October 16, 1974, Western Gas Interstate Company (Western) tendered for filing a Stipulation and Agreement of Settlement in this proceeding and a motion for Commission approval thereof. The Presiding Administrative Law Judge in the above referenced docket certified the proposed agreement to the Commission on November 8, 1974. If approved, this settlement would resolve all issues in this proceeding.

This case involves a proposed increase in Western's rates filed April 24, 1974, which would have resulted in annual increased jurisdictional revenues of $1,702,147. The increased rates were suspended for one day until June 16, 1974, by order issued June 14, 1974.

A hearing was held in this proceeding on October 16, 1974, at which Western's prepared testimony was adopted by attestation. The Stipulation and Agreement along with the agreed upon settlement cost of service were also copied into the record. During the hearing on October 16, 1974, all parties stated on the record their support of the settlement agreement. The agreement was certified to the Commission on November 8, 1974, by the Presiding Administrative Law Judge with comments due on or before November 27, 1974. To date, no comments have been received.

The principal provisions of the settlement agreement may be summarized as follows:

Article I. This Article provides for the filing of revised tariff sheets within ten days after Commission approval of the agreement that will reduce Western's effective rates by 0.7¢ per Mcf (See Appendix A). It also provides for Western to refund the difference from the period June 16, 1974, to the effective date of the tariff sheets filed to make such reductions.

Article II. This Article states that none of the provisions of this Agreement shall become effective until the Commission has entered an order unconditionally accepting this Agreement as final and non-appealable.

In addition, nothing in this Agreement shall limit the right of Western to file a rate increase application. This Agreement shall not be terminated by any changes filed by Western applicable to purchased gas adjustment provisions of its tariff.

Article III. This Article states that the provisions of this Agreement constitute a negotiated dollar settlement of this proceeding, and neither Western, the Commission Staff, nor any other party shall be deemed to have approved, accepted, agreed to, or consented to any rate of return, rate making principle, or any method of cost of service or other determination, or any other allocation underlying or supposed to underlie the settlement.

Rate base and rate of return. These appendices to the Agreement reflect a rate base of $841,207, and an 8.7 percent rate of return yielding a 10.25 percent return on common equity. (See Appendix A for settlement cost of service)

Based on our review of the record in this proceeding, including the filing by Western and the proposed settlement agreement, we find that the proposed settlement is reasonable and in the public interest, and accordingly should be approved subject to the terms and conditions of this order. Pursuant to Article I of the Agreement, Western shall file within 10 days of the issuance of this order new rates to be effective on or before June 16, 1974, which reflect a reduction of 0.7¢ per Mcf from the presently effective rates. Western shall refund the difference, including interest of 7 percent per annum, from the period June 16, 1974 to the effective date of the tariff sheets filed to make such reductions.

The Commission finds: The settlement of this proceeding on the basis of the settlement agreement filed herein by Western on October 16, 1974, and certified to the Commission on November 8, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved as hereinafter ordered.

The Commission orders: (A) The settlement agreement filed by Western Gas Interstate Company on October 16, 1974, and certified to the Commission on November 8, 1974, is incorporated herein by reference, approved and made effective as of June 16, 1974, subject to the terms and conditions of this order.

(B) Western shall file, within 10 days of the issuance of this order, new rates to be effective immediately which reflect a reduction of 0.7¢ per Mcf from the presently effective rates to Western's jurisdictional customers.

(C) Western shall refund the difference, including interest of 7 percent per annum, from the period June 16, 1974 to the effective date of the tariff sheets filed to make the reductions provided for in paragraph (A).

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Western, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Western or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Line No.	Description (a)	Southern division (b)	Northern division (c)	Total (d)
1	Gas purchases—Transmission	$115,263	$1,056,456	$1,171,719
2	Transferred—Field system		292,380	292,380
3	Operating and maintenance expense		30,389	30,389
4	Administrative and general expense		34,613	34,613
5	Depreciation expense	1,929	36,378	38,307
6	Amortization expense		69	69
7	Taxes other than income	1,448	17,619	19,067
8	Income taxes	1,713	22,839	24,552
9	Return per Settlement 8.7 percent	3,262	49,555	52,817
10	Total cost of service	123,615	1,540,298	1,672,913
11	Jurisdictional sales—Mcf	179,428	3,922,044	4,101,472
12	Settlement rates (cents)	68.9	39.5	
13	Proposed rates (cents)	69.6	40.2	
14	Rate reduction (cents)	.7	.7	

APPENDIX B

In arriving at an overall rate of return of 8.70 percent, the capitalization of Southern Union Gas, the parent company, was used as of September 30, 1974, adjusted to reflect actual and anticipated changes.

Class of capital	Amounts	Capital ratio (percent)	Cost (percent)	Weighted return (percent)
Long-term debt[1]	$108,185,000	46.83	7.63	3.57
Preferred stock	13,859,000	6.00	5.06	.30
Common equity[2]	108,963,458	47.17	10.25	4.83
Total	231,007,458	100.00		
Recommended return of total capital				8.70

[1] Includes future financing in 1974 of $25,000,000 debt issue at 10¼ percent.
[2] Includes retained earnings of $9,000,000 for 9 month period ending Sept. 30, 1974.

[FR Doc.75-1749 Filed 1-20-75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRN-CO., INC.

Formation of Bank Holding Company

Firn-Co., Inc., North Platte, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of First National Bank & Trust Company of North Platte, North Platte, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 14, 1975.

Board of Governors of the Federal Reserve System, January 15, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1893 Filed 1-20-75;8:45 am]

[Reg. Y]

ALFRED I. DUPONT TESTAMENTARY TRUST

Approval of Divestiture Plan

Correction

FR Doc. 75-1255, appearing at page 2677 in the issue of Wednesday, January 15, 1975, was incorrectly published as a rule. This document, which is a notice, should have appeared in the "Notices" section of the FEDERAL REGISTER, with headings as set forth above.

ARCHER-DANIELS-MIDLAND CO. AND NATIONAL CITY BANCORPORATION

Order Denying Acquisition of Bank

Archer-Daniels-Midland Company, Decatur, Illinois ("ADM"), and its wholly-owned subsidiary National City Bancorporation, Minneapolis, Minnesota ("NCB"), bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of National City Bank of Ridgedale, Minnetonka, Minnesota ("Bank"), a proposed new bank. The proposed acquisition would be made directly by NCB and, as a result, ADM would indirectly acquire voting shares of the Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the general purposes of the Act and the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicants control one bank with aggregate deposits of approximately $131 million, representing about 1 percent of the commercial bank deposits in Minnesota.[1] Since Bank is a proposed new bank, its acquisition by Applicants would not significantly increase their share of deposits in any relevant area.

NCB is the fifth largest commercial banking organization in the relevant banking market, which is approximated by the Minneapolis-St. Paul RMA. Its present subsidiary bank, National City Bank, controls about 2 percent of deposits in that market and is located approximately 12 miles east of Bank. Because Bank is a proposed de novo bank, no existing competition would be eliminated. In addition, it does not appear that any significant potential competition would be foreclosed as a result of consummation of the proposal. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicants, their subsidiary bank and Bank are satisfactory and consistent with approval of the applications. Considerations relating to convenience and needs lend some weight for approval of the applications, since the area to be served by Bank has undergone considerable growth and there are currently no banks in the immediate vicinity.

While the considerations discussed above indicate that approval of the applications would be consistent with the factors set forth in section 3 of the Bank Holding Company Act, other considera-

[1] Banking data are as of December 31, 1973, and reflect holding company acquisitions approved through July 31, 1974.

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tions in the record indicate that approval of the proposal would be contrary to the general purposes of the Act and, therefore, the applications should be denied.

ADM is one of the largest domestic soybean processors and operates one of the largest flour mills in the United States. As a result of the 1970 Amendments to the Bank Holding Company Act, ADM became a bank holding company and, pursuant to section 4(c)(12) of the Act and § 225.4(d) of the Board's Regulation Y, has filed with the Board an irrevocable declaration that it will cease to be a bank holding company by 1981. As a result of the filing of this declaration, ADM has available to it expedited procedures and greater latitude in acquiring additional non-banking interests than it would have otherwise. In the Board's view, permitting ADM to expand its banking interests while ADM is relatively free to pursue its non-banking interests without regard to the prohibitions in section 4 of the Act would be clearly contrary to one of the major purposes of the Act, i.e., the separation of banking and commerce, and such action should not be sanctioned.

The Board has, however, approved such an application in the past based upon a commitment from the applicant that it would separate its banking and non-banking interests at a date earlier than that to which it was already committed under its irrevocable declaration.[2] Although ADM, in its original application to the Board, presented a plan whereby it would "spin off" its shares of NCB to ADM's shareholders, this plan has now been postponed indefinitely and it does not appear that ADM's divestiture of its banking interests will occur at an early date. Accordingly, it is the Board's judgment that approval of the applications would frustrate the purposes of the Act, namely, the separation of banking and commerce, and should therefore be denied.

On the bases of all the facts in the record, it is the Board's judgment that approval of the subject applications would not be in the public interest. Accordingly, the applications are denied for the reasons summarized above.

By order of the Board of Governors,[3] effective January 13, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-1801 Filed 1-20-75;8:45 am]

[2] See Board Order approving application of Jacobus Company to acquire Heritage Bank-Mayfair, Wauwatosa, Wisconsin, 1972 *Federal Reserve Bulletin* 306.

[3] Voting for this action: Vice Chairman Mitchell, Governors Sheehan, Bucher, Holland, and Coldwell, Absent and not voting: Chairman Burns and Governor Wallich.

BANCORPORATION OF MONTANA

Acquisition of Bank

Bancorporation of Montana, Great Falls, Montana, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Bank of Montana, Helena, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 10, 1975.

Board of Governors of the Federal Reserve System, January 9, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1803 Filed 1-20-75;8:45 am]

BURLINGAME BANKSHARES, INC.

Proposed Acquisition of First State Insurance Agency

Burlingame Bankshares, Inc., Burlingame, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of First State Insurance Agency, Burlingame, Kansas. Notice of the application was published on December 5, 1974 in The Enterprise-Chronicle, a newspaper circulated in Burlingame, Kansas.

Applicant states that the proposed subsidiary would engage in general insurance agency activities, including the sale of joint or single, reducing or level term credit life insurance or credit disability insurance, mortgage redemption, homeowners, life, fire (including extended coverage), liability, theft, and automobile insurance, and surety, fiduciary, and performance bonds. Such activities will be conducted at offices in Burlingame, Kansas, a town of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 12, 1975.

Board of Governors of the Federal Reserve System, January 13, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1796 Filed 1-20-75;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with § 271.3(a)(4) and (5) of the rules regarding availability of information of the Federal Open Market Committee, there is set forth below paragraph 1(b) of the Committee's Authorization for Domestic Open Market Operations, as amended by action of the Committee effective November 11, 1974:

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent domestic policy directive adopted at a meeting of the Committee:

• • • • •

(b) To buy or sell in the open market, from or to acceptance dealers and foreign accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the account of the Federal Reserve Bank of New York at market discount rates, prime bankers' acceptances with maturities of up to nine months at the time of acceptance that (1) arise out of the current shipment of goods between countries or within the United States, or (2) arise out of the storage within the United States of goods under contract of sale or expected to move into the channels of trade within a reasonable time and that are secured throughout their life by a warehouse receipt or similar document conveying title to the underlying goods; provided that the aggregate amount of bankers' acceptances held at any one time shall not exceed $1 billion.

By order of the Federal Open Market Committee, January 13, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-1795 Filed 1-20-75;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directives of October 14-15, 1974

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on October 14-15, 1974.[1]

[1] The Record of Policy Actions of the Committee for the meeting of October 14-15, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The information reviewed at this meeting suggests that real output of goods and services declined somewhat further in the third quarter and that price and wage increases continued large. In September industrial production increased somewhat, reflecting settlement of work stoppages that had reduced output in August. An upsurge in the labor force, following several months of relatively slow growth, raised the unemployment rate from 5.4 to 5.8 per cent. The rise in wholesale prices of industrial commodities moderated, although it remained substantial, and prices of farm products and foods declined after having increased sharply in July and August.

On October 8 the President recommended a program to combat inflation and to mitigate the impact of monetary and fiscal restraint on certain sectors of the economy. The tax and expenditure proposals included in the program would, on balance, have approximately a neutral effect on the size of the Federal deficit.

In recent weeks the dollar has declined against leading foreign currencies. The U.S. foreign trade deficit increased substantially in August, as imports of petroleum and industrial materials rose while exports held steady.

The narrowly defined money stock rose slightly in September and grew at an annual rate of about 2 per cent over the third quarter, compared with a rate of 8 per cent in the first half of the year. The money supply measure more broadly defined to include bank time and savings deposits other than money market CD's—as well as the measure that includes deposits at other thrift institutions—also rose only slightly in September. Over-all business credit demands slackened last month, and outstanding business loans at banks leveled off. Since early September interest rates on short-term market instruments have fallen considerably, while yields on Treasury and State and local government bonds have declined modestly. Yields on corporate bonds have risen somewhat further, on balance, reflecting the large volume of offerings in prospect.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, supporting a resumption of real economic growth, and achieving equilibrium in the country's balance of payments.

To implement this policy, while taking account of the forthcoming Treasury financing and of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with resumption of moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, January 13, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-1799 Filed 1-20-75;8:45 am]

FIRST COMMUNITY BANCORPORATION

Order Approving Acquisition of Bank

First Community Bancorporation, Joplin, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Bank of Wheaton, Wheaton, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City, pursuant to authority delegated by the Board of Governors of the Federal Reserve System, under the provisions of § 265.2(f)(24) of the Rules regarding delegation of authority.

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twenty-second largest banking organization in Missouri, controls three operating banks with aggregate deposits of $82.1 million,[1] representing .55 percent of the commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Consummation of the proposed acquisition would neither eliminate any significant existing competition nor foreclose the development of potential competition between any of Applicant's subsidiary banks and Bank. Bank ($5 million in deposits) is the third largest of seven banking organizations in the Barry County banking market (approximated by Barry County less the northern portion of the County including Monett) and holds 11.57 percent of the deposits in commercial banks in the market. None of Applicant's subsidiary banks are located in Bank's market area. Current population per banking office ratios suggest that de novo entry is unlikely. Although four smaller banks compete in the market, the 76 percent market share of the two largest banks suggest that Bank may be viewed as a foothold acquisition. Competitive considerations are, therefore, consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries and Bank appear satisfactory. Affiliation with Applicant should enable Bank to offer expanded banking services, including improved agricultural lending and trust services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

JANUARY 8, 1975.

[FR Doc.75-1800 Filed 1-20-75;8:45 am]

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board to October 23, 1974.

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with General Financial Systems, Inc., Riviera Beach, Florida. General Financial Systems, Inc., is a registered bank holding company owning voting shares in the stated percentages of the following banks in Florida: Marine National Bank of West Jacksonville, Jacksonville, a proposed new bank (100 per cent); First Marine Bank and Trust Company of the Palm Beaches, Riviera Beach, (82.5 per cent); First National Bank and Trust Company of Lake Worth, Lake Worth, (98.8 per cent); First National Bank and Trust Company, Jupiter/Tequesta, Tequesta, (93.7 per cent); Tri City Bank, Palm Beach Gardens, (24.9 per cent); The Peoples Bank, Gainesville (24.9 per cent); Marine National Bank of Jacksonville, Jacksonville, (24.5 per cent); Congress National Bank, Palm Springs, Lake Worth, (20.9 per cent); First Community Bank of Boca Raton, Boca Raton, (17.8 per cent); and First Commercial Bank of Live Oak, Live Oak (15.2 per cent). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Pan American Bancshares, Inc. is also engaged in the following nonbank activities: mortgage banking, acting as investment advisor to a real estate investment trust and loan servicing. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 11, 1975.

Board of Governors of the Federal Reserve System, January 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1804 Filed 1-20-75;8:45 am]

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SYB CORP.

Formation of Bank Holding Company

SYB Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Stock Yards Bank, Oklahoma City, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 13, 1975.

Board of Governors of the Federal Reserve System, January 14, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1797 Filed 1-20-75;8:45 am]

UNION BOND & MORTGAGE CO.

Order Denying Acquisition of Union Bond Insurance Agency, Inc.

Union Bond & Mortgage Company, Port Angeles, Washington, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire 51 per cent of the shares of Union Bond Insurance Agency, Inc., Port Angeles, Washington ("Agency") and thereafter to engage in the sale as agent or broker in the following types of insurance: credit life and disability insurance, auto insurance covering collision, fire, theft, property damage, bodily injury, uninsured motorist, and medical payments on occupants; commercial and residential fire insurance; marine insurance; trailer and mobile home insurance; cycle insurance; general liability insurance; commercial insurance including blanket bond and registered mail liability, fidelity bonds, and a small percentage of non-credit-related insurance of the types mentioned above as a matter of convenience to the public (excepting credit life and disability insurance). The sale of certain insurance coverages is an activity that has previously been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 21090). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of the National Association of Insurance Agents, Inc., the Independent Insurance Agents and Brokers of Washington, and the Clallam County Insurance Agents Association, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls for banks holding aggregate deposits of $86.8 million representing about 1 per cent of the total deposits in commercial banks in Washington. Applicant is the eleventh largest banking organization in the State.

Agency was organized in 1954 to assume the insurance business formerly operated by Applicant's lead bank. Agency presently operates as a general insurance agency in a community with a population in excess of 20,000 persons. Its annual gross premiums represent less than 3 per cent of the total gross premiums accounted for by members of the Clallam County Insurance Agents Association. The operation of a general insurance agency is an activity not previously determined by the Board to be closely related to banking. Moreover, Board authorization permitting a bank holding company to engage in the sale of insurance otherwise sold as a matter of convenience to the purchaser is not designed to permit entry into the general insurance agency business (see 12 CFR 225.128(e)). It appears that Agency's current scope of operations includes the sale of certain insurance coverages which have not previously been determined by the Board to be permissible under § 225.4(a)(9) of Regulation Y. Such insurance coverages currently being offered by Agency include registered mail liability, comprehensive blanket policies for commercial vendors, miscellaneous indemnity bonds, and court bonds.

Applicant has provided a summary of the total insurance premiums obtained by Agency in 1973 which indicates that approximately 60 percent of its insurance premiums were derived through the sale of insurance that was directly related to extensions of credit by its lead bank, First National Bank of Port Angeles. In addition, 4.6 percent of Agency's premiums in 1973 were derived through the sale of insurance covering the First National Bank of Port Angeles and its employees; the remainder of all insurance sold by Agency appears to be noncredit-related. Approximately 4.9 percent of Agency's premium income is classified by Applicant as "walk-in" business representing new business that Agency had not solicited through any business relationship, while the remainder, approximating 30 percent is classified as "renewal" business representing a continuation of insurance policies *originated* through extensions of credit but which are no longer credit related and do not require a loss payee endorsement.

In order to approve the subject application, section 4(c)(8) of the Act requires the Board to determine initially that the activities of Agency are so closely related to banking or managing or controlling banks as to be a proper incident thereto. It appears that many of the insurance coverages sold by Agency protect collateral in which Applicant's lead bank has a security interest as a result of an extension of credit and therefore would qualify as permissible insurance agency activities under § 225.4(a)(9)(ii)(a) of the Board's Insurance Regulation. However, as noted above, approximately 30 per cent of Agency's premium income is derived from renewal business that originally supported the lending transactions of a bank or bank-related firm in the holding company system but is sold now only as a convenience to the purchaser since the credit extension has been repaid. Applicant contends that such renewal business does not constitute a significant portion of the aggregate insurance premium income since it was originally credit related.

The Board has previously indicated through an interpretation to § 225.4(a)(9) of Regulation Y that a renewal of insurance, after the credit extension has been repaid, would be regarded as closely related to banking only to the extent that such renewal is permissible under § 225.4(a)(9)(ii)(c) of Regulation Y (12 CFR 225.128(c)(3)). In the Board's judgment, the nexus between insurance protecting collateral in which a bank or bank-related firm has a security interest and an extension of credit or provision of other financial service by such bank or bank-related firm is severed upon repayment of the credit extension or termination of the financial service. Consequently, the permissibility of such renewal business, and its close relationship to banking, is dependent upon its ability to qualify as "convenience" sales under § 225.4(a)(9)(ii)(c) of the Insurance Regulation, which limits the sale of such insurance to:

> Insurance that is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within . . . subdivision (ii)(c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii).

The Board has previously defined the term "significant portion" as used with regard to premium income attributable to convenience sales of the holding company as income amounting to "less than 5 percent of the aggregate insurance premium income of the holding company system from insurance sold pursuant to § 225.4(a)(9)(ii)." (See 12 CFR 225.128(e)(3).) The Board hereby reaffirms its view that this limitation, or one similar to it, is a necessary and proper means of insuring that the close relationship originally found between banking and certain insurance agency activities deemed permissible under the Insurance Regulation continues to exist.[1] The proposal now before the Board goes well beyond the prescribed limitation for "convenience" sales, as Agency's renewal business alone represents 30 percent of its total premium income. Accordingly, the Board is unable to find a close relationship between the activities of Agency and the business of banking or managing or controlling banks.

[1] The Board's view in this respect would not be affected by a proposed revision to clarify the definition of insurance sold as a matter of convenience to borrowers under Regulation Y which would, in effect, limit the amount of convenience insurance sold by each insurance-selling subsidiary office to less than 5 percent of that office's total insurance premium income (see 39 FR 28538 and 39 FR 34682). The Board's decision in the instant Order is based solely on the Insurance Regulation as presently drafted; no determination has been made by the Board on the proposed revision, nor is any implied herein.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that the insurance agency activities conducted by Agency are not closely related to banking and that the application should be, and hereby is, denied.

By order of the Board of Governors,[2] effective January 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-1805 Filed 1-20-75;8:45 am]

UNION COMMERCE CORP.

Order Approving Acquisition of Union Commerce Life Insurance Co.

Union Commerce Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Union Commerce Life Insurance Company ("Company"), Phoenix, Arizona, a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life insurance and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 39916). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls three banks with aggregate deposits of $1.1 billion representing about 4 per cent of the total deposits in commercial banks in Ohio.[1] Company will be organized under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Ohio. Such insurance would be directly underwritten by an insurer qualified to underwrite in Ohio and would thereafter be assigned or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure payment of a loan in the event of death or disability of a borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

> To insure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an Applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates that are about 4 percent below those presently being charged by Applicant's holding company system and credit accident and health insurance at rates 5 percent below its prevailing rates. The Board believes that such a reduction in the price of credit life and credit accident and health insurance is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefits, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provides support for approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to authority delegated herein.

By order of the Board of Governors,[2] effective January 13, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-1798 Filed 1-20-75;8:45 am]

WORCESTER BANCORP, INC.

Order Approving Acquisition of Bank

Worcester Bancorp, Inc., Worcester, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The Peoples National Bank of Marlborough, Marlborough, Massachusetts.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest bank holding company in Masschusetts, controls two banks with aggregate deposits of $466.8 million, representing 3.2 per cent of total deposits in commercial banks in the State.[1] Acquisition of Bank (deposits of $15 million) would increase Applicant's share of State deposits by 0.11 of one per cent and would not result in a significant increase in the concentration of banking resources in Massachusetts.

Bank ranks 48th out of 79 commercial banking organizations in the Boston banking market (approximated by the Boston RMA) and controls less than 1 per cent of the total commercial bank deposits in the market. Applicant's principal subsidiary bank, Worcester County National Bank, Worcester, Massachusetts ("Worcester Bank"), operates primarily in the Worcester banking market (approximated by the Worcester RMA), which is contiguous to the western boundary of the Boston banking market. However, both Bank and Worcester Bank compete to some extent in the same local area in the most western portion of the Boston banking market. Bank operates a total of three offices—two in Marlborough and one in Hudson. Worcester Bank has a branch office approximately three miles from one of Bank's Marlborough offices. The deposit and loan overlap figures do not appear to be significant in relation to the entire Boston market; however, consummation of this proposal would result in the elimination of some existing competition.

Since branching across county lines is prohibited in Massachusetts, neither Worcester Bank nor Bank can branch directly into towns where the other maintains offices. Due to the low population per commercial bank ratio and the proximity of Worcester Bank's offices, it is unlikely that Applicant would enter this portion of the Boston market through de novo expansion. On the other hand, despite the wide geographic area

[1] All deposit data are as of June 30, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich, and Coldwell.

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved through December 31, 1974.

[2] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, and Coldwell. Absent and not voting: Chairman Burns and Goverhors Sheehan and Wallich.

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and the large number of competitors in the Boston banking market, the five largest commercial banking organizations control 77 per cent of the total deposits. Thus, entry of Applicant into the Boston banking market through the subject acquisition should have procompetitive effects on the structure of the market by strengthening Bank's competitive position vis a vis the larger banks in the market. Furthermore, as a result of the acquisition, Applicant may be able to exert a further competitive influence by having Bank establish additional branches sometime in the future. Accordingly, although consummation of the proposal would result in the elimination of some existing competition, the Board concludes, based on the record before it, that the overall competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as generally satisfactory and consistent with approval of the application. Affiliation with Applicant will make available to Bank a number of expanded services including equipment leasing, real estate development, second mortgages, new commercial credit services, expanded trust capabilities, and expanded municipal and international financing. Although it appears that similar services are presently available in the market, the increased and improved services that Bank will be able to offer will provide customers with an additional convenient source of full-service banking. Therefore, convenience and needs considerations lend weight toward approval and outweigh any slightly adverse effect the proposal would have on existing competition. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 13, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-1802 Filed 1-20-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 15, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt. The questionnaire was originally submitted to GAO on December 27, 1974 (see 40 FR 1324), and withdrawn by FTC on January 9, 1975, for further consideration and possible revision (see 40 FR 2767). The questionnaire has been resubmitted without change.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 4, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW, Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new one-time statistical survey or report entitled Special Report Form—Natural Gas Survey. The Federal Trade Commission plans to collect information concerning natural gas reserves, production, and producible shut-in leases. The questionnaire also requests data concerning natural gas contracts and the provisions therein. Responses are mandatory under the FTC Act, 15 U.S.C. 41. Potential respondents are 60 of the largest natural gas producers. The amount of time required to respond to the questionnaire will vary considerably according to the size of the reporting firm. Estimated average burden required per response is 700 man hours.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-1909 Filed 1-20-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-36]

DOXYCYCLINE

Denial of Stay Motion and Continuation of Investigation

Notice is hereby given that the United States International Trade Commission has denied the motion of International Rectifier Corp. and USV Pharmaceutical Corp. that the Commission stay its investigation No. 337-36, Doxycycline, during the pendency of two Federal court actions, namely, International Rectifier Corp. v. American Cyanamid Co., Pfizer, Inc., et al., D. Minn. 4-74-372, and Pfizer, Inc. v. International Rectifier Corp. and USV Pharmaceutical Corp., D. Minn. 4-73 Civ. 188. The Commission is continuing its investigation.

Notice of the institution of the investigation and the ordering of a public hearing for July 9, 1974, was published in the FEDERAL REGISTER on May 29, 1974 (39 FR 18723-24). Notice of the withholding of proceedings and postponement of the public hearing scheduled for July 9, 1974, was published in the FEDERAL REGISTER on June 20, 1974 (39 FR 22196-97). Notice of the public hearing on the above motion held on September 23, 1974, and the further withholding of proceedings pending the hearing and disposition of the motion was published in the FEDERAL REGISTER on September 19, 1974 (39 FR 33751-52).

Statements of reasons by individual Commissioners for denial of the stay motion are on file with the Secretary of the Commission.

Issued: January 15, 1975.

By Order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75-1793 Filed 1-20-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting at 8:30 a.m. on February 5, 1975 in Room 1062 at 1717 H Street, NW., Washington, D.C. This meeting will be closed to the public.

The Subcommittee will meet in closed session with the AEC Regulatory Staff to discuss the following working papers:

(1) Tornado Design Classification;
(2) Revision 1 to Regulatory Guide 1.20, Comprehensive Vibration Assessment Program for Reactor Internals; and
(3) Flood Protection for Nuclear Power Plants.

In connection with this matter, the Subcommittee may hold Executive Sessions, not open to the public, prior to and at the conclusion of the meeting with the AEC Regulatory Staff, to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the closed session will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during this portion of the meeting will be inextricably intertwined with such exempt material and no separation of exempt and non-exempt material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

ROBERT A. KOHLER,
Advisory Committee
Management Officer.

[FR Doc.75-1919 Filed 1-20-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Resolution of Generic Items will hold a meeting on February 5, 1975 in Room 1046 at 1717 H Street NW., Washington, D.C.

The purpose of the meeting will be to discuss generic issues relating to the current generations of light water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, FEBRUARY 5, 1975,
11:00 A.M.-4:00 P.M.

Discussions with the AEC Regulatory Staff. Representatives of the AEC Regulatory Staff will make presentations regarding actions taken to resolve items identified by the ACRS and the Staff as being generic to the current generations of light water reactors.

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of the day's public session, which will involve a discussion of its preliminary views, and an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of each day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b).

Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than January 29, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on February 5, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 3, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1371) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after February 6, 1975 at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after May 5, 1975. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee
Management Officer.

[FR Doc.75-1920 Filed 1-20-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Procedures Subcommittee will hold a closed meeting at 4:00 p.m. on February 5, 1975, in Washington, D.C. to discuss ACRS policy and internal practices with regard to the functioning of the Committee and the conduct of its activities.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that the meeting will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during the meeting will be inextricably intertwined with such exempt material, and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

ROBERT A. KOHLER,
Acting Advisory Committee
Management Officer.

[FR Doc.75-1921 Filed 1-20-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.1, "Compilation of Reporting Requirements for Persons Subject to AEC Regulations," presents a compilation of all reporting requirements applicable to the various types of AEC licensees and other persons subject to AEC regulations. The guide identifies the proper AEC addressee or addressees for each report and designates the number of copies required.

Since this guide may apply to all persons subject to AEC regulations, it is being sent to recipients of regulatory guides in all divisions.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 10.1 will, however, be particularly useful in evaluating the need for an early revision if received by March 20, 1975.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Wallich and Coldwell. Voting against this action: Governor Holland. Absent and not voting: Governor Bucher.

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Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 13th day of January 1975.

For the Atomic Energy Commission.

ROBERT B. MINOGUE,
Acting Director of Regulatory Standards.

[FR Doc.75-1832 Filed 1-20-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture and Environmental Arts Advisory Panel to the National Council on the Arts will be held on February 13, 14, 1975 from 9:30 a.m.-5:30 p.m. at the Shoreham Building, 806 15th Street, NW, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-1817 Filed 1-20-75;8:45 am]

ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture and Environmental Arts Advisory Panel to the National Council on the Arts will be held on March 6, 7, 1975 from 9:30 a.m.-5:30 p.m. at the Shoreham Building, 806 15th Street, NW, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

BICENTENNIAL COMMITTEE OF THE NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Bicentennial Committee of the National Council on the Arts will be held on February 6, 1975 from 12 noon-5:30 p.m. in the 14th floor conference room, 2401 E Street, NW, Washington, D.C.

The purpose of this meeting is for a general policy discussion. The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-1815 Filed 1-20-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 15, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529) or from the reviewer listed.

NEW FORMS

DEPARTMENT OF THE INTERIOR

Departmental: Recruitment and Selection Policy and Report Requirements, Form ____, Occasional, Sunderhauf (395-4911), Planchon (395-3898), Lowry (395-3772), State agencies.

REVISIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities: Application for Federal Assistance—Community Development Program—Assurances, Form 7015, 7015.1, 7015.12, Occasional, CVA (395-3532), Lowry (395-3772), Federally assisted New communities.

EXTENSIONS

NATIONAL ENDOWMENT FOR THE ARTS

Project Grant Application, Form NEW-3, Occasional, Evinger (395-3648), Charitable and educational organizations.

Cash Request and Fiscal Report Form, Form NEA-7, Occasional, Evinger (395-3648), Non-profit organizations.

U.S. ATOMIC ENERGY COMMISSION

Isotope and Technical Service Order Form, Form AEC 391, Occasional, Lowry (395-3772), Research laboratories.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-1982 Filed 1-20-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 16, 1975 (44 USC 3509). The purpose of publishing

this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census: Survey of Business Uses of Statistical Information, Forms S-199A, S-199B, Single time, Lowry (395-3772), Sample of small and large business firms.

DEPARTMENT OF DEFENSE

Department of the Navy: Community Recreational Opportunities Available to Navy Personnel, Form ____, Single time, Planchon (395-3898), Recreation business (movies, bowling alleys).

FEDERAL RESERVE BOARD

Finance Company Questionnaire 1975, Form ____, Single time, Hulett (395-4730), All finance companies in U.S.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Survey of Foreign Language Enrollments in Public Secondary, Schools, Fall 1974, Form OE 375, Biannual, Planchon (395-3898), Principals of public secondary schools.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Research in Emergency Medical Services Systems, Northeastern Kentucky, Form HRABHSR 1125, Single time, HRD (395-3532), Lowry (395-3772), Emergency patients hospital personnel, ambulance personnel.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Report on Occupational Employment, Form BLS MA 2877, Single time, Strasser (395-3880), Peterson (395-5631), Nonmanufacturing establishments.

NATIONAL SCIENCE FOUNDATION

Career Planning Inventory, Form ____ Single time, Planchon (395-3898), Students in sample of Calif. High schools.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Average Daily Attendance of Handicapped Children in Schools Operated or Supported by State Agencies, Form OE 2274, Annual, Planchon (395-3898), State agencies.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2015 Filed 1-20-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

NORTHERN CALIFORNIA SMALL BUSINESS INVESTMENT CO.

Surrendering of License

Notice is hereby given that Northern California Small Business Investment Company, P.O. Box 242, Los Altos, California 94022, has surrendered its License No. 12/12-0004, issued by the Small Business Administration (SBA) on October 29, 1959.

Northern California Small Business Investment Company has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Northern California Small Business Investment Company is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: January 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-1819 Filed 1-20-75; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONNECTICUT STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 1012) of the approval of the Connecticut plan and the adoption of Subpart X to Part 1952 containing the decision.

The Connecticut plan provides for the adoption of Federal standards as State standards. § 1952.300(c) of Subpart X sets forth the State's schedule for the adoption of Federal standards. By letter dated September 19, 1974 from Jack A. Fusari, Commissioner, Connecticut Department of Labor to Vernon A. Strahm, Assistant Regional Director and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, Subparts D through S; 29 CFR Part 1915, Subparts A through L; 29 CFR Part 1916, Subparts A through L; 29 CFR Part 1917, Subparts A through I; 29 CFR Part 1918, Subparts A through I; 29 CFR Part 1919, Subparts A through H; and 29 CFR Part 1926, Subparts B through X. These standards, which are contained in three volumes, namely: General Industry Standards, Safety and Health Regulations for Maritime Employment, and Construction Safety and Health Regulations, were promulgated after public comment requested on May 21, 1974, by a resolution adopted by Connecticut Labor Department on September 11, 1974, pursuant to Chapter 571, Section 31-372 of the Connecticut State laws.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, 18 Oliver Street, 5th Floor, Boston, Massachusetts 02110; State of Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109; and Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street, NW., Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Connecticut state plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective January 21, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Boston, Massachusetts this 11th of December 1974.

VERNON A. STRAHM,
Assistant Regional Director.

[FR Doc.75-1875 Filed 1-20-75;8:45 am]

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NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Cancellation of Meeting

The meeting of the National Advisory Committee on Occupational Safety and Health scheduled for January 24 and 25, 1975, in Phoenix, Arizona, is hereby cancelled. Notice of this meeting was published on December 31, 1974 (39 FR 45334). The meeting will be rescheduled at a later date. Details will be published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 17th day of January, 1975.

J. GOODELL,
Executive Secretary.

[FR Doc.75–2056 Filed 1–20–75;9:44 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

ADVISORY COMMITTEE OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Notice of Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice to the Law Enforcement Assistance Administration, will meet February 1, 1975, at the Ramada Inn in Arlington, Virginia.

Topics for discussion will include recommendations for conducting a national evaluation of LEAA's Career Criminal Initiative, proposed methods for implementing the Juvenile Justice and Delinquency Prevention Act of 1974, proposed research initiative on white collar crime and official corruption, and the Institute strategy for testing new technologies.

The meeting will be open to the public.

Failure to give fifteen day notice developed from an administrative error although notice of the meeting was provided in numerous public communications and criminal justice publications. To reschedule would create considerable confusion and mislead prospective attendees.

For further information, please contact Gerald M. Caplan, National Institute of Law Enforcement and Criminal Justice, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20530. (202) 386–3164.

GERALD YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75–2055 Filed 1–20–75;9:27 am]

federal register

TUESDAY, JANUARY 21, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 14

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

ADULT EDUCATION

Proposed State Program Regulations

V40-14 JAN21 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 166]

STATE ADULT EDUCATION PROGRAMS

Notice of Proposed Rule Making

In accordance with the requirements of the Education Amendments of 1974 (Pub. L. 93-380) and pursuant to the authority contained in the Adult Education Act, as amended, 20 U.S.C. 1201 et seq., the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 166 of the Code of Federal Regulations to read as set forth below. The Commissioner also proposes to establish national priorities for the program which are set forth following the text of the proposed regulations.

1. *Program purpose.* The Adult Education Act provides for the encouragement of State-administered programs of adult public education. Section 306 of the Act provides for programs of instruction that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens. Section 309 provides support for special experimental demonstration projects and for training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of the Act. Authority for the administration of section 309 was transferred from the U.S. Commissioner of Education to the State educational agencies by the Education Amendments of 1974.

2. *Procedure for Submitting General Application and Annual Program Plan.* Section 434(b) of the General Education Provisions Act, as added by section 511 of the Education Amendments of 1974 (Pub. L. 93-380), provides a new procedure in lieu of submitting State plans for State administered programs. Section 434(b), which became effective July 1, 1974, requires any State which wishes to participate in an applicable program in which Federal funds are made available to local educational agencies through or under the supervision of the State educational agency (as in Adult Education), to maintain on file with the Commissioner a general application. Such general application must include five assurances stipulated in section 434(b)(1)(A), including an assurance that the State will submit an annual program plan to the Commissioner. The annual program plan must be prepared and administered in a manner consistent with the specific State plan requirements of the appropriate applicable statutes affecting the program for which the annual program plan is applicable.

Regulations implementing section 434(b) and instructions will be issued by the Commissioner as soon as possible. Since section 434(b) did not revoke statutory references to State plans, this Notice of Proposed Rule Making retains such references. However, States are advised that the new procedures are effective for fiscal year 1975.

3. *Section 503, Education Amendments of 1972 (Pub. L. 92-318), procedures and effect.* In accordance with section 503 of the Education Amendments of 1972, a Notice of Proposed Rule Making to amend these regulations (45 CFR Part 166) was published in the FEDERAL REGISTER on May 31, 1974, at 39 FR 19223, and a public hearing was held on July 2, 1974 in Washington, D.C. However, following the public hearing and before final regulations could be published in the FEDERAL REGISTER, the Education Amendments of 1974 (Pub. L. 93-380) were enacted. Inasmuch as the Education Amendments of 1974 authorize new provisions under the Adult Education Act, this Notice of Proposed Rule Making contains both the final changes resulting from the section 503 study and the new provisions of Pub. L. 93-380, and it supersedes and replaces the Notice of Proposed Rules published in the FEDERAL REGISTER on May 31, 1974.

The following comments were submitted either in writing or at the July 2 public hearing in response to the proposed rules issued as a result of the section 503 study. After the summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary or appropriate. The comments are grouped based upon the section of the regulations proposed to be affected, with sections affected arranged in sequence.

(a) Section 166.13 *Development of program policies, procedures and criteria. Comment.* A commenter expressed concern that some of the programs listed in this section are no longer in existence.

Response. Some of the programs which no longer exist are listed in section 306(a)(5) of the Act and therefore cannot be changed without an amendment to the legislation. Thus no change is necessary.

(b) Section 166.14(b) *Certification of the State's Attorney General. Comment.* A commenter inquired: Is the Attorney General acting on behalf of the State when he certifies that a State will comply with the ten percent matching requirement?

Response. The Attorney General of a State certifies for only those items contained in § 166.14(b) of the proposed regulations, which does not include a certification of compliance with the ten percent matching requirement. The State official who is authorized to sign the State-Federal Agreement assures that the responsible State Agency (which is designated in the certification of the Attorney General) will comply with applicable regulations and thereby assures that the State agency will comply with the non-Federal share requirement, as specified in § 166.43(b) of these regulations. Thus no change is necessary.

(c) Section 166.15 *Amendment of State Plan. Comment.* A commenter suggested that if a State submits an amendment to its State plan and the Office of Education takes no action on the amendment within 40 working days, that approval of the amendment to the plan is automatic as far as the State is concerned.

Response. The procedure suggested is not in line with departmental policy and would require a change in the legislation which gives the Commissioner authority to approve State plans and amendments thereto. Thus no change is necessary.

(d) Section 166.42 *Limitation on administrative expenses.*

Comment. One commenter was concerned that this section "interprets the Act in such a way as to limit State administrative expenditures for the program to no more than five percent of the amount granted to the State under section 313(a) of the Adult Education Act." This interpretation says that it was the intent of Congress to apply the five percent limitation for administration (as authorized in section 313(b) of the Act) to program funds provided under section 313(a).

Response. After reexamination of the interpretation contained in § 166.42, it is our opinion that Congress intended for one appropriation under section 313 of the Act to provide for all provisions contained therein. The language contained in § 166.42 of the attached proposed rules has been changed to read as follows:

> The U.S. Commissioner of Education shall determine annually (based upon the amounts so appropriated for this purpose or, in the absence of such appropriation, in amounts based upon the funds appropriated pursuant to section 313(a) and the limitation prescribed in section 313(b) of the Act) the maximum allowable amount awarded pursuant to section 313(b) of the Act. The non-Federal share of funds available under the State plan may also be utilized to pay such administrative costs.

Comment. A commenter suggested that without an appropriation for States to pay the cost of administration and the development of plans and other activities that are delineated in the law, the five percent limitation on administrative costs should not be incorporated into the rules and regulations.

Response. The limitation on expenditures for administration of State plan programs is required under section 313(b) of the Act and therefore must be adhered to in the regulations.

(e) Section 166.45 *Tuition and fees. Comment.* A commenter questioned if this section means that persons enrolled in adult education programs at the secondary level can be required to pay tuition and fees for materials.

Response. The absence of provision for adult secondary education in this section was an omission. Section 166.46 has been amended to read as follows:

> Adults enrolled in adult basic education programs and adult secondary programs conducted under this part may not be charged tuition, fees, or any other charges, or be required to purchase any books or any other materials that are needed for participation in the program.

4. *New provisions enacted by the Education Amendments of 1974.* The Education Amendments of 1974 extend the authority of the Act to July 1, 1978, and provide the following new provisions:

(a) *Clearinghouse on Adult Education.* Section 309A of the Act provides for the establishment of a clearinghouse on adult education within the U.S. Office of Education. The clearinghouse will collect and disseminate information pertaining to the education of adults and adult education programs, together with ways of coordinating adult education programs with manpower and other education programs;

(b) *Transfer of section 309 authority to the States.* Beginning in fiscal year 1975, authority for the administration of section 309 of the Act was transferred from the U.S. Commissioner of Education to the State educational agencies. Of the funds allotted to any State under the Act for any given fiscal year, not less than 15 percent of such funds shall be used for special experimental demonstration projects and teacher training as prescribed by section 309;

(c) *Institutionalized persons.* Section 306(a)(1) of the Act provides that an amount not to exceed 20 percent of the total funds available for any given fiscal year to carry out the purposes of the Act may be used by the State educational agency for the education of institutionalized persons, as defined by § 166.2 of the proposed rules;

(d) *Program coordination.* Section 306(a)(6) of the Act provides for cooperation with manpower development and training programs and occupational education programs, and for coordination of programs carried out under this part with other programs, including reading improvement programs, designed to provide reading instruction for adults carried out by State and local agencies;

(e) *Adult secondary education.* Section 306(a)(7) of the Act provides that the State educational agency will make available an amount not to exceed 20 percent of the State's allotment for programs of equivalency or a certificate of graduation from a secondary school;

(f) *Bilingual adult education programs.* Section 306(a)(11) of the Act provides that special assistance be given to the needs of persons with limited English-speaking ability by providing bilingual adult education programs in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons;

(g) *State advisory councils.* Section 310A of the Act provides that any State may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council on adult education. In order for such State advisory council to be eligible for support from Federal funds allotted to the State under the Act, the Commissioner must certify that the council is in compliance with the requirements set forth in section 310A of the Act; and

(h) *Community school program.* The term "community school program" is defined as a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, cultural, and other related community services for the community that center serves in accordance with the needs, interests, and concerns of that community."

5. *Effect of Office of Education General Provisions Regulations.* These proposed regulations differ from the earlier proposed regulations in that they omit provisions relating to general fiscal and administrative matters which are covered under the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of Part 100b of Title 45 Code of Federal Regulations containing general provisions for State-administered programs, including civil rights assurances contained in § 100b.262, which are applicable to the State-administered programs under the Adult Education Act.)

6. *Priorities for programs of national significance.* Based on the findings of surveys and studies conducted by the U.S. Office of Education, recommendations of the National Advisory Council on Adult Education, and on evaluations by State educational agencies, the Commissioner has suggested that the priorities set forth in Appendix B of this part merit special consideration by the States in planning activities to meet the special project and personnel training needs of their adult education programs.

7. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

8. *Technical changes.* Certain minor technical and clarifying changes were also made in the proposed rules.

9. *Written comments.* Interested parties are invited to submit written comments and suggestions to the U.S. Office of Education, 400 Maryland Avenue, SW., Federal Office Building 6, Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Rules and Regulations. All relevant materials must be received not later than February 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.400, Adult Education—Grants to States)

Dated: December 23, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: January 13, 1975.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 166—STATE ADULT EDUCATION PROGRAMS

Subpart A—General

Sec.
166.1 Purpose, scope, and other references.
166.2 Definitions.

Subpart B—State Advisory Councils
166.4 Establishment and certification.
166.5 Membership.
166.6 Functions and responsibilities.
166.7 Meetings and rules.
166.8 Staff.
166.9 Compensation.
166.10 Allowable costs.

Subpart C—State Plan Provisions
166.11 State plan; general.
166.12 Annual program plan for use of grants.
166.13 Development of program policies, procedures, and criteria.
166.14 Certification of State plan.
166.15 Amendment of State plan.
166.16 Approval of State plan.

Subpart D—Special Experimental Demonstration Projects and Teacher Training
166.21 Applicability.
166.22 Eligible projects.
166.23 Eligible applicants.
166.24 Project applications.
166.25 Establishment of national priorities in adult education.
166.26 Program evaluation procedures.
166.27 Allowable costs.
166.28 Stipends and travel allowances for teacher training participants.
166.29 Reporting requirements for special projects and teacher training.
166.30 Dissemination of results of projects.

Subpart E—Federal Financial Participation
166.41 Use of Federal funds.
166.42 Limitation on administrative expenses.
166.43 Federal and non-Federal share of expenditures.
166.44 Use of funds for sectarian or religious purposes.
166.45 Tuition and fees.

Subpart F—Payments and Reports
166.51 Conditions for payments to States.
166.52 Reports.

APPENDIX A: Cover Sheet and State-Federal Agreement.
APPENDIX B: Priorities for Programs of National Significance.

AUTHORITY: Secs. 302-314 of Pub. L. 89-750, as amended; 84 Stat. 159-164 (20 U.S.C. 1201-1211a), unless otherwise noted.

Subpart A—General

§ 166.1 Purpose, scope and other references.

(a) *Purpose.* The regulations in this part implement the provisions of the

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Adult Education Act which provides Federal assistance to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school thus making available the means to secure training that will enable them to become more employable, productive and responsible citizens.

(20 U.S.C. 1201)

(b) *Scope.* The regulations in this part cover grants to States for adult basic education, adult secondary education, and other adult education programs pursuant to section 304 of the Act.

(20 U.S.C. 1201)

(c) *General Education Provisions Regulations.* Assistance provided under this part is subject to applicable provisions contained in subchapter A of this Chapter (entitled "General Provisions for Office of Education Programs") relating to fiscal, administrative, property management and other matters, hereinafter called "General Education Provisions Regulations" (GEPR).

(20 U.S.C. 1201, 1221)

§ 166.2 Definitions.

The terms "adult," "adult education," "adult basic education," "community school program," "local educational agency," "State," "State educational agency," and "academic education," as used in this part, are defined in section 303 of the Act.

(20 U.S.C. 1202)

"Act," means the Adult Education Act.

(20 U.S.C. 1201 (note on short title))

"GEPR" means the "General Education Provisions Regulations" (entitled "General Provisions for Office of Education Programs"), which may be found in subchapter A of this Chapter.

The term "nonprofit," "private," and "public agency" as used in this part, are defined in § 100.1 of GEPR.

"Institutionalized person" means (1) an adult sixteen years of age or older who does not have a certificate of graduation from a school providing secondary education and is an inmate, patient, or resident of a penal institution, reformatory, residential training school, orphanage, or general or special institution, or hospital; or (2) an adult in a residential school for the physically or mentally handicapped.

The term "limited English-speaking ability," when used with reference to adults, means adults who come from environments where a language other than English is dominant, and, by reason thereof, have difficulty speaking and understanding instruction in the English language.

(20 U.S.C. 880b-1)

"Institution of higher education" means an educational institution in any State which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized within such State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationality recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: Provided, however, that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purpose of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(20 U.S.C. 801; 20 U.S.C. 1202)

Subpart B—State Advisory Councils

§ 166.4 Establishment and certification.

(a) *Establishment.* Each State which receives funds under section 304 of the Act and the regulations in this part for any fiscal year may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agency are elected (including election by the State legislature), by such board.

(b) *Certification.* The State educational agency shall notify the U.S. Commissioner of Education of the establishment of, and membership of, its State advisory council. The notification shall be attached to the State plan or be submitted as an amendment thereto in such cases where an advisory council is established after the State plan has been approved. Such notification shall include the name, education, experience, and current position of each person serving on the State advisory council and shall specify which interest under § 166.5 each person represents. Forms for the certification of State advisory councils may be obtained from the U.S. Office of Education, Division of Adult Education, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202. Upon receiving such notification, the Commissioner shall, as appropriate, certify that each such council is in compliance with the membership requirements set forth in the Act and in this subpart.

(20 U.S.C. 1208b)

§ 166.5 Membership.

In order to effectively reflect the diverse interests and needs of the general public served by the Act, the membership of the State advisory council should include a significant proportion of women, the elderly, minorities, and educationally disadvantaged. The membership of the council shall also be organized to include:

(a) Persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State;

(b) Persons who are receiving or have received adult educational services; and

(c) Persons who are representative of the general public.

(20 U.S.C. 1208b)

§ 166.6 Functions and responsibilities.

The State advisory council shall:

(a) Advise the State educational agency on the development and administration of the State plan approved pursuant to the Act and the regulations in this part;

(b) Advise the State educational agency on policy matters arising in the administration of the Act and the regulations in this part;

(c) Advise the State educational agency with respect to long-range planning;

(d) Advise the State educational agency with respect to studies for evaluating adult education programs, services, and activities assisted under the Act; and

(e) Prepare and submit to the State educational agency, the National Advisory Council on Adult Education, established pursuant to section 311 of the Act, and the U.S. Commissioner of Education, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

(20 U.S.C. 1208b)

§ 166.7 Meetings and rules.

Each State advisory council shall meet within 30 days after certification by the Commissioner and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council. Such rules shall provide for not less than four meetings each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

(20 U.S.C. 1208b)

§ 166.8 Staff.

Each State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under the act.

(20 U.S.C. 1208b)

§ 166.9 Compensation.

Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation in accordance with State law, regulations, and practices applicable to persons performing comparable duties and services.

(20 U.S.C. 1208b)

§ 166.10 Allowable costs.

Costs incurred by State advisory councils established pursuant to section 310A of the Act are allowable expenditures of Federal funds granted to the States under section 304 of the Act and of the non-Federal share of State and local funds necessary to earn such Federal funds.

(20 U.S.C. 1203; 1208b)

Subpart C—State Plan Provisions

§ 166.11 State plan; general.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 166.1(a), and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to participate under the Act must submit a State plan in accordance with the requirements of the Act and the regulations in this part. Such plan shall include a description of the adult education needs of the State, services and activities to meet those needs, a schedule of implementation, and procedures for evaluating program effectiveness.

(b) *Format.* The State plan consists of the cover sheet and the State-Federal agreement (the texts of both are attached as Appendix A of these regulations). The annual program plan must be submitted annually to the U.S. Commissioner of Education through the appropriate Regional Director, Occupational and Adult Education Programs, and received by such Regional Director on or before June 30 of the fiscal year preceding that for which funds are sought.

(20 U.S.C. 1205a; 20 U.S.C. 1232c)

§ 166.12 Annual program plan for use of grants.

(a) *General.* (1) The State agency must develop, an annual program plan for establishing or expanding adult basic education programs, adult secondary education programs, and other adult education programs to be carried out by local educational agencies, and public and private nonprofit agencies in the State. The annual program must meet applicable requirements, including those set forth in the Act, section 434(b)(1)(B) of the General Education Provisions Act, the regulations in this part, the GEPR contained in Subchapter A of this Chapter, and the State-Federal agreement contained in Appendix A of this part, and must be developed and operated in accordance with the policies, procedures and criteria established by the State pursuant to §§ 166.12(b) and 166.13.

(2) The annual program plan must be revised each year to reflect proposed activities for the ensuing fiscal year, and must be submitted to the U.S. Commissioner of Education for approval in accordance with the requirements set forth in section 434(b)(1)(A) of the General Education Provisions Act.

(b) *Content.* (1) The annual program plan must contain a statement of the policies, procedures and criteria to be followed by the State agency in approving local educational agency, and public and private nonprofit agency programs which will assure substantial progress in the establishment or expansion of adult basic education, adult secondary education programs, and other adult education programs.

(2) The annual program plan shall set forth the policies, procedures and criteria to be used by the State educational agency to administer section 309 of the Act. The State plan shall include such criteria and procedures for each of the following functions:

(i) Announcement of the availability of Federal funds for special projects and teacher training to assure free competition in the award of such funds;

(ii) Establishment of statewide priorities in adult education;

(iii) Criteria for the review of special projects and teacher training applications;

(iv) Procedures for submission of applications;

(v) Criteria for the establishment of application review panels, if such panels are to be used;

(vi) Criteria for the selection of participants for teacher training projects;

(vii) Procedures for the disposition of applications;

(viii) Procedures for hearings, as required by section 425 of the General Education Provisions Act;

(ix) Program evaluation procedures;

(x) Allowable costs;

(xi) Provisions for stipends and travel allowances for teacher training participants;

(xii) Report requirements; and

(xiii) Procedures for the dissemination of project results.

(3) The information to be provided in the annual program plan, in accordance with paragraphs (b) (1) and (2) of this section, shall be in sufficient detail that it will be possible for the U.S. Commissioner of Education to determine if the provisions of the Act and these regulations are being administered in an efficient and prudent manner, and to determine whether and to what extent substantial progress (with respect to all appropriate segments of the adult population in need of adult education, including institutionalized persons and persons of limited English-speaking ability) is being made in meeting the educational needs of adults in all areas of the State.

(4) The annual program plan shall describe procedures which will be used for conducting an annual evaluation of the activities which shall be carried out in the year for which funds are sought. Such annual evaluation should be conducted either by the State agency or by other parties. A copy of any reports of such evaluations shall be sent to the U.S. Commissioner of Education. Results of the evaluation must also be reflected, as appropriate, in the performance report which must be submitted annually with the Financial Status Report in accordance with Subpart P of the GEPR.

(20 U.S.C. 1205(a); 45 CFR Part 100b; Subpart P)

(c) *Programs.* Funds available under this part may be used to assist in establishing or carrying out adult basic education programs and programs of high school equivalency or for a certificate of graduation from a secondary school. The total annual expenditure of funds available under this part for adult secondary education shall in no event exceed 20 percent of the total annual allotment of Federal funds granted to the State under section 304 of the Act. No limitation is made on the amount of State and local funds (including those State and local funds that are necessary to earn such Federal funds) that may be used by the State for adult secondary education programs. For example, a State's Federal allotment is $100,000. The State must not use more than $20,000 (20% of $100,000) of this Federal allotment for adult secondary education. The State may add any amount of its own funds to the $20,000 for adult secondary education programs.

(d) *Programs for institutionalized persons.* Each State educational agency may use not more than 20 percent of the total funds available for any fiscal year (including State and local funds necessary to earn Federal funds, and including any funds brought forward from the prior year allotment) under this part for establishing and carrying out adult basic education programs and adult secondary education programs for institutionalized adults. For example, a State's Federal

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allotment is $100,000. The State matches with $10,000 for its adult education program. The State must not use more than $22,000 of its total adult education funds (20% of $110,000) for carrying out programs for institutionalized adults.

(e) *Bilingual adult education programs.* The State educational agency shall be responsible for providing bilingual adult education programs for persons of limited English-speaking ability (as defined in § 166.2) of this part by providing bilingual adult education programs in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons.

(20 U.S.C. 1201, 1203(b), 1205(a); Senate Report No. 634, 91st Congress, 2nd Sess., p. 71 (1970); 20 U.S.C. 1232, 1231b-2; 20 U.S.C. 880b-1)

§ 166.13 Development of program policies, procedures and criteria.

In developing the policies, procedures and criteria referred to in § 166.12(b)(1), the State agency must give consideration to such factors as to whether and to what extent a program:

(a) Will serve adults, including institutionalized persons and persons with limited English-speaking ability, in those geographic areas of the State which have high concentrations of adults in need of basic education;

(b) Will serve adults with the greatest basic educational deficiencies which are impairing their ability to obtain employment and become more productive and responsible citizens;

(c) Will provide special assistance for persons of limited English-speaking ability by providing bilingual adult education programs in which instruction is given in English and to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons. The bilingual adult education programs shall be carried out in coordination with programs of bilingual education assisted under Title VII of the Elementary and Secondary Education Act of 1965, as amended, and bilingual vocational education programs under the Vocational Education Act of 1963, as amended;

(d) Will meet the need for adult secondary programs in the State to the fullest extent possible with funds provided by the Act and set forth in § 166.12(c) of these regulations;

(e) Has been planned and will be conducted in cooperation with Community Action programs, Work Experience programs, VISTA, Work-Study programs, programs designed to provide reading instruction for adults, and other programs relating to the antipoverty effort;

(f) Has been planned and will be conducted in cooperation with manpower development and training programs, including programs under the Comprehensive Employment and Training Act (CETA), and occupational education programs;

(g) Has been planned and will be conducted in cooperation with other State and local community school programs, consumer education programs, career education programs, metrication education programs for adults, equal education programs for women, bilingual instructional programs for persons with limited English-speaking ability, and with agencies responsible for institutionalized persons;

(h) Will provide health information and services, to the extent available, through cooperative arrangements with State health authorities and will further the cooperative arrangements between the State educational agency and the State health authority for the use of such information and services;

(i) Incorporates the results of research or techniques which have proven to be effective;

(j) Incorporates innovative or imaginative instructional methods; and

(k) Is desirable in light of the findings and recommendations of recent independent evaluation reports available to or sponsored by the State agency.

(20 U.S.C. 1205(a); 20 U.S.C. 880b-1)

§ 166.14 Certification of State plan.

(a) *Certification by State Education Agency.* The annual State plan and any amendments thereto, as required by §§ 166.12 and 166.15, shall include an attachment, executed by the authorized official of the State educational agency to submit the State plan, which certifies to the effect that: (1) The plan or amendment has been adopted by the State educational agency, and (2) the plan, or plan as amended, will constitute the basis for operation and administration of the adult education program in which Federal financial participation will be made. The State educational agency shall provide for a review of the State plan by the State advisory council, if such council exists, and for a review at a scheduled public meeting.

(20 U.S.C. 1205(a))

(b) *Certification by the State's Attorney General.* The State plan and all amendments thereto shall include a certification by the State's Attorney General, or other official designated in accordance with State law to advise the State agency on legal matters, that all plan provisions and amendments thereto are consistent with State law. The Attorney General must further certify (a) the official title of the officers authorized to submit the State plan; (b) that the State agency named in the plan has authority under State law to submit the State plan; and (c) that the State Treasurer (or, if there should be no State Treasurer, the officer identified by title exercising similar functions for the State) has authority under State law to receive, hold, and disburse Federal funds under the State plan.

(20 U.S.C. 1205(a))

§ 166.15 Amendment of State plan.

(a) Budget revisions must be made in accordance with GEPR § 100b.29.

(b) The State plan must also be amended as necessary to reflect any change in organization or operation which results from an amendment of State or Federal laws and policies, and to show any other changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Notification of such amendments will be submitted and certified in the same manner as the State plan.

(20 U.S.C. 1205(a); 20 U.S.C. 1232c(b))

§ 166.16 Approval of State plan.

(a) *Governor's comments.* The State educational agency must afford the Governor of such State an opportunity to comment upon the State plan or any amendment thereto in accordance with GEPR § 100b.15 and assurance (13) of the State-Federal agreement contained in Appendix A to the regulations in this part.

(20 U.S.C. 1205(a))

(b) *Approval by the Commissioner.* The Commissioner will not approve a State plan or amendment thereto unless he determines that the plan or amendment complies with all applicable requirements. The Commissioner will not finally disapprove a State plan or any modification thereof without first affording the State reasonable notice and opportunity for a hearing.

(20 U.S.C. 1205(a) and (b))

Subpart D—Special Experimental Demonstration Projects and Teacher Training

§ 166.21 Applicability.

(a) The regulations in this subpart apply to Federal assistance provided by the State educational agency for special projects in adult education under subsection (1) and adult education personnel training under subsection (2) of section 309 of the Act.

(b) Assistance provided under this subpart is subject to applicable provisions contained in the Act, the regulations in this part, and the GEPR.

(20 U.S.C. 1208)

§ 166.22 Eligible projects.

The State educational agency shall establish and set forth in its annual program plan the policies and procedures under which it will use not less than 15 percent of the funds allotted to it for any given fiscal year under section 305 of the Act for special projects and teacher training, as prescribed by section 309 of the Act. The State educational agency shall use the 15 percent of each annual Federal allotment which is reserved for the purposes of section 309 of the Act to provide support for both special projects and teacher training programs. The distribution of such funds among special projects and teacher training shall be determined by the State educational agency in light of the overall objectives of its annual program plan.

(a) *Special projects.* From each annual Federal allotment to the State educational agency for the purposes of the Act, funds will be available under section 309(1) for special projects which:

(1) Involve the use of innovative methods, systems, materials, or programs which:

(i) may have national significance, or

(ii) may be of special value in promoting effective programs under the Act; or

(2) Involve programs of adult education which are part of a community school program, carried out in cooperation with other Federal, or federally assisted State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

(b) *Teacher training.* From each annual Federal allotment to the State educational agency, funds will be available under section 309(2) of the Act to train persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this Act.

(20 U.S.C. 1208)

§ 166.23 Eligible applicants.

(a) *Special projects and teacher training.* Federal funds authorized for the purposes of section 309 of the Act may be used for grants, contracts, or other arrangements, if appropriate under applicable State laws, to provide support for special projects and teacher training. Eligible recipients include the following:

(1) State educational agencies;

(2) Local educational agencies;

(3) Public and private agencies, institutions, and organizations; and

(4) Individuals.

(20 U.S.C. 1208)

(b) *Ineligible applicants.* No funds may be used from the State's allotment under this part for programs conducted by any school or department of divinity, as defined in section 312 of the Act.

(20 U.S.C. 1210)

§ 166.24 Project applications.

(a) Funds to support special projects and teacher training under section 309 of the Act will be available from the appropriate State educational agency. Information on policies and procedures for applying for such support may be obtained from the State educational agency.

(b) In its use of section 309 funds, the State educational agency may not assign any part of its responsibility to another agency. This does not, however, prevent a State agency from exercising its authority under the Act to coordinate activities with other Federal, or federally assisted, State and local programs, nor prevent two or more applicants in one or more States from conducting a joint program or project (including a planning project) through a combined use of funds made available to them.

(c) A State educational agency may award funds under section 309 of the Act to eligible applicants outside the boundaries of the State if such an award is deemed to be in the best interest of the State in meeting the purposes of the Act.

(20 U.S.C. 1208)

§ 166.25 Establishment of national priorities in adult education.

Based on the findings of surveys and studies conducted by the U.S. Office of Education, recommendations of the National Advisory Council on Adult Education, and on evaluations by State educational agencies, and State advisory councils, if such councils exist, the U.S. Office of Education will review and identify, for the guidance of the State educational agencies, national priorities annually in the field of adult education and, as necessary, will publish current priorities in the FEDERAL REGISTER. The State educational agency may take these priorities into consideration for its guidance in the development of its annual program of priorities and objectives under the State plan. Each State is requested in its annual program plan to indicate how the priorities established by the State agency related to the published national priorities. Such national priorities are contained in these regulations as Appendix B.

(20 U.S.C. 1208)

§ 166.26 Program evaluation procedures.

(a) The State educational agency shall set forth in its annual program plan the procedures that it will follow for obtaining an independent third party evaluation of each program or project funded under section 309 of the Act.

(b) Each program or project supported under section 309 of the Act shall be evaluated annually, if appropriate, by an independent third party, and a report of each such evaluation shall be submitted to the U.S. Commissioner of Education within 60 days after the end of the fiscal year.

(20 U.S.C. 1208)

§ 166.27 Allowable costs.

(a) Allowable costs of programs and projects funded under section 309 of the Act shall be in accordance with § 100b, Subpart G, and Appendix B, C, or D (as appropriate) of GEPR.

(b) With respect to teacher training programs under section 309(2) of the Act, only those allowances which are provided for in applicable State law, policies and procedures, and under the provisions of Subpart G and Appendix B, C, or D (as appropriate) of GEPR may be included as direct costs of the project.

(20 U.S.C. 1208; 45 CFR 100b)

§ 166.28 Stipends and travel allowances for teacher training participants.

Participants in teacher training programs funded under section 309 of the Act and these regulations may receive support and travel allowances. Such support and travel allowances, if paid, shall be in accordance with State law, policies and procedures.

(20 U.S.C. 1208)

§ 166.29 Reporting requirements for special projects and teacher training.

In order for the State educational agency to comply with Federal reporting requirements, as set forth in § 166.52 of these regulations, and Subparts P and Q of 45 CFR 100b, recipients of funds administered under section 309 of the Act shall submit, as a condition of funding, such reports as the State educational agency deems necessary.

(20 U.S.C. 1205(a), (8))

§ 166.30 Dissemination of results of projects.

(a) The State educational agency shall develop and set forth in its annual program plan procedures for providing a copy of final reports and evaluation reports of special projects and teacher training programs supported under section 309 of the Act to:

(1) The U.S. Commissioner of Education; and

(2) The U.S. Office of Education, Clearinghouse on Adult Education.

(b) Except for the requirements contained in paragraphs (a) (1) and (2) of this section, it shall be the responsibility of the State educational agency to distribute (as the State agency deems appropriate) the results of projects supported under section 309 of the Act.

(20 U.S.C. 1208-1)

Subpart E—Federal Financial Participation

§ 166.41 Use of Federal funds.

All Federal funds (and State or local funds necessary to earn such Federal funds) must be expended in accordance with applicable requirements and only for programs, services, and activities related to adult education. The annual program plan shall set forth a program for the use of grant funds which affords assurance that in all areas of the State, special emphasis will be given to adult basic education needs in accordance with the policies, procedures, criteria and considerations established in accordance with §§ 166.12(b) and 166.13.

(20 U.S.C. 1205(a))

§ 166.42 Limitation on administrative expenses.

The U.S. Commissioner of Education shall determine annually (based upon the amounts so appropriated for this purpose or, in the absence of such appropriation, in amounts based upon the funds appropriated pursuant to section 313(a) and the limitation prescribed in section 313(b) of the Act) the maximum allowable amount awarded pursuant to section 313(b) of the Act. The non-Federal share of funds available under the State plan may also be utilized to pay such administrative costs.

(20 U.S.C. 1211)

§ 166.43 Federal and non-Federal share of expenditures.

(a) *Federal share.* The Federal share of expenditures incurred under the State plan and payable to a State from its allotment shall not exceed 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

(20 U.S.C. 1206(a))

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(b) *Non-Federal share.* The non-Federal share of expenditures under the State plan shall be the difference between the Federal share meeting the requirements of paragraph (a) of this section and the total expenditures for the purposes for which the Federal share is paid. The non-Federal share of expenditures under the State plan may be computed on a statewide basis and may come from any source other than Federal assistance for a specific purpose so long as such expenditures are made in furtherance of the purposes of the State plan approved under this part and do not inure to the personal benefit of any donor. The criteria and procedures for determining the allowability and valuation of inkind contributions applicable to State agencies for the purpose of meeting the non-Federal share are included in Subpart H of Part 100b of the GEPR.

(20 U.S.C. 1206(a))

§ 166.44 Use of funds for sectarian or religious purposes.

No payment may be made from a State's allotment under the Act for any program, service, or activity related to sectarian instruction or religious worship, or provided by a school or department of divinity, as defined in section 312 of the Act. An institution which has a school, branch, department, or other administrative unit within the definition of "school or department of divinity" is not precluded for that reason from participating in programs, services, or activities under this part if the program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the program, service, or activity is not related to sectarian instruction or religious workship.

(20 U.S.C. 1212)

§ 166.45 Tuition and fees.

Adults enrolled in adult basic education and adult secondary programs conducted under this part may not be charged tuition, fees, or any other charges, or be required to purchase any books or any other materials that are needed for participation in the program.

(20 U.S.C. 1203(b), 1205(a)(1); 45 CFR 100b, Subpart G)

Subpart F—Payments and Reports

§ 166.51 Conditions for payments to States.

(a) *Approved State plan.* Payments to States under the Act will be made only after the Commissioner has approved the State plan submitted in accordance with the requirements of the Act, these regulations, and GEPR.

(b) *Maintenance of effort.* The State shall certify to the Commissioner that there will be available for expenditure by the State, including its political subdivisions, for adult education from non-Federal sources during the fiscal year for which the allotment is made an amount equal to not less than the total amount expended for such purposes from such sources during the preceding fiscal year. No State will be required to use its funds to supplant any portion of the Federal share.

(20 U.S.C. 1206)

§ 166.52 Reports.

(a) *Financial reports.* The State agency shall submit financial reports annually, 90 days after the end of the grant year, in accordance with Subpart P of Part 100b of the GEPR.

(b) *Performance reports.* The State agency shall submit performance reports annually, 90 days after the end of the fiscal year, in accordance with Subpart Q of Part 100b of the GEPR.

(c) *Independent evaluations.* The State shall forward to the Commissioner a copy of any independent evaluations of projects and programs (including projects under section 309 and programs of instruction under section 306 of the Act). Each such evaluation shall include a summary of its operation, objectives, conclusions, or any studies of a similar nature which may be sponsored by the State agency, in addition to and including those conducted and submitted in accordance with § 166.12(b)(2).

(d) *Other reports.* (1) Within 15 days after the State agency's approval of a project under section 306(a)(4) and section 309 of the Act for special projects, teacher training, and research, the State agency shall forward to the Commissioner an informational copy of the approved proposal for which the award was made. The State agency shall submit to the Commissioner, within 120 days after completion of the project, copies of final reports of programs or projects conducted by awardees under section 306(a)(4) and section 309 of the Act;

(2) The State educational agency shall submit, within 60 days after the end of any fiscal year, a report on the use of Federal funds as required by section 437(a) of the General Education Provisions Act;

(3) The State educational agency shall provide, in accordance with section 424 of the General Education Provisions Act a compilation of all inovative projects for each fiscal year in which funds under sections 306(a)(4) and 309 of the Act are used to carry out such programs. Such compilation shall be indexed according to subject, descriptive terms, and location. Such indexing shall be in accordance with guidelines to be provided by the U.S. Office of Education, Clearinghouse on Adult Education; and

(4) The State educational agency shall submit along with its annual program plan a copy of any adult education legislation enacted by the State and a summary of the approved level of funding for each by fiscal year.

APPENDIX A

COVER SHEET

STATE PLAN FOR ADULT EDUCATION PROGRAMS

State plan for Adult Education Programs under Adult Education Act.
Amendment to State plan for Adult Education Programs under Adult Education Act.

Submitted by the State of _____ in accordance with the provisions of the Adult Education Act and the Regulations promulgated thereunder.

Submitted by _____
(Name of State agency)

on _____.
(Date)

By _____
(Authorized official)

_____
(Title)

To be completed by the Office of Education:

Date on which plan or amendment is effective _____.

Approval recommended _____
(Regional Director, Occupational and Adult Education Programs)

_____
(Date)

Concurred _____
(Deputy Commissioner for Occupational and Adult Education)

_____
(Date)

Approved _____
(U.S. Commissioner of Education)

_____
(Date)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

State Plan

(State-Federal Agreement)

Adult Education Act, as Amended

(Public Law 91-230)

The _____
(Officially designated State agency)

of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this State Plan which serves as an agreement between State and Federal Governments under the Adult Education Act, will be administered in accordance with the following provisions:

(1) The State Agency will provide for such methods of administration, as are necessary to assure proper and efficient administration of the program authorized by the Act; and has adequate fiscal and legal authority to do so (a certificate of legal authority in compliance with § 166.14 must be attached;

(20 U.S.C. 1202(g) and 1205(2)(9))

(2) The State Agency has entered into cooperative arrangements with the State Health Authority, authorizing the use of such health information and services for adults as may be available from such authorities and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to the Act;

(20 U.S.C. 1205(a)(3))

(3) The State Agency will provide support to local educational agencies, and public and private nonprofit agencies for special projects, teacher training, and research projects;

(20 U.S.C. 1205(a)(4))

(4) The State Agency will provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work-Study programs, programs designed to provide reading instruction for adults, and other programs relating to the antipoverty effort;

(20 U.S.C. 1205(a)(5))

(5) The State agency will provide for cooperation with manpower development and training programs, including programs under the Comprehensive Employment and Training Act (CETA), and occupational education programs;

(20 U.S.C. 1205(a)(6))

(6) The State Agency will make such reports, including reports of evaluations, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under the Act, and to determine the extent to which funds provided under the Act have been effective in carrying out its purpose;

(20 U.S.C. 1205(a)(8))

(7) The State Agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of all reports submitted to him;

(20 U.S.C. 1205(a)(8))

(8) The State agency has provided for such fiscal control and fund accounting procedures as will assure proper disbursement of, and accounting for, Federal funds paid to the State under the Act (including any funds paid by the State to local educational agencies and public and private nonprofit agencies under this State plan);

(20 U.S.C. 1205(a)(12))

(9) The State Agency will ensure that special emphasis will be given to adult basic education programs;

(20 U.S.C. 1205(a)(10))

(10) The State Agency will provide such further information and assurances as may be required by applicable regulations;

(20 U.S.C. 1205(a)(12))

(11) The State Agency, including its political subdivisions, has available from non-Federal sources for expenditure for adult education, in the fiscal year for which the allotment is made, an amount not less than the amount expended for such purpose from such sources during the preceding fiscal year;

(20 U.S.C. 1206(b))

(12) (a) The State Agency assures that the program will be conducted in compliance with all requirements imposed by or pursuant to the regulations in 45 CFR Part 80 to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352);

(b) The State Agency was submitted or is hereby submitting as an attachment to this agreement the methods of administration to give reasonable assurance that the applicant and all recipients of Federal financial assistance under the State plan will comply with all requirements imposed by or pursuant to the regulations in 45 CFR Part 86 (prohibition of sex discrimination) Title IX of the Education Amendments of 1972 (Public Law 92-318);

(42 U.S.C. 2000d; P.L. 92-318, Title IX)

(13) The State plan has been submitted to the Governor for review; and his/her comments (or a statement that no comments have been made) will be attached to the annual program plan. Any amendments to this plan, as well as other periodic reports required under the program, if any, will be submitted for the Governor's review. The Governor's comments (or a statement that no comments were made) will accompany the materials when they are submitted to the U.S. Office of Education;

(20 U.S.C. 1205(a))

(14) Assurance is hereby given that the total annual expenditure of Federal funds for adult secondary education shall not exceed 20 percent of the total annual allotment granted to the State under section 305 of the Act;

(20 U.S.C. 1205(a)(7))

(15) Assurance is hereby given that special assistance will be provided for persons of limited English-speaking ability by providing bilingual adult education programs, in accordance with the criteria specified in § 166.12(e) of these regulations;

(20 U.S.C. 1205(a)(11))

(16) Assurance is hereby given that not more than 20 percent of the total funds available for expenditures for any fiscal year for the purposes of this Act shall be used for adult basic education and adult secondary education programs for institutionalized adults;

(20 U.S.C. 1205(a)(1))

(17) The program for the use of grants has been developed by the State Agency in accordance with section 306 of the Act and affords assurance for substantial progress with respect to all segments of the adult population and all areas of the State toward carrying out the purpose of the Act and applicable regulations;

(20 U.S.C. 1205(a)(1))

(18) The State Agency assures that it will not approve an application for a program of instruction unless it determines that the program will (a) utilize qualified administrative personnel and instructional staff, adequate facilities, equipment, materials, and guidance and counseling services; (b) provide for effective recruitment and retention of participants in adult education programs; and (c) provide for effective administration and supervision and assure efficient and economical operation in providing an adequate learning environment;

(20 U.S.C. 1205(a), 1232(c)(b))

(19) The State agency will submit for approval by the U.S. Commissioner of Education an annual program plan, in accordance with section 434(b)(1)(A)(V) of the General Education Provisions Act. Such annual program plan will include a certification by the State's Attorney General or other appropriate official, as specified in § 166.14 of the regulations.

Such program for use of grants is set forth in _____ which is
(Name of existing identifiable document)

attached hereto.

_____
(State Agency)

_____
_____
(Address)

By: _____
(Signature of authorized official)

_____
_____
_____
(Title)

_____
(Date)

APPENDIX B

PRIORITIES FOR PROGRAMS OF NATIONAL SIGNIFICANCE

The Commissioner has suggested for the guidance of State educational agencies that the following priorities merit special consideration by States in meeting the special project and staff development needs of their adult education program.

1. *Dissemination in adult education.*

Administrators and practitioners of adult education have only limited means for learning of and assessing the kinds and quality of improved practices and products generated in adult education. Many States do not have a mechanism for systematic retrieval, review, assessment, and diffusion of improved practices and products. Without these capabilities, programs suffer from duplication of effort, lack of planning ability, and the continuation of traditional, non-progressive educational strategies.

Characteristics of such a mechanism include the ability to locate improved practices and products, identify specific users, disseminate the practices and products to these users, and provide training and technical assistance for adoption and implementation by local adult educators. A Statewide dissemination program would develop these capabilities as part of the overall State Department of Education concern and planning for dissemination in education. If no such effort is presently being undertaken by a particular State Department of Education, the adult education program could play an important leadership role in developing departmental interest in a Statewide dissemination system. It will also be useful for State systems to coordinate plans and activities with the U.S. Office of Education, Clearinghouse on Adult Education.

2. *Adult performance level implementation.*

By the end of fiscal year 1975, the Adult Performance Level (APL) test and objectives will be completed and available for implementation. States should plan to utilize section 309 and other funds in support of projects to conduct a Statewide literacy assessment and to develop instructional programs designed to meet APL objectives. Also encouraged are staff development or special projects which focus on the translation of APL objectives into curriculum and teacher competencies. Careful attention should be paid to the avoidance of overlap and duplication in these developments.

3. *Role of the employer in adult learning.*

At the 1974 Summer Commencement of Ohio State University, the President asked the students and faculty to help bring the domains of education, employment and labor closer together to foster a community of learning. A major aim of this endeavor is to release the intellectual energy of America's youth to stimulate greater productivity on and off the job.

Adult educators can assist this effort by developing programs which identify the educative aspects of work and which structure the work environment and personnel policies to facilitate adult learning and career development. This may require restructuring the responsibilities of the employee to provide opportunities to learn new knowledge and skills which will prepare the employee to assume more or different job responsibilities.

This concept assumes that the organization of production around learning experiences for employees will ultimately lead to increased cost effectiveness of that production system.

4. *Adult education staff development.*

As part of the continuing staff development effort, each region and State has developed an adult education staff development plan. It is recommended that each State continue the implementation of its plan, and carefully assess the desirability of supporting the continuation of a regional approach to staff development.

5. *Experimental and demonstration project continuation.*

States are encouraged to review current experimental and demonstration projects funded under Pub. L. 91-230 in fiscal year 1974 to determine the appropriateness of assuming support for those projects which are of significance to State Adult Education Programs.

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PART III

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

INORGANIC ARSENIC

Proposed Exposure Standard

V40-14 JAN21 75 XUM

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-37]

STANDARD FOR EXPOSURE TO INORGANIC ARSENIC

Notice of Proposed Rulemaking

Pursuant to sections 6(b) and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, it is proposed to amend Part 1910 of Title 29, Code of Federal Regulations, by adding a new occupational safety and health standard for exposure to inorganic arsenic as § 1910.93r, and by deleting the present standards for arsenic and its compounds, calcium arsenate and lead arsenate, contained in Table G–1 of § 1910.93.

I. *Introduction.* The toxic effects of inorganic arsenic compounds on man, following oral ingestion, are well known. Some of the effects of acute inorganic arsenic poisoning are vomiting, nausea; diarrhea, irritation, inflammation and ulceration of the mucous membranes and skin; and kidney damage. Among the effects of chronic arsenic poisoning are increased pigmentation and keratinization of the skin, dermatitis, muscular paralysis, visual disturbances, and liver and kidney damage. Both acute and chronic poisoning by ingestion can lead to death.

Findings of excess cancer mortalities among worker populations exposed to airborne concentrations of various inorganic arsenic compounds have implicated inorganic arsenic as an occupational carcinogen. Results of a number of studies have shown sodium arsenite, arsenic trioxide, lead arsenate and calcium arsenate to be cancer-suspect agents (See Section III of this notice). Additionally, such effects as perforation of the nasal septum, conjunctivitis and dermatitis resulting from occupational exposure to airborne concentrations of inorganic arsenic compounds have been cited in the National Institute for Occupational Safety and Health (NIOSH) document, "Criteria for a Recommended Standard.—Occupational Exposure to Inorganic Arsenic."

In view of the observed effects and suspected carcinogenicity of these substances, the Occupational Safety and Health Administration (OSHA) has concluded that a comprehensive occupational health standard is needed to protect employees from the harmful effects of exposure to inorganic arsenic compounds.

In developing this proposed standard, OSHA has considered the NIOSH criteria document; written comments on the NIOSH document received in response to the OSHA advance notice of proposed rulemaking, published in the FEDERAL REGISTER on June 11, 1974 (39 FR 20494); recommended modifications of the criteria document, submitted by NIOSH on November 8, 1974; and the complete record of the fact-finding hearing announced in the FEDERAL REGISTER on August 30, 1974 (39 FR 31644) and held on September 20, 1974, including all of the evidence presented at the hearing and all written comments received prior to the close of the hearing record on October 20, 1974.

II. *Background.* Inorganic arsenic, for the purpose of this standard, is defined as arsenic and all inorganic compounds containing arsenic, except arsine. Elemental arsenic (As), a gray metalloid, is primarily found in the ores of metals such as copper, lead, zinc, gold and silver. Arsenic is also widely distributed, in small amounts, throughout the soils and waters of the world. Traces are found in foods, particularly seafood, and in some meats and vegetables.

Arsenic trioxide, the compound used in the synthesis of many other arsenic compounds, is released and obtained primarily as a by-product of the smelting of sulfide ores of copper, zinc or lead. The U.S. consumption of arsenic trioxide has been estimated at 25,000–30,000 tons annually.

Arsenic compounds are manufactured and used as herbicides and pesticides due to their toxic effects on plants and insects. Calcium arsenate and lead arsenate are two of the arsenicals commonly used as insecticides. Calcium, sodium, and zinc arsenites are used as herbicides for the control of weed growth. Arsenic acid is used as a defoliant and desiccant, e.g., in the treatment of cotton prior to machine picking.

In addition to agricultural uses, arsenicals are used in the production of glass, wood preservatives and nonferrous alloys. Small quantities are used in cattle and sheep-dips, pyrotechnics, pigments, poultry feed additives, pharmaceuticals, leather tanning, and anti-fouling paints.

History of the Standard. In 1943, the American Standards Association (now the American National Standards Institute or ANSI) proposed a standard for arsenic of not more than 0.015 milligrams elemental arsenic per cubic meter of air (mg As/cu m). However, by 1945, this standard was increased by a factor of ten to 0.15 mg As/cu m.

The American Conference of Governmental Industrial Hygienists (ACGIH) recommended a Maximum Airborne Concentration (MAC) of 0.1 mg As/cu m, in 1947. This was changed the following year to a Threshold Limit Value (TLV) of 0.5 mg As/cu m. It appears that this level was set to protect against the hazard of dermatitis from arsenic trioxide and without consideration for possible carcinogenicity.

The ACGIH has separate standards for lead arsenate and calcium arsenate. A limit for lead arsenate of 0.15 mg lead arsenate/cu m has remained in effect since 1957. (There are at least six forms of lead arsenate compounds, depending upon the molecular formula. The arsenic content (as As) can range from approximately 0.02 to 0.055 mg As/cu m.) According to ACGIH documentation, lead arsenate was considered to present the double threat of chronic toxicity due to its lead content and acute toxicity due to its arsenic content. The limit for calcium arsenate of 0.1 mg/cu m, adopted by ACGIH in 1957, was later changed to the present 1.0 mg calcium arsenate/cu m (equivalent to 0.38 mg As/cu m).

The present OSHA standard for "arsenic and its compounds" in Table G–1 of § 1910.93 is 0.5 mg As/cu m, as determined on an eight-hour time-weighted average basis. The present OSHA standards for lead arsenate and calcium arsenate are 0.15 mg/cu m and 1.0 mg/cu m, respectively. These levels were based on the 1968 ACGIH list of Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment (TLV's).

III. *Environmental and epidemiological studies.* Historically, attention has focused upon issues concerning the specific toxicity of arsenic compounds, the overall toxic mode of respiratory versus skin effects, the lack of animal toxicity data and the question of carcinogenicity. These differences in emphasis are evidenced by the wide variation and numerous changes in the threshold limit values for inorganic arsenic compounds. NIOSH attempted to clarify these issues with an examination of the available studies on various inorganic arsenic compounds (except lead arsenate and arsine) in the criteria document submitted to OSHA in January, 1974.

The first significant study involved a two-part investigation of the worker population of an English factory which manufactured a sodium arsensite sheep dip. The first part of the study, reported by Hill and Fanning, compared mortality data of the factory worker population with that of workers in other occupations in the same community, during the years 1910 to 1943. Hill and Fanning reported 22 cancer deaths (29.3 percent) among 75 deceased factory workers as compared to 157 cancer deaths (12.9 percent) among 1,216 deceased workers from other occupations in the community. The excess of cancer deaths due to cancer of the respiratory system was 31.8 percent for the sodium arsenite workers, compared to 15.9 percent for the control group, and 13.6 percent from skin cancer as compared to 1.3 percent for the general population.

The second part of the study, by Perry et al., consisted of a clinical and environmental investigation of the same factory during 1945 and 1946. Although the study was limited in scope and design, Perry's results showed some correlations between the levels of arsenic found in the hair and urine of workers and the levels of airborne arsenic contamination to which workers were exposed.

Snegireff and Lombard (1951) conducted a statistical study of cancer mortality in the metallurgical industry. They concluded that the frequency of cancer deaths of all types among the employees of a plant handling arsenic trioxide was not significantly different from that of

the control population (a plant identical to the first except that it handled no arsenic trioxide). As a result of this lack of statistical significance, the authors concluded that arsenic trioxide was not carcinogenic.

However, NIOSH's evaluation of the Snegireff and Lombard data found the authors' conclusions to be of questionable validity. NIOSH's analysis revealed a large excess of lung cancer mortality in the worker populations for both plants, when the data were compared to the respiratory cancer death rates for the states in which the plants were located. NIOSH concluded that the authors should have placed more emphasis on the significance of the lung cancer data.

Further, NIOSH questioned the choice of control population. Since both plants were in the metallurgical industry and nearly identical, it may be assumed that both were metal smelters. Thus, based on the information available on the release of arsenic during the smelting of metal ores, there is a question as to whether the control population of employees was not, in fact, exposed to some arsenic trioxide. According to NIOSH, had a more suitable control population been chosen the excess of respiratory cancer might have been more readily apparent.

Pinto and McGill (1953) studied the effects of arsenic trioxide exposure in a copper smelter producing arsenic trioxide as a by-product. Without the use of air measurements, Pinto and McGill divided the workers into "exposed" and "nonexposed" groups. The authors measured the workers' urinary arsenic levels and noted that the urinary arsenic levels for those "nonexposed" averaged 0.13 milligrams of arsenic per liter (mg As/l) while those "exposed" averaged 0.82 mg As/l. As will be discussed below, the division of workers into the two exposure categories is questionable. The authors concluded that arsenic trioxide dust produced an irritant effect on body surfaces, but that systemic toxicity from inhalation was rare.

Milham and Strong, who measured urinary arsenic levels of residents downwind from the smelter studied by Pinto and McGill, found that the residents' urinary arsenic levels decreased with the distance from the smelter. Milham and Strong also collected samples of vacuum cleaner dust and reported that arsenic content of the dust declined from a high of 1300 parts per million parts of dust (ppm) at a distance of 0 to .4 mile from the smelter to 70 ppm at a distance of 2.0 to 2.4 miles. This would suggest that arsenic exposure was not confined to only one section of the smelter, but extended to the surrounding community. Thus, the "nonexposed" control group of smelter workers very likely also had a significant degree of arsenic exposure.

In 1963, Pinto and Bennett analyzed the causes of death for 229 plant workers and pensioners at the same smelter investigated by Pinto and McGill. On the basis of the average urinary arsenic levels found in the Pinto and McGill study, Pinto and Bennett divided the working population into "exposed" and "nonexposed" groups. Pinto and Bennett concluded that arsenic exposures had no significant effect on the amount of cancer mortalities observed in the plant workers as compared to the cancer mortality rates for the state as a whole. However, these findings have since been challenged.

NIOSH's evaluation of the Pinto and Bennett study showed an increase in lung cancer mortality. As noted above, the "nonexposed" workers probably had, in fact, been subjected to significant occupational exposures. When the "exposed" and "nonexposed" worker populations were combined, 18 lung cancer deaths were found where only 8.6 would have been expected. Further, Dr. Milham stated at the OSHA fact-finding hearing that he had found an additional seven lung cancer deaths among Pinto and Bennett's study population (See fact-finding hearing transcript, hereinafter refered to as FTR, pages 111–116). Combining the 18 lung cancer deaths with the seven additional cases, increases the lung cancer deaths among the workers in the smelter to three times the number expected.

Further, the excess lung cancer mortalities found in the analysis of the Pinto and Bennett study were confirmed by the findings of a study by Milham and Strong, who examined death certificates of former smelter workers who had worked in the same smelter studied by Pinto and Bennett. For the years between 1950 and 1971, 40 lung cancer deaths were found among former smelter workers, where only 18 would have been expected (P less than .001).

In 1969, Lee and Fraumeni, in an effort to clarify the role of arsenic in human carcinogenesis, studied and compared the mortality data of 8,047 white male smelter workers exposed to both arsenic trioxide and sulfur dioxide during 1938–1963, with that of a similar population in the same states. As of December 1963, of the 8,047 workers, 5,397 were known to be alive; 1,877 deceased; and 773 had status unknown. Hence, there were 1,877 observed deaths compared to 1,634 expected deaths (P less than 0.01). The authors divided the deceased workers by duration and degree of exposure to arsenic trioxide and sulfur dioxide. Excesses of lung cancer deaths were found to increase with increasing lengths of exposure to arsenic trioxide. These increases ranged from 2.03 to 4.7 times expected. These groups were further subdivided into "heavy," "medium," and "light" exposures to arsenic trioxide. Lung cancer mortalities for each group were found to increase with increasing degrees of exposure to arsenic trioxide.

Similarly, workers were grouped according to duration and degree of exposure to sulfur dioxide. Again, excess lung cancer mortality was found with increasing exposure to sulfur dioxide. The greatest excesses of lung cancer were found among workers exposed to high concentrations of arsenic trioxide and medium or high concentrations of sulfur dioxide. Lee and Fraumeni concluded that their findings were "consistent with the hypothesis that exposure to high levels of arsenic trioxide, perhaps in interaction with sulfur dioxide or unidentified chemicals in the work environment, is responsible for the threefold excess of respiratory cancer deaths among smelter workers."

Animal Studies. In its criteria document, NIOSH evaluated 18 animal studies involving inorganic arsenic exposures. However, only two of these were studies of the effects of exposure to airborne concentrations, and neither of these studies were designed to observe lung cancer.

The first of these was an inhalation study, by Rozenshtein, on albino rats exposed to arsenic trioxide for 24 hours per day, for three months. The study was designed to observe the effects of atmospheric pollution. The second study, by Bencko and Symon, involved an evaluation of hairless mice exposed to fly ash containing .1% arsenic trioxide. The authors observed an accumulation of arsenic in the animals' livers and kidneys from exposures to the fly ash.

At the OSHA fact-finding hearing, Dr. Kraybill, of the National Cancer Institute, discussed the overall lack of carcinogenic animal data, and the important elements to be considered in evaluating animal studies. Of significance, Kraybill said, is the dose given the animal, the adequacy of the numbers of animals within the test and control groups to permit statistical evaluation of the data, and the time frame of the study.

Dr. Kraybill discussed the findings of 20 animal studies included in a review published by the International Agency for Research on Cancer. These studies were primarily concerned with routes of entry other than inhalation. Dr. Kraybill referred to two preliminary reports suggesting possible carcinogenic effects in mice exposed to sodium arsenate, potassium arsenate, and arsenic trioxide. However, Kraybill said that these studies were difficult to interpret and must await further confirmation. Kraybill commented, "Arsenic stands out as the one substance for which human carcinogenicity has been demonstrated, but for which an animal model has yet to be found to reproduce this effect." (FTR 36–40)

IV. *Recent studies and comments.* On July 8, 1974, in response to the Notice of Proposed Rulemaking, the Dow Chemical Company submitted a retrospective mortality study, by Ott et al., of the relationship between respiratory cancer and occupational exposure to dry arsenicals (FTR Exhibit #3). Arsenic trioxide was the compound used for the synthesis of the other dry arsenicals. Therefore, OSHA concludes that there may have been some worker exposure to arsenic trioxide as well as to the following dry arsenicals, listed by extent of production, over the 37-year period of the study: lead arsenate (59 percent), calcium arsenate (34 percent), copper aceto-arsenate (5 percent), and magnesium arsenate (2 percent).

The Dow study compared the proportionate mortality experience among the

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arsenic-exposed employees with the experience among nonexposed employees, for the period from 1919 to 1956. The exposed employee population included only those who had spent one or more days in the arsenical production area. The control group had never worked in the arsenic exposure area. Noteworthy was the fact that of the 173 deaths among exposed employees, 138 of these had worked in the exposure areas for a period of less than one year. Of these 138, 16 died of lung cancer. An increased percentage of cancer deaths was observed among the exposed (32.9 percent) versus the nonexposed (20.7 percent). The authors' analysis of the data indicated an approximate threefold increase in lung cancer for the exposed (16.2 percent) over the nonexposed (5.7 percent). Lymphatic cancer occurred 2.5 times the expected rate (3.5 percent versus 1.4 percent). Fewer cancers of the digestive system were found in the exposed than expected.

In addition, Ott performed a cohort analysis to supplement the results of the above study by examining mortality data for 603 men who had worked for at least one month in the exposure area. Death rates of this group were compared to those of the U.S. white male population. There were 35 cancer deaths observed among the exposed group versus 19.4 expected. Of the total cancer deaths, 20 lung cancer deaths were observed where 5.8 would have been expected. Additionally, there were 5 deaths attributable to lymphatic cancer, where 1.3 were expected. Hence, the results of the cohort analysis confirmed the findings of the earlier mortality study.

The Allied Chemical Corporation submitted a mortality study to OSHA and NIOSH with findings similar to the Dow study for respiratory and lymphatic cancer deaths (FTR Exhibit #24). The Allied facility had also been engaged in the manufacturing of dry arsenicals for pesticides. Like the Dow process, arsenic trioxide was the starting compound for the subsequent synthesis of lead arsenate, calcium arsenate and other chemicals.

The Allied study, performed by Baetjer et al., compared the mortality experience of retirees with that of the general population of Baltimore, Maryland, the location of the pesticide facility. The study focused on 27 deaths occurring between 1690 and 1972. Of the total deaths, 19 were due to cancer, including 10 from respiratory cancer and 3 from leukemia or lymphosarcoma. The expected numbers of deaths, based on figures adjusted for the combined age, race and sex-specific relative frequencies in the general population of Baltimore, were 5.6, 1.5 and 0.18, respectively.

When an analysis was carried out on death rates among male retirees from this plant, Baetjer found even greater differences between observed and expected deaths from all cancer, as well as respiratory and leukemia-lymphatic cancers. Specifically, there were 17 deaths from all forms of cancer versus 1.35 expected; 10 respiratory cancer deaths versus 0.4 expected; and 3 deaths from leukemia-lymphatic cancers with .05 expected.

Kennecott Copper Corporation (KCC) submitted a survey of mortalities from respiratory diseases observed among its active and retired employees. The study, performed by Drs. T. H. Milby and C. H. Hine, compared the ratios of observed employee deaths to the expected ratios. Additionally, the authors compared the proportion of deaths due to cancers of all types, respiratory cancer, and nonmalignant respiratory diseases among KCC employees with corresponding data for the United States and the State of Utah. They found that the proportion of respiratory cancer deaths among KCC employees was not very different from the U.S. respiratory cancer death rate or that of Utah State.

Milby and Hine also compared results of their study with three earlier studies of copper smelter workers (Snegireff and Lombard, Pinto and Bennett, and Lee and Fraumeni). Their results of lung cancer deaths were well below those found by the other groups of investigators.

NIOSH's evaluation of the KCC study showed it to be inadequate in several ways. For example, although the study showed no excess lung cancer, it utilized a relatively insensitive technique (analysis by proportionate mortality ratios); it excluded some of the exposed population (workers who left KCC before retirement); and it apparently included many workers who did not have significant exposure to arsenic (e.g. miners).

A study by Kuratsune et al., reported a high frequency of respiratory cancer mortality among workers at a Japanese copper smelter. Kuratsune stated that the results of his study were reported to both the Ministry of Labor and to the employer. On the basis of Kuratsune's findings, the Ministry judged that the cases of lung cancer were due to occupational exposure to arsenic trioxide and other compounds released during the smelting of copper ores. Kuratsune's study confirms the findings of excess mortalities in some American smelters.

In 1973, W. C. Nelson et al., of the Environmental Protection Agency (EPA) published a follow-up mortality study for a cohort of 1,231 individuals in Wenatchee, Washington, who had participated in a 1938 mortality survey of the effects of exposures to lead arsenate insecticide spray. (Neal et al., Public Health Bulletin 267, 1941). The population surveyed was classified by spray exposure, duration of exposure, age and sex. Additionally, three exposure groups were identified: orchardists, those having the highest exposure; consumers, those having no exposure; and a third group, having intermediate exposures.

Nelson located over 97 percent of the original 1938 study group. The Standard Mortality Ratio (SMR) technique was used to compare the total death rate to the expected death ratio in the State of Washington. The authors concluded that excess mortality did not occur consistently from the amount of exposure to lead arsenate spray. In fact, the orchardists, the most highly exposed group, had the lowest SMR of the three groups analyzed.

Especially noteworthy, however, is the authors' discussion of their study design. In this discussion, the authors noted that it was difficult to be sure of the exposure dosage categories and that they lacked data for individual exposure measurements. Nelson stated that they could not be positive as to whom the most exposed individuals were, and that the dosage levels were especially a problem for the intermediate group, who had the most heterogeneous exposure. He also admited difficulty with interpretation of the study results due to the relatively small number of individuals involved. In fact, Nelson stated that some of the more suggestive excesses in mortality cannot be considered significant because of small numbers. Moreover, many of the volunteers in the 1938 study "are still too young to have reached high risk mortality age." (FTR Exhibit #28)

Because the results of the Nelson study were at a variance with previous evidence on the long-term effects of arsenic exposure, NIOSH queried EPA regarding possible explanations for the differences, and reviewed data from other sources which might confirm the findings. Upon review of the life table procedure used by Nelson, NIOSH suggested that the unexpected differences noted might have resulted from use of an incorrect statistical technique for computing the expected numbers of deaths. While EPA reported to NIOSH that the statistical method used was entirely appropriate, EPA confirmed the authors' conclusions that the paper had unfortunate methodologic limitations.

Using two types of data sources, NIOSH attempted to independently evaluate the Nelson study findings. The first data source reviewed was occupational mortality data for adult white males in the State of Washington for the period 1950–1971 (FTR Exhibit #34). Dr. Samuel Milham of the Washington Department of Social and Health Services compared disease frequencies of approximately 400 distinct occupational groups and found that deaths due to respiratory cancer were 19 percent higher than expected for the decendents classified as "orchardists". Further, during the most recent 11 years (1961–1971) an increase of 27 percent was observed for lung cancer among orchardists.

The second data source reviewed was age-adjusted mortality rates for specific types of cancers for the three-county area from which the Nelson orchardist sample was drawn. The mortality rates for the three counties during the period 1950 to 1969 were compared to the rates for the state as a whole to identify unusual cancer patterns. NIOSH found that the rates were highest for Chelan County, the county in which the majority of the persons in the Nelson study resided. The mortality data on orchardists and men residing in Chelan

County indicate a significant excess of lung cancer.

Because the two independent sources of information contradicted, rather than confirmed, the Nelson study, NIOSH questioned the negative results found by Nelson. While no explanation for the contradictory results could be determined it appears that the Nelson study did not correctly depict the cancer experience of the persons exposed to lead arsenate in the Wenatchee Valley.

V. *Conclusions.* From an analysis of available studies and consistent with the findings of the National Institute for Occupational Safety and Health and the National Cancer Institute, OSHA considers exposure to airborne concentrations of inorganic arsenic compounds to be strongly implicated as a cause in occupational carcinogenesis.

In six epidemiological studies, excess lung cancer mortalities were observed among worker populations having had exposure to inorganic arsenic compounds. The authors of four other epidemiological studies concluded that there was no significant excess of cancer mortalities among inorganic arsenic workers. However, in the analysis of three of these studies, both NIOSH and OSHA confirmed that excess lung cancer mortalities were involved, but were not observed due to inadequate study designs. No definitive conclusions could be ascribed to the fourth study. Further, it is recognized that the retrospective epidemiological mortality studies are deficient in providing accurate occupational exposure data. However, most of the available studies, including the data submitted by Dow and Allied, do show significant excesses of lung cancer mortalities for workers exposed to a variety of inorganic arsenic compounds.

In the epidemiological studies to date, both the trivalent compounds (such as arsenic trioxide) and pentavalent compounds (such as lead and calcium arsenate) have been observed to be carcinogenic, eliciting lung cancer, lymphatic cancer and skin cancer. While little is known about relative carcinogenic activity of the two valence states of arsenic in the various inorganic compounds, there is no evidence supporting a distinction between the various inorganic arsenic compounds.

The evidence to date, including both environmental and epidemiological studies, shows that exposure to airborne concentrations of inorganic arsenic presents the most significant occupational health hazard. The proposed standard is directed primarily to protect employees from the hazard of airborne concentrations of inorganic arsenic. We have found only limited evidence to date implicating the ingestion of inorganic arsenic and no evidence implicating the ingestion of organic arsenic as a cause of cancer. The proposed standard, however, does protect employees from poisoning due to ingestion of inorganic arsenic. OSHA has no evidence that inhalation of organic arsenic compounds causes cancer and therefore, organic arsenic compounds are not included in this standard.

With respect to the permissible exposure limits, the proposal sets a limit of .004 mg As/cu m with an action level of .002 mg As/cu m. NIOSH originally recommended, in the criteria document, that the standard for controlling inorganic arsenic exposure, except for lead arsenate and arsine, be set at .05 mg As/cu m. This limit resulted from their evaluation of the then available data, from which they concluded that respiratory cancer was associated with occupational exposure to inorganic arsenic.

However, based on the presently available evidence, which strongly indicates that inorganic arsenic causes cancer, NIOSH now recommends that the standard be set at a "non-detectable" level for all inorganic compounds, except arsine. NIOSH defines non-detectable as "the limit of analytical sensitivity when general workroom air samples are collected for 15 minutes at a flow rate of 10 liters a minute." Application of NIOSH's factors of analytical sensitivity, flow rate, and sampling time, results in an air concentration of .002 mg As/cu m.

OSHA feels that the evidence clearly establishes the need to limit occupational exposures to inorganic arsenic in order to prevent harmful health effects on workers. Since inorganic arsenic is considered to be a carcinogen, and since there is no evidence of a safe level of exposure, it is felt that the exposure levels must be reduced as low as feasible. For the purposes of controlling worker exposures to inorganic arsenic, OSHA believes that a range of .002 to .004 mg As/cu m will significantly reduce, if not prevent arsenic-induced cancer. At the same time, it is felt that such a range will facilitate employer surveillance of exposure conditions, the implementation and maintenance of control measures, and compliance enforcement.

For the implementation of this range, OSHA proposes that employer measurement of inorganic arsenic levels begin at an action level of .002 mg As/cu m, as determined on an eight-hour time-weighted average basis. This level of exposure would also trigger the requirements concerning medical surveillance, regulated areas, and protective clothing.

A ceiling limit of .01 mg As/cu m over any 15 minute period during the work shift is proposed to prohibit significant excursions above the permissible exposure limit.

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VI. *The proposed standard.* The proposed standard would include the following major points:

(1) *Scope and application.* The proposed standard would apply to all employers having establishments where inorganic arsenic and its compounds are produced, reacted, released, packaged, repackaged, stored, handled or used, except that this section will not apply to working conditions with respect to which the Mining Enforcement and Safety Administration, Department of the Interior, or the Environmental Protection Agency have exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health. Further, the proposal would apply to transportation of the substances except that this section will not apply to working conditions with respect to which the Department of Transportation has exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health. Although the proposal's scope is broad, including nearly every use of inorganic arsenic, the specific provisions of the proposed standard that would apply to any particular employer, depend upon the amount of the substance actually released in the workplace.

The proposal would apply to all inorganic compounds containing arsenic, with the exception of arsine. In its criteria document, NIOSH excluded lead arsenate and arsine. NIOSH felt that

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lead arsenate poses a double threat of chronic lead poisoning as well as acute arsenic intoxication, and should be considered separately. However, following their analysis of new studies by Dow, Allied and EPA, NIOSH concluded and we agree that lead arsenate should be included in this proposed rulemaking.

Since arsine has different toxicological properties than other inorganic arsenic compounds, NIOSH felt and we agree that it should be excluded from this standard.

(2) *Permissible exposure limit.* The proposed standard sets a maximum limit for employee exposure of .004 milligrams of arsenic (As) per cubic meter of air averaged over an eight-hour period. Additionally, a ceiling limit of .01 mg As/cu m is proposed for any 15 minute time period during the work shift. These limits set levels above which no employee exposure is permitted.

Further, the proposal prohibits all skin contact with liquid arsenic trichloride, and repeated skin contact with other liquid or solid forms of inorganic arsenic compounds which are likely to cause skin irritation. The strict requirement for arsenic trichloride is due to the particularly hazardous nature of this compound. It has an extremely high vapor pressure at room temperature, and can be absorbed directly through the skin. Repeated contact with other inorganic arsenic compounds may result in skin irritation.

(3) *Action level.* The proposed standard sets an "action level" of .002 mg As/cu m averaged over an eight hour period. The purpose of the action level is to set a level at which airborne inorganic arsenic can be practicably detected by the employer, and above which precautionary measures such as medical surveillance and monitoring are warranted. Regulated areas would be established for all areas in which levels of inorganic arsenic exceed the action level. Where it has been determined that operations involving inorganic arsenic do not exceed the action level, provisions of this standard such as requirements for medical surveillance and regulated areas do not apply.

In OSHA's judgment, exposures below the action level do not present a sufficient hazard to warrant application of the entire standard to places of employment which have such exposures.

It should be noted, however, that certain provisions of the proposed standard, such as employee training and information, apply wherever inorganic arsenic is released as a result of operations, without regard to the airborne concentrations.

(4) *Monitoring.* Under the provisions of this proposed standard, the employer would be required to make an initial determination of employee exposure to airborne concentrations of inorganic arsenic. This initial determinaiton may be an observation based on the amount of inorganic arsenic present, type of operations being performed, the amount and type of ventilation, and the proximity of employees to the sources of emission. Initially, the employer is not required to sample or measure airborne concentrations. However, the employer must be certain that the determination accurately reflects employee exposure conditions over the working day. If the employer chooses to perform any measurements at this time, these must be considered in the determination.

If the results of the initial determination are negative, that is, if the employer determines that no employee is exposed above the action level, a written record of this determination must be made. This record must include any information or observations that indicate an employee may be exposed in excess of the action level, such as employee complaints of signs or symptoms that may be attributed to overexposure. Further, the determination record must include any measurements of inorganic arsenic exposures taken, and the names and social security numbers of the employees considered under this determination.

In establishments having more than one work operation involving the use of inorganic arsenic, an initial determination must be made for each operation. Also, the determination must be repeated each time there is a change in production, process or control measures which could result in new or additional exposures, or whenever the employer has any other reason to suspect that a change in exposure conditions has occurred.

If the results of the initial determination are positive, indicating that an employee is exposed to concentrations in excess of the action level, the employer would be required to implement a program to measure the exposures of affected employees. Because the determination has indicated exposure in excess of the action level, thus triggering the monitoring program, no written record of the determination need be made.

The results of the exposure measurement program would determine further action to be taken by the employer: (1) If measurements show that an employee is exposed to concentrations above the action level, but below the permissible exposure limit, measurements of that employee's exposure must be made at least every two months. (2) If measurements show that an employee is exposed to concentrations above the permissible limit, the employer would be required to measure that employee's exposure at least monthly. Such exposures also trigger other actions on the part of the employer, such as notifying the employee of his overexposure and institution of engineering and work practice controls to reduce the exposure to within permissible limits. (3) If the results of two consecutive measurements, taken at least five working days apart, show that an employee is not exposed above the action level, the measurement program may be terminated for that employee.

The monitoring provisions are designed so that employers having work places in which use of inorganic arsenic is controlled, without regard to the use of respirators, to the extent that exposures are below the action level, would not be required to make any measurements. The intent of this procedure is to provide adequate protection for employees while minimizing unnecessary burdens on employers.

The frequency of measurement would depend on the degree of employee exposure. Bimonthly measurement for employees whose exposures are in the range between the action level and permissible level would be required to provide sufficient warning when exposures are approaching the permissible limit. A minimum bimonthly sampling frequency would be required because the data from fewer samples would not provide statistical information of an accuracy necessary to assure protection of employees.

For work places in which exposures are above the permissible limit, monthly measurements would be required because OSHA believes that exposure above the permissible level presents a hazard to the employee. Monthly measurements would be required even when employees routinely wear respirators, because the type of respirator to be worn is determined by the concentrations of inorganic arsenic present in the work place air.

The proposal provides for the termination of exposure measurement when two samples indicate levels below the action level. Two samples, rather than one, are required in order to allow for the normal variability of individual exposure measurements, which may produce unrepresentative samples. A requirement for a period of five working days between samples has been included to ensure that any recorded decrease in exposure levels is not merely a short-term reduction. It should be noted that the termination of measurement would be effective only as long as there is no change in production, process or control which could result in new or additional exposure. If such a change occurs, the procedure, beginning with the initial determination, must be repeated.

(5) *Methods of measurement.* The proposal would require that exposure measurements reflect the actual exposure conditions for each employee. No specification is made for the location of the samples taken. Thus, the employer is free to choose to perform either personal breathing zone samples or general air samples, provided that the method chosen gives accurate indication of the employees' exposures. Further, any appropriate combination of long-term or short-term samples would be acceptable, although the proposal would require that all exposures be calculated on an eight-hour time-weighted average basis.

The provisions state that the accuracy of the sampling method must have a confidence level of 95 percent. The term accuracy refers to the difference between the measured value and the true concentration. It allows for both the random variation of the method (its precision) and the difference between the average result from the method and the true value (bias of the method). The required accuracy for concentrations above the action level is 25 percent at a 95 percent confidence level. This means that out of a long series of measurements, 95 percent must be within 25 percent of the true value. The required accuracy values allow the use of relatively inexpensive collection and analytical equipment.

(6) *Regulated area.* The proposal requires that regulated areas be established, that access be limited to authorized persons and that a roster of persons authorized to enter be made daily and maintained for at least 40 years. One purpose of establishing regulated areas is to limit the exposures above the action level to as few people as possible. The 40 year record retention requirement is based on the observed latency period for inorganic arsenic-induced cancer. The burden on the employer is considered to be minimal because the provisions require the employer merely to identify and control such areas.

(7) *Methods of compliance.* The proposed standard requires that employers immediately institute feasible engineering controls to reduce employee exposures to inorganic arsenic to at or below .004 mg As/cu m. In establishments where controls that can be instituted immediately will not reduce exposure to the permissible level, they must nonetheless be implemented to reduce exposures to the lowest practicable level, and be supplemented by the use of work practice controls or respirators to provide the necessary protection.

Engineering controls for inorganic arsenic may include mechanical ventilation and closed processing systems. When mechanical ventilation is used for engineering control, checks of air system efficiency, such as air velocity, static pressure, or air volume, must be made at least every three months. Engineering controls, which reduce levels of exposure in the work place environment by removing airborne contaminants, are the preferred means of compliance because of the problems generally associated with the use of respirators and work practice controls.

As part of its modified criteria document, NIOSH has included recommendations for the use of "standby rooms" under positive air pressure, with a filtered air supply for controlling exposure to inorganic arsenic. OSHA believes that this may be a useful method, particularly in the smelting industry, although we question the uniform application of standby rooms for all types of industry. The proposed standard does not specifically require the use of standby rooms.

Administrative or work practice controls which distribute exposures over a large number of workers are less desirable than engineering controls since this increases the population of employees at risk from exposure to potentially harmful levels of inorganic arsenic.

Respirators are capable of providing very good protection if they are properly selected, properly fitted, and if they are worn by the employee. The proposal would require proper selection and fitting, and that the employer ensure their proper use. However, because of the difficulties inherent in the use of respirators, they are less favored than engineering controls.

Where compliance with this standard cannot be achieved immediately through the institution of engineering controls, they must nevertheless be used to control exposures to the lowest practicable level. In addition, a program must be established and implemented to reduce exposures to the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering controls. Written plans for this program must be developed and be furnished upon request for examination and copying to representatives of the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or his designee and the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or his designee. These plans must be reviewed and updated to reflect the current status of exposure control. The revisions must be made at least every six months.

(8) *Respiratory protection.* When engineering controls and work practices are not feasible or are inadequate, respirators would be required. Additionally, the proposed standard provides for the use of respirators in other specific situations, including during installation of engineering controls, in hazardous operations, and in emergencies.

The proposal requires the employer to select respirators that have been approved by the Mining Enforcement and Safety Administration or NIOSH. Further, the employer must select the type of respirator to be used from the table provided in the proposed standard. This table lists the type of respirator to be used based on the concentrations of inorganic arsenic in the workplace. For situations in which the airborne concentrations are unknown, respirators which afford the maximum protection, as stated in the table, are required.

NIOSH recommended that only two types of respirators be permitted, based on their recommendation of a nondetectable level of exposure. These respirators are capable of providing protection for conditions of unknown or massive concentrations of inorganic arsenic. However, OSHA feels that other respirators provide adequate employee protection as long as their use is limited to specific ranges of concentrations. For this reason, OSHA has provided an expanded respirator table in the standard, which requires that particular types of respirators be used for specific concentrations.

(9) *Hazardous operations.* Certain operations are inherently hazardous due to the working conditions, amount of toxic material used, or the toxic properties of the materials. Examples of such hazardous operations are the cleaning of electrostatic precipitators or dust collection systems; maintenance operations on smelter furnaces; arsenic kitchen operations; loading and unloading of bulk quantities of inorganic arsenic compounds; other maintenance operations; and operations involving arsenic trichloride.

The proposed standard requires that employees wear respirators when engaged in hazardous operations because it might be expected that these operations will result in the release of inorganic arsenic in excess of the permissible limit. Appropriate protective clothing is required during hazardous operations to prevent employees from having any skin contact with arsenic trichloride.

(10) *Emergency situations.* The proposed standard would require employers to prepare a written plan of action to be followed in the event of occurrences which result in massive releases of inorganic arsenic. Examples of such emergencies are ruptures of containers and control or operating equipment failures. Emergency plans are necessary to inform employees of actions required for personal protection and for reduction of hazards in the event of an emergency. Employees not engaged in correcting the emergency situations must be restricted from the area and normal operations halted until the emergency is abated.

(11) *Protective clothing.* The proposal requires the employer to provide, and ensure that employees wear, clean protective clothing, such as but not limited to coveralls, smocks, aprons, face shields, gloves, shoes, hats and dust proof goggles, where exposures are in excess of the action level. This requirement is intended to prevent the accumulation of inorganic arsenic dust on the body or street clothes of the employee.

The proposed standard requires the employer to ensure that all protective clothing is removed in special change rooms and that contaminated protective clothing is removed from these rooms only in closed, impermeable containers. The employer is also required to ensure that no employee removes contaminated protective clothing from the change rooms, except those employees authorized by the employer to do so for the purpose of disposal, maintenance or laundering. The employer is responsible for disposal, maintenance and laundering of protective clothing and equipment. The employer must ensure that the person who is charged with laundering contaminated protective clothing is apprised of the harmful effects of exposure to inorganic arsenic.

(12) *Housekeeping.* Removal and prevention of accumulations of inorganic arsenic dust deposits on all surfaces in the work environment are an important aspect in dust control. Thus, for the purpose of ensuring that inorganic arsenic dust and particles are not reintroduced into the workplace air, the proposal prohibits dry sweeping or the use of compressed air for cleaning of floors and other surfaces. Vacuuming and water spray methods of dust removal are both safe and adequate, provided the practices outlined in the standard are followed.

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(13) *Hygiene facilities and practices.* The proposal prohibits smoking, nonfood chewing products, application of cosmetics, or consumption of food in areas where exposures to airborne concentrations of inorganic arsenic are above the action level or in areas where skin contact with inorganic arsenic may occur. Storage of such items is also prohibited in these areas. Further, all employees must be required to wash hands, forearms, face and neck before eating or smoking or at the end of the work shift. Workers exposed above the action level, must shower at the end of the work shift, prior to changing into street clothes. Employers must also provide eye wash facilities wherever eye contact with inorganic arsenic could occur, and both eye wash facilities and emergency showers where arsenic trichloride is handled.

This section of the proposed standard requires the employer to provide for the number and placement of facilities such as change rooms, toilets, lavatories and showers in accordance with 29 CFR 1910.141.

(14) *Medical surveillance.* Medical surveillance provisions have been included in this proposal to provide for early diagnosis of health effects of inorganic arsenic exposure. The employer must make medical examinations and tests available to all employees who are exposed or will be exposed to inorganic arsenic in excess of the action level. All medical examinations and procedures must be performed by, or under the supervision of a physician, and provided during the employee's normal working hours, without cost to the employee. Examinations must be repeated every 6 months for employees who have had 10 years or more of occupational exposure to inorganic arsenic, and annually for all other employees exposed above the action level.

OSHA has placed special emphasis on medical surveillance of employees exposed for 10 years or more by requiring a medical examination every 6 months. More frequent examinations of these employees are required because their past exposure may have been at high levels, and these examinations may help in early diagnoses of any harmful effects resulting from their past exposures.

The medical examination includes such items as a medical and work history; 14 x 17 posterior-anterior chest X-ray; a complete blood count; palpation of the superficial lymph nodes; and examination of body surfaces for hyperpigmentation, keratoses or other skin lesions. NIOSH suggested the use of periodic sputum cytologic examination for early detection of lung cancer. OSHA recognizes that this particular examination may be useful in a medical surveillance program, but feels that the necessity for a sputum cytological analysis is more appropriately determined by the examining physician. Therefore, a recommendation for this type of test is mentioned in the Medical Surveillance Guidelines (Appendix C), but not required by the proposed standard.

Additionally, periodic urine analysis for arsenic content has been suggested as a useful indication of arsenic exposure. However, because of the ubiquitous nature of arsenic (it is found in food, water, etc.) it is difficult to relate occupational exposure to the amount excreted in the urine. A urine sample program might benefit the medical surveillance program provided background levels for each employee are established. Since such background levels are difficult to establish, the proposal does not require arsenic urine analysis.

The employer must provide the examining physician with a copy of the standard for inorganic arsenic, including appendices; a description of the employee's duties; a description of any personal protective equipment used by the employee; and information concerning actual and estimated exposures to which the employee has been or may be exposed. The employer must also provide any available employee medical history information requested by the physician.

Following the medical examination, the employer must obtain a written opinion from the examining physician stating whether the employee has any medical condition that would place him at increased risk to his health, or that would be aggravated by exposure to inorganic arsenic. Additionally, the physician's opinion must state any recommended limitations upon the employee's exposure or upon the use of protective equipment and respirators. Also, the opinion must state that the employee has been informed of any medical conditions which require further examination or treatment; however, the written opinion shall not contain specific findings or diagnoses unrelated to the employee's exposure to inorganic arsenic. The employer must provide a copy of the physician's opinion to each employee.

If, based on the physician's opinion, the employer determines that exposure of an employee to inorganic arsenic would materially impair the employee's health, it is the responsibility of the employer to remove that employee from exposure.

(15) *Employee information and training.* The proposal would require the employer to provide an annual training program for all employees assigned to the workplace areas within the scope of the standard. The program must be provided at the time of initial assignment to such work areas, and at least annually thereafter.

The program must, at a minimum, present the information contained in Appendices A and B; inform the employee of the quantity, location, and manner of use, release or storage of inorganic arsenic; inform the employee of necessary protective steps; inform the employee of the purpose for, proper use of, and limitations of respiratory protection devices; explain the purpose for, and a description of the medical surveillance program; and explain emergency procedures to be followed. Additionally, the training program must include a review of this standard. A copy of the standard and its appendices must be readily available to employees.

Training and information are essential factors in the protection of employees. An employee can do a great deal to protect himself from harmful exposures to inorganic arsenic; but only if he is aware of the nature of the hazard and what actions are needed for prevention of overexposure.

(16) *Signs and labels.* Due to the hazardous nature of inorganic arsenic, OSHA feels that emphasis should be placed on warning employees and other persons about the dangers of exposure. For this reason, the proposed standard includes a section on signs and labels for regulated areas, areas in which hazardous operations exist, or where exposures exceed the permissible limit, and for containers of inorganic arsenic.

The signs to be posted at regulated areas inform employees of the suspected carcinogenicity of inorganic arsenic and alert them to the fact that only persons authorized by the employer should enter the area. Signs posted for hazardous operations or where exposure exceeds the permissible limit, where personal protective equipment is mandated by the standard, reiterate the warning of carcinogenicity, and advise that respiratory equipment is necessary for entry and that such entry is limited to authorized personnel.

Containers of inorganic arsenic are required to be labeled with a more detailed description of the hazard and practices to be followed in use of the substance. These labels may be applied in addition to or in combination with labels required by other statutes, regulations or ordinances. In addition, no sign or instruction may contradict or detract from the effect of the warnings, information, or instructions required for labels in this section.

(17) *Records.* The proposed standard would require employers to make written records of the following: negative initial determinations; measurements of employee exposures; tests of mechanical ventilation systems (where such systems are used for engineering control); respirator usage; annual training and information sessions; rosters of persons authorized to enter regulated areas; and records required under medical surveillance provisions. Records of exposure determinations and respirator usage have to be retained five years. Exposure measurements and regulated area rosters would be required to be maintained for 40 years. Medical surveillance records would have to be maintained for 40 years, or for the duration of employment plus 20 years, whichever is longer. The other records required would only have to be retained for two years.

Additionally, this portion of the proposal would provide for access to records of exposure measurements by employees, former employees or their representatives, and access to medical records by

physicians designated by employees or former employees.

Further, the proposed standard would require that in the event the employer ceases to do business, the successor shall retain all records for the required length of time. If there is no successor to receive and maintain his records, the employer shall send the records to the Director, by registered mail, and individually notify each employee of the transfer.

(18) *Observation of monitoring.* The proposed standard would require employers to assure that affected employees or their representatives are given an opportunity to observe any measuring of employee exposure to inorganic arsenic conducted pursuant to this standard. The proposal requires the observers to use whatever personal protective devices are required, and to comply with all other applicable safety procedures.

Observers would be entitled to receive an explanation of the measurement procedure, observe all the steps related to the measurement procedure that are performed at the place of exposure, and to record the results obtained.

(19) *Reports.* The proposal would require the employer to notify the OSHA Area Director within one month of establishment of a regulated area. This report would include the address and location of each establishment having one or more regulated areas and the approximate number of employees authorized to enter such areas during normal operations. Further, this portion of the proposal would require the employer to report all emergencies, and the facts obtainable at the time, to the Area Director within 24 hours of their occurrence.

VII. *Public Participation.* Interested persons are invited to comment on the proposed standard on or before March 3, 1975. Written data, views, and arguments must be submitted in quadruplicate to Ms. N. Hucke, OSHA Committee Management Office, Docket OSH 37, 1726 M Street, NW, Room 200, U.S. Department of Labor, Washington, D.C. 20210 (Phone: 202/961-2248 or 2487). Written submissions must clearly identify the provision of the proposal addressed and the position taken with respect to each such provision. The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record of this proceeding.

In order to expedite this rulemaking proceeding and in anticipation of requests for a hearing; we are scheduling an informal public hearing, pursuant to section 6(b) of the Act and 29 CFR Part 1911, to begin on April 8, 1975, in the Departmental Auditorium, U.S. Department of Labor, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. All aspects of the proposed standard, including environmental impact, will be at issue in the hearing. Beginning at 9:30 a.m. e.d.t. on April 8, 1975, the presiding Administrative Law Judge will hold a pre-hearing conference in order to settle any matters relating to the proceedings. All persons intending to make presentations should attend the pre-hearing conference which is open to the public. The hearing will be conducted, and the decisions made, in accordance with 29 CFR Part 1911.

Persons desiring to appear at the hearing must file a notice of intention to appear on or before March 17, 1975, with Ms. N. Hucke, OSHA Committee Management Office, Docket OSH-37, 1726 M Street, NW., Room 200, U.S. Department of Labor, Washington, D.C. 20210 (Phone: 202/961-2248 or 2487). The notice must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which he will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific provisions of the proposal that will be addressed;

(5) A brief statement of the position that will be taken with respect to each provision addressed; and

(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceedings;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the proposed standard;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witnesses; and

(f) In his discretion, to keep the record open for a reasonable, stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposed standard will be reviewed after consideration of all relevant oral and written information, data, views, or arguments and will be modified appropriately if the submissions so warrant.

Accordingly, pursuant to sections 6(b) and 8(c) of the William-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations as set forth below:

§ 1910.93 [Amended]

1. In § 1910.93, Table G-1 would be amended by deleting the following substances:

Arsenic and compounds (as As)	0.5
Calcium arsenate	.15
Calcium arsenate	1
Lead arsenate	.15

2. A new § 1910.93r would be added to Part 1910 of Title 29 of the Code of Federal Regulations to read as follows:

§ 1910.93r Inorganic arsenic.

(a) *Scope and application.* (1) This section includes requirements for the control of employee exposure to inorganic arsenic.

(2) This section applies to the production, reaction, synthesis, release, packaging, repackaging, storage, handling or use of inorganic arsenic except that this section will not apply to working conditions with respect to which the Mining Enforcement and Safety Administration, Department of the Interior, or the Environmental Protection Agency have exercised statutory authority to prescribe or enforce standards or regualtions affecting occupational safety or health.

(3) This section applies to the transportation of inorganic arsenic except that this section will not apply to working conditions with respect to which the Department of Transportation has exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(b) *Definitions.* (1) "Inorganic arsenic" means arsenic and all inorganic compounds containing arsenic except arsine.

(2) "Action level" means a concentration of inorganic arsenic of 0.002 milligrams Arsenic per cubic meter of air (mg As/cu m) as determined on an eight-hour, time-weighted average basis.

(3) "Emergency" means any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which is likely to, or does, result in the massive release of inorganic arsenic.

(4) "Hazardous operation" means any operation, procedure or activity where a release of inorganic arsenic might be expected as a consequence of the operation or because of an accident in the operation which would result in an employee exposure in excess of the permissible exposure limit. All operations involving the release of, or direct skin contact with arsenic trichloride shall be considered hazardous.

(5) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(6) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or his designee.

(7) "Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or his designee.

(8) "OSHA Area Director" means the Director of the Occupational Safety and Health Administration Area Office having jurisdiction over the geographic

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area in which the employer's establishment is located.

(c) *Permissible exposure limit.* (1) No employee may be exposed to airborne concentrations of inorganic arsenic greater than 0.004 mg As/cu m as determined on an eight-hour, time-weighted average basis; or a ceiling limit greater than .01 mg As/cu m averaged over any 15 minute period during the working day.

(2) No employee may be exposed to any skin contact with liquid arsenic trichloride, or to repeated skin contact with liquid or solid inorganic arsenic likely to cause skin irritation.

(d) *Determination and monitoring of exposure.* (1) Each employer who has a place of employment in which inorganic arsenic is produced, reacted, synthesized, released, packaged, repackaged, stored, handled or used shall inspect each work place and work operation to accurately determine if any employee may be exposed, without regard to the use of respirators, to inorganic arsenic above the action level.

(2) Such a determination shall be based on the following, along with any other relevant considerations:

(i) Any information, observations, or calculations which would indicate employee exposure to inorganic arsenic; and

(ii) Any measurements of inorganic arsenic; and

(iii) Any employee complaints of symptoms which may be attributable to exposure to inorganic arsenic.

(3) When a determination is made that no employee is exposed, without regard to the use of respirators, in excess of the action level, the employer shall make a record of such determination which shall include at least the information specified in paragraph (d)(2) and shall also include the date of determination, work being performed at the time, location within work site, name and social security number of employees considered.

(4) Where a determination conducted under paragraphs (d)(1) and (d)(2) of this section shows the possibility of any employee exposure in excess of the action level, without regard to the use of respirators, the employer shall immediately make measurements to accurately determine the actual exposure for each such employee.

(i) Such measurements shall be repeated at least monthly for any employee who is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Such measurements shall be repeated at least bimonthly for any employee who is exposed, without regard to the use of respirators, in excess of the action level.

(iii) Such measurements may be discontinued for any employee only when at least two consecutive measurements, made not less than five working days apart, show exposures for the employee are at or below the action level.

(5) Whenever there has been a production, process or control change which may result in new or additional exposures or whenever the employer has any other reason to suspect a change in exposure conditions, a new determination under this paragraph shall be made.

(6) A record of measurements of employee exposure to airborne concentrations of inorganic arsenic shall be made and shall include at least the information required in paragraph (q)(2) of this section.

(7) The employer shall individually notify in writing, within 10 working days after the occurrence, every employee who is found to be exposed to inorganic arsenic above the permissible exposure limit. Such notification need not be given more frequently than once a month. The employee shall also be notified of the corrective action being taken to reduce exposure to or below the permissible exposure limit.

(8) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to .002 mg As/cu m. (Some methods meeting the accuracy requirements are available in the "NIOSH Manual of Analytical Methods.")

(e) *Regulated area.* (1) A regulated area shall be established where inorganic arsenic concentrations are in excess of the action level.

(2) Access to regulated areas shall be limited to authorized persons.

(3) A daily roster shall be made of authorized persons who enter a regulated area.

(f) *Methods of compliance.* Employee exposures to inorganic arsenic shall be controlled to or below the permissible exposure limit provided in paragraph (c) of this section by engineering controls, work practices, and personal protection controls as follows:

(1) Engineering controls shall be instituted immediately to reduce exposures to or below the permissible exposure limit, except to the extent that such controls are not feasible.

(2) Wherever feasible engineering controls which can be instituted immediately are not sufficient to reduce exposures to the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by work practice controls and by respiratory protection in accordance with paragraph (g) of this section. A program shall be established and implemented to reduce exposures to or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering controls, as soon as practicable.

(3) Written plans for such a program shall be developed and furnished upon request for examination and copying to the Assistant Secretary and the Director. Such plans shall be reviewed and revised as necessary, at least every six months, to reflect the current status of such a program.

(4) When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control such exposure, such as air velocity, static pressure or air volume, shall be made at least every three months. Measurements of the system's effectiveness to control exposure shall also be made within five days of any change in production, process or control which might result in an increase in airborne concentrations of inorganic arsenic.

(g) *Respiratory protection.* (1) Where respiratory protection is required under this section, compliance with the permissible exposure limit may not be achieved by the use of respirators except:

(i) During the time period necessary to install engineering controls; or

(ii) In work operations in which engineering controls are not feasible; or

(iii) In work situations in which engineering controls are insufficient to reduce exposure to or below the permissible exposure limit; or

(iv) In emergencies.

(2) Where respiratory protection is required under this section, the employer shall select and provide the appropriate respirator from the Table below and shall ensure that the employee uses the respirator provided.

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC

Concentration of inorganic arsenic	*Required respirator*
(i) Unknown or greater than 4.0 mg As/m³.	(A) Self-contained breathing apparatus, pressure-demand type (positive pressure), with full facepiece; or (B) Combination constant flow or pressure demand full facepiece, supplied-air respirator type with auxiliary self-contained air supply.
(ii) Not greater than 4.0 mg As/m³.	(A) Supplied air respirator (positive pressure), continuous flow, with full facepiece, hood, helmet, or suit; or (B) Supplied air respirator, pressure demand, with full facepiece.
(iii) Not greater than 0.8 mg As/m³.	(A) Powered air purifying respirator, with high efficiency filter[1] and full facepiece, hood, or helmet.
(iv) Not greater than 0.40 mg As/m³.	(A) Supplied air respirator, pressure-demand type, with full facepiece; or (B) Air purifying respirator, with high efficiency filter,[1] with full facepiece.
(v) Not greater than 0.04 mg As/m³.	(A) Air purifying respirator, with high efficiency filter,[1] with half mask; or (B) Supplied air respirator, pressure demand, with half mask.

[1] High efficiency filter—99.97 percent efficient against 0.3-micron size particles.

(3) Respirators shall be selected from those approved by the Mining Enforcement and Safety Administration (formerly called the Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(4) The employer shall institute a respiratory protection program in accordance with § 1910.134.

(5) Respirators prescribed for higher concentration may be used for any lower concentration.

(6) Employees who wear respirators shall be allowed to leave work areas to wash the face and respiratory facepiece to prevent potential skin irritation associated with respirator use.

(h) *Hazardous operations.* (1) Employees engaged in hazardous operations, as defined in paragraph (b)(4), such as, but not limited to, cleaning of electrostatic precipitators or dust collection systems, maintenance of smelter furnaces, arsenic kitchen operations, loading and unloading operations, or other maintenance operations or exposed to the release of or direct skin contact with arsenic trichloride shall be provided with and required to wear and use:

(i) Respiratory protection in accordance with paragraph (g) of this section; and

(ii) Appropriate protective clothing, in accordance with paragraph (j) of this section, to prevent skin irritation due to contact with inorganic arsenic and any skin and eye contact with arsenic trichloride. The protective clothing shall be selected for the operation and its possible exposure conditions.

(2) In addition to the requirements of paragraph (h)(1) of this section, all operations involving arsenic trichloride shall be performed under well ventilated conditions.

(i) *Emergency situations.* (A) A written plan for emergency situations shall be developed for each facility involved in an inorganic arsenic operation in which there is a possibility of an emergency as defined in paragraph (b)(3) of this section. Appropriate portions of the plan shall be implemented in the event of an emergency.

(B) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in paragraphs (g) and (j) of this section until the emergency is abated.

(C) Employees not engaged in correcting the emergency shall be restricted from the area and normal operations in the affected area(s) shall not be resumed until the emergency is abated.

(j) *Protective equipment.* (1) Where exposures are in excess of the action level, the employer shall provide and ensure that the employees wear appropriate clean protective equipment such as, but not limited to, coveralls, smocks, aprons, face shields, gloves, shoes, hats, or dust proof goggles to prevent contamination of the employee's street clothing and to prevent skin contact.

(2) Clean and dry protective equipment shall be provided at least daily to each affected employee.

(3) The employer shall ensure that all protective equipment is removed only in change rooms as prescribed in paragraph (m)(3) of this section and shall ensure that used protective equipment is removed from the facility only in accordance with paragraph (k) of this section.

(4) Where required by this section, the employer shall provide and ensure that the employee wears eye and face protection in accordance with § 1910.133(a)(2) through (a)(6).

(k) *Laundering.* (1) The employer shall launder, maintain, and dispose of protective equipment used in inorganic arsenic operations.

(2) The employer shall ensure that employees remove contaminated protective equipment only in change rooms as required in paragraph (m)(3) of this section.

(3) The employer shall ensure that no employee removes contaminated protective equipment from the change room except for those employees authorized to do so for the purpose of laundering, maintenance, and disposal.

(4) Inorganic arsenic contaminated protective equipment shall be placed in impermeable closed containers.

(5) Containers of contaminated protective equipment which are to be removed from change rooms or from the work place for laundering or disposal, or for any other reason, shall bear labels in accordance with paragraph (p)(3) of this section.

(6) Dust removal may not be done by blowing or shaking of clothing.

(7) The employer shall inform any person who launders or cleans inorganic arsenic protective equipment of the potentially harmful effects of exposure to inorganic arsenic.

(l) *Housekeeping.* (1) All external surfaces shall be maintained free of accumulation of inorganic arsenic if, with their dispersion, there would be an excessive air concentration.

(2) Floors and other surfaces may not be cleaned by dry sweeping or the use of compressed air.

(3) Where vacuuming methods are selected, either portable units or permanent systems shall be used. (i) If a portable unit is selected, the exhaust shall be attached to the exhaust of the work place ventilation system or collected with the vacuum unit so that inorganic arsenic is not reintroduced into the work place air; and

(ii) Portable vacuum units used to collect inorganic arsenic may not be used for other cleaning purposes and shall be labeled as prescribed in paragraph (p)(3) of this section.

(4) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(m) *Hygiene facilities and practices.* (1) The presence or consumption of food or beverages, the presence or use of smoking or non-food chewing products, and the presence or application of cosmetics are prohibited in areas where airborne concentrations of inorganic arsenic are in excess of the action level and in areas where skin contact with inorganic arsenic may occur.

(2) Employees shall be required to wash hands, forearms, face, and neck before leaving work areas specified in paragraph (m)(1) of this section, for the purpose of drinking, eating, or smoking and at the end of each work shift.

(3) Where employees wear protective clothing and equipment, clean change rooms shall be provided, in accordance with § 1910.141(e).

(4) Where toilets are in regulated areas, such toilets shall be in a separate room.

(5) Where employees are required by this section to wash, washing facilities shall be provided, in accordance with § 1910.141(d)(1) and (2)(ii) through (vii).

(6) The employer shall provide eye wash facilities that are suitable for quick drenching or flushing of the eyes for immediate emergency use in locations where eye contact with inorganic arsenic may occur.

(7) The employer shall provide eye wash facilities and emergency showers that are suitable for quick drenching or flushing of the eyes and body for immediate emergency use where arsenic trichloride is handled.

(8) Workers exposed above the action level, without regard to the use of respirators, shall be required to shower prior to changing into street clothes.

(9) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(n) *Medical surveillance.* (1) Each employer who has a place of employment in which employees are, or have been exposed, without regard to the use of respirators, to inorganic arsenic in excess of the action level shall institute a medical surveillance program.

(2)(i) The program shall provide each employee exposed or who will be exposed above the action level, without regard to the use of respirators, with medical examinations and tests in accordance with this paragraph.

(ii) If any employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(3) All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided during the employee's normal working hours without cost to the employee.

(4) At the time of initial assignment, or upon institution of medical surveillance, the following shall be performed by the physician:

(i) A medical and work history;

(ii) A medical examination which must include as a minimum the following:

(A) A 14 x 17 posterior-anterior chest X-ray giving particular attention to parenchymal and hilar changes;

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(B) A complete blood count to include differential;

(C) Palpation of the superficial lymph nodes for indication of neoplastic changes;

(D) Careful examination of the skin for the presence of hyperpigmentation, keratoses or other skin lesions.

(5) Examinations provided in accordance with this paragraph shall be performed at least:

(i) Every 6 months for each employee who has been employed in operations involving inorganic arsenic for 10 years or more, except that chest X-rays shall be given annually only; and

(ii) Annually for all other employees as specified in paragraph (n)(2)(i).

(6) Each employee exposed to an emergency shall be given appropriate medical surveillance.

(7) The employer shall provide to the examining physician the following information: (i) A copy of this regulation for inorganic arsenic including all the appendices;

(ii) A description of the affected employee's duties as they relate to his exposure;

(iii) A description of any personal protective equipment used;

(iv) The results of the employee's exposure measurement, if available;

(v) The employee's anticipated exposure level; and

(vi) Upon request of the physician, information from previous medical examinations of the affected employee.

(8)(i) The employer shall obtain a written opinion from the examining physician containing the following:

(A) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic or would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to inorganic arsenic and upon the use of protective equipment and respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which require further examination or treatment;

(ii) The written opinion shall not reveal specific findings or diagnoses unrelated to exposure to inorganic arsenic.

(iii) A copy of the physician's written opinion shall be provided to each employee.

(9) If the employer determines, on the basis of the physician's written opinion, that any employee's health would be materially impaired by continued exposure to inorganic arsenic, such employee shall be withdrawn from possible exposure to inorganic arsenic.

(o) *Employee information and training.* (1) The employer shall provide a training program for employees assigned to workplace areas where any inorganic arsenic is produced, reacted, synthesized, released, packaged, repackaged, stored, handled, or used. The training program shall be provided at the time of initial assignment, and at least annually thereafter, and shall include informing each employee of:

(i) The information contained in the substance data sheets for inorganic arsenic, which are contained in Appendix A and B; and

(ii) The quantity, location, manner of use, release or storage of inorganic arsenic and the specific nature of operations which could result in exposure to inorganic arsenic in excess of the action level as well as any necessary protective steps; and

(iii) The purpose for, proper use, and limitations of respiratory devices as specified in § 1910.134; and

(iv) The purpose for, and a description of, the medical surveillance program as required by paragraph (n) of this section and the information contained in Appendix C; and

(v) Emergency procedures as required by paragraph (o)(1)(i) of this section; and

(vi) A review of the standard.

(2) A copy of this standard and its appendices shall be made readily available to all employees exposed to inorganic arsenic.

(3) All materials relating to the employee information and training program shall be provided upon request to the Assistant Secretary and the Director.

(p) *Signs and labels.* (1) Entrances or access ways to regulated areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA AUTHORIZED PERSONNEL ONLY

(2) Areas containing hazardous operations or where exposures exceed the permissible exposure limit shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA RESPIRATORY EQUIPMENT REQUIRED AUTHORIZED PERSONNEL ONLY

(3) Containers of inorganic arsenic shall bear the following label, in addition to or in combination with labels required by other statutes, regulations, or ordinances:

Name of Compound
Danger! Contains Arsenic
Cancer-Suspect Agent
Harmful if Inhaled or Swallowed
Avoid Contact with Skin and Eyes
Use only with adequate ventilation

(4) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information, or instruction.

(q) *Recordkeeping.* (1) *Exposure determination.* The employer shall keep an accurate record of all determinations as prescribed in paragraphs (d)(1), (d)(2), and (d)(3) of this section.

(i) This record shall include the written determination and any supporting documentation required in paragraph (d)(3) of this section.

(ii) This record shall be maintained for at least five years and shall include at least the most recent determination.

(2) *Measurement.* The employer shall keep an accurate record of all measurements taken to determine employee exposure to inorganic arsenic.

(i) This record shall include:

(A) The date of measurements;

(B) The operation involving exposure to inorganic arsenic which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Name and social security number and exposure of the employee monitored.

(ii) This record shall be maintained for at least 40 years.

(3) *Mechanical ventilation measurements.* When mechanical ventilation is used as an engineering control, the employer shall maintain a record of the measurements, required by paragraph (f)(4) of this section, demonstrating the effectiveness of such ventilation.

(i) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken;

(C) Result of measurement;

(ii) This record shall be maintained for at least two years.

(4) *Respirator usage.* The employer shall keep and maintain an accurate record of all respirator usage pursuant to paragraph (g) of this section.

(i) The record shall include:

(A) Type of respirator used;

(B) The nature, duration, and names and social security numbers of employees in each operation; and

(C) Airborne concentrations of inorganic arsenic if known.

(ii) This record shall be maintained for at least five years.

(5) *Employee information and training.* The employer shall keep an accurate record of all employee training required by paragraph (o) of this section.

(i) The record shall include:

(A) Date of training;

(B) Name and social security number of employee trained;

(C) Content or scope of training provided.

(ii) This record shall be maintained for at least two years.

(6) *Medical surveillance.* The employer shall keep an accurate medical record for each employee subject to medical surveillance required by paragraph (n) of this section.

(i) The record shall include:

(A) Physician's written opinion required in paragraph (n)(8)(i);

(B) Any employee medical complaints related to exposures to inorganic arsenic;

(C) A signed statement of any refusal to be examined;

(D) A copy of the information provided to the physician pursuant to paragraph (n)(7) of this section.

(ii) This record shall be maintained for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

(7) *Rosters.* Authorized personnel rosters required in paragraph (e)(3) of this

section shall be maintained for at least 40 years.

(8) *Availability.* (i) All records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) Written determinations and employee exposure measurements required by paragraphs (d)(3) and (d)(6) of this section shall be made available for examination and copying to employees, former employees, and their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available upon request for examination and copying to a physician designated by the employee or former employee.

(9) *Transfer of records.* (i) In the event the employer ceases to do business, the successor shall receive and retain all records required to be maintained by this section.

(ii) In the event the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20852.

(r) *Observation of monitoring.* (1) The employer shall give affected employees or their representatives an opportunity to observe any measuring of employee exposure to inorganic arsenic which is conducted pursuant to this section.

(2) When observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of personal protective devices is required, the observer shall be provided with and required to use such equipment and shall comply with all other applicable safety procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) Receive an explanation of the measurement procedure;

(ii) Observe all steps related to the measurement of airborne concentration of inorganic arsenic performed at the place of exposure; and

(iii) Record the results obtained.

(s) *Reports.* (1) Not later than one month after the establishment of a regulated area, the following information shall be reported to the OSHA Area Director:

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The approximate number of employees authorized to enter each regulated area including during maintenance operations; and

(iii) Any changes in such information shall be reported within 15 days.

(2) Emergencies, and the facts obtainable at that time, shall be reported within 24 hours to the OSHA Area Director. Upon request of the Area Director, the employer shall submit all additional information in writing relevant to the nature and extent of employee exposures and corrective measures taken to prevent similar emergencies.

(t) *Effective date.* This standard shall become effective January 21, 1975.

(u) *Startup dates.* (i) Determinations and measurements prescribed in paragraph (d) of this section shall be instituted within three months of the promulgation of the final standard, except that for new production areas or operations such determinations and measurements shall be instituted within 30 days of startup of operation.

(ii) Medical surveillance prescribed in paragraph (n) of this section shall be instituted within three months of the promulgation of the final standard.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET

Inorganic Arsenic

I. SUBSTANCE IDENTIFICATION

A. *Substance:* Inorganic Arsenic.

B. *Permissible Exposure:* 0.004 milligrams of arsenic per cubic meter of air (mg As/cu m) as determined on an eight hour time weighted average or a ceiling limit of .01 mg As/cu m averaged over any 15 minute period. No employee may be exposed to any skin contact with arsenic trichloride, or to repeated skin contact with inorganic arsenic which is likely to cause skin irritation.

C. *Appearance:* Inorganic arsenic is usually a white powder. Metallic arsenic is a gray powder. Arsenic trichloride is a clear, almost colorless to pale yellow corrosive oily liquid.

II. HEALTH HAZARD DATA

A. *Comments:* The health hazard of inorganic arsenic is high.

B. *Ways in which the chemical affects your body:* Inorganic arsenic can affect your body if you inhale it, or if it comes in contact with your skin. Inorganic arsenic may also affect your body if swallowed. Arsenic trichloride is especially dangerous because it can be absorbed through the skin. Because inorganic arsenic is a poison, you could be poisoned if you eat or smoke without thoroughly washing your hands after working in an inorganic arsenic work area.

C. *Effects of Overexposure:* If you are exposed to high concentration of inorganic arsenic you may be affected in various ways. You may feel nauseous, weak, and have a loss of appetite. Gradually your skin may harden and darken which may be followed by a feeling of "pins and needles." Excessive inhalation of inorganic arsenic compounds may cause cancer.

III. EMERGENCY AND FIRST AID PROCEDURES

A. *Eye and face exposure:* If arsenic trichloride is splashed in your eyes, wash it out immediately with large amounts of water. Remove contact lenses if worn. Call a doctor as soon as possible.

B. *Skin exposure:* If arsenic trichloride is spilled on your clothing or your skin, wash the exposed skin and clothes under an emergency shower with large amounts of water. You are required to wear protective clothing to prevent repeated skin contact with inorganic arsenic which is likely to cause skin irritation. All inorganic arsenic protective clothing shall be provided by and washed by the employer or any launderer he designates before you wear it again. You may not take your protective clothing home.

C. *Swallowing* (Ingestion): Upon ingestion of any inorganic arsenic compounds, seek immediate medical attention.

IV. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators:* Respirators can only be required for routine use if your employer is in the process of installing engineering controls or where engineering controls are not feasible or insufficent. You must wear respirators for nonroutine activities (e.g., maintenance operations) where you are likely to be exposed to levels of inorganic arsenic above the permissible exposure limit. You must wear respirators in emergencies. Where respirators are worn, they must have a label of approval from the Mining Enforcement and Safety Administration or the National Institute for Occupational Safety and Health. (Older respirators may have a Bureau of Mines approval label). If you experience difficulty in breathing while wearing a respirator, tell your employer.

B. *Protective clothing:* Your employer is required to provide and you must wear appropriate impervious protective clothing (such as boots, gloves, aprons, etc.) over any parts of your body that could be exposed to arsenic trichloride. Your employer is required to provide appropriate protective clothing where repeated skin contact with inorganic arsenic is likely to cause skin irritation.

C. *Eye and face protection.* Your employer is required to provide and you must wear eye and face protection where you may be splashed by arsenic trichloride, or in cases where handling any other inorganic arsenic compounds which may cause eye or face irritation.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE

Cleanup crews shall wear respirators. Because inorganic arsenic is a poison, you must wash your hands thoroughly before eating and smoking. You shall not eat or smoke in a work area where there is skin contact with inorganic arsenic. You shall not wear your work clothes home. You shall shower, when required by this standard, at the end of each workday before going home. Ask your supervisor where inorganic arsenic is used in your work area and for any additional plant rules.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES

Arsenic, Arsenic Trioxide, and Arsenic Trichloride

I. PHYSICAL AND CHEMICAL PROPERTIES

A. Arsenic (metal).
1. Formula: As.
2. Appearance: Gray metal.
3. Melting Point: Sublimes without melting at 613C.
4. Specific Gravity ($H_2O=1$): 5.73.
5. Solubility in Water: Insoluble.

B. Arsenic Trioxide.
1. Formula: As_2O_3.
2. Appearance: White powder.
3. Melting Point. 315C.
4. Specific Gravity ($H_2O=1$): 3.74.
5. Solubility in Water: 3.7 grams in 100 cc of water at 20°C.

C. Arsenic Trichloride (liquid).
1. Formula: $AsCl_3$.
2. Appearance: Colorless or pale yellow liquid.
3. Melting Point: −8.5C.
4. Boiling Point: 130.2C.
5. Specific Gravity ($H_2O=1$): 2.16 at 20C.
6. Vapor Pressure: 10 mm Hg at 23.5C.
7. Solubility in Water: Decomposes in water.

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II. Fire, Explosion and Reactivity Hazard Data

A. Fire: Arsenic, Arsenic Trioxide, and Arsenic Trichloride are nonflammable.

B. Reactivity:

1. Conditions contributing to instability: heat.

2. Incompatibility: hydrogen gas can react with inorganic arsenic to form the highly toxic gas arsine.

III. Spill or Leak Procedures

Steps to be taken if substance is released or spilled: No one should enter areas where massive amounts of arsenic (or inorganic arsenic) have been released into the air without appropriate protective equipment until a determination is made that the hazard is abated. Respirators as prescribed in the table of paragraph (g) of this section shall be used during emergencies, cleanup, and repair work. Because of its high vapor pressure and because it can be directly absorbed through the skin, operations involving arsenic trichloride require appropriate protective equipment and shall be handled only under well ventilated conditions.

IV. Monitoring and Measurements Procedures

Measurements taken for the purpose of determining employee exposure under this section shall be taken in a manner such that the average eight-hour exposure can be determined. Air samples shall accurately reflect the exposure conditions of each employee. The method of sampling and analysis of inorganic arsenic shall have an accuracy of not less than 25% (with a confidence limit of 95%) for concentrations of inorganic arsenic at or above .002 milligrams arsenic per cubic meter (mg As/cu m).

V. Miscellaneous Precautions

A. The employer shall provide and ensure that the employee wear clean protective clothing each day. The employer shall not allow any employee to take protective clothing home. The employer must inform the launderer of inorganic arsenic protective clothing of the hazardous properties of inorganic arsenic. Eating and smoking are prohibited in regulated areas or anywhere where skin contact with inorganic arsenic may occur.

B. Employers must advise employees of all plant areas and operations where exposure to inorganic arsenic can occur. Inorganic arsenic is primarily produced in the smelting of ores of copper, zinc, and lead and is most commonly used in pesticide production, glass manufacture, paint anti-fouling, sludge control in lubricating oils, and as an alloying agent.

Appendix C

Medical Surveillance Guidelines

Arsenic and Its Inorganic Compounds Excluding Arsine

Physical and Chemical Properties.—Arsenic is a gray lustrous metal which is stable at room temperature. Arsenic trioxide is a white powder released as a by-product of the roasting of copper, zinc, and lead ores in the smelting industry and is the starting material for the synthesis of most other arsenicals such as arsenic acid, lead arsenate, calcium arsenate, and sodium arsenite. Arsenic trichloride is a clear, almost colorless to pale yellow corrosive oily liquid which has a very high vapor pressure and is particularly hazardous because it can be absorbed through the skin. Some of the most serious exposures to inorganic arsenic may occur in the smelting of copper, zinc, lead, and iron ores and in the manufacture and use of insecticides.

Route of Entry.—Inhalation, skin absorption (arsenic trichloride) and ingestion.

Toxicology.—The health hazard is high. Inorganic arsenic is principally absorbed via the lungs and is a skin irritant. Inorganic arsenic has been implicated as a cause of dermatitis, lung cancer, skin cancer, and lymphatic cancer. Dermatitis can be a problem where the rubber of respirators is in direct contact with the skin.

Symptoms and signs.—Acute—Irritation of eyes and mucous membranes of upper respiratory tract. Excessive skin contact may produce a dermatitis. Chronic—Excess skin contact may produce hyperpigmentation and keratoses.

Surveillance and Preventive Examinations. General.—Inorganic arsenic is considered to be of high toxicity and extensive experience indicates it is a high health hazard.

Medical and Work History Preplacement.—Routine medical histories and physical examinations are required for each employee subject to exposures in excess of the action level. In addition to the medical history, a complete physical examination shall be given that shall include a minimum of the following:

a. 14 x 17 posterior-anterior chest X-ray giving particular attention to parenchymal and hilar changes; and

b. A complete blood count to include differential; and

c. Palpation of superficial lymph nodes for indication of neoplastic changes; and

d. Careful examination of the skin for the presence of hyperpigmentation, keratoses, or other skin lesions.

Periodic Examinations.—The above examinations are to be given to each employee subject to exposure above the action level. These examinations are to be repeated every 6 months for each employee who has been employed in operations involving inorganic arsenic for 10 years or more, with the exception of X-rays shall be given only annually; for all other employees exposed above the action level.

It is highly recommended that the physician become familiar with the conditions under which inorganic arsenic is used.

Recommended Supplementary Procedures.—Sputum cytological analysis is a recommended procedure for early detection of lung cancer.

2. Patty, Frank A.: Industrial Hygiene and Toxicology (Second Edition) John Wiley and Sons, 1962.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657) Secretary of Labor's Order No. 12–71, 36 FR 8754, and 29 CFR Part 1911)

Signed at Washington, D.C. this 10th day of January, 1975.

John Stender,
Assistant Secretary of Labor.

[FR Doc.75–1727 Filed 1–20–75;8:45 am]

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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

Note.—No acts approved by the President were received by the Office of the Federal Register from Friday, January 10 to Friday, January 17, 1975.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214 is amended to show that the Schedule B authority covering 15 positions of Minority Business Opportunity Specialist in grades GS–9 through GS–15 in the Office of Minority Business Enterprise is extended from December 31, 1974, to December 31, 1976.

Effective January 22, 1975 § 213.3214 (c) (1) is amended as set out below.

§ 213.3214 Department of Commerce.

• • • • •

(c) *Office of Minority Business Enterprise.*

(1) Until December 31, 1976, not to exceed 15 positions of Minority Business Opportunity Specialist at grades GS–9 through GS–15.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–1976 Filed 1–21–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Secretary (Administrative Aide) to the Deputy Assistant Secretary for Public Affairs is excepted under Schedule C.

Effective on January 22, 1975, § 213.3384(a) (58) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(58) One Secretary (Administrative Aide) to the Deputy Assistant Secretary for Public Affairs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–1977 Filed 1–21–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Executive Assistant to the President, Government National Mortgage Association is excepted under Schedule C. This section is further amended to show that one position of Special Assistant to the President, Government National Mortgage Association, is revoked.

Effective January 22, 1975, §§ 213.3384 (b) (15) is added and (b) (10) is revoked as set out below.

§ 213.3384 Department of Housing and Urban Development.

• • • • •

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* • • •

(10) [Revoked]

• • • • •

(15) One Executive Assistant to the President, Government National Mortgage Association.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–1978 Filed 1–21–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3110 is amended to show that 150 positions in the GS–132 series, grades 9 through 15, in the Drug Enforcement Agency are excepted under Schedule A.

Effective January 22, 1975, § 213.3110 (c) (2) is added as set out below.

§ 213.3110 Department of Justice.

• • • • •

(c) *Drug Enforcement Administration.*

(2) 150 positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS–132 series, grades GS–9 through GS–15.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–1979 Filed 1–21–75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1975

Pursuant to section 5 of the Child Nutrition Act of 1966, as amended, Pub. L. 89–642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1975, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$418,810	$341,119	$77,691
Alaska	51,336	51,336	----------
Arizona	259,673	259,673	----------
Arkansas	196,734	184,085	12,649
California	3,108,508	3,108,508	----------
Colorado	269,460	214,993	54,467
Connecticut	521,262	521,262	----------
Delaware	66,222	66,222	----------
District of Columbia	86,996	86,996	----------
Florida	962,147	962,147	----------
Georgia	581,987	581,987	----------
Guam	11,905	11,905	----------
Hawaii	111,789	74,960	36,829
Idaho	84,469	79,134	5,335
Illinois	1,906,523	1,906,523	----------
Indiana	540,533	540,533	----------
Iowa	317,690	317,690	----------
Kansas	242,887	242,887	----------
Kentucky	344,916	344,916	----------
Louisiana	571,256	571,256	----------
Maine	167,043	142,849	24,194
Maryland	425,980	425,980	----------
Massachusetts	790,353	790,353	----------
Michigan	1,023,080	1,023,080	----------
Minnesota	482,571	482,571	----------
Mississippi	376,855	376,855	----------
Missouri	431,324	431,324	----------
Montana	153,453	136,953	16,500
Nebraska	239,161	193,208	55,953
Nevada	43,127	33,308	9,819
New Hampshire	121,294	121,294	----------
New Jersey	1,875,208	1,875,208	----------
New Mexico	116,485	116,485	----------
New York	2,267,963	2,267,963	----------
North Carolina	584,804	584,804	----------
North Dakota	72,144	62,361	9,783
Ohio	1,398,993	934,585	464,058
Oklahoma	210,470	210,470	----------

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State	Total apportionment	State agency	Withheld for private schools
Oregon	209,476	209,476	
Pennsylvania	2,132,823	2,132,823	
Puerto Rico	361,402	361,402	
Rhode Island	85,014	85,014	
Samoa, American	5,325	5,325	
South Carolina	330,374	279,336	51,038
South Dakota	81,808	81,808	
Tennessee	373,036	352,075	20,961
Texas	1,063,403	856,861	206,542
Utah	135,338	135,338	
Vermont	59,507	59,507	
Virginia	453,368	402,166	51,202
Virgin Islands	17,872	17,872	
Washington	339,490	262,670	76,810
West Virginia	184,556	161,555	23,001
Wisconsin	743,234	501,778	241,456
Wyoming	48,573	48,573	
Total	28,000,000	26,561,121	1,438,879

Pursuant to sections 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Pub. L. 89–642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1975, are apportioned among the States as follows:

Section 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$346,662	$340,562	$6,140
Alaska	32,685	32,685	
Arizona	134,154	134,154	
Arkansas	186,344	182,859	3,485
California	784,987	784,987	
Colorado	160,878	155,238	5,440
Connecticut	122,430	122,430	
Delaware	43,337	43,337	
District of Columbia	37,380	37,380	
Florida	560,524	560,524	
Georgia	531,907	531,907	
Guam	9,760	9,760	
Hawaii	79,188	74,969	4,219
Idaho	57,187	56,107	1,080
Illinois	566,661	565,661	
Indiana	386,607	386,607	
Iowa	263,224	263,224	
Kansas	176,295	176,295	
Kentucky	327,622	327,622	
Louisiana	429,787	429,787	
Maine	72,623	68,460	4,163
Maryland	206,501	206,501	
Massachusetts	392,410	392,410	
Michigan	404,202	404,202	
Minnesota	345,197	345,197	
Mississippi	252,730	252,730	
Missouri	346,515	346,515	
Montana	43,768	42,045	1,723
Nebraska	113,471	102,151	11,320
Nevada	20,435	20,358	77
New Hampshire	46,037	46,037	
New Jersey	288,653	288,653	
New Mexico	101,676	101,676	
New York	905,315	905,315	
North Carolina	537,402	537,402	
North Dakota	55,600	50,584	5,016
Ohio	643,442	604,170	39,272
Oklahoma	207,578	207,578	
Oregon	140,646	140,646	
Pennsylvania	656,205	656,205	
Puerto Rico	214,620	214,620	
Rhode Island	40,646	40,646	
Samoa, American	44,629	44,629	
South Carolina	278,257	275,793	2,464
South Dakota	60,985	60,985	
Tennessee	350,603	346,422	4,181
Texas	848,161	830,208	17,953
Utah	116,555	116,555	
Vermont	30,395	30,395	
Virginia	405,177	401,695	3,482
Virgin Islands	11,844	11,844	
Washington	186,059	182,892	3,167
West Virginia	144,829	143,128	1,701
Wisconsin	274,490	237,051	37,439
Wyoming	24,335	24,335	
Total	14,000,000	13,847,678	152,322

Section 5(e)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$72,146	$597	$71,551
Alaska	28,651	28,651	
Arizona	125,519	125,519	
Arkansas	10,390	1,226	9,164
California	2,323,521	2,323,521	
Colorado	108,782	59,755	49,027
Connecticut	398,832	398,832	
Delaware	22,885	22,885	
District of Columbia	49,616	49,616	
Florida	391,223	391,223	
Georgia	80	80	
Guam	2,145	2,145	
Hawaii	32,601		32,601
Idaho	27,282	23,027	4,255
Illinois	1,340,882	1,340,882	
Indiana	153,926	153,926	
Iowa	54,466	54,466	
Kansas	66,592	66,592	
Kentucky	17,294	17,294	
Louisiana	141,469	141,469	
Maine	94,420	74,389	20,031
Maryland	219,479	219,479	
Massachusetts	397,943	397,943	
Michigan	618,878	618,878	
Minnesota	137,374	137,374	
Mississippi	124,135	124,135	
Missouri	84,809	84,809	
Montana	109,685	94,908	14,777
Nebraska	125,596	81,067	44,533
Nevada	22,692	12,950	9,742
New Hampshire	75,257	75,257	
New Jersey	1,586,555	1,586,555	
New Mexico	14,909	14,909	
New York	1,361,048	1,361,048	
North Carolina	47,402	47,402	
North Dakota	16,344	11,777	4,767
Ohio	755,551	330,765	424,786
Oklahoma	2,592	2,592	
Oregon	68,830	68,830	
Pennsylvania	1,476,618	1,476,618	
Puerto Rico	146,782	146,782	
Rhode Island	44,368	44,368	
Samoa, American	696	696	
South Carolina	52,117	3,543	48,574
South Dakota	20,823	20,823	
Tennessee	22,433	5,653	16,780
Texas	215,242	26,653	189,589
Utah	18,785	18,783	
Vermont	29,112	29,112	
Virginia	48,791	471	48,320
Virgin Islands	6,029	6,028	
Washington	153,421	79,778	73,643
West Virginia	39,727	18,427	21,300
Wisconsin	468,744	264,727	204,017
Wyoming	24,238	24,238	
Total	14,000,000	12,713,443	1,286,557

(Secs. 2, 5, 6 and 8 through 16, 80 Stat. 885–890 (U.S.C. 1771, 1774, 1775, 1777–1785))

Dated: January 15, 1975.

JAMES E. SPRINGFIELD,
Acting Administrator.

[FR Doc.75–1781 Filed 1–21–75;8:45 am]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1975

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year ending June 30, 1975, are apportioned among the States as follows:

State:	Total Apportionment
Alabama	$824,367
Alaska	84,672
Arizona	289,791
Arkansas	487,716
California	1,806,986
Colorado	255,421
Connecticut	228,675
Delaware	97,019
District of Columbia	157,118
Florida	890,659
Georgia	855,128
Hawaii	106,251
Idaho	112,821
Illinois	912,602
Indiana	399,986
Iowa	247,383
Kansas	231,652
Kentucky	668,176
Louisiana	972,567
Maine	136,485
Maryland	399,626
Massachusetts	397,890
Michigan	715,906
Minnesota	316,809
Mississippi	834,173
Missouri	540,708
Montana	122,062
Nebraska	182,378
Nevada	64,167
New Hampshire	89,468
New Jersey	506,848
New Mexico	275,786
New York	1,610,513
North Carolina	900,211
North Dakota	116,056
Ohio	903,361
Oklahoma	392,670
Oregon	215,913
Pennsylvania	898,346
Rhode Island	125,433
South Carolina	617,961
South Dakota	142,699
Tennessee	730,909
Texas	1,695,289
Utah	138,555
Vermont	79,152
Virginia	834,188
Washington	292,548
West Virginia	360,470
Wisconsin	346,652
Wyoming	77,778
Total	24,500,000
Guam	14,463
Puerto Rico	453,108
Virgin Islands	9,365
Samoa, American	5,494
Trust Territory	17,570
Total	500,000
Grand total	25,000,000

(Sec. 13, 82 Stat. 117: (42 U.S.C. 1761))

Dated: January 15, 1975.

JAMES E. SPRINGFIELD,
Acting Administrator.

[FR Doc.75–1782 Filed 1–21–75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

This document authorizes the South Texas Onion Committee to spend not more than $94,311 for its operations during the fiscal period ending July 31, 1975, and to collect two cents ($0.02) per 50-pound container on assessable onions, or equivalent quantity handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 143 and Order No. 959, both as amended, regulating the handling of onions grown in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the December 9 FEDERAL REGISTER (39 FR 43848) regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than January 6, 1975. None was received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular period shall apply to all assessable onions from the beginning of such period.

The regulation follows:

§ 959.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1975, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $94,311.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be two cents ($0.02) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1975, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–2035 Filed 1–21–75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 100, 108, 238, 242, and 299 of Chapter I of Title 8 of the Code of Federal Regulations.

In § 100.4(d) of Part 100, Border Patrol Sectors Nos. 7, 8, and 20, are being updated to reflect specified substation redesignations and additions.

In Part 108, published December 3, 1974 (39 FR 41832), effective January 2, 1975, the fifth sentence of § 108.2 provides that where an application for asylum is denied for the reason that it is clearly lacking in substance, notification of the denial shall be furnished the Department of State, with opportunity to supply a statement containing matter favorable to the application, and departure shall not be enforced until 30 days following the date of notification. In order to avoid any possible misconstruction of the departure clause, the fifth sentence is being amended to clarify that departure shall not be enforced until 30 days following the date of notification of denial to the Department of State unless a reply has been received from the Department of State prior to the expiration of the 30-day period.

An agreement for preinspection at Hamilton, Bermuda, of flights of Atlanta Skylarks Air Travel Club destined to the United States, has been entered into between that line and the Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Likewise, agreements have been entered into between the Commissioner of Immigration and Naturalization and Westours, Inc., and the Commissioner, Department of Public Works, State of Alaska, for the preinspection at Prince Rupert, B.C., Canada, of the sailings of those lines destined to the United States. Accordingly, in Part 238, § 238.4 is amended by adding the specified lines to the listings of transportation lines which have entered into agreements for the preinspection of their passengers and crews at places outside the United States.

In Part 242, § 242.2(e) is amended by adding Poland to the list of countries with which existing treaties require immediate consular or diplomatic officers whenever a national thereof is detained in exclusion or expulsion proceedings. This addition to the listing is made in accordance with the provisions of Article 29, section 2, of the Consular Convention between the United States and the Polish People's Republic, effective July 6, 1973.

A number of immigration forms listed in Part 299 have been reissued and now reflect more recent edition dates. Accordingly, § 299.1 is amended to reflect the current edition dates of the specified forms.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

In § 100.4(d), the Border Patrol Sectors are being updated to reflect the following substation redesignations and additions: in Sector No. 7, the redesignation of Browning, and Malta, Montana, and the addition of Plentywood, and Sweetgrass, Montana, as substations; in Sector No. 8, the addition of Roosville, Montana as a substation; and in Sector No. 20, the redesignation of Pensacola, Florida as a substation. As amended, § 100.4(d) reads, in pertinent part, as follows:

§ 100.4 Field Service.

* * * * * * *

(d) *Border Patrol Sectors.* Border Patrol sector headquarters and stations are situated at the following locations:

* * * * * * *

SECTOR NO. 7—HAVRE, MONT.

Havre, Mont. (Malta, Mont.)
Shelby, Mont. (Browning, Mont., and Sweetgrass, Mont.).
Twin Falls, Idaho.
Whitefish, Mont. (Roosville, Mont.).

SECTOR NO. 8—SPOKANE, WASH.

Bonners Ferry, Idaho.
Colville, Wash.
Oroville, Wash.
Spokane, Wash.
Whitefish, Mont. (Roosville, Mont.).

* * * * * * *

SECTOR NO. 20—NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Little Rock, Ark.
Miami, Okla.
Mobile, Ala. (Pensacola, Fla.).
New Orleans, La.

* * * * * * *

PART 108—ASYLUM

In § 108.2, the fifth sentence is amended to read as follows:

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§ 108.2 Decision.

• • • If an application is denied for the reason that it is clearly lacking in substance, notification shall be given to the Department of State, with opportunity to supply a statement containing matter favorable to the application, and departure shall not be enforced until 30 days following the date of notification unless a reply has been received from the Department of State prior to that time. • • •

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

The listing of transportation lines under "At Bermuda" in § 238.4 Preinspection outside the United States is amended by adding thereto in alphabetical sequence: "Atlanta Skylarks Air Travel Club"; the listing of transportation lines in § 238.4 is further amended by adding at the end thereof under "At Prince Rupert" the following: "State of Alaska Department of Public Works", and "Westours, Inc.".

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.2(e), the list of countries is amended by adding Poland thereto in alphabetical sequence, and by redesignating as footnote one the parenthetical clause immediately following the listing of Ireland. As amended, § 242.22(e) reads as follows:

§ 242.2 Apprehension, custody, and detention.

• • • • • •

(e) *Privilege of communication.* Every detained alien shall be notified that he may communicate with the consular or diplomatic officers of the country of his nationality in the United States. Existing treaties require immediate communication with appropriate consular or diplomatic officers whenever nationals of the following countries are detained in exclusion or expulsion proceedings, whether or not requested by the alien, and, in fact, even if the alien requests that no communication be undertaken in his behalf:

China	Poland [2]
Costa Rica	Sierra Leone
Cyprus	Singapore
Gambia	Tanzania
Ghana	Trinidad & Tobago
Ireland [1]	Uganda
Jamaica	United Kingdom:
Kenya	England
Kuwait	Northern Ireland
Malawi	Scotland
Malaysia	Southern Rhodesia
Malta	Wales
Nigeria	Zambia
Philippines	

[1] Unless national requests that such information not be transmitted.

[2] If national is an alien admitted to lawful permanent residence, communication will be made with Polish consulate only upon the request of such national.

PART 299—IMMIGRATION FORMS

In § 299.1, the listing of forms is amended to reflect the current edition dates of the following forms:

§ 299.1 Prescribed forms. • • •

Form No.	Title and description
• • •	• • •
I–53 (1–1–75)	Alien Address Report.
• • •	• • •
I–328 (6–5–74)	Order on Motion to Reopen.
• • •	• • •
I–418 (7–1–74)	Passenger List-Crew List.
• • •	• • •
I–571 (6–1–74)	Refugee Travel Document.
• • •	• • •

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to § 100.4(d) relate to agency management and organization; the amendment to § 108.2 is clarifying in nature; the amendments to § 238.4 add transportation lines to the listings; the amendment to § 242.2(e) is in conformity with the Consular Convention between the United States and the Polish People's Republic; and the amendments to § 299.1 are editorial in nature.

Effective date. The amendments made in this order shall become effective January 22, 1975.

Dated: January 16, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75–1923 Filed 1–21–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–NE–42; Amdt. 39–2025]

PART 39—AIRWORTHINESS DIRECTIVE

Hamilton Standard Model 54H60 Propellers

There have been hydraulic control failures in Hamilton Standard Model 54H60 propellers used on certain Lockheed aircraft resulting in propeller pitch-locking which can cause overspeeding and inability to feather. Loss of pitch control is caused by loosening and separation of a threaded extension sleeve, P/N 541859, allowing internal bypassing of hydraulic fluid and loss of control pressure.

Since this condition is likely to exist or develop in all 54H60 propellers used on Lockheed Models L–188 and L–382 type aircraft, an Airworthiness Directive is being issued to require modification of all applicable Model 54H60 propellers.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are not practicable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

HAMILTON STANDARD. Applies to propeller Models 54H60–63, –81, –91, –111, –117, and –125.

Compliance required as indicated, unless already accomplished.

To prevent inflight separation of the extension sleeve, P/N 541850, Change B or earlier revision, from the pitch lock regulator assemply resulting in propeller pitchlocking, accomplish the following:

A. Propellers with a total of 2500 or more hours in service as of the effective date of this AD or whose total time in service is unknown, accomplish the requirements of Paragraph (C) below within the next 100 hours time in service.

B. Propellers with less than 2500 hours total time in service as of the effective date of this AD, accomplish the requirements of Paragraph (C) below prior to the accumulation of 2600 hours total time in service.

C. 1. Replace the fluid transfer housing extension sleeve, P/N 541850B or earlier revision, with an extension sleeve, P/N 541850C or later revision, or with a modified extension sleeve in accordance with Hamilton Standard Service Bulletin HS Code 54B60, No. 59, Revision No. 1, dated August 1, 1972, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

2. Replace the surge valve housing, P/N 543734B or earlier revision, with housing P/N 543734O or later revision, or replace surge valve housing, P/N 535299E or earlier revision with housing P/N 535299F or later revision.

The Manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hamilton Standard, Division of United Aircraft Corporation, Windsor Locks, Connecticut 06096. These documents may also be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective on February 5, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts, on January 14, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75–1949 Filed 1–21–75;8:45 am]

[Airspace Docket No. 74–SO–110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 6, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 42697) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Augusta, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Augusta, Ga., transition area is amended as follows:

"• • • excluding the portion within R-6004 • • •" is deleted and "• • • within a 7-mile radius of Thomson-McDuffie Airport, Thomson, Ga. (Lat. 33°31'45" N., Long. 82°31'00" W.); within 9.5 miles north and 4.5 miles south of the 090° bearing from McDuf RBN (Lat. 33°31'45" N., Long. 82°26'30" W.), extending from the RBN to 18.5 miles east of the RBN • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 13, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75–1950 Filed 1–21–75;8:45 am]

[Airspace Docket No. 75–SO–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Bainbridge, Ga., transition area.

The Bainbridge transition area is described in § 71.181 (40 FR 441). In the description, an extension is predicated on the Bainbridge VOR 352° radial. Since the final approach radial has been changed to Bainbridge VOR 356°, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure herein are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (40 FR 441), the Bainbridge, Ga., transition area is amended as follows:

"• • • Bainbridge VOR 352° • • •" is deleted and "• • • Bainbridge VOR 356° • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 14, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75–1951 Filed 1–21–75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENT

[Regulation PS–61, Amdt. 40]

PART 399—STATEMENTS OF GENERAL POLICY

Minimum Rates for Military Airlift Command

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 17, 1975.

In notice of rule making EDR–278,[1] which proposed to increase the minimum rates for Military Airlift Command (MAC) foreign and overseas charter services set forth in Part 288 of the Board's Economic Regulations (14 CFR Part 288), the Board indicated that it was reexamining the economic basis of the minimum charges for transportation of Category Z individually ticketed military passengers set forth in Part 399 of its statements of general policy (14 CFR Part 399). The Board further stated that in the event its review was not completed prior to the finalization of the increased rates proposed in EDR–278, it intended to adjust the Category Z charges to the level of the one-way Category B charter rates as determined in that proceeding, in order to preserve the existing relationship between the rates until a definitive determination could be made. By ER–896, adopted contemporaneously herewith, the Board has adopted the proposed increases in the MAC foreign and overseas charter rates as modified therein. Since the Board has not as yet completed its review of the economic basis of Category Z scheduled service, consistent with the statement in EDR–278, we are herein amending § 399.16(b) to adjust the minimum charges set forth therein to the level of the Category B one-way rate adopted in ER–896. However, since it has been our policy for some time to adjust the Category Z rates consistent with changes in the one-way Category B passenger rate established in § 288.7 of Part 288, we have determined that rather than amend § 399.16 (b) by establishing revised minimum charges in terms of cents per passenger-mile, we will provide instead that the minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers will be the same as the one-way Category B passenger rate set forth in § 288.7. In this way, we will eliminate the need for further amendments of § 399.16(b) whenever the rates in § 288.7 are adjusted.

At present, the minimum rates established in § 288.7 are subject to a surcharge based upon fuel prices which is reviewed monthly and adjusted to reflect price changes reported as of the first of each month compared to the base fuel prices reflected in the minimum rates. By tying the minimum charge for Category Z transportation directly to the one-way Category B passenger rate, the Category Z minimum will likewise fluctuate on a monthly basis. We would expect the carriers to revise their tariffs whenever the adjustments in the Category B rate result in significant changes in the Category Z fares. Should the carriers fail to adjust the fares, the Board can act to suspend the tariffs.

In view of the carriers' need for prompt rate relief, we find good cause exists to make this Statement of General Policy effective on less than thirty (30) days' notice. The carriers may file tariffs reflecting the rates established in ER–896 for effectiveness January 27, 1975, on not less than one day's notice.

For the reasons set forth in ER–896, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy (14 CFR Part 399), effective January 17, 1975, as follows:

Amend § 399.16(b) to read as follows:

§ 399.16 Military Exemptions.

• • • • • •

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous States, on the one hand, and Hawaii or Alaska, on the other hand, will be the same as the Category B one-way passenger rate per mile set forth in § 288.7 of Part 288 of the Board's Economic Regulations, applied to the shortest mileage between the commercial air carrier points as shown in the current IATA mileage manual to compute point-to-point passenger fares.

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

Effective: January 17, 1975.

Adopted: January 17, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–2027 Filed 1–21–75;8:45 am]

[1] July 25, 1974 (Docket 26899).

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 589–75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart A—Organizational Structure of the Department of Justice

Subpart G–2—Office of Special Review

Office of Special Review

This order establishes an Office of Special Review in the Department of Justice. Its function will be to serve as a special investigating unit to assist the Attorney General and the Deputy Attorney General in promoting the integ-

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rity of the programs, activities, and personnel of the Department.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.1 [Amended]

1. Section 0.1 of Subpart A is amended by adding "Office of Special Review" immediately after "Office of the Pardon Attorney".

2. The following new Subpart G–2 is added immediately after Subpart G–1:

Subpart G–2—Office of Special Review

§ 0.39 Organization.

The Office of Special Review shall be under the direction of a Director appointed by the Attorney General. The Director shall operate independently from other offices of the Department and shall report directly to the Attorney General and Deputy Attorney General. He shall maintain a small centralized staff, and draw on Department resources as required. All personnel in the Department of Justice assigned to work with or for the Office of Special Review in connection with any investigation shall be under the direction of the Director.

§ 0.39a Functions.

The Director shall: (a) Conduct investigations of Department personnel at the request of the Attorney General or the Deputy Attorney General concerning alleged violations of law or Department regulations or standards of conduct. The Director shall have no authority to initiate such investigations except at the request of the Attorney General or Deputy Attorney General.

(b) File with the Attorney General and Deputy Attorney General and the appropriate office, division, bureau, or board investigative reports containing facts, conclusions, and recommendations.

(c) Formulate and develop proposals concerning special investigation policies, standards, plans, programs and procedures for the Attorney General and Deputy Attorney General.

(d) Review, monitor, and evaluate the capacity and activities of internal inspection units within the Department.

(e) Receive complaints or evidence of alleged violations of law or Department regulations or standards of conduct and recommend to the Attorney General and Deputy Attorney General the initiation of investigations. However, this provision does not preempt the primary responsibility of internal inspection units of the Department to receive such complaints or evidence and to conduct investigations pursuant thereto.

§ 0.39b Relationship to internal inspection units.

(a) Internal inspection units of the Department shall provide such information and assistance as the Director may request in connection with investigations, reviews and evaluations conducted or coordinated by the Director, and shall keep the Director informed of major investigations which they are conducting.

(b) When allegations of improper conduct are lodged against personnel within a single office, division, bureau or board, primary responsibility for initially investigating such allegations will normally be given to its head or its internal inspection unit.

Dated: January 15, 1975.

W. B. SAXBE,
Attorney General.

[FR Doc.75–1944 Filed 1–21–75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM75–2; Order No. 522]

PART 2—GENERAL POLICY AND INTERPRETATIONS

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Commission Increases Cost Limitations for Budget-Type Gas-Purchase Facilities and Expands Definition of "Gas-Purchase Facilities"

JANUARY 16, 1975.

By notice issued August 12, 1974, and published in the FEDERAL REGISTER on August 19, 1974 (39 FR 29938), as amended by notice issued September 10, 1974, and published in the FEDERAL REGISTER on September 17, 1974 (39 FR 33378), the Commission proposes to amend § 157.7 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under Natural Gas Act, and § 2.58 of Part 2—General Policy and Interpretations, Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations by revising the definition of "gas-purchase facilities" and by increasing the maximum total annual and single project cost limitations for such facilities.

Subparagraph (4) of paragraph (b) of § 157.7 currently defines gas-purchase facilities as follows: [1]

(4) "Gas-purchase facilities" means those facilities, subject to the jurisdiction of the Commission, necessary to connect applicant's system with the facilities of an independent producer or other similar seller authorized by this Commission to make a sale to the applicant for resale in interstate commerce.

The proposal to amend the regulation and statement of general policy was to expand the definition of gas-purchase facilities to include facilities to connect producer facilities with the facilities of another natural gas company authorized to transport for the account of or for exchange with the applicant-company, gas purchased by the applicant-company. We noted that in recent years there has been increasing use of transportation and exchange arrangements among pipelines because of the monetary savings involved in having other companies with existing facilities nearer a particular production area transport or exchange gas and that these types of arrangements should be encouraged.

Subparagraphs (1) (i) and (ii) of paragraph (b) of § 157.7 of the regulations under Natural Gas Act and paragraphs (a) (1) and (a) (2) of § 2.58 of the Commission's general policy and interpretations currently provide that the total estimated cost of gas purchase facilities proposed in an application shall not exceed 2 percent of the applicant's gas plant account (Account 101 of the Uniform System of Accounts for Natural Gas Companies, 18 CFR, Part 201) or $7,000,000, whichever is lesser, except that an applicant with less than $5,000,000 in such gas plant account may have a total gas purchase budget amount of $100,000. Further, the cost of gas purchase facilities for any single project must not exceed 25 percent of the total budget amount or $1,000,000, whichever is lesser, except that a single offshore project is limited only to 25 percent of the total budget amount, which, based on the maximum total budget amount, would be $1,750,000.

In order to increase the ability of pipelines to make more effective use of budget-type authorizations to attach additional gas supplies to their systems, we proposed to permit an annual total gas purchase budget amount of $12,000,000 or 2 percent of applicant's gross gas plant, whichever is the lesser. The limitation for any single onshore project was proposed to be increased to 25 percent of the total budget amount or $1,500,000, whichever is the lesser, with the maximum expenditure for any single offshore project limited to $2,500,000 or the total budget amount, whichever is the lesser. It was further proposed that an applicant with less than $5,000,000 in its gas plant account would be allowed a total annual budget amount of $150,000. Our Order No. 395 issued February 25, 1970, in Docket No. R–373, provided for the current ceilings for gas purchase budget facilities. Inflationary pressures in the economy since that date, as evidenced by the Bureau of Labor Statistics price index, together with the increasing depths and costs of offshore pipeline construction convince us that raising the budget ceilings as proposed herein is appropriate and justified.

Sixteen responses to the notice of proposed rule-making have been received.[2] All respondents support the proposed rule, with six companies suggesting modifications.

[1] Paragraph (d) of § 2.58 of the Commission's general policy and interpretations contains a shorter, but similar definition.

[2] Public Service Electric and Gas Company; Montana-Dakota Utilities Co.; Pacific Gas Transmission Company; Sea Robin Pipeline Company and its affiliate, Trunkline Gas Company, request that the maximum limitation on single offshore projects should be $3,000,000 instead of the proposed $2,500,000. They state that Trunkline has substantial pipeline facilities in the Gulf of Mexico and indicate from their experience in offshore construction that in 1968 at depths of 100 feet, 8 miles of pipeline could be constructed for $1,750,000 and in 1971 at the same depths 7 miles of pipeline could be constructed for the same amount. They also indicate that in 1974 at depths of 300 feet, less than 2 miles of pipeline can be constructed for $1,750,000 and that $2,500,000 will support construction of 3.2 miles of pipeline. Further, they state that in 1974 at depths of 300 feet, $3,000,000 will support construction of 4.8 miles of pipeline and suggest that a $3,000,000 limitation is more realistic than the proposed $2,500,000. All of the other respondents appear satisfied with the $2,500,000 limitation for single offshore projects, and we do not believe that an increase above that herein proposed should be authorized at this time. Authorization for any specific project costing in excess of $2,500,000 can be applied for in a separate non-budget certificate application.

Kansas-Nebraska Natural Gas Company, Inc., Montana-Dakota Utilities Co., and Sea Robin Pipeline Company are medium size pipeline companies with gross plant accounts much greater than $5,000,000, however, their total budget amounts would be limited to 2 percent of their gross plant accounts. They indicate that the 2 percent is not adequate for companies of their size. Montana-Dakota suggests that 3 percent instead of 2 percent of the gross plant should be the limit; Kansas-Nebraska suggests 4 percent or 5 percent should be the amount allowed; and Sea Robin suggests the entire elimination of the percentage ceiling for pipeline companies of its size operating strictly offshore. Sea Robin requests that all companies with gross plant accounts of more than $5,000,000 be allowed a total budget limitation of $12,000,000.

Reports from these three respondents received by the Commission in fiscal years 1973 and 1974 show that the actual annual budget expenditures for each was well under their authorized limitation. We do not believe that there has been shown sufficient justification to increase the 2 percent limitation. If good cause can be shown, a company can be granted a waiver of the cost limitation pursuant to § 157.7(b) (2) of the Commission's Regulations. In fact, Sea Robin was granted such waiver in Docket Nos. CP72–45 and CP73–35 and was permitted to construct in each docket a total amount of $5,000,000; Sea Robin expended only $1,249,112 and $588,311 in each docket, respectively. These amounts actually spent were well within 2 percent of the amount recorded in Sea Robin's Account 101.

Montana-Dakota and Cities Service Gas Company request that the Commission expand the proposed definition of gas purchase budget facilities so that facilities constructed by a company transporting gas for or exchanging gas with the purchaser to connect the system of such company with the producer's facilities will be included. Montana-Dakota asserts that the transporters of gas usually construct wellhead and other connections and gas gathering facilities in areas remote from the systems of the gas purchaser, and Cities Service states that in all of its exchange agreements provision is made for the receiving party to install measuring facilities, taps, and side gates for the receipt of gas into its system. In our view, this suggestion to expand the proposed definition of gas-purchase facilities has merit and is more specific than our proposed definition. Accordingly, we shall revise the proposed definition to include such arrangements.

Although no respondent has complained about the proposed total budget limitation of $150,000 for companies with gas plant accounts less than $5,000,000, we note that the $150,000 limitation is greater than the amount to be permitted for companies with gas plant accounts between $5,000,000 and $7,499,000. Such companies would be permitted total budget amounts of 2 percent of their gas plant accounts, or $100,000 to $149,960, whereas companies with plant accounts less than $5,000,000 would under the proposed limitation be permitted total budget amounts of $150,000. Upon consideration, it appears inappropriate to permit a greater total budget amount for companies with plant accounts less than $5,000,000 than for companies with plant accounts between $5,000,000 and $7,499,000. Accordingly, we shall provide for a gas plant account cut-off of $7,500,000 instead of $5,000,000. Companies with plant accounts less than $7,500,000 will be allowed a total budget amount of $150,000, the same as those with $7,500,000. This will conform with the current limitation which now permits a total budget amount of $100,000 for companies with plant accounts less than $5,000,000.

The Commission finds. (1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements prescribed in 5 USC 553.

(2) The amendments hereinafter set forth are necessary and appropriate in the administration of the Natural Gas Act.

(3) Since the revisions made herein do not represent substantial departures from the amendment as proposed or impose additional burdens on persons subject to these regulations, further notice prior to adoption is unnecessary.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 7(c), 7(d), 7(e), and 16 thereof (52 Stat. 825, as amended, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); 52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 553, orders:

(A) Section 157.7 in Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Subparagraphs (b) (1) (i), (b) (1) (ii) and (b) (4) are amended to read as follows:

§ 157.7 Abbreviated applications

* * * * *

(b) *Gas-purchase facilities—budget-type applications.*

* * * * *

(1) (i) The total estimated cost of the gas purchase facilities proposed in the application does not exceed 2 percent of the applicant's gas plant (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies) or $12 million, whichever is the lesser, except that an applicant with less than $7.5 million in such gas plant account may have a total gas purchase budget amount of $150,000.

(ii) The cost of gas-purchase facilities for any single project to be installed during the authorized construction period does not exceed 25 percent of the total budget amount or $1.5 million, whichever is the lesser, except that a single off-shore project, including any in the disputed zone, is limited to $2,500,000, or the total budget amount, whichever is the lesser.

* * * * *

(4) "Gas-purchase facilities" means those facilities, subject to the jurisdiction of the Commission, necessary to connect the facilities of an independent producer or other similar seller, authorized by this Commission to make a sale of gas to a gas purchaser for resale in interstate commerce, with the system of the gas purchaser or the system of another natural gas company authorized to transport such gas for the account of, or for the exchange of such gas with, the gas purchaser. Budget-type applications to construct and operate "gas-purchase facilities" may be filed by either or both the gas purchaser and another natural gas company authorized to transport gas for the account of, or for the exchange of gas with, the gas purchaser, depending upon which company or companies will actually construct and operate the budget facilities.

* * * * *

(B) Section 2.58 in Part 2, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

[2] Co.; Consolidated Gas Supply Corporation; Panhandle Eastern Pipe Line Company and Trunkline Gas Company; Natural Gas Pipeline Company of America; Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Transcontinental Gas Pipe Line Corporation; Northern Natural Gas Company; Columbia Gulf Transmission Company and Columbia Gas Transmission Corporation; Interstate Natural Gas Association of America; El Paso Natural Company; Kansas-Nebraska Natural Gas Company, Inc.; Cities Service Gas Company; and Colorado Interstate Gas Company, a division of Colorado Interstate Corporation.

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1. Subparagraphs (a)(1), (a)(2), and (d) are amended to read as follows:

§ 2.58 Budget-type certificate applications gas purchase facilities.

• • • • •

(a)(1) The total estimated cost of the facilities to be installed in a given 12-month period does not exceed 2 percent of the applicant company's plant account or $12 million whichever is the lesser, except that an applicant with less than $7.5 million in such gas plant account may have a total gas purchase budget amount of $150,000.

(2) The total cost of any single project facilities to be installed during the authorization period does not exceed 25 percent of the total budget amount or $1.5 million, whichever is the lesser, except that a single offshore project, including any in the disputed zone, is limited to $2,500,000 or the total budget amount, whichever is the lesser.

• • • • •

(d) "Gas-purchase facilities" means those facilities, subject to the jurisdiction of the Commission, necessary to connect the facilities of an independent producer or other similar seller, authorized by this Commission to make a sale of gas to a gas purchaser for resale in interstate commerce, with the system of the gas purchaser or the system of another natural gas company authorized to transport such gas for the account of, or for the exchange of such gas with, the gas purchaser. Budget-type applications to construct and operate "gas purchase facilities" may be filed by either or both the gas purchaser and another natural gas company authorized to transport gas for the account of, or for the exchange of gas with, the gas purchaser, depending upon which company or companies will actually construct and operate the budget facilities.

(C) The amendments adopted herein shall be effective February 21, 1975.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1968 Filed 1-21-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1, Amdt. 1-103]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to Federal Railroad Administrator and Assistant Secretary for Administration

The purpose of this amendment is to delegate to the Federal Railroad Administrator and the Assistant Secretary for Administration functions vested in the Secretary by the Amtrak Improvement Act of 1974, Pub. L. 93-496. That Act amends the Rail Passenger Service Act of 1970 (45 U.S.C. 501 et seq.), the High-Speed Ground Transportation Act (49 U.S.C. 1631 et seq.), and the Department of Transportation Act (49 U.S.C. 1651 et seq.).

Section 13 of the Amtrak Improvement Act of 1974 requires the Secretary to investigate the feasibility of a high-speed ground transportation system from Tijuana, Mexico, to Vancouver, British Columbia. Section 17 of the Act requires the Secretary to study the potential for integrating rail passenger service with other modes of transportation. Responsibility for conduct of these studies and preparation of the associated reports to the Congress and the President will be assigned by internal DOT Order 1323.2C, Coordination and Transmittal of Reports to the Congress.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

1. § 1.49, *Delegations to Federal Railroad Administrator*, paragraphs (b) and (l) are amended and a new paragraph (r) is added, to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

• • • • •

(b) Carry out the Act of September 30, 1965, as amended (79 Stat. 893, 49 U.S.C. 1631 et seq.), relating generally to high speed ground transportation, except issuance of reports required by section 13(c) (49 U.S.C. 1643(c)).

• • • • •

(l) Carry out the functions vested in the Secretary by the Rail Passenger Service Act, except Title II, those functions relating to the Secretary's membership on the board of directors of the National Railroad Passenger Corporation, and subsection (i)(7) of section 305(d)(1) as it relates to the conduct of audits (Pub. L. 91-518; Pub. L. 93-496; 45 U.S.C. 501 et seq.).

• • • • •

(r) Carry out the functions vested in the Secretary by subsection 4(h) of the Department of Transportation Act (49 U.S.C. 1653(h)).

2. In § 1.60, *Delegations to Assistant Secretary for Administration*, paragraph (l) is amended to read as follows:

§ 1.60 Delegations to Assistant Secretary for Administration.

• • • • •

(l) *Audit.* (1) Carry out the functions vested in the Secretary by sections 203, as applicable (except authority to issue subpoenas), 212(b), and 402(g)(2) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236).

(2) Carry out the functions vested in the Secretary by subsection (i)(7) of section 305(d)(1) of the Rail Passenger Service Act (45 U.S.C. 305(d)(1)(i)(7); section 6(i)(7) of Pub. L. 93-496) except the authority to prescribe records to be kept by recipients of financial assistance.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Effective date. This amendment is effective January 22, 1975.

Issued in Washington, D.C., on January 16, 1975.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.75-1995 Filed 1-21-75;8:45 am]

[OST Docket No. 1; Amdt. 1-104]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to National Highway Traffic Safety Administrator

The purpose of this amendment is to delegate to the National Highway Traffic Safety Administrator functions vested in the Secretary by the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492, October 27, 1974; 88 Stat. 1470). That Act amends the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391 et seq.) by (1) requiring notification and remedy of motor vehicle defects or failures to comply with applicable motor vehicle safety standards, (2) prohibiting the requirement of a continuous buzzer or safety belt interlock system, and (3) requiring mandatory schoolbus safety standards. Since the National Traffic and Motor Vehicle Safety Act of 1966, as amended, has previously been delegated to the Administer, no further delegation under this Act is necessary.

The Act also amends the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) by authorizing a special motor vehicle diagnostic inspection demonstration project.

Since this amendment relates solely to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 1.51, Delegations to National Highway Traffic Safety Administrator, of Part 1 of Title 49 of the Code of Federal Regulations, is amended by amending paragraph (f) and adding a new paragraph (h), to read as follows:

§ 1.51 Delegations to National Highway Traffic Safety Administrator.

• • • • •

(f) Carry out the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act of 1972, as amended (15 U.S.C. § 1901 et seq.).

• • • • •

(h) Carry out the functions vested in the Secretary by section 108 of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492, October 27, 1974; 88 Stat. 1482).

Effective date: This amendment is effective January 22, 1975.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).)

Issued in Washington, D.C., on January 16, 1975.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.75-1996 Filed 1-21-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 309-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On August 2, 1974, the State of Georgia submitted to EPA, pursuant to the above requirements, a number of compliance schedules. The compliance schedules were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, notice of hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the Georgia implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on October 3, 1974 (39 FR 35681). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Georgia Air Quality Control Section in Atlanta, and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Georgia Air Quality Control Section provided information on a number of schedules which had been changed since the Administrator's proposal of October 3, 1974. Those for which final compliance dates had been extended have been deleted from the listing given below. Also, a number of minor corrections have been made in the listing.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, NE.
Atlanta, Georgia 30309

Air Quality Control Section
Environmental Protection Division
Department of Natural Resources
19 Hunter Street, SW.
Atlanta, Georgia 30334

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making its approval action immediately effective since these schedules are already in effect under State law in the State of Georgia and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857-c5(a)))

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart L—Georgia

Section 52.576 is added as follows:

§ 52.576 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State.

GEORGIA

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Duncan & Johnson Lumber Co., Inc., Conical Burner Permit No. 2421-106-1095-T.	Columbus	391-3-1-.02(2)(l)	July 29, 1974	Immediately	Sept. 16, 1974
Anderson Gin, Cotton Gin Permit No. 0724-107-1311-T.	Covington	391-3-1-.02(2)(q)	do	do	May 15, 1974
Arlington Manufacturing Co., Cotton Gin Permit No. 0724-019-1060-T.	Arlington	391-3-1-.02(2)(q)	Apr. 25, 1975	do	Aug. 15, 1974
John D. Archbold Memorial Hospital, Incinerator Permit No. 8061-136-1237-T.	Thomasville	391-3-1-.02(2)(c)	July 29, 1974	do	Jan. 1, 1975
Barrow & Prescott, Inc., Cotton Gin Permit No. 0724-081-783-T.	Matthews	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Sept. 1, 1974

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GEORGIA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Bascoa Co. (Godee Gin), Cotton Gin Permit No. 0724-124-1531-T.	Sylvania	391-3-1-.02(2)(q)	July 29, 1974	do	Aug. 15, 1974
Battle Lumber Co., Inc., Conical Burner Permit No. 2421-81-1512-T.	Wadley	391-3-1-.02(2)(1)	do	do	Dec. 31, 1974
Baxley Veneer & Cleat Co., Inc., Conical Burner Permit No. 2499-047-778-T.	Albany	391-3-1-02(2)(1)	Apr. 25, 1974	do	Jan. 18, 1974
Beadlee Lumber Co., Conical Burner Permit No. 2421-35-1510-T.	Moultrie	391-3-1-.02(2)(1)	July 29, 1974	do	Dec. 31, 1974
LeRoy T. Bird & Son Ginnery, Cotton Gin Permit No. 0724-016-1161-T.	Portal	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Blakely Peanut Co., Conical Burner Permit No. 5159-49-1483-T.	Blakely	391-3-1-.02(2)(1)	do	do	Aug. 1, 1974
Blount Asphalt Co., Inc., Hot Mix Asphalt Plant Permit No. 2851-075-1333-T.	Stockbridge	391-3-1-.02(2)(k)	do	do	Sept. 30, 1974
Buford General Hospital, Incinerator Permit No. 8061-067-890-T.	Buford	391-3-1-.02(2)(c)	Apr. 25, 1974	do	Jan. 1, 1975
Ace Port Co., Inc., Conical Burner Permit No. 2491-148-1515-T.	Waycross	391-3-1-.02(2)(1)	July 29, 1974	do	Dec. 31, 1974
Burgin Lumber Co., Inc., Conical Burners Nos. 1, 2, 3 Permit No. 2421-120-1516-T.	Cuthbert	391-3-1-.02(2)(1)	do	do	Do.
Burt Lumber Co., Conical Burner Permit No. 2421-157-1496-T.	Washington	391-3-1-.02(2)(1)	do	do	Do.
Button Gwinett Hospital Incinerator Permit No. 8061-067-889-T.	Lawrenceville	391-3-1-.02(2)(c)	Apr. 25, 1974	do	Jan. 1, 1975
Cargill Inc., Soybean Truck and Railroad Unloading Permit No. 2075-069-980-T.	Gainesville	391-3-1-.02(2)(N)	do	do	Mar. 1, 1975
Casey Bros., Cotton Gin Permit No. 0724-067-780-T.	Cave Springs	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Charles Block Co., Concrete Block Facility Permit No. 3271-025-1250-T.	Savannah	391-3-1-.02(2)(N)	July 29, 1974	do	Sept. 15, 1974
Cobb Memorial Hospital, Incinerator Permit No. 8061-059-1170-T.	Royston	391-3-1-.02(2)(c)	do	do	July 1, 1975
Coleman Gin, Cotton Gin Permit No. 0724-053-955-T.	Swainsboro	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
Coley's Gin and Fertilizer Co., Cotton Gin Permit No. 0724-046 832-T.	Vienna	391-3-1-.02(2)(q)	do	do	Do.
Columbian Peanut Co., Conical Burner Permit No. 5159-120-1485-T.	Shellman	391-3-1-.02(2)(1)	July 29, 1974	do	Aug. 1, 1974
Columbian Peanut Co., Conical Burner Permit No. 5159-101-1484-T.	Pelham	391-3-1-.02(2)(1)	do	do	Do.
Columbian Peanut Co., Peannt Shelling and Cleaning Permit No. 5159-30-1482-T.	Fort Gaines	391-3-1-.02(2)(1)	do	do	Do.
Comer Gin Co. (Madison County Gin), Cotton Gin Permit No. 0724-065-1542-T.	Danielsville	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Connor Bros. Lumber Co., Conical Burner Permit No. 2421-127-1509-T.	Tifton	391-3-1-.02(2)(1)	do	do	Dec. 15, 1974
Container Corp. of America, Conical Burner Permit No. 2421-134-1506-T.	McRae	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
Control Packaging Corp., Fuller's Earth Processing Facility Permit no. 2395-136-1188-T.	Ochlocknee	391-3-1-.02(2)(N) (p).	do	do	June 15, 1974
Decoto Gin & Peanut Co., Cotton Gin Permit No. 0724-129-788-T.	DeSoto	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Sept. 1, 1974
Diamond Shamrock Chemical Co., NOPCO Division:					
Hydrated Silicon Dioxide Drying Permit No. 2841-115-1453-T.	Cedartown	391-3-1-.02(2)(e)	July 29, 1974	do	Dec. 1, 1974
Sulfonated Naphthalene Spray Drying Permit No. 2841-115-1451-T.	do	391-3-1-.02(2)(e)	do	do	May 1, 1975

GEORGIA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Sodium or Potassium Stearate Soap Manufacturing Permit No. 2841-115-1450-T.	do	391-3-1-.02(2)(e)	do	do	Feb. 1, 1975
Metallic Soap Drying Permit No. 2841-115-1449-T.	do	391-3-1-.02(2)(e)	do	do	July 1, 1975
Dooly Medical Center, Incinerator Permit No. 8061-046-1286-T.	Vienna	391-3-1-.02(2)(c)	do	do	Nov. 1, 1974
Dunn's Cotton Gin, Cotton Gin Permit No. 0724-120-846-T.	Shellman	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
Farmers Gin Co., Cotton Gin Permit No. 0724-019-1534-T.	Edison	391-3-1-.02(2)(q)	July 29, 1974	do	Do.
Farmers Gin Co., Cotton Gin Permit No. 0724-068-803-T.	Smithville	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Sept. 1, 1974
Farmers Gin & Storage Co., Inc., Cotton Gin Permit No. 0724-081-1192-T.	Wadley	391-3-1-.02(2)(q)	July 29, 1974	do	Aug. 15, 1974
Farmers Mill & Elevator Co., Inc., Cotton Gin Permit No. 0724-087-1268-T.	Dexter	391-3-1-.02(2)(q)	July 29, 1974	do	Do.
Funston Gin Co., Inc., Cotton Gin Permit No. 0724-035-1198-T.	Funston	391-3-1-.02(2)(q)	do	do	Do.
Sam Finley, Inc., Hot Mix Asphalt Plant Permit No. 2951-025-1047-T.	Savannah	391-3-1-.02(2)(k)	Apr. 25, 1974	do	Do.
Fitzgerald Oil & Fertilizer Co., Cotton Gin Permit No. 0724-009-1160-T.	Fitzgerald	391-3-1-.02(2)(q)	July 29, 1974	do	Do.
Georgia Pacific Corp., Plaster and Gypsum Wallboard Plant Permit No. 3275-063-1426-T.	Brunswick	391-3-1-.02(2)(e)	do	do	May 1, 1975
Glennville Wood Preserving Co., Inc., Wood-fired Boiler Permit No. 2401-132-1104-T.	Glennville	391-3-1-.02(2)(d)	do	do	Aug. 15, 1974
Griffin-Spalding County Hospital, Incinerator Permit No. 8061-126-1010-T.	Griffin	391-3-1-.02(2)(c)	do	do	July 15, 1974
Cecil Hodges Lumber Co., Conical Burner Permit No. 2421-150-1498-T.	Sandersville	391-3-1-.02(2)(1)	do	do	Dec. 31, 1974
John L. Lutchenson Memorial Tri-County Hospital, Incinerator Permit No. 8061-023-990-T.	Fort Oglethorpe	391-3-1-.02(2)(c)	Apr. 25, 1974	do	July 1, 1975
IMC Corp., Granular Fertilizer Manufacturing Plant Permit No. 2871-121-1347-T.	Augusta	391-3-1-.02(2)(N)	July 29, 1974	do	Dec. 31, 1974
IMC Corp., Superphosphate and Granular FertilizerManufacturing Plant Permit No. 2871-129-1337-T.	Americus	391-3-1-.02(2)(N)	do	do	Do.
Horace Jackson Lumber Co., Inc., Conical Burner Permit No. 2421-150-1497-T.	Sandersville	391-3-1-.02(2)(1)	do	do	Do.
Jenkins County Gin Co., Inc., Cotton Gin Permit No. 0724-062-908-T.	Millen	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
Johnson Concrete Co., Ready-Mix Concrete Plant Permit No. 3273-126-706-T.	Griffin	391-3-1-.02(2)(N)	do	do	Jan. 4, 1974
Keadle Bros. Lumber Co., Conical Burner Permit No. 2421-101-1494-T.	Camilla	391-3-1-.02(2)(1)	July 29, 1974	do	Dec. 31, 1974
Kennestone Hospital, Incinerator Permit No. 8061-033-1179-T.	Marietta	391-3-1-.02(2)(c)	do	do	July 15, 1974
Knight Bros. Lumber Co., Inc., Conical Burner Permit No. 2421-143-1514-T.	Jeffersonville	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
Lamb Bros. Lumber Co., Inc., Conical Burner Permit No. 2421-81-1492-T.	Wrens	391-3-1-.02(2)(l)	do	do	Do.
Leslie Peanut & Gin Co., Inc., Cotton Gin Permit No. 0724-129-1232-T.	Leslie	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Leonard N. Lokey Manufacturing Co., Conical Burner Permit No. 2493-007-688-T.	Thomson	391-3-1-.02(2)(l)	Apr. 25, 1974	do	Apr. 12, 1974
Louisville Fertilizer & Gin Co., Cotton Gin Permit No. 0724-081-814-T.	Louisville	391-3-1-.02(2)(q)	do	do	Sept. 1, 1974
McAvoy Wood Products Co., Inc., Conical Burner Permit No. 2511-157-1501-T.	Washington	391-3-1-.02(2)(1)	July 29, 1974	do	Dec. 31, 1974
McCay Gin & Warehouse, Cotton Gin Permit No. 0724-040-777-T.	Cordele	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Sept. 1, 1974
McGarity & Welch Gin Co., Cotton Gin Permit No. 0724-075-758-T.	McDonough	391-3-1-.02(2)(q)	do	do	Oct. 1, 1974
Macon County Gin Co., Inc., Cotton Gin Permit No. 0724-046-1042-T.	Byromville	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Macon County Gin Co., Inc., Cotton Gin Permit No. 0724-094-841-T.	Montezuma	391-3-1-.02(2)(q)	do	do	Do.

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GEORGIA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Cliff Martin Gin Co., Inc., Cotton Gin Permit No. 0724-061-1273-T.	Wrens	391-3-1-.02(2)(q)	July 29, 1974	do	Do.
Meadows & Thomas, Inc., Cotton Gin Permit No. 0724-138-1243-T.	Lyons	391-3-1-.02(2)(q)	do	do	Do.
Millen Fertilizer Co. (Millen Gin), Cotton Gin Permit No. 0724-062-1194-T.	Millen	391-3-1-.02(2)(q)	do	do	Do.
Mobley Lumber Co., Inc., Conical Burner Permit No. 2421-124-1403-T.	Sylvania	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
Monroe County Hospital, Incinerator Permit No. 8061-102-1165-T.	Forsyth	391-3-1-.02(2)(c)	do	do	June 21, 1975
Hubert Moore Lumber Co., Open Burning Permit No. 2421-010-1001-T.	Alapaha	391-3-1-.02(5)(a)	Apr. 25, 1974	do	Jan. 1, 1975
Pelham Phosphate Co.: Ammonium Thiosulfate Plant Permit No. 2871-101-1401-T.	Pelham	391-3-1-.02(2)-(N)(R).	July 29, 1974	do	June 15, 1974
Superphosphate Plant Permit No. 2871-101-1400-T.	do	391-3-1-.02(2)(N)(R).	do	do	Do.
Granular Fertilizer Plant Permit No. 2871-101-1399-T.	do	391-3-1-.02(2)(N)(R).	do	do	June 15, 1975
Plains Cotton Warehouse, Peanut Shelling and Cleaning Permit No. 5159-129-1487-T.	Plains	391-3-1-.02(2)(N)	do	do	Aug. 1, 1974
Planters Product Co., Conical Burner Permit No. 5159-125-1490-T.	Donalsonville	391-3-1-.02(2)(l)	do	do	Do.
Producers Gin Co., Cotton Gin Permit No. 0724-046-1183-T.	Pinehurst	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Producers Gin Service, Cotton Gin Permit No. 0724-150-1181-T.	Harrison	391-3-1-.02(2)(q)	do	do	Do.
Pulliam Lumber Co., Conical Burner Permit No. 2421-62-1508-T.	Mitchell	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
Riddle & Slack Lumber Co., Conical Burner Permit No. 2421-137-1517-T.	Tifton	391-3-1-.02(2)(l)	do	do	Do.
J. M. Rowland Gin, Cotton Gin Permit No. 0724-017-837-T.	Midville	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
St. Joseph Hospital, Incinerator Permit No. 8061-121-1408-T.	Augusta	391-3-1-.02(2)(c)	July 29, 1974	do	Oct. 20, 1974
Sasser Gin Co., Cotton Gin Permit No. 0724-135-622-T.	Sasser	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
Shingler Farm Service, Inc., Cotton Gin Permit No. 0724-159-1281-T.	Poulan	391-3-1-.02(2)(q)	July 29, 1974	do	Do.
H. E. Sims Lumber Co., Inc., Conica Burner Permit No. 2421-141-1511-T.	LaGrange	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
C. R. Simmons Warehouse, Cotton Gin Permit No. 0724-133-1175-T.	Reynolds	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
The Singer Co., Peanut Shelling and Cleaning Permit No. 5159-128-1486-T.	Lumpkin	391-3-1-.02(2)(N)	do	do	Aug. 1, 1974
Smith Gin Co., Cotton Gin Permit No. 0724-008-1020-T.	Adairsville	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
Smith Setzer & Sons of Georgia, Inc., Cement Storage Silos and Concrete Mixer Equipment Permit No. 3272-105-909-T.	Watkinsville	391-3-1-.02(2)(N)	do	do	Apr. 1, 1974
Murph Gin & Warehouse, Cotton Gin Permit No. 0724-004-1533-T.	Marshallville	391-3-1-.02(2)(q)	July 29, 1974	do	Aug. 15, 1974
Musella Gin & Cotton Co., Cotton Gin Permit No. 0724-039-1201-T.	Musella	391-3-1-.02(2)(q)	do	do	Do.
Myers Hardwood Co., Conical Burner Permit No. 2448-134-1507-T.	Lumber City	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
National Gypsum Co., Plaster and Gypsum Wallboard Plant Permit No. 2275-025-1315-T.	Garden City	391-3-1-.02(2)(e)	do	do	July 1, 1975
National Homes Manufacturing Co., Conical Burner Permit No. 2451-97-1502-T.	Thomson	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
Roy V. Noble Co., Cotton Gin Permit No. 0724-046-822-T.	Pinehurst	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
Roy V. Noble Co., Cotton Gin Permit No. 0724-046-821-T.	Vienna	391-3-1-.02(2)(q)	do	do	Do.
Nu-Knox, Inc., Conical Burner Permit No. 2421-97-1509-T.	Thomson	391-3-1-.02(2)(l)	July 29, 1974	do	Dec. 31, 1974
Peach County Hospital, Incinerator Permit No. 8061-111-1167-T.	Fort Valley	391-3-1-.02(2)(c)	July 29, 1974	do	July 1, 1974
Southeastern Brick Co., Brick Production Permit No. 3271-146-1226-T.	Waycross	391-3-1-.02(2)(N)	do	do	Sept. 30, 1974

GEORGIA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Southern States Phosphate & Fertilizer, Granular Fertilizer Manufacturing Plant and Normal Superphosphate Manufacturing Plant Permit No. 2871-025-1445-T.	Savannah	391-3-1-.02(2)(N)	do	do	Dec. 31, 197
Stapleton Gin Co., Cotton Gin Permit No. 0724-061-762-T.	Stapleton	391-3-1-.02(2)(q)	Apr. 25, 1974	do	Aug. 15, 1974
Sumner Construction Corp., Hot Mix Asphalt Plant Permit No. 2951-137-1041-T.	Tifton	391-3-1-.02(2)(k)	do	do	Do.
Swift Fertilizer, Granular Fertilizer Plant Permit No. 2871-047-1330-T.	Albany	391-3-1-.02(2)(N)	July 29, 1974	do	Dec. 31, 1974
Swift Chemical Co., Savannah Superphosphate and Granular Fertilizer Manufacturing Plant Permit No. 2871-025-1332-T.	Savannah	391-3-1-.02(2)(N)	do	do	Do.
Temple Gin Co., Cotton Gin Permit No. 0724-073-1185-T.	Hartwell	391-3-1-.02(2)(c)	do	do	Aug. 15, 1974
Tom's Foods, Ltd., Boiler Permit No. 2065-106-1346-T.	Columbus	391-3-1-.02(2)(d)	do	do	June 30, 1975
J. A. Thomas Gin, Cotton Gin Permit No. 0724-106-1152-T.	Farmington	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Town Creek Feed Mill, Feed Mill Permit No. 2048-026-1479-T.	Canton	391-3-1-.02(2)(N)	do	do	Jan. 31, 1975
Tom's Foods, Ltd., Bulk Sugar Railroad Car Unloading Permit No. 2065-106-1345-T.	Columbus	391-3-1-.02(2)(N)	do	do	Dec. 1, 1974
H. V. & T. G. Thompson Lumber Co., Inc., Conical Burner Permit No. 2421-103-1495-T.	Ailey	391-3-1-.02(2)(l)	do	do	Dec. 31, 1974
Trapnell Gin Co., Cotton Gin Permit No. 0724-021-1162-T.	Metter	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
Tugalo Construction Co., Inc., Hot Mix Asphalt Plant Permit No. 2951-127-1012-T.	Toccoa	391-3-1-.02(2)(k)	Apr. 25, 1974	do	Do.
Turner County Hospital, Incinerator Permit No. 8061-142-873-T.	Ashburn	391-3-1-.02(2)(c)	do	do	Jan. 1, 1975
Twiggs Gin Co., Inc., Cotton Gin Permit No. 0724-143-874-T.	Jeffersonville	391-3-1-.02(2)(q)	do	do	Aug. 15, 1974
USS Agri-Chemicals, Division of U.S. Steel Corp., Granular and Superphosphate Fertilizer Manufacturing Plant Permit No. 2871-106-1317-T.	Columbus	391-3-1-.02(2)(N)	July 29, 1974	do	Dec. 31, 1974
N. A. West Block Co., Inc., Cement Silo and Boiler Permit No. 3271-061-876-T.	East Ellijay	391-3-1-.02(2)(N)	Apr. 25, 1974	do	June 30, 1974
Pearson Mills, Conical Burner Permit No. 2421-111-907-T.	Fort Valley	391-3-1-.02(2)(l)	do	do	Apr. 30, 1974

[FR Doc.75-1867 Filed 1-21-75;8:45 am]

[FRL 309-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On March 19, 1974 (39 FR 10277), the Administrator announced that the Kentucky implementation plan had been resubmitted for the Agency's approval on December 5, 1973, following a decision of the U.S. Court of Appeals for the Sixth Circuit vacating the Administrator's original approval (37 FR 10842). Included as part of the resubmitted plan were a number of compliance schedules. On August 15 (39 FR 29357) the Administrator approved the Kentucky plan, noting that his earlier disapproval (38 FR 16144) of its compliance schedule portion would remain in effect until all the requirements of 40 CFR Part 51 pertaining to compliance schedules had been satisfied.

The compliance schedules submitted by Kentucky with its resubmitted plan were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, notice of hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the Kentucky implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on August 27, 1974 (39 FR 30942). Copies were made available for public inspection at the Agency's Region IV office in Atlanta; at the office of the Kentucky Division of Air Pollution Control in Frankfort; and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Kentucky Department for Natural Resources and Environmental Protection and the Jefferson County Air Pollution Control District provided information on a number of schedules which had been changed since the Administrator's proposal of August 27, 1974. Those for which final compliance dates had been extended have been deleted from the listing given below. Also, a number of minor corrections have been made in the listing.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, NE.
Atlanta, Georgia 30309

Division of Air Pollution
Kentucky Department for Natural Resources and Environmental Protection
311 E. Main Street
Frankfort, Kentucky 40601

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW.
Washington, D.C. 20460

Also, the Jefferson County schedules may be examined at the office of Air Pollution Control District of Jefferson County, 400 Reynolds Building, 2500 S. Third Street, Louisville, Kentucky 40208.

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State and

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local law in the Commonwealth of Kentucky and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter 1, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

Section 52.927 is amended by adding paragraph (c) as follows:

§ 52.927 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, except in the case of Jefferson County schedules, for which the regulations cited are those of the local air pollution control agency.

Source	Regulation involved	Date of adoption	Effective date	Final compliance date
JEFFERSON COUNTY*				
Brown & Williamson Tobacco Corp.: Tobacco manufacturing equipment.	3.2.1	Feb. 6, 1973	Immediately	July 25, 1973
Celanese Coating Co., Jones Dabney Division: Paint manufacturing equipment.	5.0	do	do	Apr. 19, 1975
	5.5	do	do	Do.
E. I. Dupont de Nemours & Co.: Boilers and process	3.1.1	Feb. 12, 1973	do	Apr. 1, 1975
	3.1.3	do	do	Do.
	4.0.1, 3.2	do	do	Do.
	5.0, 5.5	do	do	Do.
Ford Motor Co., Louisville Assembly Plant:				
Coal-fired boilers	3.1, 3.1.3	Feb. 12, 1973	do	Apr. 19, 1975
Paint spray booths	4.0, 5.5.2	do	do	Do.
Paint bake ovens	5.5.1	do	do	Do.
General Electric Co.:				
Coal-fired boilers	3.1, 3.1.3	do	do	Aug. 31, 1974
Zinc melting furnace	3.0, 3.2	do	do	Do.
Incinerator	4.0, 5.5	do	do	Do.
B. F. Goodrich Chemical Co.:				
Coal-fired boilers	3.1	Feb. 12, 1973	do	Apr. 19, 1975
Process operations	4.0	do	do	Do.
	3.2	do	do	Do.
	5.0	do	do	Do.
Louisville Refinery, Ashland Oil, Inc.; Hydrocarbon storage and refining.	5.0, 5.1	do	do	Mar. 15, 1975
	5.2, 5.3	do	do	Do.
	5.4, 5.5	do	do	Do.
Ralston Purina soybean plant: grain handling	3.2	do	do	Jan. 15, 1974
Robm and Hass Kentucky, Inc.: Coal-fired boilers	3.1	do	do	Apr. 19, 1975
	4.0	do	do	Do.
	3.2	do	do	Do.
Standard Oil Co.: Storage and loading of hydrocarbons	5.0	do	do	Nov. 30, 1974
Sun Oil Co.: Gasoline storage loading rack	5.1.1	do	do	Apr. 10, 1975
	5.0.1	do	do	Do.
Henry Vogt Machine Co. boiler plant: Coal fired boilers	3.1	Mar. 12, 1974	do	Sept. 17, 1974
	4.0	do	do	Do.
Anaconda Aluminum Co., Robards Lane plant, Aluminum container manufacturing.	3.2	Feb. 12, 1973	do	Jan. 31, 1974
Anaconda Aluminum Co., 1430 South 13th St.: Aluminum foil rolling.	5.5	do	do	Do.
Anaconda Aluminum Co., 1225 West Burnett St.: Aluminum foil coating.	5.5	do	do	Apr. 19, 1975
Atlantic Richfield Products: Gasoline storage tanks	5.0.1	do	do	Jan. 31, 1975
	5.1.1			
Office of the Mayor, City Hall, Louisville, Ky.: Incinerator.	3.0.1	do	do	Apr. 15, 1975
Fawcett Printing Corp.: Printing process	5.5.1	do	do	Apr. 19, 1975
	5.5.2	do	do	Do.
	5.5.3	do	do	Do.
Gulf Oil Co.: Gasoline storage	5.0	do	do	Do.
	5.1	do	do	Do.
Reliance Universal, Inc.: Paint manufacturing	3.2	do	do	Do.
	5.5	do	do	Do.
H. J. Scheirich Co.:				
Paint spray	5.5.2	do	do	Do.
Wood-fired boilers	3.1	do	do	Do.
Naval Ordinance Station:				
Metal pickling	3.2	do	do	Apr. 19, 1975
Metal cleaning	5.5	do	do	Do.
Metal polishing				
Metal painting				
Wood Mosaic: Wood veneering	3.2	Mar. 12, 1973	Immediately	Jan. 1, 1975
Blue Grass Cooperage: Woodworking	3.2.2	Mar. 14, 1973	do	Apr. 19, 1975
Diamond-Kosmos, Cement Division: Portland cement	3.2.1.1	Mar. 14, 1975	do	Do.
Gamble Brothers, Inc.: Woodworking	3.2.2	Mar. 14, 1973	do	July 16, 1973
International Harvester:				
Induction furnace	3.2.2	do	do	Dec. 31, 1974
Machine shop	3.2.2	do	do	Do.
Porter Paint Co.: Paint manufacturing	3.2.2	do	do	Mar. 30, 1975
	5.5.2	do	do	Do.
Airco Carbide Division:				
Carbide furnace	3.2	May 9, 1973	do	Feb. 28, 1975
Dry acetylene generator	3.3	do	do	Do.

Source	Regulation involved	Date of adoption	Effective date	Final compliance date
JEFFERSON COUNTY—Continued				
Louisville Medical Center: Boiler plant	3.1	do	do	Dec. 1, 1974
	4.0	do	do	Do.
Louisville and Nashville railroad repair shops	3.2	do	do	Apr. 1, 1975
	3.3	do	do	Do.
	5.5	do	do	Do.
Central Hospital; Powerplant	3.1	June 20, 1973	do	Jan. 31, 1975
	4.0	do	do	Do.
Hazelwood Hospital; Powerplant	3.1	do	do	Do.
	4.0	do	do	Do.
B. F. Goodrich Chemical Co.; Three coal-fired boilers	3.1.1	July 11, 1975	do	Apr. 19, 1975
	3.1.3	do	do	Do.
Brown-Forman Distillers Corp.; Boiler	3.1, 5.5	Aug. 8, 1973	do	Apr. 19, 1975
	4.0, 7.0	do	do	Do.
Texaco, Inc.; Storage tanks	5.0.2	Mar. 12, 1973	do	Jan. 31, 1974
ADAIR COUNTY				
Gibson Lumber Co.:				
Sawdust	AP-3	Aug. 7, 1973	Immediately	Oct. 17, 1973
Haul road	AP-3	do	do	Do.
Chipper	AP-3	do	do	Do.
Debarker	AP-3	do	do	Do.
City Supply Co.: Cement silo	AP-3	Oct. 1, 1973	do	May 30, 1974
Morrison Lumber Co.:				
Sawdust blower	AP-3	Oct. 4, 1973	do	Jan. 1, 1974
Workyard	AP-3	do	do	Sept. 18, 1973
Barnes Milling Co.:				
Receiving area	AP-3	June 15, 1973	do	Apr. 1, 1974
Cyclone separator and bulk loadout	AP-3	do	do	Do.
Day and Day feed mill: Cyclone dust collector	AP-3	June 13, 1973	do	Dec. 31, 1973
M. & W. Milling Co.: Cyclone dust collector	AP-3	do	do	Oct. 30, 1973
Neal Lumber Co.:				
Sawmill	AP-3	Sept. 28, 1973	do	Oct. 1, 1973
Workyard	AP-3	do	do	Sept. 1, 1973
ALLEN COUNTY				
Scottsville Ready Mix:				
Cement silo	AP-3	July 2, 1973	Immediately	Sept. 1, 1973
Stone bin	AP-3	do	do	Aug. 6, 1973
Batcher	AP-3	do	do	Do.
ANDERSON COUNTY				
Austin, Nichols Distilling Co., Inc.:				
Drying of stillage	AP-3	June 15, 1973	Immediately	Dec. 31, 1974
Grain mill	AP-3	do	do	Do.
Hoffman Distilling Co.: Indirect heat exchange	AP-3	do	do	June 1, 1974
BALLARD COUNTY				
Sippi Product Co.:				
Kilns	AP-9	Oct. 26, 1973	Immediately	Jan. 15, 1975
Mixer vent	AP-3	do	do	Jan. 15, 1974
BARREN COUNTY				
Supreme Mills, Inc.:				
Pellet cooler	AP-3	Oct. 3, 1973	Immediately	April 1, 1974
Grain cleaner	AP-3	do	do	Do.
Monroe Bros. Feed Mill: Cyclone exit	AP-3	July 10, 1973	do	Aug. 1, 1974
BELL COUNTY				
Cumberland Gap Corp.:				
Debarker	AP-3	May 29, 1973	Immediately	Jan. 1, 1974
Cyclone #2	AP-3	do	do	Do.
Cyclone #3	AP-3	do	do	Do.
Cyclone at railroad car	AP-3	do	do	Do.
Vibrator screen	AP-3	do	do	Do.
Haul roads	AP-3	do	do	May 1, 1974
Arthur Asher Co.:				
Burning of sawdust	AP-3	Sept. 28, 1973	do	Do.
Log and lumber yards	AP-3	do	do	Aug. 1, 1973
Bell Concrete Industries:				
Storage bin	AP-3	July 2, 1973	do	Oct. 1, 1973
Stock pile	AP-3	do	do	Do.
Batch hopper	AP-3	do	do	Do.
Truck loading	AP-3	do	do	Do.
Cement silo	AP-3	do	do	Do.
Haul roads	AP-3	do	do	April 6, 1973
Tenn-Flake of Middlesboro:				
Boiler	AP-3	June 15, 1973	do	Nov. 15, 1973
High press system	AP-3	do	do	Dec. 1, 1973
Unloading station	AP-3	do	do	Jan. 15, 1974
Cone and face dryers	AP-3	do	do	April 1, 1974
Yard area	AP-3	do	do	May 31, 1973
Transfer tower enc	AP-3	do	do	Aug. 30, 1973
Fuel bin cyclone	AP-3	do	do	Oct. 15, 1973

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
BOONE COUNTY					
American Sign & Advertising Service, Inc.:					
Degreaser		AP-5	Sept. 28, 1973	Immediately	April 1, 1974
Paint booths		AP-5	do	do	June 1, 1974
Bi-Coun Farm Bureau: Cyclone collector		AP-3	Oct. 3, 1973	do	Mar. 15, 1974
BOURBON COUNTY					
Department of Health, Division of Tuberculosis, Control District #3 Tuberculosis hospital:					
Incinerator		AP-3	Aug. 6, 1973	Immediately	Sept. 1, 1974
Coal-fired boilers		AP-3	do	do	Mar. 1, 1975
BOYD COUNTY					
Herne Block & Building Supply Co., Inc.: Cement silo vent.		AP-3	Oct. 2, 1973	Immediately	Dec. 1, 1973
Middles States Building Supplies Co.:					
Aggregate piles		AP-3	June 8, 1973	do	Aug. 1, 1973
Batching plant		AP-3	do	do	Do.
Cement bin		AP-3	do	do	Do.
BOYLE COUNTY					
Concrete Materials Corp. Re: Danville facility cement silo stack.		AP-3	Aug. 6, 1973	Immediately	Nov. 1, 1973
Boyle Block Co.: Cement storage bin		AP-3	Oct. 1, 1973	do	Dec. 31, 1973
Genesco, Inc.:		AP-3	Oct. 4, 1973	do	Mar. 1, 1974
Dye spray		AP-3	do	do	Do.
Vinyl sawing		AP-3	do	do	Do.
Sole trimmer					
BREATHITT COUNTY					
Breathitt County Coal Corp.:					
Haul road		AP-3	Oct. 1, 1973	Immediately	Dec. 31, 1973
Truck dump		AP-3	do	do	Do.
Crusher		AP-3	do	do	Do.
Stockpile		AP-3	do	do	Do.
Big Sandy Ready Mix Concrete, Inc.:					
Cement silo vent		AP-3	June 12, 1973	do	Do.
Cement weigh hopper		AP-3	do	do	Do.
Truck loading		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
BRECKINRIDGE COUNTY					
Community Milling Co.:					
Dump area		AP-3	June 12, 1973	Immediately	Jan. 15, 1974
Cyclone exit		AP-3	do	do	Do.
BULLITT COUNTY					
M. E. Washington Ready-Mix Concrete:					
Cement silo		AP-3	Oct. 3, 1973	Immediately	May 3, 1974
Truck loading hopper		AP-3	do	do	Do.
Cyclone Store: Cement silo vent		AP-3	June 15, 1973	do	May 20, 1973
BUTLER COUNTY					
Morgantown feed mill: Grain dryer and cyclone exit		AP-3	July 25, 1973	Immediately	Oct. 30, 1973
CALDWELL COUNTY					
Princeton Mills, Inc.:					
Unloading and loading points		AP-3	June 15, 1973	Immediately	May 1, 1973
Hammermill and cyclone		AP-3	do	do	Aug. 9, 1973
CALLOWAY COUNTY					
Fitts Block & Ready Mix Co., Inc.:					
Cement silo vent		AP-3	June 15, 1973	Immediately	Dec. 30, 1973
Batch discharge		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Aggregate handling		AP-3	do	do	Do.
CAMPBELL COUNTY					
Hall Concrete Products Inc.: Cement silo		AP-3	Oct. 4, 1973	Immediately	Apr. 1, 1974
Kent Division of LCA Corp.: 01 and 02 baking ovens		AP-5	Sept. 28, 1973	do	Nov. 1, 1974
Reliance Universal Inc.:					
Cement silo		AP-3	Oct. 23, 1973	do	Mar. 1, 1974
Haul roads		AP-3	do	do	Dec. 31, 1973
The Ceramic Coating Co.:					
Sign furnace		AP-3	Sept. 28, 1973	do	Dec. 1, 1974
Large vellel furnace		AP-3	do	do	Do.

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CAMPBELL COUNTY—continued					
Scheper Woodwork, Inc.: Cyclone exhaust		AP-3	Oct. 19, 1973	do	June 1, 1974
Big Sandy Ready-Mix Concrete, Inc.:					
Cement silo vent		AP-3	June 12, 1973	do	Dec. 31, 1973
Cement weigh hopper		AP-3	do	do	Do.
Truck loading		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Perry & Derrick Paint Co.: Scale house		AP-5	June 13, 1973	do	Aug. 1, 1973
CARTER COUNTY					
Grahn-Industrial Pallet: Sawdust blowpipe		AP-3	Sept. 28, 1973	Immediately	Jan. 30, 1974
U.S. 60 Concrete:					
Aggregate piles		AP-3	June 18, 1973	do	Aug. 1, 1973
Batching plant		AP-3	do	do	Do.
Cement bin		AP-3	do	do	Do.
CASEY COUNTY					
Casey County Farm Supply: Cyclone dust collector		AP-3	June 12, 1973	Immediately	Oct. 30, 1973
CHRISTIAN COUNTY					
Dalton Bros. Brick: Scove kilns		AP-3	Sept. 8, 1973	Immediately	Aug. 1, 1974
Kirkpatrick Concrete & Supply Co.:					
Weigh hopper		AP-3	Oct. 3, 1973	do	Dec. 30, 1973
Cement silo		AP-3	do	do	Do.
Aggregate handling and stockpiles		AP-3	do	do	Do.
Thomas Industries: Koulene stripper		AP-3	Sept. 28, 1973	do	Oct. 1, 1974
CLARK COUNTY					
Bundy Tubing, Division of Bundy Corp.: Incinerator		AP-3	Sept. 28, 1973	Immediately	Apr. 1, 1974
Concrete Materials Corp., Winchester, Ky.: Cement silo stack.		AP-3	June 12, 1973	do	Nov. 1, 1973
The Freeman Corp.:					
Teepee (veneer mill)		AP-3	June 15, 1973	do	July 1, 1973
Chipper (veneer mill)		AP-3	do	do	July 31, 1973
Teepee (sawmill)		AP-3	do	do	Aug. 15, 1974
Road and yard		AP-3	do	do	May 15, 1973
CLAY COUNTY					
London-Clay Ready-Mix Inc.:					
Cement silo		AP-3	June 13, 1973	Immediately	May 30, 1973
Mixer truck		AP-3	do	do	Do.
Shamrock Coal Co.: Haul road		AP-3	June 15, 1973	do	May 31, 1973
CRITTENDEN COUNTY					
Turner & Conyer Lumber Co., Inc.:					
Cyclone on chipper		AP-3	June 15, 1973	Immediately	Jan. 31, 1974
Sawdust exhaust		AP-3	do	do	Do.
CUMBERLAND COUNTY					
Farmers Feed Mill: Cyclone dust collector		AP-3	June 12, 1973	Immediately	Sept. 30, 1973
DAVIESS COUNTY					
Kentucky Concrete Pipe Co.:					
Cement bin		AP-3	Oct 1, 1973	Immediately	Feb. 1, 1974
Batcher		AP-3	do	do	Do.
Do		AP-3	do	do	Do.
Do		AP-3	do	do	Do.
Mixer		AP-3	do	do	Do.
Do		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Mixer		AP-3	do	do	Do.
Owensboro Precast Concrete:					
Dryer		AP-3	do	do	May 30, 1974
Cement silo		AP-3	do	do	Do.
Anglo Sweet Feed Mills, Inc.:					
Cyclone exit		AP-3	June 28, 1973	do	Dec. 30, 1973
Receiving pit		AP-3	do	do	Do.
Bulk loadout		AP-3	do	do	Do.
Can-Tex Industries, Division of Harsco Corp.:					
Exhaust dust from plant building		AP-3	June 29, 1973	do	Oct. 1, 1974
Fugitive dust		AP-3	do	do	Jan. 1, 1974
Exhaust from periodic kilns		AP-9	do	do	Oct. 1, 1974
Green Coal Co.:					
Boilers		AP-3, 4	July 2, 1973	do	Oct. 1, 1973
Dump hopper		AP-3	do	do	Do.
Preparation building		AP-3	do	do	Do.
Ben F. Medley & Co., Kentucky Distillers, Ltd.:					
Grain handling facility 3, 4, 5		AP-3	June 15, 1973	do	Jan. 31, 1974
Coal-fired boiler		AP-3	do	do	Do.

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DAVIESS COUNTY—continued					
Mullican Feed Mill, Inc.:					
Truck dump		AP-3	do	do	Feb. 30, 1974
Cyclone dust collector		AP-3	do	do	Nov. 30, 1973
Cyclone dust collector (seed cleaner)		AP-3	do	do	Do.
Overhead loadout bin		AP-3	do	do	Mar. 30, 1973
Truck loadout, spout		AP-3	do	do	May 31, 1973
Overhead loadout bin		AP-3	do	do	Do.
Bulk feed station, loadout spout		AP-3	do	do	Do.
ESTILL COUNTY					
Concrete Materials Corp.: Cement silo		AP-3	July 26, 1973	Immediately	Nov. 1, 1973
FAYETTE COUNTY					
Featherlite Pre-Cast Corp.: Cement silo		AP-3	Oct. 5, 1973	Immediately	Dec. 1, 1973
Kentucky Concrete Pipe Co.: Cement silo		AP-3	Oct. 1, 1973	do	Feb. 1, 1974
Perry Lumber Co.: Cyclone emission from pallet manufacturing.		AP-3	Oct. 4, 1973	do	Aug. 4, 1974
Southwestern Tobacco Co.:					
Powerplant		AP-3	do	do	Dec. 31, 1973
Drying		AP-3	do	do	Oct. 1, 1974
University of Kentucky:					
Incinerator		AP-3	June 12, 1973	do	Do.
Boilers Nos. 1 and 2		AP-3	do	do	Nov. 1, 1973
FLOYD COUNTY					
Big Sandy Ready Mix Concrete, Inc.:					
Conveyor		AP-3	Sept. 28, 1973	Immediately	Mar. 30, 1974
Cement silo		AP-3	do	do	Do.
Stock piles		AP-3	do	do	Do.
Big Sandy Ready Mix Concrete, Inc.:					
Cement silo vent		AP-3	June 12, 1973	do	Dec. 31, 1973
Cement weigh hopper		AP-3	do	do	Do.
Truck loading		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Kentucky Hydrocarbon Co.: Incinerator		AP-3	Sept. 28, 1973	do	Oct. 1, 1973
FRANKLIN COUNTY					
City of Frankfort municipal incinerator: Incinerator		AP-3	June 15, 1973	Immediately	Aug. 1, 1973
Kentucky State University: Coal-fired boilers		AP-3	June 12, 1973	do	Sept. 1, 1974
National Distillers Production Co.:					
Boilers		AP-3	June 15, 1973	do	Apr. 9, 1975
Cyclone		AP-3	do	do	June 1, 1974
21 Brands, Inc.: Boilers		AP-3	do	do	July 1, 1974
FULTON COUNTY					
Lattus Ready Mix:					
Aggregate piles		AP-3	May 24, 1973	Immediately	Apr. 4, 1973
Cement silo		AP-3	do	do	July 4, 1973
Truck loading point		AP-3	do	do	Do.
GALLATIN COUNTY					
Gallatin County Farm Supply: Cyclone collector		AP-3	Oct. 1, 1973	Immediately	Jan. 1, 1974
GRANT COUNTY					
Grant County Concrete Co., Inc.:					
Cement silo vent		AP-3	June 13, 1973	Immediately	Apr. 3, 1973
Cement hopper		AP-3	do	do	Do.
Truck loadout		AP-3	do	do	June 3, 1973
Do		AP-3	do	do	Do.
GRAVES COUNTY					
Kentucky-Tennessee Clay Co.: Rotary dryer		AP-3	June 15, 1973	Immediately	June 1, 1973
Farmington Sweet Feed Mill: Hammermill and cyclone		AP-3	June 12, 1973	do	Nov. 3, 1973
Goodman & Sons Lumber Co.:					
Main saw and edger		AP-3	Oct. 1, 1973	do	July 1, 1974
Blowpipe exhaust		AP-3	do	do	Do.
Rhodes Feed & Supply: Cyclone on hammermill		AP-3	June 15, 1973	do	Sept. 3, 1973
Mayfield Milling Co.:					
Air loader (boxcars)		AP-3	do	do	Oct. 1, 1973
Belt loader		AP-3	do	do	Do.
Spout loaders		AP-3	do	do	Do.
Truck dump points		AP-3	do	do	Do.
Grain dryer		AP-3	do	do	Do.

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GRAVES COUNTY—continued					
Mayfield Sweet Feed Mill, Inc.:					
Cyclone on hammermill		AP-3	do	do	Dec. 1, 1973
Dryer (grain)		AP-3	do	do	June 1, 1974
GRAYSON COUNTY					
Koppers Co., Inc.:					
Debarker		AP-3	Oct. 1, 1973	Immediately	Jan. 1, 1974
Chipper		AP-3	do	do	Do.
Leitchfield Concrete Products, Inc.: Cement silo		AP-3	June 15, 1973	do	Nov. 15, 1973
Cannyville Roller Mill:					
Cyclone		AP-3	do	do	Jan. 15, 1974
Unloading area		AP-3	do	do	Nov. 1, 1973
Bulk loadout		AP-3	do	do	Do.
GREEN COUNTY					
Green County Milling Co.: Cyclone dust collectors		AP-3	June 12, 1973	Immediately	Sept. 30, 1973
Greensburg Manufacturing Co.:					
Boiler house cyclone, mfg. bldg. cyclone, truck loading cyclone		AP-3	May 28, 1973	do	Jan. 31, 1975
Boiler (wood)		AP-3	May 28, 1972	do	Do.
GREENUP COUNTY					
E. I. DuPont de Nemours & Co., Inc.: Sulfuric acid plant.		AP-3	June 15, 1973	Immediately	May 1, 1974
Shepherd Lumber Co.:					
Sawdust blowpipe		AP-3	Oct. 22, 1973	do	Oct. 1, 1973
Haul roads		AP-3	do	do	Oct. 1, 1973
Russell Readi Mix Corp.:					
Aggregate piles		AP-3	June 8, 1973	do	Aug. 1, 1973
Batching plant		AP-3	do	do	Do.
Cement bin		AP-3	do	do	Do.
Chesapeake & Ohio Railway Co.: Boiler		AP-3	Aug. 1, 1973	do	April 9, 1975
HANCOCK COUNTY					
Young's Feed & Grain: Cyclone exit		AP-3	Sept. 28, 1973	Immediately	Dec. 30, 1974
National Southwire Aluminum Co.:					
Air control stack		AP-3	June 12, 1973	do	Dec. 1, 1974
Carbon bake stack		AP-3	do	do	Apr. 1, 1975
HARDIN COUNTY					
Elizabethtown Ready Mix Concrete Co.:					
Cement vent		AP-3	June 6, 1973	Immediately	May 3, 1974
Cement silo vent		AP-3	do	do	Do.
Weigh hopper		AP-3	do	do	June 3, 1974
Truck loading hopper		AP-3	do	do	Sept. 3, 1973
Haul road		AP-3	June 3, 1973	do	June 3, 1973
Dow Corning Corp.: Sealant base mixing		AP-3	June 15, 1973	do	Jan. 1, 1974
Diecks Concrete Block Co., Inc.:					
Cement silo		AP-3	Oct. 26, 1973	do	May 15, 1974
Haul roads		AP-3	do	do	Oct. 15, 1973
Crucible Inc., Magnet Division:					
Powder iron mixing		AP-3	June 15, 1973	do	Aug. 15, 1973
Vinyl chloride coating system		AP-3	do	do	May 15, 1973
Mean and brake oven		AP-3	do	do	Do.
Tower oven		AP-3	do	do	Jan. 1, 1975
HARRISON COUNTY					
Joseph E. Seagram & Sons, Inc.: Coal-fired boilers		AP-3	July 27, 1973	Immediately	Jan. 1, 1975
HARLAN COUNTY					
Dixie Fuel Co.: Stockpile		AP-3	Oct. 2, 1973	Immediately	Dec. 1, 1973
Grays Knob Coal Co.:					
Main stockpile		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Harlan Fuel Co.:					
Stockpile		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Gaines Lumber Co.:					
Wasteburner		AP-3	June 15, 1973	do	Oct. 1, 1973
Haul roads		AP-3	do	do	Apr. 5, 1973
Harlan Ready Mix Concrete Co.:					
Stockpile		AP-3	June 12, 1973	do	Do.
Weigh bin		AP-3	do	do	Do.
Loadout shoot		AP-3	do	do	Oct. 1, 1973
Cement silo		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Apr. 5, 1973

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HART COUNTY					
Mundfordville Milling Co.: Cyclone exhaust		AP-3	June 15, 1973	Immediately	Jan. 1, 1974
Square Deal Lumber Co.:					
Concrete batch		AP-3	June 12, 1973	do	June 15, 1973
Haul roads		AP-3	do	do	Do.
Pascal Feed Co.: Cyclone dust collector		AP-3	June 13, 1973	do	Oct. 30, 1973
Horse Cave Feed Mill:					
Cyclone exit		AP-3	July 2, 1973	do	Dec. 30, 1973
Receiving pit		AP-3	do	do	Do.
Bulk loadout		AP-3	do	do	Do.
HENDERSON COUNTY					
The Osborn Manufacturing Co.:					
Boiler		AP-3	Aug. 10, 1973	Immediately	Feb. 28, 1975
Spray booth		AP-3	do	do	Nov. 30, 1973
Katterjohn, Inc.:					
Spray paint booth		AP-3	Oct. 26, 1973	do	Oct. 1, 1973
Wood waste blow		AP-3	do	do	Aug. 1, 1974
Pipe discharge		AP-3	do	do	Do.
James C. Ellis Grain Co.:					
Truck dumps		AP-3	June 21, 1973	do	Apr. 1, 1975
Car load out		AP-3	do	do	Do.
Suction air cyclone		AP-3	do	do	Do.
Randolphs grain dryer, Hess grain dryer		AP-3	do	do	Do.
HOPKINS COUNTY					
Green River Clay Products: Gas-fired kiln		AP-3	June 12, 1973	Immediately	Oct. 1, 1974
Zeigler Coal Co.:					
Coal crusher		AP-3	June 15, 1973	do	Feb. 1, 1974
Belt transfer to stack		AP-3	do	do	Do.
Belt transfer to rail		AP-3	do	do	Do.
Yard area		AP-3	do	do	Dec. 31, 1973
JACKSON COUNTY					
McWhorter Stave Co.:					
Headsaw		AP-3	Sept. 28, 1973	Immediately	Sept. 1, 1973
Yard area		AP-3	do	do	July 18, 1973
JESSAMINE COUNTY					
Crouse Concrete & Builders Supply:					
Cement silo vent		AP-3	Oct. 1, 1973	Immediately	Dec. 30, 1973
Weigh hoppers		AP-3	do	do	Do.
Batch discharge		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Aggregate handling		AP-3	do	do	Do.
Stockpiles		AP-3	do	do	Do.
Wings Mixed Concrete Co., Inc.:					
Cement silo vent		AP-3	June 8, 1973	do	May 15, 1973
Rock dust		AP-3	do	do	July 15, 1973
Aggregates		AP-3	do	do	Do.
JOHNSON COUNTY					
Adams Construction Corp.: Asphalt plant		AP-3	June 15, 1973	Immediately	Dec. 30, 1973
KENTON COUNTY					
The Safeguard Corp.: 03, 04, 05 kapuk shredded foam systems.		AP-3	Oct. 1, 1973	Immediately	Dec. 1, 1974
KNOX COUNTY					
Ely Fuel Co.:					
Coal dumping		AP-3	Oct. 1, 1973	Immediately	Jan. 1, 1974
Coal crushing		AP-3	do	do	Do.
Coal conveyor		AP-3	do	do	Do.
Haul roads and coal storage		AP-3	do	do	Do.
Richland Coal Co.:					
Crushing and screening		AP-3	do	do	Feb. 1, 1974
Coal loading		AP-3	do	do	Do.
Patterson Lumber Co.:					
Debarker		AP-3	July 2, 1973	do	Oct. 1, 1973
Chip screen		AP-3	do	do	Do.
Haul roads		AP-3	do	do	May 1, 1978

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LARUE COUNTY					
Larue County Ready-Mix Inc.:					
Cement Silo Vent Weigh Hoppers		AP-3	June 12, 1973	Immediately	Dec. 30, 1973
Batch discharge		AP-3	do	do	Do.
Haul Roads		AP-3	do	do	Do.
Aggregate handling		AP-3	do	do	Do.
LAUREL COUNTY					
London Clay Ready Mix, Inc.:					
Truck loading		AP-3	July 26, 1973	Immediately	May 15, 1973
Cement silo		AP-3	do	do	July 15, 1973
LAWRENCE COUNTY					
Kentucky Power Co.:					
Boiler #1		AP-3	June 15, 1973	Immediately	Dec. 31, 1973
Boiler #2		AP-3	do	do	June 30, 1973
LEE COUNTY					
Beattyville Concrete Block Co., Inc.: Cement silo		AP-3	June 12, 1973	Immediately	Oct. 30, 1973
LETCHER COUNTY					
Beth-Elkhorn Coal Corp.:					
Thermal dryer		AP-3	June 11, 1973	Immediately	Apr. 29, 1974
Horizontal fire tube boiler		AP-3, 4	do	do	Do.
Green & Webb Lumber Co., Inc.:					
Teepee burner		AP-3	June 15, 1973	do	Sept. 1, 1973
Debarking		AP-3	do	do	June 3, 1973
Truck and railroad car loading		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Apr. 3, 1973
LEWIS COUNTY					
Moore & White Lumber Co., Inc.:					
Chipper		AP-3	June 15, 1973	Immediately	June 5, 1973
Teepee burner		AP-3	do	do	Jan. 5, 1974
Haul roads		AP-3	do	do	May 5, 1973
LINCOLN COUNTY					
Standford Ready Mix: Cement silo vent		AP-3	June 8, 1973	Immediately	Apr. 30, 1973
LOGAN COUNTY					
Rockwell Manufacturing Co.:					
Melting furnace stack		AP-3	June 12, 1973	Immediately	Apr. 15, 1974
Incinerator		AP-3	do	do	Mar. 15, 1974
Kentucky Mills, Inc.:					
Chipper		AP-3	June 15, 1973	do	Dec. 15, 1973
Chipper at railroad car		AP-3	do	do	May 10, 1973
Stockpile		AP-3	do	do	Dec. 15, 1973
Sawdust blowpipe		AP-3	do	do	Do.
Lewisburg Roller Mills:					
Truck dump pit		AP-3	do	do	June 1, 1973
Hammer mill cyclone		AP-3	do	do	Apr. 1, 1974
MADISON COUNTY					
Builders Concrete Block Co., Inc.:					
Cement silo		AP-3	Oct. 1, 1973	Immediately	Dec. 31, 1973
Receiving hopper		AP-3	do	do	Dec. 1, 1973
Wyatt Supply Co.:					
Silo vent		AP-3	June 8, 1973	do	Aug. 15, 1973
Truck loadout		AP-3	do	do	Do.
Weight batcher to mixer		AP-3	do	do	Do.
Westinghouse Electric Corp.: Scrap crushing		AP-3	June 12, 1973	do	July 1973
Concrete Materials Corp.—Richmond facility: Cement silo stack		AP-3	do	do	Nov. 1, 1973
Concrete Materials Corp.—Berea facility:					
Cement silo stack		AP-3	do	do	Do.
Cement dump into trucks		AP-3	do	do	Apr. 15, 1973
MAGOFFIN COUNTY					
Ivyton Coal Co., Inc.:					
Dump area		AP-3	Oct. 1, 1973	Immediately	Feb. 1, 1974
Crusher		AP-3	do	do	Do.
Conveyor		AP-3	do	do	Do.

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MARION COUNTY				
Bourbon Cooperage Co.:				
Boilers	AP-3	Sept. 26, 1973	Immediately	Dec. 1, 1974
Collector	AP-3	do	do	Do.
Elizabethtown Ready Mix Concrete Co.:				
Cement silo vent	AP-3	June 12, 1973	do	May 3, 1974
Cement weigh hopper	AP-3	do	do	June 3, 1974
Truck loading hopper	AP-3	do	do	Aug. 3, 1973
Haul road	AP-3	do	do	June 3, 1973
MARSHALL COUNTY				
Long Concrete Co., Inc.: Cement silo vent	AP-3	June 6, 1973	Immediately	May 31, 1973
Boiler (coal)	AP-3	July 26, 1973	do	Sept. 1, 1974
G.A.F. Corp.:	AP-4	July 26, 1973	do	Apr. 1, 1978
Methylamine process	AP-9	do	do	Dec. 31, 1974
Birmingham Milling Co.: Cyclone	AP-3	June 12, 1973	do	Mar. 2, 1974
Terry Smith Concrete Products:				
Cement silo	AP-3	Oct. 3, 1973	do	Jan. 1, 1974
Batch mix	AP-3	do	do	Do.
Aggregate bins	AP-3	do	do	Do.
Haul roads	AP-3	do	do	Do.
B.F. Goodrich Chemical Co.:				
Process cleaning vents	AP-3	Oct. 9, 1973	do	Sept. 1, 1974
Steam boiler	AP-4	do	do	June 15, 1978
American Aniline & Extract Co.:				
Sodium methacrylate recovery system	AP-3	Oct. 19, 1973	do	Sept. 30, 1973
Do	AP-3	do	do	Apr. 30, 1974
MCCRACKEN COUNTY				
Sippi Products Co.: Gas-fired kiln	AP-9	Oct. 26, 1973	Immediately	Oct. 15, 1974
Long Block Co., Inc.:				
Weighing hopper	AP-3	Oct. 2, 1973	do	Jan. 1, 1974
Conveyor dumping aggregate storage	AP-3	do	do	Do.
Central States Veneers, Inc.:				
Yard and roads	AP-3	Sept. 28, 1973	do	Sept. 30, 1973
Debarking	AP-3	do	do	Do.
Sawdust discharge	AP-3	do	do	July 1, 1974
Chipper screen	AP-3	do	do	Sept. 30, 1973
MCLEAN COUNTY				
Green River Chair Co.:				
Boiler	AP-3	Aug. 6, 1973	Immediately	Nov. 18, 1974
Woodworking facility	AP-3	do	do	Mar. 1, 1975
Paint spray booths	AP-3	do	do	June 1, 1974
MEADE COUNTY				
Meade County Ready Mix Concrete:				
Truck loading point	AP-3	June 8, 1973	Immediately	May 1, 1973
Cement silo	AP-3	do	do	Jan. 15, 1974
Aggregates	AP-3	do	do	May 1, 1973
The Flintkote Co., Division Diamond-Kosmos Cement:				
Rock drill	AP-3	Oct. 6, 1973	do	Mar. 9, 1974
Crusher	AP-3	do	do	Sept. 9, 1973
MERCER COUNTY				
Harrodsburg Ready Mix Concrete Co., Inc.:				
Cement silo vent	AP-3	June 8, 1973	Immediately	May 14, 1973
Aggregate	AP-3	do	do	Do.
METCALFE COUNTY				
Dickerson Lumber Co.:				
Cyclone on teepee	AP-3	June 15, 1973	Immediately	Nov. 30, 1973
Teepee burner	AP-3	do	do	Do.
MONROE COUNTY				
Graham Pallet Co.:				
Dust house	AP-3	Oct. 4, 1973	Immediately	Dec. 1, 1973
Loading conveyor	AP-3	do	do	Aug. 16, 1973
Monroe Sweet Feed Mill:				
Cyclone exit	AP-3	June 15, 1973	do	Dec. 30, 1973
Receiving pit	AP-3	do	do	Do.
Bulk loadout	AP-3	do	do	Do.
MORGAN COUNTY				
Wells Ready Mix Concrete: Truck dump	AP-3	June 8, 1973	Immediately	Aug. 28, 1973

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
MUHLENBERG COUNTY					
Peabody Coal Co., River Queen Mine:					
Boilers		AP-3, 4	Oct. 5, 1973	Immediately	Oct. 15, 1974
Crusher		AP-3	do	do	Mar. 1, 1974
U & W Pallet Co., Inc.:					
Blowpipe exhaust		AP-3	Oct. 1, 1973	do	Jan. 31, 1974
Planner		AP-3	do	do	Do.
Notcher		AP-3	do	do	Jan. 31, 1974
Yard area haul roads		AP-3	do	do	Dec. 31, 1973
NELSON COUNTY					
D. B. Sutherland & Sons: Dust room collector		AP-3	June 22, 1973	Immediately	Sept. 30, 1973
Heaven Hill Distilleries Inc.: Grain cleaning and grain milling.		AP-3	June 12, 1973	do	Jan. 31, 1974
Bardstown Mills, Inc.:					
Cyclone exit		AP-3	June 13, 1973	do	Dec. 31, 1974
Receiving area		AP-3	do	do	Do.
Grain dryer		AP-3	do	do	Do.
Bardstown Ready-Mix Concrete Co.:					
Cement silo vent		AP-3	June 15, 1973	do	May 3, 1974
Weigh hopper		AP-3	do	do	Do.
Truck loading		AP-3	do	do	July 3, 1973
Haul road		AP-3	do	do	June 3, 1973
Joseph E. Seagram & Sons, Inc., Fairfield Plant: Coal-fired boiler.		AP-3	June 14, 1973	do	Jan. 1, 1975
Rose Construction Co., Inc.: Truck loading		AP-3	Oct. 1, 1973	do	Dec. 31, 1973
Ray A. Parrish & Sons:					
Cement silo		AP-3	do	do	June 1, 1974
Yard storage areas		AP-3	do	do	Aug. 1, 1973
OHIO COUNTY					
Dunaway Timber Co., Inc.:					
1, 2, and 3 cyclone exhaust		AP-3	Oct. 1, 1973	Immediately	Jan. 31, 1974
Yard work area		AP-3	do	do	Sept. 1, 1973
Ross Brothers Lumber Co.:					
Blower, saw		AP-3	June 15, 1973	do	May 15, 1973
Blower, chipper		AP-3	do	do	Do.
Debarker		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Young Manufacturing Co., Inc.:					
Incinerator		AP-3	do	do	June 30, 1973
Incinerator		AP-3	do	do	Do.
Cyclone I		AP-3	do	do	Do.
Cyclone II		AP-3	do	do	Jan. 1, 1974
Cyclone III		AP-3	do	do	Do.
125 hp boiler		AP-3, 4	do	do	Apr. 1, 1975
OLDHAM COUNTY					
Southern States Lagrange Corp.: Coal-fired boiler		AP-3	June 7, 1973	Immediately	Dec. 31, 1973
PENDLETON COUNTY					
Griffin Industries, Inc.: Rendering facility		AP-9	Oct. 4, 1973	Immediately	Feb. 1, 1974
Black River Mining Co.:					
Surface plant		AP-3	June 15, 1973	do	May 1, 1973
Lime kilns		AP-3	do	do	Apr. 3, 1973
Lime kiln		AP-3	do	do	June 15, 1973
Clyde S. Parker Ready Mix:					
Cement silo		AP-3	June 22, 1973	do	May 4, 1973
Cement loading hopper		AP-3	do	do	Do.
Aggregate loading belt		AP-3	do	do	Do.
PERRY COUNTY					
Blue Diamond Coal Co.:					
Conveyor belt discharge to ground storage		AP-3	June 11, 1973	Immediately	July 30, 1973
Conveyor belt discharge to ground storage—Lincoln		AP-3	do	do	Do.
Railroad car loading		AP-3	do	do	May 1, 1973
Truck haul roads		AP-3	do	do	May 15, 1973
Truck dump		AP-3	do	do	Aug. 31, 1973
R.O.M. bin #3 conveyor belt discharge		AP-3	do	do	Aug. 30, 1973
Railroad car shakeout		AP-3	do	do	Dec. 31, 1973
Blending bin belt discharge		AP-3	do	do	Nov. 30, 1973
Loadouts at blending belts		AP-3	do	do	June 31, 1973
Railroad car loading		AP-3	do	do	Nov. 30, 1973
Conveyor belt discharge to clean coal storage		AP-3	do	do	Do.
Loading rooms preparation plant		AP-3	do	do	May 18, 1973
Coal dryer		AP-3	do	do	Sept. 30, 1974
Preparation plant heating plant boiler		AP-3	do	do	Do.
Mine car dump		AP-3	do	do	Do.
Mine car dump preparation plant		AP-3	do	do	Dec. 31, 1973
Conveyor belt discharge baker branch		AP-3	do	do	July 30, 1973

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
PIKE COUNTY					
Caney Branch Coal Co., Inc.: Receiving hopper		AP-3	Oct. 2, 1973	Immediately	Mar. 1, 1974
Colley Block Co., Inc.: Cement silo vent		AP-3	Oct. 1, 1973	do	Do.
Double O Coal Co.: Coal Stockpile		AP-3	Oct. 2, 1973	do	Jan. 1, 1974
Kentucky Elkhorn Coals, Inc.:					
Truck Bin		AP-3	Oct. 1, 1973	do	May 30, 1974
Crusher		AP-3	do	do	Do.
Williamson Appalachian Regional Hosp.:					
Boilers		AP-3	June 11, 1973	do	Oct. 1, 1974
Incinerator		AP-3	do	do	Nov. 1, 1973
POWELL COUNTY					
H. B. Sipple Brick Co.:					
Kiln exhaust		AP-9	June 15, 1973	Immediately	Oct. 1, 1974
Grinding and screening operation		AP-3	do	do	Dec. 31, 1973
PULASKI COUNTY					
American Concrete Pumping Co.:					
Cement silo		AP-3	Oct. 3, 1973	Immediately	Mar. 14, 1974
Aggregate		AP-3	do	do	Do.
Mid State Antomotive Parts Rebuilders:					
Buffer and degreaser		AP-3	Sept. 28, 1973	do	Nov. 1, 1973
Paint booth		AP-3	do	do	Do.
Lear Siegler, Inc.: Incinerator		AP-3	do	do	Apr. 5, 1974
Ready Mix Concrete Co.:					
Cement Silo Weigh Hopper		AP-3	June 14, 1973	do	Dec. 30, 1973
Batch discharge		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.
Aggregate handling		AP-3	do	do	Do.
Cement silo vent		AP-3	do	do	Do.
Mixer		AP-3	do	do	Do.
Robinson Milling Co., Inc.:					
Cyclone dust collector			June 15, 1973	do	Dec. 31, 1973
Cyclone dust collector			do	do	June 30, 1974
Cyclone dust collector			do	do	Dec. 31, 1974
ROCKCASTLE COUNTY					
Farmers Feed & Supply:					
Cyclone exit		AP-3	Oct. 5, 1973	Immediately	May 1, 1974
Truck dump pit		AP-3	do	do	Dec. 30, 1973
Standford Ready Mix:					
Silo vent		AP-3	June 14, 1973	do	June 15, 1973
Stockpile		AP-3	do	do	May 31, 1973
Batch loadout		AP-3	do	do	Do.
ROWAN COUNTY					
B & W Pallet Co.: Sawdust blow pipe		AP-3	Sept. 28, 1973	Immediately	Jan. 30, 1973
Morehead State University: Boiler		AP-3	June 15, 1973	do	Sept. 1, 1973
Consolidated Ready Mix, Inc.: Cement silo			do	do	Dec. 30, 1973
J. C. Wells & Son, Inc.:					
Teepee burner		AP-3	do	do	Apr. 15, 1973
Haul roads		AP-3	do	do	Do.
White Lumber Co.:					
Teepee burner		AP-3	do	do	Apr. 1, 1974
Sawmill		AP-3	do	do	July 1, 1973
Haul roads		AP-3	do	do	May 1, 1973
RUSSELL COUNTY					
Russell Co. Feed Mill, Inc.: Cyclone dust collector		AP-3	June 15, 1973	Immediately	Dec. 31, 1973
Farmers Feed Mill: Cyclone dust collector		AP-3	June 15, 1973	do	Oct. 30, 1973
SCOTT COUNTY					
Nally & Gibson Georgetown Inc.:					
Cement silo		AP-3	Oct. 5, 1973	Immediately	Dec. 30, 1973
Cement batcher		AP-3	do	do	Do.
Truck loading point		AP-3	do	do	Do.
Aggregate bin		AP-3	do	do	Do.
SHELBY COUNTY					
Bagdad Roller Mills, Inc.: Tal plant		AP-3	June 14, 1973	Immediately	Apr. 9, 1975
Climax Mills, Inc.: Cyclone separator		AP-3	June 12, 1973	do	Apr. 1, 1974
SIMPSON COUNTY					
Hudsons Farm Service:					
Cyclone exit		AP-3	June 15, 1973	Immediately	Dec. 30, 1973
Receiving pit		AP-3	do	do	Nov. 30, 1973
Bulk loadout		AP-3	do	do	Do.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
SPENCER COUNTY					
Crescent Roller Mills Co., Inc.: Cyclone dust collector		AP-3	Oct. 3, 1973	Immediately	Feb. 1, 1974
TAYLOR COUNTY					
Whitney and Whitney Lumber Co.: Yard area		AP-3	Oct. 4, 1973	Immediately	Sept. 18, 1973
J. E. Bailey Wood Products: Yard area		AP-3	do	do	Do.
Taylor County Feed Co.: Cyclone dust collector			July 2, 1973	do	Nov. 30, 1973
Buckhorn Coal and Lumber Co.:					
Silo vent		AP-3	June 15, 1973	do	Oct. 30, 1973
Batch dump		AP-3	do	do	Do.
Campbellsville Milling Co.:					
Cyclone		AP-3	do	do	Sept. 30, 1973
Receiving and shipping		AP-3	do	do	Do.
TODD COUNTY					
Allensville Grain Co., Inc.:					
Grain unloading		AP-3	June 12, 1973	Immediately	Apr. 1, 1974
Grain dryer		AP-3	do	do	Apr. 4, 1975
TRIGG COUNTY					
Futrell Sawmill:					
Main saw and edger		AP-3	Oct. 1, 1973	Immediately	Jan. 31, 1974
Yard area		AP-3	do	do	July 26, 1973
UNION COUNTY					
Custom Feed Mills: Cyclone exit		AP-3	June 15, 1973	Immediately	Jan. 30, 1974
Morgan Concrete & Materials Co.:					
Cement silo		AP-3	June 12, 1973	do	Dec. 30, 1973
Batch discharge		AP-3	do	do	Do.
WARREN COUNTY					
Tri-County Stone Co.:					
Primary crusher		AP-3	June 6, 1973	Immediately	May 1, 1973
Hammer mill		AP-3	do	do	Do.
Lime pulverizer		AP-3	do	do	Do.
Colt Industries—Holley Carburetor Division: Incinerator.		AP-3	June 15, 1973	do	July 31, 1973
Dibrell-Ky., Inc.: Redrying		AP-9	Oct. 1, 1973	do	Dec. 1, 1974
Farmers Supply & Produce: Cyclone collector		AP-3	do	do	Mar. 1, 1974
Pan American Mills, Inc.:					
Receiving area		AP-3	July 2, 1973	do	Nov. 1, 1973
Hammermill cyclone		AP-3	do	do	Feb. 1, 1974
WASHINGTON COUNTY					
Hayden Mill & Grain		AP-3	July 17, 1973	Immediately	Sept. 30, 1973
Springfield Redrying Co.: Ordering exhaust		AP-9	Oct. 4, 1973	do	Oct. 1, 1974
WEBSTER COUNTY					
Sebree Feed & Grain Inc.:					
Truck receiving		AP-3	Oct. 4, 1973	Immediately	Oct. 30, 1973
Rail car loading		AP-3	do	do	Do.
Morgan Concrete & Materials:					
Cement silo weigh		AP-3	June 12, 1973	do	Dec. 30, 1973
Hopper, batch discharge		AP-3	do	do	Do.
WHITLEY COUNTY					
Kentucky Mills, Inc., of Williamsburg:					
Saw		AP-3	June 15, 1973	Immediately	June 1, 1973
Cyclone		AP-3	do	do	Do.
Pennington Ready-Mix Co.:					
Cement storage		AP-3	Oct. 1, 1973	do	Jan. 30, 1974
Truck loading		AP-3	do	do	Do.
Conveyors		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
WOODFORD COUNTY					
National Distillers Projects Co.:					
Boilers		AP-3	June 15, 1973	Immediately	Apr. 9, 1975
Cyclone		AP-3	do	do	June 1, 1974

*These compliance schedules were adopted pursuant to the Air Pollution Control Regulations of the Jefferson County Air Pollution Control District. The schedules are approved by the State of Kentucky Department for Natural Resources and Environmental Protection and are submitted in satisfaction of the currently applicable State regulation. They are enforceable by the State agency pursuant to the provisions of KRS 224.450(4).

[FR Doc.75-1868 Filed 1-21-75;8:45 am]

[FRL 311-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Mississippi: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On March 6 and August 9, 1973, pursuant to 40 CFR 51.6 the State of Mississippi submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of the plan. The compliance schedules submitted by Mississippi were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the Mississippi implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on August 13, 1974 (39 FR 28984). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, and at the office of the Mississippi Air and Water Pollution Control Commission in Jackson; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Mississippi Air and Water Pollution Control Commission at hearings on February 28, 1974, and December 16, 1974, considered modifications to a number of these compliance schedules and changed their final compliance dates. These sources have been deleted from the list of proposed schedules and will be proposed again at a later date. A number of other compliance schedules were found to contain errors and were also deleted. These schedules will be promulgated at a later date. The name of Meridian Wood Products in Lauderdale County has been changed to J. R. Savage & Company.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementaton plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules and the Mississippi plan are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Division of Air Pollution Control
Mississippi Air & Water Pollution Control Commission
Robert E. Lee Building
Jackson, Mississippi 39205

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in Mississippi and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart Z—Mississippi

1. Section 52.1270, paragraph (c)(2) is amended by inserting in proper chronological order the date August 9 (1973).

2. Section 52.1274 is amended by inserting additional lines in the table of paragraph (a) as follows:

§ 52.1274 Compliance schedules.

(a) * * *

MISSISSIPPI

Source	Location	Regulation Involved	Date of adoption	Effective date	Final compliance date
ADAMS COUNTY					
Johns-Manville	Natchez	APC-S-1	June 4, 1973	Immediately	Sept. 30, 1973
Benbuck Lumber Co	do	APC-S-1	do	do	Sept. 20, 1974
Stahlman Lumber Co	do	APC-S-1	do	do	Do.
J. M. Jones Lumber Co., Inc	do	APC-S-1	do	do	Do.
Natchez Gravel Co	do	APC-S-1	do	do	Do.
Jitney Jungle No. 3	do	APC-S-1	do	do	Oct. 30, 1974
Armstrong Rubber Co., Southern Division.	do	APC-S-1	do	do	Apr. 12, 1974
International Paper Co.: a. Recovery Furnace System.	do	APC-S-1	do	do	May 31, 1973
International Paper Co.: a. Lime Kiln System.	do	APC-S-1	do	do	Do.
ALCORN COUNTY					
Worsham Brothers	Corinth	APC-S-1	June 4, 1973	Immediately	Sept. 19, 1974
Choate Feed Mill	do	APC-S-1	do	do	Sept. 20, 1974
Horton Brothers	do	APC-S-1	do	do	Aug. 21, 1974
Corinth Seamless Hosiery Inc	do	APC-S-1	do	do	Sept. 20, 1974
Corinth Brick & Tile Co., Inc	do	APC-S-1	do	do	Do.
Magnolia Hosiery Mill	do	APC-S-1	do	do	Do.
ATTALA COUNTY					
The Attala Co	Kosciusko	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
Mississippi Cottonseed Products Co	do	APC-S-1	do	do	Do.
The Lawin Co	Kosciusko	APC-S-1	do	do	Sept. 20, 1974
Sheller Globe Corp. Plant No. 2	do	APC-S-1	do	do	Do.
Sheller Globe Corp. Plant No. 3 (Tee Pee Burner)	do	APC-S-1	do	do	Do.
Sheller Globe Corp. Plant No. 3, (Manufacturing)	do	APC-S-1	do	do	Do.
BENTON COUNTY					
Benton County Co-op	Ashland	APC-S-1	June 4, 1973	Immediately	Sept 20, 1974
BOLIVAR COUNTY					
Cleveland Chemical Co	Cleveland	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
Concrete Products Co	do	APC-S-1	do	do	Do.
Douglas & Lomason Co	do	APC-S-1	do	do	Do.
Sanders Elevator Corp	do	APC-S-1	do	do	Do.
B & G Manufacturing Co	Benoit	APC-S-1	do	do	Do.
Bolivar County Hospital	Cleveland	APC-S-1	do	do	June 30, 1973
CALHOUN COUNTY					
Calhoun County Feed Mill	Calhoun City	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
Calhoun County Garment Co	do	APC-S-1	do	do	Do.
Brookwood Furniture Co	Bruce	APC-S-1	do	do	Sept. 22, 1974
Calhoun Grain & Seed Elevator	do	APC-S-1	do	do	Sept. 20, 1974
Blackjack Charcoal Co	do	APC-S-1	do	do	Do.
Week's Feed & Seed Mill	do	APC-S-1	do	do	Do.
Vardaman Hospital	Vardaman	APC-S-1	do	do	Do.
Schoofield Furniture Manufacturing Co.	Calhoun City	APC-S-1	do	do	Sept. 21, 1974
Patch Concrete Service Inc	Bruce	APC-S-1	do	do	Oct. 9, 1974
D.S.L. Manufacturing Inc	do	APC-S-1	do	do	May 17, 1974

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MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
CARROLL COUNTY					
Anel Engineering Industries Inc.	Winona	APC-S-1	June 4, 1973	Immediately	Sept. 21, 1974
Dresser Minerals	Valden	APC-S-1	do	do	Do.
CHICKASAW COUNTY					
Chickasaw Milling Co.	Houston	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
S & Y, Inc.	do	APC-S-1	do	do	Do.
Patch Concrete Service, Inc.	do	APC-S-1	do	do	Oct. 9, 1974
Houston Feed Mills	do	APC-S-1	do	do	Sept. 15, 1974
CLAIBORNE COUNTY					
Port Gibson Oil Works	Port Gibson	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
Kling Construction Co.	do	APC-S-1	do	do	Do.
CLARKE COUNTY					
Monroe Allen Contract	Enterprise	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
Koppers Co., Inc.	Stonewall	APC-S-1	do	do	Do.
CLAY COUNTY					
Crown Chemical & Mfg. Co.	West Point	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
Pennabaker Ready Mix Concrete	do	APC-S-1	do	do	Do.
Truelove Lumber Co.	do	APC-S-1	do	do	Do.
Winters Dimension Mill	do	APC-S-1	do	do	Do.
Allied Enterprises of Phelps	Phelps	APC-S-1	do	do	Do.
Building Service Co.	West Point	APC-S-1	do	do	Do.
Mary Holmes College	do	APC-S-1	do	do	Do.
Phillips Contracting Co., Columbus	do	APC-S-1	do	do	Aug. 15, 1974
COAHOMA COUNTY					
Coahoma Chemical Co., Inc.	Clarksdale	APC-S-1	June 4, 1973	Immediately	Sept. 20, 1974
Delta Oil Mill, Inc.	Jonestown	APC-S-1	do	do	Do.
Presley Gin Co.	Alligator	APC-S-1	do	do	Dec. 1, 1974
City of Clarksdale Water & Light Department.	Clarksdale	APC-S-1	do	do	Oct. 25, 1974
COPIAH COUNTY					
Emerite Corp.	Hazlehurst	APC-S-1	June 4, 1973	Immediately	Sept. 21, 1974
Hutchison Lumber Co.	Georgetown	APC-S-1	do	do	Do.
Sanderson Farms Inc.	Hazlehurst	APC-S-1	do	do	Do.
T. L. James & Co.	Mississippi Highway 28 east of I-55.	APC-S-1	do	do	Oct. 15, 1974
Edward Hines Lumber Co.	Hazlehurst	APC-S-1	do	do	May 17, 1974
COVINGTON COUNTY					
W. E. Blain & Son, Inc.	Mount Olive	APC-S-1	June 4, 1973	Immediately	Sept. 21, 1974
Pine Belt Ready Mix Concrete	Collins	APC-S-1	do	do	Do.
Polk & Duckworth Feed Mills	Mt. Olive	APC-S-1	do	do	Do.
Rutland Lumber Co.	Collins	APC-S-1	do	do	Do.
Upton Milling Co.	do	APC-S-1	do	do	Do.
DESOTO COUNTY					
Forging Die Engineering Co.	Olive Branch	APC-S-1	June 4, 1973	Immediately	Oct. 20, 1974
Douglas Corp.	Nesbit	APC-S-1	do	do	Do.
Desoto Chemical & Supply Co.	do	APC-S-1	do	do	Do.
Central Concrete Co.	Horn Lake	APC-S-1	do	do	Do.
American Electric Manufacturing Corp.	Southhaven	APC-S-1	do	do	Do.
Ajax Lumber Co	Olive Branch	APC-S-1	do	do	Do.
Light & Power Utilities Corp.	do	APC-S-1	do	do	Dec. 15, 1974
Amax Aluminum Extrusion Products	Hernando	APC-S-1	do	do	Oct. 1, 1974
Unitizer Co.	Olive Branch	APC-S-1	June 4, 1973	do	Oct. 20, 1974
Tex Gas	Southhaven	APC-S-1	do	do	Do.
Plastic Laminates	Walls	APC-S-1	do	do	Do.
Olive Branch Ready Mix	Olive Branch	APC-S-1	do	do	Do.
Memphis Chair Co.	Hernando	APC-S-1	do	do	Do.
Olive Branch Motor Co.	Olive Branch	APC-S-1	do	do	Do.
Magnolia Kitchens	do	APC-S-1	do	do	Do.
KERVAN Metal Products	do	APC-S-1	do	do	Do.
Holiday Industries	Hernando	APC-S-1	do	do	Do.
Gayoso Farms	Horn Lake	APC-S-1	do	do	Do.

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
FORREST COUNTY					
A & R Feed Mill	Hattiesburg	APC-S-1	June 4, 1973	Immediately	Oct. 1, 1974
Alexander Materials Co., Inc.	Petal	APC-S-1	do	do	Do.
P & S Prestress, Inc.	Hattiesburg	APC-S-1	do	do	Do.
Hattiesburg Concrete Products Co.	do	APC-S-1	do	do	Do.
Hattiesburg Compress Co.	do	APC-S-1	do	do	Do.
Mack's Ready Mix Concrete Co., Inc.	do	APC-S-1	do	do	Do.
McCoy Ready Mixed Concrete	do	APC-S-1	do	do	Do.
Callahan Ready Mix Concrete Co., Inc.	do	APC-S-1	do	do	Oct. 20, 1974
W. E. Blain & Sons	do	APC-S-1	do	do	Do.
Southeastern Concrete, Inc.	do	APC-S-1	do	do	Oct. 6, 1974
Miss. Poultry Co.	do	APC-S-1	do	do	Oct. 9, 1974
Koppers Co., Inc.	do	APC-S-1	do	do	Do.
Murray Envelope Corp.	do	APC-S-1	do	do	Do.
FRANKLIN COUNTY					
Georgia-Pacific	Roxie	APC-S-1	June 4, 1973	Immediately	Oct. 20, 1974
GEORGE COUNTY					
U. B. Wilson	Lucedale	APC-S-1	do	do	Oct. 6, 1974
J. M. Rogers & Sons, Inc.	Benndale	APC-S-1	do	do	Dec. 1, 1974
O'Neal Logging Co., Inc.	Lucedale	APC-S-1	do	do	Oct. 6, 1974
A. F. Holcomb Lumber Co.	do	APC-S-1	do	do	Do.
M. W. Hicks	do	APC-S-1	do	do	Do.
Jim Havens	Benndale	APC-S-1	do	do	Do.
Dickerson Sawmill Co.	Lucedale	APC-S-1	do	do	Oct. 1, 1974
Evans Feed & Supply	do	APC-S-1	do	do	Sept. 9, 1974
GRENADA COUNTY					
J. D. Vaughan Sawmill	Grenada	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Grenada Steam Laundry & Cleaners	do	APC-S-1	do	do	Do.
Grenada County Hospital	do	APC-S-1	do	do	Oct. 1, 1974
Grenada Sand & Gravel Co.	do	APC-S-1	do	do	Sept. 1, 1974
Memphis Hardwood Flooring Co.	do	APC-S-1	do	do	Aug. 20, 1974
HANCOCK					
Monitor Panel Co.	Bay St. Louis	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Terry Feeney, Inc.	Waveland	APC-S-1	do	do	Do.
Walter Murray Corp.	Bay St. Louis	APC-S-1	do	do	Oct. 1, 1974
Hancock General Hospital	do	APC-S-1	do	do	Oct. 30, 1974
HARRISON COUNTY					
Faulkner Concrete Pipe Co.	Gulfport	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Cumbest Manufacturing Co.	Pass Christian	APC-S-1	do	do	Do.
Chemfax, Inc.	Gulfport	APC-S-1	do	do	Do.
Biloxi Block Co., Inc.	do	APC-S-1	do	do	Do.
Allied Enterprises	do	APC-S-1	do	do	Do.
A & P Supermarket No. 114	Long Beach	APC-S-1	do	do	Do.
Mayar Shrimp & Oyster Co.	Biloxi	APC-S-1	do	do	Oct. 1, 1974
Masonite Corp. Alpine Div.	Gulfport	APC-S-1	do	do	Do.
Gulf Paving, Inc.	do	APC-S-1	do	do	Do.
Gulfport Glass Corp.	do	APC-S-1	do	do	Do.
Ill-Life Packing Co.	do	APC-S-1	do	do	Do.
Hubbell Machine Equipment	Biloxi	APC-S-1	do	do	Do.
Industrial Steel & Machine Works	Gulfport	APC-S-1	do	do	Do.
McElroy Machine & Manufacturing Co., Inc.	Biloxi	APC-S-1	do	do	Do.
Maybelle Dress Manufacturing	Gulfport	APC-S-1	do	do	Do.
Progressive Metallurgy		APC-S-1	do	do	Do.
West Creek Lumber Co.	Saucier	APC-S-1	do	do	Do.
PlastiFax	Gulfport	APC-S-1	do	do	Oct. 13, 1974
Holcomb Asphalt Company, Inc.	do	APC-S-1	do	do	Dec. 15, 1974
Coastal Materials Co.	do	APC-S-1	do	do	Oct. 1, 1974
Clements Wire & Manufacturing Co.	Biloxi	APC-S-1	do	do	Oct. 6, 1974
HINDS COUNTY					
Delta Industries (Prestressed Concrete Facility).	Jackson	APC-S-1	June 4, 1973	Immediately	Oct. 1, 1974
Delta Industries (Lightweight Aggregate Facility).	do	APC-S-1	do	do	Do.
Klean Steel Mfg. Co.	do	APC-S-1	do	do	May 1, 1973
MacGowan Coffee Co.	do	APC-S-1	do	do	Oct. 6, 1974
V. A. Taylor Dogwood Mill	Utica	APC-S-1	do	do	Do.
Union Fork & Hoe Co.	Jackson	APC-S-1	do	do	Do.
Valley Cement Industries	do	APC-S-1	do	do	Do.
Vaughn Construction Co.	do	APC-S-1	do	do	Do.
Westbrook Manufacturing Co.	do	APC-S-1	do	do	Do.
Whitfield Milling Co.	do	APC-S-1	do	do	Do.
Giliken Gin Co.	Edwards	APC-S-1	do	do	Dec. 1, 1974
O. R. Johnson Milling Co.	Clinton	APC-S-1	do	do	Sept. 28, 1974
Magna American Corp.	Raymond	APC-S-1	do	do	Oct. 1, 1974

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Borden's	do	APC-S-1	do	do	Do.
Delta Industries (Concrete Block Facility).	do	APC-S-1	do	do	Do.
Delta Industries (Ready-Mix Concrete Facility).	do	APC-S-1	do	do	Do.
Jackson Iron & Metal Works	do	APC-S-1	do	do	Dec. 15, 1974
Atlanta Scrap Processors, Inc.	do	APC-S-1	do	do	Oct. 1, 1974
Warren Brothers	do	APC-S-1	do	do	Aug. 20, 1974
Flitrol Corp.	do	APC-S-1	do	do	Aug. 19, 1974
Zinson Electronic Products	do	APC-S-1	do	do	Oct. 6, 1974
Harper Foundry and Machine Co.	do	APC-S-1	do	do	Sept. 12, 1974
Kitchens Brothers Manufacturing	Utica	APC-S-1	do	do	Sept. 29, 1974
Burger King Restaurant, Inc.	Jackson	APC-S-1	do	do	Oct. 20, 1974
Delta Cotton Gin & Fertilizer Co.	do	APC-S-1	do	do	July 31, 1975
Dura-Tuff Treads, Inc.	do	APC-S-1	do	do	June 30, 1975
HOLMES COUNTY					
Durant Sportswear, Inc.	Durant	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Ebenezer Gin	Ebenezer	APC-S-1	do	do	Dec. 1, 1974
Alfred H. Ervin	Lexington	APC-S-1	do	do	Oct. 6, 1974
Milsaps Corp. AAL	Tchula	APC-S-1	do	do	Dec. 1, 1974
Pluto Planting Co.	Thornton	APC-S-1	do	do	Do.
Koppers Co., Inc.	Durant	APC-S-1	do	do	Aug. 15, 1974
A & B Milling Co., Inc.	do	APC-S-1	do	do	Sept. 20, 1974
HUMPHREYS COUNTY					
Belzoni Nitrogen Corp.	Belzoni	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Y-D Lumber Co.	do	APC-S-1	do	do	Do.
Turners Gin	do	APC-S-1	do	do	Dec. 1, 1974
Planters Gin of Belzoni, Inc.	do	APC-S-1	do	do	July 31, 1975
ITAWAMBA COUNTY					
American Colloid Co.	Fulton	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Blue Bell, Inc.	do	APC-S-1	do	do	Do.
Riley Lumber Co.	do	APC-S-1	do	do	Do.
T. F. Evans Lumber Co., Inc.	Evergreen	APC-S-1	do	do	Sept. 15, 1974
JACKSON COUNTY					
Chicago Bridge & Iron	Pascagoula	APC-S-1	do	do	Do.
Conway Woodworking Co.	do	APC-S-1	do	do	Do.
Crossfield Products	do	APC-S-1	do	do	Do.
M. M. Fiechas Shipyard	do	APC-S-1	do	do	Do.
Graham Boats, Inc.	do	APC-S-1	do	do	Do.
Halter Marine Fabricators, Inc.	Moss Point	APC-S-1	do	do	Do.
Jitney Jungle	do	APC-S-1	do	do	Do.
Katz & Besthoff, Inc.	Pascagoula	PAC-S-1	do	do	Do.
Leo Krebs & Sons	do	APC-S-1	do	do	Do.
F. B. Walker & Sons, Inc.	Pascagoula	APC-S-1	do	do	Oct. 6, 1974
Weatherby Materials, Inc.	Moss Point	APC-S-1	do	do	Oct. 30, 1974
Delta Creosoting Company, Inc.	Gautier	APC-S-1	do	do	Do.
Standard Oil Co.	Pascagoula	APC-S-1	do	do	Oct. 24, 1974
International Paper (Tee Pee Burner)	Moss Point	APC-S-1	do	do	Oct. 30, 1973
Mississippi Chemical Corp., No. 1 Mixed Fertilizer Plant.	Pascagoula	APC-S-1	Feb. 27, 1973	do	July 1, 1975
JASPER COUNTY					
Skelly Oil Co.	Bay Springs	APC-S-1	June 4, 1973	do	Oct. 1, 1974
V. A. Sauls	Heidelburg	APC-S-1	do	do	Do.
JEFFERSON COUNTY					
Feeders Milling Co.	Fayette	APC-S-1	do	do	Sept. 28, 1974
Jefferson County Hospital	do	APC-S-1	do	do	Do.
JEFFERSON DAVIS COUNTY					
Reardon Lumber Co.	Prentiss	APC-S-1	do	do	Do.
Edward Hyman Co.	do	APC-S-1	do	do	Oct. 1, 1974
Stamps Lumber Co.	do	APC-S-1	do	do	Do.
JONES COUNTY					
Beard's Feed & Fertilizer	Laurel	APC-S-1	do	do	Sept. 28, 1974
Barold Division, National Lead	do	APC-S-1	do	do	Do.
Dresser Industries	do	APC-S-1	do	do	Do.
Laurel Machine & Foundry Co.	do	APC-S-1	do	do	Do.
Lone Star Producing Co.	do	APC-S-1	do	do	Sept. 30, 1974
James Fuller Hickory Mill (Lindsey Wagon Co.).	do	APC-S-1	do	do	Oct. 1, 1974
Morgan Wood Ind.	do	APC-S-1	do	do	Oct. 9, 1974
S. T. Owens Asphalt	Ellisville	APC-S-1	do	do	Do.
U.S. Plywood, Champion Papers Inc.	Laurel	APC-S-1	do	do	Do.
Pine Belt Ready Mix Concrete, Inc.	do	APC-S-1	do	do	Sept. 30, 1973
Hood Lumber Co.	do	APC-S-1	do	do	Oct. 1, 1974
Laurel Concrete Products	Meridian Ave., Laurel.	APC-S-1	do	do	June 6, 1973
Do	North 13th Ave., Laurel.	APC-S-1	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
KEMPER COUNTY					
J. A. McDade Lumber Co.	Electric Mills	APC-S-1	June 4, 1973	Immediately	Oct. 9, 1974
Monroe Dean Sawmill	Dekalb	APC-S-1	do	do	Do.
Nolan Martin Sawmill	Scooba	APC-S-1	do	do	Do.
Koppers, uc	Electric Mills	APC-S-1	do	do	Oct. 13, 1974
LAFAYETTE COUNTY					
A & S Paving	Oxford	APC-S-1	June 4, 1973	Immediately	Oct. 9, 1974
Chambers Corp.	do	APC-S-1	do	do	Do.
Emerson Electric	do	APC-S-1	do	do	Do.
W. E. "Pat" Gandy	Paris	APC-S-1	do	do	Do.
Oxford Milling Co.	Oxford	APC-S-1	do	do	Do.
Elliot Lumber Co.	do	APC-S-1	do	do	Oct. 30, 1974
Oxford-Lafayette County Hospital	do	APC-S-1	do	do	Aug. 15, 1974
LAMAR COUNTY					
Amerada Hess	Purvis	APC-S-1	June 4, 1973	Immediately	Oct. 9, 1974
B. K. Pole & Timber Co.	Lumberton	APC-S-1	do	do	Do.
Breland Ready Mix & Supply Co.	do	APC-S-1	do	do	Do.
Do	Purvis	APC-S-1	do	do	Do.
Purvis Hardwood Lumber Co.	do	APC-S-1	do	do	Do.
Southland Oil Co.	Lumberton	APC-S-1	do	do	Do.
Williamson & Williamson Lumber	Sumrall	APC-S-1	do	do	Do.
LAUDERDALE COUNTY					
Cities Service Oil Co.	do	APC-S-1	Jun. 4, 1973	Immediately	Oct. 9, 1974
J. B. Gunn Jr.	do	APC-S-1	do	do	Do.
Meridian Moulding, Inc.	do	APC-S-1	do	do	Do.
General Box Co.	do	APC-S-1	do	do	Sept. 12, 1974
Lauderdale County Co-op	do	APC-S-1	do	do	Sept. 13, 1974
J. R. Savage Co.	do	APC-S-1	do	do	Oct. 30, 1974
Miami Window Division, Russell Alum. Corp.	do	APC-S-1	do	do	Sept. 21, 1974
Paul O'Leary Lumber Co.	Toomsuba	APC-S-1	do	do	Do.
Owen Bros. Packing Co.	Meridian	APC-S-1	do	do	Do.
Sanders Lumber Co.	do	APC-S-1	do	do	Do.
Scruggs Sawmill	do	APC-S-1	do	do	Sept. 22, 1974
Soule Steam Feed Works	do	APC-S-1	do	do	Sept. 23, 1974
Tuscaloosa Veneer	do	APC-S-1	do	do	Do.
Winn-Dixie (22d St.)	do	APC-S-1	do	do	Do.
Meridian Concrete & Materials	do	APC-S-1	do	do	Dec. 15, 1973
Ready Mix Concrete Co.	Kewance	APC-S-1	do	do	Jan. 1, 1974
Do	Lockhart	APC-S-1	do	do	Do.
Do	Meridian	APC-S-1	do	do	Do.
LAWRENCE COUNTY					
Lawrence County Hospital	Monticello	APC-S-1	do	do	Aug. 15, 1974
Rutland Gin	Jayess	APC-S-1	do	do	Dec. 1, 1974
Sam Finley	Silvercreek	APC-S-1	do	do	Aug. 15, 1974
Gulf Fibre Products Co.	Monticello	APC-S-1	do	do	Sept. 23, 1974
Kellwood Co.	do	APC-S-1	do	do	Do.
South Central Ready Mix, Inc.	do	APC-S-1	do	do	Do.
St. Regis Paper Co. (Combination Boiler).	do	APC-S-1	Feb. 27, 1973	do	Aug. 1, 1974
St. Regis Paper Co. (Recovery Boilers No. 1 and No. 2 TRS).	do	APC-S-1	do	do	Jan. 1, 1975
St. Regis Paper Co. (Noncondensible Gas System TRS).	do	APC-S-1	do	do	Mar. 1, 1975
LEAKE COUNTY					
Henderson South Manufacturing Co.	Carthage	APC-S-1	June 4, 1973	Immediately	Sept. 23, 1974
Leake County Milling Co., Inc.	do	APC-S-1	do	do	Do.
M & C Creosote	do	APC-S-1	do	do	Do.
Monroe Allen Contractor	do	APC-S-1	do	do	Do.
LEE COUNTY					
Anderson Mfg. Co.	Tupelo	APC-S-1	do	do	Do.
B & B Concrete Co., Inc.	do	APC-S-1	do	do	Do.
Barber Pure Milk Co.	do	APC-S-1	do	do	Sept. 26, 1974
Blackman Machine & Tool Co.	do	APC-S-1	do	do	Do.
Blue Bell, Inc.	do	APC-S-1	do	do	Do.
C. B. Hale Sawmill	Baldwin	APC-S-1	do	do	Do.
Dacus Drug Co.	Tupelo	APC-S-1	do	do	Do.
Day-Brite Lighting	do	APC-S-1	do	do	Do.
Denny Lumber Co.	do	APC-S-1	do	do	Do.
Fashion Furniture, Inc.	do	APC-S-1	do	do	Do.
Futorian Corp.—Tupelo Decorian Division.	do	APC-S-1	do	do	Do.
Hickory Springs Manufacturing of Arkansas.	do	APC-S-1	do	do	Do.
International Minerals & Chemicals	do	APC-S-1	do	do	Do.
Kent's Store	do	APC-S-1	do	do	Do.
Mid-South Packers	do	APC-S-1	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Newth Morris Box Co.	do	APC-S-1	do	do	Do.
National Springs Corp. of Mississippi	do	APC-S-1	do	do	Do.
Planters Lumber Co.	do	APC-S-1	do	do	Do.
Prath Lumber Co.	Plantersville	APC-S-1	do	do	Sept. 26, 1974
Riverside Chemical Co. (Seed Cleaning Facility).	Tupelo	APC-S-1	do	do	Do.
Riverside Chemical Co. (Grain Elevator).	do	APC-S-1	do	do	Do.
Sadler Manufacturing Co.	do	APC-S-1	do	do	Do.
S.A.R. Manufacturing Co.	do	APC-S-1	do	do	Do.
Scarsdale Quilting	do	APC-S-1	do	do	Do.
Senters Transit Mix, Inc.	do	APC-S-1	do	do	Do.
Shelter Globe Corp.	do	APC-S-1	do	do	Do.
South-Aire, Inc., of Mississippi	do	APC-S-1	do	do	Do.
Southern Imperial, Inc.	do	APC-S-1	do	do	Do.
Super Sagless, Spring Corp.	do	APC-S-1	do	do	Do.
Triangle Manufacturing	do	APC-S-1	do	do	Do.
Tupelo Brick & Tile Co.	do	APC-S-1	do	do	Do.
Tupelo Marble Works	do	APC-S-1	do	do	Do.
Tupelo Scrap & Steel Co.	do	APC-S-1	do	do	Do.
United Cement Co.	do	APC-S-1	do	do	Do.
W & S Milling & Molasses Co.	do	APC-S-1	do	do	Do.
Walled Lake Door Co.	do	APC-S-1	do	do	Do.
LEFLORE COUNTY					
J. J. Ferguson Ready Mix	Greenwood	APC-S-1	do	do	Sept. 23, 1974
Greenwood Asphalt Co.	do	APC-S-1	do	do	Do.
Midway Gin Co.	Glendora	APC-S-1	do	do	Dec. 1, 1974
Mississippi Cottonseed Products Co.	Greenwood	APC-S-1	do	do	Sept. 23, 1974
National Art Co.	do	APC-S-1	do	do	Do.
Race Track Plantation Co., Inc.	do	APC-S-1	do	do	Dec. 1, 1974
Yazoo Valley Oil Mill	do	APC-S-1	do	do	Sept. 23, 1974
LINCOLN COUNTY					
Boise Cascade Corp.	Brookhaven	APC-S-1	June 4, 1973	Immediately	Sept. 23, 1974
Ingle Sawmill	do	APC-S-1	do	do	Do.
Keystone Seneca Wire Cloth Co.	do	APC-S-1	do	do	Do.
Linwood Gin Co.	Vaughn	APC-S-1	do	do	Dec. 1, 1974
Lincoln Ready Mix Concrete	Brookhaven	APC-S-1	do	do	Oct. 24, 1974
Southwest Paving	do	APC-S-1	do	do	Oct. 20, 1974
LOWNDES COUNTY					
Columbus Brick Co.	Columbus	APC-S-1	June 4, 1973	Immediately	Sept. 23, 1974
Columbus Plastics, Inc.	do	APC-S-1	do	do	Do.
Davis Lumber Co.	do	APC-S-1	do	do	Do.
General Tire & Rubber Co.	do	APC-S-1	do	do	Do.
U.S. Borax and Chemical Corp.	do	APC-S-1	do	do	Do.
Winn-Dixie Montgomery	do	APC-S-1	do	do	Do.
MADISON COUNTY					
Burtonic Plastics	Ridgeland	APC-S-1	June 4, 1973	Immediately	Sept. 27, 1974
Canton Casket Co.	Canton	APC-S-1	do	do	Do.
Canton Plating Co.	do	APC-S-1	do	do	Do.
Canton Poultry Co.	do	APC-S-1	do	do	Do.
College Suppliers	Ridgeland	APC-S-1	do	do	Do.
Gilbert & Ryan, Inc.	Canton	APC-S-1	do	do	Do.
Ridgeland Seed & Feed, Inc.	Ridgeland	APC-S-1	do	do	Do.
Riverside Chemical Co. (Dry Fertilizer Blending).	Canton	APC-S-1	do	do	Do.
Riverside Chemical Co. (Liquid Insecticide Blending).	do	APC-S-1	do	do	Do.
St. Charles Tool & Die Co., Inc.	Flora	APC-S-1	do	do	Do.
Supreme Milk Co.	Canton	APC-S-1	do	do	Do.
Tougaloo College	Tougaloo	APC-S-1	do	do	Do.
Trawick Construction of Canton	Canton	APC-S-1	do	do	Do.
MARION COUNTY					
Breland Ready-Mix & Supply Co.	Columbia	APC-S-1	June 4, 1973	Immediately	Sept. 23, 1974
Pope Tire Service	do	APC-S-1	do	do	Do.
MARSHALL COUNTY					
Deluxe Products	Holly Springs	APC-S-1	June 4, 1973	Immediately	Sept. 23, 1974
Holly Springs Brick & Tile Co., Inc.	do	APC-S-1	do	do	Do.
ITT Thompson Industries, Inc.	do	APC-S-1	do	do	Do.
Occidental Chemical Co.	Byhalia	APC-S-1	do	do	Do.
The Wurlitzer Co.	Holly Springs	APC-S-1	do	do	Do.
Coated Abrasive Co.	do	APC-S-1	do	do	Aug. 15, 1974
MONROE COUNTY					
Allied Chemical Corp.	Aberdeen	APC-S-1	June 4, 1973	Immediately	Sept. 27, 1974
American Colloid Co.	do	APC-S-1	do	do	Do.
Comer Packing Co.	do	APC-S-1	do	do	Do.
Conoco Chemical	do	APC-S-1	do	do	Do.
Cramco Division	Amory	APC-S-1	do	do	Do.
Morris Ready-Mix	Aberdeen	APC-S-1	do	do	Do.
Palmer Construction Co.	Amory	APC-S-1	do	do	Dec. 1, 1974
Monroe Cotton Oil Co.	Aberdeen	APC-S-1	do	do	Aug. 20, 1974
Burris Ind.	Prairie	APC-S-1	do	do	Do.
Farmers Gin, Inc.	Hamilton	APC-S-1	Feb. 27, 1973	do	July 1, 1975

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
MONTGOMERY COUNTY					
Anel Engineering Industries	Winona	APC-S-1	June 4, 1973	Immediately	Sept. 27, 1974
Davidson Marble & Granite Works	do	APC-S-1	do	do	Do.
Ferguson Concrete Co.	do	APC-S-1	do	do	Do.
Independent Linen Co.	do	APC-S-1	do	do	Do.
Lee Kirk Gin	Duck Hill	APC-S-1	do	do	Dec. 1, 1974
Leleon, Inc.	Winona	APC-S-1	do	do	Sept. 27, 1974
McRee Egg Farm	Kilmichael	APC-S-1	do	do	Do.
Williams Wood Products, Inc.	Duck Hill	APC-S-1	do	do	Do.
Winona Handle Co.	Winona	APC-S-1	do	do	Do.
Herring Bros. Gin	Kilmichael	APC-S-1	do	do	Sept. 2, 1973
NESHOBA COUNTY					
Weyerhaeuser Co. (Hardwood Dimension Mill).	do	APC-S-1	June 4, 1973	Immediately	Oct. 20, 1974
Weyerhaeuser Co. (Sawmill)	do	APC-S-1	do	do	Do.
Weyerhaeuser Co. (Tee Pee Burner)	do	APC-S-1	do	do	Do.
C & C Co., A Joint Ventnre	do	APC-S-1	do	do	Sept. 28, 1974
Riverside Chemical Co. (Animal Feed Manufacturing).	do	APC-S-1	do	do	Do.
Riverside Chemical Co. (Bulk Fertilizer Blending).	do	APC-S-1	do	do	Do.
Riverside of Philadelphia Gin	do	APC S 1	do	do	Dec. 1, 1974
Cooper Williams Gin Co.	do	APC-S-1	do	do	Do.
NEWTON COUNTY					
Prath Lumber Co.	Union	APC-S-1	June 4, 1973	Immediately	Sept. 28, 1974
S. E. Welsh Lumber Co.	do	APC-S-1	do	do	Do.
James Willis Sawmill	Newton	APC-S-1	do	do	Do.
Monroe Allen Contractor	do	APC-S-1	do	do	Oct. 9, 1974
Koppers Co.	Hickory	APC-S-1	do	do	Aug. 21, 1974
NOXUBEE COUNTY					
Sam Finley, Inc.	Shuqualak	APC-S-1	June 4, 1973	Immediately	Sept. 28, 1974
Woody Jones Creosote Plant	Macon	APC-S-1	do	do	Do.
MFC Services Pearl Plant	do	APC-S-1	do	do	Do.
R. E. Prath Lumber Co.	Shuqualak	APC-S-1	do	do	Do.
T. L. James & Co.	Macon	APC-S-1	do	do	Oct. 20, 1974
Black Belt Gin	Brooksville	APC-S-1	do	do	Dec. 1, 1974
Valley Farm Gin	Bigbee Valley	APC-S-1	do	do	Oct. 31, 1974
E. F. Nunn & Co.	Shuqualak	APC-S-1	do	do	Dec. 1, 1974
OKTIBBEHA COUNTY					
Montgomery Bros.	Longview	APC-S-1	June 4, 1973	Immediately	Sept. 29, 1974
Perkins Feed Mill	Malvern	APC-S-1	do	do	Do.
R & S Sawmill	do	APC-S-1	do	do	Do.
Riverside Chemical Co. (Animal Feed Manufacturing Plant).	Starkville	APC-S-1	do	do	Do.
Riverside Chemical Co. (Bulk Fertilizer Manufacturing).	do	APC-S-1	do	do	Do.
Riverside Chemical Co. (Grain Elevator).	do	APC-S-1	do	do	Do.
Riverside Feed Mills, Inc.	do	APC-S-1	do	do	Do.
Shuffield Gin	Maben	APC-S-1	do	do	Dec. 1, 1974
Patch Concrete Service, Inc.	do	APC-S-1	do	do	Sept. 28, 1974
Atlas Ready-Mix Concrete, Inc.	Starkville	APC-S-1	do	do	Do.
Beattie Feed Mill	do	APC-S-1	do	do	Do.
Briarwood Lamps, Inc.	do	APC-S-1	do	do	Do.
Carborundum Co.	do	APC-S-1	do	do	Do.
Waymond Fondren Sawmill	Maben	APC-S-1	do	do	Do.
J. G. Hendricks Sawmill	do	APC-S-1	do	do	Do.
C.G. McBride Sawmill	do	APC-S-1	do	do	Sept. 29, 1974
The Monte Glove Co.	do	APC-S-1	do	do	Sept. 28, 1974
Herschede Hall Clock Co.	Starkville	APC-S-1	do	do	June 30, 1974
PANOLA COUNTY					
Breedlove Manufacturing Co.	Batesville	APC-S-1	June 4, 1973	Immediately	Sept. 30, 1974
Crenshaw Oil Co., Inc.	Crenshaw	APC-S-1	do	do	Do.
New Deal Gin	Como	APC-S-1	do	do	Dec. 1, 1974
Modern Gin Co. of Como	do	APC-S-1	do	do	Do.
Dunlap & Kyle Co., Inc.	Batesville	APC-S-1	do	do	July 1, 1974
Self's Bobo Gin, Inc.	Marks	APC-S-1	Feb. 27, 1973	do	July 31, 1975
PEARL RIVER COUNTY					
Chloride C.P. Co.	Picayune	APC-S-1	June 4, 1973	Immediately	Sept. 30, 1974
Crosby Wood Preserving Co.	do	APC-S-1	do	do	Do.
Ingram Ind., Inc.	do	APC-S-1	do	do	Do.
Interpine Lumber Co.	do	APC-S-1	do	do	Do.
Lossett's Welding & Machine Works Inc.	do	APC-S-1	do	do	Do.
McNeill Hardwood Co.	McNeill	APC-S-1	do	do	Do.
Neco Electrical Products Corp.	Picayune	APC-S-1	do	do	Do.
Pearl River County Hospital	Poplarville	APC-S-1	do	do	Do.
Picayune Concrete Co.	Picayune	APC-S-1	do	do	Do.
Poplarville Manufacturing Co.	Poplarville	APC-S-1	do	do	Do.
Standard Container Co.	Picayune	APC-S-1	do	do	Do.
Stewart Dura-Vann, Inc.	do	APC-S-1	do	do	Do.
SMECO Steward Machine & Engineer Inc.	do	APC-S-1	do	do	Do.
L. J. Thigpen Feed Co., Inc.	Poplarville	APC-S-1	do	do	Do.
Wesley Fertilizer Plant, Inc.	do	APC-S-1	do	do	Do.

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MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
PERRY COUNTY					
Farmers Warehouse of Picayune, Inc.	Picayune	APC-S-1	do	do	Oct. 24, 1974
T. L. James & Co., Inc.	Crossroads	APC-S-1	do	do	Aug. 16, 1974
Hilton Jones Sawmill	Richton	APC-S-1	June 4, 1973	Immediately	Sept. 30, 1974
Joslyn Mfg. & Supply Co.	do	APC-S-1	do	do	Do.
PIKE COUNTY					
Beacham Memorial Hospital	Magnolia	APC-S-1	June 4, 1973	Immediately	Sept. 30, 1974
Kent's Store	McComb	APC-S-1	do	do	Do.
Lamb Lumber Co.	Summit	APC-S-1	do	do	Do.
Lea's Milling Co.	Osyka	APC-S-1	do	do	Do.
Ole Hickory Sausage Plant	McComb	APC-S-1	do	do	Oct. 1, 1974
Maco Coffee & Candy Co.	do	APC-S-1	do	do	Do.
D. G. Sengo & Son Lumber Co.	Summitt	APC-S-1	do	do	Oct. 30, 1974
W. G. Sellers Lumber Co.	McComb	APC-S-1	do	do	Oct. 1, 1974
Sun Oil Co.	do	APC-S-1	do	do	Do.
Southwest Mississippi Junior College	Summitt	APC-S-1	do	do	Oct. 23, 1974
Fernwood Industries	Fernwood	APC-S-1	do	do	Sept. 30, 1974
PONTOTOC COUNTY					
Brookwood Furniture	Pontotoc	APC-S-1	June 4, 1973	Immediately	Oct. 1, 1974
Keystone Metal Moulding	do	APC-S-1	do	do	Oct. 3, 1974
Minn-Conn Zion Gin	do	APC-S-1	do	do	Dec. 1, 1974
Minn-Conn Ecru Gin	Ecru	APC-S-1	do	do	Do.
Ram Golf Corp.	Pontotoc	APC-S-1	do	do	Oct. 3, 1974
Sneed's Farm Supply Milling Co., Inc.	do	APC-S-1	do	do	Do.
Riverside Chemical Co. (Liquid Fertilizer Blending).	do	APC-S-1	do	do	Do.
Riverside Chemical Co. (Grain Elevator).	do	APC-S-1	do	do	Do.
Riverside Chemical Co. (Dry Fertilizer Blending).	do	APC-S-1	do	do	Do.
Bankhead Lumber Co.	do	APC-S-1	do	do	Oct. 1, 1974
PRENTISS COUNTY					
Booneville Grain Co.	Booneville	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Jordan Ind., Inc.	do	APC-S-1	do	do	Do.
Jumpertown Gin	do	APC-S-1	do	do	Do.
S & J Ready-Mix	do	APC-S-1	do	do	Do.
South Central Plastics, Inc.	do	APC-S-1	do	do	Do.
Walden Sawmill	do	APC-S-1	do	do	Do.
Cole Sawmill	do	APC-S-1	do	do	Oct. 4, 1974
QUITMAN COUNTY					
Sabino Gin Co.	Lambert	APC-S-1	June 4, 1973	Immediately	Dec. 1, 1974
Peoples Gin Co., Inc.	Darling	APC-S-1	do	do	Do.
Peoples Gin Co.	Lambert	APC-S-1	do	do	Do.
Owens Gin Co.	Clarksdale	APC-S-1	do	do	Do.
North Gin Co.	Lambert	APC-S-1	do	do	Do.
Planter's Gin Co. at Crenshaw	Crenshaw	APC-S-1	do	do	Do.
DelMar Plantation Gin	Marks	APC-S-1	do	do	Do.
Valley Gin, Inc.	do	APC-S-1	do	do	July 17, 1975
Self and Company Certified Gin	do	APC-S-1	do	do	Do.
Self's Belen Gin	do	APC-S-1	do	do	Do.
Self's Farmer's Gin	do	APC-S-1	do	do	Do.
RANKIN COUNTY					
Aztec Industries, Inc.	Plain	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Beard Ready Mix, Inc.	Pelahatchie	APC-S-1	do	do	Do.
Contract Manufacturing, Inc.	Florence	APC-S-1	do	do	Do.
Davis Feed Mill	Pelahatchie	APC-S-1	do	do	Do.
Glass Container Corp.	Flowood	APC-S-1	do	do	Do.
Jackson Oil Prod.	Jackson	APC-S-1	do	do	Do.
Kent's Department Store	do	APC-S-1	do	do	Do.
Mississippi Steel Division, Magna Corp.	do	APC-S-1	do	do	Do.
Mosaic Tile Co.	Flowood	APC-S-1	do	do	Do.
Pelahatchie Poultry Co.	Pelahatchie	APC-S-1	do	do	Do.
Polk Concrete Products, Inc.	Jackson	APC-S-1	do	do	Do.
Star Market, Pearson Rd.	do	APC-S-1	do	do	Do.
International Paper Co.	Brandon	APC-S-1	do	do	Dec. 1, 1975
Mississippi Materials Co.	Jackson	APC-S-1	do	do	Mar. 1, 1975
SCOTT COUNTY					
Austin Road Co.	Forest	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Canton Milling, Inc.	Morton	APC-S-1	do	do	Do.
Forest Packing Company, Inc.	Forest	APC-S-1	do	do	Do.
Hankins & Eubanks Lumber Co.	Lake	APC-S-1	do	do	Do.
King Lumber Co.	Forest	APC-S-1	do	do	Do.
Little Princess Foods	do	APC-S-1	do	do	Do.
B. C. Rogers & Sons (Chicken Processing Plant).	Morton	APC-S-1	do	do	Do.
B. C. Rogers & Sons (Feed Mill)	do	APC-S-1	do	do	Do.
Southeastern Poultry	Forest	APC-S-1	do	do	Do.
M. L. Stewart Lumber Co.	Morton	APC-S-1	do	do	Do.
Sunbeam Corp.	Forest	APC-S-1	do	do	Do.
Talon Division of Textron	Morton	APC-S-1	do	do	Do.
Warren Bros.	Forest	APC-S-1	do	do	Do.
J. B. Wolf Sawmill	Lake	APC-S-1	do	do	Do.
Moore Farming Co., Inc.	Morton	APC-S-1	do	do	Oct. 10, 1974

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
SHARKEY COUNTY					
Hands Gin	Cary	APC-S-1	June 4, 1973	Immediately	Dec. 1, 1974
LCR Manufacturing	Anguilla	APC-S-1	do	do	Oct. 13, 1974
SIMPSON COUNTY					
A. C. Quality Farms, Inc.	Mendenhall	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Grubbs Poultry Market	Magee	APC-S-1	do	do	Do.
Reynolds Lumber Co.	do	APC-S-1	do	do	Do.
Ronch Cabinet & Millwork	do	APC-S-1	do	do	Do.
Sullivan Curing & Processing Plant	Mendenhall	APC-S-1	do	do	Do.
Super Duper Gin	Magee	APC-S-1	do	do	Dec. 1, 1974
MFC Services	do	APC-S-1	do	do	Aug. 20, 1974
SMITH COUNTY					
K. D. Products, Inc.	Raleigh	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Lindsey Wood Co.	Taylorsville	APC-S-1	do	do	Do.
T. H. Luckey Lumber	Mize	APC-S-1	do	do	Do.
Pine Belt Ready-Mix Concrete	Taylorsville	APC-S-1	do	do	Oct. 1, 1974
Raleigh Lumber Co.	Raleigh	APC-S-1	do	do	Oct. 20, 1974
Taylorsville Gin Co.	Taylorsville	APC-S-1	do	do	Dec. 1, 1974
STONE COUNTY					
Breland Ready-Mix & Supply Co., Inc.	Wiggins	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Hillcrest Farms	Perkinston	APC-S-1	do	do	Do.
N. E. Neely Lumber Co.	Wiggins	APC-S-1	do	do	Do.
Wiggins Lumber Co.	do	APC-S-1	do	do	Do.
International Paper	do	APC-S-1	do	do	Aug. 20, 1974
McHenry Lumber Co.	McHenry	APC-S-1	do	do	Oct. 13, 1974
SUNFLOWER COUNTY					
Berrylill Bros. Planting Co.	Rome	APC-S-1	June 4, 1973	Immediately	Dec. 1, 1974
Crawford Ready Mix Co.	Indianola	APC-S-1	do	do	Oct. 4, 1974
Farmers Gin Co., Inc. (No. 3)	Drew	APC-S-1	do	do	Dec. 1, 1974
Mrs. Lacy B. Hill	Rome	APC-S-1	do	do	Do.
Indianola Supply & Cotton Gin Co., Inc.	Indianola	APC-S-1	do	do	Do.
ITT Thompson Ind.	Drew	APC-S-1	do	do	Oct. 4, 1974
J.F.W.F. Gin Co., Inc.	Sunflower	APC-S-1	do	do	Dec. 1, 1974
Ludlow Corp.	Indianola	APC-S-1	do	do	Oct. 4, 1974
Manning Gin Co., Inc.	Drew	APC-S-1	do	do	Dec. 1, 1974
Sunflower Gin	Sunflower	APC-S-1	do	do	July 31, 1975
Noel Ind., Inc.	Ruleville	APC-S-1	do	do	Oct. 4, 1974
Mississippi State Penitentiary Gin	Parchman	APC-S-1	do	do	Dec. 1, 1974
Faymaster Oil Mill Co.	Ruleville	APC-S-1	do	do	Oct. 4, 1974
Ruleville Manufacturing Co.	do	APC-S-1	do	do	Do.
West Packing Co.	Indianola	APC-S-1	do	do	Do.
Baird Gin Co.	Baird	APC-S-1	do	do	Dec. 1, 1974
Parker Bros. & Cummin, Inc.	Drew	APC-S-1	do	do	Do.
Delta Brick & Tile Co., Inc.	Indianola	APC-S-1	do	do	July 31, 1975
TALLAHATCHIE COUNTY					
Brazil Gin	Summer	APC-S-1	June 4, 1973	Immediately	Dec. 1, 1974
Charldon Manufacturing Co.	Charleston	APC-S-1	do	do	Oct. 4, 1974
A. F. deMange Lumber Co., Inc.	do	APC-S-1	do	do	Oct. 5, 1974
W. L. Lowe	Glendora	APC-S-1	do	do	Do.
Tallahatchie General Hospital	Charleston	APC-S-1	do	do	Do.
Farmer's Gin of Charleston, Inc.	do	APC-S-1	do	do	Dec. 1, 1974
TATE COUNTY					
B & M Cleaners and Shirt Laundry	Senatobia	APC-S-1	June 4, 1973	Immediately	Oct. 5, 1974
A. B. Cullen & Sons	Coldwater	APC-S-1	do	do	Do.
The Dehner Co.	do	APC-S-1	do	do	Do.
Pollan Dry Cleaners	Senatobia	APC-S-1	do	do	Do.
Senatobia Fixture Co.	do	APC-S-1	do	do	Do.
Sterling Gin Co.	do	APC-S-1	do	do	Dec. 1, 1974
Thyrattra Gin Co., Inc.	do	APC-S-1	do	do	Do.
Chromecraft Corp.	do	APC-S-1	do	do	Aug. 1, 1974
W. L. Wallace & Sons Gin Co.	Coldwater	APC-S-1	do	do	Dec. 1, 1974
Farmers Gin Co., Inc.	do	APC-S-1	do	do	July 31, 1975
TIPPAH COUNTY					
BASF Wyandotte Corp.	Blue Mountain	APC-S-1	June 4, 1973	Immediately	Oct. 5, 1974
J. E. Butler Sawmill	Falkner	APC-S-1	do	do	Do.
Genesco	Ripley	APC-S-1	do	do	Do.
L. J. Grisham Sawmill	do	APC-S-1	do	do	Do.
Hot Mix, Inc.	Tiplersville	APC-S-1	do	do	Oct. 30, 1974
Johnson Lumber Co.	Walnut	APC-S-1	do	do	Oct. 5, 1974
Nails Sawmill, Inc.	do	APC-S-1	do	do	Do.
North Ripley Lumber Co.	Ripley	APC-S-1	do	do	Do.
Oil-Dri Production Co.	do	APC-S-1	do	do	Do.
Ripley Saw Co.	do	APC-S-1	do	do	Do.
Walnut Wood Products Co., Inc.	Walnut	APC-S-1	do	do	Do.
Jeff Young Sawmill	Ripley	APC-S-1	do	do	Do.
Dickerson & Peeler Sawmill	do	APC-S-1	do	do	Aug. 20, 1974
Falkner Gin Co.	Falkner	APC-S-1	do	do	Dec. 1, 1974

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MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Walnut Gin Co	Walnut	APC-S-1	do	do	Do.
J. E. Hodum Sawmill	do	APC-S-1	do	do	Oct. 1, 1974
Fred Bass Sawmill	do	APC-S-1	do	do	Oct. 5, 1974
TISHOMINGO COUNTY					
Burnsville Gin Co	Burnsville	APC-S-1	June 4, 1973	Immediately	Dec. 1, 1974
Miss. Stone Co., Inc	Iuka	APC-S-1	do	do	Oct. 5, 1974
Tishomingo County Hospital	do	APC-S-1	do	do	Do.
Genesco	do	APC-S-1	do	do	Oct. 9, 1974
TUNICA COUNTY					
Abbey & Leatherman, Inc	Robinsonville	APC-S-1	June 4, 1973	Immediately	Dec. 1, 1974
Owen Bros. Gin	Tunica	APC-S-1	do	do	Do.
Planters Oil Mill	do	APC-S-1	do	do	Oct. 6, 1974
Tunica Manufacturing Co., Inc	do	APC-S-1	do	do	Do.
Seven-Mile Gin	do	APC-S-1	do	do	Dec. 1, 1974
Taylor Gin Supply Co	Dundee	APC-S-1	do	do	Do.
Three Way Gin Co	Tunica	APC-S-1	do	do	Do.
Tunica County Hospital	do	APC-S-1	do	do	Aug. 20, 1974
UNION COUNTY					
Denton Sleeping Garment Mills	New Albany	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Ertel Mfg. Corp	do	APC-S-1	do	do	Do.
Laher Spring & Electric Car Corp	do	APC-S-1	do	do	Do.
Long Bros. Gin	Blue Spring	APC-S-1	do	do	Dec. 1, 1974
Master-Bilt Product Division	New Albany	APC-S-1	do	do	Oct. 6, 1974
U.S. Extrusion Impacts, Inc	do	APC-S-1	do	do	Do.
Union Lumber Co. (Lumber)	do	APC-S-1	do	do	Do.
Union Lumber Co. (Ready Mix Concrete)	do	APC-S-1	do	do	Do.
Roger's Gin & Supply Co	do	APC-S-1	do	do	Dec. 1, 1974
MFC Services	do	APC-S-1	do	do	Aug. 20, 1974
WALTHALL COUNTY					
Cantwell's Feed Mill	Tylertown	APC-S-1	June 4, 1973	Immediately	Oct. 6, 1974
Walthall Gin Co	do	APC-S-1	do	do	Dec. 1, 1974
WARREN COUNTY					
Vicksburg Terminal Elevators	Vicksburg	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Vicksburg Tow Co	do	APC-S-1	do	do	Do.
Westinghouse Electric Co	do	APC-S-1	do	do	Do.
Wood Bros. Manufacturing Co	do	APC-S-1	do	do	Do.
Donnel Builders, Inc	do	APC-S-1	do	do	Oct. 20, 1974
Brunswick Gin	do	APC-S-1	do	do	Dec. 1, 1974
Big River Shipbuilding, Inc	do	APC-S-1	do	do	Oct. 20, 1974
Port Gibson Concrete Co	do	APC-S-1	do	do	Do.
Vicksburg Concrete Co., Inc	do	APC-S-1	do	do	Do.
Valley Mills Co	do	APC-S-1	do	do	Do.
Sangamo Elec. Co	do	APC-S-1	do	do	Do.
Magnolia Homes Manufacturing Corp	do	APC-S-1	do	do	Do.
Ludke Electric, Inc	do	APC-S-1	do	do	Do.
Jitney Jungle No. 4	do	APC-S-1	do	do	Do.
Gooch's Feed Mill	do	APC-S-1	do	do	Do.
Flintkote Co	do	APC-S-1	do	do	Do.
Anderson-Tully Co. Mill D	Waltersville	APC-S-1	do	do	Oct. 9, 1974
Anderson-Tully Co. Mill J	do	APC-S-1	do	do	Do.
Anderson-Tully Co. Waltersville Mill	do	APC-S-1	do	do	Do.
Vicksburg Convalescent Home	Vicksburg	APC-S-1	do	do	Apr. 1, 1974
Vicksburg Chemical Vent No. 1	do	APC-S-1	do	do	Apr. 1, 1975
Vicksburg Chemical Vent No. 2	do	APC-S-1	do	do	June 30, 1975
W. J. Runyan & Son Construction Co.	Highway 27, Vicksburg.	APC-S-1	do	do	Oct. 31, 1974
W. J. Runyan & Son Construction Co.	Highway 61 N, Vicksburg.	APC-S-1	do	do	Do.
Mercy Hospital Street Memorial	Vicksburg	APC-S-1	do	do	July 1, 1974
International Paper Co.:					
a. Paper Mill Continuous Digestor.	do	APC-S-1	do	do	May 31, 1975
b. Evaporator	do	APC-S-1	do	do	Do.
c. Lime Kiln	do	APC-S-1	do	do	Do.
Atlas Tank Manufacturing Co	do	APC-S-1	do	do	Dec. 31, 1974
WASHINGTON COUNTY					
Mississippi Marine Corp	Greenville	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Greenville Mill Division Mohasco Ind.	do	APC-S-1	do	do	Do.
Tri-State Concrete Products, Inc	do	APC-S-1	do	do	Do.
Walker Farms Dairy Products, Inc	Stoneville	APC-S-1	do	do	Do.
Y-D Lumber Co	Hollandale	APC-S-1	do	do	Oct. 20, 1974
Staple Cotton Services Assoc	do	APC-S-1	do	do	Do.
Rode Ready Mix Concrete Co	do	APC-S-1	do	do	Do.
Hollandale Elevator Co	Hollandale	APC-S-1	do	do	Do.
Warren Bros. Co	Greenville	APC-S-1	do	do	Oct. 9, 1974
Mid States Steel & Wire	do	APC-S-1	do	do	Oct. 13, 1974
Arkansas Valley, Ind., Inc	do	APC-S-1	do	do	Do.
Belton Bagging Co	do	APC-S-1	do	do	Do.
Brown's Sheet Metal & Roofing, Inc	do	APC-S-1	do	do	Dec. 1, 1974
Clark Farm & Gin Co	Arcola	APC-S-1	do	do	Oct. 13, 1974
Delta Metal Forming	Greenville	APC-S-1	do	do	Do.

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Greenville Head & Block Co., Inc	do	APC-S-1	do	do	Do.
Greenville Ready-Mix Concrete Co., Inc.	do	APC-S-1	do	do	Do.
Mid-States Metal Products	do	APC-S-1	do	do	Do.
Cleaver Brooks Co	do	APC-S-1	do	do	Do.
Chicago Mill & Lumber Co	do	APC-S-1	do	do	July 31, 1975
Crowe Gin Co	Hollandale	APC-S-1	do	do	Dec. 1, 1974
Dillingham Manufacturing Co	Leland	APC-S-1	do	do	Aug. 21, 1974
Hampton Gin & Supply Co	Glen Allen	APC-S-1	do	do	Dec. 1, 1974
Horton Gin Co., Inc	Hollandale	APC-S-1	do	do	Do.
Refuge Plantation Gin	Greenville	APC-S-1	do	do	Do.
Valley Chemical Co	do	APC-S-1	do	do	Aug. 21, 1974
Leland Oil Works	Leland	APC-S-1	do	do	Oct. 19, 1974
Burdette Gin Co	do	APC-S-1	Feb. 27, 1973	do	July 31, 1975
Dean Gin Co	Tribbett	APC-S-1	do	do	Do.
Highland Plantation Gin	Greenville	APC-S-1	do	do	Do.
Hollandale Gin Co	Hollandale	APC-S-1	do	do	Do.
North Leland Gin Co	Leland	APC-S-1	do	do	Do.
Rebel Gin Co	Arcola	APC-S-1	do	do	Do.
WAYNE COUNTY					
Day Co., Inc	Waynesboro	APC-S-1	June 4, 1973	Immediately	July 1, 1975
Wayne Manufacturing Co	do	APC-S-1	do	do	Oct. 1, 1974
Longleaf Forest Products	do	APC-S-1	do	do	Oct. 26, 1974
WEBSTER COUNTY					
Mersman Bros. Corp	Eupora	APC-S-1	June 4, 1973	Immediately	Oct. 1, 1974
Doolittle Gin Co	do	APC-S-1	do	do	Dec. 1, 1974
WILKINSON COUNTY					
Laurel Hill Lumber Co	Woodville	APC-S-1	June 4, 1973	Immediately	Oct. 20, 1974
WINSTON COUNTY					
Louisville Sawmill (Koppers Co.)	Louisville	APC-S-1	June 4, 1973	Immediately	Oct. 1, 1974
Spartus Corp	do	APC-S-1	do	do	Do.
Winston County Community Hospital	do	APC-S-1	do	do	Do.
Wand-Boydstun	do	APC-S-1	do	do	Oct. 20, 1974
YALOBUSHA COUNTY					
Riles Lumber Co	Water Valley	APC-S-1	June 4, 1973	Immediately	Oct. 1, 1974
The New Gin	Coffeeville	APC-S-1	do	do	Dec. 1, 1974
YAZOO COUNTY					
Cathey-Williams-Jones Co	Bentonia	APC-S-1	June 4, 1973	Immediately	Oct. 13, 1974
Gooch Bros. Lumber	Yazoo City	APC-S-1	do	do	Do.
Vaughn Gin Co	Vaughn	APC-S-1	do	do	Dec. 1, 1974
Yazoo Paving Co	Yazoo City	APC-S-1	do	do	Oct. 13, 1974
Yazoo Ready Mix	do	APC-S-1	do	do	Do.
Planters Gin of Bentonia	Bentonia	APC-S-1	do	do	Dec. 1, 1974
McGraw-Curren Lumber Co	Yazoo City	APC-S-1	do	do	Oct. 20, 1974

[FR Doc.75-1869 Filed 1-21-75;8:45 am]

[FRL 309-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Approval of Compliance Schedules

On September 9, 1974 (39 FR 32563), the Administrator proposed the approval of a number of individual compliance schedules submitted by the State of North Carolina pursuant to 40 CFR 51.6 and 51.15 pertaining respectively to plan revisions and compliance schedules. These schedules had been adopted by the North Carolina Board of Water and Air Resources after notice and public hearing before being submitted for the Agency's approval on November 20, 1973, and on May 13, 1974. Each establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes enforceable by the Federal Government immediately upon its approval by the Administrator.

Copies of the proposed schedules were made available for public inspections at the Agency's Region IV office in Atlanta, Georgia and at the North Carolina Office of Water and Air Resources' headquarters in Raleigh. Written comments were solicited from the public, but no response was received. The State offered a number of minor corrections, which have all been incorporated in the listing given below.

An evaluation of the remaining schedules may be obtained by consulting personnel of the Agency's Region IV Air Programs Office, 1421 Peachtree Street NE., Atlanta, Georgia. Copies of the schedules, together with the North Carolina plan, are available for public inspection at the Atlanta office and also at the Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C. 20460 and at the office of the North Carolina Division of Environmental Management, Air Quality Section.

The Administrator has determined that all the schedules given here satisfy the requirement of 40 CFR Part 51 pertaining to compliance schedules and plan revisions, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this action immediately effective since these schedules are already in effect under North Carolina law, and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110, Clean Air Act, (41 U.S.C. 1857c-5))

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart II—North Carolina

§ 52.1770 [Amended]

1. Section 52.1770 is amended by inserting in proper chronological order in paragraph (c) the dates November 20 [1973] and May 13 [1974].

2. Section 52.1774 is amended by inserting in proper order in the table of paragraph (a) new lines as follows:

§ 52.1774 Compliance schedules.

(a) • • •

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Source	Location	Permit number	Regulation involved	Date of adoption	Effective date	Final compliance date
ALAMANCE COUNTY						
Burlington Industries, Mayfair Plant	Burlington	T-2449	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Mar. 31, 1975
Wilson Bradshaw Sawmill	Haw River	T-2431	II-1.3	do	do	July 31, 1974
ANSON COUNTY						
Wade Mfg. Co	Wadesboro	T-2421	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Dec. 31, 1974
BLADEN COUNTY						
Columbian Peanut Co	Elizabethtown	T-2439	IV-2.30	Mar. 18, 1974	Immediately	July 1, 1974
BEAUFORT COUNTY						
Hackney & Sons, Inc	Washington	T-2410	IV-2.60	Mar. 18, 1974	Immediately	Jan. 1, 1975
BRUNSWICK COUNTY						
Bolivia Lumber Co	Navassa	T-2364	II-1.3	Aug. 23, 1973	Immediately	June 1, 1974
Standards Products, Inc.:						
(a) Evaporator	Southport	T-2216	II-5.2, IV-2.30	June 27, 1973	do	May 31, 1974
(b) Dryer	do	do	do	do	do	Do.
CLEVELAND COUNTY						
Oras Biggerstaff:						
Gin #1	Shelby	T-2454	II-2.2, IV-2.30	Mar. 19, 1974	Immediately	Sept. 30, 1974
Gin #2	Boiling Springs	T-2455	do	do	do	Do.
Gin #3	Shelby	T-2456	do	do	do	Do.
A. M. Bogas & Sons	Fallston	T-2458	do	Mar. 20, 1974	do	Do.
Boggs & Williams Gin Co	Bellwood	T-2460	do	Mar. 22, 1974	do	Do.
Morgan & Company Inc	Shelby	T-2459	do	Mar. 20, 1974	do	Do.
CUMBERLAND COUNTY						
Cape Fear Car Service, Inc	Fayetteville	T-2435	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	July 15, 1974
DAVIDSON COUNTY						
Hekman Cabinets	Lexington	T-2417	IV-1.10, II-2.2, IV-2.30.	Mar. 18, 1974	Immediately	Nov. 1, 1974
E. E. Wilson Floor Covering, Inc	do	T-2420	II-1.3	do	do	Mar. 1, 1974
Burlington Industries, Inc., Philpott Plant:						
(a) Furniture finishing	do	T-2338	IV-2.60	June 29, 1973	do	Dec. 13, 1973
(b) Dust cyclone	do	do	IV-2.30	do	do	July 1, 1974
(c) Wood waste boiler	do	do	II-2.2, IV-1.20	do	do	May 1, 1975
EDGECOMBE COUNTY						
Carolina Enterprise Inc	Tarboro	T-2430	II-2.2, IV-2.30, IV-2.60.	Mar. 18, 1974	Immediately	Oct. 1, 1974
FRANKLIN COUNTY						
Rishel Furniture Co	Louisburg	T-2452	IV-2.60	Mar. 18, 1974	Immediately	July 31, 1974
GRAHAM COUNTY						
Graham Board of Commissioners	Robbinsville	T-2268	II-2.2, IV-1.10, IV-2.40.	June 27, 1973	Immediately	Oct. 15, 1974

Source	Location	Permit number	Regulation involved	Date of adoption	Effective date	Final compliance date
GRANVILLE COUNTY						
Adams Products Co	Oxford	T-2437	II-2.2, II-5.2, IV-2.30, IV-2.60.	Mar. 18, 1974	Immediately	Apr. 1, 1974
General Processors, Inc	do	T-2424	II-2.2, IV-2.30	do	do	Aug. 1, 1974
Graystone Concrete Products Inc	do	T-2444	do	do	do	Nov. 1, 1974
IMI Warp Knits	do	T-2428	do	do	do	June 1, 1974
Oxford Laundry & Cleaner	do	T-2226	II-2.2, IV-1.10, IV-2.40.	June 28, 1973	do	Sept. 30, 1974
HALIFAX COUNTY						
Columbian Peanut Co	Enfield	T-2427	II-22, IV-2.30	Mar. 18, 1974	Immediately	Sept. 1, 1974
Do	Scotland Neck	T-2450	IV-2.30	do	do	July 1, 1974
HARNETT COUNTY						
Perry Bros. Tire Service	Dunn Durham	T-2446	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	May 15, 1974
HENDERSON COUNTY						
Manning Fisher Co., Inc	Hendersonville	T-2462	II-2.2, IV-2.30	Mar. 22, 1974	Immediately	June 1, 1974
HERTFORD COUNTY						
Colombian Peanut Co	Ahoskie	T-2398	IV-2.30	Mar. 18, 1974	Immediately	July 1, 1974
IREDELL COUNTY						
Baystate Milling Co	Mooresville	T-2411	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	May 1, 1974
Statesville Chair Co	Statesville	T-2418	do	do	do	Dec 31, 1974
Statesville Plywood & Veneer Co	do	T-2413	do	do	do	July 1, 1974
JOHNSTON COUNTY						
Mitchell Concrete Products	Smithfield	T-2433	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Aug. 31, 1974
Guy C. Lee Mfg. Co	do	T-1963	II-2.2, IV-1.10 IV-2.40.	Dec. 3, 1972	do	June 1, 1973
LEE COUNTY						
Sanford Finishing Corp	Sanford	T-2441	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	June 30, 1974
LINCOLN COUNTY						
Mohican Mills	Lincolnton	T-2304	II-2.2, IV-2.30	June 28, 1973	Immediately	Dec. 31, 1974
MARTIN COUNTY						
Martin Co. Board of Education, Robersonville Primary	Robersonville	T-885	II-1.3, II-2.2, IV-1.100	Apr. 27, 1971	Immediately	Sept. 30, 1973
NASH COUNTY						
Burlington Industries:						
(a) Sheffield Plant	Rocky Mount	T-2447	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Sept. 30, 1974
(b) Finishing Plant	do	T-2448	do	Mar. 19, 1974	do	Mar. 31, 1975
China American Tobacco Company	do	T-2422	do	Mar. 18, 1974	do	July 1, 1974
Independent Tobacco Services Corp	do	T-2434	do	do	do	Sept. 1, 1974
NEW HANOVER COUNTY						
Southern Box & Plywood	Wilmington	T-2374	IV-1.10, II-2.2	Aug. 23, 1973	Immediately	July 31, 1976
Carolina Methanol, Inc	do	T-2267	IV-2.60	Oct. 16, 1973	do	Mar. 16, 1975
Babcock & Wilcox Company	do	T-2409	do	Mar. 18, 1974	do	Dec. 31, 1974
E. W. Godwin & Sons	do	T-2408	II-2.2, IV-1.10	do	do	Do.
Carolina Power & Light L. V. Sutton #2 Unit	do	T-1846	II-2.2, IV-1.10, IV-2.40.	Aug. 8, 1972	do	Dec. 1, 1974
Hercules, Inc	do	T-2197	IV-2.60	June 27, 1973	do	May 31, 1975
NORTHAMPTON COUNTY						
Severn Peanut Company, Inc	Severn	T-2442	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Oct. 1, 1974
E. L. Timberlake Jr. Company	Woodland	T-2432	do	do	do	June 1, 1974
ORANGE COUNTY						
Triem, Inc	Carrboro	T-2425	IV-2.6	Mar. 18, 1974	Immediately	Sept. 30, 1974
Hines Liner Company (Liner Plant)	Hillsboro	T-1782	II-2.2, IV-1.10, IV-2.40.	June 29, 1972	do	July 31, 1973
PASQUOTANK COUNTY						
A. B. Houtz & Sons, Inc	Elizabeth City	T-2397	II-1.3	Oct. 15, 1973	Immediately	June 1, 1974
PENDER COUNTY						
Holt Hosiery Mills, Inc	Penderlea	T-2396	II-2.2, IV-1.10, IV-2.40.	Oct. 15, 1973	Immediately	July 1, 1974
PERSON COUNTY						
The Loxcreen Co., Inc	Roxboro	T-2423	II-2.2, IV-2.3	Mar. 13, 1974	Immediately	June 1, 1974
PITT COUNTY						
Town of Bethel	Bethel	T-267	II-1.3	Sept. 6, 1973	Immediately	Mar. 1, 1974

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Source	Location	Permit number	Regulation involved	Date of adoption	Effective date	Final compliance date
RANDOLPH COUNTY						
W. R. Grace & Company, Const. Products Div.	High Point	T-2419	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Oct. 1, 1974
RUTHERFORD COUNTY						
Burlington Industries, Inc., J. C. Cowan Plant	Forest City	T-2461	II-2.2, IV-2.30, IV-2.60.	Mar. 22, 1974	Immediately	Dec. 31, 1974
SCOTLAND COUNTY						
Spring Mills, Crandall Plant	Wagram	T-504	II-1.3, II-2.2, IV-1.10, IV-2.40.	Mar. 2, 1971	Immediately	Mar. 31, 1973
SURRY COUNTY						
North Carolina Granite Company	Mt. Airy	T-2416	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Apr. 1, 1974
UNION COUNTY						
Spring Mills Inc.	Monroe	T-2412	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	July 1, 1974
VANCE COUNTY						
Kerlion, Inc.	Henderson	T-2426	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Dec. 31, 1974
Fram Corporation, General Products Div.	do	T-2438	do	do	do	June 1, 1974
WAKE COUNTY						
Athey Products Corp.	Wake Forest	T-2443	IV-2.60, IV-2.30	Mar. 18, 1974	Immediately	Aug. 30, 1974
Paul Beasley Concrete, Inc.	Fuquay-Varina	T-2436	II-2.2, IV-2.20	do	do	Do.
Cameron Court Apartments	Raleigh	T-2445	II-1.3, IV-1.30	do	do	July 17, 1974
Tobacco Growers Services	Fuquay-Varina	T-2429	II-2.2, IV-2.30	do	do	Aug. 31, 1974
WARREN COUNTY						
General Box Company	Warrenton	T-2440	II-1.3	Mar. 31, 1974	Immediately	Aug. 1, 1974
YADKIN COUNTY						
Yadkin Granite Ready Mix Company	Jonesville	T-2415	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	July 1, 1974
WILKES COUNTY						
Lowes Company Inc Bucham Lumber	N. Wilkesboro	T-2265	II-2.2, IV-2.30	June 27, 1973	Immediately	Dec. 31, 1974

[FR Doc.75-1870 Filed 1-21-75;8:45 am]

[FRL 309-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Approval of Compliance Schedules

On March 19, 1974 (39 FR 10273), the Administrator proposed the approval of a number of individual compliance schedules submitted by the State of Tennessee pursuant to the requirements of 40 CFR 51.6 and 51.15 pertaining respectively to plan revisions and compliance schedules. These schedules had been adopted by the Tennessee Air Pollution Control Board after notice and public hearing before being submitted for the Agency's approval on March 23, May 15, July 3, July 18, July 20, October 15, and October 16, 1973. Each establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding tables under the heading "Final Compliance Date." In many cases the schedules include incremental steps toward compliance, with specific dates set for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes enforceable by the Federal Government immediately upon its approval by the Administrator.

Copies of the proposed schedules were made available for public inspection at the Agency's Region IV office in Atlanta, Georgia, at the office of the Tennessee Division of Air Pollution Control in Nashville, and at the offices of the local control agencies involved. Written comments were solicited from the public, but no response was received. At the State's request, a number of schedules, including most of the Memphis-Shelby County ones, have been deleted from the original proposal since new schedules have since been negotiated with the facilities concerned. Also, one facility originally listed for Nashville-Davidson County has ceased operation and hence has been deleted.

An evaluation of the remaining schedules may be obtained by consulting personnel of the Agency's Region IV Air Programs Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. Also, copies of the schedules as well as the Tennessee plan itself are available for public inspection at this location at the office of the Agency's Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C. 20460; at the office of the Tennessee Division of Air Pollution Control, C2-212 Cordell Hull Building, Nashville, Tennessee 37219; and at the offices of the local control agencies involved:

City of Memphis-Shelby County Health Department
814 Jefferson Avenue
Memphis, Tennessee 38105

Chattanooga-Hamilton County Air Pollution Control Bureau
Room 201
City Hall Annex
Chattanooga, Tennessee 37402

Air Pollution Control Division
Metropolitan Health Department of Nashville and Davidson County
311-23rd Avenue
Nashville, Tennessee 37203

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to compliance schedules and plan revisions, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making his action immediately effective since these schedules are already in effect under Tennessee law, and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110, Clean Air Act (42 U.S.C. 1857c-5))

Dated: January 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

§ 52.2220 [Amended]

1. Section 52.2220 is amended by inserting in proper chronological order in paragraph (c)(4) the dates March 23, May 15, July 3, July 18, July 20, October 15, and October 16 [1973].

2. Section 52.2223 is amended by adding lines to the table of paragraph (c)(1) and by adding a new paragraph (e) as follows:

§ 52.2223 Compliance schedules.

* * * * * * *

(c)(1) * * *

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Bowaters Southern Paper Corp. State order No. 44-0073.	Calhoun	CH. VII-9(f)	June 19, 1973	Immediately	June 1, 1975
General Shale, State order No. 45-0073.	Kingsport	CH. VII-8(b)	do	do	June 1, 1974
Holston Army Ammunition Plant, State order No 54-0073.	do	CH. VII-9(c)	do	do	Dec. 1, 1973
Tennessee River Pulp & Paper Co., State order No. 93-00073.	Counce	CH. VI-2 CH. V-2(b)	do	do	
Tennessee Valley Authority, Kingston Steam Plant, Unit 1, State order No. 47-0073.	Kingston	CH. VI-2(a)(2) CH. V-2(b)	June 19, 1973	do	July 1, 1975
Tennessee Valley Authority, Johnsonville Steam Plant:					
(a) Unit 1, State order No. 50-0073.	New Johnsonville	CH. VI-2(a)(2) CH. V-2(b)	Oct. 9, 1973	do	April 1, 1975
(b) Unit 2, State order No. 49-0073.	do	CH. VI-2(a)(2) CH. V-2(b)	do	do	July 1, 1975
(c) Unit 7, State order No. 48-0073.	do	CH. VI-2(a)(2) CH. V-2(b)	do	do	Mar. 1, 1974
(d) Unit 8, State order No. 52-0073.	do	CH. VI-2(a)(2 CH. V-2(b)	do	do	June 1, 1974
(e) Unit 9, State order No. 51-0073.	do	CH VI-2(a)(2) CH. V-2(b)	do	do	Sept 1, 1974
(f) Unit 10, State order No. 53-0073.	do	CH. VI-2(a)(2) CH. V-2(b)	do	do	Dec 1, 1974

* * * * * * *

(e) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 and § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State or those of a local air pollution control agency as noted.

(1) Statewide compliance schedules:

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Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Aluminum Co. of America, State order No. 79–0073.	Alcoa	CH. V–2(b) CH. VII–2	Oct. 9, 1973	Immediately	Aug. 9, 1974
American Enka, State order No. 64–0073:					
(a) Boilers 1, 2, 3	Morristown-Tennessee	CH. V–2(b) CH. VI–2(a)	do	do	July 1, 1975
(b) Boilers 4, 5, 6	do	CH. V–2(b) CH. VI–2(a)	do	do	Dec. 30, 1974
(c) Boiler 9	do	CH. V–2(b) CH. VI–2(a)	do	do	June 30, 1974
Athens Plow Co., State order No. 4–0073.	Athens	CH. V–2(b) CH. VII–9(b)	Mar. 20, 1973	do	Aug. 9, 1974
Athens Stove Works, State order No. 55–0073.	do	CH. V–2(b) CH. VII–9(b)	June 19, 1973	do	July 2, 1974
Beaunit Fibers, State order No. 56–0073:					
(a) Stacks 1 and 2	Elizabethton	CH. V–2(a) CH. VI–2(a)	do	do	Mar. 30, 1975
(b) Stack 3	do	CH. V–2(a) CH VI–2(a)	do	do	Nov. 30, 1974
Bedford Lumber Co.:					
State order No. 57–0073	Shelbyville	CH. V–2(b) CH. VI–2(a)(2)	Oct. 9, 1973	do	Mar. 1, 1974
State order No. 88–0073	do	CH. V–2(b) CH. VI–2(a)(2)	do	do	Oct. 9, 1974
Bristol Foundry & Machine Co., State order No. 71–0073.	Bristol	CH. V–2(b) CH. VII–9(b)	do	do	Nov. 9, 1973
Bruce Flooring State order No. 72–0073.	Jackson	CH. V–2(b) CH. VII–2	do	do	Aug. 9, 1974
Burroughs-Ross-Colville Co.:					
State order No. 65–0073:					
(a) Boiler 1	McMinnville	CH. V–2(b) CH. VI–2(a)2	do	do	Do.
State order No. 66–0073:					
(a) Collectors C–1, C–3	do	CH. V–2(b) CH. VII–2(a)	do	do	Do.
(b) Collector C–7	do	CH. V–2(b) CH. VII–2(a)	do	do	Oct. 1, 1973
Celotex Corp., State Order No. 61–0073:					
(a) Collectors A1–2, B–3, B–4, and E–22.	Paris	CH. V–2(b) CH. VII–2(a)	June 19, 1973	do	May 1, 1974
(b) Collectors D–12, D–13, and D–14.	do	CH. V–2(b) CH. VII–2(a)	do	do	Apr. 1, 1974
(c) Collectors C–0, C–10, and C–11.	do	CH. V–2(b) CH. VII–2(a)	do	do	Oct. 30, 1973
Clarksville Foundry & Machine Works, State order No. 73–0073.	Clarksville	CH. V–2(b) CH. VII–9(b)	Oct. 9, 1973	do	Jan. 30, 1974
Dover Corp., State order No. 74–0073.	Middleton	CH. V–2(b) CH. VI–2(d)	do	do	July 9, 1974
Farrar Construction, State order No. 75–0073.	McMinnville	CH. V–2(b) CH. VII–9(g)	do	do	Oct. 9, 1973
Harris Manufacturing Co., State order No. 62–0073.	Johnson City	CH. V–2(b) CH. VII–2(a)	June 19, 1973	do	June 1, 1974
Holston Army Ammunition Plant, State order No. 67–0073.	Kingsport	CH. V–2(b) CH. VI–2(a)	Oct. 9, 1973	do	July 1, 1975
Kingsport Foundry & Manufacturing Corp., State order No. 57–0073.	do	CH. V–2(b) CH. VII–9(b)	June 19, 1973	do	Feb. 28, 1974
Koh-i-noor Radiograph, Inc., State order No. 58–0073.	Lewisburg	CH. V–2(b) CH. VII–2(a)	do	do	Mar. 29, 1974
Lenoir Car Works, State order No. 76–0073.	Lenoir City	CH. V–2(b) CH. VII–2	Oct. 9, 1973	do	Dec. 9, 1973
Marquette Cement Manufacturing Co., State order No. 5–0073.	Cowan	CH. V–2(b) CH. VII–2	Mar. 20, 1973	do	Aug. 9, 1974
Mead Corp., State order No. 59–0073.	Kingsport	CH. V–2(b) CH. VI–2(a)(1)	June 19, 1973	do	July 1, 1975
Monsanto Co., State order No. 6–0073:					
(a) Source 4	Columbia	CH. V–2 CH. VII–2	Mar. 20, 1973	do	Mar. 9, 1974
(b) Source 5	do	CH. V–2 CH. VII–2	do	do	Dec. 9, 1973
Royal Oak Charcoal Co.:					
State order No. 77–0073	Jamestown	CH. V–2(b) CH. VII–2	Oct. 9, 1973	do	July 31, 1974
State order No. 78–0073	do	QH. V–2(b) CH. VII–2	do	do	Mar. 1, 1974
Stokely-Van Camp, Inc., State order No. 63–0073.	Tellico Plains	CH. V–2(b) CH. VI–2(a)(2)	June 19, 1973	do	Jan. 30, 1974
Tennessee Asphalt Co., State order No. 79–0073.	LaFollette	CH. V–2(b) CH. VII–9(g)	Oct. 9, 1973	do	Dec. 30, 1973
Tennessee Eastman Co.:					
State order No. 80–0073	Kingsport	CH. V–2(b) CH. VII–2	do	do	June 1, 1974
State order No. 81–0073	do	CH. V–2(b) CH. VII–2	do	do	Aug. 9, 1974
State order No. 82–0073	do	CH. V–2(b) CH. VII–2	do	do	Nov. 1, 1974
State order No. 83–0073	do	CH. V–2(b) CH. VII–2	do	do	July 1, 1975
State order No. 84–0073:					
(a) Units 18–22	do	CH. V–2(b) CH. VI–2(a)(1)	do	do	Mar. 1, 1975
(b) Units 11–17	do	CH. V–2(b) CH. VI–2(a)(1)	do	do	June 1, 1975
Tennessee Forging Steel Co., State order No. 85–0073.	Harriman	CH. V–2(b) CH. VII–2	do	do	Oct. 30, 1973
Tennessee Metallurgical, State order No. 89–0073:					
(a) Furnace No. 2	Kimball	CH. V–2(b) CH. VII–2	do	do	Mar. 1, 1974
(b) Furnace No. 1	do	CH. V–2(b) CH. VII–2	do	do	Jan. 15, 1974
Union Carbide Corp., State order No. 86–0073.	Columbia	CH. V–2(b) CH. VII–2	do	do	Aug. 9, 1974
United States Stove Co., State order No. 3–0073.	South Pittsburg.	CH. V–2(b)	Mar. 20, 1973	do	Feb. 9, 1974

(2) Chattanooga-Hamilton County compliance schedules:

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Chattanooga Public Schools:					
(a) Elbert Long School	Chattanooga	Sec. 9(8)	Feb. 8, 1973	Immediately	July 1, 1974
(b) Charles A. Bell School	do	do	do	do	Do.
(c) G. Russel Brown School	do	do	do	do	Do.
(d) Calvin Donaldwon School	do	do	do	do	Do.
(e) East Chattanooga School	do	do	do	do	Do.
(f) Highland Park School	do	do	do	do	Do.
(g) Normal Park School	do	do	do	do	Do.
(h) Piney Woods School	do	do	do	do	Do.
(i) Ridgedale School	do	do	do	do	Do.
(j) Frank H. Trotter School	do	do	do	do	Do.
(k) Woodmore School	do	do	do	do	Do.
(l) Riverment School	do	do	do	do	Do.
(m) St. Elmo School	do	do	do	do	Do.
E.I. DuPont de Nemours & Co.:					
(a) Nylon 66 evaporator Nos. 1–5.	do	Sec. 9	do	do	Do.
(b) Nylon auto clave Nos. 1–17	do	do	do	do	Do.
(c) Continuous polymerization lines I–III.	do	do	do	do	Do.
(d) Continuous polymerization line IV.	do	do	do	do	Sept. 1, 1973
(e) Lindburg furnace type 364830–E12–S.	do	do	do	do	Aug. 1, 1973
(f) Lindburg furnace type 243624–E12–S.	do	do	do	do	Feb. 1, 1974
(g) Trent furnace model 862640A.	do	do	do	do	Mar. 1, 1974
(h) Lindburg furnace type 364830E12–S.	do	do	do	do	Apr. 1, 1974
(i) Riley boiler	do	do	do	do	July 1, 1974
(j) B & W boiler	do	do	do	do	Do.
General Tire Service	do	do	do	do	Jan. 31, 1974
Randolph Manufacturing Co., Inc	do	do	do	do	Do.
Southern Foundry Supply, Inc	do	do	do	do	Mar. 31, 1973
Tennessee Awning & Tent Co	do	do	Feb. 9, 1973	do	June 1, 1973
United States Pipe & Foundry Co	do	do	Feb. 8, 1973	do	Nov. 1, 1973

(3) Memphis-Shelby County compliance schedules:

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Desoto Hardwood Flooring Co.:					
Phase 1	do	do	Apr. 5, 1973	do	May 1, 1974
Wabash, Inc.:					
Phase 1	do	Secs. 3–17, 3–20	do	do	Apr. 1, 1974

(4) Nashville-Davidson County compliance schedules:

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Bruce Flooring	Nashville	Sec. 4–1–9	Feb. 7, 1973	Immediately	Dec. 31, 1973

[FR Doc.75–1871 Filed 1–21–75;8:45 am]

[FRL 325–5]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLE ENGINES

Recall Regulations; Corrections

The corrections detailed below should be made in FR Doc. 74–29755 at page 44370 of Part II of the issue of Monday, December 23, 1974.

1. On page 44378, paragraph (b) of Section 85.1807 is improperly sub-divided. Instead of "(b)(1)", the paragraph should be divided "(b)(1)(i)." The "(i)" preceding the word "Subsequent" in the seventh line from the bottom of that paragraph should be changed to "(ii)."

2. On page 44381, the fourth line of paragraph (z) should make reference to paragraph (u) instead of paragraph (r).

ALAN G. KIRK,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.75–2180 Filed 1–21–75;9:06 am]

[FRL 273–2]

PART 85—CONTROL OF AIR POLLUTION FROM NEW VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart S—Recall Regulations

Correction

In FR Doc. 74–29755, appearing at page 44370 in the issue of Monday, December 23, 1974, make the following changes:

1. Directly after the second line of § 85.1806(b)(5) on page 44377 the following line should be inserted:

"(6) Number of inspected vehicles".

2. The third and fourth lines of § 85.1807(d)(1) on page 44378 reading "section, except as otherwise: *Provided*, The day of the act or event which" should read "section, except as otherwise provided, the day of the act or event from which".

V40-15 JAN 22 75 XUM

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-28]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Government Importations

Section 10.104 of the Customs Regulations (19 CFR 10.104) provides that importations made by or for the account of a military department, the General Services Administration, and the Atomic Energy Commission, may be entered free of duty either under item 832.00, 833.00, or 834.00, Tariff Schedules of the United States. However, these importations may be admitted free of duty only upon receipt by the district director of Customs of a certificate executed by a duly authorized officer or civilian official of the appropriate department or agency stating that the importations constitute an emergency purchase of war material abroad, or that they are strategic and critical materials procured under the Strategic and Critical Materials Stock Piling Act, or that they are source materials purchase abroad, the admittance of which is necessary in the interest of the common defense and security.

At present, entry of the material must be made in the name of the Government department whose representative executed the certificate unless exemption from this requirement is specifically authorized by Headquarters, United States Customs Service. As part of the general delegation of responsibility for certain functions, authority to grant this exemption has been delegated to the regional commissioners of Customs.

§ 10.104 **Importations by a military department, the General Services Administration, and the Atomic Energy Commission.**

Accordingly, paragraph (e) of section 10.104 of the Customs Regulations (19 CFR 10.104(e)) is amended by deleting the words "Headquarters, U.S. Customs Service" and substituting therefor the words "the regional commissioner of Customs".

(R.S. 251, as amended, secs. 448(b), 624, 46 Stat. 714, as amended, 759 (19 U.S.C. 66, 1448(b) 1624))

Because this amendment relates to agency management, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective February 21, 1975.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: January 14, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-2039 Filed 1-21-75;8:45 am]

[T.D. 75-27]

PART 141—ENTRY OF MERCHANDISE

Installment Shipments

On August 8, 1974, there was published in the FEDERAL REGISTER (39 FR 28534), a notice of a proposed amendment to § 141.82(a) of the Customs Regulations (19 CFR 141.82(a)), which would extend from 7 days to 10 days the period of time within which installments of a shipment covered by a single order or contract and shipped from one consignor to one consignee must arrive at the port of entry in order to be included in one invoice. No comments were received in response to this notice.

Accordingly, paragraph (a) of section 141.82 of the Customs Regulations (19 CFR 141.82(a)) and the section heading thereto are amended to read as follows:

§ 141.82 **Invoice for installment shipments arriving within a period of 10 days.**

(a) *One invoice sufficient.* Installments of a shipment covered by a single order or contract and shipped from one consignor to one consignee may be included in one invoice if the installments arrive at the port of entry by any means of transportation within a period of not to exceed 10 consecutive days.

• • • • • •

(R.S. 251, as amended, secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1624))

Effective date. This amendment shall become effective February 21, 1975.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: January 15, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-2037 Filed 1-21-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

n-Butyl Chloride Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-151V) filed by Richlyn Laboratories Inc., Castor and Kensington Aves., Philadelphia, PA 19124, proposing safe and effective use of *n*-butyl chloride capsules as an anthelmintic for dogs. The application is approved.

To facilitate referencing, Richlyn Laboratories is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. In § 135.501(c) by adding a new code number 104 as follows:

§ 135.501 **Names, addresses, and code numbers of sponsors of approved applications.**

• • • • •

(c) • • •

Code No.	*Firm name and address*
•	•
104	Richlyn Laboratories, Inc., Castor and Kensington Aves., Philadelphia, PA 19124.

2. In § 135c.77 by adding a new paragraph (c) to read as follows:

§ 135c.77 ***n*-Butyl chloride capsules, veterinary.**

• • • • •

(c) (1) *Specifications.* *n*-Butyl chloride capsules, veterinary contain 884 or 1,768 milligrams or 4.42 grams of *n*-butyl chloride in each capsule.

(2) *Sponsor.* See code No. 104 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancyclostoma caninum*, *Ancyclostoma braziliense*, and *Uncinaria stenocephala*) from dogs.

(ii) (*a*) Dogs should not be fed for 18 to 24 hours before being given the drug. Administration of the drug should be followed in ½ to 1 hour with a mild cathartic. Normal rations may be resumed 4 to 8 hours after treatment.

(*b*) The drug is administered orally to dogs. Capsules containing 884 milligrams of *n*-butyl chloride are administered to dogs as follows: weighing under 5 pounds, 1 capsule; weighing 5–10 pounds, 2 capsules; weighing 10–20 pounds, 3 capsules; weighing 20–40 pounds, 4 capsules; over 40 pounds, 5 capsules. Capsules containing 1,768 milligrams of *n*-butyl chloride are administered at a dosage level of 1 capsule per dog to dogs weighing 5–10 pounds and 2 capsules per dog to dogs weighing 20–40 pounds. Capsules containing 4.42 grams of *n*-butyl chloride are administered at a dosage level of 1 capsule per dog to dogs weighing 40 pounds or over.

(iii) A veterinarian should be consulted before using in severely debilitated dogs.

Effective date. This order shall be effective January 22, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: January 15, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.75-1981 Filed 1-21-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AID PR Notice 75-4]

PROCUREMENT REGULATIONS

Miscellaneous Amendments

This notice incorporates various amendments as follows:

(a) Administrative revisions to reflect 1) changes in the Federal Procurement Regulations (FPR) which affect AID contracts and 2) organizational changes within AID;

(b) "Personal Compensation" is deleted from the "Definitions" clause in contracts with educational institutions because the definition is covered in the "Personnel Compensation" clause of the contract;

(c) The "Subcontracts and Purchase Orders" clause is revised to conform to the requirements of the FPR and Federal Management Circular 73-8; and

(d) The requirements for payment of post differential to short-term contractor employees have been changed.

PART 7-1—GENERAL

1. The contents of Part 7-1 are amended to redesignate sections within Subpart 7-1.6 as follows:

Subpart 7-1.6—Debarred, Suspended, and Ineligible Bidders

• • • • •

7-1.605-3 Notice of suspension.
7-1.605-4 [Reserved.]
7-1.605-5 Restrictions during period of suspension.

• • • • •

AUTHORITY: The provisions of Part 7-1 issued under sec. 621, 75 Stat. 445, as amended; 22 U.S.C. 2381. E.O. 10973, November 3, 1961, 26 FR 10469; 3 CFR 1959-63 Comp.

Subpart 7-1.3—General Policies

2. New §§ 7-1.323 and 7-1.323-2 are added as follows:

§ 7-1.323 **Preference for U.S. flag carriers.**

AID requirements for the use of U.S. flag carriers for international transportation of personnel and cargo are more stringent than those set forth in the clause contained in FPR 1-1.323-2.

§ 7-1.323-2 **Clause.**

Instead of the clause set forth in FPR 1-1.323-2, AID contracts will contain the provisions governing use of U.S. flag carriers as set forth in AIDPR 7-7.

Subpart 7-1.6—Debarred, Suspended, and Ineligible Bidders

§ 7-1.605-4 **[Amended]**

3. § 7-1.605-4, Notice of suspension, is redesignated as § 7-1.605-3.

4. 7-1.605-4 is reserved.

§ 7-1.605-3 **[Amended]**

5. § 7-1.605-3, Restrictions during period of suspension, is redesignated as § 7-1.605-5, and the reference to FPR 1-1.605-3(a) in the text is changed to FPR 1-1.605-5(a).

PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7-4.53—Procurement Under the AID Research and Analysis Program

§ 7-4.5301 **[Amended]**

6. § 7-4.5301, Unsolicited research and analysis proposals, is amended to substitute "Bureau for Near East South Asia" for "Bureau for Asia" in paragraph (d)(4)(i) and to substitute "Bureau for East Asia" for "Bureau for Supporting Assistance" in paragraph (d)(4)(iv).

PART 7-7 CONTRACT CLAUSES

Subpart 7-7.50—Clauses for Cost Reimbursement Type Contracts

7. § 7-7.5001-18, Subcontracts and Purchase Orders, is amended to change the date in the title from "Nov. 1973" to "Jan. 1975" and paragraph (b) is revised to read as follows:

§ 7-7.5001-18 Subcontracts and purchase orders.

• • • • • •

(b) Unless authorized by the schedule of this Contract, written approval by the Contracting Officer is required prior to the placement of any subcontract or purchase order which:

(1) Is for the purchase and/or lease of motor vehicles.

(2) Is for the purchase and/or lease of any item of permanent research equipment having an acquisition cost of $1,000 or more and having an expected service life of one year or more.

(3) Is for the purchase and/or lease of permanent general purpose equipment having an acquisition cost of $200 or more and having an expected service life of one year or more. For the purpose of this subparagraph (3), the term "general purpose equipment" means any items which are usable for activities of the contractor other than the furnishing of any of the work or services required by this Contract, such as office equipment and furnishings, air-conditioning, reproduction or printing equipment, or any automatic data processing equipment.

(4) Is for the purchase of materials or supplies in excess of $2,500 which are to be consumed or expended in the performance of this Contract.

(5) Is written on a cost-reimbursement, time and material, or labor-hour basis.

(6) If for the furnishing of any of the work or services required by this Contract.

• • • • • •

§ 7-7.5001-33 **[Amended]**

8. § 7-7.500-33, Convict Labor, is amended to change the citation from "FPR 1-12.203" to "FPR 1-12.204".

9. New § 7-7.5001-43 is added as follows:

§ 7-7.5001-43 **Employment of the handicapped.**

Insert the clause set forth in FPR 1-12.1304-1.

§ 7-7.5002-3 **[Amended]**

10. § 7-7.5002-3, Travel Expenses, is amended to change the date in the title from "Sept. 1974" to "Jan. 1975" and to delete the phrase "and with payment of deductibles" from paragraph (k).

§ 7-7.5002-7 **[Amended]**

11. § 7-7.5002-7, Differentials and Allowances, is amended to change the date in the title from "Sept. 1974" to "Jan. 1975" and to revise the last sentence of paragraph (a) to read as follows: "Short term employees shall be entitled to post differential beginning with the forty-third (43rd) day at post."

Subpart 7-7.52—Basic Ordering Agreement for Participant Training

§ 7-7.5201-17 **[Amended]**

12. § 7-7.5201-17, Convict Labor, is amended to change the citation from "FPR 1-12.203" to "FPR 1-12.204".

13. New § 7-7.5201-27 is added as follows:

§ 7-7.5201-27 **Employment of the handicapped.**

Insert the clause set forth in FPR 1-12.1304-1.

Subpart 7-7.53—Contracts for Participant Training

§ 7-7.5301-16 **[Amended]**

14. § 7-7.5301-16, Convict Labor, is amended to change the citation from "FPR 1-12.203" to "FPR 1-12.204".

15. New § 7-7.5301-26 is added as follows:

§ 7-7.5301-26 **Employment of the handicapped.**

Insert the clause set forth in FPR 1-12.1304-1.

Subpart 7-7.54—Clauses for Fixed Price Type Contract for Technical Services

§ 7-7.5401-13 **[Amended]**

16. § 7-7.5401-13, Convict Labor, is amended to change the citation from "FPR 1-12.203" to "FPR 1-12.204".

17. New § 7-7.5401-34 is added as follows:

§ 7-7.5401-34 **Employment of the handicapped.**

Insert the clause set forth in FPR 1-12.1304-1.

Subpart 7-7.55—Causes for Cost Reimbursement Contracts With Educational Institutions

§ 7-7.5501-1 **[Amended]**

18. § 7-7.5501-1 Definitions, is amended to change the date in the title from "June 1973" to "Jan. 1975" and to delete paragraph (k) in its entirety.

§ 7-7.5501-31 **[Amended]**

19. § 7-7.5501-31, Convict Labor, is amended to change the citation from "FPR 1-12.203" to "FPR 1-12.204".

20. New § 7-7.5501-39 is added as follows:

§ 7-7.5501-39 **Employment of the handicapped.**

Insert the clause set forth in FPR 1-12.1304-1.

Filing: This notice should be filed in front of the main text of the AIDPR.

Authority: This AIDPR Notice No. 75-4 is an interim procurement instruction and is issued pursuant to AIDPR 7-1.104-4.

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Effective date: This notice is effective on January 31, 1975.

Dated: January 16, 1975.

JOHN F. OWENS,
Acting Deputy Assistant Administrator of Program and Management Services.

[FR Doc.75-2051 Filed 1-21-75;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective January 22, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JANUARY 15, 1975.

PART 114–1—INTRODUCTION

Subpart 114–1.1—Regulation System

Section 114–1.109–50 is revised so the listing of offices will read as follows:

§ 114–1.109–50 Bureau and Office codification.

* * * * *

114A—Office of the Secretary.
114B—Office of Management Operations.
114C—Reserved.
114D—Fish and Wildlife Service.
114E—Bureau of Mines.
114F—Geological Survey.
114G—Office of Coal Research.
114H—Bureau of Indian Affairs.
114J—Bureau of Land Management.
114K—National Park Service.
114L—Office of Territorial Affairs.
114M—The Alaska Power Administration.
114N—Bureau of Outdoor Recreation.
114P—Mining Enforcement and Safety Administration.
114R—Office of Water Research and Technology.
114S—Bureau of Reclamation.
114T—Bonneville Power Administration.
114U—Southeastern Power Administration.
114W—Southwestern Power Administration.
114Z—Defense Electric Power Administration.

PART 114–3—ANNUAL REAL PROPERTY INVENTORIES

Subpart 114–3.1—General Provisions

Section 114–3.105 is amended to read as follows:

§ 114–3.105 Agency liaison.

The Director of Management Services (PM), Office of the Assistant Secretary-Management, is the designated agency representative for this Department for liaison with the General Services Administration on matters related to the owned real property inventories. Any questions concerning these inventories shall be referred to him for handling.

Subpart 114–3.2—Annual Report—Real Property Owned by the United States

Sections 114–3.205 and 114–3.206 are amended to read as follows:

§ 114–3.205 Optional reporting method.

Any Bureau or Office desiring to submit its real property inventory in the form of a machine listing supported by punch cards shall notify the Director of Management Services (PM) so that appropriate arrangements can be made with the central office of GSA.

§ 114–3.206 Preparation and due dates.

The annual inventory report on GSA Forms 1166 and 1209 shall be prepared as of June 30 each year and transmitted to reach the Director of Management Services (Attn: PM), Office of the Assistant Secretary-Management, by not later than August 21, in the number of copies indicated below:

GSA Form 1166—An original and one copy. A complete file of all current individual installation reports shall be maintained by the bureau headquarters office.

GSA Form 1209—An original and two copies and one copy to be retained by the bureau headquarters office.

Consolidated GSA Form 1166—An original only is required for retention and use by the Director of Management Services.

PART 114–25—GENERAL

Subpart 114–25.1—General Policies

The Table of Contents is amended by deleting the reference to § 114–25.104–2, Purchase of new filing cabinets, and § 114–25.104–2 is deleted in its entirety.

§ 114–25.104–2 [Deleted]

Subpart 114–25.3—Use Standards

The Table of Contents is amended by addition of the following:

114–25.302–3 Electric Typewriters.

Section 114–25.350, standard lettering for bench marks and corner markers, is amended so the last paragraph will read as follows:

§ 114–25.350 Standard lettering for bench marks and corner marks.

* * * * *

Exceptions to the use of the foregoing lettering will be granted only where special circumstances warrant exemption. Requests for such exemption shall be transmitted through Bureau channels to the Director of Management Services (PM), Office of the Assistant Secretary-Management.

PART 114–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114–26.3—Procurement of GSA Stock Items

Section 114–26.308 is amended to read as follows:

§ 114–26.308 Obtaining filing cabinets.

New filing cabinets should not be acquired until maximum utilization of existing filing cabinets has been obtained through the actions prescribed in 41 CFR 101–25.302–2.

Subpart 114–26.4—Purchase of Items From Federal Supply Schedule Contracts

Section 114–26.406–2(d) is amended so the listing of offices will read as follows:

§ 114–26.406–2 Billing code.

* * * * *

(d) * * *

Southwestern Power Administration—000 through 009 inclusive.
Bonneville Power Administration—010 through 019 inclusive.
Geological Survey—020 through 029 inclusive.
Southeastern Power Administration—030 through 039 inclusive.
Fish and Wildlife Service—040 through 059 inclusive.
Bureau of Mines—060 through 099 inclusive.
Fish and Wildlife Service—100 through 199 inclusive.
Bureau of Reclamation—200 through 499 inclusive.
Bureau of Indian Affairs—500 through 549 inclusive.
National Park Service—550 through 569 inclusive.
Bureau of Land Management—570 through 599 inclusive.
Office of the Secretary—600 through 624 inclusive.
National Park Service—625 through 674 inclusive.
Reserved—675 through 699 inclusive.
Alaska Power Administration—700 through 704 inclusive.
Bureau of Indian Affairs—705 through 784 inclusive.
Office of Aircraft Services—785 through 799 inclusive.
Bureau of Land Management—800 through 864 inclusive.
Reserved—865 through 964 inclusive.
National Park Service—965 through 999 inclusive.

Subpart 114–26.6—Procurement Sources Other Than GSA

The Table of Contents is amended by deleting "114–26.600–51 Other Procurement from the Defense Supply Agency".

Subpart 114–26.6 is amended to read as follows:

§ 114–26.650 Procurement of tax-free alcohol.

(a) Regulatory requirement. Governmentwide regulations governing the procurement and use of tax-free alcohol are contained in Part 213 of Title 26, Code of Federal Regulations.

(b) Departmental policy. It is the policy of the Department of Interior to utilize tax-free ethyl alcohol and tax-free specially denatured alcohol only when no other acceptable commercial product exists or can be procured. To ensure that this policy is strictly enforced, an annual review shall be made to determine the availability of acceptable commercial products which may be substituted for tax-free alcohol without adversely affecting the quality of the work performed or the health or safety of employees.

(c) Tax-free permits. The Bureau of Alcohol, Tobacco and Firearms has issued permits for the purchase of tax-free alcohol and specially denatured

spirits for use in the United States and the Territories and possessions. The following is a list of the current permits and the names and addresses of the manufacturers from whom such items should be procured:

Manufacturer	*Tax-free Permit*
U.S. Industrial Chemicals, Inc., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 112, Anaheim, Calif.	US–TF–136.
U.S. Industrial Chemicals, Inc., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 7, Boston, Mass.	US–TF–137.
U.S. Industrial Chemicals, Inc., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 2, New Orleans, La.	US–TF–138.
Publisher Industries, Inc., Industrial Alcohol Bonded Warehouse No. 160, Philadelphia, Pa.	US–TF–139.
Commercial Solvents Corp., Industrial Alcohol Bonded Warehouse No. 26, Agnew, Calif.	US–TF–140.
Shell Chemical Corp., Industrial Alcohol Bonded Warehouse No. 234, Culver City, Calif.	US–TF–141.
U.S. Industrial Chemicals Co., Division of National Distillers & Chemical Corp., Industrial Alcohol Bonded Warehouse No. 418, Tuscola, Ill.	US–TF–142.
U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Industrial Alcohol Bonded Warehouse No. 158, Newark, N.J.	US–TF–143.
Carbide & Carbon Chemicals Co., Industrial Alcohol Bonded Warehouse No. 218, Whiting, Ind.	US–TF–144.
California Packing Corp., Industrial Alcohol Bonded Warehouse No. 77, Honolulu, Hawaii.	US–TF–145.

Manufacturer	*Specially Denatured Permit*
U.S. Industrial Chemicals Co., Division of National Distillers Products Corp., Anaheim, Calif.	US–SDS–74.
Commercial Solvents Corp., Agnew, Calif.	US–SDS–75.
Commercial Solvents Corp., Terre Haute, Ind.	US–SDS–76.

Requests for any additional permits should be submitted through Bureau channels to the Director of Management Services (PM), Office of the Assistant Secretary-Management, for transmittal to the Bureau of Alcohol, Tobacco and Firearms.

PART 114–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 114–43.4—Utilization of Abandoned and Forfeited Personal Property

Section 114–43.402 is amended by adding paragraph (c) as follows:

§ 114–43.402 Forfeited or voluntarily abandoned property.

§ 114–43.402–4 Retention by holding agency.

* * * * *

(c) Limousines, heavy sedans, and medium sedans may not be retained for use by a Bureau or Office of the Department of the Interior. Any request for exception to this rule shall be submitted to the Assistant Secretary-Management, accompanied by a justification showing the specific program need for a larger type vehicle, and then only when the proposed use is clearly authorized by the provisions of Federal Management Circular (FMC) 74–1.

[FR Doc.75-2014 Filed 1-21-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

United States Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Customs Region VIII Consolidating Customs Ports on Puget Sound, Washington, Into One Customs Port of Entry

In order to provide better Customs service to carriers, importers, and the public in the Seattle, Washington, Customs district (Region VIII), it is considered desirable to expand the port limits of the present Customs port of entry at Tacoma, Washington, and to consolidate that port and Bellingham, Friday Harbor, Anacortes, Everett, Seattle, Olympia, Port Townsend, Port Angeles, and Neah Bay, Washington, into one Customs port of entry to be known as the Puget Sound Customs port of entry.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is hereby proposed to establish a consolidated Puget Sound Customs port of entry in the Seattle, Washington, Customs district (Region VIII).

The geographical limits of the proposed consolidated port of entry will encompass all of the area within the present port of entry limits of Seattle, Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, and Port Townsend, Washington, and the port of entry limits of Tacoma, Washington, as extended to include the following territory:

Beginning at the intersection of the westernmost city limits of Tacoma and The Narrows and proceeding in an easterly, then southerly, then easterly direction along the city limits of Tacoma to its intersection with Pacific Highway (U.S. Route 99), then proceeding in a southerly direction along Pacific Highway to its intersection with Union Avenue Extended and continuing in a southerly direction along Union Avenue Extended to its intersection with the northwest corner of McChord Air Force Base, then proceeding along the northern, then western, then southern boundary of McChord Air Force Base to its intersection, just west of Lake Mondress, with the northern boundary of the Fort Lewis Military Reservation, the proceeding in an easterly direction along the northern boundary of the Fort Lewis Military Reservation to its intersection with Pacific Avenue, then proceeding in a southerly direction along Pacific Avenue to its intersection with National Park Highway, then proceeding in a southeasterly direction along National Park Highway to its intersection with 224th Street, East, then proceeding in an easterly direction along 224th Street, East, to its intersection with Meridian Street, South, then proceeding in a northerly direction along Meridian Street to the northern boundary of Pierce County, Washington, then proceeding in a westerly direction along the northern boundary of Pierce County to its intersection with Puget Sound, then proceeding in a generally southwesterly direction along the banks of the East Passage of Pudget Sound, Commencement Bay, and The Narrows to the point of intersection with the westernmost city limits of Tacoma. The purposed port limits of the consolidated port of entry will also include all points and places on the southern boundary of the Juan de Fuca Strait from the eastern port limits of Neah Bay to the western port limits of Port Townsend, all points and places on the western boundary of Puget Sound, including Hood Canal, from the port limits of Port Townsend to the northern port limits of Olympia, all points and places on the southern boundary of Puget Sound from the port limits of Olympia to the western port limits of Tacoma, and all points and places on the eastern boundary of Puget Sound and contiguous waters from the proposed port limits of Tacoma north to the southern port limits of Bellingham.

Currrently, vessels arriving at any Customs port of entry on Puget Sound and subsequently moving to any other port of entry on Puget Sound are required to enter and clear at each port. The proposed amendment would permit vessels arriving within the new port limits to enter only at the first port area of arrival and clear only at the port area of departure. Entries for imported merchandise would continue to be accepted at Seattle, Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, Port Townsend, and Tacoma, and there would be no decrease in Customs services at any of these ports as a result of this consolidation. Each of the former ports of entry in the consolidated area will retain its port code.

Data, views or arguments with regard to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received February 21, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JANUARY 15, 1975.

[FR Doc.75-2040 Filed 1-21-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

Notice of Proposed Rulemaking

Notice is hereby given that the Food and Nutrition Service intends to amend the regulations governing the National School Lunch Program in order to implement Federal Management Circular 74-7 (34 CFR Part 256, 39 FR 35787) which prescribes uniform administrative requirements for Federal grants-in-aid to State and local governments, and for other purposes. The background of the Circular is set forth in 34 CFR 256.3 as follows:

On March 27, 1969, the President ordered a 3-year effort to simplify, standardize, decentralize, and otherwise modernize the Federal grant machinery. The standards included in the attachments to this part replace the multitude of varying and oftentimes conflicting requirements in the same subject matter which have been burdensome to State and local governments. Inherent in the standardization process is the concept of placing greater reliance on State and local governments. In addition, the Intergovernmental Cooperation Act of 1968 was passed, in part, for the purpose of: (a) Achieving the fullest cooperation and coordination of activities among levels of Government, (b) improving the administration of grants-in-aid to the States, and (c) establishing coordinated intergovernmental policy and administration of federal assistance programs. * * *

A number of proposed changes to this part leave specific details of program administration to State agency discretion. The Department's role in these areas will be to provide guidance rather than to dictate procedures. In this connection, the requirements of the provisions now removed from these regulations may be viewed as acceptable practices which State agencies may modify to meet their own needs. Before making the proposed changes effective in fiscal year 1976, the Department will provide appropriate guidance materials to State agencies to aid them in developing their own procedures.

In order to implement Federal Management Circular 74-7, the changes listed below are proposed.

(1) State agencies will be responsible for prescribing the accounting records relating to their use of the Federal grants made to them under this part. These records must meet the general requirements of being accurate, current, and complete.

(2) The restrictions on advances of funds to School Food Authorities for April of each year will be dropped. The requirement that the amount of the advance is to be based on the reimbursement needed for 1 month's operations remains in effect.

(3) State agencies will specify the data items on the application form and on the Payment Voucher used to reimburse School Food Authorities.

(4) The requirements for the State Plan of Child Nutrition Operations will be modified to include a plan for monitoring program performance and measuring progress toward achieving program goals. The State Plan will also include plans for a State audit program which will provide for audits of State agencies and School Food Authorities at least once every two years.

(5) The provision dealing with the disqualification of State agencies and School Food Authorities from future participation is clairified by requiring FNS to provide written notice and justification when a Federal grant is terminated for cause.

(6) Record retention requirements are modified to permit State agencies to maintain records in their original form or on microfilm.

(7) State agencies will disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

(8) FNS will prescribe procurement standards for State agencies. These procedures will be suitable for application at the School Food Authority level if State agencies desire to require them.

Although not required by Federal Management Circular 74-7, the regulations are being amended to give State Governors the opportunity to review and comment on State Plans of Child Nutrition Operations. A number of minor changes of a technical nature are also made.

Comments, suggestions, or objections are invited and in order to be sure of being considered should be delivered to William G. Boling, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than February 21, 1975. Communications should identify the regulations section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

1. The table of sections is amended by deleting the word "Reimbursement" in § 210.11, by deleting the phrase "for reimbursement" in § 210.12 and inserting in lieu thereof the phrase "of payments to School Food Authorities", by deleting the word "Reimbursement" in § 210.13 and inserting in leu thereof the word "Payment", by deleting the words "Administrative analyses" in § 210.17 and inserting in lieu thereof the words "Management evaluations", and adding a new § 210.19a entitled "Procurement standards."

2. In § 210.4a, paragraph (b) is amended by deleting the word "and" before item (5), deleting the period at the end of the paragraph and inserting in lieu thereof a semicolon, adding new items (6) and (7), and adding a new paragraph (f).

The added provisions read as follows:

§ 210.4a State Plan of Child Nutrition Operations.

* * * * *

(b) * * *; (6) a plan for audits to be made by the State agency which shall: (i) State the frequency of audits of State agency and School Food Authorities, (ii) Contain assurance of the independence of the audit organization, and (iii) Provide a systematic method to assure timely and appropriate resolution of audit findings and recommendations, and (7) a plan to monitor program performance and measure progress in achieving program goals.

* * * * *

(f) The State agency shall give the Governor, or his delegated agency, the opportunity to comment on the relationship of the State Plan to comprehensive and other State plans and programs and to those of affected areawide or local jurisdictions. A period of 45 days from the date of receipt of the State plan shall be afforded to make such comments.

3. § 210.5 is revised to read as follows:

§ 210.5 Method of payment to States.

(a) Funds to be paid to any State for general cash-for-food assistance or special cash assistance shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (1) Obtain funds needed for payment or advance to School Food Authorities through presentation by designated State officials of a Payment Voucher on Letter of Credit in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (2) Draw only such funds as are needed to pay claims certified for payment or to make authorized advances; and (3) Use such funds without delay for the purpose for which withdrawn.

(b) The State agency shall release to FNS any Federal funds made available to it under the Program which are unobligated at the end of each fiscal year. Any such funds shall remain available to FNS for the purpose of the Program until expended. Release of funds by the State agency shall be made as soon as practicable but in any event not later than 30 days following demand by FNSRO and shall be reflected by a related adjustment in the State agency's Letter of Credit.

4. In § 210.7, paragraph (a) is revised to read as follows:

§ 210.7 Use of funds.

(a) Federal funds made available under the Program shall be used by State agencies, or FNSROs where applicable, to reimburse or make advance payment to School Food Authorities in connection with lunches served to children of high school grade or under in accordance with the provisions of this part: *Provided, however,* That, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount up to 1 per centum of the funds earned in any fiscal year under the Program. Advance payments to School Food Authorities shall be made at such times and in such amounts as are necessary to meet current fiscal obligations.

* * * * *

5. § 210.8 is amended by deleting the phrase "close of the Federal fiscal year to which they pertain" in paragraph (d)(3) and inserting in lieu thereof the phrase "date of the submission of the final expenditure report", deleting the words "claim for reimbursement" in item (8) of paragraph (e) and inserting in lieu thereof the words "Payment Vouchers", revising paragraphs (b) and (d)(1), and by adding a new item (16) and revising the first sentence and item (13) of paragraph (e). The revised and added provisions read as follows:

§ 210.8 Requirements for participation.

(b) Applications shall include information in sufficient detail to enable the State agency to determine whether the School Food Authority is eligible to participate in the Program and extent of the need for Program payments.

* * * * *

(d)(1) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the School Food Authority will need to meet its responsibilities pertaining to the financial management system and any other requirements prescribed by the State agency;

* * * * *

(e) The State agency, or the Department through FNSRO where applicable, shall enter into a written agreement with each School Food Authority for schools approved for participation in the Program. * * * (13) Maintain a financial management system as prescribed by the State agency or FNSRO where applicable; * * * (16) Retain the individual applications for free and reduced price lunches submitted by families for a period of 3 years after the date of the submission of the final expenditure report.

* * * * *

6. In § 210.10, paragraph (a)(2) is revised to read as follows:

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§ 210.10 Requirements for lunches.

(a) • • •

(2) The kinds and amounts of foods specified in paragraph (a)(1) of this section are approximate amounts of foods to serve 10 to 12-year old boys and girls. If consistent with State policy, School Food Authorities may allow the younger children to be served lesser amounts of selected foods than are specified in paragraph (a)(1) of this section. School Food Authorities shall encourage the serving to older boys and girls of larger amounts of selected foods than are specified in paragraph (a)(1) of this section. The Department shall issue guidance materials for the use of State agencies and FNSROs on the amount of foods to be served children in the various age groups.

• • • • •

7. § 210.11 is amended by deleting the word "Reimbursement" from the title and by deleting the words "Reimbursement" and "reimbursement" wherever they appear and inserting in lieu thereof the words "Payment" or "payment".

8. Section 210.12 is revised to read as follows:

§ 210.12 Effective date of payments to School Food Authorities.

Payments shall be made only to School Food Authorities operating under an agreement with the State agency or the Department, and shall be made only after execution of the agreement. Such payments may be made in connection with lunches served in accordance with provisions of the Program in the calendar month preceding the calendar month in which the agreement is executed, provided that both months are in the same fiscal year.

9. Section 210.13 is revised by deleting the word "Reimbursement" from the title and inserting in lieu thereof the word "Payment"; by deleting the terms "reimbursement", "Claim for Reimbursement", "claims for reimbursement" and "claims and inserting in lieu thereof the terms "payment", "Payment Voucher", "Payment Vouchers", and "Payment Vouchers", respectively; by deleting the phrase "paragraphs (c) and (d)" in paragraph (a) and inserting in lieu thereof the phrase "paragraph (c)"; by deleting the phrase "paragraphs (b) and (d)" in paragraph (b–1) and inserting in lieu thereof the phrase "paragraph (b)"; by deleting paragraph (d); by deleting the last two sentences of paragraph (e); and by revising paragraph (b) to read as follows:

§ 210.13 Payment procedure.

• • • • •

(b) Payment Vouchers shall include data in sufficient detail to justify the payment claimed and to enable the State to provide the information for the monthly reports required under § 210.14 (c). Payment Vouchers shall be filed with the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Payment Voucher with the operations of the month immediately following the beginning month, or preceding the ending month. Payment Vouchers may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year.

• • • • •

10. § 210.14 is amended by deleting the phrase "under § 210.13 (c) and (d)" in paragraph (a–3) and inserting in lieu thereof the phrase "under § 210.13(c)"; by deleting the term "Claim for Reimbursement" in paragraph (a–2) and the term "Claims for Reimbursement" in paragraph (a–3) and inserting in lieu thereof the terms "Payment Voucher" and "Payment Vouchers", respectively; by deleting the phrase "end of the fiscal year to which they pertain" in paragraph (g)(1) and inserting in lieu thereof the phrase "date of the submission of the final expenditure report"; by deleting paragraphs (f) and (g)(2); by deleting the phrase "under § 210.13(d) and § 210.15a(d)" in paragraph (g)(4) and inserting in lieu thereof the phrase "under § 210.13(a) and § 210.15a(c)"; by revising paragraphs (a), (a–1), (b), (i), and adding a new paragraph (c) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) Each State agency, or FNSRO where applicable, shall provide program assistance, as follows:

(1) Each State agency or FNSRO where applicable, shall provide personnel to administer and monitor program performance and to measure progress towards achieving program goals, as specified in the State Plan of Child Nutrition Operations, provided for under § 210.4a of this part.

(2) To meet the minimum criteria for approval, the portion of the State Plan which deals with program assistance must include: (i) Objectives, (ii) Reasons for the establishment of the objectives, (iii) Methods to be used to accomplish the objectives, (iv) Evaluation methods to be used in determining if the objectives are being met.

(3) Such assistance shall include visits to participating schools to ensure compliance with program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964.

(4) Documentation of such assistance shall be maintained on file by the State agency, or FNSRO where applicable.

(a–1) Each State agency shall establish a system of accounting under which School Food Authorities shall report the information required in § 210.13(b).

• • • • •

(b) Each State agency shall maintain current and complete accounting records of program operations in schools, supported by source documentation, which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of the final expenditure report; except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(c) Each State agency shall report information on the use of program funds quarterly and monthly to CND on a form provided by CND. Both reports shall continue to be submitted on a regular basis after the end of the fiscal year to which they pertain until all unpaid obligations have been liquidated at which time the next reports made should be marked "Final" and submission discontinued for that fiscal year.

• • • • •

(f) [Deleted]

• • • • •

(g)(2) [Deleted]

• • • • •

(i) State agencies shall require School Food Authorities to comply with applicable provisions of this part.

11. § 210.15 is revised to read as follows:

§ 210.15 Review of operating balances.

State agencies shall reduce or deny payments to School Food Authorities which have, in the judgment of the State agency, operating balances which exceed their operating needs.

12. § 210.15a is amended by deleting the term "(13)(ii)(b), (13)(iii) and (13)(iv)" in paragraph (b); by deleting the phrase "in paragraphs (c) and (d) of this section" in paragraph (c–1) and inserting in lieu thereof the phrase "in paragraph (c) of this section"; by deleting paragraph (d); and revising paragraph (c) to read as follows:

§ 210.15a Commodity only schools.

• • • • • •

(c) Each School Food Authority of a commodity only school shall report monthly to the State agency, or FNSRO where applicable, the following items: (i) The total number of free lunches served to children meeting the school's approved eligibility criteria for such lunches, and (ii) The total number of reduced-price lunches served to children meeting the school's approved eligibility criteria for such lunches. The reports for the months of October and March of each fiscal year shall be accompanied by an estimate of the number of children in each school that are eligible for free or reduced price lunches under the school's approved eligibility criteria for such lunches.

• • • • •

13. Section 210.16 is amended by deleting paragraph (b) and revising paragraphs (a) and (d) to read as follows:

§ 210.16 Claims against School Food Authorities.

(a) State agencies shall disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

(b) [Deleted]

• • • • •

(d) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of 3 years after the date of the submission of the final expenditure report.

• • • • •

14. Section 210.17 is revised to read as follows:

§ 210.17 Management evaluations and audits.

(a) In accordance with the plan submitted under § 210.4a(b)(6), the State agency shall provide for audits of the funds and operations of the Program covered by this part, at the State and School Food Authority levels to be made with reasonable frequency but not less frequently than once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations and with the administrative requirements set forth in Appendix G of 34 CFR Part 256. Audits may be made by State agency internal auditors, by State Auditors General, by State Controllers, or by other comparable State audit groups; or by Certified Public Accountants or State licensed public accountants.

(b) While OA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related working papers of audits performed by or for State agencies.

(c) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(d) FNS and OA shall review the program accomplishments and management control systems of State agencies. State agencies shall provide FNS and OA with full opportunity to conduct management evaluations (including visits to schools) and audits of all operations of the State agency under this part. Each State agency shall make available its records, including records of the receipt and expenditure of funds, upon a reasonable request by FNS or OA. OA shall also have the right to make audits of the records and operations of any school.

(e) In making management evaluations or audits for any fiscal year, the State agency, or OA, may disregard any overpayment which does not exceed $35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations or procedure as a minimum amount for which claim will be made for State losses generally. No overpayment shall be disregarded, however, where there are unpaid claims of the same fiscal year from which the overpayment can be deducted or where there is substantial evidence of violation of criminal law or civil fraud statutes.

15. § 210.19 is amended by inserting the following sentence before the last sentence before the last sentence of paragraph (a): "FNS shall promptly notify the State agency or School Food Authority in writing of any determination made under this paragraph and explain the reasons for the determination."

16. A new § 210.19a is added to read as follows:

§ 21019a Procurement standards.

(a) *General purpose and scope.* This section provides standards for use by State agencies in establishing procedures for the procurement with Federal grant funds of supplies, equipment, and other services for use in public schools. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal Law and Executive Orders. State agencies may use their own procurement policies provided that procurement for public schools, whose cost is borne in whole or in part as a direct charge by the Federal Government, adheres to the standards set forth in this section.

(b) The standards contained in this section do not relieve the State agency of the responsibilities arising under its contracts. The State agency is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of a grant. This includes, but is not limited to: disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the State or Federal authority that has proper jurisdiction.

(c) The State agency shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. The State agency's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State law, rules, or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the State agency's officers, employees, or agents, or by contractors or their agents.

(d) All procurement transactions of the State agency, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The State agency should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) The State agency shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the State agency to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(h) Positive efforts shall be made by the State agency to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed with Federal grant funds.

(i) The type of procuring instruments used (e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the Federal programs involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to subparagraph 4 of this paragraph is necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State agency, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State agency.

(3) Any or all bids may be rejected when it is in the State agency's interest to do so, and such rejections are in accordance with applicable State law, rules, and regulations.

(4) Procurements may be negotiated by the State agency if it is not practicable or feasible to use formal advertising. Not-

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withstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the Department for prior approval;

(iii) The aggregate amount involved does not exceed $2,500;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(v) No acceptable bids have been received after formal advertising;

(vi) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and inter-changeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(vii) Negotiation is otherwise authorized by applicable Federal or State law, rules or regulations.

(k) Contracts shall be made by State agencies only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(l) The procurement records or files of State agencies for negotiated purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: (1) Justification for the use of negotiation in lieu of advertising, (2) Contractor selection, (3) The basis for the cost of price negotiated. Justification for the use of negotiation in lieu of advertising may be provided on a class basis or on an individual contract basis.

(m) A system for contract administration shall be maintained by the State agency to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(n) The State agency shall include provisions to define a sound and complete agreement in all contracts which it awards when the contract costs are to be borne as a direct charge in whole or in part by Federal funds.

(o) In awarding contracts the State agency must comply with the following requirements:

(1) The State agency's contracts shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts awarded by State agencies in excess of $2,500 shall contain suitable provisions for termination by the State agency including the manner by which it will be affected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Where applicable, all contracts awarded by State agencies in excess of $2,500 which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation.

(4) Contracts awarded by State agencies, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal grantor agency. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of $2,500 or less) awarded by State agencies shall include a provision to the effect that the State agency, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(6) Contracts in excess of $100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 as amended (42 U.S.C. 1857b, et seq.). Suspected violations shall be reported by the State agency in writing to the Regional Office of the United States Environmental Protection Agency, with a copy to the Department.

(p) State agencies shall observe their regular requirements and practices with respect to bonding and insurance.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.
(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services).

Dated: January 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-2000 Filed 1-21-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 7]

[OST Docket No. 2; Notice 75-1]

PUBLIC AVAILABILITY OF INFORMATION

Proposed Revision

Amendments (Pub. L. 93–579) to the Freedom of Information Act (5 U.S.C. 552) will be effective February 19, 1975. Notice is hereby given that the Department of Transportation proposes to revise its regulations implementing the Freedom of Information Act (49 CFR Part 7), Public Availability of Information, in accordance with the new amendments. Although Pub. L. 93–579 requires only that the schedule of fees for reproduction of requested material be published as a proposal with the opportunity for public comment, the Department believes it is in the public interest to invite comment on all of the implementing regulations. Significant proposed amendments to Part 7 are discussed below.

Section 7.43. Indexes of final opinions and orders made in the adjudication of cases, statements of policy and interpretations adopted by the Department and not published in the FEDERAL REGISTER and administrative staff manuals and instructions to staff that affect a member of the public and which are required to be made available will be published quarterly.

Section 7.53. Records requested to be made available must be "reasonably described" by the requestor. It is proposed to require that each request describe the record sought to the extent possible, including the subject matter of the record, the date when it was made, the place it was made and the originating person or office.

Section 7.95. A uniform fee schedule for recovery of the direct costs of document search and reproduction of records must be promulgated after publication for notice and comment. These fees must be waived or reduced when furnishing the information would be in the public interest. A provision for reduction or waiver of fees is contained in the Department's existing regulations and is continued unchanged in § 7.97 of the proposed regulations.

Section 7.21–7.25. A determination must be made within ten days after a request for a record has been received and a determination must be made within twenty days after receipt of an appeal of an initial denial of a request for records. Either of these time limits may be extended by not more than ten cumulative days under certain circumstances.

Section 7.63. Certain categories of records are exempted from the requirement of disclosure. Some of these exemptions have been modified by the 1974 amendments. The exemption for material classified in the interest of national defense has been amended to require the material to be classified under criteria established by an Executive Order.

Section 7.75. The exemption for investigatory records compiled for law enforcement purposes has been narrowed under the Act to apply only in six specific situations.

Section 7.15. Any reasonably segregable portion of a record otherwise exempt from the disclosure requirements must be made available. A provision for release of such segregable portions of otherwise exempt records is contained in the Department's existing regulations and is continued unchanged in the proposed rules.

Written data, views and comments on the proposed rules should identify the docket number and be submitted to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Final rules must be published by February 19. Since it is necessary to allow adequate time to consider all comments, it is impracticable to allow thirty days for public comment. Therefore, comments received on or before February 10, 1975, will be considered in preparation of the final rules. Copies of all written comments received will be available for examination by interested persons during regular business hours at the above address both before and after February 10, 1975.

In consideration of the foregoing, it is proposed to revise Part 7 of Title 49, Code of Federal Regulations, to read as follows:

PART 7—PUBLIC AVAILABILITY OF INFORMATION

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Appendix H—National Highway Safety Bureau.

AUTHORITY: Freedom of Information Act, Pub. L. 93–579, November 1974; 5 U.S.C. 552.

Subpart A—Applicability and Policy

§ 7.1 Applicability.

(a) This part implements section 552 of Title 5, United States Code, and prescribes rules governing the availability to the public of the records of the Department of Transportation.

(b) Subpart G of this part describes the records that are not required to be disclosed under this part.

(c) Appendices A through H to this part:

(1) Describe the places and times at which records will be available for inspection and copying;

(2) Define the kinds of records located at each facility;

(3) Identify the location of the indexes to such records; and

(4) Identify the officials having authority to deny requests for disclosure of records under this part.

(d) The Director of Public Affairs may amend Appendix A to this part to reflect any changes in the items covered by that appendix. The head of the operating administration concerned may amend the appendix applicable to that Administration to reflect any changes in the items covered by that appendix.

(e) This part applies only to records that exist at the time the request for the information is made. The Department is not required to compile or procure a record solely for the purpose of making it available under this part.

(f) Indexes are maintained to reflect all records subject to this part, and are available for public inspection and copying as provided in Appendices A through H to this part.

§ 7.3 Policy.

In implementing section 552 of Title 5, United States Code, it is the policy of the Department of Transportation to make information within the Deparment available to the public to the greatest extent possible in keeping with the spirit of that section. Therefore, all records of the Department, except those that the Department specifically determines must not be disclosed in the national interest, for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are reclared to be available for public inspection and copying as provided in this part. Each Officer and employee of the Department is directed to cooperate to this end and to make records available to the public promptly and to the fullest extent consistent with this policy. A record may not be withheld from the public solely because its release might suggest administrative error or embarrass an officer or employee of the Department.

§ 7.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

"Department" means the Department of Transportation, including the Office of the Secretary and the following operating administrations:

(a) The Coast Guard.

(b) The Federal Aviation Administration.

(c) The Federal Highway Administration.

(d) The Federal Railroad Administration.

(e) The National Highway Traffic Safety Administration.

(f) Urban Mass Transportation Administration.

(g) The St. Lawrence Seaway Development Corporation.

"He" includes she.

"Includes" means "includes but is not limited to."

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"May" is used in a permissive sense to state authority or permission to do the act prescribed.

"Record" includes any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

Subpart B—General

§ 7.11 Administration of part.

Except as provided in Subpart H of this part, authority to administer this part in connection with the records in the Office of the Secretary is delegated to the Director of Public Affairs. Authority to administer this part in connection with records in each operating administration is delegated to the head of that administration. The head of any operating administration may redelegate to officers of that administration the authority to administer this part in connection with defined groups of records. However, the head of an operating administration may redelegate his duties under Subpart H of this part only to his deputy and to not more than one other officer who reports directly to the head and who is located at the headquarters of that administration.

§ 7.13 Deletion of identifying detail.

Whenever it is determined to be necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details are deleted from any record covered by this part that is published or made available for inspection. A full explanation of the justification for the deletion is attached to the copy of the record published or made available for inspection.

§ 7.15 Records containing both available and unavailable information.

If a record contains information that the Department determines cannot be disclosed under this part, but also contains information that can be disclosed, the latter information will be provided for public inspection and copying unless—

(a) It is readily available from another source; and

(b) The other source is made known to the person desiring the record.

§ 7.17 Protection of records.

(a) No person may, without permission, remove any record made available to him for inspection or copying under this part, from the place where it is made available. In addition, no person may steal, alter, mutilate, obliterate, or destroy, in whole or in part, such a record.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

> Whoever • • • steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record • • • or thing of value of the United States or of any department or agency thereof • • • shall be fined not more than $10,000 or imprisoned not more than 10 years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year or both. • • •

Section 2071 of Title 18 of the United States Code provides, in pertinent part, as follows:

> Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited • • • in any public office, or with any • • • public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both.

Subpart C—Time Limits

§ 7.21 Initial determination.

An initial determination as to whether to release a record requested pursuant to Subpart F of this part shall be made within ten days (excepting Saturdays, Sundays, and legal public holidays) after the request is received in accordance with paragraph (a) of § 7.43 except that this time limit may be extended by up to ten working days in accordance with § 7.25. The person making the request will be notified immediately of such determination. If such determination is to release the requested record, such record shall be made promptly available. If such determination is not to release the record, the person making the request shall, at the same time he is notified of such determination, be notified of (a) the reason for the determination; (b) the right of such person to appeal the determination; and (c) the names and titles or positions of each person responsible for the denial of the request.

§ 7.23 Final determination.

A determination with respect to any appeal made pursuant to § 7.81 will be made within twenty days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such appeal except that this time limit may be extended by up to ten working days in accordance with § 7.25.

§ 7.25 Extension.

In unusual circumstances as specified in this section, the time limits prescribed in either § 7.21 or § 7.23, but not both, may be extended by written notice to the person making a request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice shall not specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and district records which are demanded in a single request; or

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

Subpart D—Publication in Federal Register

§ 7.31 Applicability.

This subpart implements section 552 (a)(1) of Title 5, United States Code, and prescribes rules governing the publication in the FEDERAL REGISTER of the following:

(a) Descriptions of the organization of the Department, including its operating administrations and the established places at which, the officers from whom, and the methods by which, the public (1) may secure information; and (2) make submittals or requests or obtain decisions.

(b) Statements of the general course and methods by which the Department's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability adopted by the Department.

(e) Each amendment, or repeal of any material listed in paragraphs (a) through (d) of this section.

§ 7.33 Publication required.

(a) General. All material described in § 7.31 is published in the FEDERAL REGISTER. For the purposes of this paragraph, material that is reasonably available to the class of persons affected by it is considered to be published in the FEDERAL REGISTER if it has been incorporated by reference therein with the approval of the Director of the Federal Register.

(b) Effect of nonpublication. Except to the extent that a person has actual and timely notice of the terms thereof, no person may in any manner be required to resort to, or be adversely affected by, any procedure or matter required to be published in the FEDERAL REGISTER but not so published.

Subpart E—Availability of Opinions, Orders, Staff Manuals, Statements of Policy, and Interpretations: Indexes

§ 7.41 Applicability.

(a) This subpart implements section 552(a)(2) of Title 5, United States Code. It prescribes the rules governing the availability, for public inspection and copying, of the following:

(1) Any final opinion (including a concurring or dissenting opinion) or order made in the adjudication of a case.

(2) Any policy or interpretation that has been adopted under the authority of the Department, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(3) Any administrative staff manual or instruction to staff that affects any member of the public, including the prescribing of any standard, procedure, or policy that, when implemented, requires or limits any action of any member of the public or prescribes the manner of performance of any activity by any member of the public. However this does not include staff manuals or instructions to staff concerning internal operating rules, practices, guidelines and procedures for Departmental inspectors, investigators, examiners, auditors and negotiators, the release of which would substantially impair the effective performance of their duties.

In addition, this subpart provides for an index of the materials listed in this paragraph, as available.

(b) Any material listed in paragraph (a) of this section that is not made available for public inspection and copying, or that is not indexed as required by § 7.45, may not be cited, relied on, or used as precedent by the Department to adversely affect any member of the public unless the person against whom it is cited, relied on, or used has had actual and timely notice of that material.

(c) This subpart does not apply to material that is published in the FEDERAL REGISTER or is covered by Subpart F of this part.

§ 7.43 Access to materials and index.

(a) Except as provided in paragraph (b) of this section, material listed in § 7.41(a) is available for inspection and copying by any member of the public at document inspection facilities of the Department. The index of material available at each facility is published in the FEDERAL REGISTER quarterly and is also located at the facility. Information as to the kinds of materials available at each facility may be obtained from the facility or the headquarters of the operating administration of which it is a part.

(b) The material listed in § 7.41(a) that is published and offered for sale is indexed but is not required to be kept available for public inspection. Whenever practicable, however, it will be made available for public inspection at any document inspection facility maintained by the Office of the Secretary or an operating administration, whichever is concerned.

§ 7.45 Indexes of public materials.

The index of material subject to public inspection and copying under this subpart covers all material issued, adopted, or promulgated after July 4, 1967. However, earlier material may be included in the index to the extent practicable. Each index contains instructions on how to use it.

§ 7.47 Copies.

Copies of any material covered by this subpart that is not published and offered for sale may be ordered, upon payment of the appropriate fee, from the office indicated in § 7.53. Copies are certified upon request and payment of the prescribed fee.

Subpart F—Availability of Reasonably Described Records

§ 7.51 Applicability.

This subpart implements section 552(a)(3) of Title 5, United States Code, and prescribes the regulations governing public inspection and copying of reasonably described records. It does not apply, however, to material that is covered by Subpart D of this part, records determined under Subpart G of this part not to be available, and material that is offered for sale by the Government Printing Office.

§ 7.53 Public availability of records.

(a) Each person desiring access to a record covered by this subpart must comply with the following provisions:

(1) A written request must be made for the record.

(2) Such request must indicate that it is being made under the Freedom of Information Act.

(3) The envelope in which the request is sent must be prominently marked with the letters "FOIA".

(4) The request must be addressed to the appropriate office as set forth in paragraph (c) of this section.

(b) If the requirements of paragraph (a) of this section are not met, the ten day time limit described in § 7.21 will not begin to run until the request has been identified by an employee of the Department as a request under the Freedom of Information Act and has been received by the appropriate office.

(c) Each person desiring access to a record covered by this subpart that is located in the Office of the Secretary, or to obtain a copy of such a record, must make a written request to the Director of Public Affairs, 400 Seventh Street, SW., Washington, D.C. 20590. Each person desiring access to a record covered by this subpart that is located in an operating administration, or to obtain a copy of such a record, must make a written request to that administration at the address set forth in the appendix applicable to that administration. If the person making the request does not know where in the Department the record is located, he may make inquiry of the Director of Public Affairs as to its location.

(d) Each request should describe the particular record to the extent possible. The request should specify the subject matter of the record, the date when it was made, the place where it was made and the person or office that made it. If the description is insufficient, the officer handling the request will notify the person making the request and, to the extent possible, indicate the additional data required.

(e) Each record made available under this subpart is available for inspection and copying during regular working hours at the place where it is located or, upon reasonable notice, at the document inspection facilities of the Office of the Secretary or each administration as set forth in the appendix applicable to that office or administration. Original records may be copied but may not be released from custody. Upon payment of the appropriate fee, copies will be mailed to the requester.

(f) Except for services performed without charge or at a reduced charge pursuant to § 7.97, each request for a search of records or for a copy of a record must be accompanied by the fee prescribed in the applicable fee schedule. When the fee is not readily ascertainable without examination of the records, the officer or employee receiving the request will furnish an estimate of the fee to the person making the request or the fee may be collected after the records are made available. If a search is necessary the fee for a search is charged, regardless of whether it is successful.

(g) Notwithstanding paragraphs (a) through (f) of this section, informational material, such as press releases, pamphlets, and other material of that nature that is ordinarily made available to the public as a part of any information program of the Government is available upon oral or written request. There is no fee for individual copies of that material as long as it is in supply. In addition, the Department will continue to respond, without charge, to routine oral or written inquiries that do not involve the furnishing of records.

§ 7.55 Request for records of concern to more than one Government organization.

(a) If the release of a record covered by this subpart would be of concern to both this Department and another Federal agency, the record will be made available only after consultation with the other interested agency.

(b) If the release of a record covered by this subpart would be of concern to both this Department and a State or local government, or a foreign government, the record will be made available by the Department only after consultation with the other interested State or local government or foreign government.

Subpart G—Exemptions

§ 7.61 Applicability.

This subpart implements section 552 (b) of Title 5, United States Code: Section 552(b) exempts certain records from public inspection under section 552(a). The Department will, however, release a record authorized to be withheld under §§ 7.65 through 7.79 unless it determines that the release of that record would be inconsistent with a purpose of the section concerned. Examples given in §§ 7.65 through 7.79 of records included within

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a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption.

§ 7.63 Records relating to matters that are required by Executive Order to be kept secret.

Records relating to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy include those within the scope of the following, and any further amendment of any of them, but only to the extent that the records are in fact properly classified pursuant to such Executive Order:

(a) Executive Order 11652 of March 8, 1972 (37 FR 5209, March 10, 1972).

(b) Executive Order 10865 of February 20, 1960 (3 CFR 1959–1963 Comp., p. 398); and

(c) Executive Order 10104 of February 1, 1950 (3 CFR 1949–1953 Comp., p. 298).

These records may not be made available for public inspection.

§ 7.65 Records related solely to internal personnel rules and practices.

(a) Records related solely to internal personal rules and practices that are within the statutory exemption include memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees, and management plans, records, or proposals related to labor-management relationships.

(b) The purpose of this section is to authorize the protection of any record related to internal personnel rules and practices dealing with the relations between the Department and its employees.

§ 7.67 Records exempted from disclosure by statute.

(a) Records relating to matters that are specifically exempted by statute from disclosure include those covered by the following:

(1) Section 1905 of Title 18, United States Code, protecting trade secrets, processes, and certain economic and other data obtained by examination or investigation, or from reports.

(2) Revised Statutes section 4448, as amended (46 U.S.C. 234) protecting the source of reports of defects and imperfections of vessels.

(3) Revised Statutes section 4551, as amended (46 U.S.C. 643) protecting the address, and next of kin of merchant seamen and entries made in records pertaining to merchant seamen.

(4) Pub. L. 86–660, as amended (23 U.S.C. 313 (note) protecting information in the register of persons whose license to operate a motor vehicle has been denied, terminated, or suspended.

(5) Section 106 of Pub. L. 89–564 (23 U.S.C. 313 (note)) so far as it relates to identification of individuals in reports on highway traffic accidents.

(6) Section 902(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(f)) relating to information obtained by examining the accounts, records, or memoranda of an air carrier.

(7) Section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481) so far as it relates to the secrecy of acts and proceedings when requisite on grounds of national defense.

(8) Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) relating to the withholding, upon request, of information obtained under that Act.

(b) The purpose of this section is to preserve the effectiveness of statutes of the kind listed in paragraph (a) of this section, in accordance with their terms.

§ 7.69 Trade secrets and commercial or financial information that is privileged or confidential.

(a) Trade secrets and commercial or financial information that is privileged and for which confidentiality is requested by the person possessing such privilege are within the statutory exemption. This includes the following:

(1) Commercial or financial information not customarily released to the public, furnished and accepted in confidence.

(2) Statements of financial interests furnished by employees of the Department.

(3) Commercial, technical, and financial information furnished by any person in connection with an application for a loan or a loan guarantee.

(4) Commercial or financial information customarily subjected to an attorney-client or similar evidentiary privilege.

(5) Materials in which the Department has a property right such as designs, drawings, and other data and reports acquired in connection with any research project, inside or outside of the Department, or any grant or contract.

(6) Business records of the Alaska Railroad of the kind which are ordinarily treated by railroads as confidential.

(b) The purpose of this section is to authorize the protection of trade secrets and commercial or financial records that are customarily privileged or are appropriately given to the Department in confidence. It assures the confidentiality of trade secrets and commercial or financial information obtained by the Department through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. In any case in which the Department has obligated itself not to disclose trade secrets and commercial or financial information it receives, this section indicates the Department's intention to honor that obligation to the extent permitted by law. In addition, this section recognizes that certain materials, such as research data and materials, formulae, designs, and architectural drawings, have significance not as records but as items of property acquired, in many cases, at public expense. In any case in which similar proprietary material in private hands would be held in confidence, material covered by this section may be held in confidence.

§ 7.71 Intragovernmental exchanges.

(a) Any record prepared by a Government officer or employee (including those prepared by a consultant or advisory body) for internal Government use is within the statutory exemption to the extent that it contains—

(1) Opinions, advice, deliberations, or recommendations made in the course of developing official action by the Government, but not actually made a part of that official action, or

(2) Information concerning any pending proceeding or similar matter including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) This section has two distinct purposes. One is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government and to afford this protection both before and after any action is taken. This judicially recognized privilege of protection against disclosure in litigation or elsewhere is intended to assure that these resources will be fully and readily available to those officials upon whom the responsibility rests to take official and final Department action. However, the action itself, any memoranda made part of that action, and the facts on which it is based are not within this protection. The other purpose is to protect against the premature disclosure of material that is in the development stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of records covered by this section include minutes, to the extent they contain matter described in paragraph (a) of this section; staff papers containing advice, opinions, suggestions, or exchanges of views, preliminary to final agency decision or action; budgetary planning and programing information; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Department; records of inspections, investigations, and surveys pertaining to internal management of the Department; and matters that would not be routinely disclosed under disclosure procedures in litigation and which are likely to be the subject of litigation. However, if such a record also contains factual information, that information must be made available under § 7.15, unless the facts are so inextricably intertwined with deliberative or policy-making processes, that they cannot be separated without disclosing those processes.

§ 7.73 Protection of personal privacy.

(a) Any of the following personnel, medical, or similar records is within the statutory exemption if its disclosure would harm the individual concerned or be a clearly unwarranted invasion of his personal privacy:

(1) Personnel and background records personal to any officer or employee of the Department, or other person, including his home address.

(2) Medical histories and medical records concerning individuals, including applicants for licenses.

(3) Any other detailed record containing personal information identifiable with a particular person.

(b) The purpose of this section is to provide a proper balance between the protection of personal privacy and the preservation of the public's rights to Department information by authorizing the protection of information that, if released, might unjustifiably invade an individual's personal privacy.

§ 7.75 Investigatory files compiled for law enforcement purposes.

(a) Files complied by the Department for law enforcement purposes, including the enforcement of the regulations of the Department, are within the statutory exemption to the extent that production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record complied by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

(b) The purpose of this section is to protect from disclosure the law enforcement files of the Department, including files prepared in connection with related litigation and adjudicative proceedings. It includes the enforcement not only of criminal statutes but all kinds of laws.

§ 7.77 Reports of financial institutions.

Any material contained in or related to any examination, operating, or condition report prepared by, on behalf of, or for the use of, any agency responsible for the regulation or supervision of financial institutions is within the statutory exemption.

§ 7.79 Geological and geophysical information.

Any geological or geophysical information and data (including maps) concerning wells is within the statutory exemption.

Subpart H—Procedures for Reconsidering Decisions Not To Disclose Records

§ 7.81 General.

(a) Each officer or employee of the Department who, upon a request by a member of the public for a record under this part, makes a determination that the record is not to be disclosed, will give a written statement of his reasons for that determination to the person making the request; and indicate the names and titles or positions of each person responsible for the denial of such request, and the availability of an appeal within the Department.

(b) Any person to whom a record has not been made available within the time limits established by Subpart C and any person who has been given a determination pursuant to paragraph (a) of this section, that a record he has requested will not be disclosed, may apply to the head of the operating administration concerned, or in the case of the Office of the Secretary, to the General Counsel of the Department, for reconsideration of the request. A determination that a record will not be disclosed is not administratively final for the purposes of judicial review unless it was made by the head of the operating administration concerned (or his designee), or the General Counsel, as the case may be, unless the applicable time limit has passed without a determination of the appeal having been made.

(c) Each application for reconsideration must be made in writing within sixty days from the date of receipt of the original denial and must include all information and arguments relied upon by the person making the request. Such application must indicate that it is an appeal from a denial of a request made under the Freedom of Information Act. The envelope in which the application is sent must be prominently marked with the letters "FOIA". If these requirements are not met, the twenty day time limit described in §7.23 will not begin to run until the application has been identified by an employee of the Department as an application under the Freedom of Information Act and has been received by the appropriate office.

(e) Whenever the head of the operating administration concerned, or the General Counsel, as the case may be, determines it to be necessary, he may require the person making the request to furnish additional information, or proof of factual allegations, and may order other proceedings appropriate in the circumstances. The decision of the head of the operating administration concerned, or the General Counsel, as the case may be, as to the availability of the record is administratively final.

(f) The decision by the head of the operating administration concerned, or the General Counsel, as the case may be, not to disclose a record under this part is considered to be a withholding by the Secretary for the purposes of section 552(a)(3) of Title 5, United States Code.

(g) Any final decision by the head of an operating administration or his delegee identified in Appendices B through H of this part, not to disclose a record under this part is subject to concurrence by the Office of General Counsel, Office of the Secretary.

Subpart I—Fees

§ 7.91 General.

(a) This subpart prescribes fees for service performed for the public under Subparts E and F of this part by the Department of Transportation.

(b) This subpart does not apply to any special study, special statistical compilation, table or other record requested under section 9(n) of the Department of Transportation Act. The fee for the performance of such a service is the actual cost of the work involved in compiling the record. All moneys received by the Department in payment of the cost of the work are deposited in a separate account administered under the direction of the Secretary, and may be used for the ordinary expenses incidental to the work.

§ 7.93 Payment of fees.

The fees prescribed in this subpart may be paid by check, draft, or postal money order, payable to the Treasurer of the United States. Except as provided in § 7.53(f), the fees are payable in advance.

§ 7.95 Fee schedule.

(a) Except as provided in paragraph (j) of this section search for a record under Subpart F of this part, when required, including making it available for inspection	$2.00
(b) Copies of documents by photocopy or similar method:	
Each page not larger than 11 x 17 inches (first page)	.25
(Each additional page)	.05
(c) Copies of documents by typewriter, each page	2.00
(d) Certified copies of documments:	
(1) With Department of Transportation seal	3.00
(2) True copy, without seal	1.00
(e) Photographs:	
(1) Black and White print (with negative)	1.25
(2) Black and White print (without negative)	3.15
(3) Color print (with negative)	3.50
(4) Color print (without negative)	6.25
(f) Duplicate data tapes—each reel of tape or fraction thereof. The applicant must furnish the necessary number of blank magnetic tapes. The tapes must be compatible for use in the supplier's computer system, ½ inch wide and 2,400 feet long, and must be capable of recording data at a density of 556 or 800 characters per inch. Unless otherwise designated, the tapes will be recorded at 556 CPI density. The Department of Transportation is not responsible for damaged tape. However, if the applicant furnishes a replacement for a damaged tape, the duplication process is completed at no additional charge.	36.00
(g) Microreproduction fees are as follows:	
(1) Microfilm copies, each 100-foot roll or less	3.75
(2) Microfiche copies, each standard size sheet (4" x 6", containing up to 65 frames)	.15

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(h) Data processed record, each 1,000 lines or fraction thereof 1.00
(i) Preprinted materials, shelf stock, one color standard sizes:
(1) Each page (excluding blanks) ..... .06
(2) Minimum charge 1.00
(j) Other records: The fee for a copy of a record not described in paragraph (b) through (i) of this section will be supplied on request. The amount of that fee will be the cost of producing and handling. The fee for a search and copy of any record where the cost will obviously be more than $2 will be determined in accordance with the policy of the Freedom of Information Act.

§ 7.97 Services performed without charge or at a reduced charge.

(a) No fee is charged for time spent in preparing correspondence related to a request and in making determinations pursuant to § 7.81.

(b) No fee is charged for documents furnished in response to:

(1) A request from an employee or former employee of the Department for copies of personnel records of the employee;

(2) A request from a member of Congress for his official use;

(3) A request from a State, territory, U.S. possession, county or municipal government, or an agency thereof;

(4) A request from a court that will serve as a substitute for the personal court appearance of an officer or employee of the Department;

(5) A request from a foreign government or an agency thereof, or an international organization.

(c) Documents will be furnished without charge or at a reduced charge, if the Director of Public Affairs, or the head of the operating administration concerned, as the case may be, determines that waiver or reduction of the fee is in the public interest, because furnishing the information can be considered as primarily benefiting the general public. Examples of requests that may fall within this paragraph are reasonable requests from groups engaged in a nonprofit activity designed for the public safety, health, or welfare; schools; and students engaged in study in the field of transportation.

§ 7.99 Transcripts.

Transcripts of hearings and oral argument are available for inspection. Where transcripts are prepared by a nongovernment contractor, and the contract permits the Department to handle the reproduction of further copies, the provisions of this Subpart I apply. Where the contract for transcription services reserves the sales privilege to the reporting service, any duplicate copies should be purchased directly from the reporting service.

§ 7.101 Alternate sources of information.

In the interest of making documents of general interest publicly available at as reasonable a cost as possible, alternate sources are arranged whenever practicable. In appropriate instances, material that is published and offered for sale may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; the Commerce Department's National Technical Information Service (NTIS), Springfield, Va. 22151; the National Audio-Visual Center, National Archives and Records Service, General Services Administration, Washington, D.C. 20405; or the Consumer Product Information Coordinating Center, General Services Administration, Washington, D.C. 20407. (Appendices A through H are continued unchanged.)

This notice of proposed rulemaking is issued under the authority of the Freedom of Information Act, 5 U.S.C. 552 and Pub. L. 93-579, November 1974.

Issued in Washington, D.C., on January 17, 1975.

CLAUDE S. BRINEGAR,
Secretary.

[FR Doc.75-1993 Filed 1-21-75;8:45 am]

ACTION

[45 CFR Part 1215]

INSPECTION AND COPYING OF RECORDS

Compliance With Public Information Act

The provisions of the Public Information Act, 5 U.S.C. 522, as amended, require that each agency of the Federal government make available to the public at established places any records reasonably described in a request therefor and other records therein specified.

On September 3, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 31914) proposing to add a new part 1215 to Part 45, Code of Federal Regulations, to provide rules and regulations for the production, inspection, and copying of documents under the provisions of the aforesaid Public Information Act. On November 21, 1974, the Senate, overriding the President's veto, passed H.R. 12471 amending the Freedom of Information Act (Pub. L. 93-502, 93rd Congress, H.R. 12471, November 21, 1974). This Act made several important amendments to the Freedom of Information Act and in view of the consequent need of substantial revisions of the aforesaid proposed rules required by said amendments, the former notice of proposed rule making is hereby canceled and this notice substituted in its place and stead.

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations, to add a new Part 1215 to provide for regulations permitting the inspection and copying of documents of the ACTION agency.

Inquiries may be addressed and comments or views concerning the new proposed subpart may be submitted to ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, Attention: Deputy Director. All comments received on or before February 18, 1975, will be considered. All comments and responses to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1215 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1215—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE OF PUBLIC INFORMATION ACT

Sec.
1215.1 Purpose.
1215.2 Definitions.
1215.3 Records generally available.
1215.4 Availability of records.
1215.5 Records which may be exempt from disclosure.
1215.6 Authority to release and certify records.
1215.7 Location of records.
1215.8 Identification of records.
1215.9 Manner of requesting records.
1215.10 Schedule of fees.

AUTHORITY: Sec. 412, Pub. L. 93-113, 87 Stat.; 5 U.S.C. 552.

§ 1215.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions, and other records of ACTION pursuant to 5 U.S.C. 552.

§ 1215.2 Definitions.

As used in this part, the following definitions shall apply:

(a) "The Agency" means ACTION.

(b) "Records" includes all books, papers, maps, photographs, or other documentary material or copies thereof, regardless of physical form or characteristics, made in or received by ACTION and preserved as evidence of its organization, functions, policies, decisions, procedures, operations or other activities, but does not include books, magazines, or other materials acquired solely for library purposes and available to any officially designated library of the agency.

(c) "Identifiable" means, in the context of a request for a record, one which is reasonably described in a manner sufficient to permit the location of the material requested.

(d) "Unit" means an office of the Agency headed by a senior official who shall be responsible for making determinations of availability of documents or records requested hereunder. The head of any such Unit may delegate his responsibility hereunder to his Deputy or some other official during any absence of such official. At present, the units of the Agency for the purposes hereof consist of, the Office of the Director; the Office of Domestic and Anti-Poverty Operations; the Office of International Operations; the Office of Policy and Planning; the Office of Administration and Finance; the Office of General Counsel; the Office of Congressional Affairs; the Office of Minority Affairs; and the Office of Recruitment and Communications, and the ten regional offices.

§ 1215.3 Records generally available.

The agency will make promptly available to any member of the public the following documents:

(a) All final opinions and orders made in the adjudication of cases;

(b) statements of policy and interpretation adopted by the office which have not been published in the FEDERAL REGISTER;

(c) administrative staff manuals and instructions to the staff which affect a member of the public;

(d) a current index, which shall be updated at least quarterly, covering so much of the foregoing materials as may have been issued, adopted or promulgated after July 4, 1967. The cost of such index or other material referred to in this paragraph shall not exceed the cost of publication or duplication, whichever is less.

(e) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, the Agency may delete identifying details from materials furnished under this section.

§ 1215.4 Availability of records.

All records of ACTION requested under 5 U.S.C. 552(a)(3) and reasonably described in any request therefor shall be made promptly available to the public for inspection or copying upon compliance with procedures established in this part, except to the extent that a determination is made, in accord with the procedures set forth herein, that a record is exempt from disclosure, and should be withheld in the public interest. All publications and other documents heretofore provided by ACTION in the normal course of business will continue to be made available upon request to the appropriate unit of the agency. No charge will be made for such documents unless necessary by reason of the fact that such document is no longer in print in which case the charge shall not exceed the cost of duplication as set forth herein.

§ 1215.5 Records which may be exempt from disclosure.

The following categories are examples of records maintained by ACTION which, under the provisions of 5 U.S.C. 552(b) may be exempted from disclosure:

(a) Records required to be withheld under criteria established by an executive order in the interest of national defense or foreign policy and which are in fact properly classified pursuant to any such executive order. Included in this category are records required by Executive Order No. 11652, as amended, to be classified in the interest of national defense or foreign policy.

(b) Records related solely to internal personnel rules and practices. Included in this category are internal rules and regulations relating to personnel management and operations which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the agency.

(c) Records specifically exempted from disclosure by statute.

(d) Information of a commercial or financial nature including trade secrets given in confidence. Included in this category are records containing commercial or financial information obtained from any person and customarily regarded as privileged and confidential by the person from whom they were obtained.

(e) Interagency or intra-agency memoranda or letters which would not ordinarily be available by law to a party in litigation with the agency. Included in this category are memoranda, letters, interagency and intra-agency communications and internal drafts, opinions and interpretations prepared by staff or consultants and records of deliberations of staff, ordinarily used in arriving at policy determinations and decisions.

(f) Personnel, medical and other files. Included in this category are personnel and medical information files of staff, volunteer applicants, former volunteers, and volunteers, lists of names and home addresses, and other files or material containing private or personal information, the public disclosure of which would violate a pledge of confidentiality and amount to a clearly unwarranted invasion of the privacy of any person to whom the information pertains.

(g) Investigatory files. Included in this category are files compiled for the enforcement of all laws, or prepared in connection with government litigation and adjudicative proceedings, provided however, that such records shall be made available to the extent that their production will not:

(1) Interfere with enforcement proceedings; (2) deprive a person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of a confidential source, and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful security intelligence investigation, confidential information furnished by a confidential source; (5) disclose investigative techniques and procedures; or (6) endanger the life or physical safety of law enforcement personnel.

(h) In the event any document or record requested hereunder shall contain material which is exempt from disclosure under this section, any reasonably segregable portion of such record shall, notwithstanding such fact, and to the extent feasible, be provided to any person requesting same, after deletion of the portions which are exempt under this section.

(i) Documents or records determined to be exempt from disclosure hereunder may nonetheless be provided upon request in the event it is determined that the provision of such document would not violate the public interest or the right of any person to whom such information might pertain, and that disclosure is not prohibited by law or Executive Order.

§ 1215.6 Authority to release and certify records.

(a) Authority is hereby delegated to the Chief of the Administrative Services Division, Office of Administration and Finance, to furnish, pursuant to these regulations, copies of records to any person entitled thereto, and upon request to provide certified copies thereof for use in judicial proceedings or other official matters as provided below.

(b) The Chief of the Administrative Services Division, and his deputy, are hereby designated to act as authentication officers. When the authentication officer is unavailable, any other person within such division delegated by the Director may act in his place and stead. The authentication officer is hereby authorized to sign and initial certificates of authentication for and in the name of the Director of ACTION. The form of authentication shall be as follows:

In testimony whereof, I _____, Director of ACTION, have hereunder caused my name to be subscribed by the authentication officer of said agency at _____ this _____ day of _____, 19 ____.

_____,
Direction of ACTION.

By _____,
Authentication Officer, ACTION.

(c) The authentication officer is also hereby authorized to issue such statements, certificates, or other documents as may be required in connection with judicial proceedings or other official matters to show that, after thorough search of ACTION records, a requested record has not been found (See Rule 44 (b), Federal Rules of Civil Procedure).

(d) Each Regional Director of ACTION shall designate a records officer who shall have the same authority as the Chief of Administrative Services with respect to documents and records kept and maintained in Regional or State offices. Such records officers shall be responsible to the Chief of Administrative Services for such reports as he may require with respect to the production and copying of records.

§ 1215.7 Location of records.

(a) The agency will maintain a central records room at its headquarters in Washington, D.C. The headquarters of ACTION is presently located at 806 Connecticut Avenue, NW., Washington, D.C. The specific location of the central records room shall be the ACTION library, the location of which may change from time to time. The specific location of the library may be determined by requesting such information from the ACTION receptionist in the Office of the Director of ACTION.

(b) The agency has regional offices in the following places:

Region I
John W. McCormack Federal Building
Room 1405
Boston, Massachusetts 02109

Region II
26 Federal Plaza
New York, New York 10007

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Region III
1405 Locust Street
Philadelphia, Pennsylvania 19102
Region IV
730 Peachtree Street, NE.
Atlanta, Georgia 30308
Region V
1 North Wacker Drive
Chicago, Illinois 60606
Region VI
212 No. St. Paul Street
Dallas, Texas 75202
Region VII
Two Gateway Center
5th & State Street
Kansas City, Kansas 66101
Region IX
100 McAllister Street
San Francisco, California 94102
Region X
1602 Second Avenue
Seattle, Washington 98101

Although it may not always be feasible in these offices to set aside rooms for the exclusive or primary use of the public, every reasonable effort will be made to accommodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The office will also endeavor to maintain and have readily available in its regional offices materials generally available in the central records room. The Regional Records Officer shall receive and handle requests submitted pursuant to this part.

§ 1215.8 Identification of records.

(a) In order for the Agency to locate records and make them available it is necessary that it be able to identify the specific records sought. Persons wishing to inspect or secure copies of records should therefore seek to describe and identify them as fully and as accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the records officer receiving the request will endeavor to assist the person seeking the records in filling in necessary details.

(b) Among the kinds of information which a person seeking records should try to provide in order to permit an identification of a record are the following:

(1) The unit or program of the agency which may be responsible for or may have produced the record such as VISTA, Peace Corps, or UYA.

(2) The specific event or action, if any, and if known, to which the record refers.

(3) The date of the record or the period to which it refers or relates if known.

(4) The type of record, such as an application, a contract, a grant or a report.

(5) Personnel of the office who may have prepared or have knowledge of the record.

(6) Citation to newspapers or publications which are known to have referred to the record.

§ 1215.9 Manner of requesting records.

(a) Requests under the Freedom of Information Act (5 U.S.C. 552) for access to ACTION records may be filed in person or by mail with the Chief of Administrative Services of the aforesaid at ACTION headquarters, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Requests for records of a Regional or State office may be filed in person or by mail with the records officer of the respective Regional Office. Personal requests will be received from between 10 a.m. and 4 p.m., Monday through Friday, except for official holidays.

(b) Requested records which are reasonably described shall either be made available within ten working days after receipt of any such request or a written notice that the request cannot be complied with shall be provided to the person making such request within such 10 day period. Any such notice of inability to comply shall specify the reasons for refusal and the right of the person making such request to appeal such adverse determination. In the event a request for a record or document is made to a Regional Records Officer of the Agency or to the Chief of Administrative Services, and such office does not have the requested material, the requestor shall be immediately so notified. Such notice shall specify the Regional or other office of the Agency where such material is to be found or where it is normally maintained. The requestor may then resubmit his request, or request the office which provides the notice to forward the original request to the proper Regional Office or the central office as may be appropriate. The request shall be deemed received when actually received by the appropriate office.

(c) Upon receipt of a notice of failure to comply, a person making a request for information, records, or documents may, within 15 calendar days from the receipt of such notice, appeal such adverse determination to the Deputy Director of ACTION. Such appeal shall be in writing and shall specify the date upon which the notice of failure or refusal to comply was received by the person making such request. The Deputy Director shall make determination with respect to such appeal within 20 working days after receipt of such appeal. Notice of such determination shall be provided to the person making the request in writing. If the original denial of the request for records is upheld in whole or in part, such notice shall include notification of the right of the person making such request to have judicial review of the denial and appeal as provided under the Freedom of Information Act (5 U.S.C. 552).

(d) The time limit specified above for initial compliance, and appeal from a refusal to comply, may be extended by the Agency upon written notice to the person making such request which notice shall set forth the reasons for such extension and the date upon which determination is expected. Such extension may be applied at either the initial stage or the appellate stage, or both, provided that the aggregate of such extensions shall not exceed ten working days. Circumstances justifying an extension shall include the following:

(i) Time necessary to search and collect requested records from segments of the agency separate from the office processing the request;

(ii) Time necessary to search, collect, and appropriately examine a voluminous number of records demanded in a single request; or

(iii) Time necessary for consultation with another agency having a substantial interest in the determination of the request, or among two or more components of the agency which have an interest in the subject matter of the request.

(e) The time limits provided in this section are mandatory and a person requesting records shall be deemed to have exhausted his administrative remedies with respect to such requests in the event the Agency fails to comply within the said applicable time limit provisions as extended in accord with this section. In unusual circumstances in which additional time is necessary to collect and review the records requested, the Act provides that a court of appropriate jurisdiction may allow the agency additional time for such purpose. Alternatively, the agency and the person making such request may agree as to a reasonable time for completion of agency work upon such request.

(f) Any notification of denial of any request for record under this subsection shall set forth the names and titles or positions of the person primarily responsible for the denial of such request.

(g) Upon receipt of a request for a record or document the Chief of the Office of Administrative Services or the Regional Records Officer will promptly make an initial determination as to whether the request for the record reasonably describes such record with sufficient specificity to determine the unit of the agency to which such request should be referred. Upon making such initial determination, he shall immediately refer such request to the head of the unit concerned. Upon receipt of the request the head of the unit shall promptly determine whether the description of the record contained in the request is sufficient to permit its identification and production.

(h) If the Chief of Administrative Services, the Regional Records Officer or the head of the unit concerned determines that the description contained in the request is not sufficient to reasonably describe the record requested, the requestor shall be so advised and shall be permitted to amend the request to provide any additional information which would better identify the record. The requestor shall be provided with appropriate assistance from the head of the unit concerned, the Chief of Administrative Services, the Regional Records Officer or any member of their staff. A request which is amended in accord herewith shall be deemed to have been received by the Agency on the date of receipt of the amended request.

(i) If the head of the unit concerned determines that the record requested is reasonably described so as to permit its identification, he shall make it available unless he determines, in consultation with the General Counsel, that (1) the record is exempt from disclosure and (2) it should be withheld in the public interest or to protect the rights of persons to whom the information pertains. When such a determination is made the requestor shall be immediately notified in writing as provided herein.

§ 1215.10 Schedule of fees.

(a) It is the policy of ACTION to encourage the widest possible distribution of information concerning programs under its jurisdiction. To the extent practicable, that policy will be applied under this part so as to permit requests for inspection or copies of records to be met without substantial cost to the person making the request. Where a request for information does not involve substantial search time or reproduction costs, the information will be furnished without charge as a service to the public.

(b) The following charges will be made for any copies requested by a requestor:

(1) Copies made by photostat or otherwise (per page)—$.10.

(2) Search services shall be charged for at the rate of $5.00 per hour. Such charge may be made whether or not the search is successful in producing the record requested.

(3) In the event a request for documents or records is received which does not state that the requestor will pay any and all reasonably necessary costs, or costs up to an amount specified in such request, and the head of the unit or the Chief of Administrative Services determines that the anticipated cost for search and duplication of the records requested will be in excess of $25.00, or in excess of the limit specified in the request, the Chief of Administrative Services shall so advise the requestor promptly after receipt of the initial request. Such notification shall specify the anticipated cost of search and reproduction of the records requested. The requestor may thereafter amend his request to specify fewer documents, or agree to accept the estimate of anticipated costs, in which case the request shall be deemed received by the agency upon the date of the requestor's response. A requestor may, prior to making a request, ask for an estimate of cost from the Chief of Administrative Services who shall promptly respond to such request.

(4) Payment shall be made to the Chief of the Administrative Services Division by cash or personal check, money order, etc., payable to ACTION. A receipt for any fees will be provided upon request.

(5) A requestor may ask in his original request, or subsequently, that documents requested be furnished without charge or at a reduced charge. Upon receipt of such request the Chief of Administrative Services Division shall refer such request to the Deputy Director who shall promptly determine whether such request should be complied with. Such request shall be complied with in the event that it is determined that a waiver or reduction of fees is in the public interest because the furnishing of the documents or records requested will primarily benefit the general public. When such a request has been included in a request for documents or records or has been made subsequent thereto, the request shall not be deemed to have been received until a determination on the question of waiver or reduction has been made, provided however, that such determination shall be made within five working days from the date of receipt of any such request. A request for waiver or reduction of fees shall specify the amount of reduction requested and the reasons which cause the requestor to feel that the public interest would be served by a waiver or reduction of fees.

Issued at Washington, D.C. on January 17, 1975.

JOHN L. GANLEY,
Deputy Director.

[FR Doc.75-2001 Filed 1-21-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 323-7]

MASS TRANSIT PRIORITY INCENTIVES IN THE STATE OF NEW JERSEY

Action on Employer's Provisions

On November 13, 1973 (38 FR 31388), EPA published in the FEDERAL REGISTER a transportation control plan for the State of New Jersey. The plan included § 52.1590, Employer's provision for mass transit priority incentives. On December 7, 1973 (38 FR 33775), EPA published in the FEDERAL REGISTER proposed revisions to § 52.1590. Public hearings were held on the proposed revisions in Camden, Trenton, and Newark, New Jersey on January 10, 11, 12, 1974, respectively. On June 4, 1974 (39 FR 19779) a revised § 52.1590 was published.

The revised regulation requires each employer who maintains 400 or more employee parking spaces to submit an adequate transit incentive program designed to encourage the use of mass transit and carpooling by his employees. Submittal of the plans was required by July 1, 1974. As of December 4, 1974, 140 employer plans were submitted to EPA.

Of the 140 plans received, the Administrator is proposing to take approval action on 93. These plan actions are subject to the condition stated in the regulation that employers are utilizing, in fact, that mix of incentive and disincentive measures most likely to obtain maximum use of carpooling and mass transit. Though good faith efforts to comply with the regulations have been made by most employers, the Administrator hereby strongly reaffirms the need for continued investigation and use of all additional incentive and disincentive measures which may be available.

Proper evaluation of the full effectiveness of these approvable programs will not be possible until February 15, 1975 when semi-annual reports containing information pursuant to § 52.1590(e) are due to be submitted. Therefore, at this time, EPA must rely upon employer's good faith claims that the programs do utilize the maximum reasonable mix of carpooling and mass transit measures. If, after the Administrator has approved a transit incentive program, the Administrator finds from the semi-annual reports that a program is not providing adequate incentive or disincentive measures, the Administrator will require that additional measures be taken by the employer. In those cases where voluntary compliance is not obtained, EPA will prescribe a plan. These plans will be published in a future FEDERAL REGISTER.

The revised regulation lists the information which will be required in the semi-annual reports. That information includes (1) the number of employees at each of the employer's facilities; (2) the number of employees commuting to work by single passenger automobile, carpool, and mass transit; (3) an estimate of employee vehicle-miles-traveled before and after the program is in effect.

In addition the Administrator is requiring (as provided by 40 CFR 52.1590 (e)(4)), that the following additional information be supplied for the period required by the regulation:

1. The total number of employee automobiles used to commute to work at each affected facility (whether such autos park on the premises of the facility or not) on April 1, 1974 or any date before April 1, 1974 but not earlier than August 1, 1973 for which valid data or estimates are available, and as of the date of the report;

2. The VMT which is generated by single passenger automobiles at each affected facility on April 1, 1974 or any date before April 1, 1974 but not earlier than August 1, 1973 for which valid estimates or data are available, and as of the date of the report;

3. A description of the method by which VMT estimates are determined.

4. The number of parking spaces available for employee use; and,

5. A narrative describing the status of the employer's efforts towards promoting the use of mass transportation and carpooling. Examples of items which might be included are: the number of employee carpool promotion meetings; company sponsored improvements to mass transit facilities; efforts by the company to obtain improved mass transit schedules or facilities; and, other incentive or disincentive measures implemented by the employer.

If a particular facility has more than one work shift, applicable information should be given for each such work shift.

The Administrator is proposing to approve the following plans:

NEW JERSEY-NEW YORK-CONNECTICUT AQCR

1. Naval Ammunition Depot Earle, Colts Neck, New Jersey 07722.
2. State Farm Insurance Companies, One State Farm Plaza, Bloomington, Illinois (for Wayne, New Jersey).

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3. Becton, Dickinson, and Company, Rutherford, New Jersey 07070.
4. Bell Laboratories, 600 Mountain Avenue, Murray Hill, New Jersey 07974.
5. American Can Company, 500 North Union Avenue, Union, New Jersey.
6. Chubb & Son, Inc., 51 John F. Kennedy Parkway, Short Hills, New Jersey 07078.
7. Curtiss-Wright Corporation, One Passaic Street, Woodridge, New Jersey 07075.
8. Ford Motor Company, One Parklane Blvd., Dearborn, Michigan 48126.
9. Department of the Army, Military Ocean Terminal, Bayonne, New Jersey 07002.
10. Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.
11. Shulton, Incorporated, Clifton, New Jersey 07015.
12. E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903.
13. Hackensack Hospital, 22 Hospital Place, Hackensack, New Jersey 07207.
14. Sea-Land Service, Inc., Fleet Street, P.O. Box 2000, Elizabeth, New Jersey 07207.
15. Warner-Lambert Company, 201 Tabor Road, Morris Plains, New Jersey 07950.
16. Hoffmann-Laroche, Inc., Nutley, New Jersey 07110.
17. American Cyanamid Company, Wayne, New Jersey 07470.
18. Exxon Chemical Company, P.O. Box 222, Linden, New Jersey 07036.
19. Delco-Remy, Division of General Motors, New Brunswick, New Jersey 08403.
20. Western Union, 1 Lake Street, Upper Saddle River, New Jersey 07458.
21. Wakefern Food Corporation, 600 York Street, Elizabeth, New Jersey 07207.
22. Western Electric Company, 100 Central Avenue, Kearny, New Jersey 07032.
23. Eastern Airlines, Incorporated, Woodbridge Township, Iselin, New Jersey 08830.
24. Carter-Wallace, Inc., Cranbury, New Jersey 08512.
25. 195 Broadway Corporation, P.O. Box 2017, New Brunswick, New Jersey 08903.
26. Veterans Administration Hospital, East Orange, New Jersey 07019.
27. Addressograph Multigraph, 11 Mt. Pleasant Avenue, East Hanover, New Jersey 07936.
28. Supermarkets General Corporation, 301 Blair Road, Woodbridge, New Jersey 07095.
29. Schering Corporation, Galloping Hill Road, Kenilworth, New Jersey 07033.
30. Rowe International, Inc., 75 Troy Hills Road, Whippany, New Jersey 07981.
31. Airco, Inc., 85 Chestnut Ridge Road, Montvale, New Jersey 07645.
32. Singer Company, Kearfott Division, 1150 McBride Avenue, Little Falls, New Jersey 07424.
33. N. L. Industries, Inc., 100 Chevalier Avenue, South Amboy, New Jersey 08874.
34. Otis Elevator Company, 1000 First Street, Harrison, New Jersey 07029.
35. Boy Scouts of America, North Brunswick, New Jersey 08902.
36. Merck & Company, Inc., Rahway Site, Rahway, New Jersey 07065.
37. Crum & Foster Insurance Company, Madison Avenue, P.O. Box 2367, Morristown, New Jersey 07960.
38. CPC International, Inc., International Plaza, Englewood Cliffs, New Jersey 07632.
39. The Prudential Insurance Company of America, Prudential Plaza, Newark, New Jersey 07101.
40. Sandoz Wander, Inc., Route 10, East Hanover, New Jersey 07936.
41. Anheuser-Busch, Inc., 200 U.S. Highway Newark, New Jersey 07101.
42. The Mennen Company, Morristown, New Jersey 07960.
43. Ciba-Geigy Corporation, Summit, New Jersey 07901.
44. The Lummus Company, 1515 Broad Street, Bloomfield, New Jersey 07003.
45. Monroe, The Calculator Company, 550 Central Avenue, Orange, New Jersey 07051.
46. American Hoechst Corporation, Route 202–206 North, Somerville, New Jersey 08876.
47. Lockheed Electric Co., Inc., U.S. Highway 22, Plainfield, New Jersey 07061.
48. Johnson & Johnson, New Brunswick, New Jersey 08903.
49. I.B.M. Corporation, Parson' Pond Drive, Franklin Lakes, New Jersey 07414.
50. I.B.M. Corporation, P.O. Box 218, Dayton, New Jersey 00810.
51. Exxon Research and Eng. Co., P.O. Box 216, Florham Park, N.J. 07932.
52. General Motors Corporation, Linden Plant, 1016 West Edgar Road, Linden, New Jersey 07036.
53. Cities Service Research & Development Company, Cranbury, New Jersey 08512.
54. Bristol-Myers Company, 225 Long Avenue, Hillside, New Jersey 07207.
55. Bendix Corporation, Electric Power Division, Eatontown, New Jersey 07724.
56. Simmons Company, Brunswick Avenue and Allen St., Elizabeth, New Jersey 07207.
57. Allied Chemical Corporation, Morristown, New Jersey 07950.
58. Amax-U.S. Metal Refining Company, 400 Middlesex Avenue, Carteret, New Jersey 07008.
59. New Jersey Bank, P.O. Box 2177, West Paterson, New Jersey 07509.
60. Prentice-Hall, Inc., Englewood Cliffs, New Jersey 07632.
61. Lehn & Fink Products, Co., 225 Summit Avenue, Montvale, New Jersey 07645.
62. General Learning Corporation, 250 James Street, Morristown, New Jersey 07960.
63. ITT, 390 Washington Avenue, Nutley, New Jersey 07110.
64. Givaudan Corporation, 100 Delawanna Avenue, Clifton, New Jersey 07014.
65. Western Electric—N.J., Service Center, 650 Liberty Avenue, Union, New Jersey 07083.
66. Holly Stores, Inc., 7373 West Side Avenue, North Bergen, New Jersey 07047.
67. Siemens Corporation, 186 Wood Avenue Source, Iselin, New Jersey 08830.
68. Bendix Navigation & Control Div., Teterboro, New Jersey 07608.

METROPOLITAN PHILADELPHIA AQCR

1. American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540.
2. Anchor Hocking Corporation, P.O. Box 80, Salem, New Jersey 08079.
3. Campbell Soup Company, Camden, New Jersey.
4. Educational Testing Service, Princeton, New Jersey 08540.
5. General Electric Company, 2231 East State Street, Trenton, New Jersey 08619.
6. U.S. Pipe and Foundry Company, Burlington, New Jersey.
7. Owens-Corning Fiberglas Corporation, Barrington, New Jersey.
8. RCA, Environmental Engineering, Camden, New Jersey 08034.
9. E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, New Jersey 08540.
10. Texaco Petroleum Products, Inc., P.O. Box 98, Westville, New Jersey 08903.
11. Western Electric, P.O. Box 9000, Princeton, New Jersey, 08540.
12. Mobil Research and Development Corporation, Engineering Department, P.O. Box 1026, Princeton, New Jersey 08540.
13. Mobil Research and Development Corporation, Paulsboro, New Jersey 08066.
14. Mobil Oil Corporation, Paulsboro, New Jersey 08066.
15. Department of the Army, Fort Dix, New Jersey 08640.
16. Insurance Company of North America, Pacific Employers Group, 1600 Arch Street, Philadelphia, Pa. 19101.
17. General Motors, Fisher Body Division, Trenton Plant, Parkway Avenue, Trenton, New Jersey 08825.
18. Stone & Webster Engineering Co., 250 McClellan Avenue, Pennsauken, New Jersey.
19. Department of the Air Force, McGuire Air Force Base, Wrightstown, New Jersey 08641.
20. Hercules, Inc., Parlin, New Jersey 08859.
21. DuPont, Inc., Photo Products Department, Parlin, New Jersey.
22. DuPont Chambers Works, Deepwater, New Jersey.
23. New Jersey State Department of Environmental Protection, Trenton, New Jersey 08625.
24. New Jersey State Department of the Treasury, Trenton, New Jersey 08625.
25. GTE Information Systems, Inc., Mt. Laurel, New Jersey 08051.

This notice is issued to advise the public that comments may be submitted on whether the proposed approval/disapproval action should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received on or before February 21, 1975. The Administrator's decision to approve or disapprove the proposed approval/disapproval action is based on whether they meet the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Copies of the employer plans proposed for approval/disapproval action are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, N.Y. 10007. Additional copies are available at the Freedom of Information Center, 401 M Street SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

Dated: December 26, 1974.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.75–1927 Filed 1–21–75;8:45 am]

[40 CFR Part 204]

[FRL 323–4]

PROPOSED NEW PORTABLE AIR COMPRESSOR NOISE EMISSION STANDARDS

Notice of Public Hearing

Pursuant to section 6 of the Noise Control Act of 1972 (86 Stat. 1234), the Environmental Protection Agency published a notice of proposed rulemaking, 39 FR 38186–38206 dated October 29, 1974, for newly manufactured portable air compressors. Docket No. ONAC 74–1 was established to afford interested persons the opportunity to submit written data, views, or arguments relative to the proposed regulation. This docket was established with a closing date of December 2, 1974, but was subsequently extended to December 31, 1974 (see 39 FR 42379 dated December 5, 1974).

Final regulation on noise emissions from new portable air compressors will be promulgated in the near future. Prior to such promulgation, it is desirable to ensure that all issues involved in the regulation have been resolved. After review of the extensive material submitted to the official docket for this regulation, the Agency believes there is a need for providing a means for public presentation of any additional substantive information pertinent to these issues. Accordingly, notice is hereby given of public hearings to be held regarding noise emission regulations for newly manufactured portable air compressors. The principal issues to be reviewed concern the enforcement program specified in the regulation, the lead-time set forth for manufacture compliance with the standard, and the projected economic impact of the regulation on manufacturers, users, the construction industry and the general public.

All interested parties are invited to attend these hearings which will be held in Arlington, Virginia, on Tuesday, February 18, 1975, beginning at 9:00 a.m. at the Crystal City Marriott Hotel, 1999 Jefferson Davis Highway; and in San Francisco, California, on Tuesday, February 25, 1975, beginning at 9 a.m. at the Hyatt Hotel, 345 Stockton Street.

Dr. Alvin F. Meyer has been designated as the Presiding Officer for the hearings. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

All interested persons will be given an opportunity to make a statement at the hearings. Such persons should notify the Presiding Officer not later than February 14, 1975, of their intentions to make a statement, so that presentations may be scheduled. Persons who have not given such notice will be heard as time permits following the scheduled statements. It is requested that speakers submit, if practicable, five copies of their statement no later than the day on which they appear. All correspondence relative to the hearings should be addressed to the Presiding Officer, Office of Noise Abatement and Control (AW–571), Attention: Portable Air Compressor Hearing, U.S. Environmental Protection Agency, Washington, D.C. 20460.

The transcript of the hearings and any materials submitted for the record will become part of the official docket for the New Portable Air Compressor Regulation. Accordingly, the official docket reopened for these hearings, ONAC 74–1, will remain open for submission of official comments until close of business on March 10, 1975.

Dated: January 16, 1975.

ROGER STRELOW,
Assistant Administrator
For Air and Waste Management.

[FR Doc.75–1935 Filed 1–21–75;8:45 am]

[40 CFR Part 205]

[FRL 323–5]

PROPOSED NEW MEDIUM AND HEAVY DUTY TRUCKS NOISE EMISSION STANDARDS

Notice of Public Hearing

Pursuant to section 6 of the Noise Control Act of 1972 (86 Stat. 1234), the Environmental Protection Agency published a notice of proposed rulemaking, 39 FR 38338–38362 dated October 30, 1974, for newly manufactured medium and heavy duty trucks. Docket No. ONAC 74–1 was established to afford interested persons the opportunity to submit written data, views, or arguments relative to the proposed regulation. This docket was established with a closing date of December 16, 1974, but was subsequently extended to December 31, 1974 (see 39 FR 42379–42380 dated December 5, 1974).

Final regulation on noise emissions from new medium and heavy duty trucks will be promulgated in the near future. Prior to such promulgation, it is desirable to ensure that all issues involved in the regulation have been resolved. After review of the extensive material submitted to the official docket for this regulation, the Agency believes there is a need for providing a means for public presentation of any additional substantive information pertinent to these issues. Accordingly, notice is hereby given of public hearings to be held regarding noise emission regulations for newly manufactured medium and heavy duty trucks. The principal issues to be reviewed are matters relating to available technology to meet the regulation, economic impact of the regulation and the enforcement program specified in the regulation.

All interested parties are invited to attend these hearings which will be held in Arlington, Virginia, on Wednesday and Thursday, February 19 and 20, 1975, beginning at 9 a.m. at the Crystal City Marriott Hotel, 1999 Jefferson Davis Highway; and in San Francisco, California on Wednesday and Thursday, February 26 and 27, 1975, beginning at 9 a.m. at the Hyatt Hotel, 345 Stockton Street.

Dr. Alvin F. Meyer has been designated as the Presiding Officer for the hearings. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

All interested persons will be given an opportunity to make a statement at the hearings. Such persons should notify the Presiding Officer not later than February 14, 1975, of their intentions to make a statement, so that presentations may be scheduled. Persons who have not given such notice will be heard as time permits following the scheduled statements. It is requested that speakers submit, if practicable, five copies of their statement not later than the day on which they appear. All correspondence relative to the hearings should be addressed to the Presiding Officer, Office of Noise Abatement and Control (AW–571), Attention: Medium and Heavy Duty Truck Hearing, U.S. Environmental Protection Agency, Washington, D.C. 20460.

The transcript of the hearings and any materials submitted for the record will become part of the official docket for the New Medium and Heavy Duty Truck Regulation. Accordingly, the official docket re-opened for these hearings, ONAC 74–1, will remain open for submission of official comments until close of business on March 10, 1975.

Dated: January 16, 1975.

ROGER STRELOW,
Assistant Administrator
For Air and Waste Management.

[FR Doc.75–1934 Filed 1–21–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211, 212]

PROGRAM TO REDUCE IMPORTS OF FOREIGN CRUDE OIL AND PETROLEUM PRODUCTS

Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10, Parts 211 and 212, of the Code of Federal Regulations, to revise the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations. The FEA will receive written comments and hold a public hearing with respect to this proposal.

I. INTRODUCTION

The President has determined that it is in the national interest to achieve a reduction in demand for petroleum products, thereby to reduce the dependence of this country on imports of foreign crude oil and petroleum products. A program to achieve this objective has been announced that, as an initial step, provides for increased import fees on crude oil and petroleum products. The import fees on crude oil will be raised $1 per barrel in February, March and April, for a total increase of $3 per barrel. Import fees on petroleum products will also be increased, in lesser amounts.

The implementation of this program requires modifications to the FEA Old Oil Allocation Program and the FEA price regulations in order to mesh these regulations with the operation of the new program. Modifications in the FEA price regulations are also proposed in order to ensure that the burden of the increased import fees will be equitably distributed and appropriately reflected in the price

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of gasoline, the product for which demand appears to be most sensitive to price.

The basic modification proposed with respect to the Old Oil Allocation Program is the exclusion of imported products, since the entitlement benefits of that program, insofar as product imports are concerned, can be more efficiently and fairly provided through corresponding reductions in the increased import fees. A further modification in the entitlements program is proposed to help alleviate the impact on small refiners which are buyers of entitlements of the higher cost of entitlements, resulting from the increase of import fees.

With respect to the price regulations, the basic modification proposed is to limit generally the proportion of increased product costs, including increased import fees, that can be passed through and reflected in prices charged for the group of products, taken in the aggregate, consisting of all covered products other than No. 2 oils (No. 2 heating oil and No. 2–D diesel fuel), gasoline, and crude oil. Current regulations preclude a greater than proportionate pass-through of increased product costs for No. 2 oils and propane, and such limitations would be maintained. In addition, the current rule permitting reallocation of increased product costs from No. 2 oils and from covered products other than No. 2 oils, gasoline, and crude oil to gasoline would be maintained. A number of more technical modifications to the price regulations are also proposed.

II. Modifications to the Old Oil Allocation Regulations

A. *Elimination of imported product coverage.* FEA's Old Oil Allocation Program (the entitlements program) will operate to spread the burden of increased crude oil import fees across the nation and among all refiners in order to achieve equitable geographical distribution of these increased costs, to minimize economic distortion and to help maintain the competitive visability of small and independent refiners and marketers. However, due to the different product coverage and transactions affected by the import and entitlements program, very substantial administrative problems would be encountered if the entitlements program were to be used to alleviate the regional impact of the increased fees on product imports. For example, residual fuel oil and No. 2 heating oil are the only imported products currently subject to the entitlements program, while the import fee program is generally applicable to all products covered by FEA price regulations, except propane and butane. FEA proposes to eliminate most of these problems, and to cushion the impact of the higher import fees upon those marketers and regions relying heavily on imported products by excluding products from the Old Oil Allocation Program and reducing product import fees by an amount equivalent to the benefit that would have been provided under the entitlements program. This approach of providing a direct offset to the import fees, rather than an indirect benefit through the entitlements program, has the advantage of achieving the proper cost relationship between domestic and imported product, while at the same time reducing both the size and complexity of the Old Oil Allocation Program.

The current entitlements program results in a differential between imported and domestic product prices that is considered to be sufficiently narrow to maintain the competitive viability of petroleum marketers, and to facilitate the sharing of the burden of the higher imported product costs amoog all regions of the country, yet not so narrow as to eliminate incentives for crude importation and domestic refining.

To maintain this differential, FEA will first allow the current entitlements benefits of 60 cents per barrel of imported product (as compared with benefits of approximately $2.00 per barrel of imported crude oil), to be offset against the increased import fees. The increased fees on product imports will then be further reduced to equalize the impact of increased import fees on products with the impact of increased import fees on imported crude oil, taking into account also the corresponding increased prices of uncontrolled domestic crude oil.

The amount of this second reduction in the import fees for products will be determined as follows. Under the entitlements program, each refiner is allocated the equivalent of 40 percent of its crude oil runs as price controlled old oil. Therefore, for each dollar increase in crude oil import fees, with the accompanying increase in uncontrolled domestic oil prices, refiners will incur costs of 60 cents more per barrel of all crude oil runs, which can then be passed on to ports and domestically refined product, To maintain parity between product imports and domestically refined product, with respect to the effect of the import fee increase, each dollar increase in crude oil import fees will therefore be accompanied by only a 60 cent increase in the fee on product imports.

Thus, the offsetting reduction in fees to compensate for the elimination of product imports from the entitlements program will be 60 cents per barrel, and there will be an additional 40 cents per dollar reduction in the amount of increased import fees for products as compared with crude oil, in order to maintain the present relative difference in overall crude oil costs versus product import costs. For February 1975, therefore, no net product fee increase will occur; for March, the net increase will be 60 cents per barrel; and for April, $1.20 per barrel.

B. *Special Rule No. 4.* Also, with respect to the entitlements program, in order to alleviate the cash flow problems of small refiners that are buyers of entitlements, a phase-in of the higher cost of these entitlements, resulting from higher import fees is proposed. This treatment is simply an extension of the existing Special Rule No. 3 to the crude oil allocation regulations by which small refiners are now being phased into the entitlements program during its first three months of operation.

Special Rule No. 4 of Subpart C of Part 211 will operate in much the same way as Special Rule No. 3, in that small refiners that are buyers of entitlements will have specified exemptions from a portion of their entitlement purchase obligations effecting a phase-in of the full obligation over a three month period, beginning with April's equalization of February costs. The portion of the purchase obligation exempted would approximate the incremental rise in the price of the entitlement attributable to the increase in import fee. If the February entitlement price were set at $7, of which $1 was attributable to the increased import fee, FEA would set aside 1/7 of each small refiner's purchase obligation as to the first 30,000 barrels per day of its crude runs for that month. If the March and April entitlement prices exceeded the February price by $1 and $2, respectively, the exemption from the purchase requirements for March and April would be 1/8 and 1/9 respectively. For the month of May, small refiners would be required to meet the full purchase requirements of the program.

Cash flow problems for all refiners and resellers resulting from higher import fees will also be mitigated because, although import fees will be "incurred" for purposes of the price regulations when the crude oil or product is imported, actual payment of the fees will not be required under the import program until the close of the month following the month in which the import occurs.

III. Modifications to the Price Regulations

A. *Limitations on increased cost pass through.* In order to accomplish the modifications in the price regulations outlined above, to limit generally the amount of increased product costs allocable to products other than gasoline, the FEA is proposing to eliminate the provision of its regulations that now permits increased costs attributable to "special products" (No. 2 heating oil and No. 2–D diesel fuel, and gasoline) to be allocated instead to covered products other than "special products." It should be noted in this regard that there have been basic changes with respect to the manner in which No. 2 heating oil and No. 2–D diesel fuel and gasoline will be treated under the price regulations and that these products will therefore no longer be referred to as "special products."

The term "special products" initially signified No. 2 heating oil, No. 2–D diesel fuel, and gasoline, as to which not more than a proportionate share of increased costs could be assigned. Since, then, however, proportionate restraints on increased cost pass-through have been adopted for propane, while they have been eliminated for gasoline. Proportionate limitations are also now proposed for covered products other than "special products." The term "special product," as it might continue to be applied to No. 2 heating oil and No. 2–D diesel fuel, and gasoline, is therefore no longer meaningful insofar as restraints on cost pass-through are concerned. Accordingly, FEA proposes to eliminate the term "special products," and to substitute the terms gasoline and "No. 2 oils" (to refer to No. 2 heating oil and No. 2–D diesel fuel), and to use the term "general refinery products" to refer to all covered products other than gasoline, No. 2 oils and crude oil.

Under this revised price regulation, increased product costs would be calculated separately for No. 2 oils, for gasoline, and for general refinery products. Increased costs allocable to No. 2 oils or to general refinery products could be reallocated to gasoline. No increased costs could be reallocated to No. 2 oils or to the category general refinery products from any other category. Increased costs could continue to be allocated among the products within the category labelled general refinery products including residual fuel oil and aviation fuels, as determined by refiners. Conforming changes to the regulations reflecting the revisions in terminology will be published when the final regulation is published.

In this manner, general refinery products, including residual fuel oil and aviation fuels, would not be permitted to bear, overall, a disproportionate share of increased costs, while at the same time a measure of pricing flexibility among these products would be preserved.

B. *Corrective changes in the cost allocation regulations—Use of current sales volumes.* Increased product costs allocable to certain products or categories of products are determined under current regulations on the basis of the percentage of a refiner's three month average sales of that product or product category in the preceding year (the "V_{iP}" factor of the refiner's price formulae). This use of an historical sales volume to determine allocation of costs may be serving as a disincentive to the increased production of No. 2 oils by refiners, since an increase in percentage yield of this product results in a lesser increment of increased product cost being allocable to prices charged for the product. Accordingly, a revision in the regulations is proposed, to permit use of estimated current sales volumes, rather than historical sales volumes, for purposes of making allocations of increased costs under the refiner's cost formulae.

Equal application of increased product costs. FEA regulations require increased costs to be applied equally among classes of purchaser of a particular covered product. Currently for No. 2 oils and for gasoline, this requirement is met simply by operation of the refiner's "special products," cost allocation formula. With respect to covered products other than "special products," however, FEA has not previously specified what product or products constitute "a particular covered product" for purposes of compliance with the equal application of increased cost requirement. However, the FEA recently issued a clarifying amendment to its regulations which lists the categories of covered products with more specificity. Accordingly, a new regulation which specifies that each such product or category or products shall constitute "a particular covered product" is proposed. This proposal will ensure that all refiners interpret this aspect of the regulations in like manner, and will help to simplify FEA audit procedures.

C. *Import fees and duties.* A number of changes are proposed to make clear that increases in import fees and duties may be passed through as increased product costs when they are incurred by the purchaser. Recognition of import fees and duties as an element of cost is a technical correction to the regulations, and reflects the fact that such costs have always been regarded as a cost of product. A definition of "import fees and duties incurred" is being added to make clear that such fees are to be included as a cost of product only where they will ultimately be paid by the entity acquiring the product (and not, for example, where an entity is purchasing the product at a price which reflects the payment of the fees by another entity), and that the fees are "incurred" (for purposes of pass-through as increased product costs) when the product passes through United States customs, even though payment of the fees by the purchasing firm may be at a later date.

A proposed amendment to § 212.94(c) makes clear that, as has always been intended, the reference to "landed cost" is a reference to that term as it is defined in § 212.83.

D. *Modifications in the regulations governing the carry forward of unrecouped increased product costs.* Current regulations generally provide that increased product costs unrecouped in one month may be carried forward for recovery in a subsequent month. To the extent that there are initial restrictions on the application of increased costs to particular products, there are similar restrictions on the subsequent application of unrecouped increased product costs.

Since the regulations proposed today prevent the reallocation of increased costs from No. 2 oils and gasoline to general refinery products, a revised regulation on the carry-forward of unrecouped increased product costs is proposed, with reallocation of such unrecouped costs among product categories restricted in a manner that is analogous to the proposed restriction governing initial reallocation of increased costs among product categories.

A recent revision to the price regulations limited the extent to which unrecouped increased product costs could be used to increase prices in any single month. Although this provision remains generally desirable, the FEA proposes that this limitation be removed with respect to gasoline, as to which demand seems most responsive to price, in light of the overriding objectives of the program to reduce imports, and the effects of increased prices on demand that that program is intended to accomplish.

IV. General

A. *Effective dates.* The regulation changes proposed today will be effective, as finally adopted, March 1, 1975, except that the proposed revisions to § 211.62, § 211.67(a)(3), and § 211.67(i)(2) and (4) would be effective April 1, 1975, and the proposed revisions to § 211.66(i) and § 211.67(j) and (l) would be effective May 1, 1975.

B. *Procedures for written comments and public hearing.* Interested persons are invited to participate in this rule-making by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box BW, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Program to Reduce Imports—Amended Regulations." Twenty-five copies should be submitted. All comments received by Tuesday, February 4, 1975 before 4:30 e.s.t. and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination. The public hearing in this proceeding will be held at 9:30 a.m. on February 6, 1975 and will be continued, if necessary, on February 7, 1975 at the Federal Building, Room 3000, 12th & Pennsylvania Avenue NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t. on January 31, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through February 3, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., February 3, 1975 and must submit 100 copies

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of his statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.s.t., on February 5, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t. February 5, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The inflationary impact of this proposal has been considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Parts 211 and 212, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., January 17, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Section 211.62 is amended by deleting the definitions of "eligible firm," "eligible products," "No. 2 heating oil" and "No. 2-D diesel fuel" and is further amended in the definition of "adjusted national old oil supply ratio" to read as follows:

§ 211.62 Definitions.

* * * * *

"Adjusted national old oil supply ratio" means, for a particular month, the volume of old oil included in the aggregate adjusted crude oil receipts for all refiners, expressed as a percentage of the total volume of the crude oil runs to stills for all refiners for that month. Such volume of old oil shall be decreased by a number of barrels of old oil equal to the number of entitlements issuable to small refiners under § 211.67(e).

* * * * *

2. Section 211.66 is amended by deleting paragraphs (j) and (k) and is further amended by revising paragraph (i) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(i) *Monthly transaction report.* On or prior to the tenth day of each month, commencing with the month of February 1975, each refiner shall file with the FEA a report certifying its purchases and sales of entitlements for the third month prior to the month in which the report is filed.

(j) and (k) [Deleted].

3. Section 211.67 is amended by the deletion of subparagraph (3) of paragraph (a), and is further amended by revising paragraph (c), subparagraphs (2) and (4) of paragraph (i), paragraph (j), and paragraph (l) to read as follows:

§ 211.67 Allocation of old oil.

(a) * * *

(3) [Deleted]

* * * * *

(c) *Refiners with excess entitlements.* For each month, commencing with the month of November 1974, each refiner that has been issued a greater number of entitlements for that month than the number of barrels of old oil included in its adjusted crude oil receipts shall sell excess entitlements.

* * * * *

(i) *Issuance and transfer of entitlements.* * * *

(2) Each notice published by the FEA evidencing the issuance of entitlements under this section shall specify as to a particular month the adjusted national old oil supply ratio, the name of each refiner to which entitlements have been issued, the number of entitlements issued to each such refiner, the number of barrels of old oil included in each refiner's adjusted crude oil receipts and the price at which or price range within which entitlements shall be sold.

* * * * *

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month. Such price may be fixed in terms of a price range in which entitlement transactions shall be effected or in terms of a single price at which all entitlement transactions shall take place. Such price or price range shall be fixed by the FEA with reference to the differential between the weighted average costs to refiners of old oil and the weighted average costs to refiners of new and released crude petroleum, imported crude oil and crude oil produced from stripper wells.

(j) *Failure to consummate transactions.* The FEA may direct refiners that have not purchased the required number of entitlements under paragraph (b) of this section for a particular month to purchase such required number of entitlements at a price specified by the FEA from any refiner that has entitlements for such month available for sale. The FEA may direct refiners that have entitlements available for sale to sell such entitlements at a price specified by the FEA to refiners that have not purchased their required number of entitlements under paragraph (b) of this section.

* * * * *

(l) *Adjustments to crude oil costs*—(1) *Computations*—(i) *Entitlements purchased.* The cost of entitlements purchased in a particular month pursuant to this section by refiners shall be added to the cost of crude oil purchased or landed in that month (which is the period "*t*" (the month of measurement), for purposes of calculating the increased costs to be applied to product prices in the following month under the "*at*" factor of the general formulae of § 212.83(c)(2) of this chapter).

(ii) *Entitlements sold.* The sales revenues from entitlements sold in a particular month pursuant to this section by refiners shall be subtracted from the cost of crude oil purchsed or landed in that month (which is the period "*t*" (the month of measurement), for purposes of calculating the increased costs to be applied to product prices in the following month under the "*A*" factor of the general formulae of § 212.83(c)(2) of this chapter).

(2) *Timing.* The date of purchase or sale of entitlements for purposes of determining the date on which a cost or a cost reduction is incurred under § 212.83(c) of this chapter shall be the date on which the transaction is reported to have taken place on the monthly transaction report filed with the FEA under paragraph (l) of § 211.66.

* * * * *

4. The Appendix to Subpart C of Part 211 is amended by the addition of a Special Rule No. 4 to read as follows:

SPECIAL RULE NO. 4

1. *Scope.* This Special Rule provides for a reduction in the entitlement purchase requirements of § 211.67(b) for specified volumes of old oil included in the adjusted crude oil receipts of small refiners for the months of February, March and April, 1975.

2. *Reduction in entitlement purchase requirements for small refiners.* (a) Each small refiner with a volume of crude oil runs to stills of less than 30,000 barrels per day in the month concerned, that is required to purchase entitlements shall be exempted from the purchase requirements of § 211.67(b) as to one-seventh (1/7), one-eighth (1/8) and one-ninth (1/9), respectively, of the number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) for the months of February, March, and April 1975.

(b) Each small refiner with a volume of crude oil runs to stills in excess of 30,000 barrels per day in the month concerned, that is required to purchase entitlements, shall be exempted from the purchase requirements of § 211.67(b) as to a number of entitlements equal to one-seventh (1/7), one-eighth (1/8) and one-ninth (1/9), respectively, of the number of entitlements for the months of February, March, and April 1975, which is in the same proportion to the total number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) that 30,000 barrels per day is to the daily average volume of that small refiner's crude oil runs to stills for that month.

3. *Adjustment to number of entitlements issuable.* The total number of entitlements exempted from the purchase requirements of § 211.67(b) pursuant to paragraph 2 of this special rule shall be deducted on a pro-rata basis, from the number of entitlements otherwise issuable to and available for sale by each refiner which has entitlements available for sale in the month concerned.

4. *Provisions of Subpart C.* The provisions of Subpart C of Part 211 shall remain in full force and effect except as expressly modified by the provisions of this special rule.

5. Section 212.31 is revised by deleting the definition of "special products" and by adding, in the appropriate alphabetical order, definitions of "general refinery products" and "No. 2 oils" to read as follows:

§ 212.31 Definitions.

* * * * *

"General refinery products" means all covered products other than No. 2 oils, gasoline, and crude oil.

* * * * *

"No. 2 oils means No. 2 heating oil and No. 2-D diesel fuel.

* * * * *

6. Section 212.83 is amended in paragraph (b) by adding, in the appropriate alphabetical order, a definition of "import fees and duties incurred" and by revising the definition of "landed costs" and is further amended by revising paragraph (c), (d), and (e) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(b) *Definitions.* * * *

"Import fees and duties incurred" means only import fees and duties that are paid by or on behalf of the firm purchasing the product and which are in addition to the purchase price of the product, and does not include any import fees and duties paid by or on behalf of firms other than the purchasing firm, such as import fees and duties which are already reflected in the price charged for a product. Import fees and duties are "incurred" (for purposes of determining increased product costs) at the time the product is released from U.S. customs custody or entered into U.S. customs territory, or withdrawn from a bonded warehouse for consumption, whichever occurs first, even though payment of the fees or duties may be at a later date.

* * * * *

"Landed cost" means:

(1) For purposes of covered products purchased in complete arm's-length transactions, the purchase price at the point of origin, plus the actual transportation cost, plus import fees and duties incurred.

(2) For purposes of covered products purchased in arm's-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin, plus the transportation cost computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

(3) For purposes of covered products other than crude oil purchased in a transaction between affiliated entities and shipped pursuant to an arm's-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus the actual transportation cost, plus import fees and duties incurred.

(4) For purposes of covered products other than crude oil purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

(5) For purposes of crude oil purchased in a transaction between affiliated entities and shipped pursuant to an arm's-length transaction, the cost of the crude oil computed pursuant to § 212.84, plus the actual transportation cost, plus import fees and duties incurred.

(6) For purposes of crude oil purchased and shipped pursuant to a transaction between affiliated entities, the cost of the crude oil computed pursuant to § 212.84, plus the transportation cost computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

* * * * *

(c) *Allocation of increased product costs*—(1) *General rule*—(i) *No. 2 oils and gasoline.* In computing base prices for sales of No. 2 oils and gasoline, a refiner may increase its May 15, 1973 selling price to each class of purchaser once each calendar month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of that covered product using the differential between the month of measurement and the month of May 1973: *Provided,* That the amount of increased costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(i) of this section. The formula of paragraph (c)(2)(i) of this section must be computed separately for No. 2 oils and for gasoline, so that the amount of increased product costs included in computing base prices of No. 2 oils and of gasoline must be equally applied to each class of purchaser.

(ii) *General refinery products.* In computing base prices for a general refinery product, a refiner may increase its May 15, 1973 selling price to each class of purchaser each month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of general refinery products, using the differential between the month of measurement and the month of May 1973: *Provided,* That the amount of increased costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(ii) of this section: *And provided,* That the amount of increased product costs included in computing base prices of a particular general refinery product must be equally applied to each class of purchaser. In apportioning the total amount of increased product costs allocable to general refinery products among particular general refinery products, a refiner may apportion amounts of increased product costs to a particular general refinery product in whatever amounts it deems appropriate. For purposes of this section, each of the following products or product categories shall constitute "a general refinery product": Aviation fuels, benzene, butane, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1-D diesel fuel, No. 4 fuel oil and No. 4-D diesel fuel, propane, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

(iii) *Propane*—(A) *Special propane rule.* Notwithstanding the provisions of § 212.83(c)(1)(ii) and § 212.83(e), a refiner in computing base prices of propane for the twelve-month period of August 1, 1974 through July 31, 1975:

(*1*) may not apportion to propane a greater percentage of increased cost of crude oil purchased or landed in the twelve-month period July 1, 1974 through June 30, 1975 than the percentage that the volume of propane sold

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during the twelve-month period August 1, 1974 through July 31, 1975 which was produced by that refiner from crude oil is to the total volume of all products (including other than covered products) sold by it during the same twelve-month period, which were produced by that refiner from crude oil. Notwithstanding § 212.83(b), for purposes of this special propane rule, cost of crude oil shall not include the cost of natural gas liquids; and

(2) may apportion to propane the increased cost of propane purchased or landed in the twelve-month period of July 1, 1974 through June 30, 1975; and

(3) may apportion to propane the increased product costs attributable to propane produced from natural gas as determined pursuant to the provisions of § 212.146 of Subpart K of this part; and

(4) may not apportion to propane any increased product costs incurred prior to July 1, 1974 and not recovered through July 31, 1974.

(B) *Exception to equal application rule for propane.* Notwithstanding the provisions of paragraph (c)(1)(ii) of this section a refiner may comply with the provisions of that paragraph by applying unequal amounts of increased costs to the weighted average May 15, 1973 selling price of propane to classes of purchaser of propane: *Provided,* That the highest amount of increased cost applied to the weighted average May 15, 1973 selling price to any class of purchaser shall not exceed by more than 100 percent the amount of increased cost applied to the weighted average May 15, 1973 selling price to any other class of purchaser: *And, provided further,* That no greater amount of increased cost shall be applied to the weighted average May 15, 1973 selling price of propane in sales to any class of purchaser which includes either an independent marketer, as defined in § 211.51 of this chapter, or a purchaser that uses the product for residential use, as defined in § 211.51 of this chapter, than is applied to the weighted average May 15, 1973 selling price of propane in sales to any other class of purchaser.

(iv) *Reallocation of increased product costs among product categories.* Increased product costs allocable to No. 2 oils and gasoline pursuant to paragraph (c)(1)(i) of this section and to general refinery products pursuant to paragraph (c)(1)(ii) of this section may be reallocated among product categories each month only as follows:

(A) *General refinery products.* To the extent that a refiner does not allocate its increased product costs for general refinery products to base prices for such products, it may instead allocate that part of its increased product costs for general refinery products only to base prices for gasoline. No increased product costs for general refinery products may be reallocated to base prices for No. 2 oils.

(B) *No. 2 oils.* To the extent that a refiner does not allocate its increased product costs for No. 2 oils to base prices for No. 2 oils, it may instead allocate that part of its increased product costs for No. 2 oils only to base prices for gasoline. No increased product costs for No. 2 oils may be reallocated to base prices for general refinery products.

(C) *Gasoline.* No increased products costs for gasoline may be reallocated to base prices for general refinery products or No. 2 oils.

(2) *Formulae*—(i) *No. 2 oils and gasoline.* For No. 2 oils and gasoline ($i=1$ and $i=2$):

$$d_i{}^u = \frac{A^i\left(\frac{V_i{}^u}{V^u}\right) + B_i{}^i + G_i{}^i \pm H_i{}^u}{V_i{}^u}$$

(ii) *General refinery products.* For general refinery products ($i=3$):

$$D_i{}^i = A^i\left(\frac{V_i{}^u}{V^u}\right) + B_i{}^i + G_i{}^i - H^u$$

(iii) *Definitions.* For purposes of paragraphs (c)(2)(i) and (c)(2)(ii) of this section:

$d_i{}^u$ = The dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of the covered product or products of the type "i" to each class of purchaser to compute the base price to each class of purchaser, except that the dollar increase that may be applied in the period "u" to the May 15, 1973, selling price of gasoline to compute the base prices to the classes of purchaser that purchase gasoline at retail from a refiner at service stations operated by employees of the refiner may be "$d_i u$" plus a maximum of $0.03 per gallon of gasoline, provided that, in computing "$d_i u$" for gasoline, the numerator of the formula in subdivision (i) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increase added to "$d_i u$" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for "$d_i u$" must be computed separately for $i=1$ and for $i=2$.

$D_i{}^u$ = The total dollar amount a refiner may apportion in the period "u" to general refinery products ($i=3$) in whatever amounts it deems appropriate to each particular general refinery product: *Provided,* That the total dollar amount shall be reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973, multiplied by $0.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6-1300-M divided by the total number of such barrels processed during the month of May 1973. The formula for general refinery products shall only be computed for $i=3$ (all general refinery products).

$V_i{}^u$ = The total volume of all covered products (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil) and all products refined from crude oil other than covered products estimated to be sold in the period "u".

$V_i{}^u$ = The total volume of a specific covered product or products of the type "i" (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil sold during the month "u") estimated to be sold in the period "u".

$$A^i = Q^i\left(\frac{C^i}{Q^i} - \frac{C^o}{Q^o}\right)$$

"A^i" is the total increased cost of crude oil purchased or landed in the period "t" for refining by that refiner. The cost and quantity of crude oil that is consumed as refinery fuel or that is otherwise consumed or disposed of in the period "t" so as not to be available for that refiner's input to crude oil distillation units shall be excluded from this amount (except to the extent permitted with respect to crude oil sold under § 211.65 of this chapter pursuant to the definitions of Q^i and C^i).

Where:

Q^i = The total quantity or volume of crude oil purchased or landed in the period "t" for refining or for resale under § 211.65: *Provided, however,* That this amount shall be reduced by the quantity of crude oil sold under § 211.65 in the period "t".

Q^o = The total quantity or volume of crude oil purchased or landed in the period "o" for refining.

C^o = The total cost of crude oil purchased or landed in the period "o" for refining.

C^i = The total cost of crude oil purchased or landed in the period "t" for refining or for resale under § 211.65: *Provided, however,* That this amount shall be reduced by the revenues from sales of crude oil under § 211.65 made in the period "t", except for any transportation adjustment or the handling fee provided for by § 212.94(b).

$$B_i{}^i = c_i{}^i - c_i{}^o - Y_i\,(q_i{}^i - q_i{}^o)$$

"$B_i{}^i$" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t". The cost of a specific covered product or products of the type "i" shall include the cost of a specific covered product or products not of the type "i" that are blended or further refined to produce the covered product or products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

$c_i{}^i$ = The total cost of a covered product or products of the type "i" purchased or landed in the period "t".

$c_i{}^o$ = The total cost of a covered product or products of the type "i" purchased or landed in the period "o".

$q_i{}^i$ = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "t".

$q_i{}^o$ = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "o".

Y_i = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred. Alternatively, the cost of the covered product or products concerned during the month of May 1973 may be used if computed by the use of accounting procedures generally accepted and consistently and historically applied by the firm concerned. *And provided,* That the FEA has approved in writing of the cost figures used.

$$G_i{}^i = J_i{}^i - K_i{}^i + L_i{}^i$$

"$G_i{}^i$" is either: (i) The total dollar amount of increased costs of the covered product or products of the type "i" to the period "t" not recovered in sales of that product through the period "t", that have been carried forward pursuant to paragraph (e) of this section; or (ii) the total dollar amount by which increased costs of the covered product or products of the type "i" to the period "t" have been over-recovered in sales of that product through the period "t", that must be subtracted pursuant to paragraph (e) of this section.

Where:

$J_i{}^i$ = The total dollar amount of increased product costs attributable to the covered product or products of the type "i" from August 1, 1973 to the period "t".

$K_i{}^i$ = The total dollar amount of increased product costs attributable to the covered product or products of the type "i" and recovered by sales through the period "t" by adjusting the May 15, 1973 selling prices pursuant to the provisions of this subpart.

$L_i{}^i$ = The total dollar amount of non-product costs attributable to includable amounts of commissions incurred during the period "t" beginning with June 1974 with respect to sales through consignee-agents of the covered product or products of the type "i". The includable amount of commission incurred with respect to each item sold through each consignee-agent is the dollar amount per unit of volume by which the commission in the period "t" exceeds the commission in effect on May 15, 1973, provided that the includable amount shall be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increase that would be permitted if the consignee-agent took title to the product it distributes and were a seller subject to § 212.93(b) of this part.

And where:

$H_i{}^u$ = Either (A) the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to general refinery products which pursuant to paragraph (c)(1)(iv) of this section the refiner elects to include in prices of gasoline for the period "u" (in which case $H_i{}^u$ shall be positive), or (B) the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to No. 2 oils which pursuant to paragraph (c)(1)(iv) of this section the refiner elects to include in the price of gasoline for the period "u" (in which case $H_i{}^u$ shall be negative for No. 2 oils and positive for gasoline).

H^u = The portion, if any, of the dollar amounts available in the period "u" for inclusion in price adjustments to general refinery products which pursuant to paragraph (c)(1)(iv) of this section the refiner elects to include in calculating the base prices of gasoline for the period "u".

The type of covered product or products is referenced by the subscript i:

i = 1 represents No. 2 oils.

i = 2 represents gasoline.

i = 3 represents all general refinery products.

The time period for measurement is referenced in the superscript; where:

o = The month of May 1973.

t = The month of measurement (the month of measurement is the month preceding the current month).

u = The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

* * * * *

(e) *Carryover of costs*—(1) *Computation of amounts carried over*—(i) *For No. 2 oils and general refinery products*—(A) If in any month beginning with October 1973 a firm charges prices for No. 2 oils or for general refinery products that result in the recoupment of less than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, and if that unrecouped amount of increased product costs is not used to increase May 15, 1973 selling prices of gasoline pursuant to paragraph (c)(1)(iv) of this section, that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for that covered product for a subsequent month.

(B) If in any month beginning with October 1973 a firm charges prices for No. 2 oils or for general refinery products that result in the recoupment of more than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for that covered product in a subsequent month.

(ii) *For gasoline.* (A) If in any month beginning with October 1973 a firm charges prices for gasoline that result in the recoupment of less than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c)(1)(i), (c)(1)(iv), and (c)(2)(i) of this section, that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for gasoline for a subsequent month.

(B) If in any month beginning with October 1973 a firm charges prices for gasoline that result in the recoupment of more than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c)(1)(i), (c)(1)(iv), and (c)(2)(i) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for gasoline in a subsequent month.

(2) *Equal application among classes of purchaser.* With respect to each covered product other than crude oil, when a firm calculates the amount of increased product cost not recouped, which may be added to May 15, 1973 selling prices to compute base prices in a subsequent month, it shall calculate its revenues as though the greatest amount of increased product costs actually added to any May 15, 1973 selling price of that covered product and included in the price charged to any class of purchaser, had been added, in the same amount, to the May 15, 1973 selling prices of such product and included in the price charged to each class of purchaser; except that, where an equal amount of increased product cost is not included in the price charged to a purchaser because of a price term of a written contract covering the sale of such product which was entered into on or before September 1, 1974, that portion of the increased product costs not included in the price charged to such a purchaser need not be included in the calculation of revenues.

(3) *Reallocation of increased product costs.* The total amount allowable under this paragraph (e) for No. 2 oils and general refinery products may not include any amount represented by the symbol "H" in the formulae in paragraph (c)(2) of this section that the refiner has elected to include in a prior month in the calculation of the maximum permissible amount that may be used to adjust base prices pursuant to paragraph (c)(1)(iv) of this section.

(4) *Limitation on use of amounts carried over.* Notwithstanding the above provisions, the amount of unrecouped increased product costs calculated under the "$G_i{}^i$" factor of the general formulae of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (e) that may be used to compute base prices for the covered product or products of the type "i", other than gasoline, in the current month shall be limited to not more than:

(i) An amount that when added to the increased product costs for the month of measurement, will provide for the same amount of increased product costs to be included in selling prices for the current month of the covered product or products of the type "i" as was included in the selling prices for the preceding month on a weighted average per unit basis, plus

(ii) An amount that is not more than 10 percent of the amount of unrecouped increased product costs calculated under the "$G_i{}^i$" factor of the general formulae of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (e), as of October 31, 1974, or as of the end of any month thereafter.

(5) *Unrecouped increased non-product costs.* Increased non-product costs calculated pursuant to § 212.87 for the month of measurement that are not recouped in the current month (the month immediately succeeding the month of measurement) may not be carried forward for use in computing allowable prices in excess of base prices in any subsequent month. If the allowable prices in excess of base prices charged in a current month result in the recoupment of more than the total amount of increased non-product costs for the month of measurement (the month immediately preceding the current month), the amount of such over-recoupment shall be subtracted from the amount of increased product costs that would otherwise be available in the subsequent month for allocation to base prices of the product or products with respect to which the overrecoupment of increased non-product costs occurred.

* * * * *

7. Section 212.87 is amended to revise § 212.87(b)(1), to renumber the present § 212.87(c)(1) as § 212.87(c)(1)(i), and to add a new § 212.87(c)(1)(ii) to read as follows:

§ 212.87 Increased non-product costs.

* * * * *

(b) *General definition.* (1) Increased non-product costs are, for each month of measurement, the sum of refinery fuel cost increase, the labor cost increase, the additive cost increase, the marketing cost increase,

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and the other allowed non-product cost increases, (as defined in this section) multiplied by

$$\left(\frac{V_i{}^u}{V^u}\right),$$

where:

where:

V^u=The total volume of all covered products (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil) and all products refined from crude oil other than covered products estimated to be sold in the period "u".

$V_i{}^u$=The total volume of a specific covered product or products of the type "i" (other than propane, which may be included only to the extent that it was refined by the refiner from crude oil sold during the month "u") estimated to be sold in the period "u".

. . . . .

(c) *Defined categories of non-product costs*—(1) *Refinery fuel cost increase.*

* * *

(ii) Refiners shall maintain records of the volume and cost of covered products purchased or landed that are consumed as refinery fuel.

. . . . .

Section 212.93 is amended by revising paragraph (g) to read as follows:

§ 212.93 Price rule.

. . . . .

(g) *Special rule on addition to May 15, 1973 prices of unrecouped increased costs of a product in a subsequent month.* For covered products other than gasoline, the amount of unrecouped increased product costs calculated and carried forward under paragraph (e) of this section which may be added to the May 15, 1973, selling prices of that product shall be limited to an amount which is not more than:

(i) An amount which, when added to May 15, 1973 selling prices, will provide for the same selling prices for that product in the current month as prevailed at the close of the preceding month, plus

(ii) An amount which, based on estimated sales volumes for each product, will not result in the application to May 15, 1973 selling prices of more than 10 percent of the amount of unrecouped increased costs of product calculated and carried forward under paragraph (e) of this section, as of October 31, 1974, or as of the end of any month thereafter.

. . . . .

9. Section 212.94 is amended by revising paragraph (c) to read as follows:

§ 212.94 Allocated crude pricing.

. . . . .

(c) *Calculations.* For the purpose of calculating the weighted average price of all crude oil delivered to a refiner-seller during each month, a refiner-seller shall use, for domestic crude oil, the delivered cost of all domestic crude petroleum at the point of purchase, plus any gathering or trucking allowance, pipeline tariffs, water transportation costs, terminalling costs and exchange differentials paid to deliver such crude oil to the refiner-seller's refineries; and, for imported crude oil, the landed cost (as defined in § 212.83) plus any pipeline tariffs, water transportation costs, terminalling costs, exchange differentials, insurance, and taxes paid to deliver such crude oil to the refiner-seller's refineries for allocating to base prices of the covered product or products with respect to which the over-recoupment of increased non-product costs occurred.

. . . . .

[FR Doc.75-2038 Filed 1-17-75;4:27 pm]

FEDERAL RESERVE SYSTEM

[12 CFR Part 261]

RULES REGARDING AVAILABILITY OF INFORMATION

Proposed Fee Schedule

Pursuant to its authority under section (a)(4)(a) of the Freedom of Information Act (5 U.S.C. § 552), the Board of Governors proposes to amend § 261.4(d) of its rules regarding availability of information. The purpose of the proposed amendments is to specify a uniform schedule of fees applicable to all constituent units of the Board.

The present schedule of fees for services performed in response to requests for records under the Freedom of Information Act appears at section 261.4(d) of Part 261 of Title 12 of the Code of Federal Regulations.

The proposed amendments will set the cost of the duplication of available information at 10 cents per standard page. The cost for search time will be $10 per hour. Furthermore, the charge for the retrieval and production of information through computer and other information program systems will not exceed the direct and reasonable costs of such services. Detailed schedules of such costs will be available upon request from the Secretary of the Board. These detailed schedules are not included in this notice because of their detailed nature.

Finally, any or all of the above charges may be reduced or waived where the Secretary of the Board finds that the public interest will be benefited.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. Any such material should be submitted in writing to the Secretary, Board of Govenors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 13, 1975.

The proposed amendment to the Board's rules regarding availability of information (12 CFR 261(d)) would read as follows:

§ 261.4 Records available to the public upon request.

. . . . .

(d) Obtaining access to records. Records of the Board subject to this section are available for inspection and copying during regular business hours at the offices of the Board of Governors of the Federal Reserve System, Federal Reserve Building, 20th and Constitution Avenue, Washington, D.C. 20551, or, in the case of records containing information required to be disclosed under section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78), at the offices of the Federal Deposit Insurance Corporation or at any Federal Reserve Bank. Every request for access to records of the Board, other than those containing information required under section 12 of the Securities Exchange Act, shall be submitted in writing to the Secretary of the Board, shall state the name and address of the person requesting access to such records, and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty. A person requesting access to or copies of particular records shall pay the cost sof searching and copying such records at the rate of $10 per hour for searching and 10 cents per standard page for copying. With respect to information obtainable only by processing through a computer, or other information systems program, a person requesting such information shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the information requested. Detailed schedules of such charges are available upon request from the Secretary of the Board. Documents may be furnished without charge or at a reduced charge where the Secretary of the Board or such person as he may designate determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

. . . . .

By order of the Board of Governors, January 20, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-2099 Filed 1-21-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 105-61]

FEES FOR REPRODUCTION SERVICES: LOCATION OF RECORDS AND HOURS OF USE

Notice of Proposed Rulemaking

Recent amendments to the Freedom of Information Act (5 U.S.C. 552) require the publication of a uniform schedule of fees. This proposed schedule will be published in Subpart 105-61.52. It is also proposed to renumber, reorganize, and update Subpart 105-61.51—Location of Records and Hours of Use.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments in duplicate to the General Services Administration (NAPA), Washington, DC 20408. Comments received before February 19, 1975, will be considered before final action is taken on this proposal.

Copies of all written comments received will be available for examination by interested persons in the Central Research Room, National Archives Building, 8th and Pennsylvania Avenue, Washington, DC.

Dated: January 17, 1975.

JAMES B. RHOADS,
Archivist of the United States.

It is proposed to amend Chapter 105 of Title 41 of the Code of Federal Regulations, as follows:

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

The table of contents for Part 105-61 is amended by adding or revising the following entries:

Subpart 105-61.4—105-61.50 (Reserved)

Subpart 105-61.51—Location of Records and Hours of Use

105-61.5100 Scope of subpart.
105-61.5101 Location of records and hours of use.
105-61.5101-1 National Archives Building.
105-61.5101-2 [Reserved]
105-61.5101-3 Presidential libraries.
105-61.5101-4 Washington National Records Center.
105-61.5101-5 National Personnel Records Center.
105-61.5101-6 Federal records centers.
105-61.5101-7 Federal archives and records centers.

Subpart 105-61.52 Fees

105-61.5201 Applicability.
105-61.5202 Exclusions.
105-61.5203 Color reproductions.
105-61.5204 Copy negatives.
105-61.5205 Mail orders.
105-61.5206 Fee schedule.
105-61.5207 Payment of fees.
105-61.5208 Effective date.

Subpart 105-61.48 is redesignated as Subpart 105-61.51 and revised as follows:

Subpart 105-61.51—Location of Records and Hours of Use

§ 105-61.5100 Scope of subpart.

This subpart illustrates exhibits previously referred to in this part.

§ 105-61.5101 Location of records and hours of use.

§ 105-61.5101-1 National Archives Building.

The National Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, DC 20408. Hours: For the Central Research Room and Microfilm Research Room, 8:45 a.m. to 10 p.m., Monday through Friday, and 8:45 a.m. to 5:15 p.m. on Saturday. For other research rooms, 8:45 a.m. to 5 p.m., Monday through Friday. Records to be used on Friday after 5 p.m. or on Saturday must be requested by 3 p.m. Friday. Records to be used after 5 p.m., Monday through Thursday, must be requested by 4 p.m. of the day on which they are used.

§ 105-61.5101-2 [Reserved]

§ 105-61.5101-3 Presidential libraries.

(a) Herbert Hoover Library, South Downey Street, West Branch, IA 52358. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(b) Franklin D. Roosevelt Library, Albany Post Road, Hyde Park, NY 12538. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(c) Harry S. Truman Library, Highway 24 at Delaware Street, Independence, MO 64050. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(d) Dwight D. Eisenhower Library, South East Fourth Street, Abilene, KS 67410. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(e) John F. Kennedy Library, 380 Trapelo Road, Waltham, MA 02154. Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(f) Lyndon B. Johnson Library, 2313 Red River, Austin, TX 78705. Hours: 9 a.m. to 5 p.m., Monday through Friday.

§ 105-61.5101-4 Washington National Records Center.

Washington National Records Center, 4205 Suitland Road, Suitland, MD. Mailing address: General Services Administration, Washington National Records Center, Washington, DC 20409. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

§ 105-61.5101-5 National Personnel Records Center.

(a) National Personnel Records Center (military personnel records), 9700 Page Boulevard, St. Louis, MO 63132. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(b) National Personnel Records Center (civilian personnel records), 111 Winnebago Street, St. Louis, MO 63118. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

§ 105-61.5101-6 Federal records centers.

(a) Naval Supply Depot, Building 308, Mechanicsburg, PA 17055. Hours: 7:30 a.m. to 4:30 p.m., Monday through Friday.

(b) 2400 West Dorothy Lane, Dayton, OH 45439. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

§ 105-61.5101-7 Federal archives and records centers.

(a) 380 Trapelo Road, Waltham, MA 02154. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(b) Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002. Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(c) 5000 Wissahickon Avenue, Philadelphia, PA 19144. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(d) 1557 St. Joseph Avenue, East Point, GA 30044. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(e) 7358 South Pulaski Road, Chicago, IL 60652. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(f) 2306 East Bannister Road, Kansas City, MO 64131. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(g) 4900 Hemphill Street, Fort Worth, TX 78115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(h) Building 48, Denver Federal Center, Denver, CO 80225. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(i) 1000 Commodore Drive, San Bruno, CA 94066. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(j) 24000 Avila Road, Laguna Niguel, CA 92677. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(k) 6125 Sand Point Way, Seattle, WA 98115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

New Subpart 105-61.52 is added as follows:

Subpart 105-61.52—Fees

§ 105-61.5201 Applicability.

(a) Except as otherwise provided in this section, fees for the reproduction of archives, donated historical materials, and records filed with the Office of the Federal Register are as set forth in § 105-61.5206.

(b) The fees set forth in § 105-61.5206 apply to reproductions of FRC records, except when NARS and the agency that transferred the records have agreed to apply that agency's fee schedule.

(c) The following categories are excluded from the fees set forth in § 105-61.5206.

(1) National Archives publications, including microfilm publications. Prices of publications are available from the Publications Sales Branch (NEPS), National Archives (GSA), Washington, DC 20408.

(2) Audiovisual materials sold by the National Audiovisual Center. Prices for these materials are available from the Distribution Branch (NACD), National Audiovisual Center (GSA), Washington, DC 20409.

(3) Historical photographs and sound recordings that are sold at prices listed in the General Information and Select Audiovisual Records leaflets available from the Publications Sales Branch (NEPS), National Archives (GSA), Washington, DC 20408.

(4) Census schedules (1790-1890). Reproduction of a census entry (i.e., a family unit or household)—$2.

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—$2.

(6) Passenger lists more than 75 years old—$2.

(7) Orders requiring additional expense to meet unusual customer specifications such as the use of special techniques to make a photographic copy more legible than the original document, or unusual format or background requirement for negative microfilm. Fees for these orders are computed for each order.

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§ 105–61.5202 Exclusions.

No fee is charged for reproduction or authentication in the following instances:

(a) Documents furnished to other elements of the Federal Government. However, a fee may be charged if the appropriate director determines that the service cannot be performed without reimbursement.

(b) When the purpose is to disseminate information about the activities of GSA to the general public through press, radio, television, and newsreel representatives;

(c) When the reproduction is to furnish the donor of a document or other gift with a copy of the original;

(d) When the reproduction is for individuals or associations having official voluntary or cooperative relations with GSA in its work;

(e) When the reproduction is for a foreign, State, or local government or an international agency and furnishing it without charge is an appropriate courtesy;

(f) When furnishing the service free conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees;

(g) When the reproduction of not more than one copy of the document is required to obtain from the Government financial benefits to which the requesting person may be entitled (e.g., veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government);

(h) When the reproduction of not more than one copy of the transcript of a hearing or other formal proceeding involving security requirements for Federal employment is requested by a person directly concerned in the hearing or proceeding; and

(i) When the reproduction of not more than one copy of a document is for a person who has been required to furnish a personal document (e.g., birth certificate and retention by an agency of the Government).

§ 105–61.5203 Color reproductions.

Color reproductions are furnished to the public and the Government only on a fee basis.

§ 105–61.5204 Copy negatives.

Requests for photographs of materials for which no copy negative is on file are handled as follows:

(a) The cost of the negative shall be charged to the customer; except in cases where NARS wishes to retain the negative for its own use.

(b) When no fee is charged the negative becomes the property of NARS. When a fee is charged the negative becomes the property of the customer.

§ 105–61.5205 Mail orders.

The following fees apply only when reproductions are ordered by mail:

(a) Except for those processes showing a higher minimum in section 105–61.5206, a minimum fee of $2 per order is charged for reproductions ordered by mail.

(b) No additional fee is charged for postage and handling when reproductions are sent by surface mail at the lowest rate to domestic addresses.

(c) When a customer requests that reproductions be sent to a foreign address or requests airmail or priority shipment of special postal service to domestic addresses, the order is subject to a shipping fee in addition to the cost of the reproductions. The shipping fee is computed as a percentage of the cost of the items ordered plus a special shipping or postal service fee using the schedule in paragraph (d) or (e). However, no additional charge is made when the special shipping fee is less than $1.

(d) The following special shipping fees are computed as a percentage of the fee for the item ordered:

Type of reproduction	Shipping fee: Foreign surface or expedited domestic mail or freight or express	Shipping fee: Foreign airmail
	Percent	*Percent*
Electrostat	5	10
Photostat	10	30
Diazo	10	20
Copy negative	1	2
Slides (2" x 2")	2	4
Photographic prints (larger than 8" x 10")	10	20
Sound tapes	5	10
Motion pictures	3	6
Microfilm	3	6
Photographic prints (8" x 10" or smaller)	4	8

(e) The following fees for special postal service apply when the service is requested by the customer:

Insured mail	$0.40
Certified mail	.30
Return receipt	.15
Registered mail	.95

When packages are sent registered mail, both the shipping fee and the special postal service fee are charged since the U.S. Postal Service charges the airmail rate for registered mail.

§ 105–61.5206 Fee schedule.

(a) Authentication		$2.00
(b) Still photography (minimum order, $2):		
(1) Copy negatives (black and white):		
4 by 5 inches		2.10
8 by 10 inches		3.25
(2) Aerial prints (black and white):		
10 by 10 inches or smaller, contact		2.00
10 by 10 inches enlargement		3.00
14 by 14 inches		4.00
18 by 18 inches and 20 by 24 inches		5.00
27 by 28 inches		6.00
40 by 41 inches		12.00
(3) Photographic prints (includes prints from microfilm):	*B. & W.*	*Color*
8 by 10 inches or smaller	$2.55	$8.25
11 by 14 inches	3.20	15.00
16 by 20 inches	5.25	25.00
20 by 24 inches		37.00
22 by 28 inches	7.50	
24 by 30 inches		58.50
30 by 40 inches	9.80	90.00
Sepia, add	3.50	
(4) Slides and transparencies:		
Black and white:		
2 by 2 inches from existing negative		1.10
Additional fee when negative must be made		2.10
Color:		
2 by 2 inches duplicate		.75
2 by 2 inches from opaque original		1.50
4 by 5 inches		5.75
8 by 10 inches		10.00
(5) Photostat (up to 17 by 23 inches)		1.50
(6) Diazo (per foot)		.45
(7) Drymounting (per square foot)		1.00

	16 mm	*35 mm*
(c) Microfilm:		
(1) Negative (per frame; minimum order, $10)	$0.10	$0.10
(2) Positive (per foot; minimum, $6 per roll)	.08	.09
(d) Electrostatic copying		
(1) Paper to paper (up to 8½ by 14 inches):		
Mail order (minimum order, $2)		.15
In research rooms		.10
(2) Microfilm to paper:		
From negative (Copyflo, minimum order, $10 per foot)		1.25
From positive (per frame):		
When work is done by customer (up to 8½ by 14 inches per frame)		.15
When work is done by NARS (minimum order, $2):		
Nonconsecutive frames or first of consecutive frame, any size		.75
Consecutive or duplicate frames-		
Up to 8½ by 14 inches		.25
11 by 17 inches		.35
18 by 24 inches		.45

	35 mm	*16 mm*	*35 mm*
(e) Motion pictures (minimum order, $24):			
(1) Basic fee per band or reel	$8.50	$7.00	$7.00
(2) Added fee per foot-			
Master positive	.05	.04	.06
Duplicate negative	.10	.06	.08
Projection print	.04	.03	.05
Composite, add	.015	.015	.03

(f) Sound recordings:	
Reel to reel or cassette, fee based on length of master 7½ ips, 7 inch reel:	
300 feet (7½ min)	2.50
600 feet (15 min)	4.10
900 feet (22½ min)	6.10
1,200 feet (30 min)	7.55
1,800 feet (45 min)	9.55
2,400 (60 min 10½ inch reel)	14.25
(g) Machine-readable records:	
Tape to tape (per reel)	75.00
Card to card (per card; minimum order $10)	.02
Computer processing (per hour; minimum order $25)	200.00

	Regular	*Overtime*
(h) Technical services:		
(1) Projectionist (per hour)	$11.25	$15.50
(2) Photographer or other (per hour)	10.00	13.05

(1) *Unlisted processes*

Fees for reproduction work indicated in this section 105 or for processes not listed are computed upon request.

§ 105–61.5207 Payment of fees.

Fees may be paid in cash or by check or money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order or check drawn in U.S. dollars on a bank in the United States or one of its territories or possessions. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Accounts more than 90 days overdue are subject to late charges of 12 percent per year. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval. When special billing forms are not submitted with the order or are completed by NARS there is an added $5 service charge.

§ 105–61.5208 Effective date.

The fees in § 105–61.5206 are effective beginning February 19, 1975, and ending on June 30, 1975. Orders received after June 30, 1975, will be subject to the fees in effect at that time.

[FR Doc.75–2150 Filed 1–21–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

[5 CFR Part 1302]

FREEDOM OF INFORMATION FEES

Notice of Proposed Rule Making

The Office of Management and Budget is considering publishing in Title 5, Chapter III of the Code of Federal Regulations the following regulations concerning the schedule of fees and method of payment for services rendered under the Freedom of Information Act, as amended (5 U.S.C. 552).

Interested persons may comment by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Assistant to the Director for Administration, Room 243, Executive Office Building, Office of Management and Budget, Washington, D.C. 20503. All communications received on or before February 16, 1975, will be considered before action is taken on the proposed regulations. No public hearing will be held. The proposal contained in this notice may be changed in the light of the comments received.

Comments received will be available for examination by contacting the Assistant to the Director for Administration at the address cited above.

The present schedule of fees for services performed in response to requests for records under the Freedom of Information Act was published in Volume 36, No. 26 of the FEDERAL REGISTER on February 6, 1971.

Section 1302.1 is proposed to be amended as follows.

§ 1302.1 Schedule of fees and method of payment for services rendered.

(a) Fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—$5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

(2) Duplication of records—Records will be duplicated at a rate of $.25 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or less pages.

(3) Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Assistant to the Director for Administration is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A–25. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the Office of Management and Budget at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Office determines that a record which has been requested, but which is exempt from disclosure under this part, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25.00, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with knowledgeable Office personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Office until a reply is received from the requester.

(d) Fees must be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests for which the Office was unable to find or provide the requested information (see b. above), copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasurer of the United States and mailed to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) The Assistant to the Director for Administration, or an officer designated by the Assistant to the Director for Administration may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Assistant to the Director for Administration or the designated officer deems it to be in either the Office's interest or in the general public's interest.

(5 U.S.C. 552 as amended by Pub. L. 93–502.)

For the Director of the Office of Management and Budget.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

JANUARY 17, 1975.

[FR Doc.75–2029 Filed 1–21–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Cancellation of Meeting

The meeting of the Advisory Committee on Voluntary Foreign Aid scheduled for February 5, 1975, announced in the issue of the FEDERAL REGISTER published on Friday, January 17, 1975, 40 FR 3017, is canceled.

Dated: January 17, 1975.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.75-2052 Filed 1-21-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Legal Division Order No. 3]

ASSISTANT GENERAL COUNSELS

Delegation of Authority

DECEMBER 19, 1974.

Under the authority of 26 U.S.C. 7801 and 31 U.S.C. 1009, and Treasury Department Orders No. 120, No. 160 (Revised), No. 172, No. 175, and No. 190 (Revised), I hereby delegate to the Assistant General Counsels, other than the Assistant General Counsel who is the Chief Counsel of the Internal Revenue Service, the authority to perform the following functions, subject to the review prescribed by Legal Division Order No. 1:

1. To provide legal advice to the Assistant Secretaries and other officials in the Office of the Secretary to whom they are to provide legal assistance under Legal Division Order No. 1.

2. To supervise the legal activities of Chief Counsels and Legal Counsels and the legal functions of the Director of Practice, as designated in Legal Division Order No. 1.

3. To receive service of any subpoena, summons, or other judical process directed to an officer or employee of the Treasury Department in his official capacity in any litigation.

4. To originally classify national security information or material as CONFIDENTIAL and to downgrade and declassify such information or material and to classify official information under the legends LIMITED OFFICIAL USE or OFFICIAL USE ONLY or under existing legends recognized by that Order and to declassify such information.

In the performance of the foregoing responsibilities an Assistant General Counsel shall be responsible for the preparation of all necessary documents in accordance with relevant Legal Division Directives, but shall refer to another Assistant General Counsel, as appropriate, for guidance, action, or review matters of legislation, litigation, or administrative procedure within the special responsibility of that other Assistant General Counsel.

Each Assistant General Counsel may recommend personnel actions with respect to attorneys operating under his supervision in accordance with policies promulgated by the General Counsel and, with respect to nonattorney employees under his jurisdiction, in accordance with Office of the Secretary personnel policies, and may recommend the appointment of Deputy Assistant General Counsels with defined responsibilities. Each Assistant General Counsel shall be responsible for the maintenance by his legal staff of appropriate standards of practice.

An Assistant General Counsel may be designated by the General Counsel to serve as Acting Deputy General Counsel, Deputy General Counsel, or as Acting General Counsel, and may be assigned work within the area of another Assistant General Counsel as necessary.

General Counsel Orders No. 2 and No. 5 (Revision 2) are superseded by this Order.

Effective Date: January 1, 1975.

[SEAL] RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75-2017 Filed 1-21-75;8:45 am]

[Legal Division Order No. 4]

ASSISTANT GENERAL COUNSEL AND CHIEF COUNSEL, INTERNAL REVENUE SERVICE

Delegation of Authority

DECEMBER 19, 1974.

Under the authority of 26 U.S.C. 7801 and Treasury Department Orders No. 120, No. 125, No. 172, No. 175, No. 190 (Revised), and No. 231, and as set forth below, I hereby redelegate to the Chief Counsel for the Internal Revenue Service, subject to my review as occasion may require, the authority delegated to him by General Counsel Order No. 34, which was approved by the Secretary of the Treasury on December 29, 1964, and confirmed by Treasury Department Order 150-64 of December 29, 1964, and which, as modified by Supplement 1 (Revised) and Supplement 2, reads as follows:

1. The Chief Counsel shall be the legal advisor to the Commissioner of Internal Revenue and his officers and employees. In performing his assigned functions, the Chief Counsel shall consult with and assist the Commissioner of Internal Revenue with a view to furthering the policies and programs of the Treasury Department and the Internal Revenue Service. Also, where appropriate, the Chief Counsel will furnish assistance to the Office of the Secretary. It is understood that any legal matter involving Treasury policy about which the Commissioner disagrees with the advice given him by the Chief Counsel will be submitted by the Commissioner to the Secretary or the Deputy Secretary for resolution.

2. To furnish legal opinions, and to assist the Commissioner in the preparation and review of rulings, closing agreements, memorandums of technical advice, and revenue rulings and procedures and other proposed publications or releases, with respect to laws affecting the Internal Revenue Service.

3. To prepare, review, or assist in the preparation of proposed legislation, treaties, regulations, and Executive Orders relating to laws affecting the Internal Revenue Service.

4. To represent the Commissioner of Internal Revenue in cases pending in the Tax Court of the United States as prescribed in section 7452 of the Internal Revenue Code of 1954, and in such cases to exercise the function of decision whether and in what manner to defend, or to prosecute a claim, or to settle, or to abandon a claim or defense therein, subject to Chief Counsel Order 1958-5 (Commissioner Delegation Order No. 60); to acknowledge in the name of the Commissioner the receipt of Tax Court subpoenas served upon the Commissioner of Internal Revenue; to determine whether, and the extent to which, officers and employees of the Internal Revenue Service shall be permitted to disclose Internal Revenue records and information in response to a subpoena or other order of the Tax Court; to determine whether to acquiesce in the decisions of said Court; to file petitions for review of Tax Court decisions; and to enter into written stipulations of venue for review of Tax Court decisions by a United States Court of Appeals.

5. To determine what civil actions should be brought in the courts under the laws affecting the Internal Revenue Service and to prepare recommendations to the Department of Justice for the commencement of such actions and to authorize or sanction commencement of such actions.

6. To determine whether referred income and wagering tax cases should be prosecuted in the criminal courts, to make appropriate recommendations to the Department of Justice in the prosecution of such cases and to make a like determination and recommendation on any other case referred to the Chief Counsel by the Commissioner of Internal Revenue.

7. To determine how actions brought in the courts against the United States or officers or employees thereof should be conducted and to make recommendations to the Department of Justice with respect thereto.

8. To determine which court decisions should be appealed or further reviewed and to make recommendations to the Department of Justice with respect thereto.

9. To cooperate with and, at the request of the Department of Justice or of United States Attorneys, to assist in conducting litigation in the courts, both civil and criminal, and in preparing briefs and arguments with respect thereto.

10. To accept or reject, in my name, railroad reorganization plans, corporate reorganization plans, and real property arrangements (sections 77(e), 199, and 455 of the Bankruptcy Act), in cases wherein the claims of the United States consist solely of Internal Revenue taxes.

11. To review all cases within the provisions of section 6405 of the Internal Revenue Code of 1954 and to prepare and sign the reports required by that section to be submitted to the Joint Committee on Internal Revenue Taxation.

12. To perform the functions prescribed for the General Counsel by section 7122 of the Internal Revenue Code of 1954 and by section 3469 of the Revised Statutes (31 U.S.C. 194), with respect to compromise matters arising in the administration of the Internal Revenue laws.

13. To supervise and evaluate the work of all officers and employees in the Office of the Chief Counsel, and to take the necessary action in all personnel matters pertaining thereto, including those for the appointment, classification, promotion, demotion, reassignment, transfer or separation of such officers and employees, with the exceptions of appointments of attorneys above GS-11, and of promotions of attorneys to positions above GS-14.

14. To be responsible to me for the establishment and maintenance of appropriate standards of practice and for the professional competence, recruitment and evaluation of the work of the employees of his office.

15. Subject to my approval, to establish in the Office of the Chief Counsel such divisions and subdivisions as he may deem advisable and to designate the titles and duties of officers and employees in the Office, except that my approval shall not be required to designate the titles and duties of such officers and employees below the grade GS-16 level.

16. To redelegate any of the authority delegated in this Order to any officer or employee in the Office of the Chief Counsel, and to authorize further redelegation of such authority.

I hereby further delegate to the Chief Counsel, Internal Revenue Service, the following authority delegated to the Assistant General Counsels by General Counsel Orders No. 2 of March 27, 1953, and No. 5 (Revision 2) of November 13, 1972, and to the Chief Counsel for the Internal Revenue Service by General Counsel Order No. 34-1 of March 31, 1967, and Order No. 34-3 of November 15, 1974:

1. To receive service of any subpoena, summons, or other judicial process directed to an officer or employee of the Treasury Department in his official capacity in any litigation.

2. To originally classify national security information or material as CONFIDENTIAL and to downgrade and declassify such information or material and to classify official information under the legends LIMITED OFFICIAL USE or OFFICIAL USE ONLY or under existing legends recognized by that Order and to declassify such information.

3. To administer the oath of office required by 5 U.S.C. 3331 or any other oath required by law in connection with employment in the Federal service, and to redelegate this authority to any officer or employee in the Office of Chief Counsel, Internal Revenue Service.

4. To approve carry-over of annual leave in accordance with the requirements of Pub. L. 93-181, 5 U.S.C. 6304(d), and to redelegate this authority to his next subordinate management official at headquarters and to the Regional Counsels.

General Counsel Orders No. 8, No. 34, No. 34-1, and No. 34-3 are superseded by this Order. Order No. 34-2, delegating authority on economic stabilization functions, is obsolete as of December 31, 1974, and is revoked, effective on that date.

Effective Date: January 1, 1975.

[SEAL] RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75-2018 Filed 1-21-75;8:45 am]

[Legal Division Order No. 6]

CHIEF COUNSELS FOR THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS AND FOR THE U.S. CUSTOMS SERVICE

Delegation of Authority

DECEMBER 19, 1974.

Under the authority of 26 U.S.C. 7801 and 31 U.S.C. 1009 and Treasury Department Orders No. 120, No. 125, No. 175, No. 190 (Revised), No. 221, and No. 231, I hereby delegate to the Chief Counsel for the Bureau of Alcohol, Tobacco and Firearms and to the Chief Counsel for the U.S. Customs Service the following authority, subject to the review prescribed herein and in Legal Division Order No. 1:

1. *Legal Advice.* (a) To serve as the legal advisor to the head of the bureau for which he is designated Chief Counsel and the officers and employees of that bureau. In fulfilling this function the Chief Counsel shall consult with and assist the head of the bureau and the officers and employees thereof with a view toward furthering the policies and programs of the Department of the Treasury.

(b) To furnish legal opinions and assist the head of the bureau and the officers and employees thereof in the preparation, review, and publication of rulings, memoranda of technical advice, and procedures with respect to the laws administered by the bureau.

(c) To prepare, review, or assist in the preparation of proposed legislation, regulations, proclamations, and executive orders relating to the laws which affect or are enforced by the bureau.

(d) To provide for the conduct of any administrative proceedings necessary in the administration of pertinent laws and regulations.

2. *Litigation.* (a) Subject to the limitations prescribed in (b) and such specific directions as the Assistant General Counsel (Enforcement, Operations, and Tariff Affairs) may provide in specific cases or categories of cases:

(1) To determine what civil action should be brought in the courts under the laws affecting and administered by the bureau and to prepare recommendations to the Department of Justice for the commencement of such action and to authorize or sanction commencement of such actions.

(2) To make appropriate recommendations to the Department of Justice for the prosecution of cases referred to the Chief Counsel by an appropriate bureau officer.

(3) To determine how actions brought in the courts against the United States or officers or employees thereof should be conducted and make recommendations to the Department of Justice with respect thereto, pertaining to cases within the jurisdiction of the bureau.

(4) To make the initial determination as to which court decisions should be appealed or further reviewed and to prepare recommendations to the Department of Justice with respect thereto.

(5) To cooperate with the Department of Justice or the United States Attorneys, and at their request, assist in conducting litigation in the courts, both civil and criminal, and in preparing briefs and arguments with respect thereto.

(b) Notwithstanding the foregoing authority and excepting litigation in the U.S. Customs Court and the U.S. Court of Customs and Patent Appeals, correspondence with the Department of Justice shall be prepared for the signature of the Assistant General Counsel (EOTA) in the following circumstances:

(1) The litigation involves the merits of an action, ruling, or other decision made in the Office of the Secretary, or

(2) The decision of the case, in the judgment of the Chief Counsel, would affect the administration of a law or regulation by another bureau or office of the Department, or

(3) The litigation would establish a novel and significant precedent of law or policy, or

(4) The Department of Justice has requested the views of the bureau on a question of appeal, certiorari, settlement, compromise, or closing of litigation or claims.

3. *Compromise Authority.* To exercise the authority of the General Counsel to compromise a claim in favor of the United States under 31 U.S.C. 194 and 31 U.S.C. 952, as implemented by 31 CFR Part 5, and under any other specific authority provided in statutes applicable to the operations of the bureau; and only to the Chief Counsel, Bureau of Alcohol, Tobacco and Firearms, to perform the functions prescribed for the General Counsel by 26 U.S.C. 7122 with respect to matters arising under laws administered by the Bureau of Alcohol, Tobacco and Firearms.

4. *Personnel.* (a) To supervise and evaluate the work of all officers and employees of the Chief Counsel's office and to take necessary action in all personnel matters pertaining thereto, including the approval of the carry-over of annual leave under 5 U.S.C. 6304(d), in accord-

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ance with bureau or Legal Division directives, with the exception of (1) the appointment of attorneys above GS–11, (2) the promotion of attorneys to positions above GS–14, and (3) demotion or separation of attorneys.

(b) To be responsible to the General Counsel for the establishment and maintenance of appropriate standards of practice and for the professional competence, recruitment, and evaluation of the work of the attorneys in his office.

(c) To administer the oath of office required by 5 U.S.C. 3331 or any other oath required by law in connection with employment in the Federal service.

5. *Organization.* (a) Subject to approval of the General Counsel, to designate the titles and duties of officers and employees in the Chief Counsel's office and to establish in such office divisions and subdivisions and regions as may be advisable.

(b) Subject to approval of the General Counsel, to redelegate any of the authority delegated in this Order to any officer or employee and to authorize further delegation of such authority.

General Counsel Orders No. 46 and No. 47 are superseded by this Order.

Effective Date: January 1, 1975.

[SEAL] RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75–2020 Filed 1–21–75;8:45 am]

[Legal Division Order No. 5]

CHIEF COUNSEL OF THE OFFICE OF THE COMPTROLLER OF THE CURRENCY

Delegation of Authority

DECEMBER 19, 1974.

Under the authority of 26 U.S.C. 7801 and 31 U.S.C. 1009, Treasury Department Circular No. 595, and Treasury Department Orders No. 120, No. 175, and No. 190 (Revised), I hereby delegate to the Chief Counsel of the Office of the Comptroller of the Currency the following authority, subject to my review as occasion may require:

1. *Legal Advice.* (a) To serve as the legal adviser to the Comptroller of the Currency and the officers and employees of the Comptroller's office.

(b) To furnish legal opinions and assist the Comptroller of the Currency and his officers and employees in the preparation, review, and publication of rulings, technical memoranda, procedures, charters, and other authorizations as required in the administration of the national banking laws.

(c) To prepare, review, or assist in the preparation of legislation, regulations, proclamations, and executive orders relating to the national banking laws.

(d) To provide for the conduct of any administrative proceedings necessary in the administration of the pertinent laws and regulations.

2. *Litigation.* To represent the Comptroller when he intervenes in bank merger suits brought by the Justice Department; to defend the office against lawsuits; and to assist the Justice Department in the development of cases and prosecution of possible criminal violations.

3. *Compromise Authority.* To exercise the authority of the General Counsel to compromise a claim in favor of the United States under 31 U.S.C. 194 and 31 U.S.C. 952, as implemented by 31 CFR Part 5, and under any other specific authority.

4. *Personnel.* (a) To supervise and evaluate the work of all officers and employees of the Chief Counsel's office and to take necessary action in all personnel matters pertaining thereto with the exception of appointments of attorneys above GS–11, and of promotion of attorneys to positions above GS–14.

(b) To be responsible to the General Counsel for the establishment and maintenance of appropriate standards of practice and for the professional competence, recruitment, and evaluation of the work of the employees in his bureau or office.

5. *Organization.* (a) Subject to approval of the General Counsel, to designate the titles and duties of officers and employees in the Chief Counsel's office and to establish in that office divisions and subdivisions and regions as may be advisable, except that such approval shall not be required to designate the title and duties of officers and employees below the GS–16 level.

(b) To redelegate any of the authority delegated in this Order to any officer or employee and to authorize further delegation of such authority.

Effective Date: January 1, 1975.

[SEAL] RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75–2019 Filed 1–21–75;8:45 am]

[Legal Division Order No. 7]

CHIEF COUNSELS FOR THE OFFICE OF FOREIGN ASSETS CONTROL, FOR THE BUREAU OF THE PUBLIC DEBT, AND FOR THE OFFICE OF REVENUE SHARING

Delegation of Authority

DECEMBER 19, 1974.

Under the authority of 26 U.S.C. 7801 and 31 U.S.C. 1009 and Treasury Department Orders No. 120, No. 175, and No. 190 (Revised), I hereby delegate to the Chief Counsel for the Office of Foreign Assets Control, the Chief Counsel for the Bureau of the Public Debt, and the Chief Counsel for the Office of Revenue Sharing the following authority, subject to the review prescribed herein and in Legal Division Order No. 1.

1. *Legal Advice.* (a) To serve as the legal adviser to the head of the bureau or office for which he is designated Chief Counsel and the officers and employees of that bureau or office. In fulfilling this function the Chief Counsel shall consult with and assist the head of the bureau or office and the officers and employees thereof with a view toward furthering the policies and programs of the Department of the Treasury.

(b) To furnish legal opinions and assist the head of the bureau or office and the officers and employees thereof in the preparation, review, and publication of rulings, interpretations, procedures, licenses, and other authorizations as required under the laws administered by such bureau or office.

(c) To prepare, review, or assist in the preparation of proposed legislation, regulations, proclamations, and executive orders relating to the laws which affect or are enforced by the bureau or office.

(d) To provide for the conduct of any administrative proceedings necessary in the administration of pertinent laws and regulations.

2. *Litigation.* (a) Subject to the limitations prescribed in (b) and such specific directions as the Assistant General Counsel (Enforcement, Operations, and Tariff Affairs) may provide in specific cases or categories of cases:

(1) To determine what civil actions should be brought in the courts under the laws affecting and administered by the bureau or office and to prepare recommendations to the Department of Justice for the commencement of such action and to authorize or sanction commencement of such actions.

(2) To make appropriate recommendations to the Department of Justice for the prosecution of cases referred to the Chief Counsel by the head of the bureau or office.

(3) To determine how actions brought in the courts against the United States or officers or employees thereof should be conducted and make recommendations to the Department of Justice with respect thereto, pertaining to cases within the jurisdiction of the bureau or office.

(4) To make the initial determination as to which court decisions should be appealed or further reviewed and to prepare recommendations to the Department of Justice with respect thereto.

(5) To cooperate with the Department of Justice or the United States Attorneys, and at their request, assist in conducting litigation in the courts, both civil and criminal, and in preparing briefs and arguments with respect thereto.

(b) Notwithstanding the foregoing authority, correspondence with the Department of Justice shall be prepared for the signature of the Assistant General Counsel (EOTA) in the following circumstances:

(1) The litigation involves the merits of an action, ruling, or other decision made in the Office of the Secretary, or

(2) The decision of the case, in the judgment of the Chief Counsel, would affect the administration of a law or regulation by another bureau or office of the Department, or

(3) The litigation would establish a novel and significant precedent of law or policy, or

(4) The Department of Justice has requested the views of the bureau on a question of appeal, certiorari, settlement, compromise, or closing of litigation or claims.

3. *Compromise Authority.* To exercise the authority of the General Counsel to

compromise a claim in favor of the United States under 31 U.S.C. 194 and 31 U.S.C. 952, as implemented by 31 CFR Part 5, and under any other specific authority provided in statutes applicable to the operations of the bureau or office.

4. *Personnel.* (a) To supervise and evaluate the work of all officers and employees of the Chief Counsel's office and to take necessary action in all personnel matters pertaining thereto with the exception of (1) the appointment of attorneys, (2) the promotion of attorneys to positions above GS–12, and (3) demotion or separation of attorneys.

(b) To be responsible to the General Counsel for the establishment and maintenance of appropriate standards of practice and for the professional competence, recruitment and evaluation of the work of the attorneys in his office.

(c) To act under the appropriate personnel directives in conducting personnel actions with respect to employees other than attorneys.

5. *Organization.* (a) Subject to approval of the General Counsel, to designate the titles and duties of officers and employees in the Chief Counsel's office and to establish in such office divisions and subdivisions and regions as may be advisable.

(b) Subject to approval of the General Counsel, to redelegate any of the authority delegated in this Order to any officer or employee and to authorize further delegation of such authority.

Effective Date: January 1, 1975.

[SEAL] RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75–2021 Filed 1–21–75;8:45 am]

TUNERS (OF THE TYPE USED IN CONSUMER ELECTRONIC PRODUCTS) FROM JAPAN

Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan was made in Treasury Decision 70–257 which was published in the FEDERAL REGISTER on December 12, 1970 (35 FR 18914).

After due investigation, it has been determined, tentatively, that tuners (of the type used in consumer electronic products) exported by Victor Company of Japan, Ltd. are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). The investigation indicated that no sales have been made at less than fair value by the above firm since the finding of dumping, and assurances have been given that future sales of such tuners to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan to exclude the tuners sold by Victor Company of Japan, Ltd., from the finding.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than February 3, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before February 21, 1975.

This notice is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

Dated: January 16, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of Treasury.

[FR Doc.75–2024 Filed 1–21–75;8:45 am]

[Legal Division Order No. 2]

DEPUTY GENERAL COUNSEL

Delegation of Authority

DECEMBER 19, 1974.

Under the authority of 26 U.S.C. 7801 and 31 U.S.C. 1009, and Treasury Department Orders No. 120, No. 125, No. 175, and No. 190 (Revised), I hereby delegate to the Deputy General Counsel, in addition to the authority given to him as an Assistant General Counsel, and as my deputy under Treasury Department Orders No. 191 (Revised) and No. 215, the authority to perform the following functions, subject to my review as occasion may require:

1. To supervise the day-to-day operations of the Legal Division.

2. To assign legal problems referred at the General Counsel level to an Assistant General Counsel or to the Senior Counselor.

3. To act on personnel actions respecting attorneys in the Legal Division which are referred to the General Counsel, except actions respecting the Assistant General Counsels, the Chief Counsels, their deputies, the Legal Counsels, and the Director of Practice.

4. To represent the General Counsel in novel, significant, or disputed matters requiring contact with an agency outside the Department of the Treasury or involving a matter in dispute between bureaus or offices of the Department.

5. To administer the oath of office required by 5 U.S.C. 3331 or any other oath required by law in connection with employment in the Federal service.

6. To perform such other functions of the General Counsel as he may from time to time direct.

Effective Date: January 1, 1975.

[SEAL] RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75–2016 Filed 1–21–75;8:45 am]

[Treasury Department Order No. 190; Rev. 10]

SUPERVISION OF BUREAUS AND OFFICES

Delegation of Authority; and Order of Succession

Correction

In FR Doc. 75–885 appearing on page 2216 in the issue of Friday, January 10, 1975 make the following changes:

1. The listing of officials in item 3 should appear as follows:

Assistant Secretary (Trade, Energy, and Financial Resources Policy Coordination)
- Deputy Assistant Secretary for Trade and Raw Materials Policy
- Deputy Assistant Secretary for Energy Policy
- Deputy Assistant Secretary for Financial Resources Policy Coordination

Assistant Secretary (International Affairs)
- Deputy Assistant Secretary for International Monetary and Investment Affairs
- Deputy Assistant Secretary for Development Finance Policy
- Deputy Assistant Secretary for Research

Assistant Secretary (Economic Policy)
- Office of Domestic Gold and Silver Operations
- Office of Financial Analysis

Fiscal Assistant Secretary
- Bureau of Government Financial Operations
- Bureau of the Public Debt

Treasurer of the United States

Special Assistant to the Secretary (National Security)

Special Assistant to the Secretary (Debt Management)
- Office of Debt Analysis

U.S. Savings Bond Division

2. The listing of officials in item 4 should appear as follows:

Assistant Secretary (Administration)
- Office of Administrative Programs
- Office of Audit
- Office of Budget and Finance
- Office of Computer Science
- Office of Equal Opportunity Program
- Office of Management and Organization
- Office of Personnel

Assistant Secretary (Legislative Affairs)

Assistant Secretary (Enforcement, Operations, and Tariff Affairs)
- Office of Law Enforcement
- Office of Operations
- Office of Tariff Affairs
- Office of Foreign Assets Control
- Bureau of Alcohol, Tobacco, and Firearms
- U.S. Customs Service
- Bureau of Engraving and Printing
- Bureau of the Mint
- U.S. Secret Service
- Consolidated Federal Law Enforcement Training Center

Special Assistant to the Secretary (Public Affairs)

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Office of Revenue Sharing

3. The listing of officials in item 5 should appear as follows:

General Counsel
- Legal Division
- Office of Director of Practice

Assistant Secretary (Tax Policy)
- Office of Tax Analysis
- Office of Tax Legislative Counsel (also part of Legal Division)
- Office of International Tax Counsel (also part of Legal Division)
- Office of Industrial Economics

Commissioner, Internal Revenue Service
- Assistant Commissioner (Accounts, Collection, and Taxpayer Service)
- Assistant Commissioner (Administration)
- Assistant Commissioner (Compliance)
- Assistant Commissioner (Inspection)
- Assistant Commissioner (Planning and Research)
- Assistant Commissioner (Technical)

Comptroller of the Currency
- First Deputy Comptroller
- Deputy Comptrollers
- Chief, National Bank Examiners

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-9110]

IDAHO

Proposed Withdrawal and Reservation of Lands

JANUARY 15, 1975.

The Department of Agriculture has filed an application, Serial Number I-9110, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for development of a ponderosa pine seed orchard in cooperation with other Federal, State and local agencies. The ultimate objective of the project will be to improve forest trees through development of superior seedling stock for reforestation.

On or before February 21, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Lost Lake City Orchard

T. 19 N., R. 1 W.,
- Sec. 17, SW¼NW¼SW¼SW¼, NW¼SW¼SW¼SW¼, S½S½SW¼SW¼, S½SW¼SE¼SW¼;
- Sec. 18, S½NE¼SE¼SE¼, SE¼SE¼SE¼;
- Sec. 19, NE¼NE¼NE¼, E½NW¼NE¼NE¼, N½SE¼NE¼NE¼;
- Sec. 20, W½NE¼NE¼NW¼, W½NE¼NW¼, SE¼NE¼NW¼, NW¼NW¼, N½NE¼SW¼NW¼, N½N½SE¼NW¼.

The area described aggregates 145 acres in Adams County.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-1943 Filed 1-21-75;8:45 am]

[Wyoming 40108]

WYOMING

Application

JANUARY 14, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Western Oil Transportation Company, Incorporated has applied for an oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 76 W.,
Sec. 8, NW¼SW¼ and S½SW¼.

The pipeline will be a part of the South Heldt Draw Gathering System in Johnson County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1942 Filed 1-21-75;8:45 am]

Bureau of Reclamation

[INT DES 75-3]

COLUMBIA BASIN PROJECT, WASHINGTON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the Columbia Basin Project in eastern Washington. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following location:

Office of Assistant to the Commissioner—Ecology, Room 7620
Bureau of Reclamation, Department of the Interior
Washington, D.C. 20240
Telephone (202) 343-4991

Office of the Regional Director, Bureau of Reclamation
Pacific Northwest Region
Box 043—550 W. Fort Street
Boise, Idaho 83724
Telephone (208) 342-2711, Extension 2110

Columbia Basin Project Office, Bureau of Reclamation
P.O. Box 815, Division Ave. & C Street, NW
Ephrata, Washington 98823
Telephone (509) 754-4344

Single copies of the draft statement may be obtained on request to the Commissioner or the Regional Director. Please refer to the statement number above.

Dated: January 17, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1972 Filed 1-21-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Grain Inspection Points

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on December 6, 1974, there was published in the FEDERAL REGISTER (39 FR 42700) a notice announcing a request by the Louisiana Department of Agriculture that its assignment of inspection points be amended to add Kinder, Mermentau, and Opelousas, Louisiana, as designated inspection points. Interested persons were given until January 6, 1975, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the December 6, 1974, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the Louisiana Department of Agriculture is amended to add Kinder, Mermentau, and Opelousas, Louisiana, as designated inspection points.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476)

Effective date. This notice shall become effective January 22, 1975.

Done in Washington, D.C. on: January 16, 1975.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.75-1963 Filed 1-21-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A124]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following parishes in Louisiana:

Bossier Caddo

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall in Bossier Parish from April 15 to May 15, 1974, and in Caddo Parish from June 1 to June 30, 1974. Both of these parishes suffered because of drought from July 15 to August 15, 1974, and additional excessive rainfall from August 16 to November 20, 1974. The latter rainfall, in both parishes, caused boll rot and insect control problems.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 14, 1975, for physical losses and October 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-1983 Filed 1-21-75;8:45 am]

[Notice of Designation Number A123]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in nine counties in Texas as a result of damages and losses caused by natural disasters. The attached chart lists the counties, the natural disasters and the dates during which the natural disasters occurred.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 13, 1975, for physical losses and October 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

Texas

County	Sandstorms	Hailstorms	Drought	Excessive rainfall	Freeze
Cochran	6/8/74	6/3 and 11 and 8/14/74	8/1/73 to 8/31/74	9/1/74 to 10/31/74	10/15/74.
Collingsworth	6/1 to 31/74 (also wind).	4/19, 5/23, 6/4, 6/6, and 11/2/74.	10/1/73 to 4/20/74 and 5/20/74 to 9/15/74.		
Donley	6/8/74	6 hails from 5/20 to 6/12/74.	10/1/73 to 8/31/74	9/18 to 11/7/74	
Lamb		6/3, 11, and 12/74	8/1/73 to 7/31/74	8/1/74 to 10/31/74	10/15/74.
Limestone			11/19/73 to 8/25/74		
Martin			8/1/73 to 9/14/74	9/15 to 10/25/74	
Nolan			9/1/73 to 9/1/74		
Shackelford			11/1/73 to 8/15/74		
Upton			4/30/73 to 9/15/74	9/16 to 10/13/74	

[FR Doc.75-1984 Filed 1-21-75;8:45 am]

[Notice of Designation Number A122]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Wisconsin:

Calumet Walworth

The Secretary has found that this need exists as a result of a natural disaster consisting of frost in Calumet County September 21 and in Walworth County September 21 and 22, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 13, 1975, for physical losses and October 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-1985 Filed 1-21-75;8:45 am]

Food and Nutrition Service

[FSP No. 1975-1.2; Amend No. 45]

FOOD STAMP PROGRAM

Purchase Requirements

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 47200) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975-1.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975-1.1 for the 48 States and the District of Columbia, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7,

V40N15 JAN22 75 XUM

Chapter II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975–1.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE:

48 STATES AND DISTRICT OF COLUMBIA

Housholds in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such States or the District of Columbia, prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	
1	[1] $194
2	280
3	406
4	513
5	606
6	700
7	793
8	886
Each additional member	+73

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulation.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program in the 48 States and the District of Columbia is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	48 States and District of Columbia
1	$46
2	84
3	122
4	154
5	182
6	210
7	238
8	266
Each additional person	+22

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date: This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: January 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–2034 Filed 1–21–75;8:45 am]

Forest Service

GRAZING ADVISORY BOARD

Meeting

The San Juan Section of the San Juan National Forest Grazing Advisory Board will meet at 1:00 p.m. February 13, 1975, at the La Plata Electric Association building south of Durango, Colorado.

The purpose of this meeting is to give permittees an opportunity to advise the Forest Service in matters relating to grazing.

The meeting will be open to the public. Persons who wish to attend should notify Joe Hotter, telephone number 303–247–4179. Written statements may be filed with the committee before or after the meeting.

H. PETER WINGLE,
Forest Supervisor.

JANUARY 14, 1975.

[FR Doc.75–1940 Filed 1–21–75;8:45 am]

GRAZING ADVISORY BOARD

Meeting

The Montezuma Section of the San Juan National Forest Grazing Advisory Board will meet at 1:00 p.m. February 12, 1975, at the Dolores State Bank building in Dolores, Colorado.

The purpose of this meeting is to give permittees an opportunity to advise the Forest Service in matters relating to grazing.

The meeting will be open to the public. Persons who wish to attend should notify James Suckla, telephone number 303–565–7706. Written statements may be filed with the committee before or after the meeting.

H. PETER WINGLE,
Forest Supervisor.

JANUARY 14, 1975.

[FR Doc.75–1941 Filed 1–21–75;8:45 am]

MEDICINE BOW NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Medicine Bow National Forest Grazing Advisory Board will meet at 1 p.m. February 13, 1975, at the Supervisor's Office, 605 Skyline Drive, Laramie, Wyoming 82070.

The purpose of this meeting is to have representatives discuss any problems facing forest range permittees, in the administration and management programs of the Medicine Bow, and also to discuss forest land use and unit planning schedules and procedures.

The meeting will be open to the public. Persons who wish to attend should notify Medicine Bow National Forest at 605 Skyline Drive, Laramie, Wyoming 82070, phone 745–7308 area code 307. Written statements may be filed with the committee before or after the meeting.

ALAN R. DUHNKRACK,
Forest Supervisor.

JANUARY 13, 1975.

[FR Doc.75–1948 Filed 1–21–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, February 25, 1975, Room 5230, 9:30 a.m., Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Committee was established to advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion and review of microwave instruments, oscilloscopes and spectrum analyzers.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. Written statements may be submitted at any time before or after the meeting.

On December 16, 1974, the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined, pursuant to section 10(d) of the Federal Advisory Committee Act, that those portions of the series of meetings of the Committee and of any subcommittees thereof that will involve discussions of matters listed in 5 U.S.C. 552(b)(1) and specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, shall be exempt, for the period January 4, 1975 to October 22, 1975, from the provisions of section 10(a)(1) and (a)(3) of the Act, relating to open meetings and public participation therein.

Agenda item (4) will be devoted to the discussion of matters listed in 5 U.S.C. 552(b)(1) and properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto. Accordingly, pursuant to the aforementioned determination this portion of the meeting will be closed to the public. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967–4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project," et al., v. "C. Langhorne Washburn, et al.", September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838–73), the Complete Notice of Determination to close portions of the meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: January 13, 1974.

RAUER H. MEYER,
Acting Director,
Bureau of East-West Trade.

DEPARTMENT OF COMMERCE
Office of the Assistant Secretary for Administration
ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE
Notice of Determination

In response to written requests of representatives of a substantial segment of the electronic industry, the Electronic Instrumentation Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c)(1) (Supp. III, 1973), as amended, Pub. L. No. 93–500, Section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical matters, world-wide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has eleven members representing industry and eight members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on June 18, 1973; on July 17, 1973 for the meeting of July 25, 1973; on August 21, 1973 for a series of meetings from August 21, 1973 through December 31, 1973; on December 26, 1973 covering a series of meetings for the period January 1, 1974 through April 30, 1974; and on May 16, 1974, covering a series of meetings from May 1, 1974 through January 3, 1975.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1975, to January 3, 1976, from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

GUY W. CHAMBERLIN, JR.,
Assistant Secretary
for Administration.

Dated: December 12, 1974.

ALFRED MEISANER,
General Counsel.

Dated: December 12, 1974.

[FR Doc.75–1924 Filed 1–21–75;8:45 am]

V40N15 JAN 22 75 XUM

National Bureau of Standards

CUSTOMARY SYSTEM OF WEIGHTS AND MEASURES

Commercial Weights and Measures Units

In the FEDERAL REGISTER of July 27, 1968 (33 FR 10755), the National Bureau of Standards, in accordance with a recommendation of the House Committee on Science and Astronautics and pursuant to the responsibility of the National Bureau of Standards for "the custody, maintenance, and development of the national standards of measurements" (15 U.S.C. 272), published a listing of the common weights and measures used in normal commerce throughout the United States, and related them to the standards developed in accordance with existing law. In connection with the notice of July 27, 1968, the following explanatory material will assist in the proper interpretation and application of the data in column three under "Linear Measurement, U.S. Customary," and under "Area Measurement, U.S. Customary":

As the July 27, 1968 notice states, all U.S. Customary Units of linear and area measurement that will be found in ordinary commerce are derived from the yard. The yard was last defined in a notice in the Federal Register of July 1, 1959 (24 FR 5348), as being exactly equal to 0.9144 meter.

The foot defined by the equations

3 feet = 1 yard = 0.9144 meter, exactly
1 foot = 0.3048 meter, exactly

is known as the International Foot. In addition, the July 1, 1959 notice defines the U.S. Survey Foot as follows:

$$1 \text{ survey foot} = \frac{1200}{3937} \text{ meter, exactly}$$

or 1 survey foot = 0.304 800 61 meter approximately

Accordingly, it is necessary to differentiate between the international foot, used for engineering, and the U.S. survey foot, used for mapping and land measurement. The metric equivalents listed in the July 27, 1968 notice for land measurements: statute mile (U.S. survey mile), acre, square mile, section, and township are approximate; metric equivalents to more figures can be determined from the survey foot. For example, the U.S. Army survey mile equals 1.609 347 kilometers, approximately, whereas the international mile equals 1.609 344 kilometers, exactly. Metric equivalents of all surveyor's units, e.g., links, rods, and chains, are derived from the survey foot.

The relationship

1 international nautical mile = 1.852 kilometers

is exact, but the relationship

6 076.115 international feet = 1 international nautical mile

is not exact.

Dated: January 17, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-2011 Filed 1-21-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE

Meeting Cancellation

The planned February 5, 1975 meeting of the Marine Petroleum and Minerals Advisory Committee's Working Group on International Ocean Investment, which was announced on January 3, 1975 in 40 FR 818 has been cancelled.

Dated: January 15, 1975.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75-2012 Filed 1-21-75;8:45 am]

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE

Notice of Open Meeting

The Marine Petroleum and Minerals Advisory Committee (the "Committee") will meet from 9 a.m. until 4:30 p.m. on March 4, 1975 and from 9 a.m. until 12:30 p.m. on March 5, 1975 in Room 6802 of the Department of Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C. The meeting will be open for public observation.

The Committee was established to advise the Secretary of Commerce on matters pertinent to the Department of Commerce's responsibilities related to marine petroleum and marine minerals resources, on means to facilitate cooperation between the private sectors and government in these matters, and on related Law of the Sea affairs. The members represent the industrial, labor, academic, legal, environmental, and economic sectors concerned with the management, use, conservation, and development of marine petroleum and marine mineral resources.

Included in the matters for Committee consideration and the approximate times for their consideration, at the meeting are the following:

MARCH 4, 1975

9 a.m.—Welcome and Opening Remarks.
9:15 a.m.—International Ocean Investment Conditions.
11:45 a.m.—Recess for Lunch.
1:30 p.m.—Regional Energy Planning.
4:30 p.m.—Adjourn for the Day.

MARCH 5, 1975

9 a.m.—Call to Order and Administrative Announcements.
9:10 a.m.—Programs in Marine Hard Minerals.
11:15 a.m.—Topics Suggested by Members and Plans for Future Agendas and Meetings.
12:30 p.m.—Adjourn.

Approximately 35 seats will be available for the public on a first-come, first-serve basis. Interested persons may submit written statements relevant to the Working Group's areas of interest before or after the meeting or by mailing such statements to: Executive Secretary, Marine Petroleum and Minerals Advisory Committee, National Oceanic and Atmospheric Administration (MR3), 6010 Executive Boulevard, Rockville, Maryland 20852.

Inquiries regarding the Committee or the meeting may be addressed to the Executive Secretary, Amor L. Lane, at the address above or by telephoning (301) 496-8518.

Dated: January 15, 1975.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75-2013 Filed 1-21-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ADULT DEVELOPMENT AND AGING RESEARCH COMMITTEE, ET AL.

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the renewal by the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Committee	*Termination date*
Adult Development and Aging Research Committee (renamed Aging Review Committee and restructured.)	
Advisory Committee to the Director, NIH.	May 31, 1976.
Aging Review Committee (formerly Adult Development and Aging Research Committee).	Jan. 4, 1977.
Allergy and Immunology Study Section.	May 31, 1976.
Animal Resources Advisory Committee.	July 31, 1976.
Applied Physiology and Bioengineering Study Section.	May 31, 1976.
Artificial Kidney-Chronic Uremia Advisory Committee.	Do.
Automation in the Medical Laboratory Sciences Review Committee.	Do.
Bacteriology and Mycology Study Section.	Do.
Biochemistry Study Section.	Do.
Biomedical Communications Study Section.	Do.
Biomedical Library Review Committee.	Do.
Biophysics and Biophysical Chemistry A Study Section.	Do.
Biophysics and Biophysical Chemistry B Study Section.	Do.
Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases.	Do.
Board of Scientific Counselors, National Institute of Child Health and Human Development.	Do.
Board of Scientific Counselors, National Institute of Dental Research.	June 30, 1976.
Board of Scientific Counselors, National Institute of Environmental Health Sciences.	May 31, 1976.
Cell Biology Study Section.	Do.
Chemical/Biological Information - Handling Review Committee.	July 31, 1976.
Clinical Trials Review Committee (formerly the Therapeutics Evaluations Committee).	Do.
Communicative Disorders Review Committee.	June 30, 1976.
Computer and Biomathematical Sciences Study Section.	May 31, 1976.
Dental Study Section (renamed Oral Biology and Medicine Study Section).	
Developmental Behavioral Sciences Study Section.	Do.
Endocrinology Study Section.	Do.
Epilepsy Advisory Committee.	June 30, 1976.
General Clinical Research Centers Committee.	July 31, 1976.
General Medicine A Study Section.	May 31, 1976.
General Research Support Program Advisory Committee.	July 31, 1976.
Genetics Study Section	Do.
Hematology Study Section.	Do.
Human Embryology and Development Study Section.	Do.
Infectious Disease Committee.	June 30, 1976.
Lipid Metabolism Advisory Committee.	July 31, 1976.
Mammalian Cell Lines Committee (formerly the Mammalian Mutant Cell Lines Committee).	May 31, 1976.
Mammalian Mutant Cell Lines Committee (renamed Mammalian Cell Lines Committee and restructured).	Do.
Maternal and Child Health Research Committee.	Do.
Medicinal Chemistry A Study Section.	July 31, 1976.
Medicinal Chemistry B Study Section.	Do.
Mental Retardation Research Committee.	May 31, 1976.
Metabolism Study Section.	July 31, 1976.
Microbial Chemistry Study Section.	Do.
Molecular Biology Study Section.	Do.
National Advisory Allergy and Infectious Diseases Council.	June 30, 1976.
National Advisory Child Health and Human Development Council.	May 31, 1976.
National Advisory Environmental Health Sciences Council.	Do.
National Advisory Eye Council.	Do.
National Advisory General Medical Sciences Council.	Do.
National Advisory Research Resources Council.	July 31, 1976.
Neurological Diseases and Stroke Science Information Council.	June 30, 1976.
Neurology B Study Section.	July 31, 1976.
Nutrition Study Section	Do.
Oral Biology and Medicine Study Section (formerly Dental Study Section).	May 31, 1976.
Pathology A Study Section.	July 31, 1976.
Pathology B Study Section.	Do.
Periodontal Diseases Advisory Committee.	June 30, 1976.
Pharmacology Study Section.	July 31, 1976.
Pharmacology-Toxicology Program Committee (renamed Pharmacology-Toxicology Research Program Committee).	
Pharmacology-Toxicology Research Program Committee (formerly Pharmacology-Toxicology Program Committee).	May 31, 1976.
Physiology Study Section.	July 31, 1976.
Population Research Committee.	May 31, 1976.
Population Research Study Section.	July 31, 1976.
Pulmonary Diseases Advisory Committee.	Do.
Reproductive Biology Study Section.	Do.
Surgery B Study Section	Do.
Therapeutic Evaluations Committee (renamed Clinical Trials Review Committee and restructured).	
Tropical Medicine and Parasitology Study Section.	Do.
Virology Study Section	Do.
Vision Research Program Committee.	May 31, 1976.
Visual Sciences A Study Section.	July 31, 1976.

Authority for these committees will expire on the dates indicated, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 10, 1975.

R. W. LAMONT-HAVERS,
Acting Director, National Institutes of Health.

[FR Doc.75-1991 Filed 1-21-75;8:45 am]

BOARD OF REGENTS, NATIONAL LIBRARY OF MEDICINE, ET AL.

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act, 5 U.S. Code Appendix I, the National Institutes of Health announces the rechartering by the Secretary, DHEW, of the following committees:

Committee	*Termination Date*
Board of Regents, National Library of Medicine.	Continuing.
National Advisory Dental Research Council.	Do.
National Advisory Neurological Diseases and Stroke Council.	Do.
National Arthritis, Metabolism, and Digestive Diseases Council.	Do.
National Cancer Advisory Board.	Do.
National Heart and Lung Advisory Council.	Do.
President's Cancer Panel	Do.

Dated: January 10, 1975.

R. W. LAMONT-HAVERS,
Acting Director, National Institutes of Health.

[FR Doc.75-1990 Filed 1-21-75;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute, March 25, 26, 27, 1975, Building 31-C, Conference Room 7, National Institutes of Health. This meeting will be open to the public on March 26, 1975, from 9 a.m. to 4 p.m. to discuss the scientific research program of the Laboratory of Theoretical Biology, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 25, 1975, from 7:30 p.m. to adjournment and on March 27, 1975, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Nathaniel I. Berlin, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4345) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: January 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-1989 Filed 1-21-75;8:45 am]

COMMITTEE TO COORDINATE TOXICOLOGY AND RELATED PROGRAMS

Notice of Meeting

A meeting will be held to discuss a working draft protocol developed for

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the DHEW Committee to Coordinate Toxicology and Related Programs (composed wholly of full-time employees of HEW). The draft protocol describes a study to assess the carcinogenicity of orally ingested asbestos or asbestiform minerals. The entire meeting will be open to the public from 10 a.m. to adjournment on February 11 in Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland, and will be devoted to answering any questions or receiving any comments regarding the draft protocol. Written comments will be accepted and must be received by February 14, 1975.

Since attendance by the public will be limited to space available, it is requested that individuals wishing to participate notify Mrs. Sandra Lange, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 549–8411 ext. 3201 [FTS (919) 549–3201] in advance. Mrs. Lange will provide on request an advance copy of the draft protocol and any additional information necessary regarding the meeting.

Dated: January 16, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-1988 Filed 1-21-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Notice of Establishment

Pursuant to Pub. L. 93–296, signed into law on May 31, 1974, the National Institutes of Health announces the establishment on December 20, 1974, of the National Advisory Council on Aging.

Purpose: The National Institute on Aging was established to conduct and support biomedical, social, and behavioral research and training related to the aging process and the diseases and other special problems and needs of the aged as authorized by section 461 of the Public Health Service Act (42 U.S. Code 289k–2). The National Advisory Council on Aging shall advise, consult with, and make recommendations to the Secretary on programs relating to the aged which are administered by him and on those matters which relate to the Institute, as provided by section 462 of the Public Health Service Act (42 U.S. Code 289k–3).

Dated: January 15, 1975.

R. W. LAMONT-HAVERS,
Acting Director, National Institutes of Health.

[FR Doc.75-1986 Filed 1-21-75;8:45 am]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Recombinant DNA Molecule Program Advisory Committee on February 28, 1975, at the Bellevue Hotel, Capri Room, 505 Geary Street, San Francisco, California 94102.

The entire meeting will be open to the public from 9 a.m. to adjournment to discuss the role of the committee, the status of research in the field, research studies required, the mechanisms by which such studies should be supported, and the identification of facilities and resources needed in their performance. Attendance by the public will be limited to space available.

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Westwood Building, Room 920, Bethesda, Maryland 20014, telephone (301) 496–7714, will provide summaries of the meeting, rosters of committee members and substantive program information.

Dated: January 16, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer.

[FR Doc.75-1987 Filed 1-21-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–75–304]

ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Redelegation of Authority

Authority redelegated. Each Director, Mobile Home Strategic Storage Center, of the Department of Housing and Urban Development is designated a contracting officer and is authorized to enter into and administer procurement contracts with respect to mobile homes, and to make related determinations except determinations under section 302(c)(11), (12), and (13) of the Federal Property and Administrative Services with respect to disaster relief functions of the Department. (Secretary's Redelegation and Delegation of Authority, 37 FR 3376, February 15, 1972)

Effective date. This redelegation of authority is effective as of October 25, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-2003 Filed 1-21-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER AT BEVERLY MUNICIPAL AIRPORT, BEVERLY, MASS.

Notice of Commissioning

Notice is hereby given that an Air Traffic Control Tower will be commissioned at Beverly Municipal Airport, Beverly, Massachusetts, on or about January 13, 1975. It will improve operational flow of terminal traffic consisting predominantly of general aviation aircraft.

Communications to the Air Traffic Control Tower should be addressed as follows:

Air Traffic Control Tower,
Department of Transportation,
Federal Aviation Administration,
Beverly Municipal Airport,
Beverly, Massachusetts 01915.

(Sec. 313(a), 72 Stat. 752; 40 U.S.C. 1354)

Issued in Boston, Mass., on January 6, 1975.

W. E. CROSBY,
Acting Director, New England Region.

[FR Doc.75-1952 Filed 1-21-75;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition Docket No. RSPC–74–20]

BUTTE, ANACONDA AND PACIFIC RAILWAY CO.

Waiver of Freight Car Safety Standards

The Butte, Anaconda and Pacific Railway Company (BA&P) has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 295 freight cars. All of the cars are equipped with one or more components whose use was prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

The BA&P has 95 freight cars which are more than 50 years old and which are equipped with AB-type brakes. These cars, which bear BA&P reporting marks, are primarily used between Anaconda and Butte, Montana, a distance of 25 miles. This group of 95 cars includes:

(1) 8 air dump cars of 40 ton capacity which bear BA&P reporting marks in the series between 951 and 963.

(2) 10 air dump cars of 50 ton capacity which bear BA&P reporting marks in the series between 931 and 949.

(3) 33 solid bottom ore cars of 50 ton capacity which bear BA&P reporting marks in the series between 1963 and 2503.

(4) 2 gondolas of 50 ton capacity which bear BA&P reporting marks 251 and 259.

(5) 6 tank cars with 50 ton capacity which bear BA&P reporting marks in the series between 1028 and 1033.

(6) 34 hopper bottom ore cars of 50 ton capacity which bear BA&P reporting marks in the series between 1981 and 3523.

(7) 2 wood frame cabooses which bear BA&P reporting marks 12 and 13.

Certain of the cars listed above, in addition to being equipped with the prohibited brake equipment, are equipped with cast iron wheels. All of the cars are equipped with one or more components whose use was restricted under FRA regulations (49 CFR 215.225). The restricted components with which these cars are equipped include arch bar trucks, D-type couplers, and key type yokes.

These cars are operated at speeds up to 30 miles per hour and are occasionally interchanged with the Burlington Northern at Butte, Montana. BA&P seeks a permanent exemption for these cars and asserts that the good safety record which it has maintained over a number of years supports the granting of this petition.

The petitioner also seeks to have a temporary exemption for 200 solid bottom ore cars. These cars which bear BA&P reporting marks are equipped with trucks that have Hyatt cyclindrical type bearings. These bearings are prohibited under FRA regulations. The petitioner has commenced a program to replace these bearings. None of these cars are interchanged and petitioner asserts that due to its low operating speeds and short operating distances no failure of this component has been experienced.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to February 10, 1975. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSPC–74–20) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before February 28, 1975, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 40 CFR 1.49 (n).)

Issued in Washington, D.C. on January 15, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-1992 Filed 1-21-75;8:45 am]

ACTION

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name: National Voluntary Service Advisory Council.

Date: February 12 and 13, 1975.

Place: ACTION, 806 Connecticut Avenue, NW., Washington, D.C. Room 522.

Time: 1 p.m., Wednesday, February 12, 1975; 9 a.m., Thursday, February 13, 1975.

Purpose of the meeting: To discuss the work of each of the Council's committees and to chart the work of the Council for the coming year.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing at least five days prior to the meeting, of their intention to attend the meeting.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Ms. Elizabeth Allemang, Advisory Council Executive Officer, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

ELIZABETH ALLEMANG,
Staff Assistant, Office of the Director.

[FR Doc.75-1980 Filed 1-21-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27416; Order 75–1–72]

AMERICAN AIRLINES, INC., ET AL.

Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of January, 1975.

American Airlines, Inc. (American), United Air Lines, Inc. (United), Trans World Airlines, Inc. (TWA), and Northwest Airlines, Inc. (Northwest)[1] have filed major excursion-fare proposals[2] in domestic air transportation that would offer discounts during the daytime of 20 percent during the peak season and 25 percent during the off-peak travel period.[3] American also proposes to establish a discount from night coach fares of 6.25 percent during the peak season and 12.5 percent during the off-peak travel period. Appendix A[4] contains a complete listing of the different proposals and the various terms and conditions of travel for each.

In support of their proposals, the carriers assert that during the past year the airline industry has been faced with tremendous fuel-cost increases and general inflation which have been offset only by necessary increases in basic fares. Simultaneously, the personal/pleasure traveler has been faced with the discontinuance of several major discount fares and thus this segment of the overall air market has been faced with even greater cost increases than the increases in the general fare level. The carriers allege that the instant filings are designed to fill this void now prevalent in the overall fare structure in an effort to regain some of the personal/pleasure passengers who can no longer afford to fly. A complete summary of the carriers' justifications appears in Appendix B.[5] A summary of complaints and answers thereto appears in Appendix C.[6]

Upon consideration of the tariff proposals, the complaints and answers[7] thereto, and all other relevant matters, the Board finds that the day coach excursion fares proposed by Northwest, TWA, and United, and the night coach excursion fares proposed by American may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the tariffs pending investigation. With respect to the day excursion fares proposed by American, the Board finds that the complaints do not set forth sufficient facts to warrant investigation of the proposal, and the requests therefor and consequently the requests for suspension will be denied and the complaints dismissed.

In Phase 5 of the Domestic Passenger-Fare Investigation (DPFI) the Board found that "all of the discount fares burden the fare level when viewed over the long run." The carriers were required to phase out youth and family fares, and they chose not to continue Discover America fares beyond June 1974. The carriers now argue that, because of current economic conditions, they now forecast very little, if any, growth in traffic in 1975 unless something is done to alter the current pattern of airline fares. They are apprehensive that the personal/pleasure traveler will be "squeezed out" of the air travel market altogether, thereby resulting in even lower load factors and poorer financial results in the future, and so propose the instant new major discount-fare programs as an incentive to travel by air.

[1] Tariff revisions to Airlines Tariff Publishers, Inc., Agent C.A.B. Nos. 142 and 202.

[2] Peak travel season: June 15–September 15 (same year)—Off-peak season: September 16 (one year)–June 14 (next year).

[3] Filed as part of the original document.

[4] Appendices and corrections filed as part of the original document.

[5] The Honorable John E. Moss, et al., Members of Congress, (MOC) have filed a late complaint, accompanied by an appropriate motion which will be granted, requesting that the Board suspend the various proposals should it not intend to eliminate the impact of these fares in making fare-level determinations. Since the Board does intend to do this, as hereinafter discussed, MOC's complaint need not be dealt with further.

[6] The Department of Transportation (DOT) has filed a petition, stated to be neither a complaint nor an answer, in which it argues that the proposed fares are unreasonable and unjustly discriminatory. Nevertheless, it urges that the Board should permit the fares for a short period of time, but only if the Board takes immediate steps to require an across-the-board fare reduction of 10 percent. To the extent DOT would have the Board require that the tariffs expire prior to the proposed expiration dates, the document constitutes a complaint not timely filed against the tariffs, and in the absence of justification for the late filing it will not be considered. The Board intends promptly to establish procedural dates for response to the remainder of DOT's request, which will be disposed of subsequently.

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The Board recognized in Phase 5 that excess capacity can and will exist in the short run, and that adjustments in capacity level cannot be accomplished during the same short periods of time in which demand fluctuates. In this regard, the domestic trunkline carriers' load factor dropped 10 points in November from that a year earlier. Since air traffic has historically reflected the ups and downs of the general economy, we believe that some credence can be accorded carrier forecasts in the present situation and that, in these circumstances, a properly constructed discount fare would be consistent with the Board's Phase 5 decision.

The various arguments raised in support of or in opposition to the proposed fares can be condensed into a few basic issues; (a) whether the fares should be offered in all markets or limited to those of 1,500 miles or more; (b) the method of blacking out peak holiday travel or peak times during the week; (c) whether a discount fare should also be offered on night coach services; (d) whether the advance-purchase requirement should be seven or 14 days; and (e) whether the maximum length of stay should be 21 or 30 days.

With respect to market applicability, United argues that the general economic circumstances which necessitate its proposed fares are equally applicable in short-haul as well as longer-haul markets, and that the higher fares in short-haul markets resulting from implementation of Phase 9 are likely to have an adverse impact upon traffic, particularly in light of recent increases in the discount fares which remain in the structure. The Board did not find it necessary to reach a decision in the DPFI as to the generative ability of Discover America fares in short-haul markets since they had previously been canceled in markets under 1,500 miles. Nevertheless, evidence adduced in that proceeding suggests that discount fares are significantly less generative in shorter-haul markets. The various examples of generation/diversion cited by United in its justification are all limited to experience in longer-haul markets or represent average experience over all stage lengths and, accordingly, do not provide a basis upon which to conclude otherwise. By this we do not mean to imply that the 1,500-mile cutoff proposed by some carriers is necessarily the only acceptable market availability for a fare of this sort. To the contrary, in view of the changes in the discount-fare structure and the present economic climate, it is quite possible that such fares could be productively generative in the medium-haul markets, e.g., in the 1,000 and 750 mileage range, and we note in this connection that a 1,500-mile cutoff effectively precludes availability to many persons located in the central states of the country and in the north-south markets.

A significant factor with respect to TWA's proposal is the total lack of specified blackout dates and time periods. In the alternative, TWA proposes to retain the prerogative of blacking out any flight that advance reservations indicate will be heavily booked. While we do not necessarily dispute the advantages of such an approach, TWA is not specific as to its implementation and we believe there is a clear likelihood that the end result might be a virtual lack of effective blackouts. The Board has on numerous occasions expressed the conviction that appropriate blackout periods are essential to the economics of discount fares and we are unable to conclude that TWA's approach represents an adequate alternative to traditional blackout provisions.

The various carrier proponents differ with respect to whether the advance-ticketing requirement should be 7 or 14 days and whether the maximum permissible stay should be 21 or 30 days. None, however, contend that restrictions of this sort are not necessary, and we agree. By the same token, none has advanced persuasive argument in favor of one and not the other, although American has provided some survey information which suggests that a 14-day advance-ticketing requirement would serve to protect diversion without significantly affecting the generative capability of the fare. In any event, we do not believe disposition of the tariff proposals before us turns on these two questions. Both are reasonably restrictive, although we incline to the view that traffic truly generated by the fares could readily meet the 14-day ticketing rule and arrange travel plans to fall within the 21-day stay limit.

In addition to the daytime excursion fares, American also provision to establish discounts of 6.25 percent and 12.50 percent from night coach fares for the peak and off-peak seasons respectively. The alleged purpose is to "protect the viability" of its night coach.[6] American contends that, if its proposed daytime fares are implemented, they will equal or be less than the night coach fare, and that passengers now willing to travel at night will obviously prefer to travel during the daytime if they achieve comparable savings. In other words, the thrust of American's justification is that night coach excursion fares are necessary to protect its night coach services.[7] The Board has many years recognized the value of night coach service, as a means of enhancing aircraft utilization and gaining better use of capacity operated primarily for purposes other than passenger transportation. However, American has not made a convincing showing that the day excursion fares approved herein, restricted as they are, will be likely to divert sufficient traffic from American's existing night coach services (which in many markets are operating at very high load factors) to render the latter uneconomic. If such serious diversion subsequently occurs, it will be open to American to bring this fact to the Board's attention for further consideration of the matter. Moreover, night coach service has ramified during the past several years into what must be considered a significant if not major component of the overall transportation service pattern. It is for this reason that the Board has set down an investigation of the economics of this service, and intends to move forward promptly with that proceeding. The growth of night coach service in volume and its expansion to many new markets in the last two years raises basic questions as to the present economics of the service and the appropriate policy to be pursued. This must await evidence adduced in the proceeding shortly to be activated. In the meantime, we would be most reluctant to permit carriers to offer a fare, in effect a discount on a discount, essentially to promote an increasing volume of night coach service pending completion of the formal investigation.

Eastern has complained against all three excursion fare proposals, alleging that the daytime fares do not show a positive profit impact under the standards set forth in the Board's Phase 5 decision. It may very well be that the carriers have not included a full amount of added costs. On the other hand, we believe the generation/diversion estimates may be conservative given the present economic climate, combined with increases in normal fare levels. There is some reason to believe that elasticity of demand for discretionary travel may be higher under present conditions than it was when the Board reached its decision in Phase 5 of the DPFI.[8] Only a period of experimentation with these fares can provide any basis for conclusion. We give considerable weight to the fact that all the major transcontinental carriers are in general agreement that these fares will have a favorable profit impact and that, based on the limited number of complaints filed, there seems to be a fairly strong consensus in the domestic industry.

However, to ensure that the overall fare level is not burdened by traffic moving on these excursion fares, the Board has decided to include the traffic in its Phase 5 (DPFI) discount-fare adjustment in future evaluation of the industry's revenue need. Accordingly, we will require that the carriers specifically isolate the traffic, adult and children, in their discount-fare traffic submissions pursuant to Phase 5. Additionally we will require the carriers to submit separate monthly reports containing similar data by mileage block in increments of 100 miles, *e.g.*, 1,450 to 1,549 miles, 1,550 to 1,649 miles, etc. We will also require each

[6] American contends that the night coach excursion fares will generate 15 percent more traffic, but provides no support for this estimate.

[7] United disputes this contention, pointing out that night coach services have existed for years in markets where a plethora of daytime discount fares were simultaneously provided.

[8] In this regard, the Discover America fares had a generation factor of 26.2 percent when available in markets of all stage lengths, and it would seem altogether reasonable to expect a better result in longer haul markets, even without the impetus added by the inflationary state of the economy.

carrier providing these or similar fares to submit a full appraisal to the Board within two months after the expiration date, regardless of whether or not they elect to continue the fares. The appraisal should include a profit-impact test, including detailed support, and a separate analysis of generation and diversion. The impact of the fares by market distance should be included. We leave to the discretion of individual carriers an evaluation of the generative impact of the fares—through survey techniques, traffic analysis, etc. However, we expect a more definitive analysis than a purely judgment estimate.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions described in Appendix D attached hereto, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix D hereto are suspended and their use deferred to and including April 18, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The motion by the Honorable John E. Moss, et al., Members of Congress, for leave to file a late document is hereby granted;

4. Except to the extent granted herein, Dockets 27273, 27274, 27275, 27276, 27277, 27280, 27326, 27335, 27337, and 27338 are hereby dismissed;

5. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated;

6. All carriers providing the fares authorized by this order (or similar type fares) are hereby required to isolate this category of traffic, adult and children, in their discount fare submissions in Phase 5 of the Domestic Passenger-Fare Investigation.[9] Additionally, carriers are required to submit separate monthly reports to the Director, Bureau of Economics, containing similar data by mileage block in increments of 100 miles. These carriers will also submit a full appraisal to the Director, Bureau of Economics, within two months after the expiration date of the fares, including a profit-impact test with detailed support, and a separate analysis of generation/diversion, and an evaluation of the generative ability of the fares by market distance.

7. A copy of this order be served upon Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Honorable John E. Moss, *et al*, Members of Congress, and the Port Authority of New York and New Jersey, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board: Timm, member concurring.[10]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2026 Filed 1-21-75;8:45 am]

[Docket 23060-2; Order 75-1-76]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of January, 1975.

By Order 74-1-89, dated January 16, 1974, the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery charges to be effective on and after March 28, 1973.

Pan American World Airways, Inc. (Pan American), has filed a petition requesting the Board to amend the foregoing order so as to establish a minimum chargeable weight and pickup and delivery charges for the LD-9 container. In support of this request, the carrier states that it has introduced the LD-9 container within its system and wishes to insure that any mail services furnished with the new container type are compensated at the temporary rates established in Order 74-1-89. Pan American further requests the LD-9 container be assigned the same minimum chargeable weight and pickup and delivery charges presently applicable to the A-1 container group.

The Postal Service has filed an answer supporting the petition except for the proposed minimum chargeable weight. Based on available volume, it believes the pivot weight for the LD-9 should be fixed at 5550 pounds, or about 99 percent of the current A-1 weight minimum of 5600 pounds.

On the basis of these pleadings and other information, we proposed to modify Order 74-1-89 to incorporate the LD-9 container but at the minimum chargeable weight urged by the Postal Service. Although similar in internal cube, the LD-9 is not quite as spacious as the basic A-1 container in terms of overall carrying capacity. For this reason, a minimum chargeable weight of 5550 pounds appears more reasonable for the LD-9 than the A-1 weight minimum proposed by Pan American. On the other hand, we propose to establish the same pickup and delivery charges for both container types. We tentatively find these proposals to be fair and reasonable for the purpose of establishing temporary rates in this proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

It is ordered, That: 1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix the temporary rates and charges specified herein by amending subparagraphs (e) and (g) of Ordering Paragraph 3 of Order 74-1-89, January 16, 1974, as follows:

(a) In subparagraph (e), insert "LD-9" and "5550" in the columns headed "Container Type" and "Minimum Charge Weight" after "LD-W" and "800", respectively.

(b) In subparagraph (g) change "A-1, A-2, A-3, and LD-7" to "A-1, A-2, A-3, LD-7, and LD-9" in the column headed "Container Type."

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and, if there is any objection to the findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after date of service of this order.

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing the temporary rates and charges herein specified.

4. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2025 Filed 1-21-75;8:45 am]

[9] Order 74-12-130, December 31, 1974.

[10] Concurring statement filed as part of the original document.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 324-3]

CHEMAGRO DIVISION OF MOBAY CHEMICAL CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 5F1577) has been filed by Chemagro Division of Mobay Chemical Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the fungicide and insecticide 6-methyl-2,3-quinoxalinedithiol cyclic *S,S*-dithiocarbonate in or on the raw agricultural commodities apples and pears at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatography procedure using electron capture detection.

Dated: Janutry 8, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-1915 Filed 1-21-75;8:45 am]

[FRL 323-8]

CHEVRON CHEMICAL CO.

Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d) (1), 409(b) (5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d) (1), 348(b) (5)), notice is given that a pesticide petition (PP 5F1571) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing an increase in the established tolerances (40 CFR Part 180) for residues of the insecticide *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodities cauliflower, lettuce, and tomatoes from 1 part per million to 2 parts per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 5H5071) proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the insecticide in tomato pomace at 5 parts per million and cottonseed hulls at 3 parts per million, resulting from application of the insecticide to growing tomatoes and cotton.

The analytical method proposed in the peseticide petition for determining residues of the insecticide is a gas chromatographic procedure using a cesium bromide thermionic detector.

Dated: January 8, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-1917 Filed 1-21-75;8:45 am]

[FRL 324-4]

FISONS CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 4H5053), has been filed by Fisons Corp., Two Preston Court, Bedford, MA 01730, proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the herbicide 2-ethoxy - 2,3 - dihydro - 3,3 - dimethyl - 5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugarbeet molasses at 0.5 part per million, resulting from use of the herbicide in a proposed experimental program involving application to growing sugarbeets.

Dated: January 8, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-1913 Filed 1-21-75;8:45 am]

[FRL 324-2]

HERCULES INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 5H5073) has been filed by Hercules Inc., Wilmington, DE 19899, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the herbicide *N*-chloroacetyl-*N*-(2,6-diethylphenyl)-glycine, ethyl ester, in dried sugar beet pulp at 0.7 part per million resulting from use of the herbicide in a proposed experimental program involving application to growing sugar beets.

Dated: January 8, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-1914 Filed 1-21-75;8:45 am]

[FRL 324-1]

PENNWALT CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 5F1573) has been filed by Pennwalt Corp., P.O. Box 1297, Tacoma, WA, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene) bis(imino carbonothioyl)] bis[carbamate]) and its meabolite methyl 2-benzimidazolecarbamate (calculated as the fungicide) resulting from preharvest and/or postharvest application in or on apricots, cherries, nectarines, peaches, plums, and prunes at 15 parts per million and from preharvest application in or on strawberries at 5 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide and its metabolite is a procedure in which the residue is converted to methyl 2-benzimidazolecarbamate by a reaction with acetic acid and cupric acetate. This product is analyzed with a recording UV spectrophotometer scanning from 240 to 300 nanometers.

Dated: JANUARY 8, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.75-1916 Filed 1-21-75;8:45 am]

[FRL 323-2; OPP—32000/173]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before March 24, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a mimimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures: Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 24, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 2749-GTI. Aceto Chem. Co., Inc., Agricultural Chem. Div., 126-02 N. Blvd., Flushing NY 11368. CARNATION AID SYSTEMIC FUNGICIDE FOR RUST CONTROL OF CARNATIONS IN GREENHOUSES. Active Ingredients: 5,6-Dihydro-2-methyl-1,4-oxathin-3-carbonxanilide-4, 4-dioxide 5.0%. Method of Support: Application proceeds undr 2(c) of interim policy.

EPA File Symbol 2749-GIU. Aceto Chem. Co., Inc. SAD 85 PLANT GROWTH REGULATOR FOR PEANUTS. Active Ingredients: Succinic Acid (2,2-Dimethylhydrazide) 85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749-GIN. Aceto Chem. Co., Inc. SIDURON 50WP WEED KILLER. Active Ingredients: Siduron [1-(2-Methylcyclohexyl)-3-phenylurea] 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749-GIL. Aceto Chem. Co., Inc. TRUEX 3EC PRE-EMERGENCE HERBICIDE. Active Ingredients: Fluoridifen p-Nitrophenyl-a,a,a-trifluoro-2-nitro-p-tolyl ether 34.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749-GIG. Aceto Chem. Co., Inc. ACETOVIN 4 WATER DISPERSIBLE LIQUID HERBICIDE. Active Ingredients: 4-(Methylsulfonyl)-2,6-dinitro-N,N-dipropylaniline 42.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10088-UR. Athea Laboratories, 4180 N. 1st St., Milwaukee WI 53212. ACID QUAT DAIRY AND FOOD INDUSTRY CLEANER SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35132-T. Custom-Pak, Inc., 14800 Miles Ave., Cleveland OH 44128. CUSTOM PAK HI-CIDE 310 DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 4.25%; Tetrasodium ethylenediamine tetraacetate 1.60%; Sodium carbonate 2.00%; Sodium metasilicate, anhydrous 0.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35132-L. Custom-Pak, Inc. CUSTOM PAK HI-CIDE 300 DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35132-A. Custom-Pak, Inc. CUSTOM-PAK HI-CIDE 320 DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1677-43. Klenzade Products, Div. of Economics Lab., Inc., Osborn Bldg., St. Paul MN 55102. STER-BAG KQ-12. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 11497-T. Enviro Chem. Corp., PO Box 29113, Dallas TX 75229. BIO-PINE PINE SCENT DISINFECTANT. Active Ingredients: Potassium Soap 8.64%; Pine Oil 7.00%; O-Benzyl p Chlorophenol 3.50%; Isopropyl Alcohol 2.86%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-388. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. CARBAMATE FUNGICIDE. Active Ingredients: Ferbam 76.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 432-LUR. S. B. Penick & Co., a Unit of CPC International, Inc., 100 Church St., New York, NY 10007. BIO-ALLETHRIN TECHNICAL. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) min 93.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2279-A. Southern Protective Products Co., 1135 Sylvan Rd., SW, Atlanta GA 30310. SOUTHERN 2311 CLEAR WOOD PRESERVATIVE. Active Ingredients: Zinc as Metal 13.34%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3525-AN. Utility Chem. Co., PO Box 444, River St. Station, Paterson NJ 07524. MYTEE BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen Chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10292-EU. Venus Laboratories, 1025 Industrial Dr., Bensenville IL 60106. GLYCOL AIR SANITIZER. Active Ingredients: Isopropyl Alcohol 34.00%; Propylene Glycol 8.50%; Essential Oil VR-17 0.68% Didecyl Dimethyl Ammonium Chloride 0.17%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 20429-E. Warren Chem. Mfg., Inc., 600 Pleasant St., Norwood MA 02062. 606 DISINFECTANT CLEANER. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270-ROE. Zep Manufacturing Co., 1310 Seaboard Industrial Blvd. N.W., Atlanta GA 30318. ZEPSEPTIC. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.1%; Isopropanol 53.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270-ROR. Zep Manufacturing Co., 1310 Seaboard Industrial Blvd., N.W., Atlanta GA 30318. ZEP VENTURE CLEANER-DEODORIZER-DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.1%; Tetrasodium ethylenediamine tetraacetate 1.6%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: January 14, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.75-1931 Filed 1-21-75;8:45 am]

[FRL 323-3; OPP-32000/174]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before March 24, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 24, 1975.

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APPLICATIONS RECEIVED

EPA File Symbol 2749–GIA. Aceto Chemical Co., Inc., Agricultural Chemicals Div., 126–02 Northern Blvd., Flushing NY 11368. QUINOMETHIONATE 25 WP MITICIDE/FUNGICIDE. Active Ingredients: 6-Methyl-2,3-quinoxalinedithiol cyclic, S,S-dithiocarbonate 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749–GII. Aceto Chemical Co., Inc. COPPER COMPLEX ALGAECIDE. Active Ingredients: Copper as elemental 7.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749–GOE. Aceto Chemical Co., Inc., TRICHLOROBENZOIC ACID CONCENTRATE HERBICIDE. Active Ingredients: Dimethylamine salt of 2,3,6-trichlorobenzoic acid 31.4%; Dimethylamine salt of other chlorinated benzoic acids 20.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749–GOU. Aceto Chemical Co., Inc. ACETO DIUZINE 80WP WEED KILLER. Active Ingredients: Simazine (2-Chloro-4,6-Bis (Ethylamino) -S-Triazine) 40%; Diuron 3-(3,4-dichlorophenyl) -1,1-dimethylurea 40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749–GTA. Aceto Chemical Co., Inc. SEEDEX 75W FUNGICIDE. Active Ingredients: 5,6-Dihydro-2-methyl-1,4-oxathin-3-carboxanilide 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2749–GTT. Aceto Chemical Co., Inc. BENOMYL 50WP FUNGICIDE. Active Ingredients: Benomyl [Methyl-1-(butylcarbamoyl) - 2 - benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10807–UA. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30060. MISTY AIRCRAFT INSECTICIDE, AEROSOL RESMETHRIN—2%. Active Ingredients: [5 - Benzyl - 3 - furyl]methyl 2,2 - dimethyl-3(2-methylpropenyl) cyclopropanecarboxylate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14651–RA. Agricultural Enterprises, Inc., PO Box 0, Fremont NE 68025. AGRI-DUST ANIMAL INSECTICIDE SHAKER DUSTER WITH CO-RAL. Active Ingredients: O,O-Diethyl 0-(3-chloro-4-methyl - 2 - oxo - (2H) -1-benzopyran-7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14651–RL. Agricultural Enterprises, Inc., PO Box 0, Fremont NE 68025. AGRI-DUST ANIMAL INSECTICIDE WITH CO-RAL. Active Ingredients: O,O-Diethyl 0-(3-chloro-4-methyl-2-oxo-(2H)-1 - benzopyran - 7 - yl) phosphorothioate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8590–UAN. Agway Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. AGWAY DUOCIDE RAT BAIT STATION. Active Ingredients: 2-Pivalyl-1, 3-indandione 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8959–ER. Applied Biochemists, Inc., 5300 W. County Line Rd., 96 No., Mequon WI 53092. ROOTRINE. Active Ingredients: Copper Sulfate (Pentahydrate) 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3941–EI. Athena Corp., 4836 Woodall, Dallas TX 75247. PEST-GUARD PRETTY PLEASE BUG-PROOF SHELF PAPER. Active Ingredients: Gamma Isomer of Benzene Hexachloride (from Lindane) 0.27%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34628–R. The Chloramone Corp., PO Box AC, Wescosville PA 18106. SODIUM HYPOCHLORITE. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11497–RN. Enviro Chem., PO Box 29113, 11262 Leo Lane, Dallas TX 75229. AQUA—KILL 1. Active Ingredients: Diquat dibromide [6,7-dihydrodipyrido (1, 2-a:2',1'-c) pyrazinediium dibromide] 4.35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 635–129. E-Z Flo Chemical Co., Grower Service Corp., Suite 1000, Stoddard Bldg., Lansing MI 48933. E-Z-FLO MANEB 7 DUST. Active Ingredients: Maneb (Manganese Ethylenebisdithio - carbamate) 7.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14941–R. Katzson Brothers, 960 Vallejo St., Denver CO 80204. KAYBRO ALGAECIDE. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 961–GNL. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. LEBANON COUNTRY CLUB HERBICIDE (2,4-D AND SILVEX) WITH 12-4-8 FERTILIZER. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 0.63%; Isooctyl ester of Silvex [2-(2,4,5-trichlorophenoxy)propionic acid] 0.27%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8591–EU. The Mogul Corp., Chagrin Falls OH 44022. MOGUL AG–472. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 25%; Bis (tri-n-butyltin) oxide 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9630–L. Mooney Chemicals, Inc., 2301 Scranton Rd., Cleveland OH 44113. 8% COPPER NAP-ALL. Active Ingredients: Copper Naphthenate (Copper as metal 8%) 77%; Mineral Spirits 23%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9630–U. Mooney Chemicals, Inc., 2301 Scranton Rd., Cleveland OH 44113. 6% COPPER NAP-ALL. Active Ingredients: Copper Naphthenate (Copper as metal 6%) 67%; Mineral Spirits 33%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18035–RA. Private Label Chemicals, Inc., 2280 Terminal Rd., St. Paul MN 55113. MARK C–10 CONCENTRATED ALGAECIDE FOR INDUSTRIAL RE-CIRCULATING WATER COOLING TOWERS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18035–RT. Private Label Chemicals, Inc., 2280 Terminal Rd., St. Paul MN 55113. MARK B–10 CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 622–GI. United Chemical Co., Inc 5050 E. 52nd St., Kansas City MO 64130. UNITED UCO PHENE DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent changes to the list of Applications Received published in the FEDERAL REGISTER of January 10, 1975 (40 FR 2256).

EPA File Symbol 2724–EAA. Thuron Industries, Inc., 12200 Denton Dr., Dallas TX 75234. SUPER STRENGTH GOLDEN MALRIN RF–70 FLY BAIT. Method of Support: Application proceeds under 2(b) of interim policy rather than 2(c).

EPA File Symbol 2724–EAL. Thuron Industries, Inc. SUPER STRENGTH GOLDEN MALRIN RF–72 FLY BAIT. Method of Support: Application proceeds under 2(b) of interim policy rather than 2(c).

Dated: January 15, 1975.

JOHN B. RITCH, JR.
Director,
Registration Division.

[FR Doc.75–1932 Filed 1–21–75;8:45 am]

[FRL 323–6; OPP–60001]

VINYL CHLORIDE

Pesticide Products Containing Vinyl Chloride

On April 26, 1974, an emergency suspension order concerning registrations for certain indoor aerosol products containing vinyl chloride and a notice of intent to cancel registrations was published in the FEDERAL REGISTER (39 FR 14753). On July 19, 1974, an amendment to the notice was published (39 FR 26480); this amendment listed additional products for which the Agency gave notice of intention to cancel. All registrants were individually notified of the emergency suspension order and notice of intent to cancel by means of PR Notice 74–5, dated April 30, 1974.

In accordance with section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973) and the Notice of Intent to Cancel, the products listed below were cancelled. Unless an affected party requested a hearing, cancellation of these products was effective 30 days from the receipt of notice by the registrant or publication of the notice in the FEDERAL REGISTER, whichever occurred later.

The following is a list of the registrants involved and the products cancelled.

Dated: January 16, 1975.

JAMES L. AGEE,
Assistant Administrator for
Water and Hazardous Materials.

INDOOR AEROSOL PRODUCTS AFFECTED

Reg. No.	Product	Company
4206–25	Barcolene Spray Disinfectant.	The Barcolene Co.
7572–4	Blue White Ant & Roach Killer.	Blue White Chemical Co.
4–12	Bonide Household Flea Killer Spray.	Bonide Chemical Co.
106–19	Brulin Bug Bomb	Brulin & Co.
2382–53	Clipper Mate Lubricates, Sanitizes, Cools.	Carson Chemicals, Inc.
2382–33	Fogging Dispenser	Do.
2382–30	Lice and Mite Spray	Do.
2382–47	Parasidе with Sevin	Do.
498–56	Flea Killer for Dogs & Cats.	Chase Products Co.
2337–1	Demert Raw Roach, Ant & Wasp Killer.	Demert & Dougherty.
1990–361	Coop Dairy Insecticide for Milk Houses & Animals.	Farmland Industries, Inc.
1990–334	Insect Repellent for Personal Use.	Do.
1304–24	McNess Push-Button Spray Insect Killer.	Furst-McNess Co.
2270–222	Excelcide 16 oz. Aerosol Bomb.	The Huge Co.
334–306	"K" Insect Spray	Hysan Corp.
334–134	Mothrid Moth Proofer	Do.
334–356	Nokout 25 Aerosol Insecticide.	Do.
334–357	Nokout 35 Insecticide	Do.
334–251	Pet Repel	Do.
334–387	Spritz Metered Air Sanitizer.	Do.
7555–3	Rodgers' Insecticide & Repellent.	Jay-Rodgers Co.
6222–4	Cat-ette Flea Killer	Lora Labs.
6222–2	Dogette Flea Killer & Coat Conditioner.	Do.
1926–44	Kilzum Crawling Insect Killer w/Bagon.	Navy Brand Mfg. Co.
1926–43	Kilzum Fly & Mosquito Insecticide w/allethrin.	Do.
2196–176	Patterson's Aerosol Insect Killer.	Patterson Chemical Co.
4691–102	Anchor Flea, Lice & Tick Bomb.	Phillips-Roxane, Inc.
4691–38	Research FLT Bomb	Do.
9688–12	Total Release Insect Fogger.	Spray-Chem. Corp.
4684–3	African Violet Spray	Stim-U-Plant Labs.
731–12	Chaperone Flea & Tick Killer.	Sudbury Lab.
449–543	Pyrethrin Insecticide, Pressurized Dairy Insect.	Woodbury Chem. Co.

[FR Doc.75–1933 Filed 1–21–75;8:45 am]

[FRL 302–6]

MOTOR VEHICLE EXHAUST EMISSION RETROFIT DEVICES

Voluntary Retrofit Evaluation Program

Notice is hereby given of the establishment of a voluntary motor vehicle exhaust emission retrofit device evaluation program. The purpose of the program is to provide a standardized and centralized evaluation program to compile technical data on various exhaust emission retrofit devices which might be considered as possible candidates for implementation in one of the several areas for which retrofit control strategies have been promulgated pursuant to section 110 of the Clean Air Act.

The program was first proposed for public comment in the FEDERAL REGISTER on March 27, 1974 (39 FR 11334) and written comments on the proposed retrofit program were subsequently received from 20 organizations. Principally, the respondents were automobile manufacturers, retrofit device developers, and state air pollution agencies. Analysis of the substantive comments along with a discussion of technical changes to the program is provided below.

Several commenters suggested expanding the program to obtain test data on the retrofit device under a wider range of ambient conditions. In particular, it was suggested that emission and driveability tests be required at high altitudes and low ambient temperatures, in addition to the normal low altitude (sea level) conditions and the specified 63°F to 86°F and 60°F to 86°F temperature ranges for emission tests and driveability tests, respectively. It was also suggested that the impact of high and low temperature and dusty environments on the deterioration with mileage accumulation of the retrofit devices' performance be determined by requiring that some of the durability vehicles accumulate mileage under these conditions.

If all of these suggestions were adopted, the cost of participation in the program would be significantly increased. The concern expressed by a number of potential applicants about the current cost of this voluntary program causes EPA to be cautious about significantly increasing the program cost especially since its workability, to a large degree, lies in its acceptability to the potential applicants. However, EPA also recognizes the validity of the need for these data by those States which have such ambient conditions.

There are four major considerations regarding the suggested inclusion of high altitude testing in the program: (1) Most of the areas in which retrofit strategies are to be implemented are not at high altitude; (2) forcing those applicants who have no intention of selling devices for these high altitude areas to spend a considerable amount of money on evaluation of their device at high altitude would be wasteful and decrease the acceptability of the program to those applicants; (3) since the impact of high altitude on the performance of retrofit devices may be significant, there is a genuine need to quantify this affect for each device being considered for installation by those several areas at high altitude; and (4) the collection of high altitude data as an integrated part of this program would likely result in significantly less cost to both the device manufacturers and the State, at little additional cost to EPA, than if each state with high altitude problems initiated a separate evaluation. To balance considerations, emission and driveability testing at high altitude is made an optional part of the program. Applicants may elect to collect high altitude data in accordance with the procedure outlined and EPA will provide overview, verification, and dissemination to the states.

The majority of the states which plan to implement retrofit strategies experience cold temperature (i.e., 0–20°F) during some part of each year. Thus, there is justification to making some testing at low temperatures a program requirement. Accordingly, driveability testing at low temperatures for two of the ten durability vehicles prior to mileage accumulation is made an additional requirement in this publication. The two tests are sufficient to indicate if there is a problem and, at the same time, will keep the additional costs to a minimum.

Emission testing at low temperature, however, is not made a part of the program since currently there are no Federal test procedures for testing at low temperatures and, more importantly, there are no known commercial test facilities available to conduct such evaluations. However, the results of several investigations into this area in the near future are expected to allow EPA to make an engineering analysis of the potential effectiveness of retrofits at low ambient temperatures. Accordingly, EPA plans to provide this type of analysis of the applicants' retrofit devices to the states.

The need to determine the deterioration of retrofit devices due to mileage accumulation in hot, cold, or dusty environments is largely dependent upon the particular states in which the applicant wishes to sell his device. Thus, as for high altitude evaluation, this testing is made an optional part of the program. In particular, mileage accumulation under such environmental conditions is made optional on up to two of the ten durability vehicles.

The Administrator recognizes that some retrofit device developers may intend to only market their device in one or two states where high altitude or other special ambient conditions are present. Although this program provides for optional testing at high altitude and at ambient conditions other than those specified in the Federal Emission Test Procedure, such device developers may not wish to also participate in testing their devices at low altitude and the other specified ambient conditions required by these protocols. For this case, it is recommended that the device developer make direct arrangements with that particular state for a device evaluation program (which of course could be structured along the same lines as this program with modifications as needed). Since the developer only intends to seek approval of his device from one or two states, he will not encounter the potentially numerous widely varying state requirements that this program was developed to preclude.

Commenters on the proposed program suggested that the short cycle idle test and loaded-mode emission test (which are identified in the states' Transportation Control Plans for use in inspection/maintenance programs to determine periodically if motor vehicles require maintenance to reduce their emissions) be conducted in the retrofit evaluation program concurrent with the other emission testing. The purpose of doing such tests concurrently would be to establish the emission levels on these test procedures above which retrofitted vehicles would be required to have maintenance performed. Since the costs of adding these tests is very small while the benefit is significant, the requirements that these tests be conducted along with the other emission tests is incorporated in this publication.

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Comments received also suggested that, in addition to calculation of fuel economy over the city driving cycle used in the Federal Emission Test Procedure, fuel economy be measured over the newly developed Federal Highway Fuel Economy Test Procedure (39 FR 36847; October 15, 1974). Since testing on the highway cycle thus far has not revealed wide divergence in the relative or ranked fuel economy performance of vehicles from the city driving cycle, such an evaluation is not made mandatory but is added as an optional procedure.

Several of the comments received state that 15,000 miles was too short an interval to determine the deterioration of the retrofit devices' effectiveness in reducing emissions or the mechanical integrity of a retrofitted vehicle. One comment suggested mileage accumulation rates in proportion to the expected remaining useful life; another suggested fewer cars but greater mileage.

The following considerations are relevant to those comments: (1) Durability analysis is the single most expensive evaluation component in the proposed program; and (2) it is not feasible to design a program of reasonable cost which will provide a full evaluation and regorous statistical analysis of the effects of mileage accumulation on retrofitted vehicles. Rather, the durability testing program is designed to allow a reasonable engineering analysis of the effects of mileage accumulation on the mechanical integrity of the retrofitted vehicle while, at the same time, producing quantitative values by which the deterioration in initial emission reduction associated with the different devices can be compared. Adjusting the mileage accumulation for each vehicle up or down from the proposed 15,000 miles based upon the remaining useful life of the model year vehicles on which the device is to be installed or allowing fewer than the proposed ten durability vehicles to accumulate greater mileages would increase the difficulty of comparing the durability data for the different devices. Due to these considerations, the proposed mileage accumulation specifications have not been changed.

Comments received included suggestions that in order to minimize the cost of the evaluation program, credit should be given for emissions data previously generated. Much of this data has been generated using test procedures other than the 1975 Federal Test Procedure (FTP) which was the required emission test procedure in the proposed program. Thus, for previous data to be suitable for inclusion in these evaluations, it must have either been generated by the FTP or, through the development of a suitable correlation factors, be relatable to the 1975 FTP within an acceptable statistical confidence interval. Accordingly, a procedure by which previously acquired emissions data may be qualified is added to the program.

The qualification of previously acquired data raised the issue of using the Federal Emission Test Procedure with a hot (rather than cold) engine startup as a method of effecting a cost reduction for emission testing. One of the comments received carried the issue one step further, requesting that even those applicants who have no previous data be allowed to utilize a hot Federal Emission Test Procedure also. EPA considers this to be a reasonable request. Therefore, testing over the hot Federal Emission Test Procedure is made optional for the collection of new emission data if, through the development of a suitable correlation factor, it is relatable to the 1975 FTP within an acceptable statistical confidence interval.

It should be noted, however, that the number of additional cars necessary to be tested with hot start testing may negate any potential savings attributable to hot start testing. However, this trade-off is highly dependent on the correlation shown by a retrofit system between the hot start test and the FTP. The manufacturer will have to make the judgement on which of the test procedures he wishes to follow. It is felt that EPA can allow latitude to the manufacturer in selecting either of these test procedures since the procedural guidelines are rigorously constructed to ensure protection of air quality while allowing test cost savings.

The proposed program provided for the evaluation of retrofit devices on, in addition to light duty vehicles, motor vehicles with gross vehicle weights between 6,000 and 10,000 pounds. The testing provision for these vehicles was included since some states are contemplating retrofit for vehicles in this general weight range. However, the agency's position, policies, and technical approach to regulation of emissions from these vehicles are presently undergoing review. In the near future, regulations covering the test procedures and allowable emission levels for these vehicles are planned to be promulgated. To avoid the confusion that would be caused by the publication of one set of test procedures for these vehicles with this voluntary program followed shortly by publication of possibly different emission test procedures for these vehicles in the form of proposed regulations, the test procedures in this program for this category of vehicles is withdrawn. EPA will, at a future date, include in this program those test procedures necessary to determine the effectiveness of retrofit devices in nonpassenger vehicle applications.

Several automobile manufacturers indicated that they wish to comment on the applicability of specific devices to their vehicles prior to the initiation of device testing. Although such comments might be useful, their solicitation prior to completion of device testing would also create difficulties. First, EPA is not in a position to release information about the applicant's devices prior to completion of the program and then, only that information which the applicant has not shown to be a trade secret. Secondly, an attempt to solicit and respond to manufacturers' comments between receipt of application and approval of the test program would either require considerably greater expenditures of EPA manpower or cause significant delays to initiation of testing.

However, it is reasonable to obtain the motor vehicle manufacturers' comments after testing is completed. Accordingly, EPA will announce in the FEDERAL REGISTER the completion of each device evaluation and solicit comments from the vehicle manufacturers and other interested parties. Upon receipt of these comments, the retrofit device developer will be given an opportunity to respond to the comments received by EPA on his device. A synopsis and engineering analysis of the vehicle manufacturers' comments and the responses of the retrofit device developers to those comments will then be incorporated into the final report that will be provided to the States.

One automobile manufacturer's comments raised the issue of who is legally liable for adverse effects (e.g., engine failure or unsafe operation) of retrofit devices. The manufacturer's comment was to the effect that a vehicle manufacturer must have an opportunity to approve the use of any retrofit device on his vehicles or, in the alternative, that state law must specifically relieve the manufacturer of any responsibility.

The suggestion that the installation of retrofit devices be made to depend upon automobile manufacturers' approval must be rejected because it is always to the automobile manufacturer's disadvantage to assume liability for engine failure or unsafe operation caused by retrofit devices not of their manufacture. Also, under traditional principles of tort liability, the vehicle manufacturers would not be held liable for damages or injuries caused by use of a device which he did not offer for use or approve, thereby obviating the need to protect the automobile manufacturer through granting him veto power over installation of retrofit devices or by specifically disengaging him from responsibility for adverse effects of retrofit devices through state law.

It is legally sound and advisable for the states to require retrofit device manufacturers to warrant against engine damage and excessive emissions, the latter being similar to Congress's actions under § 207 of the Clean Air Act. EPA encourages the states to take this action where state law does not already so provide.

Other changes from the proposal include changes to the maintenance allowed during mileage accumulation on the durability fleet and a change in the method of calculating the deterioration factor.

Tuneup during the 15,000 miles to be accumulated on durability vehicles will not be allowed unless poor vehicle operation has been noticed by the driver of the vehicle and EPA approval of the tune-up is obtained. Also, no maintenance of the retrofit device during mileage accumulation will be allowed. This change has been made to increase the meaningfulness and comparability of the durability data. The 15,000 miles approximates an annual accumulation rate. Since annual inspection/maintenance will be coupled with retrofit implementation, it is expected that the need for tuneup and retrofit maintenance will be identified and performed only annually for the average vehicle.

The emissions deterioration factor in the proposed program was expressed as the fractional change per mile in the initial emission level after installation of the retrofit device. A more useful way to express deterioration is as the percentage change in the initial emissions reduction at 15,000 miles. Thereby, if the deterioration of a device was said to be 60 percent at 15,000 miles, it would mean that 15,000 miles after installation the device had lost 60 percent of its initial emissions reduction, or, in other words, 60 percent of its initial effectiveness. Thus, a deterioration factor of 0 percent indicates that the device is as effective after 15,000 miles as it was on the first mile. A deterioration factor of 100 percent indicates the device has lost all of its effectiveness after 15,000 miles. This means of expressing deterioration is adopted in this publication.

On May 7, 1974, the Environmental Protection Agency published in the FEDERAL REGISTER a statement of policy on environmental impact statements. Briefly, that policy is that the Agency will prepare environmental impact statements on its most significant regulatory actions, although not required by law to do so. Since this voluntary retrofit evaluation program is not a regulatory action, no environmental impact statement has been prepared.

The voluntary retrofit device evaluation program is set forth below and is operational immediately.

Dated: January 14, 1975.

RUSSELL E. TRAIN,
Administrator.

1.0 *General provisions.*

1.1 *Program goals.* The purpose of this program is to provide a standardized and centralized evaluation program to compile technical data on various exhaust emission retrofit devices applicable to light duty vehicles. The program does not include test procedures suitable for the evaluation of fuels, fuel additives, refueling loss retrofit devices, or evaporative emission control retrofit devices.

Data generated under this program will be evaluated by the Administrator of the Environmental Protection Agency (EPA) and published for use by those authorities, state and local, responsible for the implementation of transportation controls to assist in the achievement of ambient air quality goals. It should be stressed that the role of this program will be the generation, analysis and dissemination of technical data, and not one of approval or certification of retrofit devices.

The program will primarily address the emission control potential, durability, driveability, and fuel consumption effects of specific retrofit devices presented for evaluation. Multiple vehicle testing will allow statistical analysis of the test results. Testing is intended to be performed at independent testing laboratories, and will be subject to monitoring and inspection by the Administrator. All costs incurred in the evaluation other than those of the EPA's participation will be the responsibility of the applicant for evaluation.

1.2 *Eligibility for participation.* Participation in this evaluation program will be available to any individual or company who agrees to follow the procedures set forth in these protocols. Failure to conform to any aspect of these protocols, without the approval of the Administrator may be interpreted as withdrawal from participation in the program.

1.3 *Applicant's responsibilities.* Each applicant for evaluation under this program will be responsible for the following:

(a) Submission of an application, of specified format, to the Administrator prior to initiation of the evaluation. Each application shall include summaries of any information available to the applicant concerning:

(i) Whether or not the device or system in its operation or function causes a motor vehicle equipped with that device or system to emit into the ambient air any substance (other than hydrocarbons, carbon monoxide, oxides of nitrogen, or normal atmospheric constituents such as oxygen, nitrogen, or water vapor) in a quantity differing from that emitted in the operation of the motor vehicle without such device or system, and

(ii) Whether or not the device or system in its operation or function or malfunction results in any unsafe condition endangering the motor vehicle or its occupants or persons or property in close proximity to the vehicle.

(b) Arrangement with independent testing laboratories for testing necessary for all phases of the evaluation.

(c) Payment of all costs incurred in the evaluation, including the costs of shipping vehicles to the EPA's Motor Vehicle Emissions Laboratory in Ann Arbor, Michigan, when required, except for the costs of the EPA participation.

(d) Submission of progress reports and notifications to the Administrator as specified in these protocols.

(e) Submission of a final report, of specified format, to the Administrator promptly after completion of the evaluation (details in section 8.2).

1.4 *Definitions:* (a) Except as specifically defined below, all terms used in these protocols which are defined in the Clean Air Act (42 U.S.C. 1857, F–1 through F–7, as amended by Pub. L. 91–604) or Subpart A of Title 40, Part 85 of the Code of Federal Regulations shall have the meanings provided therein.

(b) "Retrofit" means the addition of a new item, modification or the removal of an existing item of equipment beyond that of regular maintenance, which is made to a motor vehicle after its initial manufacture for the purpose of reducing emissions.

(c) "Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

(d) "Baseline configuration" means the unretrofitted test configuration after the vehicle manufacturer's specified tune-up maintenance has been performed.

(e) "Parametrically adjusted configuration" means the test configuration after adjustment of engine parameters to the retrofit specifications, but excluding retrofit hardware installation.

(f) "Retrofitted configuration" means the test configuration after adjustment of engine parameters to the retrofit specifications and after all retrofit hardware has been installed.

(g) "Zero device-miles" means that period of time between retrofit installation and the accumulation of 50 miles of vehicle operation after installation.

(h) "Emission data fleet" means a fleet of vehicles tested at 'zero device miles' in 'baseline configuration', the 'retrofitted configuration', and in some cases, the 'parametrically adjusted configuration' in order to determine the average emission reduction of the 'retrofitted configuration' and where applicable the 'parametrically adjusted configuration' as compared to that of the 'baseline configuration".

(i) "Durability fleet" means a fleet of vehicles operated for mileage accumulation used to assess deterioration effects associated with the retrofit device.

(j) "Federal emission test procedures" means the test procedures specified in §§ 85.075–7 through 85.075–27 of Title 40, Chapter I, Part 85 of the Code of Federal Regulations in effect on the date of adoption of these protocols, except as those procedures are modified in these protocols.

(k) "Hot Federal emission test procedure" means the operation of the vehicle through one (1) EPA Urban Dynamometer Driving Schedule, a 10-minute soak, followed by an additional operation of the vehicle through another EPA Urban Dynamometer Driving Schedule. An exhaust sample is continuously collected during the second EPA Urban Dynamometer Driving Schedule for subsequent emission analysis.

(l) "Preconditioning" means the operation of the vehicle through one (1) EPA Urban Dynamometer Driving Schedule.

(m) "Independent laboratory" means a test facility operated independently of any motor vehicle, motor vehicle engine, or retrofit device manufacturer for the purpose of performing retrofit device evaluation emissions tests. Additionally, the laboratory shall have no financial interests in the outcome of these tests other than a fixed fee charged for each test performed.

2.0 *Vehicle fleet selection.*

2.1 *Emission data fleet.* In order to compile data on the effectiveness of specific devices which will ultimately allow state authorities to make realistic device approval decisions, the following statistical goals have been established for this

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program. It is desired that the experiment allow determination of the mean percent reduction (or increase) of hydrocarbons, carbon monoxide, and oxides of nitrogen within a band of ±5% with 90 percent confidence. For example, the results of a particular evaluation might state that the mean hydrocarbon reduction associated with the device is a measured reduction of 25 percent within a band of 20 to 30 percent with 90 percent confidence.

An analysis of the variance experienced in various device evaluations previously performed by the Administrator indicates that a maximum sample size of 113 vehicles should be needed to obtain the desired statistical assurance.

To determine the sample size required for a particular device evaluation, two approaches are available to the applicant. First, the applicant may elect to use a sample size of 113 vehicles. Alternatively, the applicant may conduct a preliminary device evaluation using a 10-vehicle fleet approved by the Administrator. The preliminary test data will be analyzed for variance by the Administrator and a new sample size will be determined which could be 113 or fewer vehicles. The data from the 10 vehicles can be included in the overall analysis. Discussion of the statistical test to be used for fleet sizing can be found in Appendix A.

Once the sample size has been determined, the Administrator will specify the test fleet makeup by model, model year, engine displacement and transmission type. The sample of vehicles to be tested will be representative of the distribution of vehicles in the national population to which the device applies. Because of their limited availability and relatively small impact on air quality, no vehicles more than ten years old will be selected for evaluation. As appropriate, the oldest model year represented will be weighted to account for those older vehicles still in use.

2.2 *Durability fleet.* A fleet of ten vehicles whose composition has been selected by the Administrator using the same criteria as for the emission data fleet, shall be operated and tested through 15,000 miles of device operation.

In order to maximize the potential analysis and interpretation of the information obtained from the durability portion of the program, and to ascertain durability vehicles' engine condition, it is required that each vehicle to be included in the mileage accumulation portions of the program be subjected to engine diagnostic tests prior to and immediately following mileage accumulation (the vehicle to be in the baseline configuration). While certain diagnostic tests will be specified relative to the specific retrofit device under evaluation, the following tests will be performed, analyzed, and reported for each vehicle (tests to be performed as specified by the vehicle manufacturers' shop service manual):

(a) Engine parameters—timing, dwell, idle speed, idle mixture, idle vacuum.
(b) Cylinder compression.
(c) PCV flow.
(d) Plug voltage and ignition wire inspection.
(e) Cylinder leak down.

2.3 *Test vehicle tune-up.* All vehicles employed in evaluations within this program will be adjusted to the vehicle manufacturer's specifications prior to conducting baseline testing. The following items may be replaced as necessary with OEM or equivalent replacements:

(a) Oil.
(b) Oil filter.
(c) Air cleaner element.
(d) Spark plugs.
(e) Condenser.
(f) Distributor rotor.
(g) Distributor points.
(h) Ignition wires.
(i) Distributor cap.
(j) PCV valve.

No adjustments or replacements can be made to any internal engine component. Exhaust systems must be repaired to provide a leak-free system. A close visual scrutiny of each vehicle in the program must be made to assure this leak-free condition. OEM or equivalent parts will be used for replacement of exhaust system components. At least 50 miles of break-in shall be run to provide for removal of drawing oil residue on the replacement parts before beginning the specified tests.

2.4 *Vehicle rejection.* No vehicle within the confines of the selection criteria may be rejected from the program once it has been received by the independent laboratory unless such gross mechanical defects are exhibited as would severely threaten its ability to complete the testing sequence. While diagnostic or inspection tests may be conducted, vehicles will not be rejected due to the results of engine diagnostic tests or inability to adjust engine parameters to the automobile manufacturer's or retrofit installation specifications.

3.0 *Emission test procedures.*

3.1 *Light duty vehicle emission testing.* For the purpose of evaluation under these protocols, testing will utilize the Federal emission test procedure (at altitudes under 549 meters (1,800 feet) except as provided under section 5.4 and 5.5). However, the following modifications will be allowable to the Federal emission test procedures for evaluation of light duty vehicles under these protocols:

(a) No evaporative emission loss, as specified by the Code of Federal Regulations, Part 85, § 85.075–13, need be measured (with the exception of systems modifying or disconnecting existing evaporative control devices or systems in such a manner as would be expected to adversely affect their evaporative emission control performance).

(b) Vehicle preconditioning shall consist of operation of the vehicle through one EPA Urban Dynamometer Driving Schedule. This preconditioning must be done at least 12 hours before, but no earlier than 24 hours before the emission test.

(c) While the test fuel must meet the specifications outlined in the Code of Federal Regulations, Part 85, § 85.075–10, fuel conditioning as specified for evaporative emission test procedures is not required.

(d) Hot Federal emission test procedure testing will be allowed if an adequate correlation can be established between the hot Federal emission test procedure and the Federal emission test procedure. An adequate correlation exists if the sample size required to bracket the percent reduction estimate is considered satisfactory to the applicant upon solution of Equation (B4) found in Appendix B. The general approach presented in Appendix B, Qualification of Previous Data, can be applied to the collection of new data by the hot Federal Emission Test Procedure with the intention of putting a fixed width confidence interval around the mean percent reduction of each pollutant measured by the Federal Emission Test Procedure. The applicant will be required to test the initial sample of ten vehicles by the Federal Emission Test Procedure. For each vehicle, a mean percent reduction in emissions would be calculated. In addition, the results of bags two and three (the cold stabilized bag and the hot transient bag) would be used to calculate an equivalent hot Federal emission test procedure mean percent reduction. Based on these results, a measurement of the correlation, r, is computed. The width of the confidence interval can be set equal to 5 percent in order to solve for n', the size of the hot Federal emission test procedure data base which would be required. Confidence width: $5=(1.833)\sqrt{V(\bar{y}_i)}$, where $V(\bar{y}_i)$ is defined in equation (B–2) Appendix B. The manufacturer would then be allowed to test n' additional vehicles selected by the fleet selection procedure in order to establish an estimate of the mean percent reduction with a confidence of ±5 percent. The applicant should realize that this procedure will result in more total emission data fleet tests than the Cox tow sample procedure which is based on all 1975 Federal emission test procedure testing (see Appendix A). In choosing a procedure, the applicant can trade-off the reduced cost of hot Federal emission test procedure testing against the increased number of hot Federal emission test procedure tests required to achieve the same confidence level. Once the initial ten vehicles have been tested, the applicant will be required to commit himself to one of the two specified procedures.

An example is given to illustrate the trade-offs which exist between number of tests and cost of test. The following set of data can be considered as representing the reduction of an initial set of ten vehicles.

SAMPLE DATA ON 10 VEHICLES

Cold Federal emission test procedure	*Hot Federal emission test procedure*
10	20
25	40
30	40
25	35
15	10
20	20
25	20
35	40
30	40
50	40

The number of additional vehicles needed to place a ±5% confidence interval around the mean percent reduction can be computed. If the additional vehicles are to be tested by the hot Federal emission test procedure, an additional 8 vehicles would be needed. This number is arrived at by solving for n' in equation (B–4) Appendix B. If the additional vehicles are to be tested by the 1975 Federal emission test procedure, an additional 2 vehicles would be needed. This number of 2 is based on the solution of equation (A–5) found in Appendix A.

3.2 [Reserved]

3.3 *Emission test configurations.* In order to measure the effectiveness (at zero device-miles) of a retrofit device or system, at least two, and in some cases three, vehicle configurations will be tested.

The first test configuration is a baseline test. In this test the baseline or unretrofitted vehicle emissions will be measured.

The second test may be required at the discretion of the Administrator for the following reason: If a device concept uses both hardware and engine parameter monifications jointly to achieve emission control, it is necessary to distinguish the hardware effects from the parameter adjustments effects. If, in the Administrator's judgement, based on a review of the application for evaluation, the combined effects of retrofit hardware installation and parametric adjustment could be substantially duplicated by parametric adjustment alone, then the Administrator may specify a second test, defined as the parametrically adjusted configuration, to evaluate such adjustment exclusive of the retrofit hardware.

The third test will evaluate the full retrofit system installed on the vehicle.

4.0 *Durability test procedures.*

4.1 *Test configuration.* Vehicles included in the durability fleet will be subjected, at zero device-miles, to the same test sequence as is specified in Section 3.3, with the exception that the baseline tests will be done in duplicate. Subsequently, they will be tested at 3,000 device-mile intervals, up to and including the final mileage point of 15,000 device-miles. Testing at these mileage points will be performed with the vehicle equipped with the full retrofit system.

Subsequent to the 15,000-mile test the vehicle will be tuned as necessary and the retrofit adjusted to the applicant's specifications. The fully restored retrofitted configuration will then be tested. The retrofit system will then be removed from the vehicle and the vehicle set to vehicle manufacturer's specifications. A tuned baseline test will then be conducted in duplicate.

4.2 *Mileage accumulation procedure.* Mileage accumulation procedures shall follow those outlined in the Code of Federal Regulations, Part 85, § 85.075–7, except as amended by these protocols. The light duty mileage accumulation schedule or a suitable alternate procedure approved by the Administrator will be used. An alternate mileage accumulation procedure has been approved by the Administrator and is detailed in MSAPC Advisory Circular No. 37 dated December 20, 1973. This Advisory Circular reflects the reduction to 55 mph of the maximum speed limits on public roads.

Fuel used in the mileage accumulation shall be a commercial fuel available in the retail market and conform to the requirements of § 85.075–10(b). The fuel specifications of the commercial fuel utilized will be reported to the Administrator in the final report.

4.3 *Maintenance.* Maintenance during the durability portion of this evaluation can best be considered in three separate categories:

(a) Normal scheduled vehicle maintenance.
(b) Unscheduled vehicle maintenance.
(c) Retrofit maintenance.

Normal scheduled vehicle maintenance can be defined as those periodic services specified in the original owner's manual supplied to the owner at the time of new vehicle purchase. Normal periodic engine oil changes, vehicle lubrication, and oil filter changes, as specified in the original owner's manual, will be allowed during durability mileage accumulation. However, for purposes of these protocols, the following items of normally scheduled vehicle maintenance will not be allowed during the durability mileage accumulation of 15,000 miles:

(a) Normal tune-up items:
(i) Spark plugs.
(ii) Condenser.
(iii) Rotor.
(iv) Distributor contact points.
(b) Air cleaner element.
(c) Inspect PCV.
(d) Dwell and timing check.
(e) Charging circuit check.

Periodic maintenance items, other than those listed above that are specified in the original owner's manual may be performed upon approval of the Administrator. Notification shall be made to the Administrator of the intent to perform such additional periodic maintenance. The notification shall detail both the nature and frequency of the additional planned maintenance in accordance with the recommendations in the original owner's manual. No such maintenance will be performed without the approval of the Administrator.

Because the vehicles used for durability evaluation in this program will probably have considerable mileage accumulation and unknown maintenance prior to inclusion in the program, it can be anticipated that certain vehicle and engine failures may occur. These failures may be unrelated to the retrofit device. Unscheduled maintenance will be allowed only in those cases where a significant driveability problem has been indicated by the driver of the vehicle. With the exception of the following, the Administrator shall be notified of the failure and must approve the maintenance prior to correction of the problem:

(a) Tire replacement (same size).
(b) Vehicle body repairs (remote from engine and retrofit).
(c) Windshield wipers.
(d) Fluid levels unrelated to retrofit.
(e) Brakes.
(f) Hoses unrelated to retrofit.
(g) Belts unrelated to retrofit.
(h) Suspension failures.
(i) Wheel alignment.
(j) Steering.
(k) Wheel bearings.
(l) Non engine electrical system.
(m) Drivetrain components (U-joints, axles, transmission adjustments, etc.).

No other unscheduled maintenance of the engine or drivetrain may be made without the prior approval of the Administrator. Upon notification of a need for unscheduled maintenance, the Administrator may decide that before and after maintenance emission tests are required. If any questionable failure occurs, a general rule to notify the Administrator prior to performance or corrective maintenance will be the safest course of action.

Certain retrofit devices may require periodic maintenance. These maintenance requirements shall be detailed in the application to the Administrator. However, maintenance of the retrofit device shall not be performed during the accumulation of durability mileage of 15,000 miles.

A log of all maintenance shall be kept for every vehicle. These logs will be summarized and reported to the Administrator in the final report.

5.0 *Other test procedures.*

5.1 *Driveability effects.* It is important to assess the impact which installation of a specific retrofit device may have on vehicle driveability. Driveability assessment (at normal ambient temperatures) of the baseline configuration, of the parametric adjustment configuration (if required), and of the fully retrofitted configuration shall be conducted at zero device-miles for all vehicles included in the durability fleet, and at approximately zero device-miles for two (2) of these vehicles at low ambient temperatures (0°F–20°F). Driveability evaluation procedures to be used are presented in Appendix C.

5.2 *Fuel consumption effects.* Part of the cost or benefit of a retrofit system can stem from that system's effect on fuel consumption. Carbon balance fuel consumption shall be calculated for all emission tests in all configurations during the evaluation program. Details of the carbon balance calculation are presented in Appendix D.

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The applicant may use, in addition to, but not in place of, the conventional carbon balance measurement, a gravimetric analysis of fuel consumption and/or the recently developed Environmental Protection Agency's Fuel Economy Highway Driving cycle, (39 FR 36847; October 15, 1974). If the applicant utilizes either of these techniques, the results shall be reported in the final report to the Administrator.

5.3 *Specialized testing (required by the Administrator).* Many of the ultimate users of the data generated by these protocols are contemplating inspection procedures incorporating either an idle mode and/or the loaded mode test. Therefore, both of these tests will be performed whenever the Federal test procedure is performed.

Idle-mode test. The Idle-mode test is conducted by measuring two emission samples from each exhaust outlet. The first emission sample is collected with the vehicle's transmission in neutral and the engine operating at 2250 rpm. The second sample is collected with the vehicle's transmission in the position recommended by the manufacturer for adjusting the idle speed, and the engine idling. An engine speed indicator with a graduated scale from zero to at least 2500 rpm is used for this test.

Loaded-mode test. The Loaded-mode test for the first two phases of the driving cycle described in Table I is conducted by measuring the levels of emission concentrations from each exhaust outlet of a motor vehicle operated on a chassis dynamometer, with the vehicle's transmission in the setting recommended by the vehicle manufacturer for the speed-load combination being tested. For the idle phase, vehicles with automatic transmissions are tested in drive, and vehicles with standard transmissions are tested in neutral.

TABLE I.—*Driving cycle (speed-load combinations)*

Curb weight plus 300 lb	1st phase—high cruise	2d phase—low cruise	3d phase—Idle
3,801 lb and up	48 to 50 mi/h at 27 to 30 hp	32 to 35 mi/h at 10 to 12 hp	At idle.
2,801 to 3,800 lb	44 to 46 mi/h at 21 to 24 hp	29 to 32 mi/h at 8 to 10 hp	Do.
2,000 to 2,800 lb	36 to 38 mi/h at 13 to 15 hp	22 to 25 mi/h at 4 to 6 hp	Do.

Both the Idle-mode and Loaded-mode tests are conducted with the vehicle engine at its normal operating temperature, as specified by the vehicle manufacturer.

The equipment used for analyzing the emission concentration levels by either test procedure shall have the following characteristics:

(a) A warm-up period not to exceed 30 minutes;

(b) An ability to withstand sustained periods of continuous use;

(c) A direct and continuous meter readout that allows readings for concentration levels of carbon monoxide (CO) from 0–10%, and of hydrocarbon (HC) from 0–2000 ppm hexane; and, if used for the loaded-mode inspection, at least one additional expanded direct and continuous readout for concentration levels of carbon monoxide and of hydrocarbon, such as from 0–5% and from 0–1000 ppm hexane, respectively;

(d) An accuracy of better than ±5% of the full scale reading for each concentration range;

(e) An ability to be read for each emission concentration level, within 10 seconds after the emission sample has been taken, that is not less than 90 percent of the final reading; and

(f) A calibration system using a standard gas, or an equivalent mechanical or electrical calibration system which itself is based on a standard gas.

5.4 *Specialized testing (Administrator's discretion).* Certain individual retrofit devices, due to their specific characteristics, may change engine operation in such a way as to potentially impact engine durability or cause potentially hazardous operational characteristics. It can be visualized, for instance, that dangerous cooling system temperature conditions, high exhaust valve temperatures, excessive noise levels or increased octane requirements may be encountered for certain devices. Evaluation of these problem areas will be a part of the retrofit evaluation program. In general, these specific evaluations will be limited to the durability fleet vehicles. The Administrator may specify any additional evaluations required for a particular device subsequent to the receipt of the retrofit evaluation application. These evaluations will be based on a technical review of the operation principles of the specific device. For example, these discretionary specialized tests might include emission and driveability testing under high altitude conditions (84.38 kPa (24.72 inches Hg) plus or minus 2.77 kPa (0.82 inches Hg)).

Upon notification from the Administrator that additional specialized tests are required, the applicant will submit a detailed test program for the Administrator's approval, outlining the testing procedures and test location before initiating specialized testing.

5.5 *Specialized testing (applicant's option).* The Administrator recognizes that some applicants may be desirous of accumulating additional test data at optional test conditions other than those test conditions specified in the 1975 Federal Emission Test Procedure. The Administrator will accept emissions and/or driveability test data generated under the aforementioned high altitude conditions, at high ambient temperatures (90–110°F), at low ambient temperatures (0–20°F) or in dusty environments, for inclusion in the final technical report. *Provided,* The data are generated on no fewer than five vehicles which are similar to those vehicles selected by the Administrator for the emissions or durability test fleets. The five vehicles will be tested in the baseline, parametrically adjusted (if necessary) and the retrofitted configuration utilizing the cold start 1975 Federal Emission Test Procedure at the optional test condition.

If the applicant wishes to submit previously accumulated data generated under the aforementioned optional test conditions on any test procedure (7 mode, hot start, etc.) other than the 1975 Federal Emission Test Procedure, it will be accepted provided correlation data are submitted on a minimum of five vehicles. Each correlation vehicle will be tested in the baseline, parametrically adjusted (if necessary) and the retrofitted configuration utilizing both the other test procedure and the 1975 Federal Emission Test Procedure at the same optional test condition. For example, both sets of tests would be performed at 100° F on the same vehicles. These data along with any additional data collected at optional conditions will be used to establish the correlation coefficient and confidence interval around the comparable 1975 Federal Test Procedure reduction.

The Administrator will comment in the final technical report about the statistical confidence, applicability, and technical merits of the optional test condition data submitted by the applicant.

6.0 *Use of previously accumulated test data.* The administrator is cognizant of the fact that prior to issuance of this protocol, some applicants may have accumulated emission and durability test data for their retrofit devices using test procedures other than the Federal emission test procedure. Rather than burden these applicants with repetitious testing, the Administrator has formulated a procedure for qualification of previous data. This procedure is outlined in Appendix B. If previous data are submitted for qualification, it will include all previous emission and durability data collected on those vehicles equipped with the retrofit devices as described in the application for evaluation.

The following general guidelines will be followed in the Administrator's analysis of the suitability of previous data:

(a) Data must have been compiled on a form of the retrofit system which is identical to that currently being evaluated.

(b) The vehicles used for testing must have been substantially identical to those which would be specified in this program, thus, the Administrator is forced to drastically limit the use of the California controlled cars in this evaluation (no more than 10 percent, roughly corresponding to the national distribution).

(c) A correlation factor must be developed which results in a confidence interval within the bounds specified in Appendix B.

(d) The previous testing must have reasonably corresponded to the general procedural conditions specified in this

evaluation; e.g., vehicle tune-up procedures, exhaust system repair, etc.

Qualification of previously acquired durability data will follow the same guidelines with the additional requirements that mileage accumulation procedures and maintenance practices must be reasonably comparable to those specified in this program.

7.0 *Device installation.* In order to assess the requirements for proper device installation through this evaluation, the following procedures should be followed:

(a) Installers will be selected by the testing laboratory who have had no previous experience with installation of the specific system under evaluation.

(b) The applicant will design and conduct necessary training sessions and supply printed instructions to the installers.

(c) The applicant will not directly participate in the installation task.

(d) Anomalies encountered during installation will be corrected. Details on the problem and actions required to avoid the problem in future installations will be submited in the final report.

(e) Accurate records of the time required for installation and tools or equipment used for installation must be kept.

8.0 *Program Administration.*

8.1 *Application format.* In order to compile relevant data on specific retrofit control techniques and to allow timely response by the Administrator to requests for evaluation, a standard application format should be used. Submissions should be made to:

Director, Emission Control Technology Division
Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, Michigan 48105
ATTN: Retrofit Evaluation

Four weeks should be allowed for analysis of the submission and response. As indicated in other sections of this document, evaluation may not proceed prior to the Administrator's approval of test fleets, specification of necessary parametric testing and other testing requirements, and approval of proposed maintenance.

To facilitate rapid response by the Administrator, the application should concisely and yet fully detail the following: (It is recommended that the topics be organized in the same manner as the following outline).

APPLICATION FORMAT

I. DEVICE OR CONTROL TECHNIQUE DESCRIPTION

A. Operational theory.
B. Hardware description.
1. Component description.
2. Connections and interfaces to vehicle and/or engine.
3. Sensors or modulators and calibration and trigger points.
4. Materials used in device construction.
5. Parametric adjustments.
C. Pictorials showing installation.
D. Retail cost estimate (device cost and installation cost).
E. Useful life (method of testing and data).

II. DEVICE APPLICABILITY

A. Applicability to vehicle population.
1. By make and model.
2. By model year.
3. By engine.
B. Exceptions (e.g., multiple carburetion, fuel injection, 4-cylinder engines, trailer towing, high speed, etc.).

III. INSTALLATION REQUIREMENTS

A. Printed installation instructions.
B. Mechanic training required.
C. Tools and/or equipment required.
D. Estimated installation time.
E. Parametric engine adjustments.
F. Diagnostic procedures (special equipment).

IV. DEVICE MAINTENANCE

A. Frequency.
B. Maintenance description.
C. Time required.
D. Tools, equipment, materials.
E. Estimated cost to consumer.
F. Diagnostic procedures.

V. EXISTING TEST DATA (INCLUDING INFORMATION REQUIRED BY SECTIONS 3.1(D) AND 6.0 OF THESE PROTOCOLS.

VI. PROPOSED TESTING LABORATORY

A. Facility description.
B. Capabilities.
C. Calibration and maintenance procedures.

8.2 *Reporting format.* In order for the Administrator to quickly analyze and disseminate the results of retrofit evaluations, the following report format should be employed and submitted to:

Director, Emission Control Technology Division
Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, Michigan 48105
ATTN: Retrofit Evaluation

REPORT FORMAT

I. RETROFIT DEVICE EFFECTIVENESS DATA (DATA FLEET)

A. Summary.
1. Applicability (device).
2. Observed mean percent reduction (see Appendix A).
B. Test Fleet Description (tabular).
1. Make and model.
2. Model year.
3. Engine (CID).
4. Carburetion.
5. Transmission.
6. Odometer mileage.
7. Program car number.
8. Vehicle serial number.
C. Emission Data.
1. Program car number.
2. Baseline, HC, CO, CO_2, NO_x, fuel consumption.
3. Parametric HC, CO, CO_2, NO_x, fuel consumption (if required).
4. Retrofitted HC, CO, CO_2, NO_x, fuel consumption.
D. Discussion of Statistical Analysis (see Appendix A).

II. DURABILITY RESULTS (DURABILITY FLEET)

A. Summary.
1. Individual plots of HC, CO, CO_2, NO_x and fuel consumption vs. mileage for the retrofitted vehicles.
2. Device deterioration factors for individual vehicles and fleet average (see analysis technique in Appendix A).
3. Percent return in effectiveness of the fully retrofitted configuration due to the 15,000-mile tune-up as compared to the untuned baseline for individual vehicles and fleet average.
B. Test Fleet Description (tabular).
1. Make and model.
2. Model year.
3. Engine (CID).
4. Carburetion.
5. Transmission.
6. Odometer mileage (beginning and ending).
7. Program car number.
8. Vehicle serial number.
C. Emission Data versus Mileage (tabular).
1. Program car number.
2. Retrofitted configuration HC, CO, CO_2, NO_x and fuel consumption vs. mileage.
D. Vehicle and Device Installation and Maintenance.
1. Detailed description of all maintenance performed.
2. Emission test results, where requested, before and after maintenance.
3. Installation time requirements.

III. RESULTS OF OTHER TESTING

A. Driveability.
B. Special tests.
C. Idle and loaded mode tests.

8.3 *Environmental Protection Agency Monitoring.* In addition to those aspects of normal contact with the applicant discussed in previous sections, the Administrator will, to the extent possible, monitor the progress and execution of the retrofit evaluations. This monitoring may include announced and unannounced visits to testing sites, checks of raw data files, and limited correlation and/or confirmatory testing in the Environmental Protection Agency's Ann Arbor Laboratory (vehicle to be shipped to Ann Arbor at applicant's expense if required by the Administrator).

Deficiencies will be reported to both the laboratory and to the applicant in order to facilitate correction. If necessary, caveats concerning the validity of the test results will be added to the test report by the Environmental Protection Agency prior to dissemination.

8.4 *Laboratory qualifications.* In order to qualify as a testing laboratory for this program, a facility must be so equipped as to be capable of conducting emission tests according to the Federal test procedures as specified in these protocols. In addition, the test facility should have the capabilities required for device installation, vehicle maintenance, and other testing as discussed in previous sections. Finally, the testing laboratory must meet the definition of independent laboratory as defined in Section 1.4.

APPENDIX A—STATISTICAL PROCEDURES

I. *Determination of emission data fleet size.* Under these protocols, the applicant will elect to use either a one-stage or a two-stage sampling procedure for determining the size of the emission data fleet. The two-stage procedure requires a separate initial testing program and additional statistical analysis, but may result in a smaller total testing requirement than the one-stage procedure.

A. *One-stage sampling procedure.* If the applicant elects the one-stage sampling procedure, the size of the emission data fleet is automatically set at 113 vehicles. This number has been determined by the Administrator based upon the desired statistical confidence in the mean emission reduction

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for the emission data fleet and the variability observed in previous device evaluations conducted by the Environmental Protection Agency. The composition of the fleet in terms of models, model years, engine displacements, and transmission types to be included will be specified by the Administrator considering the applicability of the device specified in the application for evaluation.

B. *Two-stage sampling procedure.* If the applicant elects to employ the two-stage sampling procedure, he will be required to arrange initially for emission data (zero device-mile) testing of a 10 vehicle fleet. The composition of the initial fleet will be specified by the Administrator after review of the application for evaluation.

Based upon the results of such testing, the applicant will be required to report to the Administrator separately for each pollutant (HC, CO, and NOx) and fuel consumption, the individual vehicle test results, the sample mean percent reduction ($\bar{p}$), and the sample variance (s^2). (See equations (A-2) and (A-3), below.)

$$P_i = \frac{Y_{i1} - Y_{i2}}{Y_{i1}} \times 100\% \qquad \text{(A-1)}$$

P_i = percent reduction (increase) in emissions or fuel consumption for the ith vehicle,

Y_{i1} = baseline emissions in grams/mile or fuel consumption in gallons/mile for the ith vehicle, and

Y_{i2} = emissions in grams/mile or fuel consumption in gallons/mile for the ith metrically adjusted) configuration. vehicle in the retrofitted (or para-

$$\bar{p} = \frac{\sum_{i=1}^{n} p_i}{n} \qquad \text{(A-2)}$$

where:

$\bar{p}$ = sample mean percent reduction of the retrofitted (or parametrically adjusted) configuration relative to the baseline configuration, and

n = total number of vehicles in the sample.

$$s^2 = \frac{\sum_{i=1}^{n} (P_i - \bar{p})^2}{n-1} \qquad \text{(A-3)}$$

where:

s^2 = sample variance.

The required size of the second sample (the remainder of the emission data fleet which will be required to be tested) will be determined by the Administrator using the data submitted for the initial fleet. The total size of the emission data fleet will be selected to provide assurance that the mean percent reduction of each pollutant can be bracketed within a band of at most plus or minus five percent with 90% confidence. The procedure which will be used to size the second sample is discussed in "Estimation by Double Sampling", by W. R. Cox (Biometrica, 1952, Vol. 39). The sample size is given by:

$$n = \frac{4 s_1^2}{\Delta^2} \left(1 + \frac{2}{N}\right) g_a^2 \qquad \text{(A-4)}$$

where:

n = size of total test sample,

s_1^2 = variance of first sample,

Δ = full width of desired confidence interval expressed as a fraction,

N = sample size of first sample, and

g_a = the normal deviate exceeded with probability α.

In this case, $N=10$, and $\Delta=0.10$ and $g_a=1.645$ to achieve the desired confidence intervals. Thus, equation (A-4) reduces to:

$$n = 1298.9(s_1^2) \qquad \text{(A-5)}$$

where:

s_1^2 is expressed in decimal fractions and n, the total sample size, is taken to the next higher integer.

Thus, the Administrator will use formula (A-5) and the results of the initial fleet test to determine the total size of the emission data fleet. The total sample size will be the largest of the three values of "n" calculated from equation (A-5) for the three pollutants, but in no case will the total sample size be selected at a value greater than 113 vehicles. The initial fleet of 10 vehicles will be counted as part of the total emission data fleet, and the Administrator will specify the composition of the remainder of the fleet.

II. *Statistical analysis of test results for reporting*—A. *Emission data fleet*—1. *Calculation of mean percent reductions.* For each pollutant and for fuel consumption, the mean percent reduction ($\bar{p}$) will be calculated according to equation (A-2). Data from all emission data vehicles tested, including the initial 10 vehicle fleet for the two-stage sampling procedure, will be used.

2. *Calculations of confidence intervals.* For each pollutant and for fuel consumption, the 90 percent confidence interval around $\bar{p}$ will be calculated as follows:

$$90\% \text{ confidence interval} = \bar{p} \pm (1.645)\frac{s}{\sqrt{n}} \qquad \text{(A-6)}$$

Where:

s = the standard deviation, the square root of the variance, and

n = the size of the total emission data fleet.

3. *Calculation of the median.* The median is the point on the scale of observations on each side of which there are equal areas under the frequency distribution, the 50th percentile point. Thus, the median is the middle observation if there are an odd number of observations. The median is the mean of the two central observations if there are an even number of cases. For each pollutant and for fuel consumption, the median will be computed.

4. *Outlier analysis.* An outlier is defined as any observation which is greater than $\bar{p}+3s$ or less than $\bar{p}-3s$ where $\bar{p}$ is the sample mean percent reduction and s is the sample standard deviation. For each pollutant and for fuel consumption, all outliers will be listed along with an explanation of possible causes.

5. *Histograms.* For each pollutant and for fuel consumption, a histogram will be calculated. The histogram should contain approximately $\sqrt{n}$ subdivision where n is the total sample size.

6. *Ranked list of observations.* For each pollutant and for fuel consumption, a separate ranked list of test results will be prepared listing all results in order of decreasing percent reduction. These lists will be used by the Administrator to extract any patterns which are present in the data. Each list should present for all three pollutants and fuel consumption the percent reduction, baseline, and retrofitted (or parametrically adjusted) values, and the car number, make, model year, and engine displacement.

B. *Durability fleet*—1. *Graphical presentation of data.* Individual plots will be prepared for each vehicle for each pollutant and for fuel consumption showing the observed absolute emission or fuel consumption levels at each mileage test point for the fully retrofitted configuration. The mean of the tuned vehicle results prior to applying the retrofit device and the mean of the vehicle test results after completion of durability testing and the removal of the device should appear on the same plot.

2. *Calculation of deterioration factors.* For each pollutant and for fuel consumption, separate linear regression equations will be fitted for each vehicle using a least-squares regression procedure. The model to be used in the regression fit is:

$$e = ax + b \qquad \text{(A-7)}$$

where:

e = emission or fuel consumption level as a function of mileage,

x = mileage, and

a, b = constants determined through least-squares regression.

Deterioration factor. For each vehicle, a deterioration factor (di) will be calculated for each pollutant and/or fuel consumption as follows:

$$di = \frac{r_{e,i} - r_{15,000,i}}{r_{e,i}} \times 100\% \qquad \text{(A-8)}$$

where:

$r_{e,i}$ = the percent reduction at zero miles for the ith vehicle for a given pollutant or fuel consumption,

$r_{15,000,i}$ = the percent reduction at 15,000 miles for the ith vehicle for a given pollutant or fuel consumption.

where $r_{e,i}$ and $r_{15,000,i}$ are calculated as in equation A-1.

The estimate of y_{i1} is obtained by using the mean of the emission tests with the retrofit device disconnected at either the zero or the 15,000 mileage point. The estimate of y_{i2} is obtained by using the regression equation (A-7) with $x=0$ or 15,000 miles.

The mean deterioration factor for each pollutant and for fuel consumption will then be calculated as follows:

$$d = \frac{\sum_{i=1}^{10} d_i}{10} \qquad \text{(A-9)}$$

and will represent the best estimate of the percent reduction in effectiveness of the retrofit device after a mileage accumulation of 15,000 miles. A deterioration factor 0 percent indicates the device is as effective after a mileage accumulation of 15,000 miles as it was prior to mileage accumulation. A deterioration factor of 100 percent indicates the device has lost all of its effectiveness after a mileage accumulation of 15,000 miles. A negative deterioration factor indicated device performance has improved over 15,000 miles while a deterioration factor of greater than 100 percent indicated a device which at 15,000 miles causes the vehicle to emit more emissions than if the device were not on it.

Assuming linear deterioration, these deterioration values (di) can be translated to annual deterioration rates by multiplying the deterioration factor for each of the ith vehicles by the ratio of the average annual mileage for that vehicle in any given calendar year to 15,000 miles. The d can be recalculated to give the average annual deterioration factor.

An example showing the calculation of a deterioration factor (di) is as follows: Assume a retrofit device at zero device miles has a percent reduction of 50 percent, and a 20 percent reduction at 15,000 device miles. What is its deterioration factor at 8,000 device miles?

$$\text{At } 15{,}000 \text{ miles } di = \frac{50-20}{50} \times 100\% = 60\%$$

The deterioration factor is 60 percent at 15,000 device miles or, in other words, the retrofit device is 40 percent [(1−0.6) x 100%], as effective as it was at zero device miles. To determine its effectiveness at 8,000 device miles, we would calculate as follows:

$$\text{At } 8{,}000 \text{ miles } di = di_{\text{at } 15{,}000} \times \frac{8{,}000}{15{,}000}$$

$$= 60\% \times \frac{8}{15} = 32\%$$

At 8,000 miles, the device has a deterioration factor of 32 percent, or it is 68 percent as effective as it was at zero device miles.

In order to assess the percent return in effectiveness of the retrofit device due to the 15,000 mile tuneup, the above analysis will be repeated, except that y_{i2} for the 15,000-mile point will use the mean of the emission tests with the retrofit device attached and the vehicle retuned. The difference between this value and the value calculated above is the percent return in effectiveness produced by the 15,000 mile tuneup.

APPENDIX B—QUALIFICATION OF PREVIOUS DATA

Any applicant who requests to use previously obtained data (7 mode, cold start 1972 FTP hot start 1972 FTP) will be required to test an initial sample of ten vehicles selected by the Administrator. These vehicles will be tested by both the Federal emission test procedure and the previously utilized test procedure. Appropriate preconditioning procedures will be used for each of these tests. In particular, the previously utilized emission test procedure tests will use the same pre-conditioning used for the previously obtained data. This preconditioning procedure will be reported to the Administrator. Based on the results of these tests, a measurement of the correlation between the previously utilized emission test procedure and the Federal emission test procedure will be calculated as given in equation (B-1).

$$r = \frac{\sum X_i Y_i - [(\sum X_i \sum Y_i)/n]}{(n-1) S_x S_y} \qquad \text{(B-1)}$$

Where r is the correlation coefficient for the two test procedures for the sample of ten vehicles,

X_i is the percent reduction in emissions from vehicle i as determined using the previously utilized emission test procedure,

Y_i is the percent reduction in emissions from vehicle i as determined using the Federal emission test procedure,

S_x is the standard deviation of the emissions for the sample of ten vehicles as measured using the previously utilized test procedure,

S_y is the standard deviation of the emissions for the sample of ten vehicles as measured using the Federal emission test procedure, and

n is the number (10) of vehicles in the sample tested by both procedures.

Using the estimate of correlation calculated above and the applicant's additional previously utilized emission test procedure data, the applicant will calculate the 90% confidence interval around the mean Federal emission test procedure reduction and submit this calculation along with the raw data to the Administrator.

The 90% confidence interval is defined in (B-2) for a sample of 10 vehicles.

$$\bar{y}_1 \pm 1.833 \sqrt{V(\bar{y}_1)} \qquad \text{(B-2)}$$

Where $\bar{y}_1$ is defined as the sample estimate of the mean reduction in emissions as determined using the Federal emission test procedure,

1.833 is the two sided t value for nine degrees of freedom and 90% confidence, and

$V(\bar{y}_1)$ is the mean square error of $\bar{y}_1$.

The estimate of the mean reduction in emissions ($\bar{y}_1$) is calculated using equation (B-3).

$$\bar{y}_1 = \bar{y} + b(\bar{x}' - \bar{x}) \qquad \text{(B-3)}$$

Where $\bar{x}'$ is the mean emission level as measured using the previously utilized test procedure for a sample of size n',

$\bar{x}$ is the mean emission level as measured using the previously utilized procedure for a sample of size n (10),

$\bar{y}$ is the mean emission level as measured using the Federal emission test procedure for a sample of size n (10),

b is the least squares regression coefficient of Y_i on x_i computed from the sample of size n (10).

The mean square error ($V(\bar{y}_1)$) of the estimate of the mean reduction in emissions is calculated from equation (B-4).

$$V(\bar{y}_1) = \frac{S_y^2(1-r^2)}{n}\left[1 + \frac{(n+n')}{n'}\left(\frac{1}{n-3}\right)\right] + \frac{r^2 S_y^2}{n} \qquad \text{(B-4)}$$

Where $V(\bar{y}_1)$ is the mean square error of $\bar{y}_1$,

n' is the number of vehicles tested previously by the previously utilized emission test procedure.

If the confidence interval, $\pm 1.833\ V(\bar{y}_1)$, around the mean percent reduction, $\bar{y}_1$, has a width which does not exceed $\pm 5\%$, and if the Administrator determines that the vehicle fleet, upon which the previously utilized test procedure data was obtained, adequately represents the population of vehicles to which the device will apply, then it will not be necessary to test any additional vehicles for the emission data fleet.

If the previously collected data does not result in an acceptable confidence interval, the applicant will be required to follow the EPA guidelines on the selection and testing of vehicles by the Federal emission test procedure.

An example of the procedure is presented as follows for the case where it has been assumed that data was previously obtained using the hot Federal Emission Test Procedure:

Assume ten vehicles are tested by the Federal emission test procedure and by the hot Federal emission test procedure. The percent CO reductions are given in the following table for each of the ten vehicles. In addition, assume hot Federal emission test procedure tests were previously conducted on 100 other vehicles and the mean emission reduction measured during the 100 tests results in $\bar{x}=32.0$.

Sample data on 10 vehicles

Federal emission test procedure (y_i)	Hot Federal emission test procedure (x_i)
15	17
25	20
35	40
25	30
25	35
40	35
25	30
20	30
30	40

$b=.66$

$r=.71$

$S_y^2=51.1\%^2$

$\bar{y}=27.0\%$

$\bar{x}=30.8\%$

$\bar{y}_1=27.8\%$

$n=10$

$n'=100$

$$V(y_1) = \frac{51.1\ (1-.5)}{10}\ 1 + \frac{110}{100} \cdot \frac{1}{7} + \frac{.5\ (51.1)}{100}$$

$V(\bar{y}_1)=3.2\%^2$

$\bar{y}_1 \pm 1.833 \sqrt{V(\bar{y}_1)} = 27.8\% \pm 3.3\%$

The 90 percent confidence interval has a width of less than $\pm 5\%$ and, therefore, the previously collected hot start data would be sufficient to establish the mean percent reduction in emissions as measured by the Federal emission test procedure.

APPENDIX C—DRIVEABILITY EVALUATION PROCEDURES

1. *General provisions*—A. *Background*—In addition to its ability to reduce emissions, the effect of a retrofit device on vehicle driveability is an important consideration. Since the term driveability encompasses a large number of different characteristics of the way in which a vehicle responds to different actions by the driver, it is necessary to employ a standardized driveability test procedure if comparisons between vehicles with and without retrofit devices and among different retrofit devices are to be meaningful. This Appendix C presents standard driveability test procedures which are to be used in performing all driveability evalautions required under these protocols.

B. *Definitions of driveability terms*—1. *Road load.* A fixed throttle position which maintains a constant vehicle speed on a level road. Wind effects must be compensated, where possible, by two-way vehicle operation, except where excessive wind (15–20 mph) causes cancellation of the tests.

2. *Wide Open Throttle (WOT) Acceleration.* An acceleration made entirely at wide open throttle (from any speed).

3. *Part Throttle (PT) Acceleration.* An acceleration made at any throttle position less than WOT.

4. *Light Throttle Acceleration.* A part throttle acceleration made at a constant throttle position of approximately one-fourth of full throttle (WOT) opening.

5. *Detent.* That point in throttle opening immediately preceding the point at which the transmission kickdown function of an automatic transmission is energized. (For manual transmission vehicles, wide open throttle will be used in place of detent position).

6. *Tip-In.* A maneuver to evaluate vehicle response (up to two seconds in duration) to the initial opening of the throttle.

7. *Crowd.* An acceleration made at a constant intake vacuum just prior to power enrichment (continually increasing throttle opening). However, this crowd condition does not occur at the same manifold vacuum for all engines.

8. *Idle Quality.* An evaluation of vehicle smoothness with the engine idling, as judged from the driver's seat. The vehicle will be idled in gear in the case of an automatic transmission, and in neutral for a standard transmission vehicle. The air conditioner will be on to maximum setting if vehicle is so equipped.

9. *Backfire.* An explosion in the induction or exhaust system.

10. *Hesitation.* A temporary lack of initial response in acceleration rate to throttle opening.

11. *Stumble.* A short, sharp reduction in acceleration rate.

12. *Stretchiness.* A lack of anticipated response to throttle movement. This may occur on slight throttle movement from road load or during light to moderate accelerations.

13. *Surge.* A continued condition of short, sharp fluctuations in power, such as would be caused by overlean carburetor mixtures. These may be cyclic or random and can occur at any speed and/or load.

14. *Trace.* Rating of a malfunction that is just discernable to a test driver.

15. *Moderate.* Rating of a malfunction that is judged to be probably noticeable to the average driver.

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16. *Heavy*. Rating of a malfunction that is pronounced and judged to be obvious to any driver.

II. *Test procedures*—A. *General considerations*—1. *Types of testing required*. Each driveability test consists of two parts, a cold driveability portion and a hot driveability portion. The cold portion of the test evaluates the starting characteristics of the vehicle, idle quality when cold, and driveability during a sequence of acceleration, low speed cruise, and idle modes as the engine warms up. The hot portion of the test evaluates the vehicle's driveability in a fully warmed-up condition during a series of cruise modes of different speeds, during various types of acceleration modes, and during idle. Evaluation of engine shut-down (for dieseling) and hot restart are also made. The cold start testing is performed after an overnight soak at moderate ambient temperatures (all comparative tests to be conducted within a ±5° F temperature band); no evaluation need be made of vehicle starting or warm-up characteristics which would be encountered after overnight soak at low ambient temperatures.

2. *Test drivers*. A full driveability sequence (cold and hot portions) shall be performed on each vehicle configuration by each of three different test drivers. This is done to minimize the effect on the driveability rating given a vehicle configuration of the different subjective judgments made by different drivers. The same three experienced or trained drivers should be used to evaluate the baseline, retrofitted, and parametrically adjusted (if required) configurations of a given vehicle. The drivers shall not be informed as to what alterations or additions, if any, have been made to the vehicle. If possible, driver and observer teams should be used for the evaluations.

3. *Test facilities*. Driveability testing must be performed on a dry, level, smooth-surfaced track or highway. If a highway is used, care should be taken to eliminate any traffic interference, as well as any traffic-induced effects.

4. *Data recording*. Data should be recorded during the course of each portion of the driveability test, either by the observer, or by the driver at an appropriate portion of the driving sequence. Recommended formats for the data recording sheets are shown in Figures C–1 through C–4.

5. *Driveability test fuel*. The test fuel must meet the specifications outlined in the Code of Federal Regulations, Part 85, § 85.075–10.

B. *Cold driveability portion*. 1. Prior to initiating the cold driveability portion of the test, the vehicle shall have been allowed to "soak" without having been operated for a period of at least 12 hours in an area where the ambient temperature is maintained between 60°F and 86°F, except in the case of the two vehicles used for cold ambient driveability which are maintained between 0–20°F.

2. Record all necessary vehicle and test information as indicated on data sheet 1 (Figure C–1).

3. Start engine per owner's manual procedure and record start time.

4. Record engine speed and idle quality in neutral or park immediately after start, with foot removed from throttle pedal (fast idle cam).

5. If engine stalls, repeat steps 3 and 4.

6. After 10 seconds from start, accelerate engine briefly, and again release throttle; record engine speed, idle quality, and/or number of stalls. If engine stalls, repeat steps 3 through 6.

7. After 15 seconds from start, apply brakes, shift to normal drive range, and record engine speed, idle quality, and stalls. (This step may be omitted for vehicles equipped with manual transmissions).

8. After 20 seconds from start, make a light throttle acceleration to 25 mph at a constant throttle opening. (Use manufacturer's recommended shift points for manual transmission). Cruise at 25 mph for 0.1 mile (to check for choke loading), open throttle to detent and accelerate from 25 to 35 mph at constant throttle in top gear. Decelerate to a stop and accelerate WOT to 35 mph. (For manual transmission vehicles, accelerate WOT from 20 to 35 mph in gear recommended by manufacturer for this speed range). Decelerate to 10 mph and accelerate 10 to 25 mph at constant light throttle.

9. Observe and record any malfunctions such as the following:
   a. Hesitations.
   b. Stumbles.
   c. Surge.
   d. Stalls.
   e. Backfires.

10. At 0.5 miles from start, brake moderately to a stop. Idle for 30 seconds in drive range (neutral for manual transmission) and record engine speed, intake vacuum, and idle quality.

11. Repeat steps 8, 9, and 10 through 1.5 miles from start (3 cycles).

12. Make a light throttle acceleration to 45 mph at constant vacuum (crowd condition to check lean operating with choke off). (For manual transmission vehicles, make constant vacuum acceleration in high gear from lowest speed attainable in that gear to 45 mph). Decelerate 45 to 25 mph, open throttle to detent and accelerate from 25 to 35 mph at constant throttle in top gear. Decelerate to a stop and accelerate WOT to 35 mph. (For manual transmission vehicles, accelerate WOT from 20 to 35 mph in gear recommended by manufacturer for that speed range). Decelerate to 10 mph and accelerate 10 to 25 mph at constant light throttle. Repeat steps 9 and 10 above.

13. Repeat step 12 through 1.6 miles from start (3 cycles).

C. *Hot driveability portion*. 1. Warm-up vehicle for about 25 miles at 55 mph.

2. Evaluate curb idle in neutral and drive (automatic transmission only) range. Record engine speed, intake vacuum and idle quality.

3. Cruise at road load from 20 through 50 mph at 10 mph increments, and record stretchiness and range.

4. Accelerate WOT from 0 to 30 mph at sudden, moderate and slow throttle opening rates. (For manual transmission, accelerate WOT from 20 to 30 mph in gear recommended by manufacturer for this speed range). Record hesitation, stumble, and surge.

5. Accelerate PT from 0 to 30 mph (20 to 30 mph for manual transmission) at constant throttle positions of ¼, ½, and ¾ throttle. Record hesitation, stumble, and surge.

6. Evaluate part throttle crowds in high gear at constant vacuum from the minimum speed attainable in high gear to 55 mph (or the maximum speed at each vacuum if less than 55 mph). Several runs are to be made at different vacuums to determine the worst surge condition. Also record hesitations and stumbles.

7. Evaluate "tip-in" characteristics by making several PT accelerations in high gear from 20 to 30 mph. Do not accelerate at a throttle opening which will cause the automatic transmission to downshift. Record hesitations and stumbles.

8. Accelerate WOT from 0 to 55 mph and record acceleration time. Drive 5 miles at 55 mph and brake moderately to stop. Idle for 30 seconds, shut off engine, and soak for 15 minutes.

9. After hot soak, restart engine according to manufacturer's hot-start procedure (record start time and number of attempts). Return to idle, and maintain idle for 60 seconds in drive with air conditioning turned on to maximum setting if vehicle is so equipped (record engine speed, intake vacuum, and idle quality). If engine stalls during the 60 second idle, repeat this hot-start and idle procedure.

III. *Data analysis and reporting*. In evaluating the effectiveness of a retrofit device, the difference in scores for the vehicle with and without the device is important, rather than the absolute value of either score. Thus, variations in the severity of different drivers' evaluations will be nullified. The final rating assigned to a vehicle configuration will be the average of the three drivers' scores.

Driveability demerits to be used in scoring the results of driveability evaluations are given in the table below:

Demerit summary schedule

Function rated	Demerits				Weighting factor	Weighted demerits			
	T	*M*	*H*	*Ys*		*T*	*M*	*H*	*Ys*
Idle roughness	1	2	4	--------	1	1	2	4	--------
Hesitation	1	2	4	--------	6	6	12	24	--------
Stumble	1	2	4	--------	6	6	12	24	--------
Surge	1	2	4	--------	4	4	8	16	--------
Stall at start									5
Stall, driving									32
Backfire	1	2	4	--------	6	6	12	24	--------
Stretchiness	1	2	4	--------	1	1	2	4	--------
Starting time									(1)

[1] Starting time demerits computed as (seconds—2.0)×1.0.

The purpose of the weighting factor is to assign relative importance to the malfunctions encountered; i.e., a driving stall is more significant to vehicle operational safety than idle roughness. As can be seen, stalls are given only a weighted demerit. When compiling demerits for any maneuver only the most severe malfunction is considered. For example, if during an acceleration a trace hesitation, heavy stumble, and moderate surge were all encountered, the demerits assigned would be based on the heavy stumble. The weighted demerits for the maneuver would be 4x6, or 24 demerits. After each mode of operation has been thus evaluated, a total weighted demerit rating (TWD) can be assigned to a vehicle. Where the driveability test sequence calls for repetition of a given sequence of operating modes, each repetition is scored separately and included in the total rating.

The results of the driveability tests shall be submitted with the final retrofit evaluation report. The results are to be in tabular form showing the total demerits associated with each test configuration and the difference in demerits between the baseline and the parametric and retrofit test configurations. Results are to be reported both for each individual durability test vehicle and for the average of all durability vehicles.

Test No. _____
License _____

Cold Start-Driveaway

Start Miles	Mode	Start Time (sec.)				Idle				Accel. or Cruise					
						Engine Speed rpm	Intake Vacuum in. Hg	Satis.	Rough	Stall	Satis.	Hesit.*	Stumble*	Surge*	Stall	Backfire*
	Start Time (sec.)															
	Restart (sec.)															
	Restart (sec.)															
	Restart (sec.)															
	Fast-Idle Cam															
	Tap Thr. (5 sec. from St.)N															
	(10 sec. from Start)Dr															
0	PT (0-25): Lt. Th.															
0.1	Cruise (25 mph)															
0.2	PT (25-35): Th. to Detent															
0.3	WOT Accel. (0-35)															
0.4	PT (10-25): Lt. Th.															
0.5	Idle (30 sec.): Dr															
	PT (0-25): Lt. Th.															
0.6	Cruise (25 mph)															
0.7	PT (25-35): Th. to Detent															
0.8	WOT Accel. (0-35)															
0.9	PT (10-25): Lt. Th.															
1.0	Idle (30 sec.): Dr															
	PT (0-25): Lt. Th.															
1.1	Cruise (25 mph)															
1.2	PT (25-35): Th. to Detent															
1.3	WOT Accel. (0-35)															
1.4	PT (10-25): Lt. Th.															
1.5	Idle (30 sec.): Dr															
	PT (0-45): Const. Vac.															
1.9	PT (25-35): Th. to Detent															
2.0	WOT Accel. (0-35)															
2.1	PT (10-25): Lt. Th.															
2.2	Idle (30 sec.): Pr															
	PT (0-45): Const. Vac.															
2.6	PT (25-35): Th. to Detent															
2.7	WOT Accel. (0-35)															
2.8	PT (10-25): Lt. Th.															
2.9	Idle (30 sec.): Dr															

* I - Trace; M - Moderate; H - Heavy

Figure C-2

Driveability Test

Date _____
Test Number _____
Fuel _____

Test Vehicle

Make _____ Engine Type _____
Model _____ Displacement _____
Year _____ Nominal C.R. _____
Transmission _____ Carb. Make _____ No. Bbls. _____
A/C _____ PB _____ PS _____ Emission Control System _____
License No. _____ Odometer: Start _____ Finish _____
Test Configuration _____

Weather

Ambient Temp.: Start ____ °F Road Conditions: Wet _____
Finish ____ °F Dry _____
Observed Barom.: Start ____ in. Hg Time: Start _____
Finish ____ in. Hg Finish _____
Relative Humidity: Start ____ % Soak Time (hrs.) _____
Finish ____ % Soak Temp. (°F) _____

Test Crew

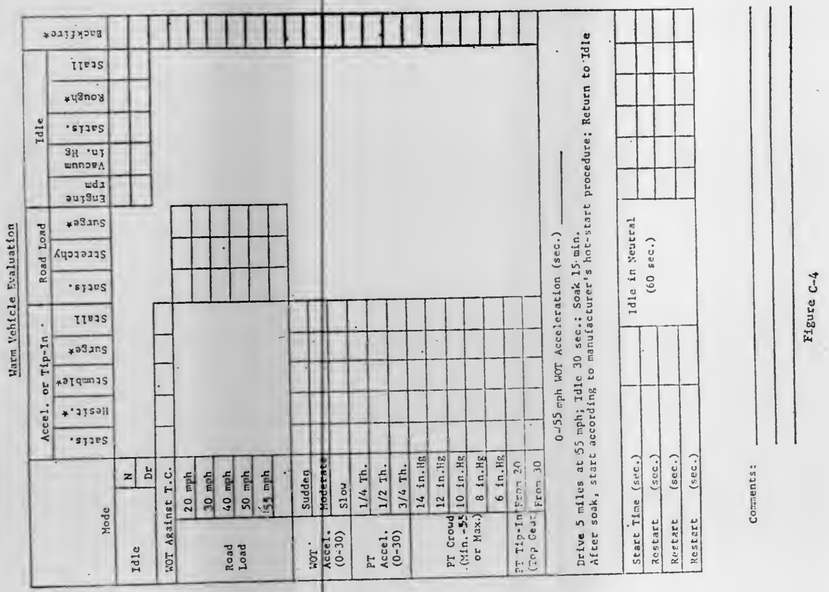
Driver _____ Observers _____
Recorder _____

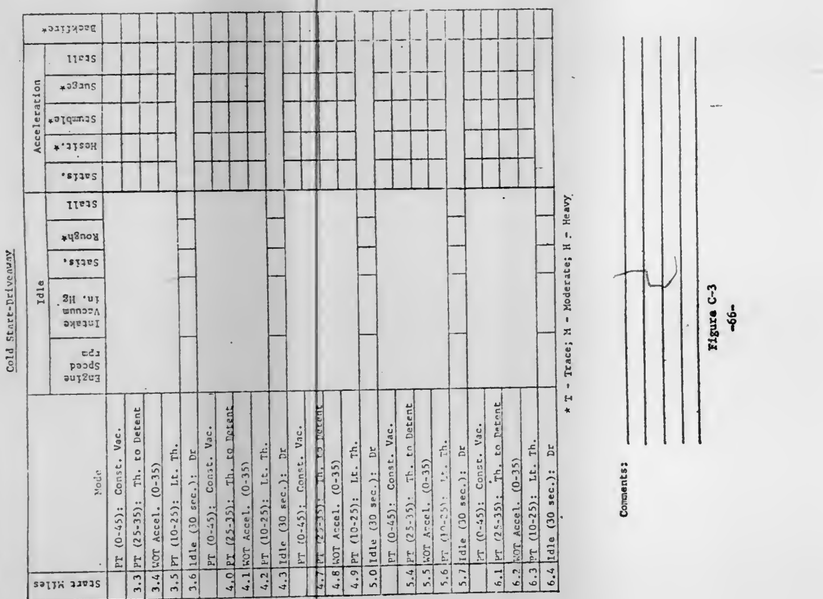
Remarks

_____
_____
_____
_____
_____
_____
_____
_____

Figure C-1

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APPENDIX D—CALCULATION OF FUEL CONSUMPTION DATA

Fuel consumption over the 1975 Federal emission test procedure will be calculated for each vehicle emission test performed as part of a retrofit evaluation. Fuel consumption will be calculated from the emission test results using the carbon balance technique which is based on the fact that the total mass of carbon (in the form of unburned hydrocarbons, carbon monoxide, and carbon dioxide) emitted by the vehicle per mile of travel provides a measure of the fuel consumed by the vehicle over that distance.

Fuel consumption will be calculated according to the following equations:

$$\text{mi/gal} = \frac{\text{grams of carbon/gallon of fuel}}{\text{grams of carbon in exhaust/mile}}$$

$$= \frac{(K_1)\ (\text{grams/gallon})}{(K_1)\ (\text{grams HC/mi}) + (K_2)\ (\text{grams CO/mi}) + (K_3)\ (\text{grams } CO_2\text{/mi})} \quad \text{(I)}$$

Where:

K_1 = carbon weight fraction of gasoline or unburned HC, (mol. wt. C)/(mol. wt. $CH_{1.85}$) = 0.866

K_2 = carbon weight fraction of CO, (mol. wt. C)/(mol. wt. CO) = 0.429

K_3 = carbon weight fraction of CO_2, (mol. wt. C)/(mol. wt. CO_2) = 0.273

grams/gallon = mean density of Indolene 30 test fuel = 2798

grams HC/mi = weighted average gm/mi of HC over the 1975 Federal test procedures as calculated according to 40 CFR 85.075–26, and similarly for grams CO/mi and grams CO_2/mi

$$\text{Fuel consumption} = \frac{1}{\text{mi/gal}} \quad \text{(II)}$$

In calculating mean fuel consumption figures for purposes of reporting data on retrofit evaluations, it is necessary to average the fuel consumption values calculated according to equation (II), rather than averaging the mpg figures calculated according to equation (I).

[FR Doc.75–1683 Filed 1–21–75;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

APPRENTICESHIP INFORMATION REPORT EEO–2

Extension of Deadline for Filing Report

Notice is hereby given that the 1974 deadline for filing Apprenticeship Information Report EEO–2 as required by 29 CFR 1602.15 is extended from September 30, 1974, to February 28, 1975. The period during which statistics for Report EEO–2 must be obtained remains unchanged. Signed at Washington, D.C. this 31st day of December, 1974.

JOHN H. POWELL, Jr.,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75–1969 Filed 1–21–75;8:45 am]

LOCAL UNION REPORT EEO–3

Extension of Deadline for Filing Report

Notice is hereby given that the 1974 deadline for filing Local Union Equal Employment Opportunity Report EEO–3 required by 29 CFR 1602.22 is extended from November 30, 1974, to February 28, 1975. The period during which statistics for Report EEO–3 must be obtained remains unchanged.

Signed at Washington, D.C. this 31st day of December, 1974.

JOHN H. POWELL, Jr.,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75–1970 Filed 1–21–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Correction

In FR Doc. 75–904 appearing at page 2259, in the issue of January 10, 1975, the first word of the seventh line now reading, "Transport" should read, "Transpoint".

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44 (a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Amerpol International, Inc., 15 East 26th Street, New York, New York 10010.
Officers: Hermann Nohturft, President/Treasurer, Wlodzimerz Swieszewsky, Exec. Vice-President/Secretary, Wladimir Korotkiewicz, Vice President.

Richard Macchione, 131 State Street, Boston, Massachusetts 02109.

Latinvan, Inc., 7301 "a" N.W. 41st Street, Miami, Florida 33166.
Officers: Manuel E. Rojas, President, Libia B. Rojas, Secretary/Treasurer.

Port Service, Inc., 47–49 Parker Street, Gloucester, Massachusetts 01930.
Officers: Joseph D. Elliott, President/Treasurer, Francis J. Elliott, Director, Frederic A. Elliott, Director.

R. L. Swerer Company, Inc., P.O. Box 1351, Pittsburgh, Pennsylvania 15230.
Officers: William J. Twigger, President, Charles M. Watson, Vice President, David T. Arth, Treasurer, Martha Lee, Secretary.

By the Federal Maritime Commission.

Dated: January 17, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2032 Filed 1–21–75;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 980; EASTERN CARGO FORWARDERS, INC.

Order of Revocation

By letter dated December 9, 1974, Eastern Cargo Forwarders, Inc., 149 Madison Avenue, New York, New York 10016 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 980 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 1, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Eastern Cargo Forwarders, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 980 of Eastern Cargo Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 980 be and is hereby revoked effective January 1, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Eastern Cargo Forwarders, Inc.

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.75–2033 Filed 1–21–75;8:45 am]

MEDITERRANEAN DISCUSSION AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New

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York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission. Washington, D.C. 20573, by February 3, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

A. Birnbaum, Chairman, P.T.
Zim Container Service
One World Trade Center
Suite 2969
New York, New York 10048

Agreement No. 9972–4 among the members of the Mediterranean Discussion Agreement is an application for a two-year extension of the period of approval.

It further modifies the organic agreement by deleting the proviso limiting applications for renewal to six-month periods in favor of a proviso permitting applications for such periods as the signatories may agree and the Commission approve.

By Order of the Federal Maritime Commission.

Dated: January 15, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75–2031 Filed 1–21–75;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW.
Washington, D.C. 20036

Agreement No. 150–60 expands the Trans-Pacific Freight Conference's (Japan/Korea) authority to regulate the transportation of cargoes transshipped at ports "without" the geographic scope of the agreement as well as those within the trade from Japan and Korea to ports and/or points in the United States.

By Order of the Federal Maritime Commission.

Dated: January 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2030 Filed 1–21–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–9206]

APPALACHIAN RESEARCH AND DEFENSE FUND, INC.

Filing of Complaint

JANUARY 16, 1975.

Pursuant to the authority of the Federal Power Act, particularly section 306 thereof, and § 2.1(a) (1) of the Commission's general policy and interpretations, notice is hereby given that a letter from the Appalachian Research and Defense Fund, Inc., dated October 25, 1974, which we are treating as a complaint in the above captioned docket concerning certain practices of Appalachian Power Company which may be contrary to the Federal Power Act, was forwarded to this Commission by letter dated November 6, 1974, by the office of the subcommittee on Budget, Management, and Expenditures of the Senate Committee on Government Operations. We have forwarded this date a copy of the complaint to Appalachian Power Company who shall answer it in writing within thirty days.

We shall direct the Secretary to publish a copy of this complaint together with this notice in the FEDERAL REGISTER.

Any person wishing to do so may submit written comments concerning the above referenced complaint on or before January 28, 1975, to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

OCTOBER 25, 1974.

Hon. LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you because of your long standing interest in the problems associated with the Electric utility industry.

As a staff attorney with the Appalachian Research and Defense Fund in Charleston, I have, in the last year, been involved in several cases dealing with Appalachian Power Co., a wholly-owned subsidiary of American Electric Power Co. These include: (1) The licensing of the Blue Ridge Project on the New River, (2) a general rate case before the West Virginia Public Service Commission, (3) a case before the EPA pursuant to the Governor's request for a one year postponement of clean air standards, and (4) a hearing before the Public Service Commission involving automatic fuel adjustment clauses.

Through my involvement in these cases, it has become clear to me that an attack on the practices of Appalachian Power is merely an attack on the symptoms and not on the root cause of environmental and rate problems associated with Appalachian. Rather, the problem lies with AEP, the parent corporation.

To illustrate this point, consider the following: The West Virginia Public Service Commission has charged that in the first nine months of this year Appalachian Power collected 2½ million dollars in revenue by "repricing captive coal. That is, if the average price of coal purchased on the open market in one month was $25 per ton and the cost of coal during that same period produced at a captive mine was $10 per ton, Appalachian charged its customers through the Fuel Adjustment Clause as though the average of all coal purchased during that month was $25 per ton. This practice is exacerbated by the fact that much of the coal burned by Appalachian is purchased on the spot market at inflated prices and imported into West Virginia while coal produced at mines owned by Appalachian Power has been delivered to plants owned by Indiana & Michigan Power Company at a fraction of the cost West Virginians have paid.

Because of the size of AEP and its numerous operating companies, coal is shifted from one area to another without regard to the effect such moves will have on the customer.

Another aspect of AEP's coal manipulation is, in my belief, very closely related to its recent advertising campaign attacking the EPA and Congressional efforts at strip mine regulation. According to AEP's fuel expert, AEP owns more than 1.5 billion tons of coal. Of that figure, less than 10% of their coal is low sulfur coal. Thus, under present Clean Air Act Standards, the vast majority of their coal cannot be used without stack gas desulfurization technology or coal liquefaction. This situation has led AEP to avoid long term contracts for Eastern low sulfur coal in the expectation that in the not very distant future they will be able to burn their own high sulfur coal either as a result of relaxations in the Clean Air Act or through the installation of sulfur removal technology.

As a result, the majority of Appalachian's low sulfur coal purchases are made on the spot market at prices reportedly ranging to $100 per ton. Because their fuel adjustment clause allows a direct pass through of fuel costs, there is no incentive on AEP's part to bargain for lower prices. It is my belief that this practice is being followed by AEP for one of two purposes or both: (1) To boost the price of low sulfur coal to high prices and thereby rally citizen support for relaxation of the Clean Air Act, or (2) to boost the price of low sulfur Eastern coal to make the cost of coal produced in the West and delivered under long term contracts to Midwest and Eastern power plants more attractive. This point is further emphasized by the fact that AEP has entered into several 20–30 year contracts with Western coal suppliers and has not entered into contracts exceeding 3–5 years for Eastern low sulfur coal.

Regardless of the reason for these practices, the results, if they are successful in either area, would be very devastating. The provisions of the Clean Air Act, while somewhat onerous, are vitally important, and the possible effect on Eastern coal suppliers if a Western coal shift is accomplished would add terrifically to the many burdens residents of Appalachia already bear.

To make an already lengthy story somewhat shorter, I would like to see an investigation launched on the practices of AEP. I have some information of my own but feel that research of this nature requires a coordination of efforts among individuals in all areas served by AEP and in New York and Washington. Could you provide additional information on AEP, recommended people to contact, or suggest possible funding sources for such an investigation?

Any assistance which you may be willing to lend in this regard would be quite helpful.

Thank you for your time.

Sincerely,

ROBERT R. RODECKER,
Staff Attorney.

[FR Doc.75–1953 Filed 1–21–75;8:45 am]

[Docket No. F–9195]

CENTRAL TELEPHONE AND UTILITIES CORP.

Filing of Addendum to Contract

JANUARY 15, 1975.

Take notice that on December 27, 1974, Central Telephone and Utilities Corporation (Central) tendered for filing a proposed addendum to their contract with the N.C.K. Electric Cooperation, Inc. Central requests that the addendum be accepted for filing with the original contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1954 Filed 1–21–75;8:45 am]

[Docket No. DA–219–Washington]

CHARLES AND BARBARA MILLER

Lands Withdrawn in Power Site

JANUARY 13, 1975.

Application has been filed by Charles and Barbara Miller of Brewster, Washington, with the Bureau of Land Management, Department of the Interior, for the revocation of the waterpower withdrawals affecting the following described land, thereby requiring Commission consideration under section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN, WASHINGTON

T. 30 N., R. 24 E.,
Sec. 21, That part of lot 5 lying outside the boundary of Project No. 2149 as licensed as shown on revised map Exhibit K, sheet 12 (FPC No. 2149–137) filed in the Office of the Federal Power Commission on March 8, 1971. (Approximately 1.5 acres.)

In a letter transmitting the Millers' application, the Bureau of Land Management requested revocation of the withdrawals and/or a determination with respect to all of lot 5 (approximately 4.30 acres) to enable disposal of the entire lot at public sale.

Lot 5 lies along the Columbia River and is partially inundated by Wells Reservoir, a unit of licensed Project No. 2149, owned by Public Utility District No. 1 of Douglas County, Washington. The land is withdrawn in Power Site Classification No. 349, dated June 22, 1944, and pursuant to the filings on December 23, 1953, and January 12, 1954, of applications for preliminary permit for Project Nos. 2148 and 2149, respectively. All of these withdrawals were made to protect the Wells site which is now adequately protected by the withdrawal for Project No. 2149. The application for Project No. 2148 was denied by Commission order issued September 22, 1954, (13 FPC 1402), upon issuance of a preliminary permit for competing Project No. 2149, (13 FPC 1403).

A notice of land withdrawal for Project No. 2149 was issued by the Commission on April 8, 1971. This notice covers the United States lands lying within the boundary of the Wells Dam and Reservoir unit of the project as shown on approved Exhibit K sheets 1 through 39 (FPC Nos. 2149–126 through –164) filed in the office of the Federal Power Commission on February 2, 1970, and March 8, 1971. A notice of land withdrawal has not yet been issued for the United States lands lying within the boundary of the constructed transmission line unit of Project No. 2149 shown on Transmission Line Exhibit K sheets 1 through 57 (FPC Nos. 2149–225 through –281) filed December 30, 1971. However, a notice will be issued in the near future.

The application for preliminary permit for Project No. 2149 included certain United States lands which lie beyond the limits of the project as shown on said maps. All of these excess lands lie adjacent to Wells Reservoir. Inasmuch as the Wells Reservoir fully develops this reach of the Columbia River, retention of these excess lands in power withdrawal no longer serves a useful purpose.

A determination with respect to that part of said lot 5 lying within the boundary of Project No. 2149 as licensed, to permit its disposal at public sale, is not warranted.

The Commission finds. It has no objection to the cancellation of Power Site Classification No. 349 insofar as it pertains to lot 5 of sec. 21, T. 30 N., R. 24 E., Willamette Meridian, Washington.

The Commission orders. (1) The withdrawal pursuant to the application for Project No. 2148 is hereby vacated in its entirety.

(2) The withdrawal for Project No. 2149, insofar as it pertains to lands lying beyond the limits of the project as shown on Exhibit K sheets 1 through 39 (FPC Nos. 2149–126 through –164) and Transmission Line Exhibit K sheets 1 through 57 (FPC Nos. 2149–225 through –281), is hereby vacated.

(3) The request for a determination under section 24 of the Federal Power Act with respect to that portion of lot 5 of sec. 21, T. 30 N., R. 24 E., Willamette Meridian, Washington, lying within the boundary of Project No. 2149 as licensed is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1967 Filed 1–21–75;8:45 am]

[Docket No. RP75–47–3]

COLUMBIA GAS TRANSMISSION CORP.

Petition for Emergency Relief

JANUARY 15, 1975.

Take notice that on December 27, 1974, as supplemented January 6, 1975, Teledyne Ohio Steel (Petitioner), Lima, Ohio, filed a petition, pursuant to § 1.7 (b) of the Commission's rules of practice and procedure and Commission Order No. 467–C, seeking relief from the currently effective curtailment procedures of Columbia Gas Transmission Corporation (Columbia) and an emergency priority allocation of natural gas to become effective at the earliest possible date and to remain in effect until June 1, 1975. The emergency priority allocation requested consists of the following: December 1974, 86,104 Mcf; January 1975, 98,608 Mcf; February 1975, 103,074 Mcf; March 1975, 112,050 Mcf; April 1975, 89,475 Mcf; and May 1975, 82,388 Mcf.

In support of its petition for an emergency allocation of natural gas, Peti-

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tioner states that it is engaged in the manufacture of rolls for rolling mills in the steel and nonferrous industries and sells its product to more than 150 plants located throughout the United States. At its Lima facility it operates approximately 100 or more gas furnaces in the production of rolling mill rolls in a continuous process for a period of time ranging up to four and one-half weeks. Petitioner claims that it has no realistic alternative fuel supply available for the vast majority of the furnaces now being supplied by natural gas.

West Ohio Gas Company, which receives its principal volume of gas from Columbia, has advised petitioner that effective December 20, 1974, it will sustain a fifty percent curtailment of its natural gas allocation. Petitioner claims that it cannot continue operations at that curtailment level, and that without the requested emergency priority allocation, its Lima facility will be closed on January 31, 1975.

On December 18, 1974, petitioner requested an emergency priority allocation of natural gas from the Public Utilities Commission of Ohio, but no action has been taken upon that request.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before January 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1955 Filed 1-21-75;8:45 am]

[Docket No. RP73-115]

CONSOLIDATED NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets and Establishing Procedures

JANUARY 15, 1975.

On December 16, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing Second Revised Sheet No. 51-A, Second Revised Sheet No. 51-B, and Second Revised Sheet No. 51-C to its FPC Gas Tariff, First Revised Volume No. 1 to be effective as of December 15, 1975. Notice of these filings was issued on December 31, 1974.

Consolidated's Tariff Sheets now in effect provide for curtailment of certain partial requirements customers of Consolidated on a pro rata basis and that the gas shortage curtailment provisions in the revised Tariff Sheets provide for end use curtailment.

Additionally, the Tariff Sheets now in effect provide for the determination of industrial requirements on the basis of the highest twelve consecutive calendar months in the most recent twenty-four month period for which data is available. The revised Tariff Sheets will provide for the curtailment of industrial requirements on the basis of data for the twelve month period ended September 30, 1974.

The Revised Tariff Sheets would also permit the filing of petitions for extraordinary relief by any Buyer, including the Hope Natural Division, on behalf of any consumer.

Consolidated requests that the Tariff Sheets be made effective as of December 15, 1974, without suspension or with suspension for only one day to facilitate the orderly implementation of curtailment.

After reviewing the proposed revised tariff sheets, we believe that they may possibly be unjust, unreasonable, unduly discriminatory or otherwise unlawful. This conclusion is founded primarily on the fact that Consolidated's current curtailment tariff is pending before a Presiding Administrative Law Judge for decision thereon. Accordingly, we shall accept Consolidated's proposed tariff revisions for filing and suspend them for one day until January 17, 1975, when they shall be permitted to take effect. In view of the fact that the hearings in Docket No. RP73-115, et al., have been completed and briefs have been filed by the parties, it would appear that a reopening of the record is in order for the purpose of receiving evidence in connection with Consolidated's revised tariff sheets. Additionally, with the proposed imposition of curtailment on the Consolidated system as of February 1, 1975, we believe that the record should include end use data with respect to the base periods that will actually be employed. To the extent that there is any change in this regard from the end use and curtailment implementation data currently in the record, we believe that Consolidated should present supplementary evidence reflecting such changes.

We shall therefore direct the Presiding Administrative Law Judge in these proceedings to convene a formal conference for the purpose of determining the scheduling of dates for the further evidentiary hearings.

Finally, we note, as in the curtailment filings of Transcontinental Gas Pipe Line Corporation (Transco) that Consolidated's curtailment sheets here under consideration and those currently in effect have a compensation feature for a customer company releasing exemption gas which we have found to be ineffective lacking a proper section 7 certification. Therefore, for the reasons stated in our Transcontinental order[1] pending hearing and final decision, no change in Consolidated's rates shall be effective, nor any transfer of entitlements among Consolidated's customers be effectuated unless and until appropriate certificate and rate filings have been made and approved in accord with sections 4 and 7 of the Act.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the Revised Tariff Sheets herein described and submitted by Consolidated on December 16, 1974, be accepted for filing, suspended for one day and permitted to become effective January 17, 1975, subject to the terms and conditions of this order.

(2) It is necessary and appropriate that the Presiding Administrative Law Judge be directed to convene a formal conference for the purpose of determining the scheduling of dates for the further evidentiary hearings.

The Commission orders. (A) Consolidated's filing of December 16, 1974, is hereby accepted for filing, suspended for one day and permitted to become effective January 17, 1975, pursuant to § 154.-67(a) of the Commission's regulations and pending further Commission order or opinion in this docket.

(B) The Presiding Administrative Law Judge in these proceedings is hereby directed to convene a formal conference on or before February 28, 1975. In conformance with this order, the purpose of such formal conference shall be to determine the scheduling of dates for the further evidentiary hearings.

By the Commission. Commissioner Brooke, dissenting in part, filed a separate statement appended hereto.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1956 Filed 1-21-75;8:45 am]

[CP73-132, etc.]

DISTRIGAS CORPORATION, ET AL.

Long-Term Staten Island Applications, Long-Term Everett

JANUARY 15, 1975.

On December 16, 1974, Distrigas Corporation (Distrigas), Distrigas of New York Corporation, Distrigas of Massachusetts Corporation (DOMAC), and Distrigas Pipeline Corporation (Applicants) filed a response to our order conditionally granting motion for further extension of time issued November 14, 1974, in certain of the above dockets.[1]

Applicants' response outlines the current status of contract negotiations with Sonatrach, and requests (1) the opportunity to report further on the status of the "Ben Franklin" supply contract following the meeting now scheduled for January 6, 1974; (2) that the Commission allow hearings on the long-term Staten Island import and related applications to resume according to scheduling to be set by the Presiding Administrative Law Judge (Judge); (3) that the Commission direct the Judge to fix a date for Applicants to file the balance of their direct evidence on their Everett terminal and sales to be made therefrom; and (4) the relief requested be made applicable to intervenors supporting Applicants.

In light of the apparently active pendency of contract negotiations, and the January 6, 1974, date for further meetings, it is reasonable to allow Applicants to update its reply to our November 14, 1974, order following the January 6, 1974 meeting, as request in Applicants' response.

Concerning the second request, it appears that except for dates certain set for the filing and cross-examination of answering cases to Staff's environmental presentation, no date certain has been set for the resumption of the "Staten Island" hearings. We shall not direct the Judge to set any further specific dates at this time, and instruct him not to do so until Applicants' next report on the status of contract negotiations, at which time Applicants may renew, if appropriate their request to us that hearing and filing dates be set by the Judge. Deferring a ruling until after Applicants' next report will allow time for clarification of need for further hearings, without precluding the possibility of their prompt resumption if appropriate.

The third request, which asks that dates be set for the filing and hearing of evidence relating to Applicants' Everett facility and its operations, is apparently not affected by the forthcoming "Ben Franklin" contract negotiations.[2] In light of the pendency of hearing on the Everett proposal, however Applicants' request for dates should be addressed to the Judge, and is therefore denied without prejudice to its renewal in the proper forum.

The fourth item of relief requested need not be addressed by us at this time.

Wherefore, for the reasons outlined above,

The Commission orders. (A) Applicants are, as requested, allowed to update their response to our November 14, 1974, order following the contract negotiation meeting scheduled for January 6, 1974 in Algeria.

(B) Applicants' requests for specific hearing and filing dates on their long-term import applications are denied without prejudice to their renewal as indicated in the body hereof.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1957 Filed 1-21-75;8:45 am]

[Docket No. CP75-20; Docket No. CI75-116]

FLORIDA GAS TRANSMISSION CO. AND PETROLEUM MANAGEMENT, INC.

Extension of Time

JANUARY 15, 1975.

On January 14, 1975, Petroleum Management, Inc. (PMI) filed a motion to extend the date for filing evidence fixed by order issued December 23, 1974, as most recently modified by notice issued January 3, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing direct evidence in the above matter is extended to January 31, 1975. The hearing date will remain as scheduled, February 11, 1975, at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1958; Filed 1-21-75;8:45 am]

[Docket No. G-2801]

GETTY OIL CO.

Notice of Application

JANUARY 14, 1975.

Take notice that on January 6, 1975, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. G-2801 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia) from its working interest in gas produced from the Erath Unit located in the Erath Field, Vermillion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued in Docket No. G-2801 on October 28, 1954, the Commission granted Applicant's predecessor in interest a certificate of public convenience and necessity authorizing the sale under contract dated September 11, 1952, between Tidewater Associated Oil Company (Applicant's predecessor) and Columbia of gas produced from the Erath Unit and accepted for filing said gas sales contract as its FPC Gas Rate Schedule No. 26. The application states that the September 11, 1952, contract provides for a term of twenty years and as the initial delivery of gas under said contract occurred November 1, 1954, said term expired November 1, 1974.[1]

The application states further that Applicant, as seller, and Transcontinental Gas Pipe Line Corporation (Transco), as buyer, are parties to a gas sales contract dated July 12, 1971, which provides for the commitment of Applicant's interests in the surplus gas in and under certain lands and leases. Surplus gas is stated as defined in said July 1971 agreement to mean that quantity of gas available to Applicant for sale to Transco over and above the quantities Applicant is obligated to deliver to Columbia under the September 11, 1952, contract. Applicant states that its certificate application dated July 22, 1971,[2] contains the statement, "The properties committed under this contract consist of Seller's surplus gas to be produced from the Erath Unit, Vermilion Parish, Louisiana."

Applicant asserts that since it has performed under the September 11, 1952, contract with Columbia the service required of it and in view of the fact that Applicant's July 12, 1971, contract with Transco dedicates to Transco surplus gas defined to include all gas over and above the quantities Applicant was obligated to deliver to Columbia under the 1952 agreement, it is appropriate to terminate service to Columbia under said contract effective November 1, 1974, the expiration date of the September 11, 1952, contract. The application states that there will be no decrease (except for the declining delivery capacity of wells) of deliveries of natural gas for sale or resale in interstate commerce because all of Applicant's working interest gas in the Erath Unit will continue to be delivered into the interstate market under Applicant's FPC Gas Rate Schedule No. 192 which covers Applicant's deliveries to Transco under their contract dated July 12, 1971.

Applicant states that it will continue deliveries to Columbia from its other working interest properties in the Erath, North Erath, and Erath Shallow Fields which sales are covered by Applicant's contract with Columbia dated November 1, 1956, as replaced by a contract dated October 24, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to

[1] "Order Granting Rehearing in Part, Denying Rehearing in Part, and Requiring Environmental Impact Statement," issued January 10, 1975, "Transcontinental Gas Pipe Line Corporation, et al.," Docket No. RP72-99, et al.

[2] Dissenting statement filed as part of the original document.

[1] On December 24, 1974, Brooklyn Union Gas Company filed comments in support of Distrigas' response to our order, and on December 27, 1974, Congressman Murphy filed a detailed reply to Distrigas. Distrigas on January 6, 1975, filed an answer to reply to response. Although none of these described pleadings are provided for by our rules, we have considered them in our order here.

[2] Applicants' response advises that deliveries by the Ben Franklin to Everett are no longer contemplated.

[1] The current effective rate for the sale of gas proposed to be abandoned is stated to be 26.9875 cents per Mcf including tax reimbursement at 15.025 psia.

[2] Apparently a reference to its application filed July 23, 1971, in Docket No. CI72-50.

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become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1959 Filed 1-21-75;8:45 am]

[Docket No. RP73-23; PGA 75-2(a)]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Substitute Gas Tariff Sheets

JANUARY 15, 1975.

Take notice that on January 2, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1, designated as Substitute Eighth Revised Sheet No. 3–A (superseding Seventh Revised Sheet No. 3–A) and Substitute Eighth Revised Sheet No. 18–B (superseding Seventh Revised Sheet No. 18–B).

The proposed changes contained therein would increase revenues from jurisdictional sales by $289,156 as compared to revenues at the current rates in effect since August 1, 1974, based on the 12 months ending November 30, 1974.

Lawrenceburg states that, pursuant to the purchased gas adjustment (PGA) provision in its FPC Gas Tariff, Original Volume No. 1, it filed by letter dated December 19, 1974, Eighth Revised Sheets Nos. 3–A and 18–B in order to track a proposed increase in its cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), filed December 16, 1974 and proposed to become effective February 1, 1975. By letter dated December 19, 1974, Texas Gas revised its December 16, 1974 filing in order to reflect additional increases by its suppliers, thereby prompting Lawrenceburg to file substitute tariff sheets as noticed herein.

Lawrenceburg requests waiver of the Commission's regulations to permit its substitute tariff sheets to become effective February 1, 1975; and Lawrenceburg states that copies of its filing have been mailed to its two wholesale customers, Lawrenceburg Gas Company and The Cincinnati Gas & Electric Company, and also to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1960 Filed 1-21-75;8:45 am]

[Docket No. CP75-198]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

JANUARY 15, 1975.

Take notice that on January 3, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-198 an application pursuant to section 7 of the Natural Gas Act.

(a) For a certificate of public convenience and necessity authorizing Applicant to continue, as a successor in interest to Texaco Inc. (Texaco), a sale of natural gas of the type usually made by an independent producer;

(b) For permission and approval to abandon certain sales of natural gas to H. L. Hunt, et al. (Hunt), and to Arkansas Louisiana Gas Company (Arkla);

(c) For a certificate of public convenience and necessity authorizing a sale to Arkla, over a defined period of time, of a specified total quantity of natural gas, which sale is to be made under a new special rate schedule and in substitution of those sales to Arkla with respect to which Applicant requests abandonment authorization; and

(d) For a certificate of public convenience and necessity authorizing the construction and operation of the facilities necessary to the substitute sale,

all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the instant application relates to Applicant's plans to develop an underground geological formation in the nearly depleted North Lansing Field, Harrison County, Texas, as an underground natural gas storage reservoir. Applicant, states it has acquired all known producer interests at the North Lansing Field and requests certificate authorization to continue, as a successor in interest, the only known producer sale in the field not yet certificated to Applicant. Applicant states that said sale has previously been made by Texaco to Arkla under a certificate granted in Docket No. G-7062.

In order to facilitate the conversion of the North Lansing Field to a storage reservoir, Applicant proposes to discontinue production in the field and to abandon all the sales of gas from the field. The sales which Applicant proposes to abandon are the following:

Purchaser	Authorized in Docket No.	Applicant's rate schedule
Hunt	CP73-183	OSS-2
Do	CP73-194	OSS-6
Do	CP73-202	OSS-9
Do	CP73-214	OSS-16
Do	CP73-280	OSS-30
Do	CP73-280	OSS-31
Do	CP73-252	OSS-32
Arkla	CP73-181	OSS-1
Do	CP73-195	OSS-3
Do	CP73-196	OSS-4
Do	CP73-196	OSS-5
Do	CP73-203	OSS-7
Do	CP73-201	OSS-8
Do	CP73-214	OSS-10
Do	CP73-214	OSS-11
Do	CP73-214	OSS-12
Do	CP73-214	OSS-13
Do	CP73-214	OSS-14
Do	CP73-280	OSS-17
Do	CP73-252	OSS-18
Do	CP73-252	OSS-19
Do	CP73-252	OSS-20
Do	CP73-280	OSS-22
Do	CP73-280	OSS-26
Do	CP73-280	OSS-28
Do	CP73-280	OSS-29
Do	(1)	(2)

[1] Texaco received certificate authorization to make this sale to Arkla in Docket No. G-7062. Applicant requests permission and approval to abandon this sale as a successor to Texaco.

[2] This sale is currently made under Texaco's FPC Rate Schedule No. 264.

Applicant further states that all of Applicant's current production from the North Lansing Field is being sold to Arkla, Hunt having previously discontinued purchases from Applicant because declining deliveries had rendered Hunt's operations uneconomical. Applicant has entered into an agreement with Arkla whereby Arkla would surrender its right to purchase the remaining economically recoverable gas reserves in the Field in exchange for Applicant's execution of an agreement covering the sale of equivalent volumes of gas to Arkla. Applicant thus requests a limited-term certificate authorizing the substitute sale to Arkla in an aggregate quantity of gas equal to the estimated economically recoverable gas reserves remaining in the Field at the time of discontinuance of production and abandonment. Applicant relates that it has agreed with Arkla that said reserves are 3.2 million Mcf as of January 1, 1973. Applicant estimates the reserves to be 1.2 million Mcf as of December 31, 1974. Applicant proposes to deliver said quantity to Arkla at an average rate of 3,000 Mcf per day. The price for substitute sale, estimated by Applicant to be approximately 19 cents per Mcf, represents a weighted average of the prices for the several sales to Arkla which Applicant proposes to abandon from the North Lansing Field.

Applicant also requests permanent certificate authorization to construct and operate the facilities necessary to the substitute sale. Applicant proposes the construction of approximately 500 feet of 4½-inch pipeline and certain measuring facilities, including a meter station and a 3-inch side tap. The total cost of such facilities is estimated by Applicant to be $25,400, which will be met with funds on hand.

Applicant proposes to construct the subject facilities from a 30-inch pipeline, which it proposes in its application in Docket No. CP74-286 to connect Applicant's Gulf Coast Main transmission system with the North Lansing Field, to Arkla's 8-inch pipeline in Harrison County. Applicant requests authorization to continue to operate the facilities proposed in the instant application after termination of the substitute sale to Arkla because the facilities may be useful after said termination.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1961 Filed 1-21-75;8:45 am]

[Docket No. RP73-48; PGA75-3]

NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JANUARY 15, 1975.

Take notice that Northern Natural Gas Company on December 9, 1974 tendered for filing Seventh Revised Sheet No. 3a of its FPC Gas Tariff, Volume No. 4. The proposed change to become effective January 1, 1975 would increase the rate per Mcf to jurisdictional customers by .62¢ per Mcf. This amount results from a PGA increase filed by Colorado Interstate to become effective January 1, 1975. Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1974. All such petitions or protests will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1962 Filed 1-21-75;8:45 am]

[Docket No. CP74-301]

SOUTHWEST GAS CORP.

Withdrawal and Cancellation of Hearing

JANUARY 15, 1975.

On December 27, 1974, Southwest Gas Corporation filed a withdrawal of its application in the above-designated matter which was set for hearing by order issued November 14, 1974.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules and regulations the withdrawal of the above application shall become effective January 27, 1975. The hearing scheduled for January 23, 1975 is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1964 Filed 1-21-75;8:45 am]

[Docket No. RI75-99]

TEXAS PACIFIC OIL CO., INC.

Petition for Special Relief

JANUARY 15, 1975.

Take notice that on December 16, 1974, Texas Pacific Oil Company, Inc., (Petitioner), 1700 One Main Place, Dallas, Texas 75250, filed a petition for special relief in Docket No. RI75-99, seeking a rate above the applicable area ceiling under Opinion No. 607. Petitioner seeks a price of 32 cents per Mcf for the sale of gas to Arkansas Louisiana Gas Company from the Federal King No. 1 Well, Kinta Field, Haskell County, Oklahoma. The petition is based on the workover of the well and installation of compression equipment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1965 Filed 1-21-75;8:45 am]

[Docket No. E-9191]

UTAH POWER & LIGHT CO.

Notice of Application

JANUARY 15, 1975.

Take notice that on December 23, 1974, Utah Power & Light Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, an October 22, 1974, Supplement to the Interconnection and Transmission Service Contract with the United States Bureau of Reclamation (USBR), dated May 17, 1962 and designated Rate Schedule FPC No. 98, which provides for Applicant's wheeling of power and energy from the USBR Colorado River Storage Project pursuant to Contract No. 14-06-400-2436. The Supplement permits a ratio of other than one-for-one within the interchange energy account, revises standard provisions N, O, and P relating to power factor deviations, working hours and employment, and adds a new provision GG which only applies when electric service involves multiple points of delivery from both direct and wheeled points. Applicant requests that the Supplement be accepted for filing as of October 22, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1975, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests

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filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-1966 Filed 1-21-75;8:45 am]

[Docket No. RP74-91-18]

TENNESSEE GAS PIPELINE CO.

Petition for Extraordinary Relief

JANUARY 16, 1975.

On January 10, 1975, Pennsylvania Gas and Water Company (Penn Gas) filed a petition for extraordinary relief pursuant to section 4 of the Natural Gas Act and § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) from curtailment by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). Penn Gas requests that the Commission issue an order directing Tennessee to deliver to Penn Gas 2,507,676 Mcf of natural gas during the period from January 1, 1975, through March 31, 1975. Penn Gas further requests, in view of the alleged disastrous and irreparable impact of Tennessee's announced level of the curtailment of Penn Gas' supply and the short-term duration of the relief requested herein, that Tennessee be directed to provide interim relief for said amount of gas pending evidentiary proof by Penn Gas of entitlement to such relief and subject to a payback condition in the event of a failure on the part of Penn Gas to prove its entitlement to relief. Penn Gas states that in filing this petition it does not concede the propriety or legal validity of Tennessee's announced curtailment implementation but reaffirms its position taken in the complaint filed by Penn Gas in Docket No. RP75-50 that Tennessee's current implementation of its curtailment plan is unreasonable, preferential, discriminatory and unlawful. Penn Gas states further that if the interim relief prayed for by Penn Gas in its complaint in Docket No. RP75-50 is granted, Penn Gas will probably not require the extraordinary relief requested in the insant petition and that this petition is filed as a protective measure to preserve Penn Gas' legitimate rights in the event timely relief is not granted in Docket No. RP75-50. Penn Gas' petition is on file with the Commission and open to public inspection.

Penn Gas is a public utility corporation engaged in the supply and distribution of water and natural gas within the Commonwealth of Pennsylvania. Natural gas service is said to be provided by Penn Gas to the public in parts of the following Pennsylvania counties: Lackawanna, Wyoming, Luzerne, Columbia, Northumberland, Snyder, Montour, Union and Lycoming. Penn Gas states that its market is mostly residential, commercial and small process-use industrial and that it does not meet the needs of large interruptible or boiler fuel consumers.

Penn Gas states that it obtains its natural gas supply from three interstate pipeline suppliers: Tennessee, Columbia Gas Transmission Corporation (Columbia) and Transcontinental Gas Pipe Line Corporation (Transco). Penn Gas is said to have no other source of gas supply.[1]

The petition states that Penn Gas has not increased its demand entitlement from Columbia since 1971 nor has Tennessee increased its delivery obligations to Penn Gas since 1968. Penn Gas states that while it was able to contract with Transco for increased contract demand in 1969 and 1970 such increases were for only a portion of Penn Gas' requirements and that the last year in which Penn Gas was able to contract with Transco for the full volumetric level of its requirements was 1968.

Penn Gas asserts that for 4½ years it has had a very restrictive load attachment policy in effect. The petition indicates that since August 1970 no new commercial or industrial attachment commitments have been made (not even in replacement for customers lost as result of business closings) and no additional delivery commitments have been made to existing commercial and industrial customers. The petition further indicates that since October 1970 residential load growth has been prohibited, and only a portion of lost residential service has been replaced by the incurring of new delivery obligations to domestic consumers. Penn Gas states that it was unable to obtain an adequate gas supply even before the instant curtailment and since it has long practiced energy conservation in its service area additional conservation possibilities are not available. The petition asserts that Penn Gas' position is even more critical since Penn Gas has not had dump gas for sale for inferior uses which could now be curtailed to conserve gas supplies for more superior requirements.

The petition alleges that until December 13, 1974, Penn Gas believed, on advice by Tennessee that Tennessee would be curtailing deliveries to Penn Gas at the rate of 5.1 percent of Penn Gas' requirements (on a Tennessee system curtailment rate of about 7 percent). Petitioner states that on December 13, 1974, Penn Gas received a telephone call from Tennessee advising that during the period December 16, 1974, through March 31, 1975, Tennessee's system curtailment rate would be raised to 14 percent (later stated by Tennessee at 17.2 percent) and that curtailment of Penn Gas' supply would be increased from 5.1 percent to 45.11 percent.

Penn Gas states that this announced 45 percent curtailment of Penn Gas' supply from Tennessee was totally unexpected and unforeseeable. Penn Gas alleges that Tennessee has in the past advised its customers that its gas reserves were adequate to support full system deliverability and in fact at the hearing in its curtailment proceeding in Docket No. RP74-24, Tennessee's witness testified that full deliverability would be maintained at least until January 1976 at the level of requirements estimated for 1974. Penn Gas states that curtailments were announced by Tennessee earlier in 1974 which were said to have been necessitated, first, by a system capacity insufficiency, and then, later by conditions of the force majeure type but were not heralded as a basic revision in deliverability projections related to the availability of gas reserves. Penn Gas states that, until December 13, 1974, Penn Gas had no basis for believing, in its most pessimistic view, that an increase in the Tennessee system curtailment rate from 7 percent to 17 percent could possibly effect an increased in the curtailment of deliveries to Penn Gas from the rate of 5.1 percent to 45 percent of requirements. Penn Gas alleges Tennessee has not honored its request for the underlying end-use data on which Tennessee is implementing curtailment at the present time and that the validity and appropriateness of this underlying data are in issue in the complaint filed by Penn Gas in Docket No. RP75-50.

Penn Gas states that prior to its receipt of advice by Tennessee of a 45 percent winter curtailment, Penn Gas notified all its interruptible customers that Penn Gas would be unable to sell any interruptible gas during the 1974-75 winter. Penn Gas states it took this action believing that a complete curtailment of interruptible requirements would be necessary to assure its ability to meet the needs of firm customers without alternative capabilities. Until December 13, 1974, Penn Gas states, it considered its winter gas supply adequate for all firm requirements; however, as a result of the announced 45 percent curtailment by Tennessee, Penn Gas has informed all of its larger firm industrial customers that these firm deliveries would be curtailed during the current winter. Penn Gas states it informed them that their deliveries will be curtailed at the rate of 25 percent through January 19, 1975, and at a rate of 58 percent from January 20 through March 31, 1975. The petition states the foregoing staggered curtailment rate is to allow Penn Gas' customers a brief period for evaluation and planning and to enable plants to remain open until such time as Penn Gas is able to seek appropriate relief from the Commission.

[1] The uncurtailed volumes that would be deliverable to Penn Gas during the period from January 1 through March 31, 1975, for which extraordinary relief is requested is

Supplier	Thousand cubic feet at 14.73 lb/in²a	Percent
Tennessee	4,904,562	35.42
Columbia	2,732,094	19.73
Transco	6,210,447	44.85
Total	13,847,103	100.00

The affected customers of Penn Gas and their minimum requirements are set forth in the appendix below.

Penn Gas alleges that curtailment by Penn Gas of firm industrial deliveries in the magnitude it has ordered as a result of Tennessee's announced curtailment of deliveries to Penn Gas would utterly devastate the already sorely depressed economy of northeast Pennsylvania. Petitioner states there is little in place capability on the part of its firm industrial customers to conduct their operations on the burning of fuels alternative to gas. The petition states that while these consumers had no reasonable expectation of such drastic levels of curtailment upon notice by Penn Gas, these industrial concerns have set out on crash programs to accelerate plans for the conversion of production equipment to alternate capabilities, to the extent that conversion is technologically feasible. Penn Gas states that it does not seek extraordinary relief for the benefit of any consumer that can continue operating in the absence of such relief, or any end-use that can be met by existing, in place, alternative fuel capabilities; or for any such capability that can be installed during the present winter.[2] The petition states further that none of the firm customers on whose behalf Penn Gas seeks extraordinary relief has any other source of natural gas supply. Penn Gas states it has requested from Tennessee relief for its firm industrial customers and that Tennessee has informed Penn Gas relief must be sought from the Commission. Penn Gas, therefore, requests the Commission issue an order directing Tennessee to deliver to Penn Gas 2,507,676 Mcf of gas during this winter curtailment period and that such relief be granted on an interim basis pending a hearing on the issues raised in this petition.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing of petitions to intervene and protests. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX.—*Requirements for period Jan. 1 through Mar. 31, 1975*

[Thousand cubic feet]

Customer	Minimum requirements	Current allocation by Penn Gas	Extraordinary relief required
Ceco Corp.	10,701	5,590	5,111
Charmin Paper	834,132	548,164	285,968
Berwick Forge	85,533	43,707	41,826
Continental Can	8,450	4,265	4,185
Glen-Gery Corp.	59,704	38,713	20,991
Milton Manufacturing	177,734	88,933	88,801
Potlatch Corp.	26,813	15,414	11,399
RCA Corp.	81,150	48,468	17,667
Schott Optical	32,966	15,799	15,067
GTE Sylvania	17,036	8,887	8,149
TRW, Inc.	11,287	5,711	5,576
Watsontown Brick	68,966	33,681	34,985
Shop-Vac Corp.	8,818	4,535	4,283
Casket Shells	9,120	4,639	4,481
Wise Foods	13,462	6,948	6,514
AVCO Corp.	79,743	49,188	30,555
Frito-Lay	12,451	6,302	6,149
Sandvik Steel	19,552	10,132	9,420
U.S. Army	249,672	146,254	103,418
Kawneer Architectural	22,055	11,341	10,714
Roth American	8,505	4,313	4,222
Certain-Teed	157,000	90,207	66,793
Celotex Corp.	120,097	88,154	31,943
Zenith Electronics	29,056	15,167	13,889
Scranton Defense Plant	16,005	8,187	7,818
Fitchburg Coated	8,876	4,470	4,406
Total	2,146,584	1,302,164	844,420

NOTE.—Tennessee's announced allocation to Penn Gas for the period Dec. 16, 1974, through Mar. 31, 1975, is 1,970,259 Mcf, representing 1,663,256 Mcf for the period Jan. 1 through Mar. 31, 1975, the period for which extraordinary relief is requested herein. The allocation sought by Penn Gas in this petition is 2,507,676 Mcf, representing an increase of 844,420 above the allocation announced by Tennessee.

[FR Doc.75-1879 Filed 1-16-75;2:36 am]

[2] Penn Gas states that it does not request relief for industrial uses that can be met with existing alternate fuel capability or with alternate capabilities convertible during this winter except for Glen-Gery Corporation whose alternative fuel is a unique type of coal in extremely short supply. Penn Gas is seeking extraordinary relief only for the 50 percent of its fuel needs for which coal capability exists and states that any excess gas not required by Glen-Gery as a result of its commitment to obtain adequate coal supplies will not be taken from Tennessee by Penn Gas.

FEDERAL RESERVE SYSTEM

FIRST COMMERCIAL BANKS, INC.

Proposed Acquisition of FCB Life Insurance, Ltd.

First Commercial Banks, Inc., Albany, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of FCB Life Insurance, Ltd., Phoenix, Arizona. Notice of the application was published in newspapers of general circulation in the communities to be served: Sayville, Albany, Kingston, and Syracuse (Homer), all in New York.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance which is directly related to extensions of credit by the subsidiaries of the Applicant. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 13, 1975.

Board of Governors of the Federal Reserve System, January 14, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1936 Filed 1-21-75;8:45 am]

TIPTON INSURANCE AGENCY, INC.

Formation of Bank Holding Co.

Tipton Insurance Agency, Inc., Tipton, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of The Tipton State Bank, Tipton, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Tipton Insurance Agency, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the Tipton Insurance Agency, Tipton, Kansas. Notice of the application was published on October 24, 1974 in The Cawker City Ledger, a newspaper circulated in Tipton, Kansas.

Applicant states that the proposed subsidiary would engage in general insurance agency activities, including the sale of fire, casualty, accident, health and life insurance, and credit life and credit accident and health insurance directly related to extensions of credit by The Tipton State Bank. Such activities will be conducted from the premises of The Tipton State Bank in a community having a population of less than 5,000 persons. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals

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in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 13, 1975.

Board of Governors of the Federal Reserve System, January 14, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1937 Filed 1-21-75;8:45 am]

WESTERN CORP.

Acquisition of Bank

Western Corporation, Rapid City, South Dakota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Chugwater, Chugwater, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Western Corporation, Rapid City, South Dakota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Chugwater Insurance Agency, Chugwater, Wyoming, and to retain Newcastle Insurance Agency, Newcastle, Wyoming. Notice of the applications was published on October 25, 1974, in The Platte County Record-Times, a newspaper circulated in Wheatland, Wyoming, and November 14, 1974, in the News Letter Journal, circulated in Newcastle, Wyoming, respectively.

Applicant states that these susbidiaries would engage in the following activities: sale of fire and casualty, auto, and life insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposals can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secertary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 13, 1975.

Board of Governors of the Federal Reserve System, January 14, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-1938 Filed 1-21-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

IMPLEMENTATION OF PAY SYSTEM

Notice of Committee Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, February 6, 1975.
Thursday, February 13, 1975.
Thursday, February 20, 1975.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JANUARY 16, 1975.

[FR Doc.75-1975 Filed 1-21-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL PROPERTY MANAGEMENT REGULATIONS; TEMPORARY REGULATION F-325

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission (Docket No. U-1345) involving the application of Arizona Public Service Company for general increases in its rates for electrical and natural gas service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: January 13, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-1939 Filed 1-21-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Applications for Renewal Permits

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4201-000, LANE HOLLOW COAL COMPANY, Mine No. 21, Mine ID No. 44 02258 0, Maxie, Virginia.
ICP Permit No. 4201-002 (Mescher HD12 Rubber Tired Tractor, Ser. No. 240),
ICP Permit No. 4201-003 (Mescher HD12 Rubber Tired Tractor, Ser. No. 288),
ICP Permit No. 4201-004 (Mescher HD12 Rubber Tired Tractor, Ser. No. 367),
ICP Permit No. 4201-005 (Mescher ED120 Rubber Tired Tractor, Ser. No. 390).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before February 6, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

JANUARY 16, 1975.

[FR Doc.75-1971 Filed 1-21-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA—131(b)-1]

PRESIDENT'S LIST OF ARTICLES WHICH MAY BE AFFECTED BY INTERNATIONAL TRADE NEGOTIATIONS

Investigation and Hearings

On January 14, 1975, the President, pursuant to section 131(a) of the Trade Act of 1974 (hereinafter referred to as "the Act"), furnished the United States International Trade Commission (hereinafter referred to as "the Commission") a list of articles (hereinafter referred to as the "President's list") to be considered in international trade negotiations to be conducted under authority of section 101 of the Act. The President's list is published in paragraph 11-B of his "Notice of International Trade Negotiations and of Articles which may be Affected by such Negotiations" (40 FR 2659).

I. *Investigation instituted.* In accordance with the President's request and section 131 of the Act, the Commission has instituted an investigation for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(d) of the Act for use in connection with the preparation of advice to the President required by section 131(b) of the Act. This advice will be the Commission's judgment, with respect to each article included in the President's list, as to the probable economic effect of the continuance, elimination, or reduction of United States duties, or continuance of United States duty-free or excise treatment, on industries producing like or directly competitive articles and on consumers.

II. *Procedure for conduct of hearings and submission of written views.*

A. Public hearings in connection with the investigation will be held in the following cities commencing at 10 a.m. on the dates indicated:

Cities	Dates[1] (1975)
Washington, D.C.	Feb. 25 to 27.
New Orleans, La.	Mar. 4.
Atlanta, Ga.	Mar. 6.
Phoenix, Ariz.	Mar. 11.
San Francisco, Calif.	Mar. 13
Minneapolis, Minn.	Mar. 18.
Portland, Oreg.	Mar. 20.
New York, N.Y.	Apr. 1.
Boston, Mass.	Apr. 3.
Chicago, Ill.	Apr. 8.
Washington, D.C.	Apr. 8.
Cleveland, Ohio	Apr. 10.
Denver, Colo.	Apr. 14.
Omaha, Nebr.	Apr. 16.
Kansas City, Mo.	Apr. 18.

[1] The hearings in Washington, D.C. scheduled to begin February 25 will conclude on February 27; those scheduled to begin April 8 will continue until all interested parties have been heard. The hearings scheduled in cities other than Washington, D.C., will continue until all interested parties have been heard.

Further notice will be published in the FEDERAL REGISTER as to the names and locations of the hearing rooms in cities other than Washington. The public hearings in Washington, D.C., will be held in the hearing room of the U.S. International Trade Commission, 8th & E Streets, NW., Washington, D.C., commencing at 10 a.m. on the dates indicated.

1. Requests to appear at the public hearings shall be filed in writing with the Secretary of the Commission at least two weeks prior to the commencing date of the hearing in the city at which the appearance is to be made. Such requests shall contain the following information:

a. A description of the article or articles on which testimony will be presented, including, if possible, the item number or numbers in the Tariff Schedules of the United States[2] covering the article or articles.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importers, domestic producers, consumers, or other interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

[2] The Tariff Schedules of the United States Annotated (1975) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; and is also available for inspection without charge at any field office of the U.S. Customs Service or the Department of Commerce and at depository libraries.

2. Allotment of time: Because of the extensive scope of the President's list, limitation of time for the presentation of oral testimony is in the public interest. Accordingly, in scheduling appearances at the hearing the time to be allotted to witnesses for the presentation of oral testimony will be limited as circumstances require. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony.

3. Notification of date of appearance: Persons who have properly filed requests to appear will be individually notified in advance of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

4. Order of hearings: To the extent practicable the hearings at each city will follow the order of the Tariff Schedules of the United States, beginning with Schedule I, Animal and Vegetable Products.

5. Questioning of witnesses will be limited to members of the Commission and its staff.

B. *Written information and views in lieu of appearances at the public hearings may be submitted by interested persons.* A signed original and nineteen true copies of such statements shall be submitted. Business data which it is desired shall be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential." All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearances should be submitted at the earliest practicable date, but not later than the date of the closing of the public hearings.

III. *Communications to be addressed to Secretary.* All communications regarding the Commission's investigation should be addressed to the Secretary, United States International Trade Commission, Washington, D.C. 20436.

By direction of the United States International Trade Commission.

Issued: January 20, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-2129 Filed 1-21-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MANAGEMENT OF COASTAL ZONE AND OFFSHORE RESOURCES

Open Meeting

JANUARY 17, 1975.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Thursday and Friday, February 20 and 21, 1975. Both sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 15th and Constitution Avenue, NW., Washington, D.C., beginning at 9 a.m.

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The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92–125, on August 16, 1971. Its duties are to: (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The agenda will consist of briefings and discussion organized around the following topics:

THURSDAY, FEBRUARY 20

Developmental and regulatory issues in the management of coastal zone and offshore resources.

9 a.m. to noon—case studies by industry representatives on offshore oil and gas, nuclear power plant siting, and coastal recreation.

1:30 to 5 p.m.—views of representatives of the Departments of the Interior, Commerce, Transportation, and the Council on Environmental Quality.

FRIDAY, FEBRUARY 21

9 a.m. to 3 p.m.—progress reports from NACOA ad hoc working groups on information needs of coastal zone management, the future of the International Decade of Ocean Exploration, and material for the next NACOA annual report.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75–2053 Filed 1–21–75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held at 9 a.m.–5 p.m. on February 7, 1975; 9 a.m.–5 p.m. on February 8, 1975; 9:15 a.m.–2 p.m. on February 9, 1975 in the Shoreham Building, 1st floor conference room, 806 15th Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on February 7 from 9 a.m.–12 noon on a space available basis. Accommodations are limited. During the open session the following topics will be discussed: Preliminary Matters; Bicentennial Discussion; Public Works/Public Service Employment; Cultural Advisory Service; Report Re Reorganization Matters.

The remaining sessions of this meeting, February 7 from 12:30 p.m.–5 p.m., February 8 from 9 a.m.–5 p.m., and February 9 from 9:15 a.m.–2 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75–2023 Filed 1–21–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT

Establishment of Utility Advisory Panel

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), it is hereby determined that the establishment of a Utility Advisory Panel, as hereinafter identified, is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable laws. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9. (a)(2) of the Federal Advisory Committee Act and OMB Circular No. A–63, Revised.

1. *Name of panel.* Utility Advisory Panel.

2. *Purpose.* To review the assumptions made by, and the results of, the Energy Conservation Alternatives Study which is supported by the National Science Foundation, the National Aeronautics and Space Administration and the Department of Interior's Office of Coal Research. As the aim of the study is to evaluate candidate coal energy conversion systems for application to electric power generation, it is necessary to ensure that the results are applicable to electric utilities. This panel will provide advice to the Interagency Steering Committee, which is comprised of two members from each of the supporting agencies, on the compatibility of the assumptions and results with utility operation.

3. *Effective date of establishment and duration.* The Utility Advisory Panel is established, effective 15 days after publication of this notice and after the charter has been filed with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The panel shall be operative for one year from the date of the filing of the charter.

4. *Membership.* The membership of the Utility Advisory Panel shall be fairly balanced in terms of the points of view represented and the panel's function. Appointments shall be made by the Interagency Steering Committee from representatives of publicly- and privately-owned utilities. Persons with backgrounds in research and in operation will be sought. Approximately seven individuals will be selected to serve. There will be no discrimination on the basis of race, color, national origin, religion or sex.

5. *Panel operation.* The panel will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92–463), Foundation policy and procedures, OMB Circular No. A–63, Revised and other directives and instructions issued in implementation of the Act.

LOWELL J. PAIGE,
Acting Director.

[FR Doc.75–2002 Filed 1–21–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–516A and 50–517A]

LONG ISLAND LIGHTING CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated January 7, 1975 a copy of which is attached as Appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by February 21, 1975, either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20545, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Deputy Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

LONG ISLAND LIGHTING COMPANY; JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2; NRC DOCKET NOS. STN 50–516 AND STN 50–517; DEPARTMENT OF JUSTICE FILE 60–415–99

JANUARY 7, 1975.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011–2296, as amended by Pub. L. 91–560, 84 Stat. 1472, in regard to the above-cited application.

Introduction. Long Island Lighting Co. (LILCO) has applied for a permit to construct its second nuclear facility, consisting of two 1,150 MW units at Jamesport, New York. These units are scheduled for completion, at the earliest, in May, 1981 and May, 1983. It is presently estimated that the plant construction costs will be about $1,525,000,000, station switchyard and transmission costs about $28,000,000 and nuclear fuel inventory costs for the first cores in both units about $75,000,000, for a grand total estimated cost of $1,630,000,000. Applicant intends to finance these costs from internal sources, short-term borrowings and the sale of stock and debt obligations.

The applicant. LILCO is a combination gas-electric utility on Long Island, New York. Its service area covers almost all of Long Island east of New York City, plus an isolated strip of the Borough of Queens within that City. In 1973 electric revenues accounted for $338.6 million of the company's total revenues of $432.6 million.

In its electric operations the Applicant is a fully-integrated electric utility. Aside from the Shoreham nuclear facility, a fossil fueled steam unit and various gas turbine units now under construction, it operates five oil-fired steam electric generating stations and various gas turbine and diesel auxiliary generating units which have a present dependable peak capacity of 3,459 MW. In addition, LILCO and six other New York electric utilities have entered into a non-binding memorandum of understanding with respect to the formation of a jointly-owned generating company to build and operate major generating facilities to be placed in service in the 1980's. Its transmission network includes over 1000 circuit miles with lines ranging up to 138 kv capacity. And its distribution system has almost 47,000 conductor miles of distribution lines to serve its 1230 square mile franchise area, which includes an estimated population exceeding 2.8 million persons, greater than that in each of 25 states.

Relations with other utilities. By its geography LILCO is physically a comparatively isolated major electric utility. It is near only two private utilities, Consolidated Edison Co. in adjacent New York City and Connecticut Light and Power Co., and is interconnected with both, the latter via a submarine cable across Long Island Sound. These interconnections make possible a wide range of contractual relations assuring LILCO the cost and reliability benefits available from reserve sharing and coordinated planning and operation.

For example, LILCO is a member of the New York Power Pool. Other participating members, in addition to Consolidated Edison, are Central Hudson Gas & Electric Corp., New York State Electric and Gas Corp., Niagara Mohawk Power Corp., Orange and Rockland Utilities, Inc., the Power Authority of the State of New York (PASNY), and Rochester Gas and Electric Corp. As a pool member LILCO has the obligation to deliver and the right to receive emergency power, supplemental power and economy power. The Applicant also has coordinating arrangements for emergency and economy power with the Nepool Companies, a group of 31 companies in New England including Connecticut Light and Power Co.

Within LILCO's service area there are the three comparatively small municipal utilities of the Villages of Rockville Center, Freeport and Greenport. The latter has its own generation, with capacity of 7,600 kw to meet its maximum load in 1973 of 2,700 kw. It operates completely isolated, and has had no interconnections with the Applicant since 1964.

The Village of Rockville Center has been interconnected with LILCO since 1937. Discussions are presently under way between the parties to increase the interconnection capability. Since 1960 they have been operating under a contract covering the exchange of emergency power and energy when necessary. This municipal system has its own generation capacity of 35,000 kw to meet its current load of 31,000 kw. However, it has purchased deficient reserve capacity from LILCO, as well as emergency power and energy from time to time, while the latter made one purchase under the contract in 1965.

Freeport has been interconnected with the Applicant since 1954. It has generating facilities of 50,000 kw and a current maximum load of 37,200 kw. Since 1966, it has operated under a contract with LILCO covering exchange of emergency power and on and off peak firm power. Under this arrangement the municipal has continuously purchased a portion of its bulk power requirements from LILCO, while the latter purchased a small amount of power and energy in 1973 from Freeport.

Conclusions. On August 4, 1971, we rendered antitrust advice with respect to LILCO's application to construct its Shoreham nuclear power station, Unit 1. It was concluded that the activities under the license would not create or maintain a situation inconsistent with the antitrust laws. No intervening circumstances have appeared to warrant a reversal of that conclusion.

The Applicant's rather isolated location on Long Island severely curtails any potential scope for widespread competitive impact from its operations. The only serious possibility involves the three municipal systems located within its franchise area. None of these has indicated to us any interest in opposing this application, nor in seeking to obtain by purchase or unit power contract a share in the Jamesport station.

The principal concern of Rockville Center and Freeport with LILCO, indeed, is with its willingness to wheel outside power to to them. In order to obtain supplemental power to meet load growth, both systems are negotiating with the Power Authority of the State of New York to secure blocks of available PASNY generation as preference municipal customers. This will require arrangements by PASNY with the New York Power Pool companies to wheel the power to them. However, LILCO has assured the municipals of its agreement in principle to transmit this purchased power at reasonable rates, and is presently discussing the terms and conditions with PASNY.

Accordingly, from the information available to us at this time we conclude that no antitrust hearing by the Atomic Energy Commission will be required with respect to this application.

[FR Doc.75–1825 Filed 1–21–75;8:45 am]

[Docket Nos. 50–496A and 50–497A]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated January 8, 1975 a copy of which is attached as Appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by February 21, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20545, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Deputy Chief, Office of Antitrust and Indemnity Directorate of Licensing.

APPENDIX A

MONTAGUE NUCLEAR POWER STATION, UNITS 1 AND 2; NORTHEAST NUCLEAR ENERGY COMPANY, ET AL.; NRC DOCKET NOS. 50–496A AND 50–497A

JANUARY 8, 1975.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

Montague Nuclear Power Station, Units 1 and 2, will consist of two 1150 megawatt units located in the Town of Montague in northern Massachusetts. The estimated cost of the units at completion is approximately $1,841 million. Unit 1 is scheduled to go into commercial operation between November 1980 and May 1982; Unit 2, between August 1982 and February 1984.

I. *The applicants.* The Montague Nuclear Power Station is being constructed as part of an overall generation expansion program for utilities participating in the New England Power Pool and for other New England utilities. The units are to be jointly owned by a minimum of nine and a maximum of twenty-nine of the below-named applicants. Nine applicants which are committed to become owners of the units are privately-owned utilities; the maximum percentage of ownership of each is as follows:

	Percent
Northeast Utilities (NU)	75.00
The Connecticut Light & Power Co. (CL&P)	39.75
The Hartford Electric Light Co. (HELCO)	21.00
Western Massachusetts Electric Co. (WMEC)	14.25
New England Power Co.	13.00
Central Maine Power Co.	3.00
New Bedford Gas & Electric Light Co.	4.50

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	Percent
Montaup Electric Co.	2.00
Central Vermont Public Service Corp. (CVPSC)	1.74
Fitchburg Gas and Electric Light Co.	0.76

Twenty municipal-owned systems may exercise their respective options to acquire portions of the ownership interests which the aforementioned nine applicants are committed to acquire. Those consumer-owned systems and the maximum ownership interests which they may respectively acquire are: Burlington Electric Department (0.22 percent); Town of Reading Municipal Light Department (0.29 percent); City of Chicopee Municipal Lighting Plant (0.26 percent); City of Holyoke Gas and Electric Department (0.16 percent); Peabody Electric Department (0.16 percent); City of Westfield Gas and Electric Light Department (0.16 percent); Town of Shrewsbury Municipal Light Department (0.12 percent); Town of Wakefield Municipal Light Department (0.11 percent); Town of South Hadley Electric Light Department (0.09 percent); Town of Hudson Light and Power Department (0.06 percent); Marblehead Municipal Light Department (0.07 percent); North Attleborough Electric Department (0.07 percent); Holden Municipal Light Department (0.06 percent); Town of Littleton Electric Light and Water Department (0.6 percent); Town of West Boylston Municipal Lighting Plant (0.04 percent); Ashburnham Municipal Light Plant (0.02 percent); Town of Boylston Municipal Light Department (0.02 percent); Parton Municipal Light Department (0.02 percent); Sterling Municipal Electric Light Department (0.02 percent); Templeton Municipal Light Plant (0.02 percent).

The Montague units will be constructed and operated by the Applicant Northeast Nuclear Energy Company ("Northeast"), an affiliate of NU. Northeast will have no ownership interest in the units.

II. *Background.* As we have previously indicated in our advice letter concerning the Boston Edison Company application for the Pilgrim Nuclear Power Station, Unit No. 1 (AEC Docket No. 50-293A), dated August 2, 1971, there have been allegations of anti-competitive behavior by the privately-owned electric utilities against various municipal electric systems in New England, particularly in Massachusetts, during the past 10-12 years. In that letter, we indicated that various privately-owned utilities appeared to have been precluding municipal utility systems in New England from gaining access to bulk power supply on the same basis as investor-owned utilities. We concluded that many of the antitrust allegations advanced by Massachusetts municipal utilities raised substantial questions under the antitrust laws with respect to the collective activities of the utilities in New England. We therefore recommended that the Commission hold a hearing on antitrust issues relating to that application.

In the period since the Attorney General's advice on Pilgrim Unit No. 1 was published (36 F.R. 17880-81, September 4, 1971) until the present, various municipal utilities have been engaged in negotiations with privately-owned utilities in New England which would allow the former to secure access to various sources of large scale, relatively low-cost generation, as well as necessary transmission service. Although the parties have reached agreement on the principal points, these negotiations have not yet been wholly concluded. Accordingly, the Department will not, at this time, comment upon or supplement its advice with respect to Pilgrim Unit No. 1.

III. *Competitive considerations.* Our inquiries of various New England utilities concerning the instant application generated responses which appear to indicate that the adverse effects of the situation outlined in the Department's advice on Pilgrim Unit No. 1 have been, in large part, alleviated. The number of municipal-owned utilities which have become members of the New England Power Pool and which have acquired options to participate in the Montague units would tend to buttress this conclusion. In no case was the Department informed that a utility would seek to prevent the unconditioned granting of a license for these units.

One cooperative system, noting that CVPSC is the dominant factor in transmission in its region, complained that its transmission rates are too high due, in part, to allegedly unreasonable cost allocations by the Company. However, there is no allegation that CVPSC has refused or is refusing to wheel power; hence there is no fact situation comparable to that found to constitute an antitrust violation in "Otter Tail Power Co. v. United States," 410 U.S. 366 (1973). In our judgment, the complaints which have been made about CVPSC's wheeling rates can be more appropriately determined by the Federal Power Commission which has jurisdiction over, and is presently examining, the rates in question.

On February 13, 1973, a group of six municipal systems in Connecticut[1] filed an antitrust suit against CL&P, HELCO and NU seeking an injunction and treble damages. The plaintiffs have been wholesale customers of CL&P for many years. The defendants have filed an antitrust counterclaim, and the case is pending. The pendency of the antitrust suit prompted the six municipal systems to refuse to participate in the negotiations which are providing smaller utilities in New England with access to the benefits of large-scale generation and transmission. The six municipal systems do not, however, oppose the unconditioned grant of a license for the Montague units. We do not think it appropriate to pass judgment upon the allegations in the antitrust complaint, which have been denied by defendants. We note, however, that plaintiff's antitrust allegations are focussed upon the rates, terms, and conditions of CL&P's wholesale service to them. Several of the allegations as to restrictive contract and rate schedule provisions appear to relate to provisions previously, but no longer, in effect. (Provisions embodying a potential restraint on the resale of bulk power were eliminated at the Department's request during the course of our review of the Application for Millstone Nuclear Power Station, Unit No. 3 (AEC Docket No. 50-423A)).

IV. *Conclusion.* The demonstrated commitment of the investor-owned Applicants to allowing municipal-owned utilities in New England to gain access to bulk power from the Montague units and other large-scale generation in New England on the same basis as is available to investor-owned utilities appears to represent a significant step toward improving the competitive structure of the New England utility industry. Under these circumstances, it is our opinion that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc. 75-1826 Filed 1-21-75;8:45 am]

[Docket No. P-505-A]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Public Service Company of Indiana, Inc. (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 13, 1974, and docketed December 24, 1974, in connection with its plans to construct and operate two pressurized water reactors in Saluda Township, Jefferson County, Indiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application, including the Preliminary Safety Analysis Report and the Environmental Report, are to be submitted for review in early summer 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission, including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-505-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 8th day of January, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors, Project Branch 1-1, Directorate of Licensing.

[FR Doc.75-1176 Filed 1-14-75;8:45 am]

TRANSITION ORGANIZATION

Location of Offices

The Nuclear Regulatory Commission (NRC) was established by the Energy Reorganization Act of 1974, 88 Stat. 1233, effective January 19, 1975 (E.O. 11834).

The major program and staff components of the Nuclear Regulatory Commission (NRC) are organized for transitional purposes as described in this notice. The organizational requirements of NRC are currently undergoing intensive review by the Commission and further refinements are expected in due course. All appointments are effective January 19, 1975.

PROGRAM COMPONENTS

The major program components of the Commission are composed of the Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, and the Office of Nuclear Regulatory Research, which were created by the Energy Reorganization Act of 1974, plus the Commission-created Office of Standards Development, and Office of Inspection and Enforcement.

EXECUTIVE DIRECTOR FOR OPERATIONS

The Executive Director for Operations is the coordinating and directive agent below the Commission for the effective performance of the Commission's day-to-day operational and administrative activities. He will coordinate and direct the operating and administrative units in behalf of the Commission. He will further be responsible for coordinating the development of policy options generated by the directors of the program offices. Lee V. Gossick is designated Acting Executive Director for Operations.

OFFICE OF NUCLEAR REACTOR REGULATION

The Office of Nuclear Reactor Regulation is responsible for the principal licensing and regulation involving all facilities and materials licensed under the Atomic Energy Act of 1954, as amended, associated with the construction and operation of nuclear reactors licensed under the Atomic Energy Act of 1954, as amended; reviewing the safety and safeguards of all such facilities, materials, and activities; for recommending research necessary for the discharge of those functions of the Commission; and, for developing policy options for Commission consideration. Edson G. Case is designated Acting Director, Office of Nuclear Reactor Regulation. The Office has two principal divisions: the Division of Reactor Licensing, which encompasses the functions of, and replaces the previous sub-directorate of Reactor Projects, and the Division of Technical Review, which encompasses the functions of, and replaces the previous sub-directorate of Technical Review. Angelo Giambusso is appointed Director, Division of Reactor Licensing. Frank Schroeder is designated Acting Director, Division of Technical Review.

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

The Office of Nuclear Material Safety and Safeguards is responsible for the principal licensing and regulation involving all facilities and materials licensed under the Atomic Energy Act of 1954, as amended, associated with processing, transport, and handling of nuclear materials, including the provision and maintenance of safeguards against threat, thefts, and sabotage of such licensed facilities and materials; for reviewing the safety and safeguards of all such facilities and materials; for recommending research necessary for the discharge of these functions by the commission; and for developing policy options for Commission consideration. Howard J. Larson is designated Acting Director, Office of Nuclear Material Safety and Safeguards.

The initial organization of the Office includes two principal divisions: the Division of Materials and Fuel Cycle Facility Licensing, which encompasses the functions of, and replaces the previous sub-directorate of Fuels and Materials except for its safeguards related functions; and the Division of Safeguards, which will encompass these functions. Howard J. Larson is appointed Director, Division of Materials and Fuel Cycle Facility Licensing. Ralph G. Page is designated Acting Director, Division of Safeguards.

The organizational arrangements shown for this Office are interim in nature, with more detailed study by the Commission required to establish a permanent organization. When such permanent arrangements are made, the Office will be further responsible for supervision of the security agency study required by section 204 of the Energy Reorganization Act. This function is presently assigned to the Office of Special Studies.

OFFICE OF NUCLEAR REGULATORY RESEARCH

The Office of Nuclear Regulatory Research is responsible for developing recommendations for research that the Commission deems necessary for performance of its licensing and related regulatory functions, for planning and implementing such research and for developing policy options for Commission consideration. Herbert J. C. Kouts is appointed Director, Office of Nuclear Regulatory Research.

OFFICE OF STANDARDS DEVELOPMENT

The Office of Standards Development is responsible for the development of regulations, criteria, guides, standards, and codes pertaining to (a) nuclear health and safety and environmental protection in the siting, design, construction, and operation of nuclear reactors and other production and utilization facilities, and facilities for the storage, processing, and use of nuclear materials licensed under the Atomic Energy Act of 1954, as amended, and (b) the management and utilization of nuclear materials held by NRC licensees; for recommending research necessary for the discharge of these functions by the Commission; and for developing policy options for Commission consideration. Robert B. Minogue is designated Acting Director, Office of Standards Development.

OFFICE OF INSPECTION AND ENFORCEMENT

The Office of Inspection and Enforcement is responsible for the development and administration of programs and policies for (a) inspections and investigations necessary to determine whether licensees are complying with license provisions and rules, and to ascertain whether licensed operations are being conducted safely; (b) establishment of bases for the issuance of denial of a construction permit or license; (c) investigation of accidents, incidents, and theft or diversion of special nuclear materials; (d) enforcement actions; and (e) evaluation of licensed operations as a basis for recommending changes to standards and license conditions and for issuance of reports to the nuclear industry and the public, for recommending research for the discharge of these functions by the Commission; for developing policy options for Commission consideration; and for providing management and direction of NRC Regional Offices. Donald F. Knuth is appointed Director, Office of Inspection and Enforcement. The relationship of safety and safeguards inspection and enforcement will be under study along with the detailed organization and duties of the Office of Nuclear Material Safety and Safeguards.

STAFF COMPONENTS REPORTING TO THE COMMISSION

The following major staff components will report directly to the Commission:

The Atomic Safety and Licensing Board Panel, from whose members Boards are appointed to conduct such hearings and make such decisions as the Commission may authorize or direct in licensing proceedings. Nathaniel H. Goodrich is appointed Chairman of the Atomic Safety and Licensing Appeal Panel.

The Atomic Safety and Licensing Appeal Panel, from whose members Appeal Boards are appointed by the Commission in particular proceedings. Alan S. Rosenthal is appointed Chairman of the Atomic Safety and Licensing Appeal Panel.

The Office of the Secretary encompasses the functions of the previous Office of the Secretary of the Atomic Energy Commission except those connected with administrative and logistical support of the Commission and with administration of the Public Document Room in Washington, D.C., which are transferred to the Office of Administration. The Secretary will also serve as the NRC Advisory Committee Management Officer. John C. Hoyle is designated Acting Secretary of the Nuclear Regulatory Commission.

The Office of the Agency Inspector and Auditor performs investigations of possible irregularities or misconduct on the part of Commission employees and reports the results of such investigations; directs the activities of the NRC internal audit function, coordinates audit results with appropriate officials and maintains audit liaison with the GAO.

The General Counsel of the NRC is the principal legal advisor to the Commission on all matters except for those specifically assigned to the Solicitor. Howard K. Shapar is designated Acting General Counsel of the NRC.

The Solicitor is responsible for providing the Commission with legal advice and related services in connection with the Commission's adjudicatory and litigation functions. Raymond M. Zimmet is being designated Acting Solicitor.

The Office of Public Affairs is responsible for informing the public of NRC policies, programs, and activities, as appropriate, and for informing NRC management of media coverage of activities of interest to the Commission. John A. Harris is appointed Director, Office of Public Affairs.

The Office of Congressional Liaison is responsible for assisting the Commission in its relationships with Congress.

STAFF COMPONENTS REPORTING TO THE EXECUTIVE DIRECTOR FOR OPERATIONS

The following major staff components will report to the Executive Director for Operations:

The Office of Administration is responsible for administration of (a) the agency personnel management program in accordance with applicable laws, Civil Service regulations

[1] Groton, Norwich, Jewett City, Wallingford and the Second and Third Taxing Districts of Norwalk.

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where applicable, and NRC policies; (b) the NRC security and classification programs; (c) the Commission's facilities and materials license fee programs; (d) the Commission's contracting activities; (e) NRC activities resulting from the Freedom of Information Act; and (f) activities of the Public Document Room. Extensive efforts will be made to upgrade the activities of the Public Document Room in the near future. The Office is additionally responsible for directing the activities of management and administrative support programs, and for developing policy options for Commission consideration. Daniel J. Donoghue is appointed Director, Office of Administration.

The Office of Equal Employment Opportunity is responsible for the development and coordination of the NRC Equal Employment Opportunity Program for the Commission. Edward E. Tucker is appointed Director, Office of Equal Employment Opportunity.

The Office of the Controller is responsible for performance of duties related to NRC financial matters, including those relating to budgeting and accounting. Andrew W. Jackson, Jr. is designated Acting Controller of the NRC.

The Office of Planning and Analysis is responsible for providing for an overall independent analysis of programs, issues, policy options and alternatives. Edwin G. Triner is designated Acting Director, Office of Planning and Analysis.

The Office of International and State Programs encompasses the functions of, and replaces the previous Office of Government Liaison of the Atomic Energy Commission. Herbert H. Brown is appointed Director, Office of International and State Programs.

The Office of the Executive Legal Director is responsible for providing legal advice and related services to the Executive Director for Operations and the organizational components of NRC reporting to that official. Howard K. Shapar is appointed Executive Legal Director.

The Office of Management Information and Program Control is responsible for the design, development, and implementation of management information and control systems for schedules, manpower, budgets and processes of program offices, and the evaluation of program performance. William G. McDonald is appointed Director, Office of Management Information and Program Control.

The Office of Special Studies presently has staff responsibility for conducting the nuclear energy center site survey provided for by Section 207 of the Energy Reorganization Act of 1974; for conducting the study provided for by Section 204 of the Energy Reorganization Act of 1974 to assess the need for, and the feasibility of establishing a security agency within the Office of Nuclear Safety and Safeguards for the performance of safeguards functions, and for conducting a study of the safeguards aspects relating to the decision to be made by the Commission on the use of mixed oxide fuels in light water reactors. Seymour H. Smiley is appointed Director of the Office of Special Studies. As indicated in the description of the functions of the Office of Nuclear Material Safety and Safeguards, the security agency feasibility study will be transferred to the supervision of that Office when its permanent organizational details are completed.

The statutory Advisory Committee on Reactor Safeguards was transferred intact to the Nuclear Regulatory Commission (NRC) by the Energy Reorganization Act of 1974. Its functions and staffing are continued without change. William Kerr is Chairman, Advisory Committee on Reactor Safeguards.

LOCATION OF OFFICES

(1) The principal NRC Offices are maintained within the District of Columbia at 1717 H Street NW., and at 7920 Norfolk Avenue, Bethesda, Maryland. The mail address is Washington, D.C. 20555.

(2) The Regional Offices of the Office of Inspection and Enforcement are as follows:

Region I, 631 Park Avenue, King of Prussia, Pa. 19406.
Region II, Suite 818, 230 Peachtree Street, NW., Atlanta, Ga. 30303.
Region III, 799 Roosevelt Road, Glen Ellyn, Ill. 60137.
Region IV, P.O. Box 5039, White Settlement, Tex. 76108.
Region V, 1990 N. California Blvd., Suite 202, Walnut Creek, Calif. 94596.

Copies of delegations of authority by the NRC are available for public inspection and copying at the Public Document Room, 1717 H Street NW., Washington, D.C.

(5 U.S.C. 552)

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 20th day of January, 1975.

JOHN C. HOYLE,
Acting Secretary
of the Commission.

[FR Doc.75-2198 Filed 1-21-75;10:03 am]

SECURITIES AND EXCHANGE COMMISSION

MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Exceptions From Tax Allocation Provisions

Notice is hereby given, That Middle South Utilities, Inc., ("Middle South"), a registered holding company, and its wholly-owned subsidiary companies, System Fuels, Inc., and Middle South Energy, Inc., together with Middle South's other subsidiary companies, have filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 12(b) and 12(f) of the Act and Rule 45(b)(6) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Middle South and its subsidiary companies join annually in the filing of consolidated Federal income tax returns. By Order dated May 23, 1963 (Holding Company Act Release No. 14877), the Commission granted an exception from the tax-allocation provisions of Rule 45(b)(6) whereby each of the companies included in the consolidated tax returns of the Middle South System would be given full investment tax credit contributed by it to the total investment credit allowed in the consolidated returns. Since the date of that Order, Middle South has acquired or created several additional subsidiaries, including System Fuels, Inc., and Middle South Energy, Inc. With respect to these two subsidiaries, the present filing seeks authorization to put into effect certain additional exceptions from the tax allocation requirements of Rule 45(b)(6).

System Fuels, Inc. ("SFI"). SFI was organized on January 3, 1972. It functions as the System's central vehicle for planning and implementing programs for the procurement, storage and transportation of fuel supplies for the electric generating units of the System's operating companies. Those functions include prospecting for, acquiring and developing oil, gas and coal reserves. (See Holding Company Act Release No. 18221, December 17, 1973.) Beginning with the year 1972, SFI has joined in the System's consolidated Federal income tax returns, and it is stated that the procedure as to investment tax credits authorized by the Order of May 23, 1963 has been applied to SFI as a member of the consolidated tax return group. SFI states that tax reductions arising from SFI's qualified asset investments are accounted for on its books by crediting the tax reductions to a deferred credit account and amortizing the amount in such account over the lives of the related assets; and that such annual amortization is credited to expense and thus operates to reduce the price of fuel sold by SFI to the System's operating companies.

Further exceptions from the tax-allocation provisions of Rule 45(b)(6) are now requested for SFI in respect of consolidated tax savings arising from (1) percentage depletion and (2) exploration and development costs, as follows:

(1) SFI's gas exploration program has resulted in six producing natural gas wells as of October 9, 1974, and current estimates are that total natural gas reserves from these fields will approximate 42 million mcf. It is stated that the development of these reserves, and the possibility of developing oil reserves, may give rise to a deduction by SFI for percentage depletion allowances in the consolidated Federal income tax returns filed by the Middle South System. Under the tax-allocation provisions of Rule 45(b)(6), the reduction of consolidated taxes resulting from such depletion allowances would be allocated among the other subsidiaries of Middle South in proportion to the taxable net income of each. Since SFI supplies varying volumes of fuel to the System operating companies at cost, it is stated that a more equitable procedure would be to allocate such tax savings in the first instance to SFI. The latter would account for the tax savings by crediting an equal amount to the cost of natural gas sold by SFI to the System's operating companies, resulting in a commensurate reduction of the unit sales price, in accordance with the full-cost concept of accounting for the sale of natural gas reserves.

(2) Expenditures by SFI in connection with its gas and oil exploration and development program, associated with projects which may or may not lead to successful production, are capitalized on SFI's books but deducted for tax purposes on the System's consolidated tax returns. It is estimated that, in 1974, such expenditures resulted in a tax loss of about $9,500,000 and a commensurate reduction in the consolidated tax liability (about $4,750,000 at a 50 percent tax rate). As discovered oil and gas reserves are subsequently produced and sold, the capitalized costs are amortized by charges to income on a unit-of-production basis. It is stated that under Rule 45(b)(6) the reduction in consolidated taxes resulting from such tax loses is allocable to the other subsidiary companies; and as the capitalized costs are thereafter amortized and reflected in the price of fuel sold to the operating companies, taxable income is thereby realized by SFI with resulting tax liability which must be absorbed by the operating companies in the price of fuel purchased from SFI. To enable SFI to sell fuel to the operating companies at its cost price unaffected by fluctuations in tax components in the price caused by timing variations between book and tax treatment of the capitalized costs, it is proposed, beginning with the tax year 1974:

(a) that the consolidated Federal income taxes be allocated among the members of the consolidated group without taking into account reductions of the consolidated tax resulting from inclusion of SFI's exploration and development costs in the consolidated returns;

(b) that such tax reductions be allocated in their entirety to SFI;

(c) that SFI will account for tax reductions so allocated to it by crediting a deferred income tax account, against which will be charged taxes subsequently payable to SFI on taxable income arising from recovery of its exploration and development costs in fuel billings to the operating companies; and

(d) that in years when SFI has taxable income and may be entitled to tax credits under the operating loss carryback and carryover provisions of Section 172(b) of the 1954 Internal Revenue Code, in order to comply with the separate return limitations required by Rule 45(b)(6); any tax credits remitted to SFI as a result of the exceptions from the rule herein requested shall be applied to reduce any credits in future years to which SFI may otherwise be entitled under the separate return limitations of Rule 45(b)(6).

It is further stated that the requested exceptions from Rule 45(b)(6) would augment SFI's cash flow by an amount equal to the annual net accruals to the deferred Federal income tax account, to be used by SFI in furtherance of its oil and gas exploration program, thus decreasing its reliance on other sources of capital including borrowings from its parent operating companies.

Middle South Energy, Inc. ("MSE"). MSE was organized in 1974 to function as the future central generating company for the Middle South System, and as a first step in the exercise of that function, it acquired the Grand Gulf Nuclear Electric Station Project ("Project") from an associate company, Mississippi Power & Light Company. Construction of the Project, the first and second units of which are scheduled for completion in 1980 and 1982, respectively, is estimated to cost $1,227 million. As the initial phase of financing the Project, MSE has heretofore been authorized to issue and sell $40,000,000 common stock to Middle South and to borrow up to $308,500,000 from a group of commercial banks (HCAR No. 18437, June 4, 1974). It is stated that during the period of construction MSE will have substantial interest expenses on borrowed funds and that during that period, as well as in the early years of operating the Project, it will incur substantial tax losses. Over the period 1975 through 1982 these tax losses, which will be included in the System's consolidated tax returns, are estimated to range annually from $5,597,000 to $51,046,000, and commensurately to reduce the System's annual consolidated tax liabilities.

As a further exception from the tax-allocation prescription of Rule 45(b)(6), it is proposed that, beginning with the tax year 1974, the reductions in the consolidated tax liabilities arising from any net operating losses contributed to the consolidated tax returns by MSE be allocated in their entirety to MSE, which will apply these funds to finance in part the large capital requirements of the Project; that such tax credits to MSE would be used to reduce any loss carryovers in future years to which MSE might otherwise be entitled under the separate return limitations of Rule 45(b)(6); and that in no event will the tax allocated to any other subsidiary company of the Middle South System exceed the amount of tax of such company based upon a separate return computed as if such company had always filed its return on a separate return basis.

When the first unit of the Project commences commercial operation (presently scheduled for 1980) MSE will also contribute to the consolidated tax return a tax reduction attributable to investment tax credit arising from qualified investments of MSE. Under the exception to Rule 45(b)(6) authorized by the Order May 23, 1963 (HCAR No. 14877), the method of allocating consolidated taxes in respect of investment tax credits will be applied to MSE. The latter will account for investment tax credits applicable to it by crediting a deferred account and amortizing the tax credits recorded therein over the lives of the related assets. The amortization amounts will be concurrently credited to operating expense, resulting in reduced costs of power sold to the associated operating companies.

It is stated that no Federal or State commission, other than this Commission, has jurisdiction over the proposed transactions. No special fees or expenses are to be incurred in connection with the proposed transactions except for the charges for administrative services, at cost, of Middle South Services, Inc., estimated at $500.

Notice is further given, That any interested person may, not later than February 10, 1975 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such further action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-1926 Filed 1-21-75;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory), will hold a meeting on February 14, 1975 at the Securities and Exchange Commission, 500 North Capitol Street, Room 876, Washington, D.C. The meeting will commence at 10:00 a.m. local time and will be for the purpose of discussing the FOCUS Report of financial and operational information and development of simplified assessment and trading forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and

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in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11440.)

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pilliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

JANUARY 15, 1975.

[FR Doc.75-1925 Filed 1-21-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1110]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, It has been reported that during the months of November and December, because of the effects of a certain disaster, damage resulted to property located in the State of Virginia;

Whereas, The Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, After reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, As Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in King George, Prince William and Westmoreland Counties, and adjacent affected areas, suffered damage or destruction resulting from severe storms, high winds, and abnormally high tides occurring on or about November 30–December 1, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration
District Office
Federal Building—Room 3015
400 North Eighth Street
Richmond, Virginia 23240

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 17, 1975. EIDL applications will not be accepted subsequent to October 17, 1975.

Dated: January 14, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-1945 Filed 1-21-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Wednesday, February 5, and Thursday, February 6, 1975. The meeting will begin at 9 a.m. in Conference Room B of the Interdepartmental Auditorium, located on Constitution Avenue between 12th and 14th Streets, Northwest, Washington, D.C. This meeting will be open to the public, and all interested parties are encouraged to attend.

The proposed agenda for the ensuing meeting calls for the Committee to continue its consideration of the recommendations of the 1926/1910 Project Subcommittee. The recommendations are oriented toward selected items in Part 1910 of 29 CFR which the Subcommittee deemed applicable to Part 1926 of 29 CFR.

Any member of the public wishing to submit written presentations and/or recommendations to the Committee may do so by filing such a statement, together with 20 duplicate copies with the Committee Management Officer by January 31, 1975. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by January 31, 1975. The request must bear the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Chairman for his consideration.

All materials which have been submitted to or developed by the Committee as well as the official record of all Committee proceedings are available for public inspection and copying at the Committee Management Office. Any copying will be done at the cost of 20¢ per page. However, it should be understood that no arrangement will be made to supply Committee materials to the public at any meeting site.

Any communications relating to Committee activities or requests for copies of materials utilized by the Committee should be addressed to:

Nancy Hucke, Committee Management Officer, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street, Northwest, Washington, D.C. 20210. Phone: (202) 961-2248, 3181.

Signed at Washington, D.C. this day of January, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-1999 Filed 1-21-75;8:45 am]

Office of the Secretary

EMERGENCY UNEMPLOYMENT COMPENSATION

Notice of Availability

Unemployment Compensation in the States of

California	New York
Connecticut	Oregon
Massachusetts	Pennsylvania
Michigan	Rhode Island
Nevada	Vermont
New Jersey	Washington

The Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, approved December 31, 1974, creates a new temporary unemployment compensation program to furnish up to thirteen additional weeks of Federal supplemental benefits to individuals who remain unemployed and unable to obtain work, after exhausting their rights to regular and extended unemployment compensation.

Federal supplemental benefits are payable in a State which has entered into an agreement with the Secretary of Labor of the United States. The benefits are payable during a Federal Supplemental Benefit Period which begins in a State with the third week after the week in which there is an "on" indicator in the State. A benefit period in a State will last for a minimum period of 26 weeks. Benefits are payable under the Act commencing with the first week which begins after December 31, 1974, or the week which begins after the week in which the State has entered into an agreement under the Act, whichever is the later week.

I have determined that there was an "on" indicator in each of the States named above for the week which began on December 15, 1974. Accordingly, a Federal Supplemental Benefit Period will commence in each of those States with the week beginning on January 5, 1975, and payments of Federal supplemental benefits may begin with that week.

The supplemental benefits are payable during a benefit period in each State to individuals who have exhausted their rights to regular and extended unemployment compensation under the unemployment compensation law of that State. Former Federal employees, and ex-servicemen and ex-servicewomen, who have exhausted their rights to regular and extended unemployment compensation pursuant to the unemployment compensation law of any of the States in which there is a benefit period in effect will have the same rights as State claimants to supplemental benefits.

Persons who believe they may be entitled to Federal supplemental benefits under the new law, or wish to inquire about their rights, should contact promptly the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C., this 16th day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-1998 Filed 1-21-75;8:45 am]

SPECIAL UNEMPLOYMENT ASSISTANCE IN ALL AREAS OF ALL STATES OF THE UNITED STATES AND PUERTO RICO, AND IN THE DISTRICT OF COLUMBIA AND THE VIRGIN ISLANDS

Notice of Availability

Title II of the Emergency Jobs and Unemployment Assistance Act of 1974, Pub. L. 93-567, approved December 31, 1974, creates a new, temporary unemployment compensation program for the payment of up to 26 weeks of unemployment benefits to unemployed individuals who are not covered by the established State and Federal unemployment compensation laws, and who have no rights to assistance or allowances with respect to their unemployment under other Federal laws.

Special Unemployment Assistance authorized by the new law is payable in a State which has entered into an agreement with the Secretary of Labor of the United States, in areas of the State served by an entity which is eligible to be a prime sponsor under section 102(a) of the Comprehensive Employment and Training Act of 1973. The benefits are payable during a Special Unemployment Assistance Period which begins in an area (as defined in the Act) with the third week after the week in which there is an "on" indicator in the area. A Special Unemployment Assistance Period will last for a minimum period of 13 weeks.

I have determined that there was an "on" indicator for all areas of all States and Puerto Rico, and for the District of Columbia and the Virgin Islands, for the week beginning on December 1, 1974, because the rate of national unemployment (seasonally adjusted) averaged 6 per centum or more for the three calendar months preceding that week. Accordingly, Special Unemployment Assistance shall be payable in all areas of all States and in the District of Columbia and the Virgin Islands, commencing with the week beginning on December 22, 1974, provided that an agreement is entered into under the Act.

Because the "on" indicator in this instance is applicable throughout all States, and the District of Columbia, Puerto Rico, and the Virgin Islands, it is not essential at this time to designate "areas" for the purposes of the Act.

Persons who believe they may be entitled to Special Unemployment Assistance under the new law, or wish to inquire about their rights, should contact promptly the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C., this 16th day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-1997 Filed 1-21-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 677]

ASSIGNMENT OF HEARINGS

JANUARY 16, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Ex Parte No. 299 Sub 1, Increases in Freight Rates and Charges of The Long Island Railroad Company to Offset Retirement Tax Increases—1973, now being assigned February 10, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S 8986, Quarterly Settlements of Transit Accounts-Wtl, Swl Territories, now assigned February 19, 1975, at Kansas City, Mo., will be held in Room 309, Federal Office Bldg., 911 Walnut St.

MC 114239 Sub 32, Farris Truck Line, now assigned February 27, 1975, at Kansas City, Mo., will be held in Room 309, Federal Office Bldg., 911 Walnut St.

MC 128007 Sub 61, Hofer, Inc., now assigned February 26, 1975, at Kansas City, Mo., will be held in Room 309, Federal Office Bldg., 911 Walnut St.

I&S No. 8998, Coal, Southwestern, Western Trunk Line & Central Territories, and PSA No. 42890, Coal From Illinois, Indiana, Kentucky, and Missouri, now assigned February 4, 1975, at Chicago, Ill., is postponed to March 4, 1975 (4 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1911 Filed 1-21-75;8:45 am]

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[Notice No. 678]

ASSIGNMENT OF HEARINGS

JANUARY 17, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136183 Sub 2, Joe Costa, DBA Trinidad Freight Service, now assigned January 27, 1975, at Albuquerque, N.M., is cancelled and transferred to modified procedure.

MC-F-12093, Crouch Bros., Inc.—Purchase (Portion)—Bestway Freight Lines, Inc. and MC-F-12104, Illinois-California Express, Inc.—Purchase (Portion)—Bestway Freight Lines, Inc., now assigned January 25, 1975, at Oklahoma City, Ok., will be at the Skirvin Plaza Hotel, 1 Park Avenue.

MC 114273 Sub 171, Cedar Rapids Steel Transportation, Inc., now assigned February 4, 1975, at Columbus, Ohio, reassigned to February 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644 Sub 177, Superior Trucking Company, Inc., now assigned February 6, 1975, at Jacksonville, Fla., is cancelled and the application is dismissed.

FF-C-53, Down-East Shippers, Inc., and Trailer Train, Inc.—Investigation of Operations, now being assigned February 25, 1975 (2 days), on the Fifth floor, 150 Causeway Street, Boston, Mass.

MC 139690, Kellert's Incorporated, now being assigned February 27, 1975 (2 days), on the Fifth floor, 150 Causeway Street, Boston, Mass.

MC-F-12087, H. P. Welch Co.—Purchase—E. B. Trans. Co., Inc., and MC 68917 Sub 8, H. P. Welch Co., now being assigned March 3, 1975 (1 week), on the Fifth floor, 150 Causeway Street, Boston, Mass.

MC 22229 Sub 85, Terminal Transport Company, Inc., now assigned February 4, 1975, at Harrisburg, Pa., will be held in Room 804 Federal Building, 228 Walnut Street.

MC 128932 Sub 8, Robert L. Torrans, DBA Commercial Storage & Distribution Co., now being assigned March 4, 1975 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 114211 Sub 233, Warren Transport, Inc., now being assigned March 6, 1975 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 125115 Sub 5, El Paso Los Angeles Limousine Express, Inc., now being assigned March 10, 1975 (1 week), at El Paso, Tex. in a hearing room to be later designated.

MC 107064 Sub 105, Steere Tank Lines, Inc., and MC 107403 Sub 899, Matlack, Inc., now assigned January 28, 1975, at Dallas, Tex., has been postponed indefinitely.

No. 35956, Morelli Overseas Export Service of Wisconsin, Inc. V. Chicago and North Western Transportation Company, No. 35990, Maritime Shipping Agencies, Inc. V. Chicago and North Western Transportation Company, and No. 35998, Hansen Seaway Service, Ltd. V. Chicago and North Western Transportation Company, Et Al., now being assigned March 18, 1975 (4 days), at Milwaukee, Wis., in a hearing room to be later designated.

MC 127834 Sub 102, Cherokee Hauling & Rigging, Inc., now assigned January 21, 1975, at Columbus, Ohio, cancelled and the application is dismissed.

Ex Parte 310, Increased Freight Rates and Charges, 1975, Nationwide, continued to January 27, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 109478 Sub 134, Worster Motor Lines, Inc., now assigned January 30, 1975, at Chicago, Ill., cancelled and the application is dismissed.

MC 128270 Sub 8, Redlehs Interstate, Inc., now assigned February 7, 1975, at Chicago, Ill., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2045 Filed 1-21-75;8:45 am]

[Finance Docket No. 26983]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment of Lines

JANUARY 17, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et eq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Marshall County, West Virginia, on or before January 21, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of January 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated January 6, 1975, it has been determined that the proposed abandonment by the Baltimore and Ohio Railroad Company between Moundsville and Board Tree in Marshall County, W. Va., a distance of 26.78 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are not considered significant because no major ecological impacts are involved. In addition, the small amount of traffic involved could be adequately handled by the area's highways without major complications resulting. It should also be noted that in order to provide future rail transportation to the involved area, B&O intends to retain ownership of the right-of-way, so that it can have the option of reinstating rail service should future coal mining operations be developed.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 5, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-2046 Filed 1-21-75;8:45 am]

[Docket No. AB-6; Sub-No. 7;
Finance Docket Nos. 27638, 27635]

BURLINGTON NORTHERN, INC. AND MONTANA CENTRAL RAILROAD AND RECREATION CO.

Abandonment and Acquisition of Lines, Stock Issuance

JANUARY 17, 1975.

Upon consideration of the record in the above-entitled proceeding, including the petition of Montana Central Railroad and Recreation Company seeking (1) consolidation of the above-entitled proceedings, (2) an order from the Commission directing an appraisal to determine the fair market value of the above-mentioned railroad line; (3) Commission approval of the above-described abandonment application; and (4) Commission approval of the applications in Finance Docket Nos. 27635 and 27638.

It appearing, that concurrent handling and disposition of the above-entitled proceedings would not facilitate and expedite disposition of the issues;

It further appearing, that the relief sought in the balance of the instant petition is relief that is beyond the Commission's power to grant;

It further appearing, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969:

It is further ordered, That the petition be, and it is hereby, denied.

Dated at Washington, D.C., this 8th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2050 Filed 1-21-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

JANUARY 16, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 8958 (Sub-No. 28G), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles of the kind used in construction and manufacture*, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, West Virginia, the District of Columbia, and points in Maryland on and east of U.S. Highway 15, on the one hand, and, on the other, points in Lake and Porter Counties, Ind., which are on and north of U.S. Highway 30, Chicago, Illinois, and points within 25 miles thereof; points in Cook County, Illinois which are on and south of U.S. Highway 34; points in Cook, McHenry, DuPage, Lake, DeKalb, Grundy, Kane, Kendall, and Will Counties, Illinois; points in LaSalle County, Illinois, which are within 50 miles of Oswego, Illinois; Libertyville, Grayslake and Belvidere, Illinois, and points in Kenosha and Walworth Counties, Wisconsin. The purpose of this filing is to eliminate the gateways at all points in New York State; all points in Pennsylvania and Maryland on and east of U.S. 15; Niles, Ohio, Indiana Toll Road Interchange No. 12 and Chicago, Ill.

(2) *Iron and steel articles of the kind used in construction and manufacture*, from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, West Virginia, the District of Columbia, and points in Maryland on and east of U.S. Highway 15, to points in that part of Michigan east of U.S. Highway 27 and on and south of Michigan Highway 20 and south of Saginaw Bay. The purpose of this filing is to eliminate the gateways at all points in New York State, all points in Pennsylvania and Maryland on and east of U.S. Highway 15, and Niles, Ohio.

(3) *Iron and steel articles of the kind used in construction and manufacture* from Monroe, Michigan, and points in Wayne County, Michigan, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, West Virginia, the District of Columbia, and those in Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways at Niles, Ohio, all points in New York State, and all points in Pennsylvania and Maryland on and east of U.S. 15.

(4) *Metal, metal products, contractors' equipment, and machinery* from points in Ohio to points in Michigan east of U.S. Highway 27 and on and south of Michigan Highway 20 and south of Saginaw Bay. The purpose of this filing is to eliminate the gateways at Niles, Ohio.

(5) *Metal, metal products, contractors' equipment, and machinery* from Monroe, Michigan, and points in Wayne County, Michigan, to points in Ohio. The purpose of this filing is to eliminate the gateways at Niles, Ohio.

(6) *Metal, metal products, asphalt, roofing cement, and prepared roofing materials*, between points in Ohio, on the one hand, and, on the other, points in Lake and Porter Counties, Indiana, which are on and north of U.S. Highway 30; Chicago, Illinois, and points within 25 miles thereof; points in Cook, McHenry, DuPage, Lake, DeKalb, Grundy, Kane, Kendall, and Will Counties, Illinois; points in La Salle County, Illinois, which are within 50 miles of Oswego, Illinois; Libertyville, Grayslake, and Belvidere, Illinois, and points in Kenosha and Walworth Counties, Wisconsin. The purpose of this filing is to eliminate the gateways at Niles, Ohio, Indiana Toll Road Interchange No. 12, and Chicago, Ill.

(7) *Contractors' equipment and machinery, and iron and steel articles of a kind used in construction and manufacture*, between points in Ohio, on the one hand, and, on the other, those in that part of Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateways at Niles, Ohio.

(8) *Contractors' equipment and machinery, and iron and steel articles of a kind used in construction and manufacture*, between all points in Ohio, on the one hand, and, on the other, points in Lake and Porter Counties, Indiana, which are on and north of U.S. Highway 30; Chicago, Illinois, and points within 25 miles thereof; points in Cook, McHenry, Du Page, Lake, De Kalb, Grundy, Kane, Kendall, and Will Counties, Illinois; points in La Salle County, Illinois, which are within 50 miles of Oswego, Illinois; Libertyville, Grayslake, and Belvidere, Illinois; and points in Kenosha and Walworth Counties, Wisconsin, on the one hand, and, on the other, all points in that part of Michigan on and south of a line beginning at Detroit and extending along Michigan Highway 14 to Ann Arbor, thence along Interstate Highway 94 to Marshall, thence along Michigan Highway 96 through Battle Creek to Kalamazoo, and thence along Interstate Highway 94 through Benton Harbor to the Michigan-Indiana State line (formerly shown as points in Michigan on and south of U.S. Highway 12). The purpose of this filing is to eliminate the gateways at Chicago, Ill.

(9) *Iron and steel articles of the kind used in construction and manufacture, contractors' equipment and machinery*, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, West Virginia, the District of Columbia, and points in Maryland on and east of U.S. Highway 15, on the one hand, and, on the other, all points in Ohio. The purpose of this filing is to eliminate the gateways at all points in New York State, all points in Pennsylvania and Maryland on and east of U.S. 15, and Niles, Ohio.

(10) *General commodities*, except those of unusual value, livestock, Classes A and B explosives, and household goods defined by the Commission, between all points in Lake and Porter Counties, Indiana, which are on and north of U.S. Highway 30; Chicago, Illinois, and points within 25 miles thereof; points in Cook, McHenry, Du Page, Lake, De Kalb, Grundy, Kane, Kendall, and Will Counties, Illinois; points in La Salle County, Illinois, which are within 50 miles of Oswego, Illinois; Libertyville, Grayslake, and Belvidere, Illinois; and points in Kenosha and Wal-

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worth Counties, Wisconsin; to points in that part of Michigan east of U.S. Highway 27 and on and south of Michigan Highway 20 and south of Saginaw Bay, and junction Interstate Highways 80 and 90 with U.S. Highway 27, also known as Indiana Toll Road Interchange No. 12. The purpose of this filing is to eliminate the gateways at Chicago, Ill., Indiana Toll Road Interchange No. 12, and Toledo, Ohio.

(12) *Iron and steel articles of the kind used in construction and manufacture* from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Illinois, to points in Ohio, West Virginia, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, the District of Columbia, and points in Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways at Lake County, Ind., Indiana Toll Road Interchange No. 12, Youngstown, Ohio, all points in New York State, and all points in Pennsylvania and Maryland on and east of U.S. 15.

(13) *Iron and steel articles used in the manufacture and processing of iron and steel articles* from Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, West Virginia, the District of Columbia, and points in Maryland on and east of U.S. Highway 15 to the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Illinois. The purpose of this filing is to eliminate the gateways at all points in New York State, all points in Pennsylvania and Maryland on and east of U.S. 15, Niles, Ohio, Interstate Toll Road Interchange No. 12, and Lake County, Indiana.

(14) *Materials, equipment and supplies, and metal products, used in the manufacture and processing of iron and steel* articles from points in Ohio to plant site of Jones & Laughlin Steel Corporation located in Putnam County, Illinois. The purpose of this filing is to eliminate the gateways at Niles, Ohio, Indiana Toll Road Interchange No. 12, and Lake County, Ind.

No. MC 78228 (Sub-No. 50G), filed June 4, 1974. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron*, in dump vehicles, from points in Ohio, those in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence. along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky., to points in New Jersey, that part of Pennsylvania east of U.S. Highway 219 and that part of West Virginia south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(2) *Scrap metal*, in dump vehicles, between points in Ohio, those in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), Maryland, Delaware, and Virginia, restricted against the transportation of traffic originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

(3) *Scrap carbon, furnace lining, and carbon butts*, in bulk, in dump vehicles, from points in Ohio, those in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky., to points in Pennsylvania, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Niagara Falls, N.Y.

(4) *Alloys and ores*, in dump vehicles, from Philadelphia, Pa., to points in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State Line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky. The purpose of this filing is to eliminate the gateways at points in Ohio and those points in West Virginia on and north of U.S. Highway 50.

(5) *Metals, metal alloys, sand, ores, and limestone*, in dump vehicles, from points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey (except points in Gloucester and Cumberland Counties and the city of Mount Hope, N.J., and points in its commercial zone), New York, Pennsylvania (except points in Adams County, Pa., and points in Pennsylvania west of U.S. Highway 15), Vermont, Virginia, and West Virginia (except points in Jefferson and Berkeley Counties and Martinsburg, Millville, and Bakerton, W. Va., and points in their commercial zones), to points in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky. The purpose of this filing is to eliminate the gateways at points in Ohio and those points in West Virginia on and north of U.S. Highway 50.

(6) *Ferro alloys, pig iron, and scrap metals*, in dump vehicles, between points in Vermont and New Hampshire, on the one hand, and, on the other, points in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky. The purpose of this filing is to eliminate the gateways of Graham, W. Va., and Vancoram, Ohio.

gateways of Braddock, Pa., and East Liverpool, Ohio.

(7) *Ferro alloys, pig iron, and scrap metals*, in dump vehicles, between points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, on the one hand, and, on the other, points in that part of Pennsylvania on and west of U.S. Highway 219 and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and Ashland, Ky. The purpose of this filing is to eliminate the gateways of Graham, W.Va., and Vancoram and Vanadis, Ohio.

(8) *Ferro Alloys, silicon metal, and manganese metal*, in dump vehicles, from points in Ohio and Ashland, Ky., to points in Kentucky (except Marshall County, Ky.), Illinois, Indiana, Missouri, Ohio (except Cuyahoga, Geauga, Lorain, Portage, and Washington Counties, Ohio), and Iowa. The purpose of this filing is to eliminate the gateways of Graham, W. Va., and Vancoram and Vanadis, Ohio.

(9) *Coke*, from points in Ohio, those in that part of New York, west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Harriett (Tonawanda Township), Erie County, Pa.

(10) *Scrap metal*, in dump vehicles, from Poughkeepsie, Binghamton, and Endicott, N.Y., to points in Ohio, those in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky. The purpose of this filing is to eliminate the gateways at points in Ohio, and those points in Pennsylvania on and west of U.S. Highway 219.

(11) *Pig iron*, from points in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, and Ashland, Ky., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Graham, W.Va., and Vancoram and Vanadis, Ohio.

(12) *Coke*, from points in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, to points in Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, Ohio (except points on and east of U.S. Highway 21, and points in Cuyahoga and Lorain Counties west of U.S. Highway 21), Rhode Island, Virginia, and West Virginia (except points in Brooke, Hancock, Marshall, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

(13) *Pig iron*, in dump vehicles, from points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, to points in Illinois, Indiana, Kentucky, and Michigan. The purpose of this filing is to eliminate the gateways of Niagara Falls and Buffalo, N.Y.

(14) *Pig iron*, in dump vehicles, from points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, to points in Maryland, Indiana, Michigan, Ohio (except points on and east of U.S. Highway 21, and points in Cuyahoga and Lorain Counties west of U.S. Highway 21), and West Virginia (except points in Brooke, Hancock, Marshall, and Ohio Counties). The purpose of this filing is to eliminate the gateways of Niagara Falls, N.Y., and Pittsburgh, Pa.

(15) *Pig iron and coke*, from points in Ohio, to points in West Virginia on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(16) *Ferro alloys, silicon metal and manganese metal*, in dump vehicles, from points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey (except points in Gloucester and Cumberland Counties and Mt. Hope, N.Y., and points in its commercial zone), New York, Pennsylvania (except points in Adams County, Pa., and points in Pennsylvania west of U.S. Highway 15), Vermont, Virginia, and West Virginia (except points in Jefferson and Berkeley Counties and Martinsburg, Millville, and Bakerton, W. Va., and points in their commercial zones), to points in Ohio (except Cuyahoga, Geauga, Lorain, Portage, and Washington Counties, Ohio), Illinois, Indiana, and Iowa. The purpose of this filing is to eliminate the gateways of Graham, W. Va., and Vancoram, Ohio.

No. MC 113843 (Sub-No. 209G), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, P.O. Box 238, 60 Adams St., Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Canned foodstuffs*, from Baltimore and Havre de Grace, Md., and points in that part of Delaware, Maryland, and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay: (1) to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Dunkirk, N.Y., and Binghamton, N.Y. (2) to points in Illinois, Indiana, Michigan, and Kentucky. The purpose of this filing is to eliminate the gateway of Hamlin, Holley, or Williamson, N.Y. (A) (3) to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Hamlin, Holley, or Williamson, N.Y. (A) (4) to points in Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

(B) *Fresh and frozen poultry, fresh and frozen seafood, and frozen fruits and vegetables*, from points in Delaware, Maryland, Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, Baltimore, Md., the District of Columbia, Hampton and Richmond, Va., and Huntington, W. Va.; (B) (1) to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. (B) (2) to points in Kentucky, Maine, Connecticut, Pennsylvania, Massachusetts, Vermont, Rhode Island, New York, and New Hampshire. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (B) (3) to points in Ohio, Pennsylvania, Indiana, Illinois, Mis-

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souri, and Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (B)(4) to points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, Morton, or LeRoy, N.Y. (B)(5) to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Geneva, Westfield, or Penn Yan, N.Y. (B)(6) to points in West Virginia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (B)(7) to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (B)(8) to points in Iowa, Kentucky, Missouri, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. (B)(9) to points in Tennessee. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (B)(10) to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(C) *Frozen foods*, (1) from Pocomoke City, Cambridge, Crisfield, Md., to: (C)(1)(a) points in Missouri and Pennsylvania. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (C)(1)(b) to points in Minnesota, Arkansas, Colorado, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. (C)(1)(c) to Maine, Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, and Vermont. The purpose of this filing is to eliminate the gateways at Elmira, N.Y. (C)(11)(d) to Grand Forks, N. Dak., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. (C)(1)(e) to points in Tennessee. The purpose of this filing is to eliminate the gateway of Elmira, N.Y., and Detroit, Mich. (C)(2) from Baltimore, Md., the District of Columbia, Hampton and Richmond, Va., and Huntington, W. Va., to: (C)(2)(a) to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. (C)(2)(b) to points in Connecticut, Kentucky, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (C)(2)(c) to points in Illinois, Indiana, Michigan, Missouri, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (C)(2)(d) to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, Morton, or LeRoy, N.Y. (C)(2)(e) to Grand Forks, N. Dak., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. (C)(2)(f) to points in Tennessee. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (C)(2)(g) to points in West Virginia. The purpose of this filing is to eliminate the gateway of Elmira or Buffalo, N.Y.

No. MC 125708 (Sub-No. 137G), filed June 4, 1974. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, P.O. Box 192, Crawfordsville, Ind. 47933. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Suite 501, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain products*, dry (except in bulk, in tank vehicles), and *grain*, when moving in the same vehicle and at the same time as grain products, dry, (a) from Buffalo, N.Y., Hastings, Minn., Superior, Wis., and Dallas, Tex., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Louisiana, Mississippi, Missouri, and Ohio; and (b) from points in Alabama, Arkansas, Florida, Georgia, Indiana, Louisiana, Mississippi, Missouri (except St. Louis), and Ohio to Kansas, Kentucky, Michigan, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Virginia, and Wisconsin. The purpose of this filing in (1) above is to eliminate the gateway of Alton, Ill.

(2) *Processed and canned foodstuffs* (except apple cider and vinegar), restricted to transportation in vehicles other than those equipped with mechanical refrigeration, (a) between points in Arkansas, Kansas, Missouri, and Oklahoma, on the one hand, and, on the other, points in Illinois (except between Chicago, Ill., on the one hand, and, on the other, points in Arkansas); and (b) from Mount Summit, Ind., to points in Arkansas, Kansas, Missouri, and Oklahoma.

(3) *Processed and canned foodstuffs* (except apple cider and vinegar), between Arkansas, Kansas, Missouri, and Oklahoma, on the one hand, and, on the other, Tennessee (except Memphis, Tenn., and points in the Memphis, Tenn. Commercial Zone, as defined by the Commission).

(4) *Processed and canned foodstuffs*, between points in Illinois, on the one hand, and, on the other, points in Tennessee (except Memphis, Tenn., and points in the Memphis, Tenn., Commercial Zone as defined by the Commission).

(5) *Processed and canned foodstuffs* (except commodities in bulk, in tank vehicles, and frozen foods, apple cider, and vinegar), (a) between points in Mississippi and Louisiana, on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Oklahoma, Illinois, and Tennessee (except Memphis, Tenn., and points in the Memphis, Tenn., Commercial zone as defined by the Commission); (b) from Mount Summit, Ind., to points in Illinois, Iowa, and points in Tennessee (except Memphis and points in the Memphis Commercial zone as defined by the Commission); and (c) from points in Mississippi and Louisiana to points in Iowa. The purpose of this filing in (2) through (5) above, inclusive, is to eliminate the gateway of Collinsville, Ill.

(6) *Steel, and materials and supplies* used in the manufacture of steel grinding balls (except such building materials as are included within the commodity description "iron and steel articles"), from points in Missouri, New York, Ohio, and Pennsylvania to points in Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission). The purpose of this filing in (6) above is to eliminate the gateway of Greenville, Ill.

(7) *Steel* (except such building materials as are included within the commodity description "iron and steel articles"), (a) from points in Missouri, New York, Ohio, and Pennsylvania to points in Missouri (except Louisiana, Mo.); and (b) from points in Minnesota, Tennessee, Florida, that part of Indiana in the Chicago, Ill., Commercial Zone as defined by the Commission, and Kentucky (except that part of Kentucky north of U.S. Highway 460), to points in Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission), and Missouri. The purpose of this filing in (7) above is to eliminate the gateways of Greenville and Carlinville, Ill.

(8) *Steel* (except commodities which because of size or weight require special handling or the use of special equipment, and except such building materials as are included within the commodity description "iron and steel articles"), (a) from points in North Carolina, North Dakota, South Carolina, South Dakota, Virginia, West Virginia, and Indiana (except points in Indiana located within the Chicago, Ill., Commercial Zone as defined by the Commission), to points in Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission). The purpose of this filing in (8)(a) above is to eliminate the gateway of Greenville, Ill. (b) from points in Indiana (except points in Indiana located within the Chicago, Ill., Commercial Zone as defined by the Commission), North Carolina, North Dakota, South Carolina, South Dakota, Virginia, and West Virginia to points in Missouri (except Louisiana, Mo.). The purpose of this filing in (8)(b) above is to eliminate the gateways of Greenville and Carlinville, Ill. (c) from points in Minnesota, Kentucky (except that part of Kentucky north of U.S. Highway 460), Tennessee, Florida, and that part of Indiana in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Kansas, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Michigan, Jefferson County, Ala., Louisiana, Virginia, West Virginia, and Missouri. The purpose of this filing in (8)(c) above is to eliminate the gateways of Greenville, Centralia, Carlinville, Irvington, Ill.

(9) *Steel articles* (except water well casing, pipe, tubing, pipe fittings and protectors and sheet steel), from points in Louisiana and Oklahoma to points in that part of Missouri on and east of U.S. Highway 67.

(10) *Steel articles*, from points in Alabama, Arkansas, that part of Indiana south of U.S. Highway 40, Iowa, Kansas, Kentucky (except Boyd County), Mississippi, Minnesota, Missouri, Tennessee, Texas, Wisconsin, Michigan, Pennsylvania, and that part of Ohio south of U.S. Highway 40 (except Scioto and Lawrence Counties), to points in that part of Missouri on and east of U.S. Highway 67.

(11) *Iron and steel articles* (except scrap, water well pipe and casing, pipe fittings and protectors, and sheet steel), from points in Macoupin County, Ill. (except Carlinville and points in its commercial zone as defined by the Commission) to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, Pennsylvania, Tennessee (except Shelby County), Texas, Wisconsin, and Jefferson County, Ala.

(12) *Iron and steel articles* (except scrap), from points in Macoupin County, Ill. (except Carlinville and points in its commercial zones, as defined by the Commission), to points in Alabama (except Jefferson County), Louisiana, Missouri, Mississippi, and Shelby County, Tenn.

(13 *Iron and steel articles*, (a) from points in Alabama, Arkansas, that part of Indiana south of U.S. Highway 40, Iowa, Kansas, Kentucky (except Boyd County), Mississippi, Minnesota, Missouri, Tennessee, Texas, Wisconsin, Michigan, Pennsylvania, and that part of Ohio south of U.S. Highway 40 (except Scioto and Lawrence Counties), to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, Pennsylvania, Tennessee (except Shelby County), Texas, Wisconsin, Louisiana, Alabama, Missouri, Mississippi, and Shelby County, Tenn.; and (b) from points in Louisiana and Oklahoma to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Wisconsin, Alabama, Louisiana, Missouri, and Mississippi. The purpose of this filing in (9) through (13) above, inclusive, is to eliminate the gateway of Carlinville, Ind.

(14) *Steel grinding balls*, in the rough, in bulk, from Kansas City, Mo., to points in Arkansas, Georgia, Iowa, Kentucky, Missouri, Texas, New Jersey, Minnesota, and Florida.

(15) *Steel grinding balls*, in the rough, in bulk (except commodities which because of size or weight require special handling or the use of special equipment), from Kansas City, Mo., to points in Louisiana, Mississippi, New York, North Carolina, North Dakota, South Carolina, South Dakota, Virginia, and West Virginia. The purpose of this filing in (14) and (15) above is to eliminate the gateway of Greenville, Ill.

(16) *Steel tubing, conduit, pipe, and sheet steel* (except such commodities which because of their size or weight require the use of special equipment), (a) from Waukegan, Rockford, Schaumburg, Aurora, Freeport, Peoria, Sterling, Galesburg, Olney, Salem, Evanston (restricted to points within the corporate limits of Evanston), East St. Louis, and the plant sites and warehouse facilities of International Tube, Inc., International Conduit Corporation, and Continental Tube Company, at Chicago, Ill., to points in Alabama, Florida, Georgia, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, South Carolina, and Mississippi. The purpose of this filing in (16)(a) above is to eliminate the gateway of Fairbury (Livingston County), Ill. (b) from points in Indiana (except Kokomo), Missouri, New York, Ohio, North Carolina, North Dakota, South Carolina, South Dakota, Virginia, West Virginia, Minnesota, Kentucky (except that part of Kentucky north of U.S. Highway 460), Tennessee, Florida, and Pennsylvania to points in Alabama, Florida, Georgia, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, South Carolina, and Mississippi. The purpose of this filing in (16)(b) above is to eliminate the gateways of Greenville, Carlinville, and Fairbury, Ill.

(17) *Steel water well pipe and casing, pipe fittings and protectors, and sheet steel*, (a) from points in Missouri, New York, Ohio, and Pennsylvania to points in Wisconsin, Indiana, Minnesota, Iowa, Kentucky, Ohio, Tennessee (except Shelby County), Arkansas, and Nebraska. The purpose of this filing in (17)(a) above is to eliminate the gateways of Greenville and Centralia, Ill. (b) from points in Minnesota, Kentucky (except that part of Kentucky north of U.S. Highway 460), Tennessee, Florida, and that part of Indiana in the Chicago, Ill., Commercial Zone as defined by the Commission, to points in Wisconsin, Indiana, Minnesota, Iowa, Kentucky, Ohio, Tennessee (except Shelby County), Arkansas and Nebraska. The purpose of this filing in (17)(b) above is to eliminate the gateways of Greenville, Centralia, and Carlinville, Ill. (c) from points in Indiana (except points in Indiana located within the Chicago, Ill., Commercial Zone, as defined by the Commission), North Carolina, North Dakota, South Carolina, South Dakota, Virginia, and West Virginia to points in Wisconsin, Iowa, Minnesota, Indiana, Kentucky, Ohio, Tennessee (except Shelby County), Arkansas, Nebraska, Kansas, New York, New Jersey, Pennsylvania, Texas, Michigan, Louisiana, Virginia, West Virginia, and Jefferson County, Ala. The purpose of this filing in (17)(c) above is to eliminate the gateways of Greenville, Centralia, Carlinville, and Irvington, Ill.

(18) *Steel water well casing, pipe, tubing, pipe fittings, and protectors, and sheet steel* (except commodities which because of size or weight require special handling or the use of special equipment), from points in Missouri, New York, Ohio, and Pennsylvania, to points in Kansas, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Michigan, Jefferson County, Ala., Louisiana, Virginia, and West Virginia. The purpose of this filing in (18) above is to eliminate the gateways of Greenville, Centralia, Carlinville, and Irvington, Ill.

(19) *Steel*, (a) from points in Missouri, New York, Ohio, and Pennsylvania to points in Missouri (except Louisiana, Missouri, and points in that part of Missouri east of U.S. Highway 67 extending from Crystal City to the Missouri-Arkansas state line). The purpose of this filing in (19)(a) above is to eliminate the gateway of Greenville, Ill. (b) from points in Illinois to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Nebraska, Minnesota, Ohio, Oklahoma, Pennsylvania, Tennessee (except Shelby County), Texas, Wisconsin, and Jefferson County, Ala. The purpose of this filing in (19)(b) above is to eliminate the gateways of Greenville and Carlinville, Ill., and points in Missouri.

(20) *Water well casing, pipe, tubing, pipe fittings, and protectors, and sheet steel* (except commodities which because of size or weight require special handling or the use of special equipment), from Warren, Ohio, and points in that part of Ohio south of U.S. Highway 40, points in Oklahoma, and St. Louis and Louisiana, Mo., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New York, Ohio, Pennsylvania, Tennessee, Texas, Wisconsin, Virginia, and West Virginia. The purpose of this filing in (20) above is to eliminate the gateways of Centralia, Ill., and Louisiana, Mo.

(21) *Steel tubing, water well casing, water pipe* (except commodities which because of size or weight require special handling or the use of special equipment), from Warren, Ohio, and points in that part of Ohio south of U.S. Highway 40, points in Oklahoma, and St. Louis and Louisiana, Mo., to points in Alabama, Florida, Georgia, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, South Carolina, and Mississippi. The purpose of this filing in (21) above is to eliminate the gateways of Centralia and Fairbury, Ill.

(22) *Steel*, from points in Illinois to points in Alabama (except Jefferson County), Louisiana, Missouri, Mississippi, and Shelby County, Tenn. The purpose of this filing in (22) above is to eliminate the gateways of Greenville and Carlinville, Ill., and points in Missouri.

(23) *Wooden posts, poles, beams, and pillars, and lumber*, not included in the preceding commodities, from points in Arkansas to points in Wisconsin, Iowa, Indiana, Minnesota, Missouri, Kentucky, Ohio, and Arkansas. The purpose of this filing in (23) above is to eliminate the gateway of Granite City, Ill.

(24) *Water well casing, pipe, tubing, pipe fittings, and protectors, and sheet steel* (except commodities which because of size or weight require special handling or the use of special equipment), from Warren, Ohio, and points in that part of Ohio south of U.S. Highway 40, points in Oklahoma and St. Louis and Louisiana, Mo. to points in Louisiana. The purpose of this filing in (24) above is to eliminate the gateways of Centralia and Irvington, Ill.

(25) *Iron and steel articles* (except commodities which because of size or weight require special handling or the use of special equipment), from points

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in Alabama, Arkansas, that part of Indiana south of U.S. Highway 40, Iowa, Kansas, Kentucky (except Boyd County), Mississippi, Minnesota, Missouri, Tennessee, Texas, Wisconsin, Michigan, Pennsylvania, and that part of Ohio south of U.S. Highway 40 (except Scioto and Lawrence Counties) to points in Illinois. The purpose of this filing in (25) above is to eliminate the gateways of Carlinville, Ill., and Louisiana, Mo.

JANUARY 15, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number

No. MC 5470 (Sub-No. E52), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 26, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McElight, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Erie, Pa., to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateway of points in Ashtabula County, Ohio, and New Kensington, Pa. The purpose of this correction is to correct the gateway.

No. MC 31462 (Sub-No. E51), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) points in Missouri within 25 miles of Cairo, Ill., (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof, and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E120), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of (1) Alden, Minn., or any point in Minnesota within 35 miles thereof; (2) Burlington, Iowa, or any point within 50 miles thereof; (3) any point in Missouri within 25 miles of Cairo, Ill.; and (4) Gulfport, Miss., or any point within 35 miles thereof.

No. MC 31462 (Sub-No. E121), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in that part of Florida east of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 231 to Panama City, Fla. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; (3) any point in Missouri within 25 miles of Cairo, Ill.; and (4) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E122), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Florida on and east of a line beginning at the Florida-Alabama State line, thence along U.S. Highway 231 to Panama City, Fla., on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan on and west of a line beginning at Escanoba, Mich., thence along U.S. Highway 41 to Marquette, Mich. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., or any point within 35 miles thereof, (2) any point in Missouri within 25 miles of Cairo, Ill., and (3) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E123), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., or any point within 34 miles thereof, (2) any point in Missouri within 25 miles of Cairo, Ill., and (3) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E124), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E125), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E126), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E127), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other, points in that part of Florida on and east of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 31 to Panama City, Fla. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E128), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof, and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to

junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E168), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E169), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E170), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof, and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E172), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Iowa to points in Kentucky. The purpose of this filing is to eliminate the gateway of (1) any point in Illinois, and (2) Clinton, Ind.

No. MC 31462 (Sub-No. E175), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E357), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof, and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E394), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Oklahoma on, west, and south of a line beginning at the Oklahoma-Kansas State line, thence along Oklahoma Highway 99 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma State line, thence along Interstate Highway 35 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E395), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in that part of Virginia east of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 11 to junction Virginia Highway 16, thence along Virginia Highway 16 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of (1) any point in Georgia; (2) any point in Tennessee; and (3) any points in Missouri within 25 miles of Cairo, Ill.

No. MC 107515 (Sub-No. E499), (Correction), filed October 3, 1974, published in the FEDERAL REGISTER January 2, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible meats and meat products* (except commodities in bulk, hides, and skins), in vehicles equipped with mechanical refrigeration, (b) from the plant site of Swift Fresh Meat Co., at Clovis, N. Mex., to Chicago, Ill., and to points in Ohio, Indiana, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Gatesville, N.C. The purpose of this partial correction is to include the destination point of Chicago, Ill., in (1)(b) above. The remainder of this letter-notice remains as previously published.

No. MC 111320 (Sub-No. E98), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, from points in New Jersey to points in that part of Ohio, on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E100), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service, from points in that part of New York, on and west of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction U.S. Alternate Highway 20,

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thence along U.S. Alternate Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E101), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service, from points in that part of New York, on and east of a line beginning at Lake Ontario, thence along New York Highway 98, to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E106), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractor's vehicle or machinery*, in driveaway and truckaway service, from points in that part of New York, on and east of a line beginning at Lake Ontario, thence along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 282, thence along New York Highway 282 to the New York-Pennsylvania State line, and to points in that part of Ohio, on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to the Ohio-West Virginia State line. The purpose of this filing is to elminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E122), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, from points in Nevada, to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E123), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, from points in Oregon to points in that part of Indiana on and east of a line beginning at the Indiana-Michigan State line, thence along U.S. Highway 31 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E124), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service from points in Oregon to points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 31W to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E125), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road-building equipment*, and *parts* thereof, in driveaway and truckaway service, from points in Oregon to points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Lanark, Fla. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E126), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, from points in Washington, to points in that part of Indiana on and east of a line beginning at the Indiana-Michigan State line, thence along U.S. Highway 31 to junction Indiana Highway 37, thence along Indiana Highway 37 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 113459 (Sub-No. E55), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; (a) between points in that part of Iowa on and east of U.S. Highway 61, on the one hand, and, on the other, points in that part of Utah on and south of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 50 to its junction with Utah Highway 26, thence along Utah Highway 26 to its junction with U.S. Highway 91, thence along U.S. Highway 91 to its junction with Utah Highway 26, thence along Utah Highway 26 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line (points in Oklahoma and Illinois)*; (b) between points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to its junction with Wisconsin Highway 26, thence along Wisconsin Highway 26 to its junction with Wisconsin Highway 59, thence along Wisconsin Highway 59 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, on the one hand, and, on the other, points in North Dakota (points in Illinois)*; and (c) between points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along Interstate Highway 35 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Missouri-Illinois State line and extending along Interstate Highway 70 to its junction with Interstate Highway 244, thence along Interstate Highway 244 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line (points in Illinois)*; (3) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in that part of Iowa on and east of Interstate Highway 35, on the one hand, and, on the other, points in Alaska (points in Illinois)*. Restriction: The operations authorized in (1), (2), and (3) above are restricted against the transportation of agricultural machinery and agricultural tractors, the operations in (2) above are restricted to commodities which are transported on trailers, and the operations authorized in (1) (a) and (b) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing,

maintenance, and dismantling of main or trunk pipelines. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114211 (Sub-No. E302), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth D. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from points in that part of Minnesota on and west of a line beginning at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line and from points in that part of Minnesota bounded on the north by the Wisconsin-Minnesota State line, thence along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Minnesota Highway 109, thence along Minnesota Highway 109 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corp., in Minneapolis, Minn.

No. MC 114211 (Sub-No. E392), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in that portions of New York on and east of a line beginning at Oswego, N.Y., thence along New York Highway 57 to Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corp. in Minneapolis, Minn.

No. MC 114211 (Sub-No. E412), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings therefor*, from points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 154, thence along Texas Highway 154 to junction Texas Highway 37, thence along Texas Highway 37 to junction U.S. Highway 69, thence along U.S. Highway 69 to Port Arthur, Tex., and from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line to points in Wisconsin and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., at Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E415), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in Maine, Vermont, New Hampshire, Rhode Island, and to points in that part of Florida on and south of a line beginning at Daytona Beach, Fla., thence along U.S. Highway 92 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Florida Highway 40, thence along Florida Highway 40 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Florida Highway 345, thence along Florida Highway 345 to junction Florida Highway 24, thence along Florida Highway 24 to Lukens, Fla., and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Kewanee, Wis., with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 292. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E417), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, parts, and supplies* moving in connection therewith (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of their size or weight, require the use of special equipment), from points in Missouri to points in the Upper Peninsula of Michigan and to points in that part of Wisconsin on and northwest of a line beginning at the Illinois-Wisconsin State line, thence along Wisconsin Highway 104 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 19, thence along Wisconsin Highway 19 to junction Wisconsin Highway 109, thence along Wisconsin Highway 109 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to Port Washington, Wis., restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E418), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, between points in that part of Missouri bounded on the north by the Iowa-Missouri State line, thence along U.S. Highway 63 to the Arkansas-Missouri State line, thence along the Arkansas-Missouri State line to the Oklahoma-Missouri State line, thence along the Oklahoma-Missouri State line to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to Interstate Highway 35, thence along Interstate Highway 35 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, on the one hand, and, on the other, points

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in that part of South Dakota on and northwest of a line beginning at the Iowa-South Dakota State line, thence along Interstate Highway 90 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E420), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in that part of Iowa on and northwest of a line beginning at the South Dakota-Iowa State line, thence along U.S. Highway 20 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line to points in that part of Wisconsin on and northeast of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 8 to junction Wisconsin Highway 79, thence along Wisconsin Highway 79 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 117574 (Sub-No. E1), (Correction), filed May 2, 1974, re-published in the FEDERAL REGISTER, July 10, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as by reason of their size or weight require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, not including boilers, heaters, and castings), between points in Connecticut and Massachusetts, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, South Carolina, Wisconsin, and North Carolina (except points in Gates, Hertford, Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Washington, Tyrell, Dare, Hyde, Pitt, Beaufort, Craven, Jones, Onslow, Carteret, and Pamlico Counties, N.C.). The purpose of this filing is to eliminate the gateway points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 219, to the junction with U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, to Lewistown, thence along U.S. Highway 522 to Selingsgrove, and thence on and west of U.S. Highway 11 to the New York-Pennsylvania State line. The purpose of this correction is to clarify the exception.

No. MC 119934 (Sub-No. E2), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Laser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry and in bulk, from Danville, Ill., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 65 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 119934 (Sub-No. E6), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Laser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, in tank vehicles, from Middletown, Ohio to points in Illinois. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC 119767 (Sub-No. E4), filed June 4, 1974. Applicant: BEAVER TRANSPORT, CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A–1) *Frozen foods*, from points in Minnesota to points in Indiana, Ohio, St. Louis, Mo., Louisville, Ky., Pittsburgh, Pa., and points in Michigan on and south of Michigan Highway 21, points in Illinois on and west of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to its junction with U.S. Highway 66 to the Illinois-Missouri State line. (Darien, Wis.) *; (A–2) *Frozen foods* from points in Illinois on and south of U.S. Highway 24 and on and east of U.S. Highway 51 to points in Minnesota, Upper Michigan, and points in the Lower Peninsula of Michigan on and north of Michigan Highway 68, and points in Iowa on and east of U.S. Highway 52. (Darien, Wis.) *; (A–3) *Frozen foods*, from points in Illinois on and south of U.S. Highway 36 to points in the Upper Peninsula of Michigan on and north of Michigan Highway 68, points in the Lower Peninsula of Michigan on and north of Michigan Highway 68, points in Minnesota on and east of Interstate Highway 35 and on and north of U.S. Highway 14, points in Iowa on and east of U.S. Highway 52. (Darien, Wis.) *; (A–4) Frozen foods, from points in Illinois on and north of U.S. Highway 51, points in Michigan, Ohio, Louisville, Kentucky, Pittsburgh, Pa., and points in Minnesota on and north of U.S. Highway 2, points in Indiana on and south of U.S. Highway 24 and on and east of U.S. Highway 421. (Darien, Wis.) *; (A–5) *Frozen foods*, from points in Illinois on and north of U.S. Highway 24 and on and east of U.S. Highway 51 to points in Minnesota, the Upper Peninsula of Michigan, and points in Iowa on and east of U.S. Highway 52 (Darien, Wis.) *; (A–6) *Frozen foods*, from points in Indiana to points in Minnesota, the Upper Peninsula of Michigan, and points in Iowa on and east of U.S. Highway 52. (Darien, Wis.) *;

(B) *Frozen foods*, from points in Wisconsin on and south of Wisconsin Highway 20 and on and east of Wisconsin Highway 67, to points in North Dakota and South Dakota. (Belvidere, Ill.) *; (C–1) *Food and food products* from points in Minnesota to points in Kentucky. (Burlington, Minn.) *; (C–2) *Food and food products*, from points in Illinois on and north of Interstate Highway 80 and on and west of U.S. Highway 51, to points in Kentucky. (Burlington, Wis.) *; (D–1) *Frozen foods*, from points in Wisconsin on and south of Wisconsin Highway 20 and on and east of Wisconsin Highway 67, to points in Kentucky on and south of Kentucky Highway 80 (points in Coles County, Ill.) *; (D–2) *Frozen foods*, from points in Wisconsin on and west of U.S. Highway 51 and on and north of Wisconsin Highway 33 to points in Kentucky (except Louisville and Paducah). (Coles County, Ill.) *; (E) *Canned and prepared foodstuffs*, from points in Wisconsin to points in Kentucky. (Bellwood, Ill.) *; (F–1) *Foodstuffs* (except commodities in bulk in tank vehicles), from points in Minnesota, to points in the Lower Peninsula of Michigan. (Douglas, Bayfield, Ashland, Iron, Sawyer, Washburn, and Burnett Counties, Wis.) *; (E–2) *Foodstuffs* (except commodities in bulk in tank vehicles), from points in Minnesota to points in the Lower Peninsula of Michigan (except points in Emmet, Cheboygan, Presque Isle, and Charlevoix Counties, Mich.) (points in Walworth, Racine, and Kenosha Counties, Wis.) *; (E–3) *Foodstuffs* (except commodities in bulk in tank vehicles), from points in Minnesota north of U.S. Highway 14 to points in the Lower Peninsula of Michigan on and north of Michigan Highway 10 (points in Vilas, Oneida, Lincoln, Langlade, Oconto, Marinette, Florence, and Forest Counties, Wis) *; (F–4) *Foodstuffs* (except commodities in bulk in tank vehicles), from points in Minnesota on and south of Minnesota Highway 14, to points in the Lower Peninsula of Michigan on and north of Michigan Highway 10 (points in Vilas, Oneida, Lincoln, Langlade, Oconto, Marinette, Florence, and Forest Counties, Wis.) *;

(F–5) *Foodstuffs* (except commodities in bulk in tank vehicles), from points in Minnesota on and south of Minnesota Highway 12, to points in the Lower Peninsula of Michigan (points in Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 10 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line) *; (F–6) *Foodstuffs* (except commodities in bulk in tank vehicles), from points in Minnesota on and south of U.S. Highway 2 to points in The Lower Peninsula of Michigan (points in Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 10 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line) *; (F–7) *Foodstuffs* (except commodities in bulk in tank vehicles), from points in Illinois and points in Knox, Davies, Martin, Dubois, Pike, Bibson, Posey, Vanderburgh, Spencer, and Perry Counties, Ind., to points in Emmet, Cheboygan, Presque Isle and Charlevoix Counties, Mich. (points in Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 141 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to its junction with U.S. Highway 26, thence along U.S. Highway 26 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line) *; (G) *Prepared food products and dairy products and by-products*, from points in Minnesota to Chicago and Elgin, Ill. (Whitewater, Wis.) *;

(H) *Prepared food and beverages*, from points in Wisconsin to Cincinnati, Ohio (Muster, Ind.) *; (I–1) *Foodstuffs* (except dairy products, frozen fruit, frozen vegetables, frozen berries and commodities, in bulk, in tank vehicles), from points in Minnesota on and north of U.S. Highway 2 to points in Missouri on and east of U.S. Highway 67 (except points in Mercer, Putnam, Sullivan, Grundy, Livingston, and Linn Counties) (points in Wisconsin west of U.S. Highway 51) *; (I–2) *Foodstuffs* (except dairy products, frozen fruit, frozen vegetables, frozen berries, and commodities in bulk, in tank vehicles), from points in Minnesota on and north of U.S. Highway 12 to points in Bollinger, Cape Girardeau, Wayne, Butler, Stoddard, Scott, Mississippi, New Madrid, Dunklin, and Pemiscot Counties, Mo. (points in Wisconsin) *; (II) (A–1) *Frozen foods*, from Fort Dodge, Iowa, to points in Indiana (points in Walworth, Kenosha, and Racine Counties, Wis.) *; (A–2) *Frozen foods*, from Des Moines, Iowa, to points in Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 421 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line (points in Vernon, Crawford, Richland, Grant, Iowa, and Lafayette Counties, Wis.) *. The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC 123407 (Sub-No. E174), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials* and *accessories* used in the installation of the commodities above (except lumber and commodities in bulk) from Roaring River, N.C., to points in Colorado and the Counties of San Juan, Rio Arriba, Taos, and Colfax, New Mexico. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–2049 Filed 1–21–75;8:45 am]

[Notice No. 5]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 17, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new special rule § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice. The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 129660 (Sub-No. 5) (Corrected republication), filed May 8, 1973, and published in the FEDERAL REGISTER issues of June 28, 1973, and October 10, 1974, and republished as corrected this issue. Applicant: MALLETTE BROS. TRUCK LINE, INC., Route 2, Box 243, Gautier, Miss. 39553. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. A Report and Order of the Commission, decided September 5, 1974, and served September 27, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *iron and steel articles* (a) from the facilities of Southern Metal Service, Inc., at Gulfport, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas, and (b) from Gulfport, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, restricted in both (a) and (b) to the transportation of shipments destined to points in the named States, and further restricted in (b) to the transportation of shipments having an immediately prior movement by water in foreign commerce, and (2) of *ferrous scrap*, from points in Mississippi to Gulfport, Miss., restricted to the transportation of shipments originating in Mississippi and having a subsequent movement by rail or water; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this corrected republication is to add the state of Tennessee, to 1(b) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 41064 (Sub-No. 4) (Notice of filing of petition to modify a commodity description), filed January 2, 1975. Petitioner: KENT EXPRESS, INC., P.O. Box 60, Railroad & Gaff, Aurora, Ind. 47001. Petitioner's Representative: Howard C. Sauser (Same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 41064 (Sub-No. 4), issued May 10, 1974, authorizing transportation, over regular routes, of *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Batesville, Ind., and Cincinnati, Ohio, serving all intermediate points, and off-route points within 5 miles of the route specified below: From Batesville over Indiana Highway 46 to Penntown, Ind., thence over Indiana Highway 1 to Sunman, Ind., thence over unnumbered highways via New Alsace, Yorkville, and Guilford, Ind., to junction Indiana Highway 56, thence over

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Indiana Highway 56 to junction U.S. Highway 50 to Cincinnati, and return over the same route; and over irregular routes, of *Household goods, farm products, and farm supplies*, between Batesville, Ind., Cincinnati, Ohio, and the above-specified intermediate and off-route points, on the one hand, and, on the other, points in that part of Ohio and Kentucky within 100 miles of Batesville, Ind. By the instant petition, petitioner seeks to modify the above irregular route commodity description so as to read, *Household goods*, as defined by the Commission, and *General Commodities*, except those of unusual value and Classes A and B explosives. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 90870 (Notice of filing of petition to modify a certificate), filed December 30, 1974. Petitioner: GLENN R. RIECHMANN, doing business as RIECHMANN TRUCK SERVICE, Route 2, Box 137, Alhambra, Ill. 62001. Petitioner's representative: Glenn R. Riechmann (same address as Petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 90870, issued August 13, 1969, authorizing transportation, as pertinent, over irregular routes, of *General commodities*, From St. Louis, Mo., to Pierron, Ill., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The operating rights authorized herein shall be conducted separately from carrier's operations as a private carrier; a separate and distinct accounting system shall be maintained for each; and carrier shall not transport property both as a for-hire and as a private carrier in the same vehicle at the same time. By the instant petition, petitioner seeks to modify the above territorial description so as to read: General commodities, between St. Louis, Mo., on the one hand, and, on the other, Pierron, Ill. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115212 (Sub-Nos. 1, 2, 4, 10, 11, 12, 14, 16, 17, and 22) (Notice of filing of petition for modification of permits), filed December 19, 1974. Petitioner: H. H. H. MOTOR SERVICE, Route 130, Cranbury, N.J. 08512. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in No. MC 115212 (Sub-Nos. 1, 2, 4, 10, 11, 12, 14, 16, 17, and 22), issued June 12, 1958, April 30, 1958, July 29 1963, February 3, 1965, May 5, 1965, February 2, 1967, March 17, 1967, November 21, 1968, September 15, 1970, and October 26, 1972, respectively, authorizing transportation, as pertinent, over irregular routes, in Sub-No. 1 of *Such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and, in connection therewith, *supplies and equipment* used in the conduct of such businesses, between New York, N.Y., on the one hand, and, on the other, points in Indiana, Ohio, Michigan, Wisconsin, and Illinois, under a continuing contract, or contracts, with Diana Stores Corporation, New York, N.Y., in Sub-No. 2 of *women's and children's wearing apparel* (except millinery and shoes), and *supplies and equipment* used in retail women's and children's ready-to-wear apparel stores, between New York, N.Y., on the one hand, and, on the other, points in Kentucky, Tennessee, and West Virginia, under a continuing contract, or contracts, with Diana Stores Corporation of New York, N.Y., in Sub-No. 4 of *such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith, *supplies and equipment* used in the conduct of such businesses, between New York, N.Y., on the one hand, and, on the other, points in Mississippi, under a continuing contract, or contracts, with Diana Stores Corporation, of New York, N.Y.

In Sub-No. 10 of *such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith *supplies and equipment*, used in the conduct of such business, between North Bergen, N.J., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee, West Virginia, Indiana, Ohio, Michigan, Wisconsin, and Illinois, under a continuing contract, or contracts with Diana Stores Corporation, of New York, N.Y., in Sub-No. 11, of *such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith *supplies and equipment* used in the conduct of such businesses, between North Bergen, N.J., on the one hand, and, on the other, Elmont, N.Y., under a continuing contract, or contracts, with Diana Stores Corporation, of New York, N.Y., in Sub-No. 12, of *such commodities* as are dealt in by women's and children's ready-to-wear apparel retail stores, and in connection therewith, *equipment and supplies* used in the conduct of such business, between North Bergen, N.J., on the one hand, and, on the other, points in Pennsylvania, under a continuing contract, or contracts, with Diana Stores Corporation, of New York, N.Y., in Sub-No. 14, of *such commodities* as are dealt in by women's and children's ready-to-wear retail apparel stores, and in connection therewith *supplies and equipment* used in the conduct of such business, between North Bergen, N.J., on the one hand, and, on the other, points in Minnesota, under a continuing contract, or contracts, with Diana Stores Corporation, of New York, N.Y., in Sub-No. 16 of *such commodities* as are dealt in by retail women's and children's ready-to-wear retail apparel stores, and in connection therewith *supplies and equipment* used in the conduct of such businesses, between North Bergen, N.J., on the one hand, and, on the other, points in Nebraska, under a continuing contract, or contracts, with Diana Stores Corp., of North Bergen, N.J.

In Sub-No. 17 of *such commodities* as are dealt in by women's and children's ready-to-wear retail apparel stores, and in connection therewith *supplies and equipment* used in the conduct of such business, between North Bergen, N.J., on the one hand, and, on the other, points in Oklahoma, Texas, Louisiana, and New Mexico, under a continuing contract, or contracts with Diana Stores Corporation of North Bergen, N.J., and in Sub-No. 22 of *such commodities* as are dealt in by women's and children's ready-to-wear retail apparel stores, and in connection therewith *supplies and equipment* used in the conduct of such business, between North Bergen, N.J., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Maryland, Missouri, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, and Wyoming, under a continuing contract or contracts, with Diana Stores Corporation, of North Bergen, N.J. By the instant petition, petitioner seeks to add Daylin, Inc., as a contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115331 (Sub-No. 366) (Petition to extend explosive authority expiration date), filed January 2, 1975. Petitioner: TRUCK TRANSPORT, INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, 62201. Petitioner's Representative: J. R. Ferris (Same address as petitioner). Petitioner has acquired a motor *common carrier* certificate pursuant to No. MC–F–11797, approved June 15, 1973, and consummated July 1, 1973, which was previously held by Robert Bernard Schilli, Trustee under the last will of Bernard Raymond Schilli, deceased, doing business as Schilli Transportation in No. MC 129162 (Sub-No. 5), issued April 14, 1971, to expire November 12, 1973, which is to be issued to petitioner in No. MC 115331 (Sub-No. 366), authorizing transportation, over irregular routes, of *Nitro-carbonitrate:* (1) from the plantsite of Monsanto Company near Midland, Ind., to the plantsite of Monsanto Company near Central City, Ky.; and (2) from the plantsite of Monsanto Company near Pyatts, Ill., to points in Indiana, Kentucky, and Missouri. By the instant petition, petitioner seeks to extend the expiration date of the above granted authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118570 (Sub-No. 4) (Notice of filing of petition to modify a commodity description), filed December 30, 1974. Petitioner. DEFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, Pa. 18507. Petitioner's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Petitioner holds a motor *contract carrier*, permit No. MC 118570 (Sub-No. 4), issued March 8, 1972, authorizing transportation, over irregular routes, of *Coconut oil, coconut oil products, lard substitutes or compounds, cooking oils, glycerine, sterine, toilet preparations, soap, soap powder, soap products, premiums and advertising matter* pertaining to these products and groceries (except commodities in bulk), from the plant sites and storage facilities of The Procter & Gamble Distributing Co., and the Procter & Gamble Manufacturing Co., at points in Bronx, Kings, Nassau, New York, Queens, Richmond (except Clifton and Port Ivory), Rockland, and Westchester Counties, N.Y., Bergen, Essex (except Port Newark), Hudson (except Kearny), Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., to points in Berks, Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Snyder, Susquehanna, Union, Wayne, and Wyoming Counties, Pa., and points in Sussex, Warren, and Hunterdon Counties, N.J., under a continuing contract or contracts with the Procter & Gamble Distributing Co., Cincinnati, Ohio. By the instant petition, petitioner seeks to modify the above commodity description so as to read, *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 22278 (Sub-No. 48), filed December 26, 1974. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (A) Regular routes: (1) Between Stromsburg, Nebr., and Omaha, Nebr., serving all intermediate points: From Stromsburg over U.S. Highway 81 to junction U.S. Nebraska Highway 92 (formerly U.S. Highway 30A), thence over Nebraska Highway 92 to Omaha, Nebr., and return over the same route; and (2) between Stromsburg, Nebr., and Lincoln, Nebr., serving all intermediate points: From Stromsburg over U.S. Highway 81 to junction Nebraska Highway 2, thence over Highway 2 to Lincoln, and return over the same route; and (B) Irregular routes: Between Stromsburg, Nebr., and ten miles thereof, on the one hand, and, on the other, points in Nebraska on and east of Nebraska Highway 61, restricted against the transportation of meat and packing house products originating in Nebraska when destined to points west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. Applicant states the requested authority can be joined with other authority held in Docket MC 22278 at Omaha, Nebr., or Sioux City, Nebr., to provide service between Chicago, Quad Cities, Ill., and points in Iowa on U.S. Highways 34, 6, 30, and 218 between Mt. Pleasant and Charles City, Iowa, Iowa Highway 64 between Des Moines, and Council Bluffs, Iowa, U.S. Highway 75 between Omaha, Nebr., and Sioux City, Iowa, Forest City as an off-route point. By this application, applicant seeks to acquire by purchase the intra- and interstate certificates held by Stromsberg Motor Freight, Inc., in MC 120483. This is a matter directly related to the Section 5 proceeding in MC–F–12404 published in the FEDERAL REGISTER issue of January 15, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Waterloo, Iowa.

No. MC 140504, filed December 16, 1974. Applicant: NATIONAL MACHINERY HAULERS, INC., 9050 Pershall Road, Hazelwood, Mo. 63042. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machinery parts, agricultural implements, farm machinery and farm tractors, iron and steel products, and building materials*, between points in Illinois.

NOTE.—Common control may be involved. Applicant seeks authority to acquire the Certificate of Registration of Larry L. Fenner Transport, Inc., and convert the authority transferred from a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC–F–12343 published in the FEDERAL REGISTER issue of October 31, 1974. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC–F–12407. Authority sought for control by THE EDWARD CORPORATION, 3893 Market St. NE., Warren, OH 44484, of BELLEVUE TRUCKING COMPANY, 1250 Medina Rd., Akron (Sharon Center), OH 44274, and for acquisition by ORIN S. NEIMAN also of Warren, OH 44484, of control of BELLEVUE TRUCKING COMPANY, through the acquisition by THE EDWARD CORPORATION. Applicants' attorneys: Paul F. Beery, 8 E. Broad St., 9th Floor, Columbus, OH 43215, and John Glenn, 1 Cascade Plaza, Akron, OH 44308. Operating rights sought to be controlled: *Machines* and *commodities*, the transportation of which because of size or weight requires the use of special equipment (except boats), as a *common carrier* over irregular routes, between points in New Jersey, New York, and Pennsylvania, within 200 miles of Newark, N.J., between Newark, N.J., and points in Connecticut, Rhode Island, Massachusetts, Delaware, and Maryland, within 200 miles of Newark, N.J., with restrictions. THE EDWARD CORPORATION holds no authority from this Commission. However, it is affiliated with OHIO FAST FREIGHT, INC., which is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12408. Authority sought for control and merger by LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, VA 24354, of the operating rights and property of C. L. WRIGHT TRUCKING, INC., 954 Montrose Drive, So. Charleston, W VA 25303, and for acquisition by GUY N. BUSHNELL, also of Marion, VA 24354, of control of such rights and property through the transaction. Applicants' attorney, and representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, VA 22611, and Daryl J. Henry, P.O. Box 580, Marion, VA 24354. Operating rights sought to be controlled and merged: *Oxygen hydrogen, acetylene, acetic acid, virylite caustic, fluxes*, and *related products*, as a *common carrier* over irregular routes, from Charleston, W. Va., and points within 8 miles of Charleston, to Covington and Roanoke, Va., Charlotte, N. C., Kingsport, Tenn., Ashland, Ky., Portsmouth, Ohio, and points in that part of Ohio on and east of Interstate Highway 77 and Ohio Highway 21 (both formerly U.S. Highway 21), and those in that part of Pennsylvania on and west of U.S. Highway 219, from Pittsburgh, Johnstown, and Verona, Pa., and Cincinnati, Ohio, to Charleston, W. Va., and points within 8 miles of Charleston; and return with empty containers; *brick*, from Portsmouth, Ohio, to Charleston, W. Va., and points within 8 miles of Charleston; *barytes ore* and *sulphur*, in bulk, from Spring Hill, W. Va., to South Charleston, W. Va. LEMMON TRANSPORT COMPANY, INCORPORATED, is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12409. Authority sought for purchase by CARDINAL FREIGHT SYSTEM, INC., 22½ N. Madison St., Wau-

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pun, WI 53963, of a portion of the operating rights of BIRD TRUCKING COMPANY, INC., Fond du Lac St., Waupun, WI 53963, and for acquisition by RAYMOND AND WILBERT JEFFORDS, both of Route 1, Waupun, WI 53963, BERNARD HAFEMANN, Route 2, Waupun, WI 53963, and DONALD F. CRAIN, 215 Howard Drive, Waupun, WI 53963, of control of such rights through the purchase. Applicants' attorney: Allan B. Torhorst, 217 E. Jefferson St., Burlington, WI 53105. Operating rights sought to be transferred: *Canned goods, frozen foods, dairy products and confectionary ingredients, food and foodstuffs*, and *foodstuffs*, as a *common carrier* over irregular routes, between specified origins in Wisconsin and Illinois, to points in Wisconsin, Illinois, Michigan, Indiana, and Minnesota. Vendee holds no authority from this Commission. However, it is affiliated with JEFF'S TRUCKING, INC., 408½ Main St., E. Waupun, WI 53963, which is authorized to operate as a *common carrier* in Wisconsin, Illinois, Minnesota, Iowa, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–12410. Authority sought for purchase by GEORGE B. KING, doing business as KING TRANSFER, 714 Pearl St., Onawa, IA 51040, of a portion of the operating rights of ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, SD 57101. Applicants' attorney: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, except household goods, as a *common carrier* over regular routes, between Sioux City, Iowa, and Omaha, Nebr., serving all intermediate points on the described highways. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 127745 (Sub-No. 3), is a matter directly related.

No. MC–F–12411. Authority sought for control by NOEL TRANSFER, INC., 550 E. 5th St., South St. Paul, MN 55075, of DAKOTA EXPRESS, INC., P.O. Box 1252, Sioux Falls, SD 57101, and for acquisition by MICHAEL J. NOEL, also of S. St. Paul, MN 55075, of control of DAKOTA EXPRESS, INC., through the acquisition by NOEL TRANSFER, INC. Applicants' attorney: Donald L. Stern, Suite 530 Univac Bldg., 7100 W. Center Rd., Omaha, NE 68106. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of South Dakota, Minnesota, Nebraska, Iowa, Wisconsin, North Dakota, Illinois, Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, Indiana, Kansas, Missouri, Nevada, Oklahoma, Colorado, Wyoming, and the District of Columbia, with certain restrictions, serving various intermediate and offroute points, over one alternate route for operating convenience only, as more specifically described in Docket No. MC 83217 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. NOEL TRANSFER, INC., holds no authority from this Commission. However, it is affiliated with AJAX TRANSFER COMPANY, 550 E. 5th St., South St. Paul, MN 55075, which is authorized to operate as a *contract carrier* in Minnesota, Wisconsin, Iowa, Michigan, Illinois, North Dakota, and South Dakota, and LTL PERISHABLES, INC., P.O. Box 37468, Omaha, NE 68152, which is authorized to operate as a *common carrier* in Iowa, Nebraska, South Dakota, Illinois, Indiana, Minnesota, North Dakota, Wisconsin, Kansas, and Missouri. Application has been filed for temporary authority under section 210a (b).

No. MC–F–12413. Authority sought for purchase by FROZEN OVERLAND EXPRESS, 125 University Ave., Berkeley, CA 94710, of the operating rights of AMERICAN TRANSPORT SYSTEM, INC., 871 Charter St., Redwood City, CA 94063, and for acquisition by GENE OSBORNE, also of Berkeley, CA 94710, of control of such rights through the purchase. Applicants' attorneys: Martin J. Rosen, 140 Montgomery St., San Francisco, CA 94104, and Daniel Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from points in the Los Angeles Harbor, Calif., Commercial Zone as defined by the Commission, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *frozen meats*, in vehicles equipped with mechanical refrigeration, from San Francisco and Oakland, Calif., to points in Alameda, Monterey, Sacramento, San Francisco, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus, Sonoma, Yolo, Merced, Contra Costa, Napa, and Solano Counties, Calif., between San Francisco and Oakland, Calif., on the one hand, and, on the other, points in California, from points in San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, Monterey, Stanislaus, and San Joaquin Counties, Calif., to points in Maricopa, Pima, and Pinal Counties, Ariz., with restrictions. Vendee holds no authority from this Commission. However, it is affiliated with OSBORNE HIGHWAY EXPRESS, also of Berkeley, CA 94710, which is authorized to operate as a common carrier in Nevada, Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12414. Authority sought for control and merger by STONY'S TRUCKING CO., 11550 Mahoning Ave., North Jackson, OH 44451, of the operating rights and property of MISSISSIPPI-EAST, INC., P.O. Box 769, Clairton, PA 15025, and for acquisition by BUCKEYE TRANSFER CO., and A. POLICASTRO, both of North Jackson, OH 44451, of control of such rights and property through the transaction. Applicants' attorney: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be controlled and merged: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products, *coal-stripping machinery*, and *construction machinery*, as a *common carrier* over irregular routes, between points in Washington, Fayette, and Greene Counties, Pa., on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 60, and those in Ohio on and east of U.S. Highway 23; *glass-making machinery*, between Washington, Pa., and points within two miles thereof, on the one hand, and, on the other, points in the above-described territory in West Virginia and Ohio; *such commodities as contractors' equipment, heavy and bulky articles, machinery and machine parts*, and *articles*, requiring specialized handling or rigging because of size or weight, between points in Allegheny, Westmoreland, Fayette, Washington, and Greene Counties, Pa., between points in that part of Ohio on and east of U.S. Highway 21, between points in West Virginia, between points in the above-specified Pennsylvania territory, on the one hand, and, on the other, points in West Virginia and that part of Ohio on and east of U.S. Highway 21. STONY'S TRUCKING CO., is authorized to operate as a *common carrier* in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

Grand Trunk Western Railroad Co. hereby gives notice that on the 8th day of October, 1974, it filed with the Interstate Commerce Commission, at Washington, D.C., an application F.D. 27778 requesting permission to alter its present point of interchange for international rail traffic at Detroit, Michigan, and Windsor, Ontario, between the applicant and the Canadian National Railways, and have approved the execution of a joint track agreement with the Penn Central Transportation Company whereupon the same service will be performed, to and across international waters at Detroit, Michigan, and Windsor, Ontario, by utilizing the Penn Central Transportation Company's trackage and tunnel facilities in lieu of the present connections via the Canadian National Railways car ferry service.

The applicant is a carrier by rail, subject to part I of the Interstate Commerce Act and therefore prays to the Interstate Commerce Commission for permission to have joint use of a section of railroad line owned and operated by the Penn Central Transportation Company, extending from West Detroit, Michigan, and through the tunnel to the Essex Terminal in Windsor, Ontario, all within the cities of Detroit, Michigan, and Windsor, Ontario, a distance of 5.2 miles.

In the opinion of the Applicant, the relief sought by this Application is not a major Federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation — National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factor set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2047 Filed 1–21–75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 17, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed, and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55416, filed December 26, 1974. Applicant: GRILEY FREIGHTLINES, 2350 Dominguez Street, Long Beach, Calif. 90801. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between the points hereinafter designated: (1) all points and places in the designated "Los Angeles area", including all points and places, within, and three miles laterally of the following boundary line: Beginning at the intersection of State Highway No. 27 and State Highway No. 1, northerly on State Highway No. 27 to a point where the city limits of the City of Los Angeles is intersected thereby, westerly, northerly, and easterly along said city limits of Los Angeles to its intersection with the southerly boundary of the Angeles National Forest at a point approximately 1.2 miles east of the joinder of Interstate Highway No. 5 and State Highway No. 14, southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road, westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa, southerly along said county road to and including the unincorporated community of Yucaipa, westerly along Redlands Boulevard to Interstate Highway No. 10, northwesterly along Interstate Highway No. 10 to and including the City of Redlands, westerly along Interstate Highway No. 10 to Interstate Highway No. 15, southerly along Interstate Highway No. 15 to Alessandro, westerly along unnamed county road to State Highway No. 91 in Arlington, westerly along State Highway No. 91 to State Highway No. 55, southerly on State Highway No. 55 to the Pacific Ocean, westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of State Highway No. 27 and State Highway No. 1, thence northerly along an imaginary line to point of beginning; and (2) between all points and places on and within 25 miles laterally of the following described routes subject to the restrictions hereinafter noted:

(a) Between San Ysidro and Paso Robles over Interstate Highway 5, U.S. Highway 101, and State Highway 1. (b) Between Ventura and Fresno over State Highway 33 to State Highway 41, thence over State Highway 41 to Fresno. (c) Between Paso Robles and Famoso over State Highway 46. (d) Between Los Angeles and Fresno over Interstate Highway 5 and State Highway 99. (See Restriction 1 hereof.) (e) Between Ford City and Greenfield over State Highway 119. (f) Between junction State Highway 99 (near Oildale) and Fresno via State Highways 65, 63, Orosi, Cutler, Dinuba, Kingsburg, and Sanger. (g) Between San Diego and San Bernardino via Interstate Highway 15. (h) Between Riverside and Colton, on the one hand, and Calexico, on the other hand, via Interstate Highway 10 and State Highways 60, 86, and 111. (See Restriction 2 hereof.) (i) Between San Diego and junction State Highway 86 near El Centro via Interstate Highway 8. (j) Between the northerly boundary line of the country of San Luis Obispo and San Francisco over U.S. Highways 101 and 101 By-pass. (k) Between the northerly boundary line of Fresno County and Sacramento over State Highway 99. (l) Between San Francisco and Sacramento over Interstate Highway 80. (m) Between San Francisco and Stockton over State Highway 17, Interstate Highways 580, 205, and 5. (n) Between Manteca and junction Interstate Highway 5 over State Highway 120. (o) Between Gilroy and Califa over State Highway 152; and (p) Between McKittrick and Tracy over State Highway 33. Applicant may make use of any street, road, highway, ferry, or toll bridge necessary or convenient for the purpose of performing the service herein authorized. Through routes and rates may be established between any and all points specified hereinabove.

Restrictions: The lateral 25 mile authority hereinabove set forth shall not include the right to serve: (1) Any point which is located both east of State Highway 99 (not including points on State Highway 99) and north of the Los Angeles Area between Los Angeles and Bakersfield; and (2) Any point on State Highway 62 connecting Interstate Highway 10 and the community of Twentynine Palms. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis. (Provided that this exception to general commodities shall not apply to service between the City of Los Angeles and Goleta and intermediate points on U.S. Highways 101 and 101 Alternate, and further provided that special equipment shall not be used in the transportation of any of the commodities listed in this paragraph 2.) (3) Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep-camp outfits, sows, steers, stags, or swine. (4) Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (7) Logs. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Franscisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2048 Filed 1–21–75;8:45 am]

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IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JANUARY 17, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 5470 (Sub-No. E54), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 26, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Cleveland, Ohio, to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateway of points in Trumbull County, Ohio, and New Kensington, Pa. The purpose of this correction is to correct the gateway points.

No. MC 31462 (Sub-No. E131), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point within 50 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi river thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E171), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Michigan, on the Lower Peninsula, on, east, and south of a line beginning at the Michigan-Indiana State line, thence along Interstate Highway 69 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 32, thence along Michigan Highway 32 to Alpena, Mich., to points in Iowa. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E173), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of South Dakota on and north of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 18 to junction U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E174), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Dakota, on the one hand, and, on the other, points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 71 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E176), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E177), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E178), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E179), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E180), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E181), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E182), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E183), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Montana on, east, and north of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, Mont., thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Wyoming State line, thence along the Montana-Wyoming State line to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-North Dakota State line. The purpose of this filing is to eliminate the gateways of (1) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River; and (2) any point in North Dakota within 200 miles of Williston, N. Dak.

No. MC 31462 (Sub-No. E184), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 35890 (Sub-No. E8) (Correction), filed May 3, 1974, republished in the FEDERAL REGISTER October 8, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 36th St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John J. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, (e) between points in that part of North Carolina on, north, and east of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 421 to junction North Carolina Highway 115, thence along North Carolina Highway 115 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich. The purpose of this partial correction is to include those proposals inadvertently omitted from the previous publication. The remainder of this letter-notice remains as previously published.

No. MC 73828 (Sub-No. E1), filed July 8, 1974. Applicant: D & R MOVING & TRUCKING, INC., Suite 1515, One LeFrak City Plaza, Flushing, N.Y. 11368. Applicant's representative: Daniel Vollkemmer, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Household goods*, between points in Connecticut, Massachusetts, Rhode Island, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; (II) *Household goods*, between points in Maryland, Virginia, and the District of Columbia, and that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points within 100 miles of Columbus Circle, New York, N.Y., in the counties of Bergen, Passaic, Essex, Hudson, and Union, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 107064 (Sub-No. E143), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in El Paso and Potter Counties, Tex., to points in Washington on and west of U.S. Highway 97. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107403 (Sub-No. E88), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore, Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk (except petroleum products and coal tar products), from points in Maryland (within 100 miles of Philadelphia, Pa.), to points in Alabama, Georgia, Mississippi, Tennessee, West Virginia, South Carolina, North Carolina, and Virginia west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E611), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore, Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, coal tar products, and liquid fuel solvents*, in bulk, in tank vehicles, from Baltimore, Md., to those points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway of Gettysburg, Pa.

No. MC 107403 (Sub-No. E455), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *sand*, in bulk, in tank or hopper type vehicles, from Knox and Perry Counties, Ohio, to points in Connecticut, Delaware, Maine, Maryland (except points within 150 miles of Monongahela, Pa.), Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Spring City, Pa.

No. MC 107478 (Sub-No. E12), filed June 4, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as

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above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing and fittings* therefor, from those points in North Carolina and South Carolina, north and east of a line beginning at the North Carolina-Tennessee State line and extending along Interstate Highway 40 to its junction with U.S. Highway 74, thence along U.S. Highway 74 to its junction with U.S. Highway 221, thence along U.S. Highway 221 to its junction with South Carolina Highway 97, thence along South Carolina Highway 97 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to those points in Florida south and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 60 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 108207 (Sub-No. E41), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condensed milk, cream, and cheese*, from points in Wisconsin on and south of U.S. Highway 8 to points in New Mexico, Louisiana, Arizona, and those points in California on, south, and west of a line beginning at the Pacific Ocean and extending along California Highway 299 to its junction with Interstate Highway 5, thence along Interstate Highway 5 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 65, thence along California Highway 65 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Highway 120, thence along California Highway 120 to the California-Nevada State line. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 109478 (Sub-No. E7), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa., 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned grape juice, tomato juice, james, jellies*, and *preserves*, other than frozen or in bulk, in tank vehicles, from Geneva, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the District of Columbia, and those points in Maine, on and south of a line beginning at the Maine-New Hampshire State line, extending along U.S. Highway 2 to junction U.S. Highway 1 Alternate, thence along U.S. Highway 1 Alternate to junction Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Chautaugua County, N.Y., North East, Pa.

No. MC 109478 (Sub-No. E10), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs, cooking oil, and shortening* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Toledo, Ohio, to points in New York. The purpose of this filing is to eliminate the gateway of Crawford and Erie Counties, Pa.

No. MC 109478 (Sub-No. E17), filed May 15, 1974. Applicant: WORSTER MOTOR LINES INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs* (except frozen food), in bulk, in tank vehicles, from Lawton, Mich., to Baltimore, Md., Fall River, Boston, New Bedford and Taunton, Mass., Jersey City, N.J., and those points in New Jersey within 25 miles thereof, Swedesboro, N.J., Providence, R.I., the District of Columbia, points in New York, Philadelphia, Pa., and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Brocton, Mt. Morris, Oakfield, Westfield, LeRoy, and points within 50 miles thereof, Monroe County and Genesee County, N.Y., Geneva, Ohio, and North East, Pa.

No. MC 109478 (Sub-No. E18), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, fresh preserved and prepared foodstuffs, fruits, and vegetables*, from Boston, and Waban, Mass., Jersey City, N.J., and points in New Jersey within 25 miles thereof, points in New York, Philadelphia, Geneva, Ohio, Pa., and Erie County, Pa., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Genesee County, Monroe County, Brocton, Westfield, Leroy, N.Y., and points within 50 miles thereof, and points on south and west of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, and Erie County and North East, Pa.

No. MC 109478 (Sub-No. E25), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Grape juice and tomato juice*, from Boston and Waban, Mass., Jersey City, N.J., and points in New Jersey within 25 miles thereof, Erie County, and Philadelphia, Pa., and New York, to points in Illinois, Indiana, and Ohio. The purpose of this filing is to eliminate the gateways of Brocton, Silver Creek, Westfield, Chautauqua County, Erie County, Genesee County, and Monroe County, N.Y., and Erie County and North East, Pa.

No. MC 109478 (Sub-No. E30), filed May 15, 1974. Applicant: WORCESTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from Geneva, Ohio, to points in Connecticut, Delaware, Massachusetts, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC 109478 (Sub-No. E31), filed May 15, 1974. Applicant: WORCESTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, from Chautauqua and Erie Counties, N.Y., and Erie County, Pa., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Brocton and Westfield, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E32), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Chicago, Ill., to points in Massachusetts, Connecticut, Rhode Island, New York (except New York City), New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Restriction: The operating rights granted herein shall be subject to the

restriction that such rights which are in any way duplicative of the operating rights of James H. Powers, Inc., shall be cancelled in the event the latter carrier, or any portion of its operating rights which duplicate those of the above-named carrier, should subsequently come under the control of any person or corporation other than Worster-Iowa, or persons in control of the latter. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC 109478 (Sub-No. E33), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Boston and Waban, Mass., Jersey City, N.J., and points in New Jersey within 25 miles thereof, those points in New York on, south, and west of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, and Geneva, Ohio, and Philadelphia, Pa., to St. Paul, Minn. The purpose of this filing is to eliminate the gateway of those points in New York on, south, and west of a line beginning at Lake Ontario, extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line.

No. MC 110525 (Sub-No. E1101), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, in foreign commerce only, (1) from Akron, Ohio, and points in West Virginia, New Jersey, Pennsylvania, and Maryland, to ports of entry between the United States and Canada located on the Niagara River (Niagara Falls, N.Y.)*; (2) from points in Georgia, North Carolina, South Carolina, Virginia, and that part of Tennessee on and east of U.S. Highway 27, to ports of entry between the United States and Canada located on the Niagara River (points in West Virginia and Niagara Falls, N.Y.)*; (3) from points in Alabama (except Anniston), Mississippi, Texas (except Fort Worth, Velasco, and points in Harris and Jefferson Counties), Florida, and Louisiana, to ports of entry between the United States and Canada (points in Kanawha County, W. Va., and Niagara Falls, N.Y.)*; (4) from Chicago, Chicago Heights, and Henry, Ill., the District of Columbia, and points in Delaware, Indiana, and Kentucky, to ports of entry between the United States and Canada located on the Niagara River [(a) Kobuta or Pittsburgh, Pa., and (b) Niagara Falls, N.Y.]*; (5) points in Connecticut and Rhode Island, to ports of entry between the United States and Canada located on the Niagara River (Carteret, N.J., and Niagara Falls, N.Y.)*; (6) from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to ports of entry between the United States and Canada located on the Niagara River (Houston, Tex., Akron, Ohio, and Niagara Falls, N.Y.)*; and (7) from points in Erie and Oneida Counties, N.Y., to ports of entry between the United States and Canada located on the Niagara River (North Tonawanda, N.Y.)*; restricted in (2) above against the transportation of bituminous products and materials, and restricted in (4) above against the transportation of liquefied petroleum gases from Chicago, Ill. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111320 (Sub-No. E102), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, from points in that part of New York, on and east of a line beginning at Lake Ontario, thence along New York Highway 19 to the New York-Pennsylvania State line, and to points in Iowa (except Cedar Rapids, Iowa). The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E103), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, from points in that part of New York on and east of a line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and to points in North Dakota. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E104), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, from points in that part of New York on and east of a line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and to points Louisiana and Colorado. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E105), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractors' vehicles or machinery*, from points in that part of New York on and east of a line beginning at Lake Erie, thence along U.S. Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and to points in that part of Mississippi on and south-west of a line beginnnig at the Mississippi-Tennessee State line, thence along U.S. Highway 51 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E107), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in that part of New York north of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, and to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along Interstate Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 113459 (Sub-No. E65), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Indiana, on the one hand, and, on the other, points in Alaska (points in Illinois)*; and (B) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; (3) *Self-propelled*

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articles, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; (4) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines); (5) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and byproducts, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (6) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in that part of Kansas on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to its junction with U.S. Highway 156, thence along U.S. Highway 156 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to its junction with Kansas Highway 18, thence along Kansas Highway 18 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Utah (points in Oklahoma)*; and between points in Kansas, on the one hand, and, on the other, points in Nevada (points in Colorado)*. Restriction: The operations authorized in (A) above are restricted against the transportation of agricultural machinery and agricultural tractors, the operations authorized in (B)(1) and (2) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines and against the transportation of farm machinery, and the operations authorized in (B)(3) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E66), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINES, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (except in connection with main or trunk pipelines), and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipeline (except in connection with main or trunk pipeline); between points in Nevada, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 14 to the Missouri River, thence along the Missouri River to the North Dakota-South Dakota State line (points in Colorado)*; and between points in Nebraska, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 212 to its junction with U.S. Highway 312, thence along U.S. Highway 312 to its junction with Montana Highway 22, thence along Montana Highway 22 to Jordan, Mt., thence in a northwesterly direction in a straight line to Montana Highway 19 at Malta, Mt., thence along Montana Highway 19 to the United States-Canada International Boundary line (points in Nebraska west of U.S. Highway 83)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E67), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (except in connection with main or trunk pipelines), and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipeline (except in connection with main or trunk pipeline); between points in Kansas, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 212 to its junction with U.S. Highway 312, thence along U.S. Highway 312 to its junction with Montana Highway 22, thence along Montana Highway 22 to Jordan, Mont., thence along a straight line to Montana Highway 19 at Malta, Mont., thence along Montana Highway 19 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of points in Colorado east of U.S. Highway 87.

No. MC 113459 (Sub-No. E90), filed June 4, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more; and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 54 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to its junction with Missouri Highway 7, thence along Missouri Highway 7 to its junction with Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending along U.S. Highway 281 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line (points in Oklahoma)*; (B)(1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in Missouri, on the one hand, and, on the other, points in Wyoming and Colorado (points in Kansas)*; (C)(1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in that part of Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 53 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with Minnesota Highway 23, thence along Minnesota Highway 23 to its junction with Minnesota Highway 65, thence along Minnesota Highway 65 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 80 to its junction with U.S. Highway 259, thence along U.S. Highway 259 to its junction with Texas Highway 31, thence along Texas Highway 31 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction

with U.S. Highway 87, thence along U.S. Highway 87 to its junction with Texas Highway 176, thence along Texas Highway 176 to the Texas-New Mexico State line (points in Illinois)*; and (D)(1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; (3) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (4) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (5) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; between points in that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 115 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with Arkansas Highway 14, thence along Arkansas Highway 14 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Arkansas Highway 135, thence along Arkansas Highway 135 to its junction with Arkansas Highway 118, thence along Arkansas Highway 118 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 71 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with Louisiana Highway 82, thence along Louisiana Highway 82 to its junction with Louisiana Highway 333, thence along Louisiana Highway 333 to the Gulf of Mexico (points in Texas)*. Restriction: The operations authorized in (A)(1) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines and against the transportation of farm machinery, the operations authorized in (C) are restricted against the transportation of agricultural machinery and agricultural tractors, and the operations authorized in 9(A)(2), (B)(2), (C)(2), and (D)(2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114019 (Sub-No. E404), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, other than cut, glass containers, common or parts thereof, viz., *bottles* (except siphon bottles and bottles fitted with siphons), *jars and packing glasses*, not exceeding 5 gallons in capacity, with or without their equipment of caps, covers, or stoppers, caps, covers, or tops (other than display), *glassware, or jars*, not otherwise indexed by name and paper shipping cartons, from South Connellsville, Pa., to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, Iowa, and points in that part of Missouri on, north, and west of a line beginning at the Illinois-Missouri State line and extending along Missouri Highway 16 to its junction with Missouri Highway 6, thence along Missouri Highway 6 to its junction with Missouri Highway 11, thence along Missouri Highway 11 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with Missouri Highway 131, thence along Missouri Highway 131 to its junction with Missouri Highway 2, thence along Missouri Highway 2 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Gurnee, Ill.

No. MC 114019 (Sub-No. E407), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and by-products*, edible, (a) between Kansas City and Wichita, Kans., Kansas City, St. Joseph, South St. Joseph, and St. Louis, Mo., Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr., on the one hand, and, on the other, Detroit and Grand Rapids, Mich., Cleveland, Akron, Canton, and Toledo, Ohio, Pittsburgh, Pa., and Ft. Wayne, Ind., (b) between Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr., on the one hand, and, on the other, Evansville and Indianapolis, Ind., Columbus, Dayton and Cincinnati, Ohio, Louisville, Bellevue, and Covington, Ky., and (c) between Wichita, Kans., and St. Louis, Mo., on the one hand, and, on the other, Madison, Wis. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114019 (Sub-No. E409), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, fibreboard, pulpboard, wallboard, strawboard, tin roofing, caps, roofing, cement, metal clamps and fasteners, roof coating with asbestos, pitch, tar or rosin base, creasote, roofing felt, insulating material, nails, coal tar, and asphaltum paint, building, roofing, and sheathing paper, roofing pitch, composition or prepared roofing, asphalt siding, asphalt, asbestos or composition shingles, sheathing, tin straps with fasteners, and roofing tar*, from Wilmington, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New Jersey, Delaware, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 14 to its junction with New York Highway 13, thence along New York Highway 13 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with New York Highway 13, thence along New York Highway 13 to the U.S.-Canada International Boundary line, points in that part of Maryland, Virginia, and North Carolina, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to its junction with U.S. Highway 522, thence along U.S. Highway 522 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with U.S. Highway 95, thence along U.S. Highway 95 to its junction with North Carolina Highway 58, thence along North Carolina Highway 58 to Onslow Bay, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Sunbury, Pa.

No. MC 114019 (Sub-No. E411), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen fruit juices*, in vehicles equipped with mechanical refrigeration, from points in Van Buren, Berrien, Cass, Kalamazoo, and St. Joseph Counties, Mich., to points in Minnesota, Kansas, and those points in Arkansas on, south, and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 167 to its junction with Arkansas Highway 14, thence along Arkansas Highway 14 to its junction with Arkansas Highway 140, thence along Arkansas Highway 140 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Darien, Wis.

No. MC 114019 (Sub-No. E413), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to

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operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from St. Louis, Mo., to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island, (b) from Kansas City and Wichita, Kans., Kansas City, St. Joseph, and South St. Joseph, Mo.; Des Moines and Sioux City, Iowa; Omaha and South Omaha, Nebr.; to points in Connecticut, Delaware, Maryland (except Baltimore), Massachusetts, New Jersey, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Indianapolis, Ind.

No. MC 114211 (Sub-No. E394), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight require the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in Kansas to points in Florida, and to points in that part of Louisiana on and southeast of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 27 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Louisiana-Mississippi State line, and to points in that part of Mississippi on and south of a line beginning at the Mississippi-Louisiana State line, thence along Interstate Highway 20 to the Mississippi-Alabama State line, and to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to the Alabama-Georgia State line, and to points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 80 to junction Georgia Highway 49, thence along Georgia Highway 49 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-South Carolina State line, and to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 20 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 17, thence along U.S. Highway 17 to Myrtle Beach, S.C. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E396), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420 Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts for water systems, towers, and parts for agricultural implements, and pumps*, the transportation of which, because of size or weight, requires special equipment, from points in Nebraska to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 159, thence along Texas Highway 159 to junction Texas Highway 36, thence along Texas Highway 36 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to McAllen, Tex., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E403), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled sweepers* from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in Delaware, New Jersey, Massachusetts, Connecticut, and to points in that part of Virginia on and east of a line beginning at the Virginia-West Virgina State line, thence along Interstate Highway 81 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-North Carolina State line, and to points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 81 to the Maryland-West Virginia State line, and to points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, thence along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line, and to points in that part of New York on and east of a line beginning at Oswego, N.Y., thence along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E405), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from that part of Minnesota on and east of a line beginning at the Minnesota-Canada International Boundary line, thence along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to juction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line to points in Oregon, California, Nevada, Utah, Arizona, New Mexico, Colorado, Texas, Oklahoma, Kansas, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Kentucky, Ohio, Indiana, Illinois, Vermont, New Hampshire, Maine, West Virginia, Nebraska, Tennessee, and to points in that part of Washington on and west of a line beginning at the Washington-Idaho State line, thence along Interstate Highway 90 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Canada International Boundary line, and to points in that part of Idaho on and south of a line beginning at the Idaho-Montana State line, thence along Interstate Highway 90 to the Idaho-Washington State line, and to points in that part of Montana on and west of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 287 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Montana-Idaho State line, and to points in that part of Wyoming on and southwest of a line beginning at the Wyoming-Montana State line, thence along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line, and to points in that part of Wisconsin on and southeast of a line beginning at the Wisconsin-Illinois State line, thence along Wisconsin Highway 15 to Lake Michigan, and to points in that part of Michigan on and south of a line beginning at Muskegon, Mich., thence along Interstate Highway 96 to the Michigan-Canada International Boundary line, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E408), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), and *contractors' equipment and supplies* which are designed for use in conjunction with tractors, from points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line, thence along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Canada International Boundary line to points in Virginia, Pennsylvania, New York, Maine, Connecticut, Massachusetts, Rhode Island, Delaware, New Jersey, New Hampshire, Vermont, Maryland, and West Virginia, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone, located in the state of Minnesota.

No. MC 114211 (Sub-No. E410), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 39, thence along Iowa Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction Iowa Highway 191, thence along Iowa Highway 191 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Nebraska-Iowa State line, on the one hand, and, on the other, to points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Maine, and to points in that part of New York on and east of a line beginning at the New York-Canada International Boundary line, thence along New York Highway 30 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 73, thence along New York Highway 73 to junction Interstate Highway 87, thence along Interstate Highway 87 to New York, N.Y. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E413), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, the transportation of which because of size or weight requires special equipment from points in that part of Missouri on and southeast of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Missouri State line to points in Washington, North Dakota, and to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Montana Highway 41, thence along Montana Highway 41 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Beaverhead County Highway 324, thence along Beaverhead County Highway 324 to the Montana-Idaho State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along southern boundary of Idaho County to the Idaho-Oregon State line, and to points in that part of Oregon on and northwest of a line beginning at the Oregon-Washington State line, thence along Oregon Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, thence along Oregon Highway 126 to Florence, Oreg., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn., and Waterloo, Iowa.

No. MC 119934 (Sub-No. E3), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Flour*, in bulk, from Decatur, Ill., to points in Ohio, and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 27 to the Kentucky-Tennessee State line; (B) *Flour*, in bulk, from Decatur, Ill., to points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, and to points in that part of Michigan on the Lower Peninsula, on and east of a line beginning at Makinaw City, Mich., thence along Interstate Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind.

No. MC 119988 (Sub-No. E48), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO. INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Louisiana. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E49), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(B)(7) of the Act, when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla. to that part of Missouri on and south of a line beginning at the Mississippi-Arkansas State line and extending along Mississippi Highway 8 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E51), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO. INC., P.O. Box

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1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter* and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the plant site and storage facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Florida (except points in Escambia and Santa Rosa Counties, Fla.). The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 127651 (Sub-No. E1), filed June 4, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham St., Marshfield, Wis. 54449. Applicant's representative: Nancy Johnson, Suite 100, 4506 Regent St., Madison Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Lumber;* (a) from those points in Minnesota on and north of U.S. Highway 12 to points in Illinois on and south of U.S. Highway 66 (Quincy, Wis.)*; (b) from points in Minnesota on and south of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 10 to its junction with Minnesota Highway 95 and thence along Minnesota Highway 95 to the Minnesota-Wisconsin State line, to points in the Southern Peninsula of Michigan (Quincy, Wis.)*; (c) from those points in Minnesota north of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 10 to its junction with Minnesota Highway 95, and thence east along Minnesota Highway 95 to the Minnesota-Wisconsin State line, to points in Michigan on and south of Michigan Highway 21 (Onalaska, Wis.)*; and (d) from points in Minnesota, to points in Indiana (Quincy, Wis.)*; (II) *Lumber* (except plywood and veneer); (a) from points in Minnesota to points in Kentucky (Quincy, Wis.)*; and (b) from those points in Minnesota on and east of U.S. Highway 63 and that portion on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 71 to its junction with Minnesota Highway 6, thence along Minnesota Highway 6 to its junction with Minnesota Highway 38, thence along Minnesota Highway 38 to its junction with U.S. Highway 169, thence along U.S. Highway 169 to its junction with Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line, to Falls City, Nebr. (Dorchester and Onalaska, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

JANUARY 17, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065 (d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 107515 (Sub-No. 902–G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats, and dairy products*, as described in the Appendix to the report in Modification of Permits-Packing House Products, 48 MCC 628, (a) between all points in Florida, on the one hand, and, on the other, points in North Carolina, South Carolina, Alabama, Mississippi and Louisiana; (b) between points in Mississippi, on the one hand, and, on the other, points in Louisiana and Alabama; (c) from points in Louisiana, Mississippi, Alabama, Florida, North Carolina and South Carolina to points in Tennessee; (d) from points in Tennessee (except McMinnville, Tenn. and those points in Davidson County, Tennessee formerly known as Nashville, Tenn.), to points in Louisiana, Mississippi, Alabama, Florida, North Carolina and South Carolina; (e) between points in Louisiana, on the one hand, and, on the other, points in Florida, North Carolina, and South Carolina; and (f) between points in Alabama, on the one hand, and, on the other, points in North Carolina, South Carolina, and Florida. The purpose of this filing is to eliminate the gateways at points in Georgia.

No. MC 113908 (Sub-No. 320G), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal and poultry feed supplements*, in bulk, in tank vehicles, from Verona, Mo., to points in Washington, Nevada, California, Montana, Wyoming, North Dakota, South Dakota, Colorado, New Mexico, Arizona, Oregon, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

(2) *Wine vinegar* (advanced fermented wine), in bulk, in tank vehicles, from Lake Alfred, Fla., to points in California. The purpose of this filing is to eliminate the gateway of Austin, Minn.

(3) *Animal fats and animal oils*, in bulk, in tank vehicles, from Cherokee, Iowa, to points in California, Idaho, Oregon, Utah, Washington and Phoenix, Ariz. The purpose of this filing is to eliminate the gateway of Huron, S. Dak.

(4) *Corn syrup and blends of corn syrup and liquid sugar* (used as animal and poultry feed ingredients) in bulk, in tank vehicles, from Springdale, Ark., to West Alexandria, Ohio. The purpose of this filing is to eliminate the gateway of Verona, Mo.

(5) *Condensed milk and cream*, in bulk, in tank vehicles, from Evansville, Ind., to points in Arkansas, Oklahoma, Louisiana, Texas, Georgia and Alabama. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

(6) *Vinegar*, in bulk, in tank vehicles, (a) from Rodgers, Ark., to points in Illinois, Michigan, California; (b) from Nixa, Mo., to points in Michigan, Minnesota, Tennessee and California; and (c) from Marionville, Mo., to points in California and Texas. The purpose of this filing is to eliminate the gateways of Joplin and Nixa, Mo., and Amarillo, Tex. in (a) above; Miami, Okla.; Rogers and Fayetteville, Ark.; Denver, Colo.; and Amarillo, Tex. in (b) above, and Nixa, Mo. in (c) above.

(7) *Vinegar stock and apple juice*, in bulk, in tank vehicles, from Corpus Christi, Tex. and points in Starr, Hildago, Willacy, and Cameron Counties, Tex., to points in Kentucky, Tennessee, Delaware, and Maryland. The purpose of this filing is to eliminate the gateway of Beiding, Mich.

(8) *Wine vinegar*, in bulk, in tank vehicles, from Canadalgua, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

(9) *Alcoholic liquors, neutral spirits, distilled alcohol*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to Helena, Mont. The purpose of this filing is to eliminate the gateway of Atchison, Kans.

(10) *Glycerine*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to Des Moines and Madrid, Iowa. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

(11) *Synthetic resins (chemicals)*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Alabama. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

(12) *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Mississippi, Illinois, and Tennessee. The purpose of this filing is to eliminate the gateway of Blytheville, Ark.

(13) *Vinegar and vinegar stock*, in bulk, in tank vehicles, from points in Florida, to points in Minnesota, Iowa, Missouri, Kansas, Nebraska, and Colorado. The purpose of this filing is to eliminate the gateway of Belding, Mich.

(14) *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Arizona, Arkansas, California, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

(15) *Glycerine, soap stock, liquid soap and fatty acids*, in bulk, in tank vehicles, from Aurora, Ill., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, New York, South Carolina, Tennessee, California, Arizona, Colorado, Missouri, Nevada, New Mexico, Oklahoma, Texas, Utah, and Washington. The purpose of this filing is to eliminate the gateways of Springfield, Mo.; West Alexandria, Ohio; and Verona, Mo.

(16) *Glycerine, soap stock, fatty acids, inedible tallow*, in bulk, in tank vehicles, from Cherokee, Iowa, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Aurora, Ill.

(17) *Animal fats and animal oil*, in bulk, in tank vehicles, from Cherokee, Iowa, to points in Alabama, Delaware, Georgia, Kentucky, Mississippi, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

(18) *Vinegar, vinegar stock*, in bulk, in tank vehicles, from New York City, N.Y., to points in Oklahoma, Texas, Arkansas, Mississippi, Louisiana, Alabama, Georgia, and California. The purpose of this filing is to eliminate the gateway of Silica, Mich.

(19) *Animal and poultry feed and animal and poultry feed ingredients*, in bulk, in tank vehicles (except animal fats, animal oils, vegetables oils and blends thereof), from Verona, Mo., to points in Indiana, Ohio, New York, Pennsylvania, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, West Virginia, Virginia, Delaware, Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida. The purpose of this filing is to eliminate the gateway of West Alexandria, Ohio.

(20) *Vinegar and vinegar stock*, in bulk, in tank vehicles, from points in Michigan, to points in Missouri, California, Colorado, Arizona, Nevada, New Mexico, Utah, Washington and Lake Wales, Fla. The purpose of this filing is to eliminate the gateways of Dalhart, Tex.; Miami, Okla.; Rogers, Ark.; Austin, Minn.; Nashville, Tenn.; Wichita, Kans.; and Springfield, Nixa, and Marionville, Mo.

(21) *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Blytheville, Ark., to points in Washington, Nevada, California, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, New Mexico, Arizona, Oregon, Nebraska, Missouri, Wisconsin and Oklahoma, Texas and Utah. The purpose of this filing is to eliminate the gateways of Mapleton, Ill. and Springfield, Mo.

(22) *Wine vinegar and vinegar stock*, in bulk, in tank vehicles, from Lake Alfred, Fla., to points in Minnesota, Iowa, Missouri, Kansas, and Colorado. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

(23) *Vinegar*, in bulk, in tank or hopper vehicles, from Chicago, Ill., to points in Oklahoma, Louisiana, Mississippi, Colorado, Arkansas, Texas (except points in Harris County), and California. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

(24) *Liquid animal and poultry feed supplements*, in bulk, in tank vehicles (except animal fats, animal oils, vegetable oils, and blends thereof), from Springfield and Verona, Mo., to points in Indiana, Ohio, New York, Pennsylvania, Vermont, New Jersey, Maryland, West Virginia, Virginia, Delaware, Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida. The purpose of this filing is to eliminate the gateway of West Alexandria, Ohio and Chattanooga, Tenn.

(25) *Alcoholic liquors (except brandy) and neutral spirits*, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to points in Washington, Nevada, California, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Oklahoma, Texas, New Mexico, Arizona, Oregon, Nebraska, Missouri, Wisconsin, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateways of Belding, Mich. and Mapleton, Ill.

(26) *Wine vinegar*, in bulk, in tank vehicles, from Lake Alfred, Fla., to points in California and Washington. The purpose of this filing is to eliminate the gateway of Chicago, Ill. and Grand Beach, Mich.

(27) *Synthetic resins (chemicals)*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Arizona, California, Colorado, Kansas, Missouri, Oklahoma, Oregon, Texas, Washington, and Wisconsin. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

(28) *Choline chloride*, in bulk, in tank vehicles, from Mapleton, Ill., to Springdale, Ark.; Jackson, Miss.; Ft. Worth, Tex.; and points in Alabama. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

(29) *Vinegar*, in bulk, in tank vehicles, from North Rose, N.Y., to points in California. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and St. Paul, Minn.

(30) *Liquid chemicals*, in bulk, in tank vehicles, from Mapleton, Ill., to points in Arkansas and Utah. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

(31) *Choline chloride*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Virginia, West Virginia, New Jersey, Maryland, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, Kentucky, Indiana, Ohio, Mississippi, Texas, Arkansas, Oklahoma, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Washington. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and Springfield, Mo.

(32) *Fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from points in Texas, to Lawton, Mich.; Brocton, Watkins Glen and Westfield, N.Y.; North East, Pa.; points in Ohio, Kentucky, Tennessee, Delaware, and Maryland. The purpose of this filing is to eliminate the gateways of Springdale, Ark. and Belding, Mich.

(33) *Vinegar stock and vinegar*, in bulk, in tank vehicles, from points in California and Washington, to points in Oklahoma, Kansas, Arkansas, Iowa, Ohio, Indiana, Louisiana, Mississippi, Colorado, Texas, Illinois, Michigan, Missouri, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Pennsylvania, New York, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, New Jersey, District of Columbia, Maryland and Delaware. The purpose of this filing is to eliminate the gateways of Harlingen, Amarillo, Dallas, Dalhart, and Weslaco, Tex.; Marionville and Nixa, Mo.; Springdale, Rogers, and Texarkana, Ark.

(34) *Apple juice*, in bulk, in tank vehicles, from points in Wayne County, N.Y., to points in Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, Oklahoma, Texas, Arkansas, Mississippi, Louisiana, Alabama, and Georgia. The purpose of this filing is to eliminate the gateway of Belding, Mich.

(35) *Wine and wine products*, in bulk, in tank vehicles, from points in California, to points in Mississippi, Louisiana, Alabama, Georgia, Arkansas, and Lakeland, Fla. The purpose of this filing is to eliminate the gateways of Detroit, Mich. and the Clermont and Covington, Ky. Commercial Zone.

(36) *Formaldehyde*, in bulk, in tank vehicles, from Demopolis, Ala., to points in Arizona, Arkansas, California, Colorado, Kansas, Missouri (except east of Missouri Highways 15 and 19), Nevada, New Mexico, Oklahoma, Texas (except Harris County, Tex.), Utah and Washington. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

(37) *Condensed cream and milk*, in bulk, in tank vehicles, from Dallas, Tex., to points in Tennessee, Kentucky, and Missouri. The purpose of this filing is to eliminate the gateway of Little Rock, Ark.

(38) *Condensed milk and cream*, in bulk, in tank vehicles, from Kansas City,

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Mo., to points in Tennessee and Kentucky. The purpose of this filing is to eliminate the gateway of Little Rock, Ark.

(39) *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Kansas (except Kansas City, Mo./Kans.); Missouri, South Dakota, Chattanooga, Tenn.; Colorado, Oklahoma, Oregon, Texas, Washington, and Wisconsin. The purpose of this filing is to eliminate the gateways of Lincoln and Omaha, Nebr. and Mapleton, Ill.

(40) *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in California, Michigan, Ohio, Indiana, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Dalhart, Tex.; Guyman, Okla.; La Junta, Colo.; Navada and Nixa, Mo.

(41) *Glycerine, fatty acids and inedible tallow*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Pennsylvania and Wisconsin. The purpose of this filing is to eliminate the gateway of Aurora, Ill.

No. MC 135648 (Sub-No. 2G), filed May 31, 1974. Applicant: ACKERMAN MOTOR LINES, INC., P.O. Box 4, Hackettstown, N.J. 07840. Applicant's representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Warren and Hunterton Counties, N.J., on the one hand, and, on the other, points in Pennsylvania on and north of a line beginning at the Pennsylvania-New Jersey State line at or near Yardley, Pa., and extending west along Pennsylvania Highway 332 to Newton, Pa., thence over Pennsylvania Highway 413 to its junction with U.S. Highway 202 at or near Buckingham, Pa., thence southwest on U.S. Highway 202 to Montgomeryville, Pa., thence northeast over Pennsylvania Highway 463 to Hatfield, Pa., thence southwest over unnumbered highway to intersection with a line between Lansdale and Allentown, Pa., thence north through Allentown, Martin's Creek, Stroudsburg, to Pennsylvania-New Jersey State line, near Portland, Pa., including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of New York, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-1912 Filed 1-21-75;8:45 am]

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federal register

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Title 3—The President

PROCLAMATION 4340

National Jaycee Week, 1975

By the President of the United States of America

A Proclamation

To lead and to serve are the twin ideals of the United States Jaycees. By bringing together outstanding young members of communities throughout America, the Jaycees provide a reservoir and a forum for potential national leaders; by directing their energy and skills to a wide variety of humanitarian projects, the Jaycees serve our country and mankind.

For more than half a century, the United States Jaycees have strengthened our life as a democratic society. They belong to a cherished tradition going back to our country's very beginnings when community leaders from throughout the 13 colonies—many of them young men like the Jaycees—banded together with vision and talent to forge a free nation.

Today, in more than 7,000 chapters in each of the 50 states and the Nation's capital, some 300,000 Jaycees serve this time-honored ideal in a modern setting, dedicating their free time to faith, brotherhood, freedom and the service of their fellow man.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning January 19, 1975, as National Jaycee Week—a time for the expression of America's gratitude for the many significant contributions of the United States Jaycees.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75–2301 Filed 1–22–75;11:55 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—AIR FORCE RESERVE

This revision allows use of the title AFROTC Detachment Commander in lieu of Professor of Aerospace Studies in military channels (§ 870.2(s)); restates the AFROTC mission and objectives to accommodate recruiting functions and production for the Reserve Forces (§ 870.6); notes separation of area commandants from the AFROTC central staff (§ 870.8); provides expanded and revised guidance for establishing and continuing AFROTC units (§ 870.10); expands to the explanation of the College Scholarship Program (§ 870.12(a)(3)); adds provisions for processing nurse candidates (§ 870.22(d); § 870.72(b); § 870.-84, note 11; § 870.86, note 7), physician scholarship candidates (§ 870.22(d); § 870.72(a); § 870.86, notes 5 and 8), and candidates for Air National Guard/United States Air Force Reserve appointment (§ 870.32(b) and § 870.84, line 10); deletes obsolete Department of Defense Form 98, Armed Forces Security Questionnaire (§ 870.22 and § 870.84); requires completion of DD Form 398, Statement of Personal History, for Professional Officer Course and College Scholarship Program membership (§ 870.22(h)(2)); clarifies discharge and reenlistment requirements (§ 870.28(d) and § 870.58); expands authority for completed cadet status (§ 870.36); deletes former attachments of joint service ROTC agreements and adds essential portion to the text (§ 870.62(a)); specifies that disenrollment may occur for declining to accept a commission (§ 870.64(a)(5)); deletes requirements for an investigation when disenrolling most General Military Course cadets (§ 870.64(c)); establishes 17 as minimum age for FT, POC, and CSP for both males and females (§ 870.84, line 8); modifies requirement for Air Force Military Personnel Center approval of graduate students (§ 870.84, note 12a); specifies that GMC scholarship cadets need not demonstrate academic proficiency at the time of POC entry (§ 870.84, note 13); allows commissioning up to age 32 for certain prior active enlisted or warrant personnel (§ 870.86, line 11); allows Air University to determine eligibility of certain former service academy cadets (§ 870.86, note 3); specifies the period CSP cadets may be academically deficient (§ 870.86, note 8); deletes use of "he" and "his" except in cases that apply to males only; updates office symbols and references; and makes minor changes in wording to increase clarity.

Part 870, Subchapter H of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
870.0 Purpose.

Subpart A—Background and Organization

870.2 Definitions.
870.4 AFROTC officer procurement.
870.6 AFROTC mission and objectives.
870.8 AFROTC organization.
870.10 Establishment and continuation of AFROTC units at educational institutions.
870.12 The training program.
870.14 Responsibilities of the Commander, AU.
870.16 Major Command functions.
870.18 Administrative services and supplies.

Subpart B—AFROTC Membership and Retention

870.20 Basic membership requirements.
870.22 Other membership requirements.
870.24 Conditional membership.
870.26 Concurrent enrollment in Aerospace Studies.
870.28 Who may not be AFROTC members.
870.30 Investigative requirements.
870.32 Contract cadets.
870.34 In-phase admission to the POC.
870.36 Completed cadet status.
870.38 Alien students.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

870.40 Military colleges participating in the AFROTC program.
870.42 Deferment selection criteria.
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870.46 Length of deferment.
870.48 Actions required for deferment.
870.50 Notifying Board of deferments and transfers.
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Subpart D—Special Procedures

870.56 Participation and assignment in the Reserve establishment or National Guard.
870.58 Enlistment of a reservist of another service.
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870.64 Disenrollment of member from the AFROTC program.
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Subpart F—Readmission

870.70 Readmission.

Subpart G—Appointment and Assignment of Graduates

870.72 Appointment of graduates.
870.74 Extended active duty for AFROTC graduates.
870.76 Distinguished graduates.
870.78 Release of AFROTC graduates for appointment in another service.
870.80 Air Force appointment of ROTC graduates from another service.

Subpart H—Tables

870.82 Eligibility criteria for establishment of an AFROTC unit.
870.84 Eligibility requirements for admission to membership in AFROTC.
870.86 Individuals who require a waiver and waiver granting authority.
870.88 Credit for previous education, training, and military experience.

AUTHORITY: 10 U.S.C. 8012; 10 U.S.C. Chapter 103; Military Selective Service Act of 1967, Section 6 (50 U.S.C. App. 456), except as otherwise noted.

§ 870.0 Purpose.

(a) This part explains the organization, administration, and operation of the Senior Reserve Officers' Training Corps. It applies to major commands, AFROTC (Maxwell Air Force Base, Alabama), ARPC, and AFROTC detachments.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—Background and Organization

§ 870.2 Definitions.

(a) *Academic year* (AY). Consists of two semesters three quarters, or the equivalent combination of trimesters or other terms.

(b) *Aerospace Studies* (*AS*). The official designation of the Air Force Reserve Officers' Training Corps (AFROTC) program of instruction.

(c) *AFROTC detachment.* An Air Force organization manned by active duty Air Force personnel assigned to AFROTC, with duty station at a civilian educational institution. The AFROTC detachment is an integral academic subdivision of the educational institution and, with concurrence of the institution, has the academic title "Department of Aerospace Studies." The AFROTC detachment conducts all AFROTC activities at the institution as stipulated in the joint contract between the host institution and the Air Force.

(d) *AFROTC graduate.* A contract cadet who has successfully completed the academic and military requirements of the AFROTC Professional Officer Course (POC), including prescribed field training, and has been awarded at least a bachelor's degree.

(e) *Alien student.* A Foreign National eligible to participate in the AFROTC

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program under the provisions of this part and 10 U.S.C. 2103(b).

(f) *Cadet.* The term cadet as used in this part is synonymous with member.

(g) *Completed cadet.* A contract cadet who has successfully completed the academic and military requirements of the program of advanced training, including field training, and Flight Instruction Program is applicable, but has not been commissioned.

(h) *Conditional cadet.* A contract cadet who has been advised by the Professor of Aerospace Studies (PAS), either upon initial enrollment or during the program, of placement in a probationary status to correct a deficiency (academic or otherwise) within a specified period of time to preclude disenrollment from the program, or AFROTC scholarship termination. A conditional cadet is a member of the AFROTC program.

(i) *Consortium arrangement.* An agreement between a host institution and one or more nonhost institutions, which exists for the mutual benefit of the schools and which permits cross enrollment of students. AFROTC, as a department of the host institution, shares as a beneficiary of the larger agreement and may participate, on the same basis as any other department of the host institution, in enrolling students from the consortium nonhost schools. The consortium agreement may be a written agreement. Students at a nonhost institution may enroll in the AFROTC program under this type of arrangement provided:

(1) The nonhost institution is an accredited baccalaureate degree granting, or 2-year nonbaccalaureate degree granting, institution.

(2) The nonhost institution agrees to award appropriate academic credit applicable toward graduation for the successful completion of courses offered by the Department of Aerospace Studies.

(j) *Contract cadet.* An AFROTC cadet who:

(1) Executed AF Form 1056, Air Force Reserve Officers' Training Corps Contract, or AF Form 1448, Air Force Reserve Officers' Training Corps Contract for Air National Guard/Air Force Reserve, and

(2) Enlisted in the United States Air Force Reserve (USAFR) (Obligated Reserve Section (ORS)) under the provisions of 10 U.S.C. 2104 or 2107, and

(3) Is a member of the POC and/or the College Scholarship Program (CSP).

(k) *Cross-town agreement.* An agreement among AFROTC, a host institution, and a nonhost institution which either is accredited and grants bachelor's degrees or is a 2-year institution not authorized to grant bachelor's degrees. The agreement permits students from the nonhost institution to enroll in the AFROTC program conducted by the host institution.

(l) *Designated applicant.* An individual who applies in writing and is tentatively accepted by the Professor of Aerospace Studies (PAS) as a candidate for entry in the POC or for CSP membership.

(m) *Enrollment.* Admission of a student into an Aerospace Studies course for academic credit, which in itself entitles individuals to neither AFROTC membership nor subsistence allowance.

(n) *Full-time student.* An individual enrolled in other than correspondence courses who is taking at least the minimum credit hours specified in the institutional catalog for designation as a full-time student. If the institution does not specify a minimum criterion, a student enrolled in at least the minimum number of credit hours prescribed by the Professor of Aerospace Studies.

(o) *Host institution.* An educational institution that sponsors an AFROTC unit.

(p) *Member.* A student who meets and completes the applicable eligibility requirements of § 870.84 and is admitted to the General Military Course (GMC) or POC. Members must maintain retention standards prescribed by the Commandant, AFROTC.

(q) *Officer type training programs.* Any training received in any U.S. Armed Force, Coast Guard, or Merchant Marine program, completion of which may result in a tender of appointment as a commissioned officer (includes service academy preparatory schools).

(r) *Probation (academic).* Scholastic probation, warning, suspension, or any other terminology utilized by an institution to indicate that a student is academically deficient.

(s) *Professor of Aerospace Studies (PAS).* The senior Air Force commissioned officer assigned to command an AFROTC detachment. Normally, this title is used when the position is referred to in an institutional context. The title "AFROTC Detachment Commander" is sometimes used in military channels.

(t) *Pursuing student.* A designated applicant for POC membership who is temporarily ineligible for enlistment. These students are not members of the POC or the CSP.

(u) *Special student.* A nonmember student who is enrolled in AFROTC courses and/or corps training.

§ 870.4 AFROTC officer procurement.

AFROTC is a major active duty officer procurement program of the Air Force. It is conducted jointly with the cooperating educational institutions, as outlined in this part. AFROTC will continue to operate as the officer training program conducted at colleges and universities during a national emergency or war.

§ 870.6 AFROTC mission and objectives.

(a) The AFROTC mission is to recruit, educate, and commission officer candidates through a college campus program in response to Air Force requirements.

NOTE: AFROTC is also responsible for conducting an Air Force Junior ROTC (AFJROTC) program at selected secondary schools nationwide under Part 872 of this chapter.

(b) The AFROTC objectives are to:

(1) Recruit, select, and retain officer candidates until they are commissioned as second lieutenants in the U.S. Air Force.

(2) Provide college-level education that qualifies cadets for commissioning in the U.S. Air Force.

(3) Strengthen each cadet's sense of personal integrity, honor, and individual responsibility; enhance knowledge of how the U.S. Air Force serves the national interest; increase understanding of officer professionalism in the U.S. Air Force; and develop potential as a leader and manager.

§ 870.8 AFROTC organization.

The Department of the Air Force establishes policies and develops plans for the conduct of the AFROTC program. AFROTC is organized as a subordinate unit of AU and consists of a central staff, area commandants, and detachments.

§ 870.10 Establishment and continuation of AFROTC units at educational institutions.

An AFROTC detachment is established or disestablished only by direction of the Secretary of the Air Force.

(a) *Establishment of AFROTC units.* To receive consideration for establishment of an AFROTC unit, an educational institution must meet the standards specified in § 870.82 of this part. The fact that an institution meets all criteria does not, however, imply that a unit will be authorized. New units are established, after consideration of all factors, only as the Air Force determines a need for additional units. Educational institutions interested in hosting an AFROTC unit should write to the Commandant, AFROTC, Maxwell Air Force Base, Alabama 36112. AFROTC evaluates applications and forwards recommendations when directed to do so by Headquarters, USAF, or Air University.

(b) *Establishment restrictions.* Normally, an AFROTC unit will not be established at an educational institution if:

(1) An AFROTC unit exists within 15 minutes driving time of the applicant institution, and the institution that hosts the existing unit is willing to accommodate AFROTC cross-enrollees from the applicant institution.

(2) An ROTC unit of another service exists on the applicant campus, and the Secretary of that service does not agree to collocation with an AFROTC unit.

(c) *AF Form 1268.* AF Form 1268, Application and Agreement for the Establishment of Senior Air Force Reserve Officers' Training Corps Unit, must be signed after establishment has been approved by the Secretary of the Air Force.

(d) *Continuation of AFROTC units.* An AFROTC unit normally is not maintained at an educational institution if the institution fails:

(1) To comply with the contractual terms of AF Form 1269 (or any other properly constituted contract or ensuing memoranda of agreement). The minimum standards of § 870.82 apply. AF

ROTC reviews contract compliance at each unit annually. Institutions are notified of deviations and requested to take corrective action. Uncorrected deviations will be reported to Air University. AU considers those deviations in taking action under paragraph (e) of this section.

(2) To meet the enrollment standards prescribed in paragraph (e) of this section.

(e) *Disestablishment of AFROTC units.* The annual projected officer production from each AFROTC unit must be adequate to justify the investment of Air Force resources.

(1) A unit is considered marginal when its first year POC enrollment as of October 31 is below:

(i) Seventeen cadets where the institution prescribes a 4-year or combination 4- and 2-year program.

(ii) Twelve cadets where the institution prescribes a 2-year only program.

(2) AFROTC reviews the enrollment in the first year of the POC for each AFROTC unit to identify units which do not meet the enrollment criteria in paragraph (e)(1) of this section. Air University takes action by December 15 each year to:

(i) Forward letters to appropriate host institution presidents to place newly identified marginal units in probationary status for a 1-year school period. (New AFROTC units offering the 4-year program are exempt from consideration until their third year of existence; new units offering only the 2-year program are exempt from consideration until their second year of existence.)

(ii) Forward letters to appropriate host institution presidents to release from probation those units which meet or exceed the 17/12 enrollment criteria.

(iii) Forward a summary of the actions prescribed under paragraphs (e)(2)(i) and (ii) of this section to HQ, USAF/DPPE, Washington, D.C. 20330, with recommendations to disestablish or continue on probation those units which did not meet the 17/12 enrollment criteria by the end of the 1-year probationary period. Also provide HQ, USAF/DPPE with proposed draft letters for signature by the Commander, AU, to appropriate host institution presidents, as well as a data sheet for each unit to support disestablishment or continued probation. Continued probation should be limited to those units where enrollment trends or projected enrollment indicate that this action is in the best interest of AFROTC and the Air Force.

(3) Approved letters for disestablishment or continued probation are forwarded to the Professor of Aerospace Studies for personal delivery to the host institution president (or other designated representative of the host institution) at a time prearranged between AU and HQ, USAF/DPPE.

(4) AFROTC:

(i) Insures that the president of each host institution is aware of the 17/12 enrollment criteria.

(ii) Forwards a letter expressing concern to the president of each host institution where the October 31 enrollment in the first year of the POC falls below 20 at schools which prescribe a 4-year or combination 4- and 2-year program, or below 15 at schools which prescribe a 2-year only program, unless enrollment limitations established by AFROTC preclude such enrollment.

(iii) Works closely with any institution, where the AFROTC enrollment falls below the required standard for any year, to seek measures which will increase enrollment to the required level and make the unit fully productive. These efforts must be substantiated in writing.

(5) Units being disestablished are normally phased out with sufficient time to permit contract cadets to complete the program or allow them a practical alternative for earning commissions. Phase out is accomplished within the shortest practical period, to conserve expenditure of Air Force resources.

§ 870.12 The training program.

The training program includes two phases—the institutional phase and the field training phase. Successful completion of academic and military requirements in both phases is a prerequisite for appointment as an officer in the U.S. Air Force.

(a) *The institutional phase.* This phase consists of GMC (AS 100 and AJ 200), the POC (AS 300 and AS 400), and Corps Training (AS 100 through AS 400). Corps Training is an integral and mandatory portion of each Aerospace Studies year. The GMC and POC are each normally two academic years in length (four semesters, six quarters, or an equivalent number of trimesters or terms). Completion of the GMC, its equivalent, or the 6-week field training session is a statutory prerequisite for, but does not guarantee, entrance into the POC.

(1) The 4-year program consists of the GMC, POC, Corps Training, and a 4-week field training session.

(2) The 2-year program consists of the 6-week field training, the POC, and the last 2 years of Corps Training.

(3) The College Scholarship Program (CSP) provides educational financial assistance for selected undergraduate or graduate cadets. Candidates for entry into the 2- and 4-year programs, and members of the 4-year program, are eligible to compete for scholarships provided they have the requisite number of academic years remaining.

(i) Air Force is authorized by 10 U.S.C. 2107 to have 6,500 AFROTC scholarships in effect at any time. No more than 20 percent of the scholarship cadets may be in the 2-year AFROTC program, and at least 50 percent of the scholarship cadets who are enrolled in public institutions must qualify for in-state tuition rates.

(ii) A subsistence allowance is paid to scholarship students as specified in Part 874 of this chapter and in addition:

(A) All tuition, fees, books, and laboratory expenses will be paid for required (as opposed to elective) courses.

(B) All tuition, fees, books, and laboratory expenses will be paid for elective courses, except that AFROTC may disapprove costs of any effective course which is more expensive than the normal tuition and fees incurred by a student who does not elect to take such a course.

(iii) Scholarships are offered in conjunction with participation in all four years of AFROTC, the last three years, and the last two years.

(A) Four-year scholarships are limited to candidates interested in and qualified to attend pilot or navigator training after being commissioned through AFROTC. Applications and details may be obtained from AFROTC/SDR, Maxwell Air Force Base, Alabama 36112.

(B) Three-year scholarships are available to students who can complete the GMC within one academic year; these scholarships are limited to potential pilots and navigators, and to students enrolled in specified scientific and engineering curriculums. Two-year scholarships are available to cadets entering the POC and are limited to potential pilots and navigators, potential missile launch officers, students enrolled in specified scientific and engineering curriculums, and potential physicians. Applications for 3-year and 2-year scholarships are made through the Professor of Aerospace Studies at the AFROTC detachment, except as indicated in paragraph (a)(3)(v) of this section.

(iv) Active duty airmen may apply for AFROTC scholarships through their Base Education Services Office in accordance with AFR 53–20, Airman Commissioning Programs.

(v) Selection for a scholarship is on a competitive basis. Recipients will be centrally selected by Air University/AFROTC.

(b) *The field training phase.* The 6- and 4-week field training phases are conducted at Air Force bases as prescribed by AFR 45–3, Air Force ROTC Field Training Program. Two-year program applicants must successfully complete the 6-week field training session prior to admission to the POC. This prerequisite is a statutory requirement, but does not guarantee membership in the 2-year program. Cadets in the 4-year program normally attend the 4-week field training session after successful completion of AS 200.

(c) *Curriculum and course support materials.*—(1) *Curriculum.* The Commander, AU, develops and maintains the AFROTC education program according to the mission, objectives, and policies prescribed by the Chief of Staff, USAF.

(2) *Academic credit.* AFROTC courses should be reviewed for credit on the same basis as other courses at the institution. Maximum credit should be granted. If credit is questioned, the institution should recommend changes which would make the courses credit worthy, but denial of degree credit would not, in itself, necessarily mean withdrawal of the unit. Regardless of the amount of credit granted, AFROTC course grades should appear on students' transcripts.

(3) *Course substitution.* Guest lecturers may provide specific hours of instruc-

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tion in areas where they are academically qualified, provided the institution approves of the practice. Institutionally taught courses, or courses taught jointly by both civilian and military faculties, may be used when these courses satisfy the objectives of the AFROTC curriculum and exist or can be developed by the institution. These provisions shall not be used as a device to reduce the required minimum military contact hours of the AFROTC curriculum.

(4) *Drill.* Standards of performance in military drill will be prescribed by AU. The PAS determines the specific amount of drill needed to obtain the prescribed standards.

§ 870.14 Responsibilities of the Commander, AU.

The Commander, AU:

(a) During any period of full-scale mobilization, conducts an accelerated AFROTC program as directed by HQ, USAF.

(b) Insures that all Applicants enlisted as POC or CSP members, and all AFROTC graduates appointed as commissioned officers, meet Air Force personnel procurement standards.

§ 870.16 Major Command functions.

(a) Each MAJCOM must:

(1) Provide designated applicants for membership in the AFROTC program with:

(i) Subsistence, quarters, and necessary medical care while they are processing at Air Force installations. (Service charges for subsistence and quarters provided must be kept to a minimum.)

(ii) On-base transportation to and from examining centers and medical facilities. (Off-base transportation may be provided to the nearest commercial transportation facility.)

(2) Provide for the administration of medical examination and the Air Force Officer Qualifying Test (AFOQT) to designated finalists competing in the 4-year College Scholarship Program. (The provisions of paragraph (a)(1) of this section apply. Authority to arrange for scheduling of medical examinations and the AFOQT may be delegated to base commanders and AFROTC.)

(3) Insure that adequate personnel and facilities are available to process AFROTC applicants so that a favorable and professional impression of the base and the military will be conveyed.

(4) Provide base facilities, personnel, and airlift in support of the AFROTC base visit and orientation program.

(b) After coordinating with the Commander, AU, major commands may communicate directly with the detachments on AFROTC matters.

§ 870.18 Administrative services and supplies.

(a) *Uniforms.* The Commandant, AFROTC, prescribes the uniform, uniform devices, and manner of wear of the uniform by students, designated applicants, and cadets. Uniforms will be worn for drill and at other times prescribed by AFROTC.

(b) *Monetary allowances.* Policies governing subsistence allowance and commutation in lieu of uniforms are prescribed by the Commandant, AFROTC, consistent with Part 874 of this chapter.

Subpart B—AFROTC Membership and Retention

§ 870.20 Basic membership requirements.

Title 10 U.S.C., chapter 103, requires that, at institutions hosting ROTC detachments, membership in the GMC is elective or compulsory as provided by state law or the authorities of the institutions concerned. Except where GMC membership is compulsory, as many qualified students may be enrolled in the GMC of each AFROTC detachment as are necessary to meet production quotas established by HQ, USAF. Entry into the POC is not subject to institutional jurisdiction, but is limited by production goals set by HQ, USAF for the graduating class in which cadets will be appointed. Each cadet or applicant desiring membership in the POC (and/or the CSP) must apply and compete with other cadets and applicants for membership. HQ, USAF establishes AFROTC eligibility requirements. For students meeting these requirements, the Commandant, AFROTC, prescribes admission and retention standards.

(a) *GMC membership.* An eligible student accepted by the PAS becomes a member on the first day of attending Aerospace Studies classes. The student remains a member until completing the GMC unless disenrolled sooner, except GMC members tentatively accepted as designated applicants for the POC who remain members until they are disenrolled from the GMC or fail to be selected for the POC. The PAS must counsel each GMC cadet that acceptance for GMC training is not a guarantee of later admission into the CSP or POC.

NOTE: An individual accepted for membership, who because of accreditation of a portion of the GMC by virtue of equivalent training is excused from attending classes and corps training, is considered a cadet effective the date the membership application is accepted by the PAS.

(b) *POC membership.* An eligible student accepted by the PAS becomes a member on the date of becoming fully qualified under current Air Force and AFROTC directives, enlisting or reenlisting in the USAFR (ORS) according to Part 888d of this chapter, and enrolling in courses of the POC. The student remains a member until disenrolled from membership or commissioned.

(c) *Designated applicant.* Once accepted as a designated applicant by the PAS, the individual remains a designated applicant until enrolled as a contract cadet or advised by the PAS of release from further consideration. Normally designated applicant status will not exceed a 12-month period. (Subpart C tells how to notify a Selective Service board of an individual's designated applicant status.) At time of admission to membership in the POC, a designated applicant must have two academic years remaining at a host, crosstown, or consortium institution offering the AFROTC program (§ 870.84, note 12). A designated applicant who completed the GMC, its equivalent, or the 6-week field training prior to enrollment in pursuing status, and is thereafter to be accepted as a contract cadet, meets this requirement if two academic years remained at the time of enrollment in pursuing status. A designated applicant who is on academic probation or not in good academic standing at the institution normally is not admitted to membership in the POC. Upon favorable recommendation from the Commandant, AFROTC, AU may grant a waiver (§ 870.86).

(d) *Nonmembers.* Pursuing and special students may be enrolled for academic credit although they are not members of the program. Nonmembers are not entitled to subsistence, a uniform allowance, or a uniform. If otherwise authorized, while in nonmember enrollment status, a special student may purchase a uniform at personal expense and wear it as authorized by the PAS. A pursuing student may be loaned a uniform at the discretion of the PAS and with concurrence of the institution. § 870.22 (h) applies to wearing of the uniform by special and pursuing students. Equipment will not be purchased for the benefit of enrolled nonmembers. Special and pursuing students must acknowledge in writing understanding of their status in the AFROTC program.

§ 870.22 Other membership requirements.

For selection or retention in the AFROTC program, a student must meet and maintain the following standards as well as the requirements in § 870.84:

(a) *Moral character.* Good moral character is a prerequisite for membership and continuance in the AFROTC program. For purpose of membership in the GMC, admission to the institution is presumptive evidence of good character.

(b) *Military or civil offenses.* AFROTC is exempt from the requirement for the police record check required for enlistment in the United States Air Force Reserve. The Commandant, AFROTC, establishes procedures for verification of other than minor traffic violations which, together with the investigative actions inherent in the National Agency Check (NAC) or Background Investigation (BI), insure proper review of involvements of each contract cadet. A student who has been convicted by a court-martial or civilian court for any offense will not be accepted for CSP/POC membership without a waiver (§ 870.86).

(c) *Medical qualification.* As provided in AFM 160–1, Medical Examinations and Medical Standards, except for GMC cadets (§ 870.84).

(d) *Academic requirements.* For CSP and POC membership, a student must meet and maintain minimum requirements for good academic standing in the institution. Nurse candidates must also meet and maintain a minimum 2.5 cumulative grade point average on the scale A=4.0. Physician candidate must also meet and maintain a minimum 3.65 cumulative grade point average on the scale A=4.0. (§ 870.86 contains waiver authority.)

(e) *Enrollment.* A member must maintain full-time enrollment in an AFROTC host institution or an institution having an approved agreement with an institution hosting AFROTC. Enrollment with less than the normal number of credit hours can be approved by the Commandant, AFROTC (§ 870.86). Undergraduate students will not be denied the opportunity to enroll in AFROTC solely because of their major course of study.

(f) *Elimination from service academies or other officer training programs.* Students who attended officer commissioning programs must be granted a waiver before entering AFROTC (§ 870.86). Applicants may be enrolled in nonmembership (pursuing or special student) status pending waiver determinations. Pending waiver evaluation, 2-year program designated applicants may attend 6-week field training if recommended for further officer training on DD Form 785, Record of Disenrollment from Officer Candidate Type Training.

(g) *Ineligibility for reenlistment.* A former serviceman whose DD Form 214, Report of Separation from Active Duty, for the last period of service contains entries which render him ineligible to enlist in the Regular Air Force (Part 888 of this chapter) is not eligible for membership in the POC or CSP.

(h) *Loyalty requirements.* No U.S. citizen may be accepted as a member of AFROTC or wear the AFROTC uniform who fails to fulfill the following:

(1) *For GMC, CSP, and POC.* Be administered and sign the Oath of Allegiance. The student must be administered and sign the following certificate which becomes part of the individual's record (the student may because of conscientious scruple, substitute "affirm" for "swear"):

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservations or purpose of evasion.

(2) *For CSP and POC.* Complete and submit DD Form 398, Statement of Personal History, in accordance with AFR 205–32, USAF Personnel Security Program.

(i) The student must file the DD Form 398 in advance of scheduled membership or attendance at 6-week field training, whichever occurs earlier.

(ii) If an applicant for the POC or CSP fails or refuses, after instruction, to fill out DD Form 398 in its entirety, the PAS denies the applicant membership as a contract cadet. Also, if an individual makes entries on this form which provide reason to believe that enrollment is not clearly consistent with the interests of national security, the PAS denies the individual membership or appointment until a full and complete investigation discloses that membership or appointment is not prejudicial to the national interest.

(i) *Illegal or improper use of drugs.* Prior to enlistment for entry into the CSP or POC each applicant executes AF Form 2061, USAF Drug Abuse Certificate (Appointment/Officer Training Applicants Only). AF Form 2031, Drug Abuse Circumstances, must be accomplished if the applicant fails to certify to no prior drug abuse on AF Form 2061. The PAS will discuss these forms with the applicant and explain the specific meaning of the terms used.

(j) *Assignment restrictions.* The PAS counsels each POC and CSP applicant regarding the possibility that future duty with the Air Force may involve being associated with nuclear weapons systems. Applicants whose convictions do not allow them to accept such assignments or to accept worldwide assignment, including combat duty, are identified, if possible, and denied membership.

§ 870.24 Conditional membership.

The Commandant, AFROTC, prescribes procedures which allow the PAS to place a student in conditional membership either upon initial enrollment in the POC or during tenure as a POC or CSP cadet when full membership is not possible. This conditional status is designed to permit correction of deficiencies (academic or otherwise) within a specified period of time to preclude disenrollment from the program. Each conditional cadet acknowledges in writing understanding of the restrictions and requirements of conditional cadet status. Normally, this status is authorized only when the circumstances dictating conditional status will be removed in one academic term (semester, trimester, quarter, term). An individual who is on academic probation or not in good standing in the institution normally will not be designated as a conditional member for initial enrollment in contract cadet status; however, upon favorable recommendation from AFROTC, AU may grant a waiver in appropriate cases (§ 870.86, line 5).

§ 870.26 Concurrent enrollment in aerospace studies.

(a) *General Military Course (GMC).* The PAS may concurrently enroll a cadet in two GMC courses for a period not to exceed one academic year provided he obtains the same number of classroom and corps training hours as other GMC cadets at the same institution.

(b) *Professional Officer Course (POC):*

(1) The PAS may authorize concurrent enrollment provided the cadet's tenure will not be reduced to less than two years, for cadets who:

(i) During portions of the program, are absent from campus because of institutional, State Department, industry, or other approved programs;

(ii) Are enrolled in an AFROTC (officer-taught) POC course and a civilian-taught course approved under an alternate curriculum arrangement.

(2) The Commandant, AFROTC, may authorize concurrent enrollment as specified in § 870.86.

§ 870.28 Who may not be AFROTC members.

(a) Commissioned officers (present or former) of any component of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Merchant Marine.

(b) Officers of the Public Health Service.

(c) Members of the National Oceanic and Atmospheric Administration (NOAA).

(d) Members on active duty in any military service. (Air Force enlisted members with a minimum of one year of active duty are eligible to compete for AFROTC scholarships. If selected, they are discharged from active duty and enlisted in the Air Force Reserve.)

(e) Conscientious objectors.

§ 870.30 Investigative requirements.

The Commandant, AFROTC, establishes procedures to insure that all contract cadets meet the following investigative requirements:

(a) An NAC is requested during the first academic term of membership as a contract cadet. NACs will not be requested on cadets who have previous investigations which are current as defined in AFR 205–32, USAF Personnel Security Program, nor will NACs be requested on cadets who are required to have a BI under the provisions of paragraph (b) of this section.

(b) A BI must be completed and a favorable decision rendered before any designated applicant or CSP designee of the GMC may be enlisted if the individual has:

(1) Traveled or resided in one or more communist or communist-oriented countries listed in AFR 205–32, attachment 6, for more than 30 consecutive days, not under the auspices of the U.S. Government.

(2) A spouse, parent, brother, sister, or offspring currently residing in any country listed in AFR 205–32, attachment 6.

(3) Made entries or deletions on DD Form 398 indicating that enlistment may not be clearly consistent with the interests of national security. (AFR 205–32, attachment 4).

NOTE: The PAS may permit 2-year program designated applicants to attend 6-week field training pending completion of a BI.

§ 870.32 Contract cadets.

The Commandant, AFROTC, establishes procedures for classifying contract cadets according to Air Force requirements, qualifications of the individuals, and the cadets' desires.

(a) *Classification of contract cadets—*(1) *Category I.* Cadets who qualify and volunteer for flying training or missile launch officer duty.

(i) *IP—Pilot Candidate.* A candidate may not be classified IP if he has ever

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been eliminated from a military pilot training course or the Flight Instruction Program of the Army, Navy, or Air Force.

(ii) *IN—Navigator Candidate.* A candidate may not be classified IN if he has ever been eliminated from a military navigator-type training course.

(iii) *IM—Missile Duty Candidate.* A male cadet not in category IP or IN who volunteers to be assigned to missile launch officer duty upon entry on active duty.

(2) *Category II.* Cadets not in Category I who are enrolled in a college program leading to at least a bachelor's degree with an academic major in specified scientific or engineering curriculums.

(3) *Category III.* Cadets not in Category I who are enrolled in a college program leading to at least a bachelor's degree with an academic major in other than those scientific or engineering curriculums specified in Category II.

(b) *AF Form 1056 and AF Form 1448.* Each contract cadet is required to sign four copies of an AF Form 1056 or AF Form 1448, as appropriate, which becomes effective upon the member's enlistment in the USAFR (ORS). The PAS insures that each cadet fully understands the terms of the contract. Disposition of the copies is as follows:

(1) Two copies are retained by the PAS and later forwarded to the Air Reserve Personnel Center through AFROTC as an attachment to the individual's application for appointment. Upon appointment, one copy is placed in the officer's Master Personnel Record (MPerR) and one in the Unit Personnel Record Group (UPRGp). If the cadet is disenrolled from AFROTC for any reason before commissioning, these copies may be used as supporting documents to the disenrollment investigation, if conducted, or retained for a specified period.

(2) One copy is furnished the member.

(3) The remaining copy is filed in the individual's AFROTC Cadet Record.

(c) *Acceptance of educational delay.* Cadets granted educational delays according to Part 875 of this chapter must, if they have not already done so, sign an AF Form 1056 specifying a date of separation (DOS).

§ 870.34 In-phase admission to the POC.

Admission to the POC is normally phased so that completion of the POC does not occur before completion of the requirements for a bachelor's degree. The Commandant, AFROTC, may prescribe exceptions to this policy (§ 870.84, note 12).

§ 870.36 Completed cadet status.

Completed cadet status is authorized for contract cadets who will complete bachelor's degree requirements within 12 months after completion of the AFROTC program. This status is authorized for contract cadets who have completed the AFROTC program and have been awarded a bachelor's degree but are temporarily ineligible for a commission due to involvement with civil authorities (§ 870.72(e)), medical disqualification including pregnancy, or other cogent reasons. Students who have completed the AFROTC program and have been awarded a bachelor's degree or who require completed status in excess of 12 months are not retained in completed status without appropriate waiver (§ 870.86 gives waiver authority).

§ 870.38 Alien students.

(a) *Who may participate in AFROTC.* Aliens as defined in paragraphs (a)(1) through (3) of this section, are authorized to participate in the GMC and POC provided they are enrolled full time at a school hosting an AFROTC program or having a cross-town agreement or consortium arrangement.

(1) Immigrants, regardless of their country of origin, who have been lawfully admitted for permanent residence in the United States and have in their possession Immigration Form I–151, Alien Registration Receipt Card.

(2) Refugees still in a parole, conditional entry, or indefinite voluntary departure status, regardless of their country of origin, and:

(i) They have in their possession Immigration Form I–94, Arrival/Departure Record, bearing an Immigration and Naturalization Service stamp reading, Refugee-Conditional Entry, or,

(ii) They are Cuban nationals who have in their possession Immigration Form I–94 endorsed by the Immigration and Naturalization Service to reflect either that they have been paroled into the United States for an indefinite period or have been granted "voluntary departure" for an indefinite period; or.

(iii) The Immigration and Naturalization Service has confirmed in writing that the alien is a refugee.

NOTE: A refugee is classified as an immigrant once he has been accepted for permanent residence and is issued an Immigration Form I–151.

(3) Nonimmigrant aliens, from countries shown on the list of countries approved by the Department of State whose citizens are eligible, may participate in the Senior ROTC program. An individual in this status has acknowledged that he does not intend to apply for U.S. citizenship. (The Commandant, AFROTC, is furnished and retains custody of the list of countries approved by the Department of State. This list is distributed on a "need-to-know" basis only.) The individual must:

(i) Have an Immigration Form I–94.

(ii) Present to the Commandant, AFROTC, certification that his government has no objection to his receiving AFROTC training, or have in his possession Immigration Form I–94 stamped "paroled indefinitely" or "indefinite voluntary departure."

(b) *Enrollment limitations:*

(1) HQ, USAF may limit alien enrollments of other than nonimmigrant aliens.

(2) Active recruiting of nonimmigrant alien students for the AFROTC program is prohibited.

(3) Alien students are eligible for enrollment in both the 2- and 4-year programs, and may be extended the advantages of membership thereof, except that they:

(i) May not receive a Selective Service deferment.

(ii) Will not be enlisted in the United States Air Force Reserve.

(iii) Will not be administered the Oath of Allegiance.

(iv) Are ineligible for monetary assistance under the CSP.

(v) Will not be paid subsistence allowance prescribed by 37 U.S.C. 209(a).

(vi) Are ineligible for U.S. Air Force commissioning through the AFROTC program while still in alien status. (The Commandant, AFROTC, establishes procedures to insure that each alien student understands and acknowledges that participation in and completion of AFROTC will not result in appointment as a Regular or Reserve officer of the United States Air Force.)

(4) Alien students will not be charged against the AFROTC enrollment limitations prescribed by HQ, USAF.

(c) *Entitlements.* Alien students participating in AFROTC are entitled to:

(1) Wear the uniform. Institutions may be provided commutation funds at the rates prescribed by Part 874 of this chapter in lieu of issue-in-kind uniforms. The student must return uniform items to the institution upon completing the program or withdrawing from it.

(2) The same subsistence-in-kind furnished other enrollees as prescribed by 10 U.S.C. 2110(c).

(3) The same subsistence, transportation, medical attention, uniform clothing, and equipment furnished other enrollees while participating in field training (10 U.S.C. 2109(b)).

(4) Pay at the rate prescribed for cadets at the U.S. Air Force Academy (37 U.S.C. 209(c)), when participating in field training.

(d) *Attendance at field training:*

(1) Immigrants participating in the 4-year program are permitted to attend 4-week field training only if they are admitted to membership.

(2) Immigrants who apply for entry into the 2-year program are permitted to attend 6-week field training provided it can be reasonably assumed that they will qualify for membership prior to completion of the POC.

(3) Nonimmigrant aliens may attend either 4- or 6-week field training as normally scheduled.

(e) *Eligibility for membership.* Immigrants who become naturalized citizens of the United States may compete for GMC, POC, or CSP membership in the same manner as any other applicant and may request accreditation of successfully completed course work and corps training while in alien student status, in accordance with § 870.86, line 7. They are not authorized retroactive subsistence pay for any period of participation in the POC before attaining membership.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

§ 870.40 Military colleges participating in the AFROTC program.

A member of an officer procurement program at a military college is not required to register under the Military Selective Service Act of 1967. Moreover, he is relieved from liability for training and service and, therefore, need not execute AF Form 1041, Deferment Agreement. The curriculum of the military college the student attends must be approved by the Secretary of Defense. Virginia Military Institute, The Citadel, and Norwich University, approved and designated as military colleges by the Secretary of Defense, participate in the AFROTC program. Membership in the AFROTC program at these institutions serves as the basis for ID classification.

§ 870.42 Deferment selection criteria.

The PAS at other than military colleges (§ 870.40) selects individuals for a deferment as follows:

(a) All members who have registered with Selective Service, have not completed their Military Service Obligation, and who are admitted to the:

(1) GMC as nonscholarship cadets are given a deferment at the time of enrollment in their first Aerospace Studies Course, if they so elect, or any time thereafter at the cadets' requests so long as they remain members of the GMC.

(2) POC under 10 U.S.C. 2104 or the CSP under 10 U.S.C. 2107 are given a deferment or have it continued if one is in force at the time the AFROTC Category Agreement becomes effective.

(b) All other male members who are not of draft age and who are:

(1) Scholarship cadets or nonscholarship POC cadets are given a deferment at the time they register with Selective Service.

(2) Nonscholarship GMC cadets are given a deferment at the time they register with Selective Service, if they so elect, or any time thereafter at the cadets' requests so long as they remain members of the GMC.

(c) Pursuing students may be deferred.

(d) GMC cadets who are members of a Reserve or National Guard unit need not be deferred, but are reported according to § 870.56.

§ 870.44 Delay of induction.

(a) Designated applicants and 4-year CSP designees may not be deferred; however, their Selective Service boards may be requested to delay their induction pending enrollment as follows:

(1) *Designated applicants.* A letter is sent once the individual is selected by the PAS as a designated applicant, but no earlier than the beginning of the spring term prior to the individual's scheduled enrollment in the POC.

(2) *Four-year CSP designees.* The PAS notifies the Selective Service board once it is determined that the individual requires a letter to permit his enrollment.

(b) If the designated applicant or CSP designee withdraws from consideration, the PAS must notify the board accordingly, by letter.

(c) If the individual's board fails to honor the letter, the PAS may report the fact to AFROTC, who will in turn contact AFMPC if additional action is required.

§ 870.46 Length of deferment.

An individual's deferment normally remains in effect until he successfully completes the AFROTC program and accepts a commission. If he is disenrolled from AFROTC membership, his deferment is terminated immediately unless he is recommended for involuntary call to extended active duty (EAD) in his enlisted grade.

§ 870.48 Actions required for deferment.

(a) The PAS (or designated representative) will explain the following to the member:

(1) His military service obligation.

(2) The contractual obligation he assumes by signing AF Form 1041. Specifically, he agrees to accept an appointment, if offered, as a commissioned officer in the Air Force, and if:

(i) His services are required at the time of his appointment, he will serve on active duty for a minimum of two years and remain a member of a Regular or Reserve component until the sixth anniversary of his commission. (The 6-year requirement applies notwithstanding the fact that the individual may have fulfilled the military service obligation specified in 10 U.S.C. 651.) Also, the active duty service commitment indicated in his AF Form 1056 takes precedence over the 2-year minimum prescribed by the Military Selective Service Act of 1967.

(ii) His services are not needed on active duty when he is appointed, he will serve on active duty for training for a period of three to six months and remain a member of a Reserve component until the eighth anniversary of his commission.

(3) That if his ID classification is changed by his local Selective Service board, he must immediately:

(i) Notify the PAS.

(ii) Submit a written appeal of his classification to his local Selective Service board.

(b) The member certifies that he:

(1) Agrees to the provisions of AF Form 1041 by signing it.

(2) Understands that signing the AF Form 1041 does not relieve him of his obligation of keeping his local Selective Service board informed of his status.

§ 870.50 Notifying Board of deferments and transfers.

(a) After the individual has completed and signed the AF Form 1041, the PAS will notify the local Selective Service Board when the individual:

(1) Enrolls in the GMC.

(2) Enrolls in the POC in pursuing student status.

(3) Is enlisted in the USAFR (ORS).

(4) Is gained through transfer.

(b) If the individual's board fails to honor the DD Form 44, the PAS will report the facts to AFROTC, who contacts AFMPC if additional action is required.

§ 870.52 Notifying Board of change of deferment status.

If there is a change in an individual's deferment status:

(a) The PAS is responsible for notifying the Selective Service System of changes of deferment status of all individuals who are disenrolled from membership for reasons other than commissioning.

(b) ARPC is responsible for advising Selective Service boards as follows:

(1) *AFROTC graduates.* A revised DD Form 44 will be forwarded to the AFROTC graduate's local Selective Service board immediately after appointment as a Reserve officer, indicating the date the registrant was commissioned.

(2) *Former AFROTC contract cadets awaiting orders to involuntary EAD in their enlisted grade.* Individual will be retained in a deferred status until ordered to EAD in his enlisted grade. DD Form 44 will be prepared and forwarded as prescribed by AFR 35–41, Participation and Assignment Within the Reserve Component, for other members of the Air Reserve Forces who are serving in a draft deferred status (obligors who have not served on active duty other than for training for at least one year). If the individual is discharged from the Reserves before his EAD date for medical reasons, the DD Form 44 will be attached to a copy of the SF 88 serving as the basis for the medical disqualification.

(3) *Members disenrolled from AFROTC and approved for discharge.* A revised DD Form 44 will be forwarded to the individual's local Selective Service board immediately after discharge, indicating the effective date the registrant was discharged. For a nonprior service cadet, the statement, "Individual is eligible for service under appropriate Selective Service directives. He has no prior active military service.", will be included.

§ 870.54 Transfer procedures.

On transfer of a member to another institution and enrollment into the AFROTC, the gaining PAS will prepare a revised DD Form 44, entering the member's new unit and location, and forward it to the local Selective Service board with which the member is registered, requesting that the previously submitted form be rescinded.

Subpart D—Special Procedures

§ 870.56 Participation and assignment in the Reserve establishment or National Guard.

(a) Members of the GMC who are not members of the CSP may participate in any element of the Reserve establishment or National Guard. At the end of each calendar year the PAS furnishes the cadet's unit of assignment a statement

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that participation in the AFROTC program has been satisfactory or unsatisfactory.

(b) If a member of the Reserve ceases to participate in AFROTC or is disenrolled from GMC membership, the PAS notifies the cadet's unit of assignment.

§ 870.58 Enlistment of a reservist from another service.

For a reservist of another armed service (including the Air National Guard), the PAS will:

(a) Request the individual's Reserve unit of assignment to grant a conditional release as a prerequisite to enlistment in the United States Air Force Reserve (USAFR) (ORS) and admission to membership in the CSP/POC.

(b) Upon receipt of the conditional release, enlist the individual under Part 888d of this chapter, and assign him to ARPC (ORS) (AFROTC) and attach him to the AFROTC detachment concerned.

(c) Forward the cadet's records to ARPC.

(d) Notify the releasing service that the individual is enlisted.

§ 870.60 Credit for previous education, training, and experience.

(a) A cadet may be credited with a portion or portions of the GMC or POC as shown in § 870.88.

(b) Credit may not be granted for ROTC training received at any institution that did not have a commissioned officer of the military forces (active or retired) assigned by orders of a military department as a Professor of Military Science, Professor of Naval Science, or Professor of Aerospace Studies.

§ 870.62 Transfer of ROTC cadets.

(a) Interservice transfer between Army ROTC and Air Force ROTC is authorized under the conditions in paragraphs (a) (1) and (2) and this section.

(1) Students may transfer between the Army ROTC and the Air Force ROTC at any time prior to admission to the advanced course with the approval of the Professor of Military Science (PMS) and the PAS concerned.

(2) Students who are enrolled in the advanced course are permitted to enter the advanced course of the other service subject to the approval of the PMS, PAS, army commander and the Commandant, AFROTC, if fully qualified in accordance with the standards and requirements of the service to which they desire to transfer.

(b) Transfer of AFROTC cadets between detachments is authorized. When a contract cadet transfers to another detachment, the PAS of the losing detachment will publish a Reserve Order confirming the transfer and provides a copy to ARPC.

(c) There is no formal agreement between the Air Force and the Navy regarding transfer of contract cadets; each such case is submitted to AFROTC for individual evaluation.

Subpart E—Disenrollment and Discharge

§ 870.64 Disenrollment of member from the AFROTC program.

(a) The Commandant, AFROTC, may disenroll a cadet from the GMC (with the concurrence of institutional authorities if required), disenroll a POC cadet from membership, or withdraw a cadet from the CSP for any of the reasons in paragraphs (a) (1) through (5) of this section:

(1) Inability, without discredit, to continue regular enrollment in the institution.

(2) Failure to remain medically qualified for commissioning.

(3) Failure to maintain acceptable retention standards under the prescribed competitive criteria.

(4) Individual's request for release for justifiable reasons.

(5) Inaptitude, indifference to training, breach or anticipatory breach of the terms of the category agreement, disciplinary reasons, reasons involving undesirable traits of character, or declining to accept a commission.

(b) The Commandant, AFROTC, may delegate to the PAS the authority to disenroll cadets and/or withdraw them from the CSP.

(c) When the PAS initiates a disenrollment action on a contract cadet for any of the reasons in paragraph (a) (3) through (5) of this section, the PAS appoints a commissioned officer (on active duty) to investigate the case and submit a written report. When the investigation is conducted because the student may be found to be in violation of the category agreement, at least one university official (an administrator or faculty member appointed by the institution) is permitted to observe the investigation or consult in the review if the university desires.

(EXCEPTIONS. Appointment of an investigating officer and a written report are not required: (1) In disenrollment actions taken under paragraph (a) (3) of this section, where failure to maintain academic retention standards is documented and the individual is on academic/scholastic probation for consecutive academic terms, or when the individual is forced to leave school because of academic suspension; (2) When HQ, USAF, AU, or the Commandant, AFROTC, reviews a cadet's records and directs disenrollment; (3) When a GMC member of the CSP is disenrolled and the individual did not receive a scholarship through the competition open to active duty airmen.)

§ 870.66 Discharge from the United States Air Force Reserve.

Cadets disenrolled from the CSP/POC will be discharged from the USAFR (ORS) unless reported for involuntary call to extended active duty under Part 888d of this chapter.

§ 870.68 Notifying ARPC of disenrollments.

A roster of cadets and disenrolled cadets qualified for discharge under Part 888d of this chapter is submitted by the Commandant, AFROTC, to ARPC/DPAAD at least once a week. The Commandant, AFROTC, determines if disenrollment was the result of indifference to training, disciplinary reasons, breach or anticipatory breach of the terms of the category agreement, or declining to accept a commission; the names of such individuals are reported to ARPC/DPRP for involuntary order to active duty, as prescribed in Part 888d of this chapter.

Subpart F—Readmission

§ 870.70 Readmission.

The Commandant, AFROTC, prescribes policy and procedures for readmitting individuals for program completion and commissioning in the U.S. Air Force. This readmission is restricted to persons disenrolled for the reasons stated in paragraph (a) (1) through (4) of § 870.64. A cadet is disenrolled for any of the reasons in paragraph (a) (5) of § 870.64 is ineligible to reenroll in any Air Force officer procurement program or to be appointed in any Air Force component unless waiver is authorized (§ 870.86).

Subpart G—Appointment and Assignment of Graduates

§ 870.72 Appointment of graduates.

Membership in the program in itself does not constitute a right to a commission in any Air Force component. The Commandant, AFROTC, shall appoint as a second lieutenant a contract cadet who has successfully completed the military and academic requirements of the program once the cadet has received a bachelor's degree or an authorized institutional official certifies that the individual has qualified for a degree which will be conferred at a later date, provided the cadet is otherwise qualified and is not to be released to another service under § 870.78.

(a) Cadets granted scholarships as physician candidates are tendered a line appointment upon successful completion of AFROTC and academic requirements. Reappointment in the Medical Service Corps will be accomplished upon entering a medical school acceptable to the Surgeon General. If such a scholarship cadet is admitted into an acceptable medical school prior to completing undergraduate degree and/or AFROTC requirements, the individual will be disenrolled under the provisions of paragraph (a) (4) of § 870.64 effective the day prior to appointment in the Medical Service Corps. In any event, failure to become enrolled in an acceptable medical school within one year of graduation will result in the officer retaining a line appointment and serving on active duty in an appropriate Air Force specialty.

(b) Nurse candidates are not tendered a line appointment. Upon completion of nurse licensing requirements, each nurse is tendered an appointment in the USAF Nurse Corps.

(c) The date of rank of May and June appointees in any year is the same as the graduates of the United States Air Force Academy.

(d) The Commandant, AFROTC, may not commission in the Reserve of the Air Force without a waiver from HQ, USAF, a former Service Academy cadet (including Coast Guard and Merchant Marine) prior to the commissioning date of his Service Academy ex-classmates (§ 870.86).

(e) If a student becomes involved with civil authorities, and criminal charges (except minor traffic violations) are filed or pending, the student must not be commissioned until final disposition of the case is made. If criminal charges are not expected to be disposed of within 120 days after the cadet's scheduled commissioning date, a complete case file will be forwarded to AFMPC for waiver determination.

(f) Each POC cadet must recertify the AF Form 2061 as prescribed in AFR 30–19, Illegal or Improper Use of Drugs, before appointment.

§ 870.74 Extended active duty for AFROTC graduates.

A contract cadet receiving an Air Force commission normally enters active duty within one year of graduation, unless a delay is approved under Part 875 of this chapter or the cadet has contracted for service in the Reserve Forces. A graduate must serve the period specified on the AF Form 1056 under which originally appointed, even though the individual may be reappointed later (such as a commissioned officer in the Medical Corps, Nurse Corps, Medical Service Corps, or Biomedical Sciences Corps). This part is authority for ordering AFROTC graduates to initial active duty. AFR 45–26, Voluntary Entry on Extended Active Duty (EAD) of Commissioned Officers of the Reserve Forces, authorizes higher temporary grades in which certain officers may be entitled to enter active duty.

§ 870.76 Distinguished graduates.

The Commandant, AFROTC, may designate up to 20 percent of the best qualified AFROTC graduates as Distinguished Graduates (DGs) during each fiscal year provided the quality of the student body is sufficiently high. To insure that only the highest quality students in the entire program are designated as DGs, the percentage of graduates from each school may vary. However, the total number of graduates designated during any fiscal year may be no more than 20 percent of the combined total number of graduates of that year.

§ 870.78 Release of AFROTC graduates for appointment in another service.

An AFROTC graduate who meets eligibility requirements listed in this section may be released from the Air Force to accept an appointment as a commissioned officer in the Army or the Marine Corps. The Navy does not offer direct appointments to ROTC graduates of another service.

(a) *Eligibility.* In addition to meeting normal eligibility requirements for an Air Force commission, a cadet must either have served one year on active duty in the service in which an appointment is desired, or the cadet's parent must be an active or retired member of that service (or have died while an active or retired member). Except in unusual cases, the Marine Corps approves only applications from distinguished cadets or distinguished graduates who have reached their 20th birthday, but not their 25th birthday as of July 1 of the calendar year in which they are to be appointed.

(b) *Application procedures:*

(1) Applications will be submitted to the PAS and will include:

(i) Reason for requesting selected service.

(ii) Reasonable proof that applicant meets eligibility requirements.

(iii) College transcripts.

(iv) Full length photograph of the applicant in uniform without a cap.

(v) Results of physical examination (SFs 88 and 93).

(2) The Commandant, AFROTC, may grant a conditional release to eligible applicants. The release and the applications are forwarded to the Department of the Army, The Adjutant General, or to the Commandant of the Marine Corps, as appropriate.

§ 870.80 Air Force appointment of ROTC graduates from another service.

An ROTC graduate of another service may be appointed as a commissioned officer in the Air Force, provided the individual meets eligibility requirements listed in this section and is granted a conditional release from the releasing service. Approved applicants are ordered to active military service with the Air Force as Reserve of the Air Force officers and are required to serve at least four years of active service before becoming eligible for separation or release from active duty. Applicants for flying training are required to serve five years of active service after award of aeronautical rating.

(a) *Eligibility.* An applicant must meet minimum AFROTC eligibility requirements for an Air Force commission as outlined in Part 881d of this chapter and this part. Applicant must either have served one year on active duty in the Air Force or the applicant's parent must be an active or retired member of the Air Force (or have died while an active or retired member).

(b) *Application procedures.* A cadet who desires appointment in the Air Force must apply, using regulations of the releasing service. However, the Air Force requires before commissioning and entry on active duty:

(1) Reasonable proof that applicant has served one year on active duty in the Air Force or that the applicant's parent is or has been a career active duty member of the Air Force. If applicant has prior active military service in the Air Force, a copy of DD Form 214, Report of Separation from Active Duty, is required.

(2) An AF Form 24, Application for Appointment as Reserves of the Air Force or USAF Without Component, in duplicate.

(3) AF 88 and SF 93, in duplicate. Flying training applicants must be administered a flight physical by an Air Force Flight Surgeon or Flight Medical Officer (class I for pilot—class IA for navigator).

(4) The results of the Air Force Officer Qualifying Test (any Air Force recruiter will schedule testing).

(5) A DD Form 398, in duplicate.

(6) Transcripts of college work, as evidence of the applicant's educational level.

(7) Evidence of favorable completion of a BI or NAC, date completed, and location filed.

(8) Men applicants who have not attained their 26th birthday and who have had no prior military status, must submit statement required by Part 881 of this chapter.

(9) An applicant who is not a citizen of the U.S. by birth must submit statement required by Part 881 of this chapter.

(10) Recommendation of the Professor of Military or Naval Science.

(11) An Active Duty Service Commitment Statement of Understanding, dated and signed by the applicant.

(12) An AF Form 2061 and, if required, AF Form 2031.

Subpart H—Tables

§ 870.82 Eligibility criteria for establishment of an AFROTC unit.

Line	An educational institution must—	And meet the following minimum standard—
1	Apply in writing to the Commandant, AFROTC, Maxwell Air Force Base, Ala. 36112.	
2	Be fully accredited by the appropriate regional authority.	
3	Agree to establish a Department of Aerospace Studies as an integral academic and administrative department of the institution.	As a descriptive term for the ROTC educational activity on campus, the word "Program" is acceptable instead of "Department" provided no extracurricular connotation is involved. The term "Program," in this sense, would be applied to AFROTC in the same manner as other academic programs within the institution.
4	Agree to provide adequate physical facilities	Make available to the Department of Aerospace Studies the necessary classrooms administrative offices, storage space, Government vehicle parking areas, staff parking areas and other required facilities in the same manner and at the same level as is provided to other departments of the institution. Parking space for Government vehicles will be provided without charge.
5	Agree to provide adequate administrative support.	Provide adequate secretarial, janitorial, and telephone services to the Department of Aerospace Studies on the same basis as is provided to other departments within the institution.

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Line	An educational institution must—	And meet the following minimum standard—
6	Confer academic rank on AFROTC personnel.	Give the senior commissioned officer of the AFROTC unit the academic rank of professor, including appropriate prerogatives and prerequisites (except tenure) associated with the position of a professor as head of a department or program at the institution. (Other AFROTC officers will be evaluated by the host institution for appropriate academic rank using procedures comparable to those used for their civilian faculty colleagues.) As an alternative to the title of professor for the senior commissioned officer of the AFROTC unit, the most complimentary title is the officer's military title. Other titles, such as Visiting Professor, are acceptable provided the prerogatives and prerequisites of professorial rank (excluding tenure) accompany the position, and the title is not demeaning or indicative of some lesser status.
7	Adopt as part of its curriculum a 4-year course of military instruction or a 2-year course of advanced military instruction, or both, which the Secretary of the Air Force prescribes and conducts. Student enrollment shall be elective or compulsory as provided by state law or the institution.	Require each student enrolled in any of the programs to devote the number of class hours to Aerospace Studies prescribed by the Secretary of the Air Force. (See note.)
8	Arrange for the scheduling of Aerospace Studies classes to make it equally convenient for students to participate in the academic offerings of the Air Force Reserve Officers' Training Corps program as in other courses at the same educational level.	
9	Grant appropriate academic credit applicable toward graduation for the successful completion of courses offered by the Department of Aerospace Studies.	The amount of credit should be determined by the institution on a basis equitable with the award of credit for other institutional courses requiring similar expenditures of student time and effort. Such credit should apply toward graduation requirements, as elective or required course credit, and be included in the computation of the grade-point-average.
10	Be capable of producing a sufficient number of officers to justify Department of Defense resources invested, considering (among other factors) the number of students enrolled who are prospective officer candidates and the proportion of each entering academic class that normally receives degrees from the institution.	First year POC enrollment in AFROTC courses (AS 300) should be at the following level, as a minimum: 17 cadets by the fall of the unit's third year of existence, where the institution prescribes a 4-year or combination 4- and 2-year program. 12 cadets by the fall of the unit's second year of existence, where the institution prescribes a 2-year only program.
11	Certify that it does not discriminate with respect to admission or subsequent treatment of students on the basis of race, creed, sex or national origin.	Warrant and represent that it does not, and will not discriminate in any way with respect to the admission or subsequent treatment of students on the basis of sex (except religion-sponsored institutions), race, color, or national origin. It is further mutually agreed that a violation of this covenant, as determined by the Secretary (or appropriate designee), may be regarded as a breach of the AFROTC contractual agreement, justifying termination thereof, at no cost to the Government, by the Secretary (or designee).

NOTE: The Air Force will cooperate with institutional standing committees on ROTC to develop a program of instruction consistent with the goals of both parties, but cannot accept changes inconsistent with the law of Department of Defense policies.

§ 870.84 Eligibility requirements for admission to membership in AFROTC.

Line	An individual must—	If he desires to participate in— GMC (AS 100 AS 200)	FT	POC (Note 1) (AS 300 AS 400)	CSP (Notes 1 and 2)
1	Be a full time student	X		X	X.
2	Be of good moral character and be medically qualified under AFM 160-1, "Medical Exams and Medical Standards."	(Note 3)	X	X	X.
3	Execute the Oath of Allegiance	X	X	X	X.
4	Be a U.S. citizen	X	X (note 4)	X	X.
5	Enlist in the USAFR (note 5)			X	X.
6	Not be a conscientious objector	X (note 6)	X	X (note 6)	X.
7	Have attained age of 14	X			
8	Have attained age of 17		X (note 7)	X (note 8)	X (note 9).
9	Sign Deferment Agreement (Military colleges and women excepted).	(Note 10)	X	X	X.
10	Execute AFROTC contract (AF Form 1056/AF Form 1448), with parental consent if under 21 years of age.		X	X	X.
11	Be enrolled in the 4-year program	X			
12	Successfully complete any preselection survey, procedure, or screening device prescribed for entry into the desired category.		X (note 11)	X (note 11)	X (note 11).
13	Meet the 2 academic years remaining requirement at time of enrollment.			X (note 12)	
14	Be in good academic standing and not be on academic probation.		X	X (note 13)	X.
15	Successfully complete or receive credit for the GMC or successfully complete 6-week FT.			X	
16	Execute USAF Drug Abuse Certificate (note 14)		X	X	X.

NOTES 1. A former member of a service academy (including Coast Guard and Merchant Marine Academies) is ineligible unless a waiver is granted per § 870.86. He may be enrolled as a pursuing student and be deferred subject to the restriction of § 870.86, line 2.

2. Cadets in the 2- and 4-year programs are eligible for membership in the CSP. Cadets initially becoming scholarship recipients at the AS 300 level must have completed the GMC, received GMC credit under § 870.86, or completed the 6-week field training. Cadets initially becoming scholarship recipients at the AS 200 level must be capable of completing the GMC before entry into the POC. Students enrolled in law school are prohibited from the CSP by the Defense Appropriation Act.

3. For GMC cadets, enrollment in the institution is considered as evidence of good moral character. Medical qualification is determined by authorities of the institution for GMC cadets.

4. See § 870.38(d) for exceptions.

5. If already a member of any Reserve component of any military department, including the USAFR, must be discharged and reenlist in the USAFR (ORS) or transfer to the USAFR (ORS).

6. An individual who claims to be a conscientious objector will be denied membership, but may participate as a special student.

7. Individuals may attend field training if they will attain the age of enlistment before entry into the POC.

8. Must be able to complete all requirements for appointment by age 26½ if a Category IP or IN and by age 30, if Category IM, II, or III. The Commandant, AFROTC, may waive the maximum age restriction for outstanding and deserving cadets, provided the Category IP or IN cadet is commissioned and entered into flying training by age 27½; may also waive the maximum age restriction for Category IM, II, or III cadets who were scheduled for commissioning by age 30 but because of unusual circumstances were not appointed. Commissioning must occur before a cadet attains the age of 32.

9. Must be able to complete all Aerospace Studies courses, prescribed field training, and degree requirements and not have reached 25th birthday by June 30 of the calendar year in which eligible for appointment. (This requirement is statutory and cannot be waived.)

10. Provisions for deferments for GMC members are stated in § 870.42.

11. Applicants for the POC or CSP are administered the AFOQT and their scores are evaluated as part of the selection process. Category IP and IN applicants must attain qualifying scores as prescribed by AFR 51-4, "Application Procedures for Undergraduate Pilot Training (UPT) and Undergraduate Navigator Training (UNT)". Nurse candidates for participation in FT or the POC are also required to submit recommendations from the Dean (or other designated official) of the nursing school, two faculty members (nursing faculty preferred), and a nurse coordinator for the geographic area in which the school is located.

12. Undergraduate students having less than two academic years remaining before graduation and graduate students may be selected for the POC if they have two academic years remaining on campus. However:

(a) Approval of AFMPC must be obtained before selection of students who will require an educational delay (Part 875 of this chapter) of more than 12 months to complete the advanced degree program in which they will be enrolled at the time of commissioning.

(b) Applicants must sign a statement acknowledging that the needs of the Air Force are paramount and no guarantee of assignment in or related to any academic discipline can be given.

(c) Applicants who will be studying law upon commissioning must sign a statement of understanding that completion of legal licensing requirements in no way constitutes a guarantee of assignment to judge advocate duties.

13. A student with an AFROTC scholarship that was activated while the student was a GMC cadet need not demonstrate academic proficiency again at the time of admission to the POC.

14. If applicant fails to certify to no prior drug abuse on AF Form 2061, AF Form 2031 must be accomplished as outlined in AFR 30-19.

§ 870.86 Individuals who require a waiver and waiver granting authority.

Line	A: If an individual requires a waiver for retention in or admittance to the AFROTC program, and is—	B: Then a waiver must be obtained prior to commissioning or prior to entry into the program, and waiver authority is— AFMPC	AU	AFROTC
1	A POC/CSP cadet or applicant who was a former service academy cadet and who will complete commissioning requirements before his ex-academy classmates.	X		
2	Any applicant for membership who was previously eliminated from an officer-type training program because of military inaptitude, indifference to training, major honor violations, undesirable traits of character, disciplinary reasons, or who resigned in the face of impending charges. (The applicant will not be enrolled or granted a Selective Service deferment until waiver is approved.)	X (note 1)	X (note 2)	
3	A POC/CSP applicant who has previously attended a service academy (including the Coast Guard and Merchant Marine Academies).	X (note 3)		
4	A POC/CSP applicant who attended but did not complete a service academy preparatory school or who has been a member of any officer program except a service academy.		X	(Note 4.)
5	A POC/CSP applicant who is on academic probation or not in good academic standing.		X (note 5)	X (note 6).
6	A POC applicant who requires more than one academic term in pursuing status to become eligible for membership.			X.
7	An individual who, to qualify for membership, requires accreditation of successfully completed Aerospace Studies course work and training while in special or alien student status.			X.
8	A POC cadet who will require completed cadet status in excess of 12 months or who will require retention in completed status after award of baccalaureate degree.			X (note 7).
9	A cadet who had two academic years remaining when admitted to the POC but who, by virtue of superior performance or unusual circumstances, is eligible for earlier graduation and commissioning. (This includes concurrent enrollment required by school disestablishment action.)			X.
10	A cadet who requires relief from normal retention standards (academic or disciplinary). PAS may waive less than full-time student status for nonscholarship GMC cadets, and for POC members for the last academic term provided the cadet is enrolled in at least one course in addition to Aerospace Studies, or during the last academic term a cadet is in completed status.)			X (note 8).
11	A category IP/IN POC cadet or applicant who would exceed age 26½ at time of commissioning (may be waived if individual can be commissioned and entered into flying training by age 27½); a category IM/II/III POC cadet who would exceed age 30 at time of commissioning (may be waived to age 32 if the cadet was scheduled for commissioning but because of unusual circumstances was not appointed, or if the cadet has prior active enlisted or warrant officer service).			X.
12	A POC/CSP applicant or cadet who has been convicted by a court-martial or a civil court for any offense other than that which is minor.		X (note 9)	X (note 9).
13	A POC/CSP applicant or cadet who has had minor civil or military convictions which would not be prejudicial to performance of duty as an Air Force officer and which do not indicate unacceptable traits of character.			X.
14	A POC/CSP applicant or cadet who has committed an offense resulting in less than a conviction.			X (note 10).
15	In a condition which requires a waiver for a reason for which waiver authority is not specified.	X		

NOTES. 1. Former service academy cadets only.

2. AU determines eligibility in all cases not involving former service academy cadets.

3. If DD Form 785, Section IV, is marked in block 1, 2, or 4, and the form contains no derogatory information, AU determines eligibility.

4. AFROTC may approve the readmission of certain former AFROTC cadets (§ 870.70).

5. To activate a scholarship a student must be in good academic standing or, if not in good academic standing, have both a cumulative grade point average (GPA) and preceding term GPA of at least 2.0 on the scale A is equal to 4.0. Additionally, a physician candidate must have at least a 3.65 cumulative GPA to activate a scholarship.

6. AFROTC may prescribe procedures for attendance at the 6-week field training and enrollment in pursuing status.

7. Not applicable to nurse candidates.

8. Cadets may not be retained in scholarship status for more than one academic term during which they are not in good academic standing unless they have a cumulative and a term GPA of at least 2.0 on the scale A=4.0. Additionally, students granted scholarships as physician candidates may not be retained in scholarship status if their term or cumulative GPA remains below 3.65 on the scale A=4.0 for more than one academic term.

9. AU may approve or disapprove; AFROTC may disapprove only.

10. Involvements which do not result in a conviction (such as deferred prosecution or nonjudicial punishment under the UCMJ)

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may indicate unacceptable traits of character or be prejudicial to an applicant or member's performance of duty as an Air Force officer. The Commandant, AFROTC, has authority to evaluate the circumstances of such involvements and grant or deny a waiver.

§ 870.88 Credit for previous education, training, and military experience.

Line	A If the applicant has successfully completed—	B Then the PAS may credit—	C And, additionally, the Commandant, AFROTC, may credit—
1	A U.S. Armed Forces, Coast Guard or Merchant Marine Academy preparatory school, or portions of the first two years at a U.S. Armed Forces, Coast Guard, or Merchant Marine Academy (note 1).	Up to, but not exceeding an equivalent portion of the GMC.	
2	The basic course or portions of the basic course while a member of Army, Navy, or Air Force ROTC.		
3	At least two years of junior level (high school) ROTC, or equivalent training in the Civil Air Patrol.	One academic term (semester, trimester, or quarter) of the GMC.	
4	Three years of junior level (high school) ROTC or equivalent training in the Civil Air Patrol (note 2).	One year of the GMC (note 3).	
5	Four years of junior level ROTC (high school) at a military school or academy.	The GMC or a portion of it (note 4).	
6	More than 60 days of active duty or active duty for training in any U.S. military department.	The GMC or portion of it as prescribed by the Commandant, AFROTC (note 5).	(Note 6.)
7	Portions of the last two years at a U.S. Armed Forces, Coast Guard, or Merchant Marine Academy.	Portions of the POC on a term-for-term/academic year basis (2d classman-AS 300) not to exceed one year.	One additional term of the POC if the ex-academy cadet was disenrolled from the academy after successful completion of the first half of his senior year (note 1).
8	Portions of the last two years of advanced training and/or field training of the Army or Navy ROTC.	Portions of the POC on a term-for-term/academic year basis not to exceed one year and field training.	One additional term of the POC if the former ROTC cadet was disenrolled from Senior ROTC after successful completion of at least one academic term of the last year (note 7).

NOTES. 1. Refer to § 870.88 to determine required waiver action.

2. CAP cadets who earned the Carl A. Spaatz Award may be credited with 75% of the GMC.

3. Students presenting evidence of successful completion of a junior ROTC program are entitled to one year's credit in the GMC upon their request.

4. Rather than waive the entire GMC, consider requiring the cadet to complete at least one quarter or semester to give a basis on which to evaluate him for entrance into the POC.

5. The entire GMC will not be waived for cadets with less than 180 days of active duty or active duty for training.

6. The Commandant, AFROTC, may establish requirements and procedures for accrediting 4-week field training on the basis of previous military training and experience.

7. An additional term or terms may be credited by AU.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division Office of The Judge Advocate General.

[FR Doc.75-1889 Filed 1-22-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 313-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

The State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. These schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The approvable compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri.

Accordingly, the Administrator proposed approval and disapproval of these schedules on September 23, 1974, in the FEDERAL REGISTER at 39 FR 34066 and 39 FR 34068 in two separate schedules. The proposed approval and disapproval of these schedules published in the September 23, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves and disapproves pursuant to 40 CFR 51.8.

Due to an oversight, many of the sources published in each of these two separate schedules were duplications. These two schedules are therefore combined in this promulgation of final approval.

Disapproval of the Union Electric Labadie and Portage des Sioux schedules is due to failure to comply with the substantive requirements relating to compliance schedules in 40 CFR 51.15. These schedules do not contain increments of progress or firm compliance dates as required by § 51.15(a). These air pollution sources continue to remain subject to the immediately-effective compliance date set by applicable State regulations in the federally-approved State Implementation Plan.

The following sources have been revised and will be reproposed in a later publication: A. P. Green, Mexico; Allied Chemicals, Owensville; Kaiser Refractories, Rotary Kiln #2, Mexico; Missouri Power and Light, Jefferson City; Gardner-Denver, LaGrange.

ADM Milling, North Kansas City, source 03 Mixers and Bulk Plant Suction has been eliminated.

Kansas City Power and Light, Kansas City, was proposed as disapproved on September 23, 1974. This source is now approvable and is being reproposed in a separate FEDERAL REGISTER publication.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The Effective Date column in the table refers to the date the compliance schedule becomes effective for purposes of Federal enforcement.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Missouri Department of Natural Resources, State Office Building, Jefferson City, Missouri.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of Section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. In § 52.1335 the table in paragraph (a) is amended by adding the following:

§ 52.1335 Compliance schedules.

(a) • • •

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
•	•	•	•	•	•
U.S. Steel (Universal Atlas Cement): Rotary cement kiln.	Hannibal	S-V, S-VIII	Jan. 23, 1974	July 31, 1974	July 31, 1974
Kaiser Refractories: Rotary kiln #1.	Mexico	do	Feb. 28, 1973	Jan. 18, 1974	Jan. 18, 1974
St. Joseph Light and Power:					
Boiler #1	St. Joseph	(1)	Jan. 23, 1974	Jan. 23, 1975	May 31, 1975
Boiler #2	do	(1)	do	do	Do.
Boiler #3. (One variance granted).	do	(1)	do	do	Do.
Boiler #4	do	(1)	do	do	Do.
Boiler #5	do	(1)	do	do	Do.
Boiler #6	do	(1)	do	do	Do.
A. P. Green Refractories: Rotary calcining kiln.	Oran	S-V, S-VIII	Mar. 27, 1974	Mar. 27, 1975	June 15, 1975
U.S. By-Products:					
Aluminum turnings operation	Henrietta	(1)	Feb. 27, 1974	Nov. 18, 1974	Nov. 18, 1974
Carbon waste disposal system	do	(1)	do	do	Do.
Aluminum-foil drag kiln operation.	do	(1)	do	do	June 6, 1974
Harbison-Walker Refractories:					
Rotary dryer	Fulton	S-V, S-VIII	Feb. 28, 1973	Jan. 18, 1974	June 1, 1973
Rotary kiln	do	S-V, S-VIII	Feb. 27, 1974	June 30, 1974	June 30, 1974
Franklin County: Stone limestone crusher.	Pacific	(4)	Aug. 23, 1972	Aug. 24, 1973	Juoe 1, 1974
Atlas Powder Company:					
NH_4NO_3 prill—neutralizer	Joplin	S-V	Apr. 24, 1974	Immediately	July 31, 1974
Urea prill tower	do	S-V	do	do	Do.
Stengel reactor	do	S-V	do	do	Do.
Soda spray vent	do	S-V	do	do	Do.
Soda dry furnace	do	S-V	do	do	Do.
Urea desorber stripper	do	S-V	do	do	Do.
CPC International: Wet corn fed rotary dryers.	North Kansas City.	(4)	Jan. 23, 1974	Apr. 25, 1974	Oct. 31, 1974
Mississippi Lime, Mississippi rotary plant:					
Kiln #1, #2, #3, & #4 and coolers.	Ste. Genevieve	(4)	Feb. 27, 1974	Feb. 27, 1975	July 31, 1975
Kiln #5 cooler	do	(4)	do	do	June 30, 1975
Kiln #6 cooler	do	(4)	do	do	Mar. 7, 1975
Kiln #7 cooler	do	(4)	do	do	Nov. 15, 1974
Kiln #8 cooler	do	(4)	do	do	July 12, 1974
Peerless Rotary Plant:					
Kiln #1 cooler	do	(4)	do	do	Oct. 18, 1974
Kiln #2 cooler	do	(4)	do	do	Dec. 27, 1974
Kiln #3 cooler	do	(4)	do	do	Feb. 28, 1975
Kiln #4 cooler	do	(4)	do	do	Apr. 25, 1975
Kiln #5 cooler	do	(4)	do	do	June 27, 1975
Kiln #6 cooler	do	(4)	do	do	July 31, 1975
60" & 5' grinding mills	do	(4)	do	do	July 1, 1974
Henry Worst, Inc.: Lithograph Presses.	North Kansas City.	(4)	Jan. 23, 1974	Nov. 20, 1974	Nov. 20, 1974
Armco Steel:					
Scarfing operation	Kansas City	(10)	Oct. 10, 1973	N/A	Feb. 1, 1974
Electric furnace	do	(10)	do	N/A	Do.
Quisenberry Mills: Railcar unloading.	do	(11)	do	N/A	Dec. 31, 1973
Clay-Bailey Manufacturing: Cupola.	do	(4)	Apr. 18, 1974	N/A	July 31, 1974
Cargill, Inc.: Roof vents	do	(10)	Dec. 19, 1973	N/A	Mar. 15, 1974
Ralston Purina: Rail car unloading #6 and #7.	do	(10)	Oct. 10, 1973	N/A	May 31, 1974
Kansas City Terminal Elevator #2: Grain handling cyclones.	do	(10)	do	N/A	Nov. 15, 1973
GAF Corporation:					
Asphalt blowing	do	(10), (7)	Mar. 28, 1974	N/A	June 30, 1974
Asphalt saturating	do	(10), (7)	do	N/A	Do.
Dry fines unloading	do	(10)	Mar. 5, 1974	N/A	Oct. 1, 1974
True Temper Corp.: Heat treating process.	do	(10)	Dec. 19, 1973	N/A	May 18, 1974
Metallurgical, Inc.: N-2 draw furnace.	do	(10)	Oct. 10, 1973	N/A	Feb. 20, 1974
Centropolis Crusher: Rock pulverizing and drying.	do	(8)	Dec. 18, 1973	N/A	Sept. 5, 1974
ADM Milling:					
20 bran grinders	North Kansas City.	(4)	Jan. 10, 1973	Jan. 10, 1974	June 15, 1972
22 #4 screening grinders	do	(4)	do	do	Dec. 1, 1972
18 bulgur grinder	do	(4)	do	do	Jan. 15, 1973
27 elevator head suction	do	(4)	do	do	Apr. 1, 1973
30 top belt suction	do	(4)	do	do	May 1, 1973
10 A mill entoleter and break suctinn.	do	(4)	Jan. 23, 1974	July 1, 1974	July 1, 1974
17 B RK suction B mill	do	(4)	do	do	Do.
19 B RK suction A mill	do	(4)	do	do	Do.
23 #8 millerators B mill	do	(4)	do	do	Do.
29 bottom belt suction—new	do	(4)	do	do	Mar. 29, 1974
28 Bottom belt suction—old	do	(4)	do	do	Do.

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Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Bartlett and Company Grain: Missouri Pacific "B" elevator.	Kansas City	(14)	Nov. 29, 1973	N/A	Nov. 1, 1974
Certain-Teed Products: Limestone tank loading.	do	(15)	Dec. 26, 1973	N/A	July 8, 1974

[1] Regulation IV, Air Pollution Control Regulations for Kansas City metropolitan area.
[2] Regulation III & V Air Pollution Control Regulations for Kansas City metropolitan area.
[3] Regulation IX, Air Pollution Control Regulations for St. Louis metropolitan area.
[4] Regulation IV, Air Pollution Control Regulations for Kansas City metropolitan area.
[5] Regulation V & VI, Air Pollution Control Regulations for the Kansas City metropolitan area.
[6] Regulation V, Air Pollution Control Regulations for the Kansas City Metropolitan area.
[7] Section 18.86(A), Kansas City Air Pollution Control Code.
[8] Sections 18.86 (A) & (C) & 18.87, Kansas City Air Pollution Control Code.
[9] Section 18.86(A)(3)(a)(i), Kansas City Air Pollution Control Code.
[10] Section 18.87(A), Kansas City Air Pollution Control Code.
[11] Sections 18.86(C)(1), & 18.87(A), Kansas City Air Pollution Control Code.

2. In § 52.1335 the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance schedules.

• • • • • • • •

(b) • • •

Source	Location	Regulation involved	Date adopted
• • • • • • • •			
Union Electric: Electric generating facility	Labadie	X	Mar. 28, 1974
Do	Portage des Sioux	X	July 25, 1974

NOTE.—X=Air Pollution Control Regulations for the St. Louis Metropolitan Area.

[FR Doc.75-1928 Filed 1-22-75;8:45 am]

[FRL 312-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

South Carolina: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On February 10, 1973, pursuant to 40 CFR 51.6, the State of South Carolina submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of the plan. The compliance schedules submitted by South Carolina were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the South Carolina implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on January 11, 1974 (39 FR 1641). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, and the office of the Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control in Columbia. All interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The State had recodified and revised its air pollution regulations subsequent to the Administrator's initial proposal and the citing of regulations has been changed to reflect their present order.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules and the South Carolina plan are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Bureau of Air Quality Control
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Freedom of Information Center
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in South Carolina and the Agency's action imposes no additional regulatory burden on affected facilities.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart PP—South Carolina

Section 52.2123 is amended by inserting "§ 51.6 and" immediately before "§ 51.15" in the first sentence of paragraph (b) and by inserting additional lines in the table of paragraph (b) as follows:

§ 52.2123 Compliance schedules.

• • • • • •

(b) • • •

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
W. R. Grace and Co., Kearney Expanding plant, Expanding furnaces.	Enoree, S.C.	R2.6 Std. No. 5, Sec. VII R2.4.	Feb. 15, 1973	Immediately	Nov. 5, 1973
W. R. Grace and Co., Kearney Expanding plant, Rotary kiln.	do	do	do	do	Mar. 1, 1974
W. R. Grace and Co., Travelers Rest plant.	Travelers Rest, S.C.	R2.6, Std. No. 5, Sec. VII.	do	do	Dec. 1, 1974
J. M. Huber Corp., Graniteville plant.	Graniteville, S.C.	R2.6, Std. No. 5, Sec. VII R2.4-II R2.4-III.	Jan. 4, 1973	do	July 12, 1973
J. M. Huber Corp., Langley plant.	Langley, S.C.	do	do	do	Do.
National Kaoline Products Co.	Aiken, S.C.	do	Jan. 2, 1973	do	Do.
Patterson Vermiculite Co.	Enoree, S.C.	do	do	do	Do.
U.S. Plywood, Catawba Manufacturing division.	Catawba, S.C.	R2.6, Std. No. 5, Sec. VII R2.4.	Feb. 15, 1973	do	Mar. 1, 1974

[FR Doc.75-1929 Filed 1-22-75;8:45 am]

[FRL 277-6]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

West Virginia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for attainment, maintenance, and enforcement of the national ambient air quality standards throughout the State. Each plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10899), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved West Virginia's State Implementation Plan.

A total of one hundred and three (103) compliance schedules have been submitted by the State of West Virginia for the Environmental Protection Agency's approval. Of these, twenty-six (26) were approved in the FEDERAL REGISTER on September 9, 1974 (39 FR 32559), and twenty-one (21) were proposed in the FEDERAL REGISTER on July 24, 1974 (39 FR 26916) and August 12, 1974 (39 FR 28906). The remaining fifty-six (56) schedules submitted by the State have not been proposed for approval either because the Environmental Protection Agency is still negotiating with the State and the source to correct deficiencies appearing in the schedules, the source is involved in a proceeding under section 110(f) of the Clean Air Act, or the final compliance date for the particular source has elapsed.

The Administrator received comments from the West Virginia Air Pollution Control Commission, Monsanto Chemicals Company, PPG Industries, Inc., and FMC Corporation pointing out errors in the table of schedules published in the July 24, 1974, and August 12, 1974 FEDERAL REGISTER. The table of schedules appearing in this publication has been corrected in accordance with these comments.

The Administrator will take no action with regard to the schedule for the E.I. duPont de Nemours and Company, Incorporated, because its final compliance date has elapsed. Furthermore, the Administrator will take no action with regard to the schedules for the Wheeling-Pittsburgh Steel Corporation because the State and the source have indicated that an amended schedule is currently being negotiated.

Each revision and schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation specified by the State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date." In most cases, the schedules include incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106

West Virginia Air Pollution Control Commission
1558 Washington Street, East
Charleston, West Virginia 25311

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

In addition, evaluation reports for each schedule are available for public inspection at the Environmental Protection Agency, Region III.

Each revision and compliance schedule listed below has been adopted by the West Virginia Air Pollution Control Commission and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. In addition, the substantive and procedural requirements of 40 CFR 51.6 and 51.15 have been satisfied. Accordingly, pursuant to 40 CFR 51.8, the Administrator approves the compliance schedules listed below.

These compliance schedules will become part of the State Implementation Plan thirty days after the date of this publication in the FEDERAL REGISTER.

(42 U.S.C. 1857c-5)

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart XX—West Virginia

Section 52.2524(c) is amended by adding the following schedules:

§ 52.2524 Compliance schedules.

• • • • • •

(c) • • •

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Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Allied Chemical Co.	Moundsville	X	Oct. 26, 1972	Immediately	June 1, 1975
American Cyanamid	Willow Island	X	Dec. 7, 1972	do	Feb. 1, 1975
FMC Corp.	South Charleston	X [1]	July 5, 1973	do	June 30, 1975
Monsanto Corp.	Nitro	X [1]	do	do	Do.
PPG Industries, Inc.	Natrium	X [1]	Dec. 14, 1972	do	July 1, 1975
Do.	do	X	Dec. 7, 1972	do	Do.
Weirton Steel Division National Steel Corp.	Weirton	X	Oct. 26, 1972	do	Dec. 31, 1974
Do.	do	X [1]	Dec. 7, 1972	do	April 15, 1975
Union Carbide Corp.	Sistersville	X	Dec. 14, 1972	do	Dec. 30, 1974
R.B.S., Inc., Greystone Quarry	White Sulphur Springs.	VII	Jan. 11, 1974	do	Dec. 31, 1974
Savannah Lane Quarry Division of Kathy's Farm, Inc.	Frankford	VII	do	do	Do.
State of West Virginia Ind. Conservation Committee.	Charleston	VII	do	do	June 30, 1975
Westinghouse Electric Corp., Fluorescent and Lamp division.	Fairmont	VII	April 19, 1974	do	June 1, 1975
Acme Limestone Co.	Fort Spring	VII	do	do	June 30, 1975
Brown's Limestone	Salem	VII	do	do	Nov. 30, 1974
Corning Glass Works, Parkersburg plant.	Parkersburg	VII	do	do	Dec. 31, 1974
Corning Glass Works, Martinsburg	Martinsburg	VII	do	do	July 1, 1975
Pocahonta Construction Co.	Marlinton	VII	Jan. 11, 1974	do	June 30, 1975

[1] Process.

[FR Doc.75-1930 Filed 1-22-75;8:45 am]

[FRL 311-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Approval of Compliance Schedules

On September 3, 1974 (39 FR 31918), the Administrator proposed the approval of a number of individual compliance schedules submitted by the State of Tennessee pursuant to the requirements of 40 CFR 51.6 and 51.15 pertaining respectively to plan revisions and compliance schedules. These schedules had been adopted by the Tennessee Air Pollution Control Board after notice and public hearing before being submitted for the Agency's approval on October 16 and December 26, 1973, and on February 20, 1974. Each establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedules include incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes enforceable by the Federal government immediately upon its approval by the Administrator.

Copies of the proposed schedules were made available for public inspection at the Agency's Region IV office in Atlanta, Georgia and at the office of the Tennessee Division of Air Poliution Control in Nashville. Written comments were solicited from the public, and one response was received, pointing out a typographical error. The State offered a number of minor corrections to be made also. The listing given below has been corrected accordingly. In addition, the schedule for Penn Dixie Cement Corporation in Richard City has been deleted at the State's request since a new schedule has been negotiated.

An evaluation of the remaining schedules may be obtained by consulting personnel of the Agency's Region IV Air Programs Office, 1421 Peachtree Street, N.E., Atlanta, Georgia. Copies of the schedules, together with the Tennessee plan, are available for public inspection at the Atlanta office and also at the Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C. 20460 and at the office of the Tennessee Division of Air Pollution Control.

The Administrator has determined that al lthe schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to compliance schedules and plan revisions, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards.

This action is effective immediately. The Administrator finds that good cause exists for making his action immediately effective since these schedules are already in effect under Tennessee law, and the Agency's action imposes no additional regulatory burden on affected facilities.

(Section 110 of the Clean Air Act (41 U.S.C. 1857c-5))

Dated: January 15, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

1. Section 52.2220 is amended by inserting in proper chronological order in paragraph (c)(4) the dates October 16, December 26 (1973) and February 20 (1974).

2. Section 52.2223 is amended by adding new lines to the table of paragraph (e)(1) as follows:

§ 52.2223 Compliance Schedules.

* * * * *

(e)(1) * * *

Tennessee

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
Aluminum Co. of America, sources 22 and 23 (carbon anode baking).	Alcoa	Ch. V, sec. II.B.	Nov. 28, 1973	Immediately	July 9, 1974
Berkline Corp., plant No. 1, collector No. 6.	Morristown	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	June 9, 1974
E. I. DuPont: 4 steam boilers, particulate emissions, SO_2 emissions.	New Johnsonville.	Ch. V, sec. II.B; ch. V, sec. II.A(2).	Feb. 6, 1974	do	June 30, 1975
Industrial Products Co., Inc.: Control equipment.	Mt. Pleasant	Ch. V, sec. II.B; ch. VII, sec. II.	Nov. 28, 1973	do	Jan. 1, 1974
Interstate Foundry & Machine Co.: Cupola.	Johnson City	Ch. V, sec. II.B; ch. VII, sec. IX.B.	do	do	Feb. 9, 1974
Laminite Plastics Corp.: Moldow system (phase I only).	Morristown	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	Apr. 30, 1974
Lea Industries:					
Plant No. 4; process emissions	do	do	do	do	Jan. 1, 1974
Plant No. 5; process emissions	do	do	do	do	Aug. 9, 1974
Plant No. 6; process emissions	do	do	do	do	Do.
Plant No. 6, bo ler	do	Ch. V	do	do	Feb. 1, 1974
Lewisburg Casting Co., Inc.: Cupola.	Lewisburg	do	do	do	June 9, 1974
A. B. Long Quarries, Inc.: Limestone quarry and crusher.	Harriman	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	Mar. 30, 1974
Monsanto Industrial Chemical Co.	Columbia	Ch. VII	Feb. 6, 1973	do	July 1, 1975
Plough, Inc.: Boiler	Shelbyville	Ch. V, sec. II.B; ch. VI, sec. II.A(2).	do	do	May 30, 1974
Powermatic-Houdaille, Inc.: Two No. 5 cupolas.	McMinnville	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	Aug. 9, 1974
Royal Oak Charcoal Co.: Kilns 1, 2, 3, 4, 5.	Cookeville	do	do	do	Do.
Don P. Smith Chair Co.: Drying kiln.	Loudin	do	do	do	June 30, 1974
Temple Industries: Conical burner.	Savannah	Ch. V, sec. II.B; ch. VI, sec. II.D.	do	do	Apr. 30, 1974
Tennlite, Inc.: Two rotary kilns	Green Brier	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	July 30, 1974
Tenn. Asphalt Co. & Road Builders, Inc.: Asphalt batching plant.	Cumberland City.	Ch. V, sec. II.B; ch. VII, secs. II and IX.G; ch. VIII.	do	do	Dec. 17, 1974
Vulcan Materials Co.: Rock quarry	Emory Gap	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	Mar. 31, 1974
Do.	Savannah	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	June 21, 1974
Do.	Parsons	do	do	do	Feb. 18, 1974
Cities Service (41-0073)	Copperhill	Ch. VII, sec. 8	June 19, 1973	do	July 1, 1975
Cities Service (42-0073)	do	do	do	do	Do.
Penn Dixie Cement	Kingsport	Ch. VII, sec. 2	Oct. 9, 1973	do	Do.

[FR Doc.75-2062 Filed 1-22-75;8:45 am]

[FRL 324-7]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations

In response to the notice published by the Environmental Protection Agency in the FEDERAL REGISTER of November 18, 1974 (39 FR 40512), proposing establishment of exemptions from tolerance requirements under provisions of section 408 of the Federal Food, Drug, and Cosmetic Act for 14 inert (or occasionally active) ingredients in pesticide formulations, no comments or requests for referral to an advisory committee were received.

It is concluded that:

1. The items "Ethylenediamine * * *", "Polyamide polymer * * *", and "Terephthalic acid * * *" in § 180.1001(e) should be combined into one item as listed below.

2. The proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e)), 68 Stat. 514; (21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1001 is amended by (1) revising the item "α-Stearoyl-*omega*- * * *" in paragraphs (c) and (e), (2) revising the item "Ethylene glycol monomethyl ether" in paragraph (d), and (3) alphabetically inserting new items in paragraphs (c), (d), and (e), as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Aluminum stearate		Surfactant.
* * * * *		
F.D. & C. Blue No. 1	Not more than 0.2 percent of pesticide formulation.	Dye.
* * * * *		
Methyl isobutyl ketone.		Solvent.
* * * * *		
Mineral oil (U.S.P.)		Diluent, solvent.
* * * * *		
Pentaerythritol ester of maleic anhydride modified wood rosin.		Plasticizer.
* * * * *		
Pentaerythritol ester of modified resin.		Do.
* * * * *		
Propylene oxide		Stabilizer.
* * * * *		
Sodium sulfite		Stabilizer.
* * * * *		
α-Stearoyl-*omega*-hydroxipoly (oxyethylene); the poly (oxyethylene) content averages either 8, 9, or 40 moles; if a blend of products is used, the average number of moles ethylene oxide reacted to produce any product that is a component of the blend shall be either 8, 9, or 40.		Surfactants, related adjuvants of surfactants.
* * * * *		

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Ethylene glycol monomethyl ether.		Solvent.
* * * * *		
Oat hulls		Solid diluent, carrier.
* * * * *		
Polyamide polymer derived from sebacic acid, vegetable oil acids with or without dimerization, terephthalic acid and/or ethylenediamine.		Coating, carrier.
* * * * *		

(e) * * *

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Inert ingredients	Limits	Uses
• • •	• • •	• • •
a-Stearoyl-omega-hyroxypoly (oxyethylene); the poly (oxyethylene) content averages 8, 9, or 40 moles; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be 8, 9, or 40.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time on or before February 24, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 23, 1975.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a (e)))

Dated: January 17, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2063 Filed 1-22-75;8:45 am]

Title 6—Economic Stabilization

CHAPTER VI—ASSISTANT SECRETARY FOR ADMINISTRATION, DEPARTMENT OF THE TREASURY

ESTABLISHMENT OF PART

In order to complete the orderly termination of the Economic Stabilization Program and to insure its integrity, the Department of the Treasury finds it necessary to establish a new Part 602 in Title 6 of the Code of Federal Regulations. The new part contains no substantive regulations but adopts the Economic Stabilization Regulations, in 6 CFR Chapters I, V, and VI, in effect on December 31, 1974, with respect to prices charged, and wages paid for work performed, prior to May 1, 1974. The only other effect of the new Part 602, is to amend the addresses in Chapters I, V, and VI, to which reports, forms, requests and other documents are required to be submitted.

The Department further finds that notice and public procedure, regarding the establishment of Part 602, in Chapter VI of Title 6 of the Code of Federal Regulations, is impracticable, in view of the need to provide immediate continuing guidance to interested persons, and that accordingly, good cause exists for making these regulations effective with their publication. Interested persons may, however, submit comments, regarding this Part, on or before February 24, 1975. Such comments shall be addressed to the Assistant Secretary for Administration, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, and they shall be available to the public, upon request therefor, unless confidential status for the submission has been requested and approved, 31 CFR 1.4(b), 36 FR 13835.

Therefore, in consideration of the aforegoing and by virtue of the authority vested in me by Treasury Department Order No. 233 (Revision, No. 1), 39 FR 45302, Title 6 of the Code of Federal Regulations is amended by retitling the heading of Chapter VI to read as set forth above, and by adding a new Part 602 thereto to read as follows:

PART 602—ADOPTION, AND CONTINUATION IN EFFECT, OF CHAPTERS I, V AND VI

Sec.
602.1 Scope.
602.2 Designated officials.
602.3 Addresses.
602.4 Forms.

AUTHORITY: Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11788 (38 FR 22113); Treasury Department Order No. 233 (Revision No. 1), (39 FR 45302, December 31, 1974).

§ 602.1 Scope.

(a) Except as otherwise provided in this part, the provisions of Chapters I, V and VI of this title, in effect on December 31, 1974, are adopted as the rules, policies, and regulations of the Department of the Treasury, and shall continue in effect on and after January 1, 1975.

(b) Authority under this part shall be exercised only with respect to prices charged prior May 1, 1974, and wages paid with respect to work performed prior to that date.

§ 602.2 Designated officials.

All references in Chapters I, V and VI of this title to the Cost of Living Council, the Council, the Chairman or Director of the Council, the Construction Industry Stabilization Committee, any other official or agency exercising authority delegated by the Council, or the Office of Economic Stabilization or its Director shall for procedural purposes be deemed to refer to the Assistant Secretary for Administration. Thus, for example, reports previously required to be submitted to the Office of Economic Stabilization shall, on and after January 1, 1975, be submitted to the Assistant Secretary for Administration.

§ 602.3 Addresses.

(a) Except as otherwise provided in this section material previously submitted to the Office of Economic Stabilization, 2000 M Street, NW, Washington, D.C. 20508, shall be submitted to the Assistant Secretary for Administration, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220.

(b) Material previously submitted to the Chief Counsel, Office of Economic Stabilization shall be submitted to the Assistant General Counsel (Administration, Legislation and Fiscal Operations), Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, D.C. 20220.

(c) Material previously submitted to the Associate Director for Wages, Office of Economic Stabilization, Department of the Treasury, at the post office box address specified in parts 152 and 153, of this Title, shall be submitted to the Assistant General Counsel (Administration, Legislation and Fiscal Operations), Department of the Treasury, at the address in paragraph (b) above.

§ 602.4 Forms.

Submissions on and after January 1, 1975, with respect to price or wage matters shall be made on forms prescribed by and pursuant to instructions issued by the Cost of Lving Council, as in effect on June 30, 1974.

Dated: January 16, 1975.

WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.75-1947 Filed 1-22-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Delegation of Authority to the Deputy Assistant Secretary for Marketing and Consumer Services

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to provide a delegation of authority to the Deputy Assistant Secretary for Marketing and Consumer Services, as follows:

A new § 2.49 is added to read as follows:

§ 2.49 Deputy Assistant Secretary for Marketing and Consumer Services.

(a) Delegations. Pursuant to § 2.17, subject to reservations in § 2.18, and subject to policy guidance and direction by the Assistant Secretary, the following delegation of authority is made by the Assistant Secretary for Marketing and Consumer Services to the Deputy Assistant Secretary for Marketing and Consumer Services, to be exercised only during the absence or unavailability of the Assistant Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to

the Assistant Secretary for Marketing and Consumer Services.

Effective date: January 23, 1975.

Dated: January 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.75-2172 Filed 1-22-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1975

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended, milk assistance funds available for the fiscal year ending June 30, 1975, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,401,805	$1,335,257	$66,548
Alaska	24,496	24,496	
Arizona	332,656	332,656	
Arkansas	967,930	919,965	47,965
California	8,873,365	8,873,365	
Colorado	915,285	839,124	76,161
Connecticut	2,722,264	2,722,264	
Delaware	339,856	339,856	
Del. St. Dist. Agency	35,637	35,637	
District of Columbia	362,153	362,153	
Florida	1,044,271	1,044,271	
Georgia	1,962,931	1,906,357	56,574
Hawaii	65,542	35,060	30,482
Idaho	202,116	173,091	29,025
Illinois	10,124,445	10,124,445	
Indiana	3,377,229	3,377,229	
Iowa	1,871,711	1,871,711	
Kansas	1,501,516	1,501,516	
Kentucky	2,216,653	2,216,653	
Louisiana	472,810	472,810	
Maine	756,221	693,146	63,075
Maryland	2,846,734	2,846,734	
Md. Bud. & Proc.	130,741	130,741	
Massachusetts	4,708,029	4,708,029	
Michigan	7,022,317	7,022,317	
Minnesota	3,114,071	3,114,071	
Mississippi	1,174,334	1,174,334	
Missouri	2,536,322	2,461,144	75,178
Montana	217,964	185,927	32,037
Nebraska	680,521	581,997	98,537
Nevada	130,120	95,582	34,538
New Hampshire	812,173	812,173	
New Jersey	6,045,775	6,045,775	
New Mexico	534,102	275,033	259,069
New York	8,613,500	8,613,500	
New York Off. Gen. Serv	303,047	303,047	
North Carolina	2,860,108	2,860,108	
North Dakota	384,398	345,243	39,155
Ohio	8,631,959	7,798,776	833,183
Ohio Dept. Pub. Wel	229,802	229,802	
Oklahoma	984,743	984,743	
Oregon	964,575	933,301	31,274
Pennsylvania	7,890,538	7,890,538	
Rhode Island	654,876	654,876	
South Carolina	1,126,684	1,009,348	117,336
South Dakota	574,019	574,019	
Tennessee	2,251,751	2,165,709	86,042
Texas	3,234,171	2,943,199	290,972
Utah	309,122	309,122	
Vermont	420,317	420,317	
Virginia	2,073,176	1,957,233	115,943
Washington	1,824,627	1,520,507	304,120
West Virginia	452,910	424,321	28,589
Wisconsin	4,539,582	3,777,736	761,846
Wyoming	130,300	130,300	
Total	117,978,300	114,500,664	3,477,636

Due to the late enactment of the fiscal year 1975 Appropriation Act, the provisions of § 215.4(a)(2) are being implemented with this apportionment.

(Secs. 2, 3, 8 and 8-16, 80 Stat. 885-890 (42 U.S.C. 1771, 1772, 1775, 1777-1785))

Dated: January 17, 1975.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.75-2036 Filed 1-22-75;8:45 am]

SUBCHAPTER A—SCHOOL LUNCH PROGRAM

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Corrections

In FR Doc. 74-30190 appearing at page 44728 in the issue for Friday, December 27, 1974, please make the following changes:

1. In Preamble, Number 4, change the word "funds," which appears in the fifth line, to "foods."

2. In § 246.2(p)(1)(iii) change "high rates or prematurity" to "high rates of prematurity."

3. In § 246.2(v) change the word "are" which appears in the fifth line, to "area."

4. In § 246.3(b) change the word "safeguards," which appears in the eleventh line, to "safeguards."

5. In § 246.3(b) change the word "capability," which appears in line fifteen, to "capability."

6. In § 246.4(b) change the word "condition," which is the last word in the third line, to "conditions."

7. In § 246.4(b)(2) on line five, the misplaced parenthesis should be around "(exclusive of clinic evaluation costs)."

8. In § 246.12(b) change the word "least," which appears in the second line, to "less."

9. In § 246.13(a)(1)(i) *Substitutes* change the phrase "vitamin A," appearing in the fourth line to "vitamin D."

10. In § 246.13(a)(2)(i) change the phrase "vitamin C," appearing in the second line, to "vitamin D."

11. In § 246.14(g) change the word "decisin," which appears in the fourth line, to "decision."

12. Section 246.16(a): the last sentence should read "The State agency shall have full opportunity to submit evidence, explanation, or information concerning alleged instances of noncompliance or diversion before a final determination is made in such cases."

Dated: January 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-2121 Filed 1-22-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 336]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 24-30, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.636 Navel Orange Regulation 336.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is active.

Prices f.o.b. averaged $3.37 per carton on a reported sales volume of 991 carlots last week, compared with an average f.o.b. price of $3.41 per carton and sales of 928 carlots a week earlier. Track and rolling supplies at 364 cars were down 4 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is

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insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 21, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 24, 1975, through January 30, 1975, are hereby fixed as follows:

(i) District 1: 1,161,000 cartons;

(ii) District 2: 162,000 cartons;

(iii) District 3: 27,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-2298 Filed 1-22-75;11:47 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined or Released

These amendments quarantine a portion of Childress County, a portion of Swisher County, and a portion of Hansford County in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

The amendments release a portion of El Paso County in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Texas is amended to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Cochran County comprised of Greer County school land league 85–6, secs. 3, 4, 21 and 22.

(2) That portion of Moore County comprised of secs. 321 and 322, Block 44, H & TC Railway Survey.

(3) That portion of Childress County comprised of secs. 616, 625, 627, 652, 653, and 654, Block H.

(4) That portion of Swisher County comprised of sec. 99, Block M–9.

(5) That portion of Hansford County comprised of sec. 313, Block 2, GH & H Railroad Survey.

* * * * * *

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3, and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendments shall become effective January 20, 1975.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions, they are no longer deemed necessary to prevent the spread of cattle scabies and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of January, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-2170 Filed 1-22-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-56-AD; Amdt. 39-2075]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-8F-54, DC-8F-55, -61F, -62F, -63F Series Airplanes

There has been a malfunction of the main cargo door hydraulic control valve and mislocation of the main cargo door control valve shaft push-down plate on a DC-8F airplane that could result in the inadvertent opening of the main cargo door. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, and corrective action, if necessary, to insure that the main cargo door hydraulic control valve shaft operates freely, and that the main cargo door hydraulic control valve shaft push down plate on the access door is installed and correctly located directly above the control valve shaft on McDonnell Douglas DC-8F-54, DC-8F-55, -61F, -62F, and -63F airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), section 39.13 of part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to DC-8F-54, DC-8F-55, -61F, -62F, -63F series airplanes, certificated in all categories, which incorporate the main cargo door hydraulic system components specified in items (1) afid (2) in this A.D.

Compliance required within the next 300 hours time in service after the effective date of this A.D., unless already accomplished.

To prevent inadvertent opening of the main cargo door, accomplish the following:

(1) Verify that the main cargo door hydraulic control valve shaft push down plate, Douglas P/N 5777814-55 is installed in a position on the bottom of the main cargo door hydraulic control valve access door, Douglas P/N 5777814-33 such that, when the access door is closed and secured, the push-down plate is located directly above the main cargo door hydraulic control valve shaft, Douglas P/N 3777875-1. Reposition the plate if it is found to be mislocated and/or replace if the push-down plate is damaged. Install the plate if found to be missing.

(2) Verify that the main cargo door hydraulic control valve shaft operates freely, without binding, between the operate neutral and neutral lock positions. This shall be accomplished by opening the main cargo door hydraulic control valve access door; raising the "T" handle, Douglas P/N 4777888-1; and pulling the "T" handle vertically upward to its maximum travel (operate neutral position). When the vertical force on the "T" handle is relieved, the main cargo door hydraulic control valve shaft should return to the neutral lock (down) position without binding. Replace the main cargo door hydraulic control valve, Douglas P/N 5777869-5001 or 5919985-5001, if valve shaft does not return freely to the neutral lock position.

(3) Alternate procedures or other modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region may be substituted for items (1) and (2) above.

(4) Airplanes may be flown to a service base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective January 27, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on January 13, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-2065 Filed 1-22-75;8:45 am]

[Airworthiness Docket No. 74-WE-56-AD; Amdt. 39-2076]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-9-15F, -32F, and -33F Series Airplanes

There has been a malfunction of the main cargo door hydraulic control valve and mislocation of the main cargo door hydraulic control valve shaft push-down spacer (plate) on a DC-8F airplane having similar main cargo door hydraulic systems that could result in the inadvertent opening of the main cargo door. Since this condition is likely to exist or develop in other airplanes having the same hydraulic system design, an airworthiness directive is being issued to require inspection, and corrective action if necessary, to insure that the main cargo door hydraulic control valve shaft operates freely, and that the main cargo door hydaulic control valve shaft push-down spacer on the access door is correctly located directly above the main cargo door hydraulic control valve shaft on McDonnell Douglas DC-9-15F, -32F, and -33F series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), section 39.13 of part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to DC-9-15F, -32F, and -33F series airplanes, certificated in all categories, which incorporate the main cargo door hydraulic system components listed in the tabulation in this A.D.

Compliance required within the next 300 hours time in service after the effective date of this A.D. unless already accomplished.

To prevent inadvertent opening of the main cargo door, accomplish the following:

Douglas part descriptions	*Douglas part numbers*
Main cargo door hydraulic control valve access door.	9922100–27.
Main cargo door hydraulic control valve shaft push down spacer (listed as "BLOCK") P/N.	9922100–55.
Main cargo door hydraulic control valve access door.	9957809–145.
Main cargo door hydraulic control valve shaft push down spacer.	"HAT section"—Integral part of access door.
Main cargo door hydraulic control valve access door.	9957809–155.
Main cargo door hydraulic control valve shaft push down spacer.	9957809–105.
Main cargo door hydraulic control valve.	5919985–5001.
Main cargo door hydraulic control valve shaft.	3777875–1.
Main cargo door hydraulic control valve "T" handle.	4777888–1.

(1) Verify that the main cargo door hydraulic control valve shaft push-down spacer (see tabulation), is installed in a position on the bottom of the main cargo door hydraulic control valve access door (see tabulation), such that when the access door is closed and secured, the push-down spacer is located directly above the main cargo door hydraulic control valve shaft Douglas P/N 3777875–1. Reposition the spacer if it is found to be mislocated and/or replace if the push-down spacer is damaged. Install the spacer if found to be missing.

(2) Verify that the main cargo door hydraulic control valve shaft operates freely, without binding, between the operate neutral and neutral lock positions. This shall be accomplished by opening the main cargo door hydraulic control valve access door; raising the "T" handle Douglas P/N 4777888–1, and pulling the "T" handle vertically upward to its maximum travel (operate neutral position). When the vertical force on the "T" handle is relieved, the main cargo door hydraulic control valve shaft should return to the neutral lock (down) position without binding. Replace the main cargo door hydraulic control valve Douglas P/N 5919985–5001, if valve shaft does not return freely to the neutral lock position.

(3) Alternate procedures or other modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region may be substituted for items (1) and (2) above.

(4) Airplanes may be flown to a service base for performance of maintenance required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective January 27, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on January 13, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-2066 Filed 1-22-75;8:45 am]

[Airspace Docket No. 74-EA-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 42376 of the FEDERAL REGISTER for December 5, 1974, the Federal Aviation Administration published a proposed rule which would alter the Hudson, N.Y., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 g.m.t. March 13, 1975.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; (49 U.S.C. 1348)], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on January 13, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the following 700-foot floor transition area:

HUDSON, NEW YORK

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 42°17'35" N., long. 73°42'38" W. of Columbia County Airport, Hudson, N.Y.; within a 17-mile radius of the center of the airport extending clockwise from a 025° bearing to a 180° bearing from the airport; within 3.5 miles each side of a 191° bearing from the Philmont, N.Y. radio beacon (lat. 42°16'08" N., long. 73°43'24" W.) extending from the 8-mile radius area to 11.5 miles south of the RBN.

[FR Doc.75-2067 Filed 1-22-75;8:45 am]

[Airspace Docket No. 74-EA-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 42376 of the FEDERAL REGISTER for December 5, 1974, the Federal Aviation Administration published a proposed rule which would alter the Danville, Va. Control Zone (39 FR 374) and Transition Area (39 FR 478).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT March 27, 1975.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; (49 U.S.C. 1348)], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on January 13, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Danville, Va. Control Zone by adding, "; within 1.5 miles each side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., ex-

V40N16 JAN23 75 XUM

tending from said point to 5 miles north." following "southwest of the VOR".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Danville, Va. Transition Area by adding the following, "; within 2.5 miles each side of a 017° bearing from a point 36°34'48" N., 79°20'08" W., extending form the 8-mile radius area to 11.5 miles north of said point."

[FR Doc.75-2068 Filed 1-22-75;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 14290; Amdt. 95-256]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective February 27, 1975, as follows:

By amending Subpart C as follows:

Section 95.48 *Green Federal Airway 8*, is amended to read in part:

From, to, and MEA

Mordi INT, Alaska; *Cold Bay, Alaska, LOM; 6,000. *5,300—MCA Cold Bay LOM, Southwest-bound. (8,000 MEA required without HF airborne communication equipment).
Cold Bay, Alaska, LOM; Depth INT, Alaska; 4,500.
Depth INT, Alaska; Crack INT, Alaska; 3,000. (5,000—MEA required without HF airborne communication equipment).
Crack INT, Alaska; King Salmon, Alaska, LOM; 3,000. (9,000 MEA required without HF airbornes communication equipment).
King Salmon, Alaska, LOM; Big Mountain, Alaska, LF/RBN; 4,500.

Section 95.627 *Blue Federal Airway 27*, is amended to read:

Woody Island, Alaska, LF/RBN; King Salmon, Alaska, LOM; 10,000.
King Salmon, Alaska, LOM; Oscarville, Alaska, LF/RBN; 7,500.
Oscarville, Alaska, LF/RBN; Ft. Davis, Alaska, LF/RBN; 4,000.
Ft. Davis, Alaska, LF/RBN; Kotzbue, Alaska, LF/RBN; 6,000.

Section 95.1001 *Direct routes—U.S.*, is amended to delete:

*Richfield INT, Idaho; Burley, Idaho, VOR; 7,000. *9,500—MCA Richfield INT, westbound.

Section 95.1001 *Direct routes—U.S.*, is amended by adding:

Mormon Mesa, Nev., VORTAC; Wilson Creek, Nev., VORTAC; 18,000.
Wilson Creek, Nev., VORTAC; Elko, Nev., VORTAC; 20,000.
Elko, Nev., VORTAC; Boise, Idaho, VORTAC; 18,000.

Section 95.1001 *Direct routes—U.S.*, is amended to read in part:

Okmulgee, Okla., VOR via OKM 027 M rad/TUL 152 M rad; Tulsa, Okla., VOR; 3,500.

Section 95.000 *High altitude RNAV routes:*

From/To, total distance changeover point, distance from geographic location, track angle, MEA and MAA

J808R is amended to read in part:

Sardi, N.Y., W/P; 42; 075/255 to COP; 18,000; 45,000.
Patty, N.Y., W/P; 078/258 to Patty.

J809R is amended to read in part:

Sardi, N.Y., W/P; 42; 075/255 to COP; 18,000; 45,000.
Patty, N.Y., W/P; 078/258 to Patty.

Section 95.5500 *High altitude RNAV routes:*

J993R is amended to read in part:

Surfy, N.C., W/P; 103; 20; Surfy; 191/011 to COP; 24,000; 45,000.
Azana, S.C., W/P; 188/008 to Azana.
Azana, S.C., W/P; 119; 104; Azana; 189/009 to COP; 24,000; 45,000.
Gauge, Fla., W/P; 186/006 to Gauge.
Gauge, Fla., W/P; 26; 20,000; 45,000.
Salls, Fla., W/P; 187/007 to Salls.

J995R is amended to read in part:

Azana, S.C., W/P; 103; 83; Azana; 008/188 to COP; 24,000; 45,000.
Surfy, N.C., W/P; 011/191 to Surfy.

Section 95.6063 *VOR Federal Airway 63* is amended to read in part:

From, to and MEA

Stevens Point, Wis., VOR; Wausau, Wis., VOR; *3,000. *2,500—MOCA.
Rhinelander, Wis., VOR; Houghton, Mich., VOR; 3,500.

Section 95.6101 *VOR Federal airway 101* is amended to delete:

Burley, Idaho, VOR; *Kinzie INT, Idaho; **8,000. *11,200—MCA Kinzie INT, northwest-bound. **7,000—MOCA.
Kinzie INT, Idaho; Soldier INT, Idaho; northwest-bound, 12,500; southeast-bound, 8,000.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Burley, Idaho, VOR; *Richfield INT, Idaho; 7,000. *9,500—MCA Richfield INT, westbound.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

Swan Point INT, Md.; Int. 072 M rad Wash, D.C., VOR and 240 M rad Woodstown VOR; *7,0000. MAA—23,000. *1,600—MOCA. Int. 072 M rad Wash, D.C., VOR and 240 M rad Woodstown VOR; Woodstown, N.J., VOR; 2,000. MAA—23,000.

Section 95.6101 *VOR Federal airway 156* is amended to read in part:

Mercyville INT, Ind; Knox, Ind., VOR; *3,000. *2,300—MOCA.

Section 95.6162 *VOR Federal airway 162* is amended to read in part:

Lucketts INT, Va.; Scoby INT, Md.; 5,000. Scoby INT, Md.; Big Flat INT, Pa.; 4,000.

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

Roberts, Ill., VOR; Knox, Ind., VOR; *3,000. *2,300—MOCA.

Section 95.6311 *VOR Federal airway 311* is amended to read in part:

Anderson, S.C., VOR; Greenwood, S.C., VOR; 2,500.

Section 95.6316 *VOR Federal airway 316* is amended to read in part:

Herman INT, Mich.; Marquette, Mich, VOR; *3,500. *3,100—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read:

Homer, Alaska, VOR; Skila INT, Alaska; *5,000. *4,900—MOCA.

Skila INT, Alaska; Naptowne INT, Alaska; 2,500.

Section 95.6452 *VOR Federal airway 452* is amended to read in part:

Tulelake DME Fix, Calif.; Halle INT, Calif.; *14,000. *10,100—MOCA.

Halle INT, Calif.; Reno, Nev., VOR; 10,000.

Section 95.6508 *VOR Federal airway 508* is amended to read:

Middleton Island, Alaska, VOR; *Seward INT, Alaska; **9,000. *9,500—MRA. **8,200—MOCA.

Seward INT, Alaska; *Skila INT, Alaska; **9,000. *5,800—MCA Skila INT, eastbound. **7,500—MOCA.

Skila INT, Alaska; Kenai, Alaska, VOR; *1,900. *1,500—MOCA.

(Sections 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C. on January 16, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-2071 Filed 1-22-75;8:45 am]

[Docket No. 14238; Amdt. No. 951]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impractcable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective February 27, 1975.

Boise, Idaho—Boise Air Terminal, VOR/DME Rwys 10L & R, Orig.
Boise, Idaho—Boise Air Terminal VOR Rwys 10L & R, Amdt. 15.
Boise, Idaho—Boise Air Terminal, VORTAC Rwy 28L, Amdt. 4.
Cheyenne, Wyo.—Cheyenne Municipal Arpt., VOR-A, Amdt. 4.
Cold Bay, Alaska—Cold Bay Arpt., VOR Rwy 14, Amdt. 8.
Detroit Lakes, Minn.—Detroit Lakes Arpt., VOR Rwy 13, Amdt. 2.
King Salmon, Alaska—King Salmon Arpt., VOR Rwy 11, Amdt. 9.
King Salmon, Alaska—King Salmon Arpt., VORTAC Rwy 29, Amdt. 6.
Monroe City, Mo.—Monroe City Arpt., VORTAC-A, Orig.
New Orleans, La.—Lakefront Arpt., VOR-A, Amdt. 12.
New Orleans, La.—Lakefront Arpt., VOR-C, Amdt. 1, cancelled.
Prescott, Ariz.—Prescott Municipal Arpt., VOR Rwy 11, Amdt. 1.
Springfield, Mo.—Air Park South Arpt., VOR Rwy 17, Orig.
Valdosta, Ga.—Valdosta Municipal Arpt., VOR Rwy 35, Amdt. 21.
West Bend, Wisc.—West Bend Municipal Arpt., VOR Rwy 31, Amdt. 3.
Winder, Ga.—Winder Arpt., VOR/DME-A, Amdt. 4.

• • • effective January 16, 1975:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 22R, Amdt. 2.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective February 27, 1975.

Valdosta, Ga.—Valdosta Municipal Arpt., LOC Rwy 35, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective February 27, 1975.

Augusta, Ga.—Bush Field, NDB Rwy 35, Amdt. 21.
Boise, Idaho—Boise Air Terminal, NDB Rwys 10L & R, Amdt. 22.
Breckenridge, Tex.—Stephens County Arpt., NDB Rwy 17, Amdt. 1.
Charleston, S.C.—Johns Island Arpt., NDB Rwy 9, Orig.
Cheyenne, Wyo.—Cheyenne Municipal Arpt., NDB Rwy 26, Amdt. 8.
Cold Bay, Alaska—Cold Bay Arpt., NDB-A, Orig., cancelled.
Cold Bay, Alaska—Cold Bay Arpt., NDB Rwy 14, Amdt. 7.
Covington, Ky.—Greater Cincinnati Arpt., NDB Rwy 18, Amdt. 10.
Glendive, Mont.—Dawson Community Arpt., NDB Rwy 12, Amdt. 2.
King Salmon, Alaska—King Salmon Arpt., NDB-A, Orig., cancelled.
King Salmon, Alaska—King Salmon Arpt., NDB Rwy 11, Orig.
Sedalia, Mo.—Sedalia Memorial Arpt., NDB Rwy 18, Orig.
Sedalia, Mo.—Sedalia Memorial Arpt., NDB Rwy 23, Amdt. 2, cancelled.
Summit, Alaska—Summit Arpt., NDB-A, Amdt. 7.

• • • effective February 13, 1975:

Monticello, Ind.—White County Arpt., NDB Rwy 36, Orig.
Rensselaer, Ind.—Jasper County Arpt., NDB Rwy 18, Orig.

• • • effective January 23, 1975:

Wilmington, Vt.—Mt. Snow Arpt., NDB Rwy 1, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective February 27, 1975.

Augusta, Ga.—Bush Field, ILS Rwy 35, Amdt. 20.
Boise, Idaho—Boise Air Terminal, ILS Rwy 10L, Amdt. 24.
Cheyenne, Wyo.—Cheyenne Municipal Arpt., ILS Rwy 26, Amdt. 27.
Cold Bay, Alaska—Cold Bay Arpt., ILS Rwy 14, Amdt. 10.
Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 18, Amdt. 10.
King Salmon, Alaska—King Salmon Arpt., ILS Rwy 11, Amdt. 12.

• • • effective January 30, 1975:

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., ILS Rwy 10, Amdt. 5.
Reidsville, Ga.—Reidsville Arpt., NDB Rwy 11, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective February 27, 1975.

Baton Rouge, La.—Ryan Arpt., RADAR-1, Amdt. 1.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective February 27, 1975.

Soldotna, Alaska—Soldotna Arpt., RNAV Rwy 7, Orig.
Soldotna, Alaska—Soldotna Arpt., RNAV Rwy 25, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510) Sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on January 9, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.75-2072 Filed 1-22-75;8:45 am]

[Docket No. 14233; Amdt. No. 950]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

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In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending or canceling the following VOR-VOR/DME SIAPs, effective February 20, 1975.

Belzoni, Miss.—Belzoni Municipal Arpt., VOR Rwy 21, Amdt. 3.
Brewton, Ala.—Brewton Municipal Arpt., VOR Rwy 30, Amdt. 2.
DeLand, Fla.—DeLand Municipal/Sidney H. Taylor Field Arpt., VOR-A, Amdt. 1.
Franklin, Pa.—Chess-Lamberton Arpt., VOR Rwy 2, Orig.
Greenwood, S.C.—Greenwood County Arpt., VOR Rwy 9, Amdt. 9.
Greenwood, S.C.—Greenwood County Arpt., VOR Rwy 27, Amdt. 8.
Rockwood, Tenn. — Rockwood Municipal Arpt., VOR/DME Rwy 22, Amdt. 1.

• • • effective January 23, 1975:

Muskogee, Okla.—Davis Field, VOR Rwy 31, Orig.

• • • effective January 16, 1975:

Bastrop, La.—Morehouse Memorial Arpt., VOR/DME-A, Amdt. 2.
Monroe, La.—Monroe Municipal Arpt., VOR Rwy 4, Amdt. 14.
Monroe, La.—Monroe Municipal Arpt., VORTAC Rwy 22, Amdt. 5.
Ruston, La.—Ruston Municipal Arpt., VOR/DME-A, Amdt. 5.

2. Section 97.25 is amended by originating, amending or canceling the following SDF-LOC-LDA SIAPs, effective February 20, 1975.

DeLand, Fla.—DeLand Municipal/Sidney H. Taylor Field Arpt., NDB Rwy 23, Amdt. 1.

• • • effective January 16, 1975:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC(BC) Rwy 22R, Amdt. 8, cancelled.
Monroe, La.—Monroe Municipal Arpt., LOC/DME(BC) Rwy 22, Amdt. 2.

3. Section 97.27 is amended by originating, amending or canceling the following NDB/ADF SIAPs, effective February 20, 1975.

Athens, Tenn.—McMinn County Arpt., NDB Rwy 2, Amdt. 2.
Athens, Tenn.—McMinn County Arpt., NDB Rwy 20, Amdt. 1.
Gainesville, Ga.—Lee Gilmer Memorial Arpt., NDB Rwy 4, Amdt. 2.

• • • effective January 23, 1975:

Muskogee, Okla.—Davis Field, NDB Rwy 31, Amdt. 6.

. . . effective January 16, 1975:

Monroe, La.—Monroe Municipal Arpt., NDB Rwy 4, Amdt. 9.

4. Section 97.29 as amended by originating, amending or canceling the following ILS SIAPs, effective January 16, 1975.

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., ILS Rwy 22R, Orig.
Monroe, La.—Monroe Municipal Arpt., ILS Rwy 4, Amdt. 12.

• • • effective December 26, 1974:

New York, N.Y.—John F. Kennedy Int'l. Arpt., ILS Rwy 4R, Amdt. 20.

5. Section 97.31 is amended by originating, amending or canceling the following RADAR SIAPs, effective December 27, 1974.

Augusta, Ga.—Bush Field, RADAR-1, Amdt. 1.

CORRECTION

In Docket Nr. 14220, Amendment 948, to Part 97 of the Federal Aviation Regulations, published in the Federal Register dated December 27, 1974, on page 44743, under sections 97.23, 97.27, 97.29, and 97.31, effective January 16, 1975—Change effective date of Memphis, Tenn.—Memphis Int'l. Arpt., VOR Rwy 35R, Orig.; NDB Rwy 35R, Orig.; ILS Rwy 17L, Orig.; ILS Rwy 35R, Orig.; and RADAR-1, Amdt. 28, to January 30, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510), Sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on January 2, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75-2073 Filed 1-22-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-896; Amdt. 36]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 17, 1975.

On July 25, 1974, by notice of proposed rule making, Docket 26899, EDR-278 (39 FR 27694), the Board proposed to amend Part 288 of its economic regulations (14 CFR Part 288) by adopting increased minimum rates for Category B international planeload charter services performed by air carriers for the Department of Defense (DOD) to be effective prospectively from the date adopted. In addition, the Board proposed to eliminate the rates for piston and CL-44 aircraft, and to increase the rates for other turboprop aircraft; to establish a conversion charge for the mixed Coral Sea operation; to increase the seat conversion charge, and to provide a minimum advance notification time if conversion rates are to apply; to revise the provisions for computing pay miles for trans-Pacific routings; and to eliminate the monthly review of commercial fuel prices and retroactive rate adjustments to reflect price changes. The notice also indicated that in view of an on-going reexamination of the economic bases for Category A and Z services, revised rates for these services would be considered in a separate rule making. The Board did state, however, that in the event the Category A and Z proposals were not finalized prior to completion of the present full-scale review, it intended to adjust the A and Z rates to the level of the Category B one-way charter rates adopted herein.

Comments in response to the notice were filed by six individual carriers,[1] by nine carriers jointly,[2] and by the DOD. Reply comments were filed by the joint carriers, the DOD, and Trans World Airlines, Inc. Upon consideration, we have determined to adopt the proposed amendments as revised below. All comments and supporting material have been carefully considered, and all contentions not otherwise disposed of herein are rejected.

The rates proposed in the notice were predicated on carrier and DOD forecasts and submissions, screened and adjusted in the light of (1) cost data furnished by the carriers for the fiscal year ended June 30, 1973, which was used as the base period, (2) other reported data, and (3) those price or wage increases actually experienced subsequent to the base period or to be experienced during fiscal year 1974, as evidenced by existing contracts or similar documentation. In accordance with established practice, the Board refused to recognize in its proposed rate any anticipatory cost increases or any price or wage increases which were not adequately supported. We have adhered to that policy in establishing the final minimum rates for MAC services adopted herein. However, where adequate justification has been provided for cost increases during fiscal year 1975, these cost increases are reflected in the final rates.

For final rate purposes, the Board has reviewed the carrier and DOD comments, and adjusted the costs computed in the notice where supporting detail was furnished concerning increases in salaries and wages, and other items of expense since the issuance of the notice. Adequate documentation of such increases was provided by four carriers, and the adjustments to their costs are shown in the attached appendices. With these and other changes discussed below or in the appendices, the rates we are establishing herein will provide an increase of approximately 13.55 percent above the current yield from MAC services for FY 1975.[3]

As proposed, we have eliminated the rates for piston and CL-44 aircraft and increased the rates for other turboprop aircraft performing short-range services. We have also established a conversion

[1] Northwest Airlines, Inc., Pan American World Airways, Inc., The Flying Tiger Line Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., and World Airways, Inc.

[2] Airlift International, Inc., Capitol International Airways, Inc., The Flying Tiger Line Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Seaboard World Airlines, Inc., Trans International Airlines, Inc., and World Airways, Inc. (referred to herein as the joint carriers).

[3] As compared to the rates established in ER-879 including the fuel surcharges provided by ER-881. See Appendix N. (Appendices A-R filed as part of the original document.)

charge of $207 per pallet for the mixed Coral Sea operation. As discussed below, we have changed the proposed minimum notification time by MAC if conversion rates are to apply from that set forth in the notice. The proposed changes in the routing provisions for computing the pay miles in Category B services have been revised from those proposed. We have adjusted the rates herein to reflect commercial fuel prices as of October 1, 1974. In addition, we have eliminated the automatic fuel adjustment clause for fuel purchased from DOD and have included fuel purchased from both the Air Force and the Navy at the October 1, 1974 prices [4] charged by the Defense Supply Agency. We have also amended § 288.8 of the economic regulations-minimum aircraft loads—to provide for 16 pallets instead of 12 on the stretched DC-8-61-63 jets. With these general comments, we turn now to consideration of the rates adopted and the principal issues raised in the comments.

[4] The price per gallon for fuel purchased at military bases on this date was 35.4¢ for JP4 type and 34.0¢ for JP5.

CATEGORY B MINIMUM RATES FOR LARGE TURBOJET AIRCRAFT.

The existing minimum rates for Category B charters, those proposed in the notice, and the revised minimum fair and reasonable rates adopted herein for large turbojet aircraft are set forth below. Also shown, are the percentage differences between the current rates and the rates adopted.

	Current [1]	Proposed	Adopted	Percent Increase (decrease) from Current
Passengers (cents per passenger-mile)				
Round-trip	2.462	2.460	2.848	15.68
One-way	4.632	4.546	5.119	10.51
Cargo (cents per ton-mile)				
Round-trip	9.714	9.117	10.966	12.89
One-way	18.727	14.032	[2] 16.504	(11.87)

[1] Effective Oct. 29, 1974, ER-879 and reflects the fuel surcharge of 6.09 percent adopted by ER-881, Dec. 31, 1974.
[2] This decrease is primarily due to the heavier impact for increased commercial backhauls.

Rate of return. The proposed rates were based upon a return on recognized investment of 10.5 percent. The joint carriers, supported by Trans World Airlines in its reply comment, argue for an increase in the rate of return to 12 percent. They contend that continuing the return on investment for MAC services 1.5 percentage points below that found reasonable for domestic scheduled services is no longer justifiable. They urge a re-examination of this policy, and attempt to refute each of the arguments given in explanation of the present differential in ER-733, May 11, 1972. In general, the carriers' position is that whereas the Board has sought to justify the differential primarily on the basis of a greater stability for MAC than commercial services, the risks for MAC services are actually greater, and that MAC operations are subject to larger volume fluctuations than scheduled services. Thus, the carriers argue that while commercial rates subject to tariffs can be increased as need arises, MAC rates normally remain in effect unchanged for extended periods, and that this creates a substantial risk during a period of rapid inflation such as we are currently experiencing. The carriers argue further that although MAC services involve guaranteed contracts for the "fixed buy" portion of the military's transportation needs, this fact overstates the stability of the operation vis-a-vis domestic scheduled services. While the carriers concede that the planeload charter aspect of the Category B service eliminates the risk of fluctuating load factors, which is inherent in scheduled operations, they argue that this factor is already fully provided for in the lower rate level applicable to Category B services. Finally, the carriers contend that it is no answer to argue that participation in the MAC procurement is voluntary and that no carrier is obligated to participate if it considers the risk too great, since the entire program is designed to serve important national defense objectives.

Rates of return are established and used for rate-making purposes to provide efficient carriers an opportunity to earn profits which approximate their cost of capital over reasonable periods of time and thus enable them to attract the investment necessary to perform required services. Notwithstanding the arguments put forth by the carriers, we continue to believe that MAC contract operations entail a lesser risk than is found in commercial services and that the cost of attracting capital for such operations is therefore less.

To begin with, there are substantial long-term commitments involved in the fixed-buy portion of the MAC contracts which are not present in scheduled services, and which reduce the uncertainties inherent in the MAC program vis-a-vis scheduled services. Secondly, the planeload charter aspect of the Category B service eliminates for the MAC carriers the load-factor risks inherent in scheduled services, and contrary to the joint carriers' assertions, this factor is not fully reflected in the lower rate for MAC services. The lower rate merely reflects the lower costs associated with planeload operations, and in no way is intended to reflect elimination of the load-factor risks. Furthermore, the return differential reflects the fact that MAC operations are essentially noncompetitive with the business divided among the participating carriers on the basis of objective criteria by the DOD. Thus, all of the vicissitudes of operating in the competitive marketplace are absent. Finally, we note that participation in the MAC program is not required, and there is no basis upon which we could conclude that the minimum rates adopted herein, based as they are on a return on recognized investment of 10.5 percent, will result in a reduction in the number of carriers participating in the program to an unacceptable level. Although it is true that over the past several years a number of carriers have terminated their participation in the MAC procurement, there is no reason to believe that this is the result of an inadequate return from the MAC services as opposed to simply a reflection of the decreased volume of MAC business. Of course, we do not deny that there are risks in performing MAC contract services. However, we continue to believe that the present return of 10.5 percent adequately compensates the carriers for these factors.[5]

Fuel costs. The rates proposed in the notice were based upon commercial fuel prices as of February 1, 1974, and military fuel prices at the base level fixed in the price adjustment clause adopted August 28, 1973, by ER-819. The notice indicated that the rates finally adopted would be revised to reflect the latest available commercial fuel prices. No provision was made in the notice for continuation of the commercial fuel surcharge since it appeared that fuel price increases were leveling off.

Both the carriers and DOD argue for continuation of the fuel surcharge. In general, the carriers' position is that in view of continued uncertainty regarding the future course of the fuel situation, the time is not yet ripe for abandonment of the monthly fuel surcharge procedure.

The DOD position is that the minimum rates adopted should be set at a level that excludes a portion of past fuel price increases so that a surcharge would be in effect from the date the final rates are adopted. The Department contends that such a procedure is necessary to protect it from overpaying the carriers should fuel prices drop suddenly after adoption of the final rates. The DOD believes, however, that sufficient stability in fuel prices does exist to permit quarterly review of the surcharge rate on a prospective basis as opposed to the present monthly review and retroactive adjustment. In addition, the Department urges the elimination of the military fuel price adjustment clause, upward adjustment of the minimum rates to reflect current prices for military-supplied fuel, and reflection of price changes for military fuel in the surcharge adjustment.[6]

[5] The return on the carriers' actual investment is of course greater than 10.5 percent because, as discussed *infra*, to the extent the 10.5 percent rate of return fails to include a profit element for the increased risk of operating with leased aircraft, we have provided an additional return for such risk.

[6] The request is in a letter dated October 2, 1974, from Mr. Arthur Purkel, Directorate of Procurement, Headquarters, Military Airlift Command, addressed to the Deputy Director of the Bureau of Economics.

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This would be in lieu of the current procedure which provides for MAC to compensate the carriers for military fuel purchased at prices above certain base levels. The DOD contends that the present practice contains a potential for abuse and is inconsistent with traditional MAC rate-making principles.

The minimum rates adopted herein are based upon commercial fuel prices furnished by the carriers and military fuel prices supplied by the Defense Supply Agency in effect as of October 1, 1974. In view of the continued uncertainty surrounding fuel prices and availability, we have determined to continue the monthly surcharge procedure, and will hereafter include in the review all fuel including that purchased from military sources.[7] This will permit elimination of the automatic military fuel price adjustment clause as requested by the DOD. However, we have determined to eliminate the retroactive application of the surcharge adjustments. We have made this change because the rapid escalation in fuel prices which originally prompted introduction of the fuel surcharge has slowed, and we no longer believe the MAC carriers require protection from continued fuel price escalation on a retroactive basis. Accordingly, future surcharge adjustments based upon our monthly review of reported fuel price changes shall be effective prospectively only.[8] Thus, December 1, 1974, reported fuel price changes are the basis for the surcharge rates adopted herein; and price changes reported as of January 1, 1975, will be the basis for a rate adjustment effective prospectively on or about February 1, 1975.

In addition, as discussed hereafter, we have revised the procedure used to determine the surcharge rate. The average per gallon cost of fuel from both military and commercial sources, reflected in the final rates for international MAC services, are set out for each carrier and group in Appendix Q. The ratio of fuel costs to total economic costs, including return and tax provision, are set forth in Appendix R. Each month, the current average fuel cost per gallon will be determined for military fuel by reference to the Defense Supply Agency, and for commercial fuel from the carriers' first-of-the-month fuel price reports, using the "active stations" methodology for commercial fuel prices at each station.[9] The variations in current average fuel cost from that reflected for each carrier in the rate base [10] will then be translated into a total economic cost impact which when weighted for each carrier in the group, at the same weighting reflected in computing the final rate base, produces the net rate impact for the current fuel price changes.[11] Upon receipt and processing of January 1, 1975, fuel price data, surcharge determinations will be made for effectiveness on or about February 1, 1975, and the procedure shall be repeated each month for as long as it is deemed necessary to maintain this factor in the rate.

As set out in Appendix O, the fuel surcharges for December 1, 1974, prices are computed at 1.30, 1.66 and 1.59 percent for long-range, Pacific interisland and "other" short-range MAC services, respectively. These surcharges are primarily the result fo the four to five percent increase in military fuel prices, representing approximately 60 percent of fuel consumption in MAC operations.

Interrupted-trip expense. The notice proposed to disallow interrupted-trip expense as not applicable to MAC operations. Two carriers [12] oppose this disallowance on the ground that such costs are in fact incurred, and are specifically covered by the MAC contracts. It appears that where the interrupted trip is caused by MAC, the contracts permit the carriers to bill MAC separately for the added costs. On the other hand, if the cause of the interrupted trip is beyond the control of either party then such costs are to be borne by the carrier. On this basis, we have included interrupted-trip expense as an allowable cost as indicated in Appendix M.

Leased aircraft. As indicated in the notice, leased equipment costs have been included in conformance with § 399.43 of the Board's policy statements, which sets forth the Board's treatment of leased aircraft for rate-making purposes. That section provides that for rate-making purposes the Board will recognize only actual rental expense. However, in unusual circumstances, a profit element may be added to reflect the additional risks of operations with leased aircraft that are not compensated for by the return on investment. In the final rate determination, in addition to recognizing actual rental expense, we have included a profit element on leased aircraft in those cases where the ratio of the value of the carrier's leased aircraft to the total value of the carrier's fleet assigned to MAC international operation exceeds 40 percent. In our view, such a ratio is sufficiently in excess of the 25.5 percent ratio for the aggregate of MAC carriers as to warrant the inclusion of a profit element for leased aircraft as shown in Appendix L. However, in two instances (Airlift DC–8–63 and Overseas National DC–8–61/63) the projected rental expense plus the allowable profit exceeded depreciation plus return on investment computed as if the aircraft had been owned by the carrier. Therefore, in accord with Board policy, the amounts recognized were adjusted downward to conform with the depreciation and return which would have been allowed if the aircraft had been owned. In addition, as was pointed out in the notice, recognized rental expense is reflected in the determination of burden ratios, general burden, and the cash operating expenses allowed as working capital.

In both its comment and its reply, Trans World Airlines (TWA) argues against this method of applying the policy statement on leased aircraft. The carrier's position is that by its terms the policy statement provides for a return on leased equipment where the ratio of a carrier's leased to owned aircraft exceeds the ratio for the aggregate of domestic trunkline and local service carriers, and that the Board should have used those carrier groups in computing the industry average rather than the aggregate of MAC carriers. TWA points out that this was the technique used by the Board in past MAC rate reviews, and argues that no logical reason exists for treating leased aircraft differently in the present review. In addition, the carrier contends that the leased equipment ratio has not been computed on the basis of the latest available information which it believes the Board is obligated to use. TWA also contends that, whereas the policy statement provides for recognition of a profit element when the carrier's ratio of leased aircraft value to net book value of owned aircraft is significantly in excess of the ratio for the aggregate of domestic trunkline and local service carriers, the Board has improperly determined the need for a profit element by employing the carrier's ratio of leased aircraft value to leased plus owned aircraft value.[13]

Upon consideration, we find that we agree in principle with TWA's contention that the appropriate comparison should be with the aggregate of domestic trunkline and local service carriers' fleets, rather than that of the MAC carriers. Hereafter, for MAC rate purposes, we will compute any recognized return for operations with leased aircraft on that basis rather than on the basis relied upon herein. However, we are not persuaded to re-compute the return recognized in the present proceeding. To revise the calculations would delay finalization of the rule, a result which all of the carriers have sought to avoid, but would produce what we believe would be only a de minimis change in the final rate.[14] We

[7] As a consequence, the carriers should continue to supply the monthly and quarterly fuel reports to the Government Rates Division.

[8] Experience has shown that these computations can be completed on or before the end of the month. Therefore, absent unusual circumstances, we expect the monthly determinations to become effective on the first day of the following month.

[9] Keyed to current fuel consumption reported, by station, for the latest available quarter's station activity.

[10] Computations for fuel costs reflected in the base rate and as at December 1, 1974, are set out in Appendices P and O.

[11] See Appendix O for computation of the surcharges applicable to the base rates established herein, based on military and commercial fuel prices effective as at December 1, 1974.

[12] Northwest Airlines and Trans International Airlines.

[13] The carrier is correct in its assertion. However, TWA has not shown how it is prejudiced by the method employed, and we are not persuaded to determine the need for a profit element on the basis put forth by the carrier.

[14] TWA has calculated the ratio of leased to owned plus leased aircraft value for domestic trunkline and local services carriers as of December 31, 1973, to be 27.1 percent. Accepting the carrier's figures, we do not find the difference in the return allowed by use of the MAC carriers' ratio of 25.5 percent as of December 31, 1973 to be significant.

are not persuaded that such a result is necessary to achieve a fair and equitable minimum MAC rate.[15]

TWA cost data. The rates proposed in the notice did not reflect TWA's MAC operating results since the carrier submitted no cost data. Both the joint carriers and TWA suggest that the Board derive a cost factor for TWA to avoid skewing the final rates toward the costs of stretched jets which are less expensive to operate than the standard jets TWA operates in MAC service. We will not attempt to derive a cost factor for TWA. To begin with, there is no reason to believe that the preponderance of MAC's airlift requirements cannot be met through use of the more efficient stretched jets. However, in order to permit broader participation in the MAC procurement program by operators of both standard and stretched jets, the Board has established the minimum rates on the basis of a weighted average of participating carriers' costs of operating both equipment types. This permits operators of standard equipment to compete for MAC business at rates that more closely approximate their operating costs than would rates established solely on the basis of operating costs for stretched equipment. However, there is nothing sacrosanct about the weighting technique, and, under the circumstances, the use of costs skewed in favor of the more efficient equipment does not appear unreasonable. In view of the foregoing, and the fact that the carrier has provided no cost data, and indeed had expressed its willingness to accept rates established on the basis of other carriers' submissions,[16] we are not persuaded to derive costs for TWA's standard jet operations.

Investment. Since, as discussed above, the cost data have been adjusted to reflect certain fiscal year 1975 cost increases, the investment data has also been updated to January 1, 1975 the mid point of the latest forecast year.

Determination of rate. The following table shows the total economic costs (Appendices A and B) recognized for each carrier and aircraft for round-trip passenger and cargo charters:

[15] Appendix L has been updated, however, to reflect the carriers' investment as of December 31, 1973, the latest available information.

[16] Letter from the carrier dated September 13, 1973.

	Per passenger-mile		Per cargo ton-mile	
	Standard	Stretched	Standard	Stretched
Airlift, DC–8–63		2.316		9.913
Capitol, DC–8–55	2.811		10.784	
DC–8–63		2.490		10.061
Northwest, B–707	3.098		12.526	
ONA, DC–8–61		2.444		9.734
DC–8–63		2.466		10.066
Pan American, B–707	3.231		12.164	
Saturn, DC–8–54	3.276		12.647	
DC–8–61		2.881		11.876
Seaboard, DC–8–63		2.444		10.658
Flying Tiger, DC–8–63		2.453		10.512
TIA, DC–8–61		2.511		10.279
DC–8–63		2.429		9.796
World, DC–8–63		2.481		9.959

Since the total economic costs have been updated to fiscal year 1975, we have weighted these unit costs by the current year (1975) MAC contract fixed-buy revenues, as opposed to the weighting used in the Notice (1974 contract fixed-buy revenues). In our judgment, the average costs thus produced take into consideration, on an equitable basis, the range of individual carrier costs. As set out in Appendix G, the weighted unit costs for regular jet aircraft are 3.182 cents per passenger-mile and 12.164 cents per ton-mile for passenger and cargo Category B round-trip services, respectively. Correspondingly, the respective passenger and cargo unit costs for round-trip services with stretched jet equipment are 2.481 cents per passenger-mile and 10.136 cents per ton-mile.

The mileage absorption factors reflected in the rate determination, which recognize the difference between revenue miles flown used in costing and the standard mileages used for payment purposes, are the same as that used in the Notice, except as provided below, and are derived from experience data furnished by the carriers. Appendix F shows the computation of the average relationship of operating miles and pay miles. We have applied this ratio to the adjusted costs, by classes of aircraft as shown in Appendix H. Regular jets in passenger service were operated on an average of 1.74 percent, and stretched jets an average of 0.68 percent greater distances than represented by the MAC pay mileages. In cargo services, the averages were 1.84 and 2.67 percent greater for regular and stretched jets, respectively. These absorption factors are the same as were developed in the Notice (except for the elimination of Saturn's DC–8–54 experience in passenger service) since more current data was not available.[17] Where applying the absorption factors to the adjusted costs, stretched and regular jets were weighted on the basis of MAC fiscal 1975 contract fixed-buy revenues. As set forth in Appendix H, the proposed round-trip rates so derived are 2.848 cents per passenger-mile and 10.966 cents per cargo ton-mile. These rates are approximately 16 percent above the current passenger rate and 13 percent above the current cargo rate, including the 6.09 percent commercial fuel surcharge effective December 1, 1974 by ER–894. The increase in the unit rates are attributable to the reduction in the volume of MAC services, increases in fuel prices (both commercial and military, now that the military automatic fuel clause has been eliminated) and the annualization of wage and other operating cost increases.

The one-way rates have been derived in the same manner described in the Notice. However, since we have updated other data for fiscal 1975, we have also updated the commercial revenue backhaul data to reflect the latest reported results—the year ended June 30, 1974. Based on our analysis of the Form 243 data (see Appendix I), the commercial backhaul factors are 12.38 percent for passenger trips and 48.99 percent for cargo trips. The derivation of the one-way rates, based on these factors, is shown in Appendix J. The resulting minimum rates are 5.119 cents per passenger-mile for one-way passenger charters and 16.504 cents per ton-mile for one-way cargo charters. These rates represent an increase in the current one-way passenger rates of about 10 percent, including the 6.09 percent commercial fuel surcharge which was effective December 1, 1974 by ER–894 and a decrease in the one-way cargo rate of 12 percent.[18]

We have determined the line-haul rates for convertible and mixed services in the same manner as in previous rate reviews. However, for the mixed Coral Sea operation, in accordance with the Notice, we have set the conversion charge at $207 per pallet.

Category B Minimum Rates for Small Turbine Aircraft

Set forth below are the existing minimum rates for small turbine aircraft, the rates proposed in the notice, and the revised fair and reasonable minimum rates adopted herein, together with the percentage differences between the current rates and the rates adopted.

[17] DOD in its comment took exception to the mileage absorption factor computed for Saturn Airways in its passenger service with the DC–8–54 aircraft which showed a 23.836 percent deviation. DOD claimed that because this factor is almost five times larger than the next highest deviation in passenger service it must be erroneous, and; therefore should not be relied upon in determining the overall absorption factor. The joint carriers' comment suggests that the absorption factor for Saturn shown in Appendix F to EDR–278 was the product of a typographical error in the Appendix. However, the data submitted by the carrier in its information response was as follows: passenger-miles flown 220,265; pay-miles 177,868 (Schedule R for the year ended 6/30/73). This produces an absorption factor of 23.836 percent. We agree with DOD that this factor is unrealistic and have excluded it in our computation. Also, we will not adjust World's absorption factor to reflect its fiscal 1974 experience, as requested by the joint carriers.

[18] Due to the heavier impact for the increased commercial backhauls.

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	Current [1]	Proposed	Adopted	Percent increase (decrease) from current
PACIFIC INTERISLAND				
Passengers (cents per passenger-mile):				
Round-trip	3.092	3.163	4.022	30.11
1-way	5.905	6.041	7.684	30.13
Cargo (cents per ton-mile):				
Round-trip	16.300	15.608	20.556	26.11
1-way	32.438	31.061	40.907	26.11
ALL OTHER				
Passengers (cents per passenger-mile):				
Round-trip	3.627	3.718	4.613	27.19
1-way	6.928	7.102	8.810	27.17
Cargo (cents per ton-mile):				
Round-trip	17.999	18.204	23.363	29.80
1-way	35.819	36.226	46.492	29.80

[1] Effective Oct. 29, 1974, ER-879, and also reflects the fuel surcharge imposed by ER-894.

The foregoing rates reflect changes, indicated in the Appendices, which are similar to those made for the large turbine aircraft. As proposed in the notice, we have equated the rates for the L-382/L-100-10/20/30 with the B-727 in both the Pacific interisland operation and the "all other" category of operations. We have also eliminated the rate provisions for piston-powered aircraft.

World's costs have been used in developing the rates for the Pacific interisland classification and Eastern's in the "all other" short-range service category. This is consistent with the fiscal 1975 MAC contracts, and we have followed those classifications in assessing costs for our rate-making determinations.

The adjustments from the costs proposed in the Notice for small turbine aircraft charters are based on the same general principles indicated for the large jets, as shown in Appendices C and D. The major cost revisions involve changes resulting from application of October 1, 1974 fuel prices, the elimination of the automatic fuel adjustment clause for military fuel, an allowance for interrupted-trip expense, and the inclusion of increased labor costs as the result of the contracts signed since the original forecasts were submitted.

As was pointed out in the Notice, since there is only one carrier in each classification, there is no need for weighting, and the carrier's recognized costs represent the proposed round-trip passenger and cargo rates.

As was also set forth in the notice, the Form 243 reports indicate that no adjustment is warranted for commercial backhauls in the short-range classifications. For the empty backhauls, we estimate cost savings of approximately nine percent for passenger trips, the same as for long-range services, and one percent for cargo operations, both as reflected in the Notice.

The convertible and mixed rates for the short-range aircraft were derived on the same basis as their counterpart rates for long-range aircraft. The adjustment factors and computations for the convertible rates are set forth in Appendix K.

Individually Ticketed and Waybilled Services

Category A and Z services. In the notice we did not propose revised rates for either Category A passenger or cargo services or Category Z passenger services because of the need for a thorough re-examination of the economic basis for these rates. We indicated that our proposals for these services would be considered in a separate rule making, and that in the event the proposals were not finalized prior to the completion of the present full-scale review, we would adjust the Category A and Z rates to the level of the Category B one-way rates as determined herein. This was intended to preserve the existing relationship until a definitive determination was made on the Category A and Z proposals. Since our Category A and Z notice of rule making has not yet been issued, we are adjusting the Category A and Z rates to the level of the Category B one-way charter rates.

Pan American in its comments has suggested two adjustments it believes are required to the Category A cargo rates.[19] The first adjustment is to apply the rate to the mileages between military bases rather than the mileages between commercial points. The second adjustment is to restore the minimum pallet weight to 4,500 pounds from its present 3,750 pounds. Since these two adjustments relate to the economics of the rate which is presently under study, we will defer action on both adjustments until our notice of rule making is issued.

Standard Mileage

In the notice, the Board proposed amending § 288.10(b), the standard mileage provisions for Pacific services, by eliminating routings via Wake Island and substituting Guam. The deletion of Wake Island was necessary because the airfield there has been closed to all flights except local support traffic. Both the carriers and DOD concur on this change for flights from Hawaii to Thailand, South Vietnam, and the Philippines, and we have finalized these routing changes as proposed. DOD objects, however, to the Guam substitution on mid-Pacific routings to Japan, Formosa, Okinawa, and Korea. In effect the Department contends that because all aircraft types in use by MAC carriers in passenger operations except the DC-8-61 have sufficient range capability to operate direct from Honolulu to Yokota, application of the per-mile rates to mileage constructed by assuming routings via Guam would require it to pay for considerable circuity which is neither required nor actually flown. DOD contends that substitution of Guam on mid-Pacific cargo flights is also unwarranted because the B-707 and DC-8-50 aircraft, which it alleges perform the bulk of mid-Pacific cargo flights, have sufficient range capability to operate nonstop between Honolulu and Yokota.

The joint carriers, on the other hand, although agreeing as to passenger flights, contend that for mid-Pacific cargo flights substitution of Guam for Wake Island is necessary because neither the DC-8-63 nor the DC-8-61 can be operated nonstop from Honolulu to Yokota carrying the prescribed ACL. Since these aircraft must make a technical stop, the carriers argue that the standard mileage should be based upon routings via Guam if the carrier is to be compensated for the mileage actually flown. The carriers also argue that if the same standard mileages are not adopted for all aircraft types, a competitive imbalance would be created, a situation which in the past they contend the Board has sought to avoid.

Based upon supplemental information obtained from carriers operating MAC flights over mid-Pacific routings, it appears that certain aircraft types are in fact capable of operating nonstop from Honolulu to Yokota. For this reason and considering the significant amount of circuity involved, we agree with DOD that an across-the-board substitution of Guam for Wake Island is not warranted. Instead, we will amend the routing provision in § 288.10(b) to provide for mid-Pacific routings either via Guam or direct thus giving to MAC the option to determine the required routings in the contract specifications.

Convertible Rates

The notice proposed a minimum notification time of 30 days if conversion rates are to apply. Should MAC need to convert a flight on less than 30 days' notice, it was proposed to apply one-way rates to each leg of the converted flight. DOD contends that rather than incorporate a minimum notification time in Part 288, it is prepared to amend the existing MAC contracts to provide a minimum conversion notice of 7 days under all conditions. DOD believes that the 7 days' notice will provide carriers a reasonable opportunity to schedule operations while preserving necessary flexibility for MAC. The joint carriers, on the other hand, argue that the proposed seat-conversion charge fails to adequately compensate carriers for the disruption to commercial operations occasioned by short-notice calls by MAC for convertible trips. The carriers contend that the appropriate way to compensate for these costs is to apply the one-way rates to convertible operations, but that, in any event, they are entitled to a minimum of 30 days' notice to plan for each convertible trip.

Upon review of the comments, including DOD's offer of 7 days' advance notice and the carriers' lack of evidence to support the need for application of one-way rates, we have determined to adopt the increased seat-conversion charge proposed in the notice, but to provide for application of convertible rates where 10 days' notice is provided as opposed to the 30 days proposed. In its comment, the DOD urges provision of convertible services on terms which preserve for it necessary operational flexibility. We now believe the proposed 30 days' notice requirement would not provide DOD the flexibility it seeks. Accordingly, we find a reasonable balancing of the conflicting interests is struck by adopting the proposed $75 seat-conversion charge and providing for application of convertible rates where 10 days' advance notice is provided.

Amendment of § 288.8. DOD points out in its comments that the proviso in this section refers to 12 loaded pallets for all DC-8 aircraft, although stretched DC-8 jets can accommodate 16 loaded pallets. The Department believes the section should be amended to include the correct number of pallets. We agree and have amended the section accordingly.

The joint carriers request an amendment of this section to reduce the passenger-ACL for the DC-8-63 on convertible flights from 219 to 201 passengers. The reduction is said to be necessary to accommodate cargo nets and other equipment which must be carried on the passenger leg without the possibility of an airlift deficit. The present ACL for convertible stretched jet services was adopted in ER-786 based upon a test program conducted by MAC. The test results did not indicate any need for a reduction of the passenger-ACL. The carriers have offered no basis to depart from the findings in the MAC study, and we are therefore not persuaded to adopt the proposed change.

In consideration of the foregoing, the Board hereby amends Part 288 of the economic regulations (14 CFR Part 288), effective January 17, 1975, as follows:

1. Amend paragraphs (a) and (d) of § 288.7 to read as follows:

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemption granted by this part that the level of compensation for transportation provided shall not be uneconomically low. In the absence of specific Board approval, the compensation for such services shall not be less than the following:

(a) For charter service in foreign and overseas transportation, and in transportation between the 48 contiguous States, on the one hand, and Alaska or Hawaii, on the other hand, other than specified in paragraph (c) of this section:

Amended rates effective

Aircraft type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible rates [1]		Mixed passenger-cargo rates, per revenue plane-mile [1] [2]	
	Round trip	1 way	Round trip	1 way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	1 way
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*		
Regular turbojets	2.848	5.119	10.966	16.504	2.848	12.641		
Passengers-pallets:								
165 and 0							$4.699	$8.446
117 and 3							4.497	7.742
105 and 4							4.446	7.566
93 and 5							4.395	7.389
81 and 6							4.345	7.213
63 and 7							4.269	6.949
51 and 8							4.212	6.753
0 and 12							4.063	6.024
DC-8-61/63F	[3] 2.848	[3] 5.119	[3] 10.966	[3] 16.501	[3] 2.848	[3] 12.641		
Passengers-pallets:								
219 and 0 [4]							6.237	11.211
159 and 5							5.880	10.174
65 and 12							5.321	8.550
47 and 13							5.214	8.230
0 and 18							4.935	7.427
B-727 Pacific interisland [5]	4.023	7.684	20.556	40.907	4.023	24.667		
Passengers-pallets:								
105 and 0							4.224	8.068
61 and 2							4.005	7.773
50 and 3							3.950	7.699
46 and 4							3.930	7.672
0 and 7							3.700	7.363
B-727 All other [5]	4.613	8.810	23.363	46.492	4.613	28.035		
Passengers-pallets:								
105 and 0							4.844	9.251
61 and 2							4.576	8.881
50 and 3							4.509	8.789
46 and 4							4.485	8.755
0 and 7							4.205	8.369

[1] Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of the performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of $75 per seat changed on each segment. If a flight is converted with less than 10 days' notice, the 1-way rates shall apply to each leg of the converted round trip.

[2] For the Coral Sea variable mixed operation the conversion charge shall be $207 per cargo pallet in lieu of a seat charge.

[3] Also applies to wide-bodied (B-747, DC-10, and L-1011) equipment.

[4] Shall also apply to the L-382/L-100-10/20/30 and CV-990 aircraft.

Provided, That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further*, That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight of that aircraft to DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services: *Provided, however*, That effective January 17, 1975, the total minimum compensation pursuant to the rates set forth above for (1) services performed with regular jet, wide-bodied jet and DC-8F-61/63 aircraft, (2) Pacific interisland services performed with B-727 aircraft, and (3) all other services performed with B-727 aircraft shall be increased by surcharges of 1.30 percent, 1.66 percent and 1.59 percent, respectively.[20]

• • • • •

(d) For Category A transportation services performed on and after January 17, 1975:

[19] The carrier also renews its request for the inclusion within Part 288 of a so-called Category Y or blocked-space rate. Our most recent views on this subject are set forth in Order 74-10-132, October 25, 1974, and further discussion of the matter is unnecessary.

[20] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

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(1) *Passengers.* 5.119 cents per passenger-mile.

(2) *Cargo.* 16.504 cents per ton-mile.

Provided, That effective January 17, 1975, the total minimum compensation pursuant to the rates specified in paragraphs (d)(1) and (2) of this section shall be increased by a surcharge of 1.30 percent.

(3) The foregoing rates per passenger-mile and per ton-mile shall be applied to the shortest mileage between the commercial air carrier points as set forth in the latest IATA Mileage Manual used to compute point-to-point passenger fares and cargo rates per pound.

(4) For cargo services to/from military bases outside the United States, the rates per pound shall not be less than the rates to/from the nearest commercial point, computed in accordance with paragraphs (d)(2) and (3) of this section.

(5) The cargo charges determined in accordance with paragraphs (d)(2) through (4) of this section shall be applied on the basis of a standard weight per pallet of 3,750 pounds: *Provided,* That it is not required that cargo be tendered in pallets.

• • • • •

2. Amend § 288.8 to read as follows:

§ 288.8 Minimum aircraft loads.

The minimum charges established in § 288.7(a) shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers, all-passenger and convertible flights	Tons of cargo: All-cargo flights	Tons of cargo: Convertible flights
B–747	375	90.0	90.0
DC–10–40	280	----	----
DC–10–30	303	75.0	75.0
L–1011	272	----	----
B–707–320B/C	165	36.5	31.7
B–707–300 series	159	----	----
B–707–138	137	----	----
B–707–100 series (other)	149	----	----
DC–8F–61, 63	219	45.0	39.0
DC–8–62	165	39.2	----
DC–8F	165	36.5	31.7
DC–8 (50 series)	149	----	----
DC–8 (other)	147	----	----
DC–9–30	95	----	----
B–727	105	18.0	15.0
CV–990	105	----	----
L–382	----	20.7	----
L–100–10/20/30	----	20.7	----

Provided, That for the purpose of this section, compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is prevented from accommodating a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by DOD, or the bulk of the cargo supplied by DOD, but in no event less than 90 percent of the above minimum loads. For purpose of this proviso, failure by the carrier to accommodate more than 12 loaded pallets on the B–707–320/B/C and DC–8F aircraft, and 16 loaded pallets on the DC–8–61/63 aircraft, irrespective of the total weight thereof, on the all-cargo segment of any convertible charter flight, due to the presence of galley equipment and/or crew facilities on the main deck of the aircraft for use on that convertible charter flight, is deemed to be due to the bulk of the cargo supplied by DOD.

3. Amend paragraph (b) of § 288.10 to read as follows:

§ 288.10 Computation of passenger-miles and cargo ton-miles.

• • • • •

(b) *Pacific services.* In the case of Pacific services between points specified in the following table, the mileage shall be computed via the indicated routings:

Between	Thailand	South Vietnam	Philippine Islands	Guam	Korea	Hawaii	Formosa	Okinawa	Japan	Alaska
U.S. West Coast [A]	4 or 6	4 or 6	4 or 6	5	4 or 8 [B]	1	4 or 8 [B]	4 or 8 [B]	2 or 5 [B]	1
Alaska	3	3	3	3	3	----	3	3	1	
Japan	1	1	1	1	1	[B] 1	1	1		
Okinawa	1	1	1	1	1	[B] 3	1			
Formosa	1	1	1	1	1	[B] 3				
Hawaii	7	7	7	1	[B] 3					
Korea	9	9	1	1						
Guam	1	1	1							
Philippine Islands	1	1								
South Vietnam	1									

ROUTINGS

[A] Any place in the States of California, Oregon, or Washington.
[B] Honolulu-Yokota AB, Japan either direct or via Guam as specified in the MAC contract.

1. Direct.
2. Via Anchorage.
3. Via Yokota AB, Japan.
4. Via Anchorage-Yokota AB, Japan.
5. Via Honolulu.
6. Via Honolulu-Guam.
7. Via Guam.
8. Via Honolulu-Yokota AB, Japan.
9. Via Taipei.

(Secs. 204, 403 and 416, Federal Aviation Act of 1958 as amended: 72 Stat. 743, 758 and 771, as amended; (49 U.S.C. 1324, 1373 and 1386))

Effective: January 17, 1975.

Adopted: January 17, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2028 Filed 1-22-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 656—CARPOOL DEMONSTRATION PROJECTS

Extension of Termination Date

The Federal Highway Administrator is amending the regulations of the Federal Highway Administration relating to carpool demonstration projects to reflect the fact that the statutory termination date for the Federal program of funding carpool demonstration projects has been extended for 1 year. In section 3 of the Emergency Highway Energy Conservation Act, Pub. L. 93–239, Congress specified that a carpool demonstration project could not be approved after December 31, 1974. That termination date was changed to December 31, 1975 by virtue of the enactment of section 120 of the Federal-Aid Highway Amendments of 1974.

Since this amendment relates to administration of a program of Federal grants for carpool demonstration projects, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

In consideration of the foregoing, § 656.11 in Part 656 of Chapter I of title 23, CFR is revised to read as follows:

§ 656.11 Termination.

A carpool demonstration project may not be approved after December 31, 1975.

This amendment is issued under the authority of 23 U.S.C. 315, section 120 of the Federal-Aid Highway Amendments of 1974, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on January 15, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-2116 Filed 1-22-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 448]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arizona	Greenlee	Clifton, town of	Jan. 17, 1975, Emergency	June 7, 1974	----	----
Arkansas	Jackson	Jacksonport, town of	do	Aug. 23, 1974	----	----
California	Plumas	Unincorporated areas	do	----	----	----
Do	Monterey	Soledad, city of	do	May 17, 1974	----	----
Do	Santa Clara	Watsonville, city of	do	Mar. 22, 1974	----	----
Do	Solano	Fairfield, city of	do	Oct. 18, 1974	----	----
Do	Santa Clara	Gilroy, city of	do	May 31, 1974	----	----
Colorado	Larimer	Wellington, city of	do	Mar. 22, 1974	----	----
Connecticut						
Do	Litchfield	Sharon, town of	do	Aug. 2, 1974	----	----
Idaho	Ada	Eagle, city of	do	Dec. 7, 1973	----	----
Illinois	Cook	Summit, village of	do	May 10, 1974	----	----
Do	do	Golf, village of	do	Mar. 29, 1974	----	----
Kansas	Sedgwick	Derby, city of	do	June 28, 1974	----	----
Do	do	Haysville, city of	do	do	----	----
Kentucky	Jessamine	Wilmore, city of	do	----	----	----
Minnesota	Hennepin	Tonka Bay, city of	do	June 7, 1974	----	----
Missouri	Miller	Eldon, city of	do	Mar. 29, 1974	----	----
Nebraska	Thurston	Winnebago, village of	do	Apr. 5, 1974	----	----
New Jersey	Atlantic	Buena, borough of	do	June 28, 1974	----	----
New Mexico	Sandoval	Bernalillo, town of	do	June 7, 1974	----	----
New York	Cayuga	Aurora, village of	do	Apr. 12, 1974	----	----
Do	Montgomery	Fultonville, village of	do	Mar. 1, 1974	----	----
North Dakota	Walsh	Grafton, city of	do	Jan. 23, 1974	----	----
Oklahoma	Oklahoma	Bethany, city of	do	Oct. 18, 1974	----	----
Do	Beckham	Elk, city of	do	May 24, 1974	----	----
Oregon	Harney	Hines, city of	do	Nov. 30, 1974	----	----
Pennsylvania	Washington	Amwell, town of	do	----	----	----

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2004 Filed 1-22-75;8:45 am]

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[Docket No. FI 449]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Shelby	Pelham, city of	January 13, 1975 Emergency	June 21, 1974		
Florida	Bay	Callaway, city of	do	Aug. 9, 1974		
Illinois	Lake	Wauconda, village of	do	Apr. 5, 1974		
Do	Dupage	Oak Brook, village of	do	Mar. 29, 1974		
Do	St. Clair	Swansea, village of	do	Apr. 5, 1974		
Do	Cook	Alsip, village of	do	Mar. 22, 1974		
Do	do	Lansing, village of	do	Feb. 1, 1974		
Maine	Kennebec	Hallowell, city of	do	do		
New York	Lawrence	Massena, village of	do	Oct. 25, 1974		
Pennsylvania	Bedford	Everett, borough of	do	Aug. 9, 1974		
Do	Snyder	Chapman, township of	do			
Do	Adams	Freedom, township of	do			
Do	Lancaster	Paradise, township of	do	Sept. 6, 1974		
Do	Potter	Ulysses, township of	do			
Do	Lancaster	Earl, township of	do	Sept. 20, 1974		
Do	Adams	Straban, township of	do			
Rhode Island	Providence	Scituate, town of	do	Sept. 6, 1974		
South Carolina	Clarendon	Summerton, town of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2005 Filed 1-22-75;8:45 am]

[Docket No. FI-310]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Deletion of Certain Iowa Communities From List of Eligibles, Correction

On July 12, 1974, in 39 FR 25649, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Davenport, Iowa, as an eligible community and included Map No. H 190242 11 which indicates that Lots No. 1 through 11 of Peaceful Valley, Third Addition, Scott County, Davenport, Iowa, as recorded in Deed Book Volume D, pages 5 and 12 of the records of the Recorder of Scott County, Iowa, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in view of additional, recently acquired, flood information that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 21, 1974, Map No. H 190242 11 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, December 24, 1969), (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2174 Filed 1-22-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Revision of Part

JANUARY 16, 1975.

This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 31986 of the September 3, 1974, Federal Register (39 FR 31986), there was published a notice of proposed rulemaking to revise Part 91, Subchapter I, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is made pursuant to the authority contained in section 109 of the Act of April 12, 1974 (88 Stat. 77).

The purpose of this revision of Part 91 is to update the regulations to reflect the provisions of the Indian Financing Act of 1974 (Pub. L. 93-262, 88 Stat. 77) which provides for financing the economic development of Indians, Indian organizations and Indian tribe.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed revision. During this period, comments and suggestions were submitted by interested persons. All comments and suggestions received were analyzed and considered in revising the proposed regulations. Some of the comments and suggestions pertained to changes which would require legislative action to change the Indian Financing Act of 1974.

The following major revisions were made to the proposed regulations as a result of the comments received:

1. § 91.1 *Definitions.* Several changes were made to the definitions in § 91.1. Unterminated California rancherias were added in the definition of "reservation" in paragraph (h). Agricultural was added to the definition of "economic enterprise" in paragraph (i). "Relending organization" was defined in a new paragraph (n). "Default" was defined in a new paragraph (o). "Mortgage" was defined in a new paragraph (p). "Financing Statement" was defined in a new paragraph (q). "Applicant" was defined in a new paragraph (r). "Cooperative association" was defined in a new paragraph (s). "Corporation" was defined in a new paragraph (t). "Partnership" was defined in a new paragraph (u).

2. § 91.2 *Kinds of loans.* This section was revised to clarify the intent and to differentiate between United States direct loans and loans made by relending organizations.

3. § 91.3 *Eligible borrowers under United States direct loan program.* This section was formerly entitled "Eligible borrowers". The title was changed to show that it relates to United States direct loans only.

4. § 91.4 *Applications.* This section was expanded to provide for submittal of additional financial information on economic enterprises.

5. § 91.5 *Approval of loans.* This section was revised to differentiate between approvals of United States direct loans and loans made by a relending organization. A provision was added that economic enterprises which are or will be operated on a reservation must comply with the requirement of applicable rules, resolutions and ordinances enacted by the governing body of the tribe, if applicable.

6. § 91.6 *Modification of loans.* This section was revised and expanded to clarify and separate modification of United States direct loans and loans made by relending organizations.

7. § 91.9 *Preservation of historical and archaeological data.* This section was expanded to include procedures to be followed by relending organizations in considering loan applications and modifications, where the use of funds might require archaeological clearance.

8. § 91.10 *Federal Reserve Regulation Z and Fair Credit Reporting Act.* This is a new section to call attention to the need for compliance with the applicable provisions of these Acts.

9. § 91.11 *Interest.* Paragraph (e) of this section was revised to provide that the interest rate on advances made before April 12, 1974 will remain in effect until the loan is paid in full, refinanced or modified to extend the repayment terms.

10. § 91.13 *Security.* This section was revised to provide more details on the kinds of property and income which may be given as security for both United States direct loans and loans made by relending organizations. A provision was added requiring written notice to the tribe of a reservation in advance of a foreclosure which involves the sale of individually owned trust or restricted land which is mortgaged as security for a loan.

11. § 91.16 *Default on loans made by relending organizations.* This is a new section which provides that the procedures to be followed by relending organizations in correcting defaults on loans will be included in their declarations of policy and plans of operation.

12. § 91.18 *Uncollectible loans made by relending organizations.* This is a new section and was added to prescribe the procedures to be followed by relending organizations in taking action on uncollectible loans as compared to cancellation of United States direct loans as prescribed in § 91.17.

13. § 91.19 *Assignment of loans.* This section was revised and expanded to include both United States direct loans and loans made by relending organizations.

14. § 91.22 *Repayments on United States direct loans.* This section was formerly titled "Repayments". Procedures were added for collecting, applying and processing of payments made by borrowers on loans made by a relending organization which loans have been declared in default and the assets, including loans and securities, taken over by the United States.

15. § 91.23 *Repayments on loans made by relending organizations.* This new section was added to differentiate between collection and deposit procedures on United States direct loans and loans made by relending organizations.

16. § 91.25 *Loans for expert assistance for preparation and trial of Indian claims.* The title of this section was expanded to avoid misunderstandings regarding the purpose. Paragraph (a) was expanded to clearly identify the source of funds for making loans under this section. Paragraph (c) on approvals of contracts for expert assistance was added. Paragraph (d) was added to prescribe the procedures and requirements in processing vouchers or claims submitted by experts for payment of expenses and services pursuant to the terms of the contract. Paragraph (e) includes a requirement that a copy of the expert's voucher or claim will accompany requests for advance of funds.

Other revisions were made for the purpose of clarification and understanding.

It is necessary that this program be initiated as soon as possible in order to prevent eligible Indians and Indian organizations from losing the business and educational opportunities for which they immediately need the loans authorized by these regulations. Therefore, good cause is found for dispensing with the 30-day deferred effective date of these regulations under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective January 23, 1975.

As revised, Part 91 of Subchapter I, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

PART 91—LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Sec.
91.1 Definitions.
91.2 Kinds of loans.
91.3 Eligible borrowers under United States direct loan program.
91.4 Applications.
91.5 Approval of loans.
91.6 Modification of loans.
91.7 Management and technical assistance.
91.8 Environmental and Flood Disaster Acts.
91.9 Preservation of historical and archaeological data.
91.10 Federal Reserve Regulation Z and Fair Credit Reporting Act.
91.11 Interest.
91.12 Records and reports.
91.13 Security.
91.14 Maturity.
91.15 Penalties on default.
91.16 Default on loans made by relending organizations.
91.17 Uncollectible loans made by the United States.
91.18 Uncollectible loans made by relending organizations.
91.19 Assignment of loans.
91.20 Tribal funds.
91.21 Relending by borrower.
91.22 Repayments on United States direct loans.
91.23 Repayments on loans made by relending organizations.
91.24 Approval of articles of association and bylaws.
91.25 Loans for expert assistance for preparation and trial of Indian claims.

AUTHORITY: Sec. 109, 88 Stat. 77.

§ 91.1 Definitions.

Wherever used in the regulations in this Part, the terms defined in this section shall have the meanings stated:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Indian" means any person who is a member of any Indian tribe, band, group, pueblo or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in paragraph (d) of this section.

(d) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(e) "Tribe" means any Indian tribe, band, group, pueblo, or community, including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in paragraphs (f) and (g) of this section, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(f) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Alaska Native Claims Settlement Act (85 Stat. 688) or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who

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shall make findings of fact in each instance), composed of twenty-five or more Natives.

(g) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality.

(h) "Reservation" means Indian reservations, unterminated California rancherias, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688).

(i) "Economic enterprise" means any Indian-owned, commercial, industrial, agricultural or business activity established or organized for the purpose of profit, provided that eligible Indian ownership constitutes not less than 51 percent of the enterprise.

(j) "Organization" means the governing body of any Indian tribe, as defined in paragraph (e) of this section, or entity established or recognized by such governing body for the purpose of this Act.

(k) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

(l) "Profits" mean the net income earned after deducting operating expenses from operating revenues.

(m) "Revolving loan fund" means all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat. 986), the Act of June 26, 1936 (49 Stat. 1968), and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemented including sums received in settlement of debts for livestock pursuant to the Act of May 24, 1950 (64 Stat. 190) and sums collected in repayment of loans made including interest or other charges on loans and any funds appropriated pursuant to Section 108 of the Indian Financing Act of 1974 (88 Stat. 77).

(n) "Relending Organization" means tribes as defined in paragraph (e) of this section, Indian credit associations and associations whose members have a common bond of occupation and/or residence which are organized for the purpose of borrowing from the revolving loan fund in order to conduct a relending program.

(o) "Default" means failure of a borrower to make scheduled payments on a loan, failure to obtain the lender's approval for disposal of assets mortgaged as security for a loan, or failure to comply with the covenants, obligations or other provisions of a loan agreement.

(p) "Mortgages" mean mortgages and deeds of trust evidencing an encumbrance of trust or restricted land, mortgages and security agreements executed as evidence of liens against crops and chattels, and mortgages and deeds of trust evidencing a lien on leasehold interests.

(q) "Financing statement" means the document filed or recorded in county or state offices pursuant to the provisions of the Uniform Commercial Code notifying third parties that a lender has a lien on the chattels and/or crops of a borrower.

(r) "Applicant" means an applicant for a United States direct loan from the revolving loan fund or a loan from a relending organization.

(s) "Cooperative Association" means an association of individuals organized pursuant to state, federal or tribal law, for the purpose of owning and operating an economic enterprise for profit, with profits distributed or allocated to patrons who are members of the organization.

(t) "Corporation" means an entity organized pursuant to state, federal or tribal law, with or without stock, for the purpose of owning and operating an economic enterprise.

(u) "Partnership" means two or more persons engaged in the same business, sharing its profits and risks, and organized pursuant to state, federal, or tribal law.

§ 91.2 Kinds of loans.

Loans from the Indian Revolving Loan Fund shall be made for purposes which will improve and promote the economic development on Indian reservations.

(a) Loans may be made by the United States to eligible relending organizations for relending to members for economic enterprises and to eligible tribes for relending to members, eligible corporations, cooperative associations, partnerships and subordinate bands and for financing tribal economic enterprises, which will promote the economic development of a reservation and/or the group or members thereon. Loans made by tribes or relending organizations may be for the following purposes:

(1) To individual Indians or Natives, cooperative associations, corporations and partnerships, to finance economic enterprises operated for profit, the operation of which will contribute to the improvement of the economy of a reservation and/or the members thereon.

(2) To individual Indians or Natives for purposes of purchasing, constructing or improving housing on a reservation and to be occupied by the borrower.

(3) To individual Indians and Natives for purposes of obtaining a college or graduate education and degree in a field which will provide employment opportunities, provided that adequate funds are not available from sources such as grants, scholarships or other loan sources.

(4) To individual Indians and Natives for purposes of attending vocational schools which provide training in desired skills in a field in which there are employment opportunities, provided that adequate funds and/or training are not available from grant or scholarship sources or federal or state training programs.

Loans may also be made by the United States to tribes for loaning to or investing in other organizations subject to the provisions in paragraph (d) of this section.

(b) Direct loans may be made by the United States to eligible tribes, individual Indians and Natives, corporations, partnerships or cooperative associations. Direct loans from the United States will be made for the following purposes:

(1) To eligible tribes, individual Indians, Natives, or associations thereof, corporations and partnerships, to finance economic enterprises operated for profit, the operation of which will contribute to the improvement of the economy of a reservation and/or the members thereon.

(2) To individual Indians and Natives for purposes of purchasing, constructing or improving housing on a reservation and to be occupied by the borrower.

(3) To individual Indians and Natives for purposes of obtaining a college or graduate education and degree in a field which will provide employment opportunities, provided that adequate funds are not available from sources such as grants, scholarships or other loan sources.

(4) To individual Indians and Natives for purposes of attending vocational schools which provide training in desired skills in a field in which there are employment opportunities, provided that adequate funds and/or training are not available from grants or scholarship sources or federal or state training programs.

(c) Before a United State direct loan is approved, the Commisioner may require the applicants to prepare a market and capacity report on existing or proposed economic enterprises for which financing is requested if the operation involves manufacturing, selling or providing services.

(d) Loans may be made to eligible tribes and Indian organizations for use in attracting industries and economic enterprises, the operation of which will contribute to the economy of a reservation. Tribes and Indian organizations may receive loans from the revolving loan fund for investment in or lending to other organizations regardless of whether they are organizations of Indians. However, not more than 50 percent of the loan made to an Indian organization may be used for the purpose of making a loan to or investing in other organizations. Applications for loans to provide funds for lending to or investing in other organizations already in operation will be accompanied by: (1) audited balance sheets and operating statements of the other organization for the immediate three preceding years; (2) pro forma operating statement and balance sheets for the succeeding three years reflecting the results of operations after injection of the additional funds; (3) names of owners or if a corporation and stock has been issued, names of major stockholders and shares of stock owned by each; (4) a copy of the articles of incorporation and bylaws, if incorporated, or other organization papers if not incorporated; (5) names of members of the board of directors and officers with

a resume of education and experience, and the number of shares of stock owned by each in the corporation; (6) purposes for which loan or investment will be used; and (7) if for manufacturing, selling or providing services, a market and capacity report will be prepared. If a proposed operation is to be established, the information in subparagraphs (2) through (7) of this paragraph will be furnished. The Commissioner may require additional information on the other organization, if needed, to adequately evaluate the benefits which the Indian organization will receive and the economic benefits which will accrue to a reservation. If the loan is for relending to another organization, the application must show what security is being offered. If the loan is for investment in another organization, the equity to be obtained must be shown. Copies of all agreements, contracts or other documents to be executed by the Indian organization and the other organization in connection with a loan or investment shall be submitted with the application for a loan and will require Commissioner approval prior to disbursement of loan funds to the Indian organization.

§ 91.3 Eligible borrowers under United States direct loan program.

(a) Loans may be made from the revolving loan fund to eligible tribes and relending organizations, and corporations, cooperative associations and partnerships, having a form of organization satisfactory to the Commissioner. Individual Indians and Natives who are members of tribes which are not making loans to its members and are not members of or eligible for membership in an organization which is making loans to its members, are eligible for United States direct loans. Loans may be made to applicants only when, in the judgment of the Commissioner, there is a reasonable prospect of repayment. Loans may be made only to an applicant who, in the opinion of the Commissioner, is unable to obtain financing on reasonable terms and conditions from other sources such as banks, Farmers Home Administration, Small Business Administration, Production Credit Associations, Federal Land Banks, and is also unable to obtain a guaranteed or insured loan pursuant to Title II of the Indian Financing Act of 1974 (88 Stat. 77).

(b) The establishment of a United States direct revolving loan program on a reservation(s) for making direct loans will require the approval of the Commissioner. All requests for establishing a United States direct revolving loan program on a reservation will be accompanied by reasons for need, estimate of financing needs, and other sources of financing available to meet the needs. The Commissioner, in approving a United States direct loan program, may require the preparation and approval of a plan of operation for conducting the program.

(c) If local lending conditions and/or the information in an application for a loan indicate a probability that an applicant may be able to obtain the loan from other sources, the Commissioner, before approving a United States direct loan, will require the applicant to furnish letters from two customary lenders in the area who are making loans for similar purposes, stating whether or not they are willing to make a loan to the applicant for the same purposes and amount. If a customary lender will make the loan on reasonable terms and conditions, the Commissioner will not approve a United States direct loan.

§ 91.4 Applications.

An applicant for a United States direct loan or a loan from a relending organization conducting a relending program under this Part will submit an application on a form approved by the Commissioner. Applications will indicate the amount of the loan requested, purposes for which loan funds will be used, security to be offered, the period of the loan, assets and liabilities of the applicant, procedures to be followed in handling loan proceeds, repayment of the loan, budgets reflecting income and expenditures of the applicant, and any other information required to adequately evaluate the application. In addition, applications for loans to finance economic enterprises already in operation will be accompanied by: (a) a copy of operating statements, balance sheets and budgets for the prior two operating years or applicable period thereof preceding submittal of the application; (b) current budget, balance sheet and operating statements; and (c) pro forma budgets, operating statements and balance sheets showing the estimated results for operating the enterprise for two years after injection of the loan funds into the operation. A résumé of the applicant's management experience will be submitted with the application. Applications for loans and requests for advance of tribal trust funds for relending under the provisions of this Part shall be accompanied by a declaration of policy and plan of operation or other acceptable plan for conducting the program. Applications for loans or modifications thereof, to establish, acquire, operate, or expand an economic enterprise shall be accompanied by a plan of operation. Declarations of policy or other plans for conducting a relending program and plans of operation for economic enterprises require the approval of the Commissioner before becoming effective. An application from a corporation, partnership or cooperative association, for a United States direct loan or a loan under a relending program for financing an economic enterprise must, in addition to financial statements and budgets, include a copy of documents establishing the entity, or the proposed documents to be used in establishing it.

§ 91.5 Approval of loans.

(a) Loan agreements, including those used by relending organizations in operating a relending program, must be executed on a form approved by the Commissioner. On direct United States loans, the Commissioner will approve the loan by issuing a commitment order covering the terms and conditions for making the loan.

(b) Applications for loans from relending organizations must be approved, if a tribe, by the governing body or designated committee, or other approving committee or body authorized to act on credit matters for a relending organization, before the Commissioner takes action on the application. This designated governing body of the tribe or committee must be authorized to act on behalf of the relending organization as evidenced in the organization's declaration of policy and plan of operation.

(c) Corporations, partnerships and cooperative associations organized for the purpose of establishing, acquiring, expanding, and operating an economic enterprise shall be organized pursuant to federal, state or tribal law. The form of organization shall be acceptable to the Commissioner. Economic enterprises which are or will be operated on a reservation(s) must comply with the requirements of applicable rules, resolutions and ordinances enacted by the governing body of the tribe.

§ 91.6 Modification of loans.

(a) *United States direct loans.* Any modification of the terms and provisions of a United States direct loan agreement must be requested in writing by the borrower and approved by the Commissioner. The borrower will submit the request for modification and will indicate the section(s) of the loan agreement to be modified together with a justification for the modification. Requests for modifications of loan agreements will include an agreement to abide by the provisions of the regulations in this Part and future amendments and modifications thereof.

(b) *Relending program.* Any modification of the terms and provisions of a loan agreement of a borrower from an organization conducting a relending program must be in writing, agreed to by the borrower, and must be approved by the body authorized to act on loans and modifications thereof as provided in an approved declaration of policy and plan of operation or other plan. If a request for modification of a loan has been disapproved by the body authorized to act on the request, the rejected borrower may request the Commissioner to make a direct loan from the revolving loan fund if the Commissioner determines that the rejection is unwarranted.

§ 91.7 Management and technical assistance.

Concurrent with the approval of a United States direct loan to finance an economic enterprise, the Commissioner will assure under Title V of the Indian Financing Act of 1974 that competent management and technical assistance is available to the borrower consistent with the borrower's knowledge and experience and the nature and complexity of the

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economic enterprise being financed. Assistance may be provided by available Bureau of Indian Affairs staff, other government agencies, including states, the tribe or other sources which the Commissioner considers competent to provide needed assistance. Contracting for management and technical assistance may be used only when adequate assistance is not available without additional cost. Contracts for providing borrowers with competent management and technical assistance shall be in accordance with applicable Federal Procurement Regulations and the Buy Indian Act of April 30, 1908, chapter 153 (35 Stat. 71), as amended June 25, 1910, chapter 431, section 25 (36 Stat. 861).

§ 91.8 Environmental and Flood Disaster Acts.

Loans will not be approved until there is assurance of compliance with any applicable provisions of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975), the National Environmental Policy Act of 1969 (Pub. L. 91-190), (42 U.S.C. 4321) and Executive Order 11514.

§ 91.9 Preservation of historical and archaeological data.

(a) On United States direct loans from the revolving loan fund and modifications thereof to provide additional loan funds which will involve excavations, road or street construction, land development or disturbance of land on known or reported historical or archaeological sites, the Commissioner will take or require appropriate action to assure compliance with the applicable provisions of the Act of June 27, 1960 (74 Stat. 220; (16 U.S.C. 469)), as amended by the Act of May 24, 1974 (Pub. L. 93-291, 88 Stat. 174).

(b) On loans made by relending organizations conducting a relending program using revolving loan funds, the body authorized to act on loan applications and modifications thereof will, at the time of taking action on a loan or request for modification, inform the applicant of the applicability of this Act to the loan and advise the Commissioner of compliance or the need to obtain compliance.

§ 91.10 Federal Reserve Regulation Z and Fair Credit Reporting Act.

(a) United States direct loans and loans made by a relending organization are subject to the provisions of Federal Reserve Regulation Z (Truth In Lending, 12 CFR Part 226; Pub. L. 91-508, 84 Stat. 1127). Economic enterprises which extend credit and require payment of finance charges on unpaid balances will determine the applicability of Regulation Z and comply with the requirements thereof. The Commissioner will issue any necessary instructions to assure compliance with Regulation Z on United States direct loans.

(b) Relending organizations, through their committee or other body authorized to act on loan matters on its behalf, will assure compliance with the applicable provisions of this Act.

(c) The Commissioner will require adherence to the provisions and requirements of Title VI of the Fair Credit Reporting Act in making United States direct loans. Relending organizations, through the body authorized to act on credit matters, will require compliance with the requirements of the Fair Credit Reporting Act.

§ 91.11 Interest.

(a) The interest to be charged on loans by the United States shall be at a rate determined by the Secretary of the Treasury in accordance with section 104, Title I, of the Indian Financing Act of 1974 (Pub.L. 93-262, 88 Stat. 77). The interest rate shall be determined monthly and shall be effective on advances made on loans during the current calendar month. The interest rate shall be stated in the promissory note(s) executed by the borrower(s) evidencing the advance(s).

(b) Additional charges to cover loan administration costs may be determined and charged borrowers.

(c) Educational loans may provide for waiver of interest accruals while the borrower is in school or in military service. Interest shall start on the first day of the month following one year from the date of completion of the educational course or receipt of a degree for which the loan was made. If the course is not completed, interest shall start on the first day of the month following the date the borrower drops out of school. For borrowers in the military service, interest will start on the first day of the month following discharge from service, or following completion of his or her initial enlistment term or four years, whichever is less. Military service for the purpose of this paragraph does not include activities or service in a reserve unit or National Guard which is intermittent or of a duration of less than six months.

(d) The interest rate on loans made by relending organizations which are conducting relending programs shall not be less than the rate the organization pays on its loan(s) from the United States. Relending organizations which adopt and follow the same procedure in calculating interest on educational loans as is followed on educational loans made by the United States, will not be charged interest on loans from the United States on the amount outstanding on educational loans during the period the organization is not charging its borrowers interest.

(e) Interest rates on loan advances made by the United States as shown on promissory notes dated before April 12, 1974, will remain in effect until the loan is paid in full, refinanced, or modified to extend the repayment terms. Unless otherwise specifically provided in a loan contract, the interest rate on advances made after April 12, 1974, will be at a rate determined pursuant to section 104 of Title I of the Indian Financing Act of 1974. The interest rate on loans for expert assistance will be at a rate established in § 91.25 herein.

§ 91.12 Records and reports.

Loan agreements between the United States and tribes, corporations, partnerships, cooperative associations and individual Indians for financing economic enterprises, and to relending organizations, will require that borrowers establish and maintain accounting and operating records that are satisfactory to the Commissioner and submit written reports as required by the Commissioner. The records, accounts, and loan files shall be available for examination and audit by the Commissioner at any reasonable time. Unless an exception is approved by the Commissioner, borrowers will be required to have an annual audit made of the records of relending programs and economic enterprises financed with revolving loan funds, by a certified public accountant or a firm of certified public accountants or other qualified public accountants satisfactory to the Commissioner.

§ 91.13 Security.

(a) United States direct loans shall be secured by such security as the Commissioner may require. A lack of security will not preclude the making of a loan if the proposed use of the funds is sound and the information in the application and supporting papers correctly show that expected income will be adequate to pay all expenses and the loan principal and interest payments, indicating reasonable assurance that the loan will be repaid. Loans made by relending organizations conducting a relending program using revolving loan funds will require borrowers to give security for loans, if available, but the absence of security will not preclude the making of a loan if the proposed use of the funds is sound and the information in the application and supporting papers correctly show that expected income will be adequate to pay all expenses and the loan principal and interest payments, indicating reasonable assurance that the loan will be repaid. The declaration of policy and plan of operation of relending organizations conducting relending programs will include provisions covering the type and amount of security to be taken to secure loans made.

(b) Land purchased by an individual Indian with the proceeds of a loan and land already held in trust or restricted status by the individual Indian may be mortgaged as security for a loan in accordance with 25 CFR 121.34 and the Act of March 29, 1956 (70 Stat. 62; (25 U.S.C. 483a)). Mortgages of individually held trust or restricted land will include only an acreage of the borrower's land which the Commissioner determines is necessary to protect the loan in case of default. On proposed foreclosures which involve the sale of individually held trust or restricted land given as security for a loan, the tribe of the reservation on which the land is located will be notified in writing at least thirty calendar days

in advance of the anticipated date of sale. Land purchased by a tribe with the proceeds of a loan from the revolving loan fund with title taken in a trust or restricted status, and land already held in a trust or restricted status by a tribe may not be mortgaged as security for a loan.

(1) Title to any land purchased by a tribe or by an individual Indian with revolving loan funds may be taken in trust or restricted status unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of a reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase. Otherwise, title shall be taken in the name of the purchaser without any restrictions on alienation, control, or use.

(c) Mortgages of leasehold interests in land held in trust or restricted status by an individual Indian, may be taken for the purpose of borrowing capital for the development and improvement of the leased premises when permitted in the lease or lease modification agreement. Such mortgages must be approved by the lessor and Commissioner. (70 Stat. 62 (25 U.S.C. 483a)).

(d) Individuals may give assignments of income from trust property as security for loans. Tribes may give assignments of trust income as security for loans provided that the assignment shall be specific as to the source(s) of income being assigned. All assignments of trust income require approval by the Commissioner before becoming effective.

(e) Chattels may be given as security for a loan. A mortgage on chattels, the title to which is known to be in trust, requires Commissioner approval. Non-trust chattels may be mortgaged without approval of any federal official.

(f) Crops grown on lands held in trust or restricted status for the benefit of an individual Indian may be given as security for a loan when approved by the Commissioner. Crops grown on leased, trust or restricted land may be given as security for a loan when permitted by the provisions of a lease or when the owner gives written consent. Approval of the lien document by the Commissioner is required. Crops grown on trust or restricted land held by a tribe which has been assigned to an individual for use may be given as security for a loan, provided the terms of the assignment permit the assignee to give the crops as security for a loan or the tribe's governing body specifically gives consent. The lien document requires Commissioner approval. Crops grown on non-trust or nonrestricted land may be mortgaged without the approval of any federal official.

(g) Title to any personal property purchased with a loan shall be taken in the name of the purchaser and mortgaged to secure the loan unless the loan is otherwise adequately secured. Tribes must adhere to the provisions of their constitutions and bylaws, corporate charters, or other organizational documents when mortgaging tribal property and assigning trust income as security for loans.

(h) Relending organizations receiving a loan from the United States for relending shall be required to assign to the United States as security for the loan all securities acquired in connection with loans made to its members, sub-organizations, or associations from such funds, unless the Commissioner determines that repayment of the loan to the United States is otherwise reasonably assured. Funds advanced to finance a tribal economic enterprise shall be secured by an assignment of net income and net assets of the economic enterprise, unless the Commissioner determines that it is not feasible to require an assignment or that repayment of the loan to the United States is otherwise reasonably assured.

(i) Securing documents or financing statements shall be filed or recorded in accordance with applicable state or federal laws except for those customarily filed in Bureau of Indian Affairs offices. Mortgages on documented vessels will be filed at the customs house designated as the home port of the vessel as shown on the marine document.

§ 91.14 Maturity.

The maturity of any United States direct loan shall not exceed thirty years. Loans made will be scheduled for repayment at the earliest possible date consistent with the purpose of the loan and the repayment capacity of the borrower.

§ 91.15 Penalties on default.

Unless otherwise provided in the loan agreement between the United States and a borrower, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds for the taking of any one or all of the following steps by the Commissioner:

(a) Discontinue any further advance of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and in the case of individuals, corporations, partnerships or cooperative associations, the property purchased with the borrowed funds.

(c) Prosecute legal action against the borrower or against officers of corporations, tribes, bands, credit associations, cooperative associations, and other organizations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

(f) Withdraw any unobligated funds from the borrower.

(g) Require relending organizations conducting a relending program to apply all collections on loans to liquidate the debt to the United States.

(h) Take possession of the assets of a relending organization conducting a relending program and exercise or arrange to exercise its powers until the Commissioner has received acceptable assurance of its repayment of the revolving loan and compliance with the provisions of the terms of the loan agreement.

(i) Liquidate, operate or arrange for the operation of economic enterprises financed with revolving loans made to individuals, tribes, corporations, partnerships and cooperative associations until the indebtedness is paid or until the Commissioner has received acceptable assurance of its repayment and compliance with the terms of the loan agreement.

§ 91.16 Default on loans made by relending organizations.

Relending organizations conducting relending programs using revolving loan funds will follow prudent lending practices in making and servicing loans and take appropriate actions to protect their interests in the security given to secure repayment of loans. Declarations of policy and plans of operation shall include procedures which will be followed in acting to correct a default, such as modification of loan agreement or foreclosure and liquidation of security. Relending organizations employing a general counsel will refer legal questions on foreclosure procedures and sale of security to their counsel.

§ 91.17 Uncollectible loans made by the United States.

If the Secretary determines that a United States direct loan is uncollectible in whole or in part or is collectible only at an unreasonable cost or when such actions would in his judgment be in the best interest of the United States, he may cancel, adjust, compromise, or reduce the amount of any loan or any portion of any loan made from the revolving loan fund. The Commissioner may adjust, comprise, subordinate or modify the terms of any mortgage, lease, assignment, contract, agreement or other document taken as security for loans. The cancellation of all or part of a loan shall be effective only after the following steps have been taken:

(a) The Secretary submits to the Congress a report on adjustments made during the preceding fiscal year with recommendations for cancellations for the current fiscal year.

(b) Congress by concurrent resolution approves the cancellation within sixty legislative days after receipt of the report and recommendations or,

(c) Congress does not take action approving or disapproving the cancellation within sixty legislative days after receipt of the report.

(47 Stat. 564 (25 U.S.C. 386a))

§ 91.18 Uncollectible loans made by relending organizations.

(a) Relending organizations conducting relending programs using revolving loan funds may, when approved by the Commissioner, charge off as uncollectible all or part of the balance of principal and interest owing on loans which are considered to be uncollectible. Usually a charge off includes both principal and interest and provides for cessation of in-

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terest accruals on the principal balance owing as of the date of the charge off.

(b) Action to charge off a loan will be in the form of a resolution enacted by the committee or body authorized and responsible for actions on loan matters for the relending organization. Before action is taken to charge off a loan as uncollectible, the lender will make an effort, to the extent feasible, to liquidate the security given for a loan and apply the net proceeds as a repayment on the balance of principal and interest owed. The charge off of a loan by a relending organization as uncollectible will not reduce the principal balance owed to the United States. A charge off will not release the borrower of the obligation or the responsibility to make payments when his or her financial situation will permit. Charge off action will not release the lender of responsibility to continue its efforts to collect the loan.

§ 91.19 Assignment of loans.

A borrower of a direct loan from the United States may not assign the loan agreement or any interest in it to a third party without the consent of the Commissioner. Relending organizations which are conducting relending programs may not assign the loan agreements of borrowers, or any interest therein, to third parties without the approval of the Commissioner and the borrower.

§ 91.20 Tribal funds.

(a) Tribal trust funds may be advanced to tribes when authorized by Congress, requested by the governing body, and approved by the Commissioner for the establishment, operation or expansion of economic enterprises and for relending in accordance with paragraphs (b) and (c) of this section and § 91.21 herein. No interest shall be paid to the United States on such funds. The Commissioner may require the tribe to prepare a plan of operation for the enterprise and a plan establishing the policies and procedures for making loans to members from tribal funds.

(b) Support loans may be made to old, indigent or disabled members and loans may be made to cover burial expenses of members when there is reasonable assurance that the loans will be repaid. Interest may be waived on such loans. These loans, unless otherwise authorized by the Commissioner, shall be accounted for separately by the tribe and administered under a separate plan of operation from the plans governing housing, business, education and agricultural loans.

(c) In order for individuals to be eligible for loans from tribal funds, they must be members of the tribe to which the funds belong.

(d) Failure of a tribe to use tribal funds advanced under paragraph (a) of this section in accordance with the regulations and purposes for which requested shall be grounds for any or all of the following steps to be taken by the Commissioner:

(1) Discontinue further advance of funds requested.

(2) Require that the entire amount advanced be returned to the Treasury.

(3) Prevent further disbursement of tribal funds in the account of an economic enterprise or tribal relending program under the control of the tribe.

(4) Withdraw any unobligated funds from the tribe and deposit the same in the Treasury.

(5) Require that all repayments on loans made by the tribe be used to replace funds advanced to the tribe from the Treasury.

(6) In the case of tribal economic enterprises operated with tribal funds, liquidate, operate or arrange for the operation of the enterprise until all tribal trust funds advanced to the tribe have been replaced in the tribe's United States Treasury account, or until the Commissioner has received acceptable assurance that the funds will be replaced or that the enterprise will be operated in a manner satisfactory to him.

§ 91.21 Relending by borrower.

(a) A relending organization may reloan funds loaned to it by the United States with the approval of the Commissioner. The Commissioner may authorize such lenders to approve applications for particular types of loans up to a specified amount.

(b) Loans shall be secured by such securities as the lender and the Commissioner may require. With the Commissioner's approval, mortgages of individually held trust or restricted land, leasehold interests, chattels, crops grown on trust or restricted land, and assignments of trust income may all be taken as security for loans.

(c) Title to personal property purchased with loans received from relending organizations using revolving loan funds in its relending program shall be taken in the name of the borrower.

(d) The term of a loan made by a relending organization conducting a relending program shall not extend beyond the maturity date of its loan from the United States, unless an exception is approved by the Commissioner and the organization has funds available from which to make scheduled repayment on its loan from the United States. Loans made will be scheduled for repayment at the earliest possible date consistent with the purpose for which a loan is made and the indicated repayment capacity of the borrower.

(e) When a relending organization making loans to its members from moneys borrowed from the United States rejects a loan application from an eligible member, the Commissioner may, in his discretion, make a direct loan from the revolving fund to the applicant if he determines the rejection is unwarranted. In making this determination, the Commissioner will review in detail the reasons why the organization rejected the application; the soundness and feasibility of the applicant's proposal; the applicant's repayment ability, industry and work habits; whether the applicant can obtain licenses or permits required by the tribe; and assurance that the applicant has or can obtain the use of land required, if a loan is approved.

(f) Securing documents or financing statements shall be filed or recorded in accordance with federal or state law except those customarily filed in Bureau of Indian Affairs offices. Mortgages on documented vessels will be filed at the custom house designated as the home port of the vessel as shown on the marine document.

§ 91.22 Repayments on United States direct loans.

Repayments on United States direct loans shall be made to the authorized collection officer of the Bureau of Indian Affairs who shall issue an official receipt for the repayment and deposit the collection into the revolving loan fund. Collections will first be applied to pay interest to date of payment and the balance applied on the principal installment due. Collections on loans made by relending organizations which have been declared in default in which the Commissioner has taken control of the assets of the program (including loans made with balances owing) will be made to an authorized collection officer of the Bureau of Indian Affairs who shall issue a receipt to the payor and deposit the collection in the United States revolving loan fund. The relending organization's loan from the United States will be credited with the amounts collected from its borrowers, with the collections applied first on interest accrued and the balance applied to the principal. Payments on United States direct loans may be made in advance of due dates without penalty.

§ 91.23 Repayments on loans made by relending organizations.

Repayments on loans made by a relending organization conducting a relending program will be made to the officers of the lending organization or individuals designated and authorized in a declaration of policy and plan of operation. Collections on loans and other income to a relending program will be deposited in the lender's revolving loan account as designated in a declaration of policy and plan of operation. Collections on loans will be first applied to pay interest to date of payment with the balance applied to the principal.

§ 91.24 Approval of articles of association and bylaws.

Articles of association and bylaws of relending organizations and cooperative associations require approval of the Commissioner if they make application for a revolving credit loan.

§ 91.25 Loans for expert assistance for preparation and trial of Indian claims.

(a) Loans may be made to Indian tribes, bands and other identifiable groups of Indians from funds authorized and appropriated under the provisions of section 1 of the Act of November 4, 1963 (Pub. L. 88–168, 77 Stat. 301; 25 U.S.C. 70n–1), as amended by the Act of September 19, 1966 (Pub. L. 89–592, 80 Stat. 814) and section 2 of the Act of May 24, 1973 (Pub. L. 93–37, 87 Stat. 73). Loan proceeds may only be used for the employment of expert assistance, other than the assistance of counsel, for the preparation and trial of claims pending before the Indian Claims Commission. Applications for loans will be submitted on forms approved by the Commissioner and shall include a justification of the need for a loan. The justification shall include a statement from the applicant's claims attorney regarding the need for a loan. The application will be accompanied by a statement signed by an authorized officer of the applicant certifying that the applicant does not have adequate funds available to obtain and pay for the expert assistance needed. The Superintendent and the Area Director will attest to the accuracy of the statement or point out any inaccuracies. Loans will be approved by issuance of a commitment order by the Commissioner.

(b) No loan shall be approved if the applicant has funds available on deposit in the United States Treasury or elsewhere in an amount adequate to obtain the expert assistance needed or if, in the opinion of the Commissioner, the fees to be paid the experts are unreasonable on the basis of the services to be performed by them.

(c) Contracts for the employment of experts are subject to the provisions of 25 U.S.C. 81 and require approval by the Commissioner.

(d) Vouchers or claims submitted by experts for payment for services rendered and reimbursment for expenses will be in accordance with the provisions of the expert assistance contract and shall be sufficiently detailed and itemized to permit an audit to determine that the amounts are in accordance with the contract. Vouchers or claims shall be reviewed by the borrower's claims attorney who will certify on the last page of the voucher or by attachment thereto, that the services have been rendered and payment is due the expert and that expenses and charges for work performed are in accordance with the provisions of the contract.

(e) Requests for advances under the loan agreement shall be accompanied by a certificate signed by an authorized officer of the borrower certifying that the borrower does not have adequate funds available from its own financial resources with which to pay the expert. The Superintendent and Area Director will attest to the accuracy of the statement or point out inaccuracies. A copy of the voucher or claim from the expert will accompany the request for advance.

(f) Loan funds will be advanced only as needed to pay obligations incurred under approved contracts for expert assistance. The funds will be deposited in a separate account, shall not be commingled with other funds of the borrower, and shall not be disbursed for any other purpose.

(g) Loans shall bear interest at the rate of 5½ percent per annum from the date funds are advanced until the loan is repaid.

(h) The principal amount of the loan advanced plus interest shall be repayable from the proceeds of any judgment received by the borrower at the time funds from the award become available to make the payment.

(77 Stat. 301 (25 U.S.C. 70n–1 to 70n–7))

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75–2106 Filed 1–22–75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1925—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Recordkeeping Requirements

Pursuant to authority in the Service Contract Act of 1965 (41 U.S.C. 351 et seq.) and in Secretary of Labor's Order No. 12–71 (36 FR 8754), § 1925.3 of Title 29, Code of Federal Regulations, is revised in order to provide uniformity in the recordkeeping requirements of both the McNamara-O'Hara Service Contract Act (41 U.S.C. 351 et seq.) and the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

Good cause is found for not providing notice and public procedure concerning this amendment. Notice and public procedure are found unnecessary because Federal Service contractors who were already required to comply with the recordkeeping requirements of the Occupational Safety and Health Act, are by this amendment relieved of maintaining duplicative records. For the above reason also, this amendment does not increase the obligation of persons affected thereby and accordingly shall become effective January 23, 1975.

Section 1925.3 of Title 29, Code of Federal Regulations, is revised to read as follows:

§ 1925.3 Records.

Every contractor or subcontractor shall comply with the recordkeeping requirements of 29 CFR Part 1904.

(Sec. 4, 79 Stat. 1034, 86 Stat. 789 (41 U.S.C. 351 et seq.))

Signed at Washington, D.C. this 16th day of January, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–2126 Filed 1–22–75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Colorado Plan—Approval of Revised Developmental Schedule

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On September 12, 1973, a notice was published in the FEDERAL REGISTER (38 FR 25172) of the approval of the Colorado plan and of the adoption of Subpart M of Part 1952 containing the decision. On April 10, 1974, the State of Colorado submitted a supplement to its plan which contained a revised developmental schedule. On July 2, 1974, a notice was published in the FEDERAL REGISTER (39 FR 24376) concerning the submission of the supplement to the Assistant Secretary for Occupational Safety and Health and the fact that the question of approval was in issue before him. On December 11, 1974, the State submitted a further revision and clarification of the developmental schedule which differed in some respects from the one submitted on April 10, 1974, and published in the FEDERAL REGISTER in July.

2. *Issues.* Section 1952.193 of Subpart M sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of the plan's operations. The supplement to the plan concerns a developmental schedule which has been revised because standards and regulations were not promulgated by the State as soon as anticipated. The Colorado Occupational Safety and Health Standards Board which is responsible for the development of standards, regulations concerning variances and rules of procedure for review of appeals and citations was not appointed by the Governor until December 1973.

In addition the proposed Colorado standards had not received approval by the Assistant Secretary. Fifty days after its first meeting, the Board temporarily adopted all Federal standards in effect as of March 1, 1974. Accordingly, enforcement operations under the Colorado plan did not commence until that date.

As approved, the Colorado plan contained a clarification dated February 16, 1973, that a decision concerning a Management Information System would be made by June 30, 1974. The State had advised that the delay in the commencement of enforcement operations has shortened the reporting experience upon which to develop the Management Information System and requested an extension of the time for implementation of the system to December 31, 1974. The State also advised this Department that it would submit a public employee plan by June 1, 1974, and begin implementation of the plan within 45 days after approval. The State further requested a revision of its developmental schedule to delay assuming jurisdiction over agriculture until after extensive State-wide hearings on a complete set of standards for agriculture and ranching operations.

No public comments were submitted concerning the plan change. The December revision of the developmental schedule eliminates the contingent date for the implementation of the public em-

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ployee program and the promulgation and implementation of agricultural standards. It also provides for adoption of all Federal standards contained in 29 CFR Part 1910 (except for the maritime standards in §§ 1910.13 through 1910.16) and 29 CFR Part 1926, instead of the promulgation of permanent State standards, and extends the date to June 30, 1975, for development and implementation of a Management Information System. These revisions and clarifications do not substantively affect the State's commitments as proposed in the notice of July 2, 1974. (39 FR 24376).

3. *Location of the plan and its supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street, NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, Colorado 80202; and the Office of the Director of Labor, Department of Labor and Employment, 200 East Ninth Avenue, Denver, Colorado 80203.

4. *Decision.* After careful consideration, the revised developmental schedule for Colorado is approved under Part 1953. It has been determined that there are reasonable assurances that the State will complete the steps contained in the schedule within the three year development period. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. Accordingly, § 1952.193 in Subpart M of Part 1952 is amended as follows:

§ 1952.193 Developmental schedule.

The Colorado State plan is developmental. The following is the developmental schedule as amended and provided by the plan:

(a) Adoption of all Federal standards contained in 29 CFR Part 1910 (except for the maritime standards in §§ 1910.13 through 1910.16) and 29 CFR Part 1926 by August 1974.

• • • • •

(c) A public employee occupational safety and health program will be implemented in two stages: (1) Education and Technical Assistance Activities by January 1, 1975; and (2) Enforcement and Inspection Activities by February 1, 1975.

• • • • •

(f) Development and implementation of a Management Information System by June 30, 1975.

(g) Promulgation and enforcement of agricultural standards by July 1, 1975.

(h) Submission of amendments to the Colorado enabling legislation to the 1975 Session of the Colorado General Assembly.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 16th day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-2127 Filed 1-22-75;8:45 am]

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2200—RULES OF PROCEDURE

Deletion of Existing § 2200.34 and Substitution of a New § 2200.34

The Occupational Safety and Health Review Commission has determined that it is appropriate to delete the existing § 2200.34 dealing with petitions for modification of abatement period and to substitute therefor a new section with the same number dealing with the same topic. Since notice and public procedure are not required under 5 U.S.C. 553 with respect to the amendment or change of procedural rules of the Occupational Safety and Health Review Commission, public comments are not being solicited on this change.

The practical effect of the change is to shift the responsibility of processing uncontested petitions for modification of the abatement requirements of a citation (29 U.S.C. § 659(c)) from this Commission to the Secretary of Labor. Contested cases will continue to be filed, docketed and processed by the Commission.

The hereinafter described changes to the Rules of Procedure shall become effective on February 18, 1975, and shall apply to all P.M.A.'s filed thereafter.

The action of the Commission is as follows: (1) Section 2200.34 as previously adopted on September 28, 1972, and published in the FEDERAL REGISTER of that date at 37 FR 20240, is hereby deleted in its entirety and the following is substituted in place thereof.

§ 2200.34 Petitions for modification of abatement period.

(a) An employer may file a petition for modification of abatement date when such employer has made a good faith effort to comply with the abatement requirements of a citation, but such abatement has not been completed because of factors beyond the employer's reasonable control.

(b) A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

(c) A petition for modification of abatement date shall be filed with the Area Director of the United States Department of Labor who issued the citation no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

(1) A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near each location where the violation occurred. The petition shall remain posted for a period of ten (10) days.

(2) Affected employees or their representatives may file an objection in writing to such petition with the aforesaid Area Director. Failure to file such objection within ten (10) working days of the date of posting of such petition shall constitute a waiver of any further right to object to said petition.

(3) The Secretary or his duly authorized agent shall have the authority to approve any petition for modification of abatement date filed pursuant to subparagraphs (b) and (c). Such uncontested petitions shall become final orders pursuant to sections 10 (a) and (c) of the Act.

(4) The Secretary or his authorized representative shall not exercise his approval power until the expiration of fifteen (15) working days from the date the petition was posted pursuant to paragraphs (c) (1) and (2) by the employer.

(d) Where any petition is objected to by the Secretary or affected employees, such petition shall be processed as follows:

(1) The petition, citation and any objections shall be forwarded to the Commission within three (3) working days after the expiration of the fifteen (15) day period set out in paragraph (c) (4).

(2) The Commission shall docket and process such petition in the same manner as any other contested case, except that all hearings on such petitions shall be handled in an expeditious fashion.

(3) An employer petitioning for a modification of abatement period shall have the burden of proving in accordance with the requirements of 29 U.S.C. § 659 (c), that such employer has made a good faith effort to comply with the abatement requirements of the citation and that abatement has not been completed because of factors beyond the employer's control.

(4) Within ten (10) working days after the receipt of notice of the docketing by the Commission of any petition for modification of abatement date, each objecting party shall file a response setting forth the reasons for opposing the granting of a modification date different from that requested in the petition.

(Sec. 12(g), Pub. L. 91-596, 84 Stat. 1604 (29 U.S.C. § 661(f)))

For the Commission.

Dated: January 20, 1975.

[SEAL] WILLIAM S. MCLAUGHLIN,
Executive Secretary.

[FR Doc.75-2146 Filed 1-22-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 67—POSTAL SERVICE

Revision of Postal Regulation

This document provides for the continuation of mailing list correction services without charge to Government agencies in the Canal Zone. This revision will eliminate the fee for such services that is necessitated by the United States Postal Service Notice published in the FEDERAL REGISTER on January 19, 1973 (38 FR 1931). The fee established by the said notice applies to the Canal Zone due to its incorporation by reference pursuant to 35 CFR 67.46. The services in question are considered desirable and in the public interest; however, the revenue derived from the prescribed fee is minimal in the Canal Zone.

In 35 CFR Part 67, § 67.46 is revised to read as follows:

§ 67.46 Mailing List Services.

The provisions of 39 CFR relating to mailing list services are applicable to and within the Canal Zone, and to the Canal Zone Postal Service, with the exception that mailing lists submitted by Government agencies within the Canal Zone shall be corrected without charge.

Effective date: This revision is effective October 1, 1973.

(2 C.Z.C. 1131-1143, 76A Stat. 38-40)

Dated: January 9, 1975.

[SEAL] RICHARD L. HUNT,
Acting Governor of the Canal Zone.

[FR Doc.75-2114 Filed 1-22-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 313-6]

PART 15-7—CONTRACT CLAUSES

Subpart 15-7.2—Cost Reimbursement Type Supply Contracts

Part 15-7, Contract Clauses, and Subpart 15-7.2, Cost Reimbursement Type Supply Contracts, are hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

On November 8, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 39584-39585) stating that the Environmental Protection Agency was considering adding paragraph (e) to § 15-7.202-22, Insurance—Liability to Third Persons. Interested parties were invited to submit written data, views, or objections. Comments were considered and we are adopting the regulation without change.

Effective date: This addition shall become effective January 23, 1975.

Dated: JANUARY 15, 1975.

JOHN QUARLES,
Acting Administrator.

1. Part 15-7, Contract Clauses, and Subpart 15-7.2, Cost reimbursement type supply contracts, are added to Title 41, Chapter 15 of the Code of Federal Regulations.

2. The following paragraph (e) is added to the clause entitled "Insurance—Liability to Third Persons" (FPR 1-7.202-22) and the clause with added paragraph (e) is made applicable to all cost reimbursement type research and development contracts.

§ 15-7.202-22 Insurance liability to third persons.

Insert the following clause in cost-reimbursement type supply contracts pursuant to the general policies set forth in Subpart 1-10.5. The clause may be supplemented to provide other types of coverage required by agency procedures.

INSURANCE—LIABILITY TO THIRD PERSONS

(e) The Contractor shall procure and maintain the following insurance: (1) When aircraft are used in the performance of the contract, aircraft public and passenger liability insurance, in such form, in such amounts, and for such periods of time as the Contracting Officer may require or approve; (2) at a minimum public liability insurance, on the comprehensive form of policy, in the amount of $200,000 per claimant and $500,000 per accident; (3) in jurisdictions where all occupational diseases are not compensable under applicable Workmen's Compensation Laws, insurance for occupational diseases is required under the employers' liability section of the insurance policy.

(40 U.S.C. 486(c), 63 Stat. 377 as amended)

[FR Doc.75-2060 Filed 1-22-75;8:45 am]

[FRL 310-4]

PART 15-12, LABOR

Chapter 15, Title 41, Code of Federal Regulations, is amended to add a new Part 15-12, Labor, and a new Subpart 15-12.6, Walsh-Healey Public Contracts Act. This new subpart provides contracting officers with a procedure for processing protests pertaining to the provisions of the Walsh-Healey Act.

It is the general policy of the Environmental Protection Agency to allow time for interested parties to participate in the rulemaking process. However, the public rulemaking process is deemed unnecessary in this instance, as the amendment herein contains administrative matters.

Effective date: This procedure will be effective on January 23, 1975.

Dated: January 13, 1975.

JOHN QUARLES,
Acting Administrator.

Title 41, Chapter 15 of the Code of Federal Regulations is amended by adding new Part 15-12 with Subpart 15-12.6 to read as follows:

Subpart 15-12.6—Walsh-Healey Public Contracts Act

Sec.
15-12.604 Responsibilities of contracting officers.
15-12.604-50 Determinations of eligibility of bidders and offerors.

AUTHORITY: The provisions of this Part 15-12 issued under 40 U.S.C. 486(c), sec. 205(c) 63 Stat. 390, as amended.

§ 15-12.604 Responsibilities of contracting officers.

§ 15-12.604-50 Determinations of eligibility of bidders and offerors.

(a) *Initial determination of eligibility.* The responsibility for applying the eligibility requirements set forth in § 1-12.601 of this title rests with the contracting officer. The Department of Labor does not conduct preaward investigations, nor render final determinations of eligiblity until the contracting officer has gathered all the necessary evidence and initially determined whether the eligibility requirements have been met. When a contracting officer has determined that an apparently successful bidder or offeror is ineligible, he shall notify the bidder or offeror promptly in writing and inform it:

(1) That it does not meet the eligibility requirements and provide the reason(s) for ineligibility;

(2) That it may protest the determination and submit evidence of eligibility to the contracting officer; and

(3) That if after review of the evidence submitted, the contracting officer still deems the bidder or offeror ineligible, he will forward the protest, together with pertinent material to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(b) *Protests by other bidders or offerors.* (1) *Before award.* (i) When another bidder or offeror challenges the eligibility of the apparently successful bidder or offeror prior to award, the contracting officer shall:

(A) Notify the protestant in writing that it may submit written evidence concerning the alleged ineligibility of the apparently successful bidder or offeror.

(B) Provide the apparently successful bidder or offeror with the written allegations of the protestant and inform it that it may submit evidence supporting its eligibility.

(C) Notify both the protestant and the apparently successful bidder or offeror that after reviewing all evidence submitted, the contracting officer shall make a decision and if that decision is adverse to the protestant, the protest to-

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gether with all pertinent material will be forwarded to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(D) Other bidders or offerors whose bids or offers might become eligible for award shall be notified when award is being withheld pending the disposition of a protest. Such bidders or offerors shall be requested to extend the acceptance period of their bids or offers.

(ii) Where a protest against award has been lodged no award shall be made unless the contracting officer determines that:

(A) The items to be procured are urgently required; or

(B) Delivery or performance will be unduly delayed by failure to make award promptly; or

(C) A prompt award will otherwise be advantageous to the Government. If award under paragraph (b)(1)(ii)(A), (B), or (C) of this section is contemplated, the contracting officer shall obtain the approval of the Director, Contracts Management, before proceeding with the award; the file shall be documented to explain the need for making an award prior to the receipt of a determination from the Department of Labor; and written notice of the decision to proceed shall be given to the Administrator, Wage and Hour Division, U.S. Department of Labor, the protestant, and to others concerned when appropriate.

(2) *After award.* A protest received after award shall be forwarded to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, if the contract has not been completed. The protestant shall be notified of the submission to the Department of Labor. If the contract has been completed, the protestant shall be notified that no action shall be taken on the protest.

(c) *Protests involving other matters.* Protests involving other matters are covered by EPPR 15–2.407–8.

[FR Doc.75–2061 Filed 1–22–75;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–25—GENERAL

Subpart 114–25.48—Reports

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–25.48 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on February 7, 1975.

Dated: January 15, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Subpart 114–25.48 is amended as set forth below:

§ 114–25.4801 Supply Activity Report.

(a) Each bureau and office shall use GSA Form 1473 to submit the Supply Activity Report, except that negative reports may be submitted in memorandum form. Each report shall be submitted, in an original and two copies, to the Office of Management Services (PM) for transmittal to the General Services Administration.

(b) (1) Each bureau and office shall submit one set of reports;

(2) Each set of reports shall consist of a consolidated report for each bureau or office, together with

(3) Separate reports for each office which maintains an account for, or a record of, items which are received, stored, and issued from warehouses, depots, or other types of storage facilities.

(c) A Supply Activity Report is not required for any exceptions listed in FPMR 101–25.4801(c).

(d) Requests for approval of exceptions shall be submitted to the Director of Management Services (PM) for transmittal to the General Services Administration.

§ 114–25.4801–50 Responsibility for review.

Reports submitted by field offices shall be reviewed at the headquarters level of each bureau and office, and appropriate corrective action shall be initiated promptly in those instances where the review discloses a need for improvement in supply activities.

[FR Doc.75–2111 Filed 1–22–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20118; FCC 75–71]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 95—CITIZENS RADIO SERVICE

Memorandum Opinion and Order

In the matter of amendment of Parts 2 and 95 of the Commission's rules to prohibit external radio frequency power amplifiers at Class D Citizens Radio Service stations and to prohibit marketing of external radio frequency power amplifiers capable of operation in the band 26.96–27.26 MHz.

1. On January 3, 1975 (40 FR 1243), the Commission released a Report and Order which amended Parts 2 and 95 of the Commission's rules to prohibit external radio frequency power amplifiers at Class D Citizens Radio Service stations and to prohibit marketing of external radio frequency power amplifiers capable of operation in the band 26.96–27.26 MHz. Information which recently came to the Commission's attention establishes that one manufacturer of the amplifiers, in a bulletin to its retail outlets, has offered linear amplifiers "at a price intended to move them into the CB'ers hands prior to the February 12 deadline." The manufacturer states that its offer should "create good profits and give you a supply for the CB'ers last minute rush to buy."

2. This action and the possibility of similar actions by other manufacturers of linear amplifiers threaten to undermine the effectiveness of the amendments in Docket No. 20118. We stated in our Report and Order of January 3, 1975, that these proceedings were instituted because the rapidly increasing number of operators using external radio frequency power amplifiers to boost the power of their Citizens radio transmitters beyond the permissible limit posed a significant interference potential to Class D Citizens radio operations and to radio and television reception. Attempts under the existing rules have been ineffective in stopping the rising incidence of overpower operation in the Citizens Radio Service. Last minute sales of devices which may be used only for illegal purposes can only compound the problem which caused the institution of this proceeding.

3. In view of the foregoing, and pursuant to Section 553(d)(3) of the Administrative Procedure Act and § 1.427(b) of the Commission's rules, we find that good cause exists for amending the effective date of this rule (see paragraph 25) to make its provisions effective January 23, 1975, instead of February 12, 1975.

4. *Accordingly, it is ordered,* That paragraph 25 of Docket No. 20118 is amended to make the effective date January 23, 1975.

Adopted: January 21, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–2226 Filed 1–22–75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1–105]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Commandant of the Coast Guard

The purpose of this amendment is to delegate to the Commandant of the Coast Guard the functions vested in the Secretary by 14 U.S.C. 657, as amended by Pub. L. 93–430, October 1, 1974 (88 Stat. 1180). Those statutes authorize the Secretary to provide transportation to schools serving the area of a Coast Guard facility for dependents of Coast Guard personnel and to provide schooling for dependents of Coast Guard personnel stationed outside the continental United States when it is determined that schools available in the locality are inadequate.

Since this amendment relates solely to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, in Part 1 of Title 49, Code of Federal Regulations, § 1.46, *Delegations to Commandant of the Coast Guard,* is amended by adding a new paragraph (s), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

• • • • •

(s) Carry out the functions vested in the Secretary by 14 U.S.C. 657, relating to schooling and transportation to schools for dependents of Coast Guard personnel.

Effective date: This amendment is effective January 23, 1975.

(Sec. 9(e), Department of Transportation Act 49 U.S.C. 1657(e)))

Issued in Washington, D.C., on January 17, 1975.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.75–2132 Filed 1–22–75;8:45 am]

[1] Dissenting statement of Commissioner Hooks filed as part of original.

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–1; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

This amendment adds certain tire size designations to 49 CFR 571.109 (Federal Motor Vehicle Safety Standard No. 109) and adds alternative and test rim sizes to 49 CFR 571.110 (Federal Motor Vehicle Safety Standard No. 110).

Guidelines were published in the FEDERAL REGISTER October 5, 1968 (33 FR 14964), and amended August 13, 1974 (39 28980), specifying procedures by which routine additions are made to Appendix A, § 571.109 and to Appendix A, § 571.110. Under these guidelines the additions become effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of 49 CFR 571.109 and Appendix A of 49 CFR 571.110 are amended, subject to the 30-day provision indicated above, as specified below.

Effective date: February 24, 1975, if objections are not received.

§ 571.109 [Amended]

A. The following changes are made to Appendix A of § 571.109, Standard No. 109; New Pneumatic Tires.

Amendments requested by the European Tyre and Rim Technical Organisation:

1. In Table I–S, the following new tire size designation and corresponding values are added.

TABLE I–S.—*Tire load ratings, test rims, minimum size factors, and section widths for "60 Series" radial ply tires*

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (lb/in²)												Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/60R13	735	785	835	880	925	965	1,005	1,045	1,085	1,120	1,160	1,195	1,230	6	30.41	8.19

2. A new Table I–X, Millimetric "50 Series" Radial Ply Tires, incorporating the following new tire size designations and corresponding values, is added.

TABLE I–X.—*Tire load ratings, test rims, minimum size factors, and section widths for millimetric "50 Series" radial ply tires*

Tire size designation[1]	Maximum tire loads (pounds) at various cold inflation pressures (lb/in²)												Test rim width (inches)	Minimum size factor (inches)	Section width[2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/50R15	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	6	30.82	8.19
225/50R15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	6½	32.37	8.98

[1] The letters "H", "S" or "V" may be included in any specific tire size designation adjacent to the "R".
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

§ 571.110 [Amended]

B. The following changes are made to Appendix A of § 571.110, Standard No. 110; Tire Selection and Rims.

Amendments requested by the European Tyre and Rim Technical Organisation.

1. In Table I–N, the 7–JJ alternative rim size is added for the 185/70R15 tire size designation.

2. In Table I–S, the 6–JJ test rim size is added for the 205/60R13 tire size designation.

3. In Table I–S, the 8–JJ alternative rim size is added for the 215/60R15 tire size designation.

4. In new Table I–X, the J–JJ test rim size and the 7–JJ alternative rim size are added for the 205/50R15 tire size designation.

5. In new Table I–X the 6½–JJ test rim size and the 8–JJ alternative rim size are added for the 225/50R15 tire size designation.

FMVSS No. 110—APPENDIX A

TABLE I

(Following is a tabulation of changes made by this amendment.)

Tire Size	*Rims*
TABLE I–S	
205/60R13	6–JJ.
215/60R15	8–JJ.
TABLE I–N	
185/70R15	7–JJ.
TABLE I–X	
205/50R15	6–JJ, 7–JJ.
225/50R15	6½–JJ, 8–JJ.

Italic designations denote test rims. Where JJ rims are specified in the above Table J and JK rim contours are permissible. Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201 and 202, Pub. L. 89–563, 80 Stat. (15 U.S.C. 1392, 1407, 1421 and 1422); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 17, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75–2130 Filed 1–22–75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1207]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co. (Robert C. Haldeman, Trustee) Directed To Operate Certain Portions of Lehigh and New England Railway Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 17th day of January 1975.

It appearing, That the Lehigh and New England Railway Company (LNE)

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has notified the Commission that, on or before January 24, 1975, it will be unable to transport the traffic offered it because its cash position makes continued operation impossible; and that, accordingly, the LNE has placed its embargo No. 1–75 against all traffic, effective January 7, 1975;

It further appearing, That the imminent cessation of all transportation services by the LNE constitutes an emergency situation such as that contemplated by section 1(16)(b) of the Interstate Commerce Act (49 U.S.C. 1(16)), as amended, by section 601(e) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236); and that section authorizes the Commission under certain prescribed conditions, to direct a carrier or carriers by railroad to perform essential transportation services which another carrier is no longer able to perform;

It further appearing, That the legislative history to section 1(16)(b) indicates that its purpose is to assure the continuance of essential rail service for a period of sixty days, or in extraordinary circumstances for an extended period not to exceed 240 days, in the event that a railroad is required to cease operation under conditions described in the Act; and that such authority was intended as an interim emergency measure and not as a permanent solution;

It further appearing, That in determining whether the LNE should be operated pursuant to the authority of section 1(16)(b) and in its planning therefor, the Commission, consistent with Congressional intent and the provisions of the Emergency Rail Services Act of 1970 (45 U.S.C. 661), has coordinated its activities with the Department of Transportation and has been in consultation with respresentatives of the United States Railway Association, among others:

It further appearing, That the Commission has determined that based upon the statute and the directives contained in the legislative history of section 1(16)(b) of the Act, the operation of the lines of the LNE is necessary and such operation is in the public interest; that the Commission considered many factors, including but not limited to: the transportation requirements of the patrons of the LNE, the economic impact of a discontinuance of service, the amount of originating and terminating traffic on individual lines, transportation requirements of connecting carriers, condition of track, alternative carriers and transportation modes, and net operating revenues attributable to individual lines; and that, the Commission should direct a carrier to operate over the lines of the LNE;

It further appearing, That the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) should be directed to provide the services herein determined to be essential in the public interest, which were formerly performed by the LNE, because, among other things, the LV's proximity to the lines of the LNE, the volume of the traffic LNE interchanges with the LV, its familiarity with the operation of the LNE and its willingness and ability to perform the services required for shippers;

It further appearing, That the performance of the operations directed herein will not substantially impair the LV's ability adequately to serve its own patrons or to meet its outstanding common carrier obligations; that the performance of the directed operation should not violate the provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421);

It further appearing, That in light of the emergency situation which would result from a cessation of all transportation service by the LNE, public notice and hearings are impractical and not required by the procedures set forth in section 1(15) of the Act; that the public interest requires the continuation of operation over certain lines of the LNE by the LV for a period of operation of 60 days as provided by section 1(16)(b) of the Act; and that good cause exists for making this order effective upon the date served;

It further appearing, That the LV is presently a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) subject to the jurisdiction of the United States District Court for the Eastern District of Pennsylvania; and that, accordingly, approval of said court may be necessary for the implementation of this order; and

It further appearing, and the Division so finds, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, and the Division so finds, that cessation of service by the LNE would have serious economic consequences not only to the patrons of the LNE but also to the communities located within the area; and for good cause appearing therefor:

§ 1033.1207 Service Order 1207.

Lehigh Railroad Company (Robert C. Haldeman, Trustee) directed to operate certain portions of Lehigh and New England Railway Company.

(a) *It is ordered,* That Lehigh Valley Railroad Company, debtor (Robert C. Haldeman, Trustee), be, and it is hereby directed to enter upon the railroad properties presently operated by the Lehigh and New England Railway Company, except the Tamaqua branch, extending between Tamaqua, Pennsylvania, and Hauto, Pennsylvania, and to operate such railroad and facilities subject to any necessary approval of the reorganization court of the United States District Court for the Eastern District of Pennsylvania, for the purpose of handling, routing, and moving the traffic of the Lehigh and New England Railway Company in accordance with the lawful instructions of shippers and consignees and in compliance with the rules and regulations of the Commission, and subject to the rates and charges prescribed in tariffs lawfully published and filed in accordance with law and applicable to freight traffic transported over the lines of the Lehigh and New England Railway Company; that such entry and operations shall commence on or before 12:01 a.m., January 24, 1975, and shall continue for a period of 60 days, unless such period is reduced by order of the Commission or unless further extended by order of the Commission, for cause shown, for an additional designated period; and that a certified copy of the order of the court authorizing the Lehigh Valley Railroad Company, debtor, to perform the directed service pursuant to the order of the Commission shall be filed with this Commission, with appropriate reference to this proceeding;

(b) *It is further ordered,* That the Lehigh and New England Railway Company shall, on the date of service of this order inform all persons who were given notice of its embargo, No. 1–75, that said embargo shall no longer be applicable to service over its lines;

(c) *It is further ordered,* That the Lehigh Valley Railroad Company, debtor, shall (1) collect all revenues attributable to the handling, routing, and movement of freight traffic including all agents' and conductors' accounts and all payments from other carriers collected after the commencement of directed operations; (2) distribute such revenues in accordance with divisional agreements presently applicable, collecting and paying to the Lehigh and New England Railway Company the divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed and events occurring prior to January 24, 1975, and collecting and retaining for the Lehigh Valley Railroad Company, debtor, on a segregated basis all such divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed by the Lehigh Valley Railroad Company, debtor, in the place and stead of the Lehigh and New England Railway Company and from events occurring on or after January 23, 1974;

(d) *It is further ordered,* That all carriers are hereby directed to pay to the Lehigh Valley Railroad Company, debtor, such sums as otherwise would be payable to the Lehigh and New England Railway Company including interline freight revenues, per diem, and all other interline accounts of whatsoever kind and nature coming due under normal accounting rules and procedures for the settlement of interline transactions and accounts between carriers during the period this order is in effect and thereafter coming due for services performed and events occurring during the period of directed service;

(e) *It is further ordered,* That the Lehigh Valley Railroad Company, debtor, shall pay to all carriers amounts received by it but due to them for services performed by them, for per diem, and for events occurring either prior to the commencement of operations directed herein or during the period this order is in effect, all in accordance with established procedures for the settlement of interline transactions and accounts between carriers;

(f) *It is further ordered,* That in executing the directions of this Commission as provided for in this order, all carriers involved in the movement of traffic to the lines of the Lehigh and New England Railway Company shall proceed even though in some instances, no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; that in the event reroutings are necessary pursuant to the directives of this and subsequent orders, the divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act;

(g) *It is further ordered,* That, in carrying out the operations directed herein, the Lehigh Valley Railroad Company, debtor, shall hire employees of the Lehigh and New England Railway Company to the extent such employees had previously performed the directed service and shall assume all existing employment obligations and practices of the Lehigh and New England Railway Company relating thereto, including, but not limited to, agreements governing rates of pay, rules, working conditions, and all current employee protective conditions, for the duration of the directed service;

(h) *It is further ordered,* That the Lehigh Valley Railroad Company, debtor, and the Lehigh and New England Railway Company shall, if possible, negotiate an agreement (hereinafter called the agreement) on all aspects of the directed operation subject to their determination, including, but not limited to use of and rental for equipment, use of, and compensation for, existing inventories of fuel, materials, and supplies, and rental for the use of rights-of-way and other rail facilities; that the Commission shall be represented at all such discussions; that the agreement shall be subject to approval by the Commission upon such procedure as the Commission shall later specify; and that in the event the Lehigh Valley Railroad Company, debtor, and the Lehigh and New England Railway Company fail to agree upon the terms for such use and compensation, the directed service shall continue pending a Commission determination to establish such terms as it may find to be just and reasonable;

(i) *It is further ordered,* That in the event the parties achieve agreement, any funds to be paid the Lehigh and New England Railway Company thereunder shall be paid into an escrow account until the agreement is given approval by the Commission; and that in the event the parties are unable to reach agreement, any monies the Lehigh Valley Railroad Company, debtor, holds for the account of the Lehigh and New England Railway Company to compensate it to the use of its equipment and facilities and properties, in lieu of a final agreement, shall be paid into an escrow account until a determination has been made by the Commission as to what terms are just and reasonable;

(j) *It is further ordered,* That the Lehigh Valley Railroad Company, debtor, shall record the revenues earned and the costs incurred in and for the performance of the operations directed herein over the lines of the Lehigh and New England Railway Company, in a manner to be prescribed by the Commission, that the information so recorded, and supporting data where specifically required, shall be submitted by the Lehigh Valley Railroad Company, debtor, to the Commission for audit and evaluation immediately upon completion of the directed operation, or at such intervals, during the period of the directed operation, as the Commission may request; and that, if, for the period during which this order shall be effective, the cost to the Lehigh Valley Railroad Company, debtor, of handling, routing, and moving the traffic over the lines of the Lehigh and New England Railway Company shall exceed the direct revenues therefor, payment shall be made to the Lehigh Valley Railroad Company, debtor, in the manner provided by section 1(16)(b) of the Act;

(k) *It is further ordered,* That the Commission shall retain jurisdiction to modify, supplement or reconsider this order at any time and for such purposes as it may consider necessary consistent with the legislative intent and the express provision of section 1(16)(b) of the Interstate Commerce Act, as amended;

(l) *It is further ordered,* That this order shall be served upon the United States Department of Transportation, the United States Railway Association, the Rail Planning Services Office of the Interstate Commerce Commission, the governor of the State of Pennsylvania, Pennsylvania Public Utilities Commission, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(m) *It is further ordered,* That this order shall be effective upon the date of service; that the operations which the Lehigh Valley Railroad Company, debtor, is herein directed to perform shall commence on or before 12:01 a.m., January 24, 1975; and that such operations shall cease 60 days from the date the directed service shall be instituted by the Lehigh Valley Railroad Company, debtor, at 11:59 p.m., unless otherwise extended, modified, changed, or suspended by subsequent order of the Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)).)

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2165 Filed 1-22-75;8:45 am]

Title 50—Wildlife

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge—Illinois-Iowa-Missouri

The following special regulation is issued and is effective on January 23, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS-IOWA-MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,257 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Batchtown and Calhoun Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through October 15, 1975, with the exception of certain designated areas which are open until December 31, 1975.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through October 15, 1975.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through October 15, 1975.

(4) (a) The open season for sport fishing on the Chautauqua National Wildlife Refuge extends from December 15, 1974, through October 15, 1975, with the exception of certain designated areas in Chautauqua Lake, Goofy Ridge Ditch, and all water areas of the public hunting area which are open until December 14, 1975.

(b) The use of boats, powered by motors of ten (10) horsepower or less, is permitted in the waters of Lake Chautauqua.

(c) No person shall enter upon or fish from any dike, water control structure

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or shoreline within the refuge except at the Recreation Area, Boatyard No. 3, or along the cross dike.

IOWA

(1) The open season for sport fishing on the Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through September 30, 1975, with the exception of certain areas adacent to the Port Louisa Road which are open until December 31, 1975.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1975, through December 31, 1975.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge extends from April 1, 1975, through September 30, 1975, with the exception of Bryants Creek and certain designated areas which are open from January 1, 1975, through December 31, 1975.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1975.

Dated: January 15, 1975.

HOWARD A. LIPKE,
Refuge Manager, Mark Twain National Wildlife Refuge, Box 225, Quincy, Illinois 62301.

[FR Doc.75-2110 Filed 1-22-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Engineers Corps

[33 CFR Part 207]

ST. MARYS FALLS CANAL AND LOCKS, MICHIGAN

Proposed Navigation Regulations

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use, administration and navigation of the St. Marys Falls Canal and Locks, Michigan. It is proposed to amend the present regulations with respect only to paragraph (c) in 33 CFR, 207.440 to provide a more effective means of vessel dispatch.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN–CWO–N on or before February 24, 1975.

§ 207.440 St. Marys Falls Canal and Locks, Mich.; use, administration and navigation.

• • • • • •

(c) Upon approaching the canal, vessel masters shall request lock dispatch by radiotelephone to the Corps of Engineers Chief Lockmaster at St. Marys Falls canal dispatch tower (Radio Call WUD–31). Every upbound vessel shall call when abeam of Bayfield Rock Pile Dike which is approximately one and one-eighth miles downstream from East Center Pier end. Every downbound vessel shall call when approximately one-half mile downstream from Big Point.

• • • • • •

Dated: January 9, 1975.

J. W. MORRIS,
Major General, U.S.A.
Director of Civil Works.

[FR Doc.75–2097 Filed 1–22–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1427]

UPLAND AND EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1975 Crops

The Commodity Credit Corporation is preparing to make certain determinations with respect to the loan programs for the 1975 crops of upland and extra long staple (ELS) cotton:

a. Schedule of premiums and discounts for grade and staple length of upland cotton.

b. Schedule of micronaire differentials for upland cotton.

c. Schedule of base loan rates by warehouse location for upland cotton.

d. Schedule of loan rates by location for eligible qualities of ELS cotton.

e. Schedule of micronaire differentials for ELS cotton.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; (7 U.S.C. 1421 et seq.)).

Section 403 of the act (7 U.S.C. 1423) provides in part that appropriate adjustments may be made in the support price for any commodity for difference in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this act. Under section 103(e) of the act (7 U.S.C. 1444(e)), however, the base loan rate determined for 1075-crop upland cotton is applicable to Middling 1-inch cotton (micronaire 3.5 through 4.9) at average location in the United States.

a. *Schedule of premiums and discounts for grade and staple length of upland cotton.* This schedule would reflect the differences in loan value between SLM 1 1/16 inches cotton and the various other grade and staple length combinations for upland cotton.

Since 1959, Commodity Credit Corporation (CCC) has established loan rates and made loans available on 532 different qualities (grade and staple length combinations) of upland cotton. These consist of 38 grades in 7 color groups and 14 individual staple lengths or groups (see exhibit 1 for schedule of premiums and discounts applicable under the 1974 loan program), and parallel closely USDA's standards for grade and staple length of upland cotton.

CCC proposes to reduce the number of qualities available for loans since many qualities are no longer produced in sufficient quantity to warrant an individual loan rate (see exhibit 2 for quality distribution of 1973 crop). In 1973, for example, 208 qualities—concentrated in the color groups "White," "Light Spotted," and "Spotted"—accounted for 99.4 percent of production. On the other hand, 251 qualities had no production at all, as compared with 158 qualities as recent as 1966. This reflects the general trend of upland cotton produced during the past 10 years—larger percentages of the crop concentrated in fewer quality designations.

Proposed modifications in the schedule of premiums and discounts for eligible qualities of upland cotton under the 1975 cotton loan program follow:

1. Eliminate the color group "Yellow Stained"; only 62 such bales were produced in 1973, representing 3 qualities. Such action would eliminate from the schedule discounts applicable to 42 qualities in that color group. However, any cotton classed as "Yellow Stained" (Middling and Better) would be eligible for loan at a discount 200 points greater than the discount applicable to the comparable quality in the "Tinged" color group.

2. Eliminate the grade "GM" (Good Middling) in each of the remaining 6 color groups and change the grade "SM" (Strict Middling) to "SM and better" in each color group. Such action would eliminate premiums and discounts for 84 additional qualities. Less than 100 bales of GM cotton were produced in 1973. Also, the official standards for U.S. grade of American upland cotton have been revised, effective July 1, 1975, to revoke the GM standards for Tinged and Stained cotton.

3. On the short end of the staple length range, combine the staple lengths "13/16," "7/8," and "29/32," and redesignate the grouping "13/16 through 29/32." Such action would eliminate discounts for 58 additional qualities and, in effect, raise the value of the lower qualities involved.

4. On the long end of the staple length range, combine the staple lengths "1–5/32," "1–3/16," "1–7/32," and "1–1/4 and longer," and redesignate the grouping "1–5/32 and longer." Only about 1/100 of 1 percent of the crop falls in those staple lengths longer than 1–5/32 inches (see staple ctdes 38, 39, and 40 in Exhibit 2). Such action would eliminate individual premiums and discounts for 87 additional qualities, and have a negligible effect, value-wise, upon that minute fraction of the crop (1/100 of one percent) involved.

The net effect of the action proposed above would reduce the schedule of premiums and discounts for upland cotton for CCC loans in 1975 and subsequent crops to 261 qualities as compared with 532 in 1974. The 271 qualities which would lose their individual identity under the proposed schedule would remain eligible for loans under a more compact schedule, better paralleling concentrations of production.

The problem of determining premiums and discounts in the designated spot

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markets for those qualities representing minor or insignificant production has become increasingly difficult as production of these qualities continues to dwindle. For many of these qualities there has been no production in recent years. Thus, the concentration of attention on those qualities produced and merchandised in significant quantities would appear to be the best course for CCC to follow in developing its schedule of premiums and discounts applicable to upland cotton loans.

b. *Schedule of micronaire differentials for upland cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 through 4.9 (the statutory base group) and the various other micronaire groups.

(c) *Schedule of base loan rates by warehouse location for upland cotton.* This schedule will establish base loan rates for upland cotton stored at various warehouse locations.

(d) *Schedule of loan rates by location for eligible qualities of ELS cotton.* In accordance with the act, the loan rate for 1975-crop ELS cotton was announced at a national average rate. That rate is 67.74 cents per pound, announced by press release (USDA 3105–74) dated October 31, 1974. The schdeule of rates would reflect differences in loan value by location for each eligible quality. The staple length group "1⅛ and longer" would be eliminated from the schedule, and the staple length "1 7/16" redesignated "1 7/16 and longer." No ELS cotton 1⅛ inches and longer has been produced in the United States in the last 10 years.

(e) *Schedule of micronaire differentials for ELS cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 and above (the base group) and the various other micronaire groups.

Prior to making the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions should be received not later than February 21, 1975. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5725, South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on January 16, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

EXHIBIT 1.—*Premiums and discounts for grade and staple length of 1974-crop upland cotton (basis strict low middling 1 1/16 inches, net weight)*

Grade	Staple length (inches)												
	13/16	⅞	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 ⅛	1 5/32	1 3/16	1 7/32	1 ¼ and longer
	Points per pound													
White:														
GM and better	−530	−480	−425	−360	−270	−135	+80	+220	+255	+300	+365	+455	+630	+775
SM	−525	−485	−430	−370	−275	−140	+75	+215	+250	+295	+355	+440	+615	+765
MID plus	−540	−505	−450	−385	−295	−160	+50	+190	+230	+270	+325	+405	+575	+725
MID	−555	−520	−465	−400	−310	−180	+30	+170	+210	+250	+300	+375	+530	+660
SLM plus	−615	−575	−530	−460	−395	−280	−80	+70	+100	+150	+170	+250	−385	+510
SLM	−650	−610	−555	−500	−425	−335	−145	Base	+30	+70	+105	+175	+306	+425
LM plus	−715	−680	−630	−575	−500	−415	−275	−170	−145	−125	−110	−85	−60	−10
LM	−745	−710	−670	−610	−545	−465	−340	−240	−215	−195	−185	−170	−145	−120
SGO plus	−850	−825	−790	−735	−675	−600	−535	−485	−475	−470	−470	−470	−470	−470
SGO	−895	−870	−830	−790	−730	−660	−600	−555	−550	−545	−545	−545	−545	−545
GO plus	−1,005	−970	−935	−895	−845	−785	−720	−690	−680	−680	−680	−680	−680	−680
GO	−1,050	−1,010	−980	−935	−890	−830	−770	−745	−740	−735	−735	−735	−735	−735
Light spotted:														
GM	−565	−520	−470	−415	−335	−230	−30	+90	+125	+145	+195	+270	+435	+595
SM	−575	−530	−480	−420	−345	−240	−45	+75	+110	+135	+175	+250	+415	+570
MID	−620	−585	−540	−485	−410	−320	−140	−15	+15	+50	+95	+165	+285	+385
SLM	−720	−680	−625	−580	−515	−440	−320	−235	−220	−195	−185	−165	−155	−120
LM	−840	−810	−770	−720	−670	−610	−550	−510	−505	−500	−500	−500	−500	−500
Spotted:														
GM	−705	−655	−620	−565	−510	−450	−355	−305	−295	−280	−270	−260	−235	−210
SM	−715	−660	−625	−570	−520	−465	−365	−320	−310	−290	−280	−270	−250	−230
MID	−770	−720	−680	−635	−580	−530	−450	−405	−400	−390	−385	−385	−385	−385
SLM	−870	−825	−785	−735	−695	−655	−600	−570	−565	−565	−565	−565	−565	−565
LM	−985	−940	−900	−865	−825	−780	−730	−715	−710	−705	−705	−705	−705	−705
Tinged:														
GM	−910	−855	−835	−785	−765	−740	−720	−710	−705	−705	−705	−705	−705	−705
SM	−920	−870	−835	−795	−780	−750	−730	−720	−715	−715	−715	−715	−715	−715
MID	−975	−925	−890	−855	−830	−805	−785	−775	−775	−775	−775	−775	−775	−775
SLM	−1,060	−1,010	−975	−930	−915	−885	−870	−865	−865	−865	−865	−865	−865	−865
LM	−1,165	−1,120	−1,090	−1,050	−1,035	−1,005	−990	−985	−985	−985	−985	−985	−985	−985
Yellow stained:														
GM	−1,090	−1,035	−1,005	−975	−955	−925	−915	−905	−905	−905	−905	−905	−905	−905
SM	−1,095	−1,040	−1,020	−985	−965	−935	−925	−915	−915	−915	−915	−915	−915	−915
MID	−1,150	−1,105	−1,080	−1,045	−1,020	−990	−980	−975	−975	−975	−975	−975	−975	−975
Light gray:														
GM	−595	−555	−510	−450	−365	−255	−75	+50	+85	+120	+165	+225	+370	+490
SM	−640	−600	−555	−500	−425	−330	−160	−35	−5	+40	+85	+135	+265	+380
MID	−730	−690	−660	−600	−530	−455	−340	−240	−225	−195	−185	−165	−140	−110
SLM	−885	−855	−820	−770	−710	−655	−585	−545	−530	−520	−520	−520	−520	−520
Gray:														
GM	−695	−655	−610	−560	−485	−400	−275	−180	−160	−125	−90	−35	+40	+110
SM	−735	−715	−675	−620	−555	−480	−380	−295	−280	−255	−240	−225	−210	−175
MID	−905	−870	−835	−750	−730	−675	−600	−560	−555	−545	−545	−545	−545	−545
SLM	−1,050	−1,000	−975	−925	−875	−825	−780	−745	−740	−735	−735	−735	−735	−735

NOTE.—Grade symbols: GM-Good middling; SM-Strict middling; MID-Middling; SLM-Strict low middling; LM-Low middling; SGO-Strict good ordinary; GO-Good ordinary.

TABLE 1.—*Grade and staple of upland cotton ginned in the United States, 1973–74*

Grade	Code	Staple code (32d inches) 26 and shorter	28	29	30	31	32	33	34	35	36	37	38	39	40 and longer	All staples
		Bales	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales* — *Percent*
White:									25	9	45					79 (1)
G.M.	(11)															
S.M.	(21)		463	1,452	3,339	2,489	647	1,164	11,892	28,183	9,738	693				60,060 0.5
M.+	(30)			9	179	69	32	28	442	330	76	26	23			1,212 (1)
M.	(31)	571	9,060	67,153	263,674	263,985	142,025	63,343	279,771	878,182	270,760	12,245	236	9	79	2,251,093 18.1
S.L.M.+	(40)	13	123	1,229	3,737	3,961	3,092	2,295	18,022	96,979	61,034	1,705	87			193,277 1.5
S.L.M.	(41)	293	7,799	68,837	346,729	512,000	443,025	321,849	1,637,766	1,233,341	270,558	10,675	457	63	67	4,853,449 38.9
L.M.+	(50)		112	743	2,294	2,996	4,447	2,154	64,495	69,720	17,280	696	54			171,991 1.4
L.M.	(51)		455	5,663	46,461	79,914	82,741	125,456	772,402	518,983	62,315	3,202	117		9	1,697,718 13.5
S.G.O.+	(60)				15	10	20	75	134	46	34					16,627 0.1
S.G.O.	(61)		52	661	13,444	16,566	16,375	20,965	82,138	45,607	5,243	285	9			201,345 1.6
G.O.+	(70)				1,701	1,946	2,461	3,756	9,949	4,409	299	49				334 (1)
G.O.	(71)			173												24,334 0.2
Total		877	18,064	145,929	681,673	884,065	695,303	549,984	2,883,798	2,882,281	698,637	29,708	983	62	155	9,471,519 75.8
Light spotted:																
G.M.	(12)															4,778 (1)
S.M.	(22)		95	303	1,058	455	162	362	1,153	1,072	107	11				957,602 7.9
M.	(32)	310	5,801	48,631	231,371	289,976	140,634	49,092	98,861	73,686	7,863	2,446	22			1,308,597 10.4
S.L.M.	(42)	114	2,763	24,827	164,383	235,577	170,950	133,343	415,820	148,345	11,537	911	27			488,637 3.9
L.M.	(52)		541	6,924	79,861	83,753	53,172	55,720	149,671	54,151	4,300	458	86			
Total		424	9,200	80,685	476,673	609,761	373,918	238,517	665,505	277,254	23,806	3,826	135			2,759,704 21.9
Spotted:																
G.M.	(13)															490 (1)
S.M.	(23)		14	69	47	24	28	90	96	122						41,832 0.3
M.	(33)	53	704	3,781	13,479	10,095	4,789	4,096	3,605	1,057	162	11				93,725 0.8
S.L.M.	(43)	249	1,675	4,968	14,366	12,295	8,414	17,436	30,765	5,776	344	37				75,216 0.6
L.M.	(53)	105	611	3,560	9,782	8,382	7,703	16,336	23,129	5,221	332	55				
Total		407	2,404	12,378	37,674	30,796	20,934	37,958	57,595	12,176	838	103				213,263 1.7
Tinged:																
G.M.	(14)								9							9 (1)
S.M.	(24)															1,172 (1)
M.	(34)	11	70	135	295	141	84	192	202	42						2,567 (1)
S.L.M.	(44)	26	130	361	342	113	216	852	483	35	9					2,283 (1)
L.M.	(54)	19	71	181	218	139	353	681	522	60	9					
Total		56	271	677	855	393	653	1,725	1,216	137	18					6,001 (1)
Stained:																
G.M.	(15)															
S.M.	(25)															62 (1)
M.	(35)				6					47	9					
Total					6					47	9					62 (1)
Light Gray:																
G.M.	(16)									11						11 (1)
S.M.	(26)		9	21	40		75	247		414	114					920 (1)
M.	(36)		60	313	301	191	670	3,541	2,583	512						8,161 0.1
S.L.M.	(46)		18	338	205	334	1,203	2,061	1,318	249						5,726 (1)
Total			77	672	546	525	1,948	5,849	4,326	875						14,818 0.1
Gray:																
G.M.	(17)								5							5 (1)
S.M.	(27)									37						282 (1)
M.	(37)		7	46	9	24	140	19	269	264	52					908 (1)
S.L.M.	(47)		8	73	14	62	166									
Total			15	119	23	86	306	293	301	52						1,195 (1)
Below grade		712	1,119	2,553	10,235	9,337	12,214	10,900	15,128	3,942	199					66,339 0.5
All grades		2,476	31,058	242,314	1,207,907	1,534,921	1,103,633	841,338	3,629,384	3,180,464	724,434	33,637	1,118	62	155	[2] 12,532,901 100.0
		Per-cent	*Per-cent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Percent*
All grades		(1)	0.2	1.9	9.6	12.2	8.8	6.7	29.1	25.4	5.8	0.3	(1)	(1)	(1)	100.0
Percentage rough preparation																(1)
Grade index																92.3
Average staple																33.

[1] Less than 0.05 percent.
[2] As reported by the Bureau of the Census, running bales.

[FR Doc.75-1903 Filed 1-22-75;8:45 am]

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Office of the Secretary

[7 CFR Part 1]

IMPLEMENTATION OF FREEDOM OF INFORMATION ACT

Proposed Fee Schedule

The Department of Agriculture solicits public comment on the following proposed regulations implementing the 1974 Freedom of Information Act amendments as they affect the fees which may be charged requesters for services performed under that Act. The proposed regulations also cover fees for services performed under other authority.

Interested persons are invited to submit comments in writing regarding the proposed fee schedule. Comments in single copy should be addressed to: Director, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250.

Copies of comments received will be available for public inspection in Room 131-W, Agriculture Administration Building, 14th Street and Jefferson Drive SW., Washington, D.C., from 8:30 A.M. until 5:00 P.M., Monday–Friday. (7 CFR 1.27(b)).

Comments must be received not later than February 7, 1975, in order to insure consideration.

When issued in final form the Fee Schedule will appear as an Appendix to 7 CFR Part 1, Subpart A.

The proposed Fee Schedule is as follows:

Sec. 1. *General.* This schedule sets forth fees to be charged for providing copies of records, including photographic reproductions, microfilm, maps and mosaics, and related services. The fees set forth in this schedule are applicable to all agencies and constituent units of the Department of Agriculture.

Sec. 2. *Facilities.* Records and related services are available at the locations specified by the agencies in their statements of organization and services. Each agency is responsible for promulgating procedures to facilitate public inspection and copying of its records. Any materials offered for sale by the Government Printing Office should be purchased from that source. Departmental agencies will not stock such materials for public sale.

Agencies do not stock copies of forms and publications or maintain records at any facility which does not require these materials in its operations.

Sec. 3. *Fees for materials and services.* All agencies of the Department shall be guided by the fees set forth herein. Any changes or additions to this fee schedule shall be made by amendment to or revision of this schedule.

Sec. 4. *Circumstances governing exceptions to the charging of fees for records and related services.* (For photographic reproductions, see Sec. 12.)

a. *Waiver of fees for records and related services.* Fees may be waived in whole or in part under the following conditions:

(1) Where individual collections are $3.00 or less.

(2) Where the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country or an international organization.

(3) Where the recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare.

(4) Where the agency determines that payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program involved.

b. *Fees not to be charged for records and related services.* Fees shall not be charged under the following conditions:

(1) When the furnishing of records and related services is determined by the agency to be in the public interest as primarily benefiting the general public.

(2) When filing requests from other Departments or Government agencies for official use, provided quantities requested are reasonable in number.

(3) When members of the public provide their own copying equipment, in which case no copying fee will be charged.

(4) When any notices, decisions, orders, or other material are required by law to be served on a party in any proceedings or matter before any Department agency.

c. Where both a and b above apply to a matter, b shall be controlling.

Sec. 5. *Limitations of copies.* Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

Sec. 6. *Search Services.* Search services are services of agency personnel-clerical, supervisory or professional salary level-used in trying to find the records sought by the requester. They include time spent examining records for the purpose of finding records which are within the scope of the request. They also include services to transport personnel to places of record storage, or records to the location of personnel for the purpose of the search, if such services are reasonably necessary.

Because of the nature of the Department's business and records, the normal location of a record in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry, and is based on the Department's obligation to respond to requests furnishing a reasonably specific description of the record.

Sec. 7. *Payments of fees and charges.* Payments will be collected to the fullest extent possible in advance or at the time the requested materials are furnished.

Except as otherwise stipulated by agency procedures, payment shall be made by check, draft, or money order made payable to Treasurer of the United Sttaes, but small amounts may be paid in cash, particularly where services are performed in response to a visit to a Department office.

Unless the request contains an agreement to pay an amount which at least equals the agency's estimated fees, no action will be taken to fulfill the request, when the estimate exceeds $20.00, until the requester has agreed in writing to pay the estimated fees.

Where the estimated fees exceed $150.00, a deposit of 50 percent of the estimated amount shall be collected from the requester before action is taken to fulfill the request, or before any of the requested materials are reproduced, depending on the circumstances.

Upon fair prior notice of the possibility of an unproductive search, agencies shall charge requesters an applicable search fee even when no records responsive to the request or no records not exempt from disclosure are found, except when such charges are waived or reduced pursuant to Section 4. However, if a requester has not been given fair prior notice and no records are found, no search fee shall be charged.

Sec. 8. *Fees for records and related services.*

a. Photocopies, 8½" x 14" or smaller; $0.10 for the first copy and $0.05 for each additional copy of the same page.

b. Photocopies in excess of 8½" x 14"; $0.25 per linear foot.

c. Manual searches will be charged for at the rate of $4.00 per hour for clerical time and $9.00 per hour for supervisory or professional time. Charges will be computed to the nearest quarter hour required for the search. A search may involve both clerical and supervisory or professional time.

d. Other direct costs incurred will be assessed the requester at the actual cost to the Government, e.g., where records are required to be shipped from one office to another by commercial carrier in order to timely answer the request, the actual freight charges will be assessed the requester.

e. Computer searches will be charged for at the rates established in the Users Manual or Handbook published by the computer center at which the work will be performed. A listing follows showing where those rates are published and the office from which copies may be obtained or at which the rates may be examined.

Fort Collins Computer Center Users Manual Section 3.4—Administrative Policies and Procedures—Rates. pp. 3–4 through 3–7.
Fort Collins Computer Center
U.S. Department of Agriculture
3825 East Mulberry Street (P.O. Box 1206)
Fort Collins, Colorado 80521

New Orleans Computer Center Users Manual Appendix B-New Orleans Computer Center Rates. pp. 1 through 5.

New Orleans Computer Center
U.S. Department of Agriculture
13800 Old Gentilly Road, Building 350
New Orleans, Louisiana 70129.

Kansas City Computer Users Manual Appendix D–2–Rates. pp. 65–80.

Kansas City Computer Center
U.S. Department of Agriculture
8930 Ward Parkway (P.O. Box 205)
Kansas City, Missouri 64141

Washington Computer Center Users Handbook Appendix B–Washington Computer Center Rates. pp. 1–10.

Washington Computer Center
U.S. Department of Agriculture
Room S–100, South Building
12th Street and Independence Ave., S.W.
Washington, D.C. 20250.

f. The fees do not include and no charge shall be made for (a) time spent examining records to determine whether an exemption can and should be asserted, (b) time spent deleting exempt matter being withheld from records to be furnished, or (c) time spent in monitoring a requester's inspection of agency records.

g. Certifications, $1.00 each; Authentications under Department Seal (including aerial photographs), $2.00 each.

h. For requests not subject to the Freedom of Information Act, agencies may set their own fees on specialized materials, such as printouts, magnetic tapes, directives, handbooks, building plans, and other material unique to any one agency. Where a fee has not been established in this schedule, an appropriate fee will be set by the individual agency.

i. The fees specified in a through f to this Section apply to all requests for services under the Freedom of Information Act, as amended (5 U.S.C. 552), unless the agency has determined to waive or reduce those fees pursuant to Section 4. No higher fees nor charges in addition to those provided for in this schedule may be charged a party requesting search or duplication services under the Freedom of Information Act.

j. The fees specified in g and h of this Section and in Sections 9 through 16 of this schedule apply to all requests for services other than those subject to the Freedom of Information Act. The authority for establishment of these fees is 31 U.S.C. 483a.

Sec. 9. *Photographic reproduction, microfilm, mosaic and maps.* Reproduction of such aerial or other photographic microfilm, mosaic and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproductions as prescribed in this schedule.

Sec. 10. *Agencies which furnish photographic reproductions.*—a. *Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS), Room 3405, Auditor's Building, Washington, D.C. 20250.
Forest Service (FS), 24 LOB RP–E, Arlington, Virginia 22209, or nearest Forest Service Regional Office
Soil Conservation Service (SCS), Information Division, Audio Visual Branch, Room 6112–S, Washington, D.C. 20250 (Satellite Mosaics), Reproduction Branch, FCB, Hyattsville, Maryland 20782.

b. *Other photographic reproductions.* Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service (ASCS) (Address above).
Forest Service (Address above).
Office of Communication, Photographic Division, Room 536A, Washington, D.C. 20250.
Soil Conservation Service (Address above).
National Agricultural Library, Information Officer, Room 204, Beltsville, Maryland 20705.

Sec. 11. *Photographic Sales Committee.* The Photographic Sales Committee consists of representatives designated by Department agencies principally concerned with the sale of photographic reproductions. The Committee recommends prices at which photographic and mosaic reproductions, except library material, shall be sold, and other matters related to photographic reproductions.

Sec. 12. *Circumstances under which photographic reproductions may be provided free.* Reproductions may be furnished free at the discretion of the agency, if it determines this action to be in the public interest, to:

a. Press, radio, television, and newsreel representatives for dissemination to the general public.

b. Agencies of State and local governments carrying on a function related to that of the Department when it will help to accomplish an objective of the Department.

c. Cooperators and others furthering agricultural programs. Generally, only one print of each photograph should be provided free.

Sec. 13. *Loans.* Aerial photographic film negatives or reproductions may not be loaned outside the Federal Government.

Sec. 14. *Sales of positive prints under Government contracts.* The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, County Extension Agents, and others cooperating with the Department, carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

Sec. 15. *Procedure for handling orders.* In order to expedite handling, all orders should contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure and order forms.

Sec. 16. *Photographic reproduction prices.* The prices for photographic reproductions listed here are for the most generally requested items.

a. *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only: Microfilm—$1.00 for each 30 pages or fraction thereof. Photoreproduction—$1.00 for each 10 pages or fraction thereof.

b. *General photographic reproductions.* Minimum charge $1.00 per order. All sizes are approximate. An extra charge may be necessary for excessive laboratory time caused by any special instructions from the purchaser.

Class of work	Unit	Price
1. Black and white copy negatives and film positives:		
4 x 5	Each	$3.60
5 x 7	do	3.90
8 x 10	do	4.50
11 x 14	do	7.00
2. Black and white enlargements:		
Up to 8 x 10	do	2.70
11 x 14	do	4.20
Over 11 x 14	Per square foot	3.60
3. Reductions (from any size negative).		3.60
4. Mounting	Per square foot	2.20
5. Slides: Black and white (from copy negative):		
2 x 2 cardboard mounted	Each	2.40
3¼ x 3¼	do	3.60
Original color (from flat copy)	do	1.80
Duplicate color (2 x 2 cardboard mounted). (Duplicate color slides are slides copied from 35MM color slides only). Slides made from black and white material, or from transparencies larger or smaller than 35MM, will be charged at the same rates shown for black and white and original color slides.	do	.80
6. Color transparencies (4 x 5)	do	8.00
7. Color prints		(1)
8. Current USDA slide sets in stock:		
1 to 50 frames		13.00
51 to 60 frames		14.00
61 to 75 frames		15.00
76 to 95 frames		17.50
96 to 105 frames		18.50
106 to 130 frames		21.00
(Prices include printed narrative guide)		
The following can be purchased for the corresponding slide sets above:		
Cassettes		8.00
Records		3.00
Audio-tape		1.50
9. Milk sedimentation standards (5 x 7 Black and white photograph).	Each	1.25
10. Seeds and seedlings (any size)	do	2.40

[1] By quotation.

c. *Aerial photographic reproductions.* No minimum charge on aerial photographic reproductions. All prints are furnished unmounted and untrimmed.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

Size:	Each
Size 9 x 9 on commercial grade parer	$2.00

For polyester base paper, and $0.75 per contact print (Available from ASCS only).

Size:	Each
Size 70 mm contact prints	$1.25
Size 70 mm contact transparents	2.00

2. *Enlargements* (projection prints). The prices for enlargements of various sizes are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered.

Size:	Price each
9 x 9 in. (from 70 mm)	$2.00
13 x 13 in	4.00
17 x 17 in	5.00
24 x 24 in	6.00
38 x 38 in	12.00

For larger size reproductions, add $2.00 for each additional 12 inches or fraction thereof, linear measurement.

3. *Aerial photo-index sheets.*

SIZE 20 X 24 INCHES

Quantity:	Price each
Any quantity	$5.00

4. *Film positives.* Contact printed from aerial negatives, size 9 x 9 inches.

Quantity:	Price each
Any quantity	$3.00

5. *Copy negatives.* On film, aerial exposures, size 9 x 9 inches.

Quantity:	Price each
Any quantity	$3.00

6. *Diapositives.* Prints on glass, size 9 x 9 inches, thickness 0.06 inch.

Quantity:	Price each
Any quantity	$10.00

7. *Aperture Cards and Printouts.*

	First unit	Each additional unit
Duplicate of an aperture card	$1.00	$0.10
Aperture card from photoindex sheet	1.00	.25
Printout from aperture card	1.00	.50

8. *Color Photography.* Furnished only by the Regional Forest Service Aerial Photography Laboratories at Ogden, Utah and San Francisco, California, and the Agricultural Stabilization and Conservation Service Aerial Photography Laboratory in Salt Lake City, Utah.

Positive contact print made from negative	$7.00
Enlargements 9x9 inches (from 70 mm)	7.00
Enlargements 13x13 inches	12.00
Enlargements 17x17 inches	15.00
Enlargements 24x24 inches	20.00
Enlargements 38x38 inches	30.00
Color film transparencies (positives or negatives)	
Contacts 70 mm	5.00
Contacts 9x9 inches	12.00
Enlargements 9x9 inches (from 70 mm)	12.00

9. *Special Needs.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in Section 10a or the Coordinator, Aerial Photographic Work of the Department of Agriculture, ASCS, Room 3405, Auditors Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

(5 U.S.C. 301; 5 U.S.C. 552; 31 U.S.C. 483a;

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and the Delegations of Authority in 7 CFR 2.25(f)(3)(iii), and 7 CFR 2.79(a)(3)(iii).

Dated: January 17, 1975.

GEORGE C. KNAPP,
Deputy Director,
Office of Operations.

[FR Doc.75-2122 Filed 1-22-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SOUTH CAROLINA

Advanced Notice of Proposed Supplements To Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 667) for the review of changes and progress in State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, a notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina Plan and the adoption of Subpart C of Part 1952 containing the decision and describing the plan. On May 23, May 28, July 16, August 19, November 4, and November 8, 1974, the State of South Carolina submitted supplements to the plan involving developmental changes and State initiated changes to the Atlanta Regional Office of the Occupational Safety and Health Administration. Following regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for his determination as to whether they should be approved. The supplements are described below.

2. *Description of the supplements.* (a) Legislation. In accordance with the commitment expressed in 29 CFR 1952.103 (a), the State submitted amendments to its enabling legislation (§§ 40-261 through 40-274, South Carolina Code of Laws, 1962) which were designed to bring the plan into conformity with the requirements of 29 CFR Part 1902. The legislation was enacted by the South Carolina Legislature during its 1973 session and became effective on June 12, 1973. The legislation provides for the following:

(1) Employer and employee duties;

(2) Provision for informing employees of their protections and obligations under the State Act;

(3) Provision for public participation in the promulgation, modification or revision of rules and regulations;

(4) Procedures for the granting or denial of temporary variances;

(5) Procedures for the granting or denial of permanent variances;

(6) Provision for the right of entry of inspectors to workplaces;

(7) Provision for the posting of citations;

(8) Procedures governing imminent danger situations;

(9) Procedures for the review of citations, penalties, abatement periods or other actions of the Commissioner of Labor by employers and employees;

(10) Sanctions for violations of rules and regulations;

(11) Monitoring and measuring employee exposure to potentially toxic materials or harmful physical agents;

(12) Provision for employee participation in inspections by accompanying the inspector, and prohibition against loss of wages because of such participation; and

(13) Prohibition against employee discrimination because of the exercise of rights under the State Act.

(b) Regulations. In addition the State has submitted supplements and revisions concerning various other aspects of its plan. Regulations concerning procedures for temporary variances, permanent variances, employee complaints about violations, employee right to participate in inspections, informal conferences following inspections, recordkeeping by small employers, and advance notice of inspections have been revised and are included in the supplements.

(c) Voluntary compliance program. The State has submitted a proposal for a voluntary compliance program which is to be known as a "Taxpayers Assistance Program." The purpose of this program is to provide, through voluntary compliance, safe and healthful places of employment. The program includes onsite consultation and will be staffed initially by three Safety and Health Assistance Officers who will be under the direction of the Chief Standards Officer.

(d) Public employee program. The supplements also include a proposal for a public employee program which will be known as the "Public Sector Assistance Program." This program will provide coverage for employees of State and local governments except that the penalty provisions of the Act will not be applicable to public employers. However, penalties may be assessed where there is a failure to abate an imminent danger or a serious violation. This program will be staffed initially with three Public Sector Assistance Officers who will be responsible to the Chief Standards Officer.

(e) Standards and delegations of authority. The plan has also been revised in a number of areas. As approved, the plan provided for the establishment of a Standards Advisory Council. This council will be eliminated under the revised plan since the State has adopted and will continue to adopt standards promulgated by the Secretary of Labor. However, if it is determined that the State should promulgate its own standards, ad hoc committees may be convened. The plan has been further revised in that the designee, the South Carolina Department of Labor, will assume responsibilities which it had originaly intended to delegate to the South Carolina Liquefied Petroleum Gas Board, the State Fire Marshal and the South Carolina Department of Agriculture.

(f) Reduction in staffing projections. The State also proposes to revise its plan by reducing its staffing projections. As now proposed, the State intends to reduce its ultimate compliance force to 29 safety officers and 6 health officers from the staff of 49 safety officers and 9 health officers originally proposed upon plan approval. The State contends that the proposed staff will provide total coverage of all workplaces at least once every three years.

(g) Occupational health. The designee and the South Carolina Department of Health and Environmental Control have entered into an agreement delegating certain responsibilities for occupational health enforcement activities and laboratory analysis and establishing methods of coordination between the two Departments. A copy of the agreement along with a description of the South Carolina Occupational Health Program are included in the supplements.

(h) Compliance Manual. The State has also submitted a Compliance Operations Manual which is modeled after the Federal manual. Certain sections of the manual have been reserved pending further revisions.

(i) Developmental schedule. The State further proposes to amend its developmental schedule for the completion of its Management Information System from June 30, 1974, to July 1975. The State has completed a manual system and proposes the change in the developmental schedule to convert and expand its system to an automated one by July 1975.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and the South Carolina Department of Labor, 1710 Gervais Street, Columbia, South Carolina.

4. *Public participation.* Interested persons are hereby given until February 24, 1975, in which to submit written data, views, and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart C of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 16th day of January, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-2128 Filed 1-22-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 100a]

GENERAL PROVISIONS FOR DISCRETIONARY PROGRAMS

Copyrightable Materials Developed Under Office of Education Programs

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318), and pursuant to the authority contained in section 403(b)(1) of the General Education Provisions Act, as amended (20 U.S.C. 1221c(b)(1)), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 100a of Title 45 of the Code of Federal Regulations and Appendix A to Subchapter A, Chapter I, Subtitle B of Title 45 CFR as set forth below. These amendments would codify the Office of Education's copyright guidelines, and supersede the document appearing at 35 FR 7317 (May 9, 1970).

1. *Rules governing copyrights.* The regulations set forth below govern the use of copyrightable material developed under Office of Education programs, including provision for obtaining a limited copyright on such materials. The purpose of the regulations is to facilitate the commercial dissemination of materials after they are developed. The regulations are a codification of the current Office of Education copyright guidelines (35 FR 7317, May 9, 1970), and no major change in the substantive rules is intended.

If the regulations set forth in this document are adopted as proposed, the rules governing copyrights would be located in the General Provisions Regulations as follows:

a. The rules governing copyrights by State and local governments (unless an agreement is entered into with the Commissioner under proposed § 100a.221-1) would be set forth in Subpart L (Property Management Requirements) of Part 100a (45 CFR Part 100a), § 100a.217.

b. The rules governing copyrights by recipients other than State and local governments would be set forth in Subpart L-1 (Copyrights-Recipients other than State and Local Governments) of Part 100a (45 CFR Part 100a), §§ 100a.221-100a.226.

c. The rules governing copyright royalties of all recipients, including State and local governments, would be set forth in Subpart M (Program Income) of Part 100a (45 CFR Part 100a), § 100a.234.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commisioner to study all the rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the U.S. Office of Education copyright policies. Effective 30 days following the publication of these regulations in final form, after comments and public hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Office of Education's copyright policies (except those set forth in the Office of Education General Provisions Regulations (45 CFR Subtitle B, Chapter I, Subchapter A), as amended by this document) will be superseded.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

4. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations, as follows:

A hearing will take place at the U.S. Office of Education on March 26, 1975 in the Auditorium of Regional Office Building Three (ROB-3), 7th and D Streets, SW., Washington, D.C., beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, SW., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant materials received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Programs Nos. 13.400-13.524, Office of Education)

Dated: August 8, 1974.

DUANE J. MATTHEIS,
Commissioner of Education.

Approved: January 15, 1975.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Subchapter A of Chapter I, Subtitle B of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 100a.217 is amended by revising the section heading, to read as follows:

§ 100a.217 Copyrights—State and local governments.

* * * * * *

2. Section 100a.219 is amended by deleting paragraph (a) and by revising the section heading to read as follows:

§ 100a.219 Patents.

(a) [Deleted]

* * * * * *

3. A new subpart L-1 is added to read as follows:

Subpart L-1—Copyrights—Recipients Other Than State and Local Governments

Sec.

100a.221	Purpose.
100a.221-1	Scope.
100a.221-2	Copyright policy.
100a.221-3	Definitions.
100a.222	Content of material.
100a.222-1	Publication.
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100a.222-3	Requests for copyright authorization.
100a.223	Scholarly and professional journals and periodicals.
100a.223-1	"Thin market" materials.
100a.223-2	Involvement of producers in development.
100a.224	Decision of the Commissioner.
100a.224-1	Selection of producer.
100a.224-2	Dissemination by recipient.
100a.224-3	General conditions.
100a.224-4	Publications arranged by the Commissioner.
100a.225	Waiver of requirement for limited copyright.
100a.226	Copyright protection during development.

Subpart L-1—Copyrights—Recipients Other Than State and Local Governments

§ 100a.221 Purpose.

The purpose of this subpart is to promote the effective dissemination and use of material in a manner which is fair and equitable to all interested parties—developers, producers, and users.

(20 U.S.C. 1221c(b)(1))

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§ 100a.221–1 Scope.

(a) Except as provided in paragraph (b) of this section, this subpart applies only to recipients other than State and local governments.

(b) (1) The Commissioner and a State and local government recipient may, by mutual agreement, make this subpart applicable to one or more awards to that recipient.

(2) If an agreement is entered into under this paragraph: (i) § 100a.217 (Copyrights-State and local governments) shall not apply to those awards, (ii) royalties received during the grant period shall be governed by § 100a.234 (b), and (iii) royalties received after the grant period shall be governed by § 100a.-234(d).

(c) Notwithstanding § 100a.10(b), this subpart shall apply to procurement contracts awarded pursuant to Title 41 of the Code of Federal Regulations as well as awards for assistance.

(20 U.S.C. 1221c(b) (1))

§ 100a.221–2 Copyright policy.

(a) It is the policy of the Office of Education that material resulting from Federally-assisted activities should be used in a manner which will best serve the public interest. This can be accomplished in some situations by distribution of the material without copyright. However, it is recognized that copyright protection may be desirable during development, as an incentive to promote effective dissemination, or otherwise in serving the public interest.

(b) Material which is subject to the provisions of this subpart shall not be copyrighted except as provided under this subpart.

(c) Arrangements for copyright of material for a limited period of time may be authorized by the Commission under appropriate conditions upon a showing satisfactory to the Commissioner that copyright protection will result in more effective development or dissemination of the material or would otherwise be in the public interest.

(20 U.S.C. 1221c(b) (1))

§ 100a.221–3 Definitions.

As used in this subpart:

"Cosponsor" is any person, agency, institution, or organization which contributed materially to a project for developing material. A grantee or contractor may be a cosponsor.

"Development" is the act or process of writing, creating, generating, testing, evaluating, or revising material, as distinguished from the act or process of publishing and disseminating material.

"Dissemination" includes the acts of stocking, selling, delivering, distributing, and installing material.

"Experimental material" is material which is being tested and evaluated under a grant or contract.

"Final material" is material which has been developed to the extent intended under the grant or contract.

"Material" means any copyrightable work resulting from a federally-funded grant or contract.

"Producer" means any publishing or disseminating organization other than the U.S. Government.

"Publication", in addition to the conventional meaning, includes all acts of preparing final material (in any media) for dissemination, and the further acts of disseminating that material (by any method).

"Recipient" (notwithstanding the definition of that term in § 100.1 of this chapter) includes parties who enter into procurement contracts with the Office of Education under Title 41 of the Code of Federal Regulations as well as parties who receive awards of assistance.

"Thin market material" is material for which a limited market and insubstantial publication revenues are anticipated.

(20 U.S.C. 1221c(b) (1))

§ 100a.222 Content of material.

Recipients are free to exercise their best judgments as to the format and intellectual content of material being developed under a project.

(20 U.S.C. 1221c(b) (1))

§ 100a.222–1 Publication.

(a) Recipients may publish or have published material without copyright, may seek authorization for publication under copyright, or may elect not to publish.

(b) (1) If the recipient elects to publish material (or to have it published) without copyright, the recipient may do so, subject to the limitation in § 100a.224–4. Such publication should not be undertaken unless educational objectives will be adequately served by that approach.

(2) Neither the recipient nor any of its employees who were involved in the development of material may publish or have published a copyrighted version within twelve (12) months after the publication date of the uncopyrighted version.

(c) If the recipient decides that it is unable or unwilling to publish the material, or to have it published, the recipient shall inform the Commissioner immediately after such decision is made so that other publication arrangements can be made.

(20 U.S.C. 1221c(b) (1))

§ 100a.222–2 Copyright authorization.

(a) The Commissioner may authorize a recipient to obtain publication under copyright and to claim the copyright for a specific period, generally not to exceed five (5) years, upon a showing that the material can best be disseminated under copyright.

(b) If the recipient elects to seek authorization for publication under copyright pursuant to the procedures of this subpart it shall do so at the earliest feasible time, preferably at an early stage in the development of the material.

(20 U.S.C. 1221c(b) (1))

§ 100a.222–3 Requests for copyright authorization.

(a) A request for authorization to secure copyright under § 100a.222–2 shall be submitted to the Commissioner in sufficient time for action before the expiration of the award.

(b) Each request under paragraph (a) of this section shall include:

(1) An identification, by number, of the grant or contract involved, a description of the type or class of material for which request for authorization to secure copyright is being made, and a copy of the material, if available;

(2) The reasons why the material should be disseminated under copyright;

(3) The proposed copyright period and the reasons therefor;

(4) A "Request for Proposals" which the recipient proposes to use should the request for authorization to secure copyright be approved;

(5) A list of prospective producers to be solicited;

(6) The best available indication of the size and nature of the estimated market for the material;

(7) The criteria that will be used to select the successful producer, including the proposed publication and dissemination timetable, approximate price to be charged, experience and capability in the field, royalties to be paid, and other appropriate factors; and

(8) A statement of any other factors which the recipient considers to be pertinent to its request.

(20 U.S.C. 1221c(b) (1))

§ 100a.223 Scholarly and professional journals and periodicals.

In the interest of rapid dissemination of educational information, no restriction is placed upon the publication of educational articles in scholarly or professional journals, or in other periodicals.

(20 U.S.C. 1221c(b) (1))

§ 100a.223–1 "Thin market" materials.

Notwithstanding the requirements of § 100a.222–3, the obligation to obtain competition for publication of thin market materials will be satisfied by the following procedure:

(a) The recipient shall write to those producers (a minimum of three) which would most likely be interested in publishing the material. Each shall be informed that the others are receiving comparable letters. Each letter shall request the producer to specify the terms under which that producer would be willing to publish the material.

(b) The recipient shall furnish copies of the letters to the producers and each response, together with a recommendation for selection and the rationale therefor, with the copyright authorization request to the Commissioner.

(c) The Commissioner will act on the request in accordance with the provisions of § 100a.224.

(d) The Commissioner reserves the right to require the use of the procedure under § 100a.222–3 if he determines that the material is not thin market material.

(20 U.S.C. 1221c(b) (1))

§ 100a.223–2 Involvement of producers in development.

(a) Nothing contained in this subpart shall be interpreted as precluding the involvement of producers in the development of material, provided their involvement is accomplished on a competitive basis so that one producer is not given an undue advantage over other potentially interested producers.

(b) In order to involve producers in the development of material, the "Request for Proposals" specified in § 100a.-222–3(b)(4) shall, if desirable, require that the producer perform, in addition to normal publishing and disseminating functions, some additional functions which would normally be identified as development functions. Such additional functions might include, for example, the printing of experimental material and its distribution to a specified audience, the design of equipment, or the production of films.

(c) Involvement of producers in the development phase may be undertaken to:

(1) Attract private investment,

(2) Utilize unique facilities and expertise,

(3) Promote the development of a viable and salable product, where unique installation and use problems are anticipated,

(4) Promote the transition from the development phase to the publication phase, and

(5) Meet other considerations consistent with the purposes of this subpart.

(20 U.S.C. 1221c(b) (1))

§ 100a.224 Decision of the Commissioner.

(a) All requests for authorization to secure copyright will be considered by the Commissioner. The recipient will be notified of the Commissioner's decision.

(b) If the request is denied, the recipient will be advised of the reasons for the denial. In such case, the recipient may request reconsideration within thirty (30) days after receipt of the Commissioner's decision.

(c) If the request is approved, an agreement setting forth the conditions under which the recipient is authorized to secure publication under copyright, including the conditions set forth in § 100a.224–3 and any other conditions deemed appropriate by the Commissioner, will be sent to the recipient for signature. The agreement will authorize the recipient to issue the Request for Proposals to prospective producers, to select a producer, and to prepare a publication and dissemination contract.

(20 U.S.C. 1221c(b) (1))

§ 100a.224–1 Selection of producer.

After receipt and evaluation of the proposals, the recipient shall submit the name of the producer selected and the rationale for selection to the Commissioner for approval of the selection, prior to negotiating final terms of a publication and dissemination contract with the producer selected. The publication and dissemination contract will not be executed until it has been approved by the Commissioner.

(20 U.S.C. 1221c(b) (1))

§ 100a.224–2 Dissemination by recipient.

A recipient which has a dissemination capability may be authorized to disseminate material it has developed, under copyright, subject to appropriate conditions, upon a showing that such dissemination would be in the public interest.

(20 U.S.C. 1221c(b) (1))

§ 100a.224–3 General conditions.

Authorization to publish under copyright shall be subject to such conditions as the Commissioner may deem appropriate, including the following:

(a) The copyright will normally be in the name of the recipient.

(b) Neither the recipient, nor any of its employees, without prior written approval of the Commissioner, shall publish or have published any revision or adaptation of the copyrighted material during such period of time as the Commissioner shall determine, but not to exceed the authorized copyright period.

(c) In addition to the clause required under § 100a.218, a legend which will provide notice of the time limitation imposed by the copyright authorization agreement, in such form as may be designated by the Commissioner, will be placed in a prominent position on the copyrighted work.

(d) Within six (6) months after publication of the copyrighted material, the copyright claim will be registered in the U.S. Copyright Office by the recipient or by the producer for the recipient. The application for registration will state the date after which the copyright may no longer be claimed

(e) With respect to any material for which the securing of copyright protection is authorized pursuant to this subpart, the U.S. Government shall be granted an irrevocable, nonexclusive, and royalty-free license to publish, translate, reproduce, deliver, perform, use, and dispose of all such material for government purposes.

(f) In the event that the Commissioner finds that the recipient has not complied or is unwilling or unable to comply with the terms of the copyright authorization agreement, the Commissioner shall have the right: (1) To publish and disseminate the material or to have the material published and disseminated, either with or without copyright protection, and (2) to take such other action as may be allowable under the copyright authorization agreement or under law or regulations; *Provided*, That the recipient shall be given notice of any action proposed to be taken by the Commissioner and afforded an opportunity to be heard.

(g) In the event that the Commissioner finds that the producer has failed to comply with the terms of the publication and dissemination contract with the recipient, the Commissioner shall have the right: (1) to license others to publish the material covered by the copyright, and (2) to take such other action as may be authorized under the publication and dissemination contract; *Provided*, That the recipient and the producer shall be given written notice of any action proposed to be taken by the Commissioner and afforded an opportunity to be heard.

(h) If the material for which copyright is sought is a product of a project which is funded jointly with another party, the Commissioner may negotiate with the other party with respect to the terms and conditions by which publication under copyright will be authorized. The purpose of the negotiation will be to reach an accommodation in the event such other party has copyright policies which differ from this subpart.

(20 U.S.C. 1221c(b) (1))

§ 100a.224–4 Publications arranged by the Commissioner.

In the event that the recipient is unwilling or unable to undertake the task of obtaining effective dissemination of material in accordance with §§ 100a.222–100a.222–3 or § 100a.223–1, and the Commissioner determines that publication under copyright will promote effective dissemination and use of the material, the Commissioner may undertake the task of arranging for such dissemination. All royalties which are generated will be paid by the publisher to the Commissioner, and the recipient will not share in those royalties.

(20 U.S.C. 1221c(b) (1))

§ 100a.225 Waiver of requirement for limited copyright.

The Commissioner may permit a recipient to secure and claim statutory full term copyright in material, subject only to the requirement that the U.S. Government be granted a royalty free, nonexclusive and irrevocable license to publish, translate, reproduce, deliver, perform, use and dispose of all such material for government purposes, in those situations where the financial support by organizations other than the Federal Government is so great, as compared with the contribution of the Federal Government, that it would be inequitable to require more than this license.

(20 U.S.C. 1221c(b) (1))

§ 100a.226 Copyright protection during development.

(a) There may be occasions where it will be in the public interest to prevent curriculum and other material from falling into the public domain prematurely while it is being developed, tested, and evaluated. Grantees and contractors may take the necessary steps to protect that material during development, testing, or evaluation; *Provided*, That the material shall not be copyrighted without the express approval of the Commissioner.

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(b) The Commissioner may approve requests submitted to him in writing to secure copyright and to claim copyright for a limited period of time during development, testing, and evaluation, where it can be demonstrated that such protection is necessary for the effective development of the material. The request shall set forth the reasons why copyright is needed.

(20 U.S.C. 1221c(b)(1))

4. Section 100a.234 is revised to read as follows:

§ 100a.234 Royalties.

(a) *Applicability*—(1) *Copyrights.* This section applies to royalties received by recipients from copyrights on publications or other works developed under a Federally-assisted grant or contract.

(2) *Patents.* This section also applies to royalties received by recipients from patents on inventions conceived or first actually reduced to practice in the course of or under a Federally-assisted grant or contract.

(b) *During the grant period—State and local governments—copyrights and patents.* (1) If the recipient is a State or local government, all royalties received during the grant period shall be retained by the recipient. The terms and conditions of the grant or contract will provide either:

(i) That such royalties shall be used by the recipient for any purposes which further the objectives of the legislation under which the award was made, or

(ii) That such royalties shall be deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs shall be based.

(2) When the recipient is a State or local government, the recipient shall elect either of the alternatives specified in subparagraph (1) of this paragraph if the terms and conditions of the grant or contract do not specify which is to be followed.

(c) *During the grant-period—other recipients—patents.* If the recipient is not a State or local government, disposition of patent royalties received during the grant period shall be governed by § 100a.219(b).

(d) *During and after the grant period—other recipients—copyrights.* (1) This paragraph applies only to copyright royalties (whether received during or after the grant period) of recipients other than State and local governments (except as provided in § 100a.221–1(b).

(2) Each co-sponsor of a project is entitled to share in any royalties from published material (as defined in § 100a.221–3) in proportion to the financial or equivalent contribution to the Federally-assisted project by the co-sponsor.

(3)(i) Except as provided in paragraph (d)(3)(ii) of this section, the recipient shall remit royalties from the sale or rental of copyrighted material to the Commissioner for transmittal to the U.S. Treasury.

(ii) The recipient may retain a portion of the royalty income equal to one of the following amounts, whichever is greater:

(*a*) Fifty percent of the net royalty ("Net royalty" is defined as that amount remaining after deducting any share or shares due to a cosponsor or cosponsors, other than the Federal Government or the recipient); or

(*b*) The percentage which corresponds with the financial contribution to the project by the recipient. (If the recipient elects this alternative, the burden of showing such contribution shall be on the recipient. The Commissioner reserves the right to accept or reject such a showing and to specify the share, not less than 50 percent of the net royalty, to be retained by the recipient.)

(4) Contractors other than nonprofit organizations or agencies are not permitted to share in royalties under paragraph (d)(3) of this section. However, arrangements may be made to allow such contractors to retain royalties to defray administrative expenses, not otherwise recoupable under the contract, which are incurred in obtaining publication of material under copyright in accordance with this subpart.

(20 U.S.C. 1221c(b)(1))

(e) *After the grant period—State and local governments—copyrights.* Except as provided in § 100a.221–1(b)(2), if the recipient is a State or local government, the Federal share of copyright royalties in excess of $200 received annually shall be paid by the recipient to the Federal Government. In such cases, the Federal share of the royalties shall be computed on same ratio basis as the percentage of Federal participation in the cost of the project or program. This percentage of participation shall be determined in accordance with § 100a.220.

(f) *After the grant period—all recipients—patents.* Disposition of patent royalties received after the termination or completion of the period for obligation shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the recipient, pursuant to the Department's patent regulations (Parts 8 and 8 of this title).

(20 U.S.C. 1221c(b)(1); OMB Circular No. A–102, Attachment E)

5. Appendix A to Subchapter A of Chapter I, subtitle B, is amended by revising paragraphs 10–a and 11–b to read as follows:

10. *Copyrights.* (a) Any material of a copyrightable nature produced under the grant shall be subject to the applicable provisions of 45 CFR Part 100a, including, as appropriate, Section 100a.217 (copyrights—State and local governments), subpart L–I (copyrights—recipients other than State and local governments), and/or the provisions of subpart M (program income). Material produced by trainees or fellows are not considered to be produced under the grant unless they are produced at the direction of the grantee.

* * * * *

11. *Publications.* (a) * * *

(b) Material produced as a result of the grant may be published without prior review by the Commissioner. Five copies of such material shall be furnished to the grants officer. If such material are published for sale, disposition of the proceeds from such sale shall be governed by the applicable provisions in 45 CFR Part 100a, Subpart M (Program Income).

(20 U.S.C. 1221c(b)(1))

[FR Doc.75–2088 Filed 1–22–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10 and 12]

[CGD 74–226]

LICENSING AND CERTIFICATING OF MERCHANT MARINE PERSONNEL

Notice of Proposed Rulemaking

The Coast Guard is considering amending the regulations concerned with the licensing of deck officers to provide a seaman's entry rating of "apprentice mate," and to accept an approved training program as qualifying experience for a license as Third Mate of ocean steam or motor vessels.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G–CMC/82), Room 8234, 400 Seventh Street SW., Washington, D.C. 20591 (Phone 202–426–1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, the specific section of the proposal to which comment is addressed, and the reason for suggested change, if any.

All relevant communications received before March 9, 1975, will be fully considered before final action is taken on this proposal. Copies of comments received will be available for examination in Room 8234. This proposal may be changed in the light of comments received.

The proposed changes will provide a new method of qualification for a license as Third Mate of ocean steam or motor vessels. These provisions will parallel those amendments concerning apprentice engineer which were promulgated in the FEDERAL REGISTER, vol. 31, No. 240 on Tuesday, December 13, 1966, and which are contained in 46 CFR 10.10–21, 11.10–50, and 12.25–35.

The Coast Guard is becoming increasingly aware of the problem of obtaining junior officers, Third Mates and Third Assistant Engineers, who are motivated to follow a career as professional mariners. This situation has created a shortage of shipboard personnel in some segments of the marine industry, particularly in the intermediate officer grades of Chief/Second Mates and First/Second Assistant Engineers.

The analysis contained in a recent U.S. Maritime Administration study, "Deck and Engine Officers in the U.S. Merchant Marine, Supply and Demand, 1974–1984," shows a shortage of deck and engineering officers by the end of the decade and possibly earlier. This shortage was predicated on a U.S. Flag Vessel Forecast, the output of new ship's officers available to the work force, and the attrition rate of these officers. An influencing factor on this shortage is the increasing number of officers who will be required to fill one billet. This increase in manpower requirements is due to recent liberalization of vacation provisions in the industry. Among other things, this study recommended a new supply of officers from industry schools.

Therefore, to assure that vessels of the U.S. Merchant Marine are adequately manned by qualified, trained, and efficient citizen personnel, the Coast Guard is proposing these regulations to provide another source of supply for deck officers.

In June 1974, Southern Maine Vocational Technical Institute at South Portland, Maine, proposed that it could adequately provide the educational part of a proposed curriculum if interested corporations could provide the experience opportunity and lend financial support to the total program. Southern Maine Vocational Technical Institute is one of five such schools operated by the State of Maine, and has been recommended for accreditation by the New England Association of Schools and Colleges. The first formal meeting of representatives of the Institute, Gulf Oil Trading Corporation, the U.S. Maritime Administration, and the Ceast Guard was held in South Portland on 26 June 1974. The facilities, including waterfront and training vessels, were considered sufficient to accommodate a new program. As a result, a formal request for approval was prepared and forwarded to the Commandant. In view of the present facilities and equipment, the program to train apprentice mates and apprentice engineers was begun in September 1974 with interim Coast Guard approval.

The program is based on a 3-year course of directed study and practical experience which will be supervised by ships' officers and instructors who will accompany the apprentices on some voyages. Each student accepted as an apprentice must meet the State requirements concerning educational background and must meet the Coast Guard physical standards for an original license. The program will alternate 8 months of academic training with 4 months of underway experience for a total of 36 months, including 12 months aboard ship.

Contingent upon final notice of rule making, interim approval of the program has been given. Longer approval will be granted upon completion of the new building for the Department of Marine Science and Technology, the obtaining of simulator training aids, and continued interest by all parties concerned.

In consideration of the foregoing, it is proposed that Parts 10 and 12 of Title 46 of the Code of Federal Regulations be amended as follows:

1. In § 10.05–33, by amending paragraph (a)(7) by striking "." and inserting "; or ," in place thereof and by adding a new paragraph (a)(8) to read as follows:

§ 10.05–33 Third Mate of ocean steam or motor vessels.

(a) * * *

(8) Satisfactory completion of a three year apprentice mate training program approved by the Commandant.

2. By adding a new § 12.25–40 to read as follows:

§ 12.25–40 Apprentice Mate.

A person enrolled in an apprentice mate training program approved by the Commandant who presents a letter or other documentary evidence that he is so enrolled may be issued a merchant mariner's document as apprentice mate and may be signed on ships as apprentice mate. The endorsement "apprentice mate" may be in addition to other endorsements. However, this endorsement as apprentice mate does not authorize the holder to fill any of the regular ratings.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), RS. 4438, as amended (46 U.S.C. 224), R.S. 4438a, as amended (46 U.S.C. 224a), R.S. 4440, as amended (46 U.S.C. 228), R.S. 4551, as amended (46 U.S.C. 643); 46 U.S.C. 672, 689; 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b)).

Dated: January 16, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75–2124 Filed 1–22–75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–NE–60]

PROPOSED DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Rochester, New Hampshire, 700-foot Transition Area.

A review of airspace requirements for the Standard Instrument Approach Procedure serving Sky Haven Airport, Rochester, New Hampshire, has determined the need of a 700-foot Transition Area in order to provide controlled airspace protection for aircraft executing the Standard Instrument Approach Procedure at Sky Haven Airport, Rochester, New Hampshire.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before February 24, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Rochester, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

ROCHESTER, NEW HAMPSHIRE

That airspace extending upward from 700-feet above the surface within a 7 mile radius of the Center (Lat. 43°17'00" N., Long. 70°57'00" W.) of the Sky Haven Airport, Rochester, New Hampshire, excluding those portions that coincide with the Sanford, Maine and Portsmouth, New Hampshire 700-foot Transition Areas.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; (49 U.S.C. 1348)] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on January 10, 1975.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.75–2070 Filed 1–22–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–SO–3]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Kingstree, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before February 24, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

V40-16 JAN 23 75 XUM

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Kingstree transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Williamsburg County Airport (Lat. 33°43'01" N., Long. 79°51'26" W.); within 3 miles each side of the 307° bearing from Kingstree RBN (Lat. 33°43'04" N., Long. 79°52'23" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Williamsburg County Airport. A prescribed instrument approach procedure to this airport, utilizing the Kingstree (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 14, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-2069 Filed 1-22-75;8:45 am]

NATIONAL SECURITY COUNCIL

[32 CFR Ch. XXI]

FREEDOM OF INFORMATION FEES

Notice of Proposed Rule Making

The National Security Council Staff is considering publishing the following regulations concerning the schedule of fees and method of payment for services rendered under the Freedom of Information Act, as amended (5 U.S.C. 552).

Interested persons may comment by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Staff Secretary, Room 374, Old Executive Office Building, National Security Council, Washington, D.C. 20506. All communications received on or before February 16, 1975, will be considered before action is taken on the proposed regulations. No public hearing will be held. The proposal contained in this notice may be changed in the light of the comments received.

Comments received will be available for examination by contacting the Staff Secretary at the address cited above.

SCHEDULES OF FEES AND METHOD OF PAYMENT FOR SERVICES RENDERED

A. Fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

1. Search for records—$5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

2. Duplication of records—Records will be duplicated at a rate of $.25 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or less pages.

3. Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Staff Secretary is authorized to established an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

B. If records requested under the Act are stored elsewhere than the headquarters of the National Security Council Staff at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the NSC Staff determines that a record which has been requested, but which is exempt from disclosure under the Act, is to be withheld. Processing of a request for records will not be undertaken until a requestor has paid in full for search and duplication charges for any previous document request under the Act.

C. Where is it anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with knowledgeable NSC Staff personnel—designated by the Staff Secretary—in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the NSC Staff until a reply is received from the requester.

D. Fees must be paid in full prior to issuance of requested copies.

E. Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasurer of the United States and mailed to the Staff Secretary, National Security Council, Washington, D.C. 20506.

F. A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

G. The Staff Secretary, National Security Council, may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when it is deemed to be in either the interest of the NSC Staff or of the general public.

These regulations are proposed under the authority of 5 U.S.C. 552 as amended by Public Law 93-502.

JEANNE W. DAVIS,
Staff Secretary.

[FR Doc.75-2113 Filed 1-22-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ATF O 1100.11]

CHIEF, ADMINISTRATIVE PROGRAMS DIVISION

Delegation Order

Settlement of tort claims and claims made by an employee of the Bureau of Alcohol, Tobacco and Firearms for Damage to or Loss of Personal Property Incident to Service.

Pursuant to Treasury Department Order No. 145 (Rev. 3), dated February 13, 1967, and Treasury Department Order No. 177-22 (Rev. 2), dated December 27, 1968, there is hereby delegated to the official listed below the authority to handle the claims as specified:

(a) Chief, Administrative Programs Division.

(1) The authority, under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, compromise, settle, and pay or transmit for payment claims for money damages for injury or loss of property or wrongful act or omission of any employee of the Bureau of Alcohol, Tobacco and Firearms.

(2) The authority to consider, ascertain, adjust, and determine claims under the Act of December 28, 1922, 42 Stat. 1066.

(3) The authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by an employee of the Bureau of Alcohol, Tobacco, and Firearms for damage to or loss of personal property incident to his service.

2. The authorities delegated herein may be redelegated but not below the Protective Programs Officer.

3. This order supersedes ATF Delegation Order No. 8, issued July 1, 1972.

Dated: January 7, 1975.

REX R. DAVIS,
Director.

[FR Doc.75-2117 Filed 1-22-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD; AIR FORCE SYSTEMS COMMAND ARMAMENT DEVELOPMENT AND TEST CENTER ADVISORY MEETING

Closed Meeting

JANUARY 17, 1975.

The Air Force Systems Command Armament Development and Test Center Advisory Group will hold a meeting in room 118, building 1, Eglin Air Force Base, Florida, on February 19 and 20, 1975, from 8:30 a.m. to 4:00 p.m.

The meeting will be closed to the public. The agenda will consist of classified discussions and briefings on matters listed in 5 U.S.C. 552(b)(1) concerning Air Force munitions development programs.

For further information, contact the Scientific Advisory Board Secretariat on 202-697-4648.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-2096 Filed 1-22-75;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE—POLITICO-MILITARY SUB-PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Politico-Military Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on February 21, 1975, at the Pentagon, Washington, D.C. The session will commence at 9:00 a.m. and terminate at 5:30 p.m.

The agenda will consist of matters which are classified in the interest of national security, including current intelligence, military capabilities, influence of sea power on international policies, and long-range Navy plans. The Secretary of the Navy for that reason has determined in writing that meetings of the Chief of Naval Operations Executive Panel Advisory Committee should be closed to the public because they are concerned with matters listed in section 552(b) of Title 5, United States Code.

Dated: January 16, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc.75-2098 Filed 1-22-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL PRIVATE SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Private Security Advisory Council to the Law Enforcement Assistance Administration will meet February 19 and 20, 1975, at the State Capitol Building, Austin, Texas. The Advisory Council will, in conjunction with this meeting, hold a public hearing on a report containing a proposed model statute for the regulation of security guard services.

The meeting will be open to the public. Any interested person may file a written statement with the Council for its consideration or may appear in person to make a statement on the model statute that will be reviewed by the Council. A copy of the draft model statute will be made available on request.

Statements or requests to make personal appearances should be addressed to: Irving Slott, LEAA, U.S. Department of Justice, Room 1144, 633 Indiana Avenue, NW., Washington, D.C. 20530.

GERALD YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-2112 Filed 1-22-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Correction

In FR Doc. 75-1677 appearing at pg. 3019 in the issue for Friday, January 17, 1975, make the following change:

In the last paragraph, the last sentence beginning, "All relevant comments . . ." the date that now reads "January 18, 1975," should be changed to read, "February 18, 1975,".

Bureau of Land Management

[NM 24243]

NEW MEXICO

Application

JANUARY 15, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.
Sec. 14, N½SW¼, SE¼SW¼;
Sec. 15, S½NE¼, NE¼SE¼;
Sec. 22, SE¼SW¼, SW¼SE¼;
Sec. 23, E½NW¼ and NE¼SW¼.

This pipeline will convey natural gas across 1.962 miles of national resource lands in Eddy County, New Mexico.

V40-16 JAN 23 75 XUM

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, 1717 West Second Street, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-2107 Filed 1-22-75;8:45 am]

[Wyoming 49110]

WYOMING

Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1975.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Wyoming 49110, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands for the protection of identified wildlife, watershed, historical and scenic values.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than February 28, 1975, to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 1828, Cheyenne, Wyoming 82001.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIGHORN NATIONAL FOREST

T. 51 N., R. 84 W.,
Sec. 13, NE¼, E½NW¼, and NE¼SE¼.
T. 52 N., R. 84 W.,
Sec. 23, S½NE¼, E½SW¼, and SE¼;
Sec. 26, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.
T. 53 N., R. 84 W.,
Sec. 14, All;
Sec. 15, NE¼NE¼;
Sec. 22, E½;
Sec. 28, NE¼.

The areas described aggregate 2,080 acres.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-2109 Filed 1-22-75;8:45 am]

[Wyoming 49329]

WYOMING

Application

JANUARY 16, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 12 N., R. 99 W.,
Sec. 17, E½E½ and SW¼SE¼;
Sec. 20, lot 3.

The pipeline will convey natural gas from the Burch Federal #13-9 well in sec. 9, T. 12 N., R. 99 W. to an existing pipeline in sec. 13, T. 12 N., R. 100 W., 6th P.M., Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-2108 Filed 1-22-75;8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, February 10, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region.

The members of the committee are as follows:

Director, National Park Service, Chairman
Washington, D.C.

Mr. George M. White
Architect of the Capitol
Washington, D.C.

General Mark W. Clark
Chairman, American Battle
Monuments Commission
Washington, D.C.

Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.

Mr. William H. Press
Chairman, National Capital
Planning Commission
Washington, D.C.

Honorable Walter E. Washington
Mayor of the District of Columbia
Washington, D.C.

Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to discuss a proposed memorial to be erected in the District of Columbia or its environs. The proposed memorial to be considered is:

S. 4141—Authorizing the erection of a statue to commemorate Founding of Marine Barracks, Washington, District of Columbia, by President Thomas Jefferson.

Also to be considered is the relocation of the Major General George C. Meade Memorial.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Date: January 8, 1975.

MANUS J. FISH, JR.,
Director, National Capital Parks.

[FR Doc. 75-2084 Filed 1-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL PEANUT ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Peanut Advisory Committee on February 14, 1975, beginning at 9 a.m., in Room 218-A, U.S. Department of Agriculture, Washington, D.C. 20250.

The purpose of the meeting is to advise the Secretary of Agriculture and other officials on domestic and export requirements for peanuts, production adjustment and stabilization programs, and other matters relating to this commodity. The meeting will be open to the public. Any member of the public may file a written statement with the Committee before or within one week following the meeting.

The names of the members of the Committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. William L. Lanier, Director, Tobacco and Peanut Division, Room 6741-S, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C. on January 20, 1975.

WILLIAM L. LANIER,
Executive Secretary, National Peanut Advisory Committee.

[FR Doc.75-2171 Filed 1-22-75;8:45 am]

Farmers Home Administration

[Designation No. A125]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Georgia:

WILCOX

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 1 to July 20 and excessive rainfall July 21 to August 30, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendations of former Governor Jimmy Carter that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 17, 1975, for physical losses and October 15, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-2118 Filed 1-22-75;8:45 am]

[Designation No. A126]

ILLINOIS

Designation of Emergency Areas

The Secreary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Douglas Marion

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding from May 1 to June 22, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 17, 1975, for physical losses and October 15, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-2119 Filed 1-22-75;8:45 am]

[Designation No. A127]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Mississippi:

De Soto Lafayette Sunflower

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall April 22 to June 30, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 15, 1975, for physical losses and October 17, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 17th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-2120 Filed 1-22-75;8:45 am]

Forest Service

ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF DECEMBER 15, 1974

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of December 15, 1974. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

Dated: January 14, 1975.

R. MAX PETERSON,
Deputy Chief, Forest Service.

V 40 16 JAN 23 75 XUM

FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF 12/15/74

WASHINGTON OFFICE

USDA, Forest Service, 12th St. and Independence Ave. SW., Washington, D.C. 20250

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Flathead River, Wild and Scenic River Proposal.	Flathead National Forest, Mont.	Legislation	Chief	September 1973.	
Flaming Gorge NRA General Mgt. Plan.	Ashley National Forest, Utah.	Land use plan.	do	January 1975	June 1975.
*Regulations for Protection of Surface Values of Federal Lands.	Sawtooth National Forest, Idaho.	Legislation	do	November 1974.	March 1975.
Salmon River Wild and Scenic River Prop.	Idaho	do	do	do	Do.
*Teton Corridor Wilderness Classification.	Bridger-Teton National Forest, Wyo.	do	do	July 1975	December 1975.
*North Fork American River Wild and Scenic.	Tahoe National Forest, Calif.	do	do		
Triangle Ranch Wetlands	Modoc National Forest, Calif.	Land exchange.	do	September 1974.	February 1975.
*Land Acquisition from Southern Pacific Land Co.	Shasta-Trinity National Forest, Calif.	Land acquisition.	do		
Skagit Wild and Scenic River Study.	Mount Baker, Snoqualmie National Forest, Wash.	Legislation	do	January 1975	November 1975.
Oregon Dunes NRA	Siuslaw National Forest, Oreg.	Wilderness study.	do	October 1974	March 1975.
*Illinois River Study	Siskiyou National Forest, Oreg.	Legislation	do	October 1975	April 1976.
Pere Marquette National Scenic River.	Manistee National Forest, Mich.	do	do	February 1974.	March 1975.
Land for Land Exchange with Inland Steel Co.	Superior National Forest, Minn.	Land use plan.	do	November 1973.	February 1975.
Open Pit Copper and Nickel Mining.	do	do	do	June 1976	December 1976.
Portage-Twelve Mile	Stikine area, Alaska	Timber sale	do	September 1974.	January 1975.
1975 Draft Environmental Statement Addendum to the 1974 Gypsy Moth.	Northeastern United States	Aerial application of insecticide.	do	December 1974.	March 1975.

REGIONAL OFFICE

MISSOULA, MONTANA

REGION 1

Northern Region, USDA, Forest Service, Federal Building, Missoula, Mont. 59801

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Coyote Creek	Beaverhead National Forest, Mont.	Timber sale	Forest supervisor.	January 1975	April 1975.
*Bloody Dick	do	Resource plan.	do	do	Do.
*Bull Creek	do	Timber sale	do	do	Do.
*Tie Creek	do	do	do	do	Do.
*Johnny Gulch	do	do	do	do	Do.
*Bitterroot South	Bitterroot National Forest, Mont.	Land use plan.	do	February 1975.	May 1975.
Sapphires Planning Unit	do	do	do	March 1975	June 1975.
*Lower West Fork	do	do	do	February 1975.	Do.
*Warm Springs-Medicine Tree	do	do	do	do	Do.
Little Sleeping Child-Rye	do	do	do	May 1975	September 1975.
Timber Management Plan	Bitterroot National Forest, Mont.	Resource Plan	Regional forester.	March 1975	July 1975.
Emerald Creek	St. Joe National Forest, Idaho.	Land use plan.	Forest supervisor.	February 1975.	
Siwash	do	do	do	do	
Canyon-Snow Peak	do	do	do	do	
Timber Management Plan	do	Resource plan.	Regional forester.	April 1975	
St. Joe Wild and Scenic River Study.	do	do	do	February 1975.	
Horseheaven-Bumblebee	Coeur d'Alene National Forest, Idaho.	Land use plan.	Forest supervisor.	March 1975	
Timber Management Plan	do	Resource plan.	Regional forester.	do	
Napoleon	Kaniksu National Forest, Idaho.	Land use plan.	Forest supervisor.	February 1975.	
Lakeview	do	do	do	January 1975.	
Beaver Creek	do	do	do	April 1975	
Smith Creek	do	do	do	February 1975.	

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Lamb-Lower West Branch	do	do	do	April 1975	
Temple Land Use Plan	do	do	do	March 1975	
Blacktail Planning Unit	do	do	do	February 1975.	
Elk Summit	Clearwater National Forest, Idaho.	do	do	February 1974.	January 1975.
Elk River	do	do	do	February 1975.	August 1975.
Aquarius-Butte Creek	do	do	do	do	Do.
Pryor Mountains	Custer National Forest, Mont.	do	do	December 1974.	February 1975.
Beartooth Highway	Custer, Gallatin, Shoshone National Forest's, Mont. and Wyo.	do	Forest supervisors.	January 1975.	May 1975.
Rolling Prairie	Custer National Forest, N. Dak.	do	Forest supervisor.	December 1974.	July 1975.
Beartooth Face	Custer National Forest, Mont.	do	do	March 1975	November 1975.
Cave Hills-Slim Buttes	Custer National Forest, S. Dak.	do	do	May 1975	December 1975.
Ashland Division	Custer National Forest, Mont.	do	do	December 1975.	May 1976.
Basin Unit Plan	Deerlodge National Forest, Mont.	do	do	January 1975	July 1975.
North End Plan	do	do	do	do	Do.
Forest Transportation Plan	do	Road construction and maintenance.	do	do	Do.
Forest Timber Plan	do	Resource plan.	Regional forester.	do	Do.
Island Planning Unit	Flathead National Forest, Mont.	Land use plan.	Forest supervisor.	February 1975.	May 1975.
*Bunker-Sullivan Unit Plan	do	do	do	do	Do.
*Logan Planning Unit	do	do	do	do	Do.
*Lake Five Planning Unit	do	do	do	July 1974	January 1975.
Big Mountain Ski Resort Master Plan.	do	Expansion of winter sports area.	do	February 1975.	June 1975.
Cedar Bassett	Gallatin National Forest, Mont.	Land use plan.	do	August 1973	May 1975.
Hebgen Lake	do	do		December 1974.	March 1975.
West Yellowstone	do	do	do	April 1975	August 1975.
Ski Yellowstone	do	Winter sports	do	March 1975	June 1975.
Big Tepee Creek	do	Timber sale	do	February 1974.	February 1975.
South Fork Swan Creek	do	do	do	do	Do.
Elkhorn Planning Unit	Helena National Forest, Mont.	Land use plan.	do	April 1974	April 1975.
Colorado-Unionville-Travis Planning Unit.	do	do	do	June 1975	April 1976.
East Belts Unit Plan	do	do	do	September 1975.	July 1976.
Mike Horse Planning Unit	do	do	do	January 1976	November 1976.
Magpie-Confederate Plan Unit.	do	do	do	October 1975	September 1976.
Ophir Dog-McDonald Pass	do	do	do	January 1976	November 1976.
Nevada-Ogden	do	do	do	June 1976	April 1977.
*Upper Fisher Unit Plan	Kootenai National Forest, Mont.	do	do	May 1974	January 1975.
*Eureka-Grave Creek	do	do	do	do	February 1975.
*Callahan Planning Unit	do	do	do	July 1974	April 1975.
*West Kootenai Unit Plan	do	do	do	January 1975.	August 1975.
*Cross Mountain	do	do	do	do	September 1975.
*O'Brien Planning Unit	do	do	do	February 1975.	October 1975.
*Seventeenmile Unit Plan	do	do	do	March 1975	November 1975.
*Dickey-Sunday	do	do	do	April 1975	December 1975.
Big Swede Unit Plan	do	do	do	May 1975	January 1976.
Pinkham Planning Unit	do	do	do	June 1975	March 1976.
*Keeler Unit Plan	do	do	do	August 1975	April 1976.
Little Snowies	Lewis and Clark National Forest, Mont.	do	do	February 1975.	June 1975.
Rocky Mountain Front	do	do	do	do	Do.
Smith River Unit	do	do	do	do	Do.
Logging-Pilgrim Creek	do	do	do	April 1975	August 1975.
Castle Mountains	do	do	do	March 1975	July 1975.
Eagle Smokey Mountain	do	do	do	February 1975.	June 1975.
Yogo Bear Park	do	do	do	do	Do.
Cherry Creek	Lolo National Forest, Mont.	do	do	April 1975	October 1975.
Deerborn Unit Plan	do	do	do	January 1975.	July 1975.
Ward-Eagle Unit Plan	do	do	do	August 1974	March 1975.
North Cutoff-Kennedy	do	do	do	February 1975.	August 1975.
Ninemile Unit Plan	do	do	do	do	Do.
Petty Mountain	do	do	do	January 1975.	July 1975.
Coordinated Interim Timber Harvest and Road Construction.	do	Resource plan.	do	February 1975.	August 1975.

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Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Kelly Bullion Unit Plan	Nezperce National Forest, Idaho.	Land use plan.	do	June 1974	March 1975.
Red River Unit Plan	do	do	do	March 1975	September 1975.
Stillman Point	do	do	do	February 1975.	June 1975.
Rainy Day Planning Unit	do	do	do	January 1975	Do.
Slate Creek Planning Unit	do	do	do	May 1975	October 1975.
Hot Point Planning Unit	do	do	do	do	Do.

REGIONAL OFFICE

DENVER, COLORADO

REGION 2

Rocky Mountain Region, USDA, Forest Service, 11177 West Eighth Ave., P.O. Box 25127, Denver, Colo. 80225

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*East Fork Troublesome Creek.	Arapaho National Forest, Colo.	Land use plan.	Forest supervisor, Routt National Forest.	April 1976	November 1976.
Timber Management	do	Resource plan.	Regional forester.	December 1974.	April 1975.
Snake River Unit	do	Land use plan.	Forest supervisor, White River National Forest.	January 1975	May 1975.
Timber Management	Bighorn National Forest, Wyo.	Resource plan.	Regional forester.	December 1974.	April 1975.
Timber Management	Grand Mesa-Uncompahgre National Forests, Colo.	do	do	do	Do.
Do	Gunnison National Forest, Colo.	do	do	do	Do.
*East River	Gunnison and White River National Forests, Colo.	Land use plan.	Forest supervisors.	June 1975	September 1975.
*Grand Mesa-Muddy Creek	Gunnison-Grand Mesa National Forests, Colo.	do	Forest supervisor.	do	Do.
*Savage Run	Medicine Bow National Forest, Wyo.	do	do	January 1975	April 1975.
Ryan Park	do	Winter sports site.	do	March 1975	June 1975.
Timber Management	do	Resource plan.	Regional forester.	December 1974.	April 1975.
*Southern San Juan Mountains.	Rio Grande National Forest, San Juan National Forest, Colo.	Land use plan.	Forest supervisors.	December 1975.	April 1976.
*South Fork	Rio Grande National Forest, Colo.	do	Forest supervisor.	January 1975	April 1975.
Timber Management	do	Resource plan.	Regional forester.	December 1974.	Do.
*Bears Ears Unit	Routt National Forest, Colo.	Land use plan.	Forest supervisor.	February 1975.	June 1975.
*Blacktail	do	do	do	do	Do.
*Mount Welba	do	do	do	do	Do.
Timber Management	do	Resource plan.	Regional forester.	October 1974	March 1975.
*Storm Peak	San Juan National Forest, Colo.	Land use plan.	Forest supervisor.	March 1975	June 1975.
*First Fork	do	do	do	do	Do.
Timber Management	do	Resource plan.	Regional forester.	February 1975.	Do.
Beartooth Highway Unit (with region 1).	Shoshone, Gallatin, and Custer National Forest's, Mont. and Wyo.	Land use plan.	Forest supervisors.	June 1975	December 1975.
Timber Management	Shoshone National Forest, Wyo.	Resource plan.	Regional forester.	February 1975.	June 1975.
*Thompson Creek Management Unit.	White River National Forest, Colo.	Land use plan.	Forest supervisor.	January 1975	May 1975.
*Upper Eagle Unit	do	do	do	April 1975	December 1975.
Marble Winter Sports Site	do	Winter sports site.	do	April 1975	May 1975.

REGIONAL OFFICE

ALBUQUERQUE, NEW MEXICO

REGION 3

Southwestern Region, USDA, Forest Service, 517 Gold Ave. SW., Albuquerque, N. Mex. 87102

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Amax Road-Blue Range Primitive Area.	Apache-Sitgreaves National Forest, Ariz.	Road	Regional forester.	June 1975	October 1975.
Black River	do	Land use plan.	Forest supervisor.	February 1975.	July 1975.
Aquatic Weed Control	do	Herbicide	Regional forester.	March 1974	January 1975.
Timber Management Plan	Sitgreaves National Forest Ariz.	Resource plan.	do	March 1975	June 1975.
Taos Ski Valley Expansion	Carson National Forest, N. Mex.	Winter sports site.	do	April 1974	September 1975.
Sipapu Ski Area Expansion	do	Winter sports	do	June 1975	October 1975.
*Sandia Mountain	Cibola National Forest, N. Mex.	Land use plan.	Forest supervisor.	November 1973.	January 1975.
*Manzano Mountain	do	do	do	March 1975	December 1975.
Sandia Peak Tram. Co	do	Land exchange.	Regional forester.	November 1974.	March 1975.
*Bokum Resource Corp. Mineral Entry.	do	Resource plan.	do	December 1974.	May 1975.
Cinder Hills	Coconino National Forest, Ariz.	Land use plan.	Forest supervisor.	May 1975	August 1975.
Oak Creek	do	do	do	January 1975.	May 1975.
Woods Canyon	do	do	do	February 1975.	August 1975.
Stumpwood Harvest Plan	do	Harvest plan	do	November 1974.	June 1975.
*Santa Catalina	Coronado National Forest, Ariz.	Land use plan.	do	June 1975	December 1975.
Huachuca	do	do	do	February 1975.	August 1975.
Swift Trail	do	Road	Regional forester.	April 1975	July 1975.
Anamax Land Exchange (Previously reported as Anaconda).	do	Land exchange.	do	March 1975	Do.
South Kaibab Timber Management Plan.	Kaibab National Forest, Ariz.	Resource plan.	do	do	September 1975.
Williams Land Use Plan	do	Land use plan.	Forest supervisor.	January 1975.	June 1975.
Phelps-Dodge-FS Land Exchange.	Prescott National Forest, Ariz.	Land exchange.	Regional forester.	February 1972.	February 1975.
Clarkdale-Williams Highway No. 279.	do	Road	do	February 1975.	June 1975.
Timber Management Plan	do	Resource plan.	do	December 1974.	Do.
Gallina Unit	Santa Fe National Forest, N. Mex.	Land use plan.	Forest supervisor.	do	Do.
*Dome Roadless Area	do	do	do	June 1975	December 1975.
*Pecos Land Use Plan	do	do	do	August 1974	February 1975.
Cholla Project	Tonto, Apache, Sitgreaves National Forests, Ariz.	do	Regional forester.	January 1974	March 1975.
Mogollon Rim	Tonto, Apache, Sitgreaves and Coconino National Forests, Ariz.	do	Forest supervisor.	June 1975	October 1975.
Salt River Project, Pinnacle Peak Goldfield Transmission Line.	Tonto National Forest, Ariz.	Powerline	Regional forester.	April 1974	January 1975.
Plant Control Program	Regionwide	Land treatment.	do	June 1974	December 1974.
Vegetation Control by Mechanical, Chemical and Fire Treatment.	Apache, Sitgreaves, Carson, Gila, Coconino, Coronado, Lincoln, and Tonto National Forests, Ariz. and N. Mex.	do	do	December 1974.	March 1975.
Arizona Adjustment Plan	Apache, Sitgreaves, Coconino, Kaibab, Prescott, and Tonto National Forests, Ariz.	Landownership.	do		

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REGIONAL OFFICE

OGDEN, UTAH

REGION 4

Intermountain Region, USDA, Forest Service, 324 25th St., Ogden, Utah 84401

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Timber Management Plan	Ashley National Forest, Utah.	Resource plan.	Regional forester.	April 1975	October 1975.
Long Park Reservoir	do	Reservoir construction.	Forest supervisor.	June 1975	November 1975.
*Bear Valley Planning Unit	Boise National Forest, Idaho.	Land use plan	do	December 1974.	March 1975.
*Idaho City Planning Unit	do	do	do	do	April 1975.
*Landmark Planning Unit	do	do	do	do	Do.
*Mountain Home Planning Unit.	do	do	do	August 1974	December 1974.
*Middle Fork Boise Planning Unit.	do	do	do	January 1975	May 1975.
Shafer Planning Unit	do	do	do	do	April 1975.
*South Fork Payette Planning Unit.	do	do	do	December 1974	Do.
*South Fork Salmon Planning Unit.	Boise and Payette National Forests, Idaho.	do	Forest supervisors.	do	Do.
*Garden Valley Planning Unit.	Boise National Forest, Idaho.	do	Forest supervisor.	January 1975	May 1975.
*Squaw Creek Planning Unit	do	do	do	February 1975.	June 1975.
*Cascade Planning Unit	do	do	do	January 1975	May 1975.
*Big Piney Planning Unit	Bridger-Teton National Forest, Wyo.	do	do	do	Do.
*West Slope of Wind River Mountains Planning Unit.	do	do	do	July 1975	November 1975.
*Union Pass Planning Unit	do	do	do	January 1975	May 1975.
*Boulder Lake Powerline	do	Powerline in inventoried roadless area.	do	July 1974	January 1975.
*Greys River Planning Unit	do	Land use plan.	do	March 1975	July 1975.
Bighorn Winter Sports	Caribou National Forest, Idaho.	Winter sports site.	do	November 1974.	February 1975.
*Pioneer Mountains	Challis and Sawtooth National Forests, Idaho.	Land use plan	do	February 1975.	June 1975.
*Boulder Mountain Unit	Dixie National Forest, Utah.	do	do	October 1974.	January 1975.
*Markagunt Plateau	do	do	do	January 1975.	June 1975.
*Salina Planning Unit	Fishlake National Forest, Utah.	do	do	February 1975.	July 1975.
*Mount Moriah	Humboldt National Forest, Nev.	do	do	do	June 1975.
*Ruby Mountains	do	do	do	December 1974.	April 1975.
*Monticello Planning Unit	Manti-LaSal National Forest, Utah.	do	do	January 1975.	May 1975.
*Council Planning Unit	Payette National Forest, Idaho.	do	do	March 1975	July 1975.
*McCall Planning Unit	do	do	do	April 1975	Do.
*New Meadows Planning Unit.	do	do	do	March 1975	Do.
*Warren Planning Unit	do	do	do	December 1974.	April 1975.
Payette Timber Management Plan.	do	Resource plan.	Regional forester.	March 1975	July 1975.
*Silverleads Planning Unit	Salmon National Forest, Idaho.	Land use plan.	Forest supervisor.	August 1974	December 1974.
*Red Rock Planning Unit	do	do	do	October 1974.	January 1975.
*Moose Creek Basin Planning Unit.	do	do	do	December 1974.	April 1975.
Bigwood Ski Area	Sawtooth National Forest, Idaho.	Winter sport site.	do	September 1974.	March 1975.
*Black Pine Planning Unit	do	Land use plan.	do	January 1975.	June 1975.
*Sawtooth NRA General Management Plan.	do	do	Regional forester.	April 1974	February 1975.
*Albion Planning Unit	do	do	Forest supervisor.	December 1975.	April 1976.
*West Slope Tetons Planning Unit.	Targhee National Forest, Idaho.	do	do	February 1975.	June 1975.
*Island Park Planning Unit	do	do	do	June 1975	October 1975.
*Central Nevada Land Use	Toiyabe National Forest, Nev.	do	do	January 1975.	May 1975.
*Four Seasons Ski Area	Uinta National Forest, Utah.	Winter sport site.	do	September 1974.	March 1976.
Strawberry Planning Unit	do	Land use plan	do	June 1975	January 1976.
*North Slope of the High Uintas Land Use Plan.	Wasatch National Forest, Utah.	do	do	March 1975	August 1975.
*Kamas Land Use Plan	do	do	do	June 1975	October 1975.

REGIONAL OFFICE

SAN FRANCISCO, CALIFORNIA

REGION 5

California Region, USDA, Forest Service, 630 Sansome St., San Francisco, Calif. 94111

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*San Gabriel Planning Unit	Angeles National Forest, Calif.	Land use plan.	Forest supervisor.	April 1975	February 1976.
*Valencia Planning Unit	do	do	do	June 1976	December 1976.
Trabuco Canyon Planning Unit.	Cleveland National Forest, Calif.	do	do	December 1975.	May 1976.
*Palomar Mt. Planning Unit	do	do	do	January 1975.	June 1975.
Laguna-Morena Planning Unit.	do	do	do	January 1976	June 1976.
*Trabuco District	do	do	do	December 1975.	May 1976.
Eldorado National Forest Timber Management Plan.	Eldorado National Forest, Calif.	Resource plan.	Regional forester.	March 1975	July 1975.
Volcanoville Planning Unit	do	Land use plan.	Forest supervisor.	February 1975	Do.
*Mammoth Planning Unit	Inyo National Forest, Calif.	do	do	do	Do.
June Lake Planning Unit	do	do	do	June 1975	October 1975.
Mono Basin Planning Unit	do	do	do	February 1975.	June 1975.
Bishop Creek Planning Unit	do	do	do	June 1975	October 1975.
Mount Whitney Planning Unit.	do	do	do	June 1976	October 1976.
Inyo National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	February 1975.	July 1975.
*King Planning Unit	Klamath National Forest, Calif.	Land use plan.	Forest supervisor.	June 1975	October 1975.
*Grider Planning Unit	do	do	do	do	Do.
*Proposed General Plan for Management of National Forest Lands in the Lake Tahoe Basin.	Lake Tahoe Basin Management Unit, California and Nevada.	do	Lake Tahoe Basin Administrator.	August 1973	June 1975.
*Sierra-Pacific Powerline, Buckeye to Round Hill.	Lake Tahoe Basin Management Unit and Toiyabe National Forest, Nev.	Transmission line.	Regional foresters (R-4 and R-5).	March 1975	July 1975.
Lassen National Forest Timber Management Plan.	Lassen National Forest, Calif.	Resource plan.	Regional forester.	September 1974.	February 1975.
*Almanor Planning Unit	do	Land use plan.	Forest supervisor.	July 1975	November 1975.
Big Sur Coastal Planning Unit.	Los Padres National Forest, Calif.	do	do	March 1975	September 1975.
*Mount Pinos Planning Unit	do	do	do	June 1975	December 1975.
*Middle Eel Planning Unit	Mendocino National Forest, Calif.	do	do	do	January 1976.
Mendocino National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	do	October 1975.
Hayden Hill Planning Unit	Modoc National Forest, Calif.	Land use plan.	Forest supervisor.	May 1975	September 1975.
Modoc National Forest Timber Management Plan.	do	Resource plan	Regional forester.	December 1974.	May 1975.
Warner Mountain Planning Unit.	do	Land use plan.	Forest supervisor.	July 1976	August 1977.
*Mohawk Planning Unit	Plumas National Forest, Calif.	do	do	May 1975	November 1975.
Plumas National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	January 1975.	June 1975.
Feather Falls Planning Unit	do	Land use plan.	Forest supervisor.	July 1976	November 1976.
Timber Management Plan	Angeles, Cleveland, Los Padres, and San Bernardino National Forests, Calif.	Resource plan.	Regional forester.	October 1975	March 1976.
Big Bear Basin Planning Unit.	San Bernardino National Forest, Calif.	Land use plan.	Forest supervisor.	March 1975	August 1975.
Mineral King	Sequoia National Forest, Calif.	Recreation	Regional forester.	December 1974.	July 1975.
*Little Kern Planning Unit	do	Land use plan.	Forest supervisor.	March 1975	August 1975.
Sequoia National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	October 1975	March 1976.
Shasta-Trinity National Forest Timber Management Plan.	Shasta-Trinity National Forest, Calif.	do	do	June 1974	February 1975.
*Upper Trinity Planning Unit.	do	Land use plan.	Forest supervisor.	November 1974.	March 1975.
*Mount Shasta Planning Unit	do	do	do	December 1976.	June 1977.
*NRA Planning Unit	do	do	do	April 1975	August 1975.
*Girard-McCloud Planning Unit.	do	do	do	July 1976	December 1976.
*South Fork Mountain Planning Unit.	do	do	do	February 1976.	July 1976.

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Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Aspen-Horsethief	Sierra National Forest, Calif.	Timber sales	do	September 1974.	March 1975.
Sierra National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	July 1975	December 1975.
Rancheria	do	Land use plan.	Forest supervisor.	August 1975	Do.
*Kings River Planning Unit	do	do	do	May 1976	November 1976.
*Upper San Joaquin Planning Unit.	do	do	do	do	Do.
*Pineridge-Kaiser Planning Unit.	do	do	do	do	Do.
Chilquito-Bass Lake Planning Unit.	do	do	do	do	Do.
*Mariposa Planning Unit	do	do	do	do	Do.
*Eightmile-Blue Creek Planning Units.	Six Rivers National Forest, Calif.	do	do	November 1974.	March 1975.
*Siskiyou Planning Unit	do	do	do	July 1975	February 1976.
*Horse Linto Planning Unit	do	do	do	October 1975.	March 1976.
*Truckee-Little Truckee Planning Unit.	Tahoe National Forest, Calif.	do	do	June 1975	December 1975.
Tahoe National Forest Timber Management Plan.	do	Resource plan.	Regional forester.	August 1975	February 1976.
*Foresthill-Hell Hole Planning Unit.	Eldorado and Tahoe National Forests, Calif.	Land use plan.	Forest supervisor.	June 1976	December 1976.

REGIONAL OFFICE
PORTLAND, OREGON
REGION 6

Pacific Northwest Region, USDA, Forest Service, 319 Southwest Pine St., Portland, Oreg. 97208

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Willamette National Forest, Land Use Plan.	Willamette National Forest, Oreg.	Land use plan.	Forest supervisor.	January 1975	June 1975.
Willamette National Forest, 10-year Timber Management Plan.	do	Resource plan.	Regional forester.	do	Do.
Breitenbush Geothermal Development.	do	do	Forest supervisor.	do	Do.
Rock Mess Pumice Mining	do	do	Regional forester.	April 1975	September 1975.
*Chelan Planning Unit	Wenatchee and Mount Baker-Snoqualmie National Forest, Wash.	Land use plan.	do	December 1974.	May 1975.
Naches Pass Road	Wenatchee National Forest, Wash.	Road construction.	Forest supervisor.	January 1975	September 1975.
Bren Mac Mines	Mount Baker-Snoqualmie National Forest, Wash.	Access road and mining.	do	March 1975	July 1975.
*Naches-Tieton-White River Planning Unit.	do	Land use plan.	do	January 1975	May 1975.
*Mount Baker Planning Unit	do	do	do	do	Do.
*Drift Creek	Siuslaw National Forest, Oreg.	do	do	September 1974.	March 1975.
Oregon Dunes NRA	do	Management plan.	do	do	Do.
Soleduck Planning Unit	Olympic National Forest, Wash.	Land use plan.	do	October 1974	Do.
*Huckleberry Planning Unit	Mount Hood National Forest, Oreg.	do	do	May 1974	February 1975.
*Eagle Creek Planning Unit	do	do	do	January 1974	January 1975.
Timberline Lodge	do	Recreation site.	do	September 1974.	May 1975.
Mt. Hood TM Plan	do	Resource plan.	Regional forester.	March 1975	September 1975.
*Twisp, Winthrop Comcommunity Planning Unit.	Okanogan National Forest, Wash.	Land use plan.	Forest supervisor.	May 1975	December 1975.
*Desolation Planning Unit	Wallowa-Whitman, Umatilla National Forest, Oreg.	do	do	October 1975	February 1976.
Gifford Pinchot 10 year Timber-Management Plan.	Gifford Pinchot National Forest, Wash.	Resource plan.	Regional forester.	April 1974	January 1975.
*Clear Creek Planning Unit	do	Land use plan.	Forest supervisor.	January 1975	April 1975.
*Upper Lewis Planning Unit	do	do	do	March 1975	September 1975.
Grandview Planning Unit	Ochoco National Forest, Oreg.	do	do	February 1975.	July 1975.
*Ochoco National Forest	do	do	do	July 1975	February 1976.
*Ochoco National Forest 10 year Timber-Management Plan.	do	Resource plan.	Regional forester.	do	Do.
Ochoco ORV and Road Closure Plan.	do	Access plan	Forest supervisor.	March 1976	December 1976.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of fina
*Wallowa Valley Planning Unit.	Wallowa-Whitman National Forest, Oreg.	Land use plan.	do	March 1975	September 1975.
*Rogue Roadless Planning Unit.	Siskiyou National Forest, Oreg.	do	do	June 1974	January 1975.
*Mount Butler-Dry Creek	do	do	do	March 1975	August 1975.
*Rogue-Illinois Planning Unit.	do	do	do	July 1975	December 1975.
Briggs Velley Dam	do	Construction project.	Regional forester.	December 1975.	June 1976.
*Fairview, Puddin Rock, Canton-Steelhead.	Umpqua National Forest, Oreg.	Roadless area.	Forest supervisor.	January 1975	July 1975.
*Dumont, Quartz, Last Creek	do	do	do	do	Do.
*Rogue-Umpqua Divide	do	do	do	February 1975.	Do.
*Harvey Creek P.U	Coleville National Forest, Wash.	Land use plan.	do	April 1975	September 1975.
East Deer Creek P.U	do	do	do	do	Do.
*John Day Planning Unit	Malheur National Forest, Oreg.	do	do	June 1975	October 1975.
*South Fork Unit Plan	Malheur and Ochoco National Forests, Oreg.	do	do	October 1975	April 1976.
*Silvies-Malheur P.U	Malheur National Forest, Oreg.	do	do	May 1976	November 1976.
Umatilla, Malheur, and Wallowa-Whitman 10 year Timber Management Plan.	Umatilla, Wallowa-Whitman, Malheur National Forests, Oreg.	Resource plan.	Regional forester.	June 1975	December 1975.
Deschutes P.U	Deschutes National Forest, Oreg.	Land use plan.	Forest supervisor.	July 1976	January 1977.

REGIONAL OFFICE
ATLANTA, GEORGIA
REGION 8

Southern Region, USDA, Forest Service, 1720 Peachtree Rd. NW., Atlanta, Ga. 30309

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Dugger Mountain	Talladega National Forest, Ala.	Land use plan.	Forest supervisor	March 1975	August 1975.
Cohutta Mountains	Chattahoochee National Forest, Ga.	do	do	March 1974	March 1975.
Chattooga River	do	do	do	February 1975.	August 1975.
Lake Russell	do	do	do	April 1975	November 1975.
Upper Hiwassee Unit	Cherokee National Forest, Tenn.	do	do	July 1974	March 1975.
Unaka Unit	do	do	do	April 1975	August 1975
Management of Beaver Creek Unit.	Daniel Boone National Forest, Ky.	do	do	July 1974	March 1975.
Management of Laurel River Unit.	do	do	do	April 1975	October 1975.
Management of Licking River Unit.	do	do	do	July 1975	February 1976.
Timber Management Plan, Apalachicola National Forest.	Apalachicola National Forest, Fla.	Timber	do	March 1975	March 1976.
Timber Management Plan, Osceola National Forest.	Osceola National Forest, Fla.	do	do	do	Do.
Longleaf Islands	do	do	do	do	Do.
Big Scrub	do	do	do	May 1975	May 1976.
Ochlockonee	Apalachicola National Forest, Fla.	do	do	August 1975	August 1976.
Chauga Unit	Sumter National Forest, S.C.	do	do	August 1974	June 1975.
Laurel Fork Unit	George Washington National Forest, Va.	do	do	February 1974.	June 1976.
Piney River Unit	do	do	do	November 1974.	May 1975.
Massanutten Unit	do	Land use plan	do	March 1975	July 1975.
Lower Jackson Unit	do	do	do	August 1975	February 1976.
*Cave Mountain Lake Unit Plan.	Jefferson National Forest, Va.	do	do	February 1974.	June 1975.
Mount Rogers National Recreation Area.	do	do	do	April 1975	April 1976.
Timber Management Plan	Kisatchie National Forest, La.	Resource plan.	Regional forester.	June 1974	March 1975.
North Evangeline Unit Plan	do	Land use plan.	Forest supervisor.	February 1975.	June 1975.
North Catahoula-South Winn Unit Plan.	do	do	do	May 1975	August 1976
Vernon Unit Plan	do	do	do	April 1975	Do.
Tchoutacabouffa Unit Plan	DeSoto National Forest, Miss.	do	do	February 1975.	July 1975.
Brushy Creek Unit Plan	Homochitto National Forest, Miss.	do	do	June 1975	November 1975.

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Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
North and West Fork of the French Broad and Davidson River Units.	Pisgah National Forest, N.C.	do	do	July 1974	February 1975.
Cullasaja and Whitewater River Units.	Nantahala National Forest, N.C.	do	do	do	Do.
North Fork Catawba River and Bucks Creek Units.	Pisgah National Forest, N.C.	do	do	April 1975	August 1975.
Timber Management Plan	National Forests in North Carolina.	Resource plan.	Regional forester.	May 1975	Do.
Forks Unit Plan	Ouachita National Forest, Ark.	Land use plan.	Forest supervisor.	September 1974	April 1975.
Petit Jean Unit Plan	do	do	do	October 1974	Do.
Cossatot-Little Missouri Unit Plan.	do	do	do	March 1975	August 1975.
South Fourche Unit Plan	do	do	do	May 1975	November 1975.
Ouachita National Forest Off-Road Vehicle Interim Plan.	do	Recreation	do	July 1975	Do.
Ozone Unit Plan	Ozark National Forest, Ark.	Land use plan.	do	February 1975.	February 1976.
Pesticide Use	Ozark-St. Francis National Forest, Ark.	Pesticide	do	March 1975	March 1976.
Off-Road Vehicle Use Plan	do	Recreation off road vehicles.	do	September 1975.	September 1976.
Caddo and LBJ Unit Plans	Caddo and LBJ National Grass-Lands, National Forests in Tex.	Land use plan.	do	October 1974	May 1975.

REGIONAL OFFICE

MILWAUKEE, WISCONSIN

REGION 9

Eastern Region, USDA, Forest Service, 633 West Wisconsin Ave., Milwaukee, Wis. 53203

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Timber Management Plan	Allegheny National Forest, Pa.	Resource plan.	Regional forester.	October 1975	February 1976.
Do	Chippewa National Forest, Minn.	do	do	February 1974.	February 1975.
Proposed Management Direction for the Cedar Creek Purchase Unit.	Clark National Forest, Mo.	Land use plan.	Forest supervisor.	March 1974	January 1975.
Deerfield River (Mount Snow).	Green Mountain National Forest, Vt.	do	Regional forester.	April 1975	September 1975.
Eagle Lake and Associated Recreation Developments.	Monongahela National Forest, W. Va.	do	do	February 1974.	March 1975.
Timber Management Plan	Superior National Forest, Minn.	Resource plan.	do	May 1975	October 1975.
Kancamagus Unit Plan	White Mountain National Forest, N.H.	Land use plan.	Forest supervisor.	June 1975	Do.
Kilkenny Unit Plan	do	do	do	February 1975.	May 1975.
Timber Management Plan	do	Resource plan.	Regional forester.	October 1974.	April 1975.

REGIONAL OFFICE

JUNEAU, ALASKA

REGION 10

Alaska Region, USDA, Forest Service, P.O. Box 1628 Juneau, Alaska 99801

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
West Chichagof-Yakobi Island.	Chatham area, Alaska.	Land use study.	Forest supervisor.	March 1975	June 1975.
Southern Chilkat Unit	do	do	do	February 1975.	April 1975.
Basket Bay	do	Timber sale	do	do	May 1975.
Freshwater Bay	do	do	do	do	Do.
Honker Divide	Ketchikan area, Alaska.	Land use plan	do	January 1975	June 1975.
Long Island	do	do	do	March 1975	Do.
Karta Land Use Plan	do	do	do	May 1975	October 1975.
Tongass Land Use Plan	Tongass National Forest, Alaska.	do	Regional forester.	January 1975	May 1975.
South Lindenberg Peninsula	do	do	Forest supervisor.	do	July 1975.
Passage Canal	Chugach National Forest, Alaska.	Timber sale	do	December 1974.	March 1975.
Latouche Island	do	do	do	do	Do.

STATE AND PRIVATE FORESTRY

UPPER DARBY, PENNSYLVANIA

NA

Northeastern Area, USDA, Forest Service, 6816 Market St., Upper Darby, Pa. 19082

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
1975 Addendum to 1974 Final Environmental Statement Cooperative Spruce Budworm Suppression Project.	Maine	Aerial	Area director	January 1975	April 1975.

FOREST SERVICE

Chief, Forest Service
US Department of Agriculture
Washington, DC 20250

REGION 1, NORTHERN REGION (Montana, NE Washington, N. Idaho, North Dakota and NW South Dakota)

Regional Forester
Northern Region
US Forest Service
Federal Building
Missoula, Montana 59801

REGION 2, ROCKY MOUNTAIN REGION (Colorado, Kansas, Nebraska, South Dakota and Wyoming)

Regional Forester
Rocky Mountain Region
US Forest Service
Denver Federal Center, Bldg. 85
Denver, Colorado 80225

REGION 3, SOUTHWESTERN REGION (Arizona and New Mexico)

Regional Forester
Southwestern Region
US Forest Service
Federal Building
517 Gold Ave., SW
Albuquerque, New Mexico 87101

REGION 4, INTERMOUNTAIN REGION (Utah, S. Idaho, W. Wyoming and Nevada)

Regional Forester
Intermountain Region
US Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

REGION 5, CALIFORNIA REGION (California and Hawaii)

Regional Forester
California Region
US Forest Service
630 Sansome Street
San Francisco, California 94111

REGION 6, PACIFIC NORTHWEST REGION (Washington and Oregon)

Regional Forester
Pacific Northwest Region
US Forest Service
319 SW Pine Street
P.O. Box 3623
Portland, Oregon 97208

REGION 8, SOUTHERN REGION (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia)

Regional Forester
Southern Region
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

REGION 9, EASTERN REGION (Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Regional Forester
Eastern Region
US Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

REGION 10, ALASKA REGION (Alaska)

Regional Forester
Alaska Region
US Forest Service
Federal Office Building
Box 1628
Juneau, Alaska 99801

STATE AND PRIVATE FORESTRY AREAS

NOTE: State and Private Forestry offices are located in the Regional Headquarters with the exception of the following Areas:

NORTHEASTERN AREA STATE AND PRIVATE FORESTRY (Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Director
Northeastern Area, S&PF
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

SOUTHEASTERN AREA STATE AND PRIVATE FORESTRY (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia)

Director
Southeastern Area, S&PF
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

RESEARCH HEADQUARTERS

FOREST AND RANGE EXPERIMENT STATIONS

Director
Pacific Northwest Experiment Station
US Forest Service
1960 Addison Street
P.O. Box 3141
Portland, Oregon 97208

Director
Pacific Southwest Experiment Station
US Forest Service
1960 Addison Street
P.O. Box 245
Berkeley, California 94701

Director
Intermountain Experiment Station
US Forest Service
507 25th Street
Ogden, Utah 84401

Director
Rocky Mountain Experiment Station
US Forest Service
240 West Prospect Street
Fort Collins, Colorado 80521

Director
North Central Experiment Station
US Forest Service
Folwell Avenue
St. Paul, Minnesota 55101

Director
Northeastern Experiment Station
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

Director
Southern Experiment Station
US Forest Service
Federal Building, T-10210
701 Loyola Avenue
New Orleans, Louisiana 70113

Director
Southeastern Experiment Station
US Forest Service
Post Office Building
P.O. Box 2570
Asheville, North Carolina 28802

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INSTITUTE OF TROPICAL FORESTRY (AND CARIBBEAN NATIONAL FOREST)

Director
Institute of Tropical Forestry
US Forest Service
P.O. Box AQ
Rio Piedras, Puerto Rico 00928

FOREST PRODUCTS LABORATORY

Director
Forest Products Laboratory
US Forest Service
North Walnut Street
P.O. Box 5130
Madison, Wisconsin 53705

[FR Doc.75-1714 Filed 1-22-75;8:45 am]

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee will meet at 6:30 p.m., February 13, 1975, for a no-host dinner at Elmer's Pancake & Steak House, Bend, Oregon. The program will follow at 8:00 p.m.

The subject to be discussed at this meeting will be "Environmental Impact Reporting—Past, Present and Future." This will be presented by Earl E. Nichols, Forest Supervisor.

The meeting will be open to the public.

Dated: January 17, 1975.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.75-2093 Filed 1-22-75;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7:00 p.m. on February 18, 1975. Meeting place will be in Drummond, Montana, in the Catholic Church basement.

The purpose of this meeting is to continue Committee review of the planning processes and the critique of management options in Upper Rock Creek.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: January 16, 1975.

ROBERT W. DAMON,
Forest Supervisor,
Deerlodge National Forest.

[FR Doc.75-2094 Filed 1-22-75;8:45 am]

Soil Conservation Service

NORTH AND SOUTH MILL CREEK WATERSHED PROJECT, WEST VIRGINIA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the North and South Mill Creek Watershed Project, Grant, Pendleton, and Hardy Counties, West Virginia, USDA-SCS-EIS-FP-(ADM)-75-1-(D)-WV.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by five single-purpose floodwater retarding structures, and one multiple-purpose structure for flood prevention and recreation. The recreational development will provide 53,000 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 865, Morgantown, West Virginia 26505.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of, or special expertise on, environmental impacts.

Comments concerning the proposed action or requests for additional information should be adressed to James S. Bennett, State Conservationist, Soil Conservation Service, P.O. Box 865, Morgantown, West Virginia 26505.

Comments must be received on or before March 18, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 15, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-2095 Filed 1-22-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security," will hold a meeting from 10 a.m. to 4 p.m. on Tuesday and Wednesday, March 4 and 5, 1975, in Room B-27, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to prepare draft guidelines in four areas of computer systems security: information management; internatl systems security; teleprocessing and network control; and security requirements and metrics.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3861).

Dated: January 17, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-2077 Filed 1-22-75;8:45 am]

Office of the Secretary

[DOO 10-2]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Authority and Functions

This order, effective December 27, 1974, supersedes the material appearing at 38 FR 9450 of April 16, 1973.

SECTION 1. *Purpose*—.01 This order prescribes the scope of authority and functions of the Assistant Secretary for Economic Affairs.

.02 This revision provides for an Environmental Economics Staff in the Office of the Assistant Secretary for Economic Affairs.

SEC. 2. *Administrative designation*—The position of Assistant Secretary of Commerce heretofore designated as the Assistant Secretary for Economic Affairs shall continue to be so designated. The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. *Authority and functions*—.01 The Assistant Secretary for Economic Affairs shall serve as the principal economic adviser to the Secretary and as the Chief Economist of the Department. He shall serve as adviser to other Commerce officials with respect to economic matters and the economic impact of environmental matters, review relevant policy positions and recommendations, and serve as the Department's liaison with the Council of Economic Advisers and with other high-level economic officials of the Government.

.02 The Assistant Secretary shall also exercise policy direction and general supervision over the Social and Economic Statistics Administration.

SEC. 4. *Office of the Assistant Secretary for Economic Affairs*—In carrying out the functions in section 3. above, the Assistant Secretary shall be assisted by:

a. The *Deputy Assistant Secretary for Economic Affairs*, who shall be the principal assistant to the Assistant Secretary and shall assume the latter's full duties during his absence; and

b. The *Environmental Economics Staff*, which shall analyze the micro/macro economic impact of proposed or existing environmental laws, regulations and related actions on U.S. industry and business, including economic aspects of Environmental Impact Statements. The Staff shall perform this function on a Department-wide basis and provide economic analysis support to the Office of Environmental Affairs under the Assistant Secretary for Science and Technology, the Office of General Counsel, and other components of the Department.

JOHN K. TABOR,
Acting Secretary of Commerce.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-2085 Filed 1-22-75;8:45 am]

[DOO 30-7B]

NATIONAL TECHNICAL INFORMATION SERVICE

Organization and Assignment of Functions

This order, effective December 31, 1974, supersedes the material appearing at 38 FR 5277 of February 27, 1973.

SECTION 1. *Purpose*—.01 This order prescribes the organization and assignment of functions within the National Technical Information Service (NTIS).

.02 This revision establishes an Office of Government Inventions and Patents (paragraph 4.02) and makes certain other changes, including abolition of the former Office of Analysis and Evaluation.

SEC. 2. *Organization structure*—The principal organization structure and line of authority shall be as depicted in the attached organization chart. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Director*—.01 The *Director*, as the head of NTIS, directs and is responsible for all activities of the organization.

.02 The *Deputy Director* assists the Director in managing NTIS and performs the functions of the Director during his absence.

SEC. 4. *Staff offices reporting to the director*—.01 The *Office of Program and Product Management* shall be responsible for planning the development of, and implementing the production of new and improved information products and services. The office will also be responsible for the successful, ongoing production of products and services in accord with agency objectives.

.02 The *Office of Government Inventions and Patents* shall develop and operate programs to promote wider private sector use of government inventions. It shall administer a program for the foreign filing and licensing of government inventions under Executive Order 9865, as amended. It shall also provide Executive Secretariat functions for the Committee on Government Patent Policy (of the Federal Council for Science and Technology) and assist in the development and formulation, to the extent appropriate, of a uniform government-wide patent policy.

SEC. 5. *Office of Market Development*—The Office shall be headed by an *Assistant Director, Market Development*, who shall be responsible for the conduct of all functions relating to marketing, promotion, speakers, exhibits, and seminars. It shall advise the Office of Program and Product Management with respect to the design, format and presentation of all NTIS products and services, and in the planning of new products. It shall recommend, develop, and implement methods and procedures for identifying, locating and refining potential markets for NTIS products and services; design and use professional promotional vehicles for stimulating NTIS sales in such markets; and conceive, initiate, and design graphic and illustrative material for all publications and services, sales promotion and seminars, presentations, plant tours, and employee information. It shall also maintain a central photographic and illustrations file and serve as a liaison with the Department's graphic arts group.

SEC. 6. *Office of Production*—The Office shall be headed by an *Assistant Director, Production*, who shall provide operating policy direction to and overall administration of the acquisition, cataloging, indexing, filming, copying, order processing, warehousing, distribution, and automatic data processing operations. The functions of the Office shall be carried out through its principal organizational elements as prescribed below.

.01 The *Input Processing Division* will be responsible for acquisitioning, accessioning, evaluating, scheduling, routing, descriptive cataloging, indexing, and subject analysis of all material entering the NTIS collection. The Division will produce abstract journals, indexes, and other printed materials in accordance with objectives set by the Office of Program and Product Management.

.02 The *Distribution and Reproduction Division* will store and ship documents and other NTIS products being offered for sale; directly or indirectly print or film copies of NTIS products; handle customer requests and inquiries for NTIS products and services, and will satisfy NTIS customers by alleviating complaints.

.03 The *Automated Data Processing Division* shall plan and operate the agency's automatic data processing systems used to process the bibliographic data file, publications and edit programs, inventory management programs, and sales order processing files; develop procedural adaptations of automatic data programs; participate in studies and analyses; and recommend the applicability of automated processing.

SEC. 7. *Office of Administration*—The Office shall be headed by the *Assistant Director, Administration*, who shall be responsible for providing administrative and resources management support to NTIS, including the development and operation of programs to maintain and increase the size and scope of the NTIS collection, and to provide contract preparation and monitoring support related to the sales of NTIS products and services. The functions of the Office shall be carried out through its principal organizational elements as prescribed below.

.01 The *Accounting Control Division* shall account for and record all income received at NTIS, and shall establish, maintain, and otherwise service customer accounts. The Division shall provide financial systems development, account for and oversee the recording of all NTIS cost and production information that will permit both process and product accountability, and shall provide product and program pricing support. In addition, the Division shall perform management analysis functions for NTIS.

.02 The *Budget Division* shall develop resource utilization plans, including providing assistance of the Office of Program and Product Management, preparing the overall NTIS budgets, comprehensive forecasting and reporting of cost and income, profit and loss analysis, and productivity and effectiveness analysis.

.03 The *Administrative Services Division* shall plan for, develop, and provide facilities management, procurement, administrative, and office services support to the activity. These services include telephone, travel, motor pool, safety and security services, and supply management.

WILLIAM T. KNOX,
Director, National Technical Information Service.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-2087 Filed 1-22-75;8:45 am]

[DOO 30-3B]

PATENT OFFICE

Authority and Functions

This order, effective December 31, 1974, supersedes the material appearing at 38 FR 1068 of January 8, 1973; and 38 FR 25213 of September 12, 1973.

SECTION 1. *Purpose*—.01 This order prescribes the organization and assignment of functions within the Patent Office. Department Organization Order 30-3A prescribes the scope of authority and functions.

0.2 This revision of the order involves numerous changes in the offices reporting directly to the Commissioner (section 4), the Assistant Commissioner for Patents (section 5), and the Solicitor (section 7).

SEC. 2. *Organization Structure*—The principal organization structure and line of authority shall be as depicted in the

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attached organization chart. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Commissioner*—The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office. He is principally assisted by a Deputy Commissioner, three Assistant Commissioners and a Solicitor whose main duties shall be as specified below.

a. The *Deputy Commissioner* (First Assistant Commissioner under 35 U.S.C. 3) shall assist the Commissioner in the direction of the Patent Office and shall perform the duties of the Commissioner in the latter's absence.

b. The *Assistant Commissioner for Patents* (an Assistant Commissioner under 35 U.S.C. 3) shall provide administrative and policy direction for the patent examining and documentation operations which consist of the organizational elements enumerated in section 5 of this order. He is assisted by a Deputy Assistant Commissioner. The Deputy Assistant Commissioner shall, among other duties as assigned, have immediate responsibility for patent examination and for the organizational elements enumerated in section 5.01, and shall perform the duties of the Assistant Commissioner during the latter's absence. There shall also be an Administrator for Documentation who shall have immediate responsibility for domestic and foreign patent documentation and the organization elements enumerated in section 5.02.

c. *The Assistant Commissioner for Trademarks* (an Assistant Commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the trademark registration and related operations which consist of the organizational elements enumerated in section 6 of this order.

d. The *Solicitor* shall be the chief law officer of the Patent Office and shall provide administrative and policy direction to the organizational elements enumerated in section 7 of this order. Pursuant to Department Organization Order 10–6, he shall be subject to the overall authority of the Department's General Counsel with respect to legal matters involving the Patent Office, other than in connection with the issuance of patents or the registration of trademarks. He shall be assisted by a Deputy Solicitor who shall perform the duties of the Solicitor during the latter's absence.

e. The *Assistant Commissioner for Administration* shall be the principal advisor to the Commissioner on the formulation and application of management policies and shall provide administrative, management, budgeting and operational support services to components of the Patent Office. In addition, he shall provide administrative and policy direction to the organizational elements enumerated in section 8 of this order. He shall be assisted by a Deputy Assistant Commissioner who shall perform the duties of the Assistant Commissioner during the latter's absence.

SEC. 4. *Offices reporting to the Commissioner*—.01 The *Board of Appeals* shall be responsible for hearing and deciding appeals from adverse decisions of examiners upon applications for patent.

.02 The *Board of Patent Interferences* shall conduct interference proceedings and make final determinations in the Patent Office as to priority of invention. The Board shall also hear and decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of Sections 2182 and 2456 (d) and (e) of Title 42, U.S.C.

.03 The *Office of Legislation and International Affairs* shall, subject to Department Organization Order 10–6, make studies and advise the Commissioner on policy and actions concerning matters which may require legislation or which involve international patent and trademark (intellectual property) matters; draft proposed legislation relating to patents and trademarks and advise on pending legislation affecting the Patent Office; represent the Commissioner in the negotiation or renegotiation of treaties and the negotiation of other new major international initiatives; assist in the development and implementation of related programs; coordinate or conduct in cooperation with other appropriate Patent Office organizations, negotiations in matters relating to existing international programs; and maintain liaison with the Office of the Secretary, the General Counsel, other agencies, international and foreign bodies, members of the public, and appropriate congressional committees in such matters.

.04 The *Office of Information Services* shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and of the functions, services and administrative publications of the Patent Office; and develop publication policies.

SEC. 5. *Offices reporting to the Assistant Commissioner for Patents*—.01 Patent Examination Organizations—a. The *Office of Patent Program Control* shall develop procedures for and establish quality, quantity and other performance standards relating to the conduct of the patent examination functions; establish program activity targets and continually evaluate status against program objectives; provide training to examiners in patent practices and procedures; monitor compliance with examination standards and procedures; and provide planning evaluation and budget support to the examination organizations and such other duties as assigned.

b. The *Examining Groups* shall examine applications for patents to ascertain if the applicants are entitled to patents under the law and grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the generic category assigned to it. The number of examining groups and the coverage of the generic categories shall be determined by the Commissioner.

.02 Patent Documentation Organizations. a. The *Office of Documentation Planning, Support and Control* shall analyze the examiner and public patent search files and all proposed programs concerning them; coordinate efforts in regard to numerical files; develop and maintain overall documentation plans relating to these files; define the form, content and accessibility of these files and insure such definition through periodic checks; initiate the acquisition and provision of patent documentation for these files; coordinate the development of an overall system, and the efforts of related implementing activities, to insure the accuracy and effective utilization of patent data; provide budgetary and other services for the documentation organizations; and establish performance standards and evaluation criteria for, and monitor and evaluate, the activities of the documentation organizations.

b. The *Classification Groups* shall develop, implement and maintain subject matter classification systems for the organization of patent search files of prior art including the preparation of definitions, indexes, schedules, and related documentations. Each classification group shall perform this function for subject matter falling within the generic category (chemical, electrical, mechanical) assigned to it.

c. The *Office of Search Systems* shall maintain a state-of-the-art awareness of machine-assisted information storage, access, retrieval, and display systems useful or potentially useful in searching patent documentation; participate with parties in the private and government sectors in cooperative programs designed to develop systems for Patent Office utilization; evaluate the potential of existing and cooperatively developed systems; initiate the acquisition and adaptation of selected systems and direct the maintenance of all non-operational search and display systems (equipment and materials); conduct and evaluate pilot tests in Patent Office operating environments; recommend operational establishment or discontinuance of evaluated systems; and monitor and evaluate the performance of operational systems.

d. The *Office of Technology Assessment and Forecast* shall continually assess the status of technological activities in all countries; compare inventive activity in the United States relative to other nations; and forecast development on a worldwide basis.

SEC. 6. *Offices reporting to the assistant Commissioner for Trademarks*—.01 The *Office of Trademark Program Control* shall develop guidelines governing trademark examining procedures; establish program activity targets and continually evaluate status against program objectives; and provide instruction in trademark practice and procedures and coordinate trademark administrative support activities.

.02 The *Trademark Trial and Appeal Board* shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellations, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.03 The *Trademark Examining Operation* shall be responsible for the classification of trademark applications into classes of goods and services, the examination and processing of these applications, and the registration of trademarks, service marks, and certification marks; and maintain the principal and supplemental registers of trademarks. The Trademark Examining Operation shall be composed of examining divisions, the number and coverage of such divisions to be determined by the Commissioner.

SEC. 7. *Offices reporting to the solicitor*—.01 The *Office of the Solicitor* shall handle all litigation to which the Commissioner is a party and provide other legal services, including advice and assistance on legislative matters, and maintenance of the law library.

.02 *The Office of Government Employee Inventions* shall review questions of ownership of patents and rights to inventions made by Government employees in issues brought before it under Executive Order 10096 and shall make appropriate recommendations to the Commissioner for action on such questions.

SEC. 8. *Offices reporting to the assistant Commissioner for Administration*—.01 Management Planning Organizations—a. The *Office of Budget* shall formulate, interpret, and execute budgetary and fiscal policies; establish and maintain a comprehensive budget program collaborating with cost center officials in developing budget and fiscal plans; develop and present budget requests; allocate and maintain budgetary accountability of available funds; maintain external liaison in budgetary matters; and review and evaluate the fulfillment of budget-based program commitments.

b. The *Office of Management and Organization* shall plan and conduct studies designed to improve organization, methods, procedures, workflow, work measurement, management techniques, and resource utilization, or otherwise increase efficiency, effectiveness and economy of operations; develop and manage a system for the issuance of internal administrative orders and instructions; promote development of the Patent Office management improvement program and coordinate the collection, review and submission of reportable plans and accomplishments thereon; develop and coordinate a program for the management and control of external reports; and make special studies as required.

c. The *Office of Program Planning and Evaluation* shall formulate plans for and coordinate the development of Patent Office-wide long and short range program objectives within the framework of budgetary, policy, and other constraints; define, project, and allocate the manpower and other resources required to achieve those objectives; develop and monitor the operation of a comprehensive, integrated management information system to provide data required for administrative and policy decision-making, for measurement of performance in the attainment of objectives, and for other purposes; and develop and disseminate to Patent Office managers analytical and interpretive reports concerning their operations.

.02 Public Service Organizations—a. The *Office of Patent and Trademark Services* shall provide the materials and services of the Patent Office, many of which are offered to the public on a fee basis, and such services and facilities which are maintained for public access and use as governmental functions. It shall also be the responsibility of this Office to provide these same materials, services, and facilities as required by examiners and other personnel for internal operations of the Patent Office. These shall include but are not necessarily limited to recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents, trademark registrations, and office records; providing drafting services; maintaining collections of technical and scientific information such as U.S. and foreign patents, periodicals, books, and other publications, whether in printed or microfilm form, and providing related services in regard to these collections. It shall also conduct an initial examination of patent applications for compliance with law and regulations as to form and certain matters of factual content; grant or deny a filing date based on such examination and forward to the Examining Groups those granted a filing date; acknowledge the acceptance or rejection of applications for examination; originate documentation of pending applications; initially assign accepted applications to units of the Examining Groups for examination, and maintain records on the status and location of all applications.

b. The *Office of Publications* shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; provide requisition and scheduling services for trademark publications; monitor the quality or performance by contributing sources and maintain close liaison with U.S. Government Printing Office; and prepare and issue patent grants and periodic publications of patent indexes.

.03 Administrative Service Organizations—a. The *Office of Computer Services* shall provide data processing services to other elements of the Patent Office, which shall include coordinating the formulation and execution of Patent Office ADP resource planning and policy; conducting feasibility studies and other studies directly related to the design and development of ADP systems; designing, implementing and maintaining approved ADP systems responsive to functional requirements; providing technical assistance to Patent Office components in determining ADP system definitions and in planning for ADP services and equipment; reviewing and analyzing the feasibility of ADP and punch card accounting machine (PCAM) services and equipment proposed for use in another organizational unit as an integral part of its operation and, if approved, coordinating procurement and installation of such services and equipment; monitoring and evaluating the utilization of all ADP and PCAM equipment; coordinating and monitoring the Patent Office-wide ADP budget; maintaining liaison with the Department and other Federal agencies on ADP matters; and, operating all ADP and PCAM equipment in the Office of Computer Services.

b. The *Office of Finance* shall develop and maintain the financial accounting system of the Patent Office, perform accounting operations for the revenue, trust funds, and appropriation of the Patent Office, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, audit and certification of vouchers for payment, issuance of deposit account statements, initiation of action to collect amounts due the Patent Office, and administration of the payroll system and related employee accounts; and provide financial advice.

c. The *Office of General Services* shall plan and administer a broad Office-wide program of general services, including procurement control; property, space, and facilities management; communications, files, mail and correspondence, and forms management; administrative printing; and clearance of all requirements involving contractual procurements, including liaison with the Department, in connection therewith.

d. The *Office of Personnel* shall administer activities relating to recruitment, placement, employee relations, equal opportunity program for employees, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations, and various employee benefit programs.

C. MARSHALL DANN,
Commissioner of Patents.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-2086 Filed 1-22-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NEW VOCATIONAL EDUCATION RESEARCH GRANTS

Extension of Deadline for Receipt of State Board Approval of Local Educational Agency Applications

Notice is hereby given that the U.S. Commissioner of Education has extended

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the forty-nine day period allowed for receipt of the State board approval or disapproval of local educational agency applications for new Vocational Education Research grants under section 131 (a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)) previously published in the FEDERAL REGISTER on October 11, 1974 at 39 FR 36626.

The closing date for receipt of notice of State board approval or disapproval of applications from local educational agencies that were received by the Office of Education's Application Control Center by November 29, 1974 is extended to January 13, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.498; Vocational Education-Research)

Dated: January 13, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc. 75-2076 Filed 1-22-75;8:45 am]

SCHOOL CONSTRUCTION ASSISTANCE

Notice of Cutoff Date for Receipt of Applications

Pursuant to the authority contained in section 3 of Pub. L. 81-815 (school construction in areas affected by Federal activities; 72 Stat. 548; (20 U.S.C. 633)) notice is hereby given that the U.S. Commissioner of Education has established a cutoff date for the receipt of Fiscal Year 1975 applications for assistance under sections 5, 8, 9, and 14 of Pub. L. 81-815. Such applications must be received from the State educational agencies in the appropriate Regional Offices of Education on or before April 25, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed to the respective Regional Office. An application sent by mail will be considered to be received on time by the appropriate Regional Office if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

B. *Hand delivered applications.* An application to be hand delivered must be taken to the appropriate Regional Office, School Assistance in Federally Affected Areas, of the Office of Education. Hand delivered applications will be accepted daily during the regular working hours of the appropriate Regional Office. Applications will not be accepted after close of business on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the appropriate Regional Office, School Assistance in Federally Affected Areas, of the Office of Education.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education general provisions regulations (45 CFR Parts 100 and 100a) and the school construction assistance regulations (45 CFR Part 114). A notice of proposed rulemaking which would revise these regulations was published in the FEDERAL REGISTER on July 25, 1974 at 39 FR 27232, proposed 45 CFR Part 114. When republished in final form, the proposed regulations will supersede the current 45 CFR Part 114.

(20 U.S.C. 633)

(Catalog of Federal Domestic Assistance No. 13.477 School Construction Assistance)

Dated: January 16, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-2075 Filed 1-22-75;8:45 am]

Office of the Secretary

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Meeting

The Child and Family Development Research Review Committee will meet on Monday, February 10, 1975 through Wednesday, February 12. The meeting will be held daily from 9 a.m. to 5 p.m. in Room 5030, Office of Child Development, 400 Sixth Street, NW, Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Acting Director, Office of Child Development, followed by the review of research proposals concerned with child abuse and neglect which have been submitted to the Office of Child Development for the award of grants. These applications are exempt from mandatory disclosure under 5 U.S.C. 552(b)(4) and (6) in that they contain trade secrets, commercial and financial information obtained from a person and privileged or confidential, and other personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Dated: JANUARY 13, 1975.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.75-2089 Filed 1-22-75;8:45 am]

HEARING AID HEALTH CARE; AVAILABILITY OF TASK FORCE REPORTS

Extension of Time for Additional Comments

A notice of availability of the Report on Hearing Aid Health Care and Supplementary Report prepared by the Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids was published in the FEDERAL REGISTER of October 29, 1974, (39 FR 38123). In this notice, the Secretary of the Department of Health, Education, and Welfare invited written comment on the Report and Supplementary Report, such comments to be filed, on or before December 30, 1974, with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Maryland 20852.

The Secretary has received numerous comments expressing interest in the reports and in the problem of hearing aid health care from consumer and industry representatives, and other interested groups. These groups have also expressed an interest in an extension of time for comment on the reports. The additional time was requested to provide the consumer organizations with a better opportunity to contact constituents, provide them with a copy of the report and receive their comment on the report and the supplementary report.

Therefore, taking notice of the widespread interest in this matter and to afford more time for all concerned parties to make their views known, the Secretary has extended the time for public comments to February 24, 1975.

Written comments as well as requests for copies of the report and the supplementary report (preferably in quintuplicate) should be directed to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Maryland 20852. Received comments may be reviewed in the office of the Hearing Clerk during working hours, Monday through Friday.

The time for filing comments on the report and the supplementary report is extended to February 24, 1975.

Dated: January 17, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-2090 Filed 1-22-75;8:45 am]

PUBLIC HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Notice is hereby given that the following delegation and redelegation of authority, with authority for further redelegation, have been made to assist in controlling violations of law at Saint Elizabeths Hospital, a Department of Health, Education, and Welfare facility, located in Washington, D.C.

1. Delegation from the Secretary of Health, Education, and Welfare, to the Assistant Secretary for Health, to exercise authorities vested in the Secretary by the Administrator of General Services on June 4, 1974 (39 FR 20650), to appoint uniformed guards as special policemen for the protection of the buildings and other areas of Saint Elizabeths Hospital in the District of Columbia and under the charge and control of the Department of Health, Education, and Welfare, and over which the Federal Government has acquired exclusive or concurrent jurisdiction under 24 U.S.C. 161, and authority to make all necessary rules and regulations for the government of the said Federal property. This authority shall be exercised in accordance with the limitations and requirements imposed by the Administrator of General Services in the original delegation.

These authorities may be redelegated.

2. Part C of the statement of organization, function, and delegations of authority for the Department of Health, Education, and Welfare entitled Alcohol, Drug Abuse, and Mental Health Administration (COOO) (38 FR 27316 as amended by 39 FR 1654-1658) is renumbered Part 13. Renumber section headings C-A "Mission" through C-D "Delegations of Authorities" to read 13-A through 13-D. Section 13-D, Delegations of Authorities, is hereby amended as follows:

a. After the words "DELEGATIONS OF AUTHORITIES." add "(1)".

b. Add the following paragraph:

(2) Redelegation from the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, to exercise authorities delegated to the Assistant Secretary for Health by the Secretary of Health, Education, and Welfare, to appoint uniformed guards as special policemen for the protection of the buildings and other areas of Saint Elizabeths Hospital in the District of Columbia and under the charge and control of the Department of Health, Education, and Welfare, and over which the Federal Government has acquired exclusive or concurrent jurisdiction under 24 U.S.C. 161, and authority to make all necessary rules and regulations for the government of the said Federal property. This authority shall be exercised in accordance with the limitations and requirements imposed by the Administrator of General Services in the original delegation.

These authorities may be redelegated.

Dated: January 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-1994 Filed 1-22-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Policy Development and Research

[Docket No. N-75-259]

CONDOMINIUMS AND COOPERATIVES

Notice of Hearings

The public hearings on condominiums and cooperatives announced at 40 FR 1732, January 9, 1975, shall take place at the Department of Interior Auditorium, 19th and C Streets, NW, Washington, D.C., from 9 am to 12:30 pm and 1:30 pm to 5 pm, February 10, 11, and 12, 1975.

Dated: JANUARY 20, 1975.

MICHAEL H. MOSKOW,
Assistant Secretary for Policy Development and Research.

[FR Doc.75-2173 Filed 1-22-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

CONSUMER INFORMATION REGULATIONS

Response to Petition To Amend

This notice responds to the petition of General Motors Corporation (GM) to amend 49 CFR 575.6 to allow the consumer information document provided with a vehicle to refer the reader to the vehicle certification label for information on which table applies to the vehicle, as an alternative to providing the information on the document itself as is presently required.

In its petition of March 20, 1974, GM stated that using the certification label as a referral device would simplify placing the appropriate document in the vehicle on the assembly line and thereby lessen the opportunity for error. GM also suggested that using the vehicle certification label in this way would aid prospective purchasers in dealers' showrooms as each vehicle would itself indicate which tables were applicable.

The NHTSA disagrees with GM's contention that its proposal would aid prospective purchasers, and for that reason denies the petition. While a prospective purchaser might find it simpler under GM's proposal to find consumer information concerning the vehicles already in the dealer's showroom, he would find it exceedingly difficult to compare these vehicles' performance with that for vehicles not in the dealer's inventory. Further, he would be required to visit a dealer's showroom and examine a vehicle before determining which tables applied to it. Thus, his ability to make useful comparisons—a purpose of the regulation—would be severely restricted.

For the reasons cited above, the petition of General Motors Corporation is denied.

(Secs. 103, 112, 119, Pub. L. 80-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 17, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-2131 Filed 1-22-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-1-51, Docket 25280 Agreement C.A.B. 24475 R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Traffic Procedures, Correction

JANUARY 14, 1975.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to cargo traffic procedures.

Ordering paragraph 2 of Order 75-1-51 (40 FR 3032) should read as follows:

"2. Any answers or replies to th comments and/or objections shall be filed within 15 days thereafter."

By the Civil Aeronautics Board.

Dated: January 16, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2147 Filed 1-22-75;8:45 am]

[Order 75-1-80; Dockets 27291, 27325, 27328, 26838]

UNITED AIR LINES, INC.

Order of Suspension, Investigation, and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of January, 1975.

By tariff revisions generally posted on December 13, 1974, and marked to become effective February 1, 1975, United Air Lines, Inc. (United) proposes to establish premium rates for a new on-line priority service for shipments for which the carrier has confirmed reserved space on specific flights.

United's proposal provides for (1) minimum charges per shipment equal to United's current small-package charges; (2) per-pound and 100-pound rates amounting to 130 percent of the carrier's current rates for westbound general commodity air freight in various markets (no weight-break rates above the 100-pound level are offered); and (3) premium rates which are constructed by applying the same premuim percentages as those in the regular freight tariffs to the priority reserved air freight rate applicable to the weight of the shipment.

Under the proposal, a reservation for a shipment must be requested of the carrier not less than 6 hours nor more than 48 hours prior to the scheduled departure of the flight on which such space is requested. The shipment must be tendered to the carrier at its air freight terminal at least 90 minutes prior to the scheduled departure of the flight on which space was reserved. In addition, a request by the shipper to cancel or amend a reservation must be received by the carrier not less than 6 hours prior to scheduled departure of such flight from the origin of the shipment.

If a shipment is not delivered on the specified flight on which reservation is

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made, the airport-to-airport charge otherwise provided for in the tariff shall be reduced to 76 percent of such otherwise applicable charge, provided, however, that such reduction shall not be less than 50 percent of the specifically published minimum charge.[1]

The proposal bears an expiry date of June 30, 1975.

Complaints requesting suspension and investigation of United's proposal have been filed by the Hawaii Air Cargo Shippers Association, Inc. (HACSA), The National Small Shipments Traffic Conference, Inc. (NSSTC), and the Pet Industry Parties (PIP).

HACSA contends, inter alia, that the proposed service would replace regular air freight to Hawaii; it would drive consolidators, such as HACSA, out of business; it would suppress competition and create a monopoly in the air freight industry in Hawaii and would have long-term adverse economic effects on the State of Hawaii; the proposal is a rate increase in disguise, whereby shippers will have no choice but to use the priority service and pay the required premium; and it allows the carrier unilaterally to impose rate increases without a public hearing and with inadequate notice to interested parties.

NSSTC states, among other things, that increases in excess of 100 percent in minimum charges and of 30 percent per hundred-weight are truly extravagant for the service proposed; the proposal contains several inequities such as a refund provision which penalizes shipper through no fault of his own; and the proposal contains a reservation and cancellation procedure that is extremely restricted in distribution planning.

In its complaint PIP asserts, inter alia, that (1) the assessment of a 10 percent premium on top of a priority rate which is 30 percent higher than the applicable general commodity rate results in an assessment to the live-animal shipper in excess of 40 percent; (2) the live-animal shipper is being assessed a proportionally higher portion of the alleged increased costs associated with rendering priority freight services, which is contrary to the decision in the Investigation of Premium Rates for Live Animals and Birds, Docket 21474, which grants a carrier a maximum 10 percent premium on live-animal carriage, and is thus discriminatory; (3) United's cost justification is totally inadequate in that it fails to quantify or estimate the costs of its proposed priority service versus regular air freight service; and (4) United's justification relies heavily on findings involving services of air express—a service which has many characteristics which significantly differ from the single-carrier on-line service proposed.

[1] The proposed tariff provides that the reservation may be canceled by the carrier, at any time prior to arrival, for the purpose of using the reserved space to transport (1) replacement parts for the repair of United's disabled aircraft; (2) passenger baggage; or (3) priority mail. If the foregoing cancellation occurs, however, the carrier will reserve space on the next flight on which sufficient space is available.

In support of its proposal and in answer to the complaints, United contends, among other things, that the rate level for the proposed service is based on existing rates for similar services; the tariff does not provide for any developmental or volume-related rate reductions; the additional cost of providing a positive space freight system with boarding priority; and the value of the service relative to space-available service.

United also asserts that its proposed priority service cannot validly be compared to a space-available freight service, but rather must be compared to services of like character, such as its "Small Package Dispatch" (SPD) service in that both services will be virtually the same for the low weight shipments to which the minimum charges apply; NSSTC's conclusion, that under United's proposed refund provision the shipper would be penalized through no fault of his own, is without merit, since the shipper actually receives a slight discount from the westbound space-available air freight rates in addition to having his shipment move via reserved freight on the next flight on which there is unreserved space available; and the proposed service is being offered to meet priority or emergency air freight needs and is not designed to supplant space-available air freight, and hence, shippers' time requirements for routine distribution planning are not a relevant consideration.

United further declares that (1) it has clearly justified a premium charge of 30 percent per hundred-weight for the proposed priority service, based on the additional costs which will be incurred; (2) HACSA's complaint that proposed service would drive consolidators out of business is entirely unfounded, since the proposal will provide these consolidators more revenue potential from consolidations up to 100 pounds than is possible from the existing regular air freight tariff; (3) to retain the priority "smaller shipment" nature of the service, the proposed rate structure does not have volume weight-breaks; (4) high-volume shipments will not be precluded from using this service, but the pricing structure proposed should insure that proposed priority service does not replace regular air freight as the carrier's primary freight product; (5) the proposed rate differential for live-animal shipments is much less than claimed by PIP and is appropriate; and (6) the proposal will produce $8.8 million additional annual revenue in 1975.

United finally contends that it has been striving to fulfill its obligation to provide a coordinated inter-line priority service, as required by the Board in its decision in the Express Service Investigation, Order 73-12-36, by participating in the inter-carrier discussions to decide on the procedures and details of how best to provide that service. However, the carrier believes that, until individual carrier tariffs are filed and approved, it it difficult to negotiate a coordinated inter-line priority service.

Upon consideration of all relevant factors, the Board finds that the instant tariff proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariff should be suspended pending investigation.

There are significant questions as to the level of the proposed rates, whether the proposed service is subject to unreasonable and discriminatory limitations, and whether it is consistent with the Board's finding that the carrier is under an obligation to offer highly expedited inter-carrier priority service as a replacement for air express service (Order 73-12-36). Among other things, the Board is concerned with (1) the high premiums at weight-breaks above 100 pounds, which vary to almost 200 percent above regular rates; (2) the application of minimum charges equal to small-package charges which result in rate increases as high as 250 percent above current minimum charges for regular freight; (3) the application of premium ratings on top of a priority rate which is at least 30 percent above the applicable general commodity rates; and (4) the adequacy of the cost justification in support of the proposed priority freight rates and charges.

In its regular bulk freight general commodity rate structure, United offers substantial rate discounts for shipments with weight-breaks of 1,000, 2,000, and 3,000 pounds. For example, the current rates per 100 pounds for a 1,000-, 2,000-, and 3,000-pound shipment in the New York to Los Angeles market amount to 10.0, 12.8, and 13.0 percent, respectively, below the rate for the 100-pound shipment. Under its proposed priority reserved freight rate structure, however, United does not offer any rate discounts for shipments at higher weight-breaks and accordingly, the proposed rate increases for the larger-sized shipments are much higher than 30 percent.[2] In some instances, as indicated, the increases amount to as much as 200 percent above current levels. United has not presented cost data to support rate increases of this magnitude, and we believe that they may be unreasonable and unjustly discriminatory against the large-volume shipper who may want to use the priority reserved service.

[2] By Orders 74-6-136 and 74-9-4, the Board set for investigation but permitted to become effective similar priority reserved rates proposed by Western Air Lines, Inc. (Western) and Continental Air Lines, Inc. (Continental), respectively. Those rates amounted to 130 percent of the applicable general commodity rates at all weight-breaks at 100 pounds and over. (It should be noted, however, that the foregoing rates were subject to a minimum weight of 100 pounds and a minimum density of 10 pounds per cubic foot.) Thus, United's proposal, in containing significant increases in excess of 30 percent in both weight-breaks above 100 pounds and in minimum charges, results in numerous rates above those in the rate basis permitted to become effective for Continental and Western. Inasmuch as it is practicable to deal with United's proposal only as a single unit, we have concluded to suspend all of it.

United's cost data do not purport to cover those situations where the premiums would be well in excess of 30 percent and have serious limitations even in support of a 30 percent premium.[3]

United contends that a number of its proposed rates are below the rates currently in effect for REA Express, Inc. (REA). The carrier presents data showing lower rates than REA for shipments between 50 and 100 pounds. We note, however, that many of the proposed rates for shipments of 10 and 25 pounds are higher than existing REA rates. In any event, we cannot find that this comparison supports the premiums proposed by United. The rate structure upon which United's priority rates are based is significantly different from REA's, with the REA rate structure reflecting a different operation and involving interline carriage.

United's support of its proposed minimum charges consists essentially of their equivalence to the carrier's current small-package charges, since they purportedly involve similar services. We do not believe, however, that such equivalence alone adequately justifies the lawfulness of United's proposed charges. The carrier makes no effort to support the lawfulness of its small-package charge by costs or by any other element. The Board has not issued any decision or other orders approving those rates. In the foregoing circumstances, we are reluctant to permit the increases proposed, amounting to from 50 to 250 percent above the current minimum charges, without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation is instituted to determine whether the rates, charges, and provisions described in Appendix A hereto, and rules, regulations, or practices affecting such rates, charges, and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;[4]

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including May 1, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation instituted herein is hereby consolidated into the Priority Reserved Air Freight Rates Investigation, Docket 26838;

4. Except to the extent granted herein, the complaints of the Hawaii Air Cargo Shippers Association, Inc. in Docket 27328, The National Small Shipments Traffic Conference, Inc. in Docket 27291, and the Pet Industry Parties in Docket 27325, are hereby dismissed; and

5. Copies of this order shall be filed with the tariffs and served upon United Air Lines, Inc., the Hawaii Air Cargo Shippers Association, Inc., and the Pet Industry Parties, which are hereby made parties to Docket 26838.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2149 Filed 1-23-75;8:45 am]

[3] In computing capacity costs, United utilizes priority weightings of 1.00 for priority freight as compared with .75 for regular freight, a 33.3 percent additional cost for priority service because the Board has in the past used those factors. Priority weighting, however, is a controversial issue in the Domestic Air Freight Investigation, Docket 22859, and we are reluctant to accept United's data prior to our decision in that investigation.

[4] Appendix A filed as part of the original.

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee will convene at 12 noon on February 14, 1975, at the YMCA, 11th & Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for a one-day conference in early March, 1975 on equal employment opportunity.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 17, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-2152 Filed 1-22-75;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on February 19, 1975, at 230 S. Dearborn Street, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to plan program priorities for the chartered period.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-2154 Filed 1-22-75;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 12 noon on March 3, 1975, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss the education and school desegregation project and to discuss new business for the Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. January 20, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-2155 Filed 1-22-75;8:45 am]

V40016 JAN2375 XUM

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. on February 13, 1975, at Genesee County Administration Building, 3rd floor, 1101 Beach Street, Flint, Michigan.

Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to develop projects chosen in the Advisory Committee's January planning meeting affecting Civil Rights in Michigan, and to further discuss Advisory Committee Membership.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 17, 1975.

ISAIAH T. CRESTWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2156 Filed 1-22-75;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 2:15 p.m. on February 22, 1975, at 202 Second Street, YMCA-Reading Room, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2157 Filed 1-22-75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at p.m. on February 11, 1975, in Newark College of Medicine and Dentistry, 100 Bergen Street, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss program on data collection for Hispanic CETA project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2158 Filed 1-22-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a Factfinding meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 8:45 a.m., on February 20, 1975, at Dutchess County Board of Representatives, 22 Market Street, Poughkeepsie, New York.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to hold hearings on Equal Opportunity in Public Employment.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2159 Filed 1-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 324-8; OPP-32000/175 & 176]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before March 24, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 24, 1975.

APPLICATIONS RECEIVED (OPP-32000/175)

EPA File Symbol 4169-O. Aborn Chem. Industries, Inc., 168 "A" St., S. Boston MA 02210. ARK GENERAL PURPOSE INSECTICIDE SPRAY #5. Active Ingredients: Pyrethrins 0.500 percent; Piperonyl butoxide, technical 1.000 percent; N-octyl bicycloheptene dicarboximide 1.670 percent; Petroleum distillate 96.830 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4169-I. Aborn Chem. Industries, Inc., 168 "A" St., S. Boston MA 02210. ARK GENERAL PURPOSE INSECTICIDE SPRAY #3. Active Ingredients: Pyrethrins 0.300 percent; Piperonyl butoxide, technical 0.600 percent; N-octyl bicycloheptene dicarboximide 1.000 percent; Petroleum distillate 98.100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8590-UAR. Agway Inc., PO Box 1333, Syracuse NY 13201. (((AGWAY))) DICHLONE—SULFUR 1.5-30D. Active Ingredients: Dichlone (2,3-dichloro-1,4-naphthoquinone) 1.5 percent; Sulfur 30.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 255-99. American Fluoride Corp., 17 Huntington Pl., New Rochelle NY 10801. FORMULATION 120 AN INDUSTRIAL AND HOUSEHOLD RESIDUAL INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500 percent; Pyrethrins 0.050 percent; Technical Piperonyl Butoxide 0.100 percent; N-Octyl Bicycloheptene Dicarboximide 0.166 percent; Aromatic Petroleum Distillate 0.406 percent; Petroleum Distillate 98.778 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1526-LNR. Chemical Distributors DBA Arizona Agrochemical Co., PO Box 21537, Phoeniz AZ 85036. AGRO-CHEM BRAND DISULFOTON 10 percent GRANULAR SYSTEMIC INSECTICIDE. Active Ingredients: O,O-Diethyl S-[2-ethylthio)ethyl] phosphorodithioate 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612-IR. B & G Co., PO Box 20372, Dallas TX 75220. B & G LARVA—LUR. Active Ingredients: Dimethyl (2,2,2-Trichloro-1-Hydroxyethyl) phosphonate 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-EIE. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD BQ-25 HOSPITAL SPRAY DISINFECTANT & DEODORANT. Active Ingredients: Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 0.25 percent; Essential oils 0.50 percent; Isopropanol 43.22 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4-EUN. Bonide Chem. Co., Inc., 2 Wurz Ave., Yorkville NY 13495. BONIDE ZINC PHOSPHIDE BAIT. Active Ingredients: Zinc Phosphide 1.95 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1660-TE. Chemical Specialties Co., Inc., 51-55 Nassau Ave., Brookyln NY 11222. DRO ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.052 percent; Piperonyl Butoxide, Technical 0.260 percent; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500 percent; Petroleum Distillate 95.737 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7273-RUT. Crown Chem., 4995 N. Main St., Rockford IL 61101. CROWN CYPONA CONCENTRATE EMULSIFIABLE. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 10.0 percent; 2,2-dichlorovinyl dimethyl phosphate 2.3 percent; Related compounds 0.2 percent; Petroleum Hydrocarbons 77.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8064-U. C. Alberto Culver Co., 2525 Armitage Ave., Melrose Park IL 60160. PROFESSIONAL ANT & ROACH EXTERMINATOR SYSTEM TERMINEX FORMULA 3. Active Ingredients: Pyrethrins 0.050 percent; Piperonyl butoxide, technical 0.100 percent; N-octyl bicycloheptene dicarboximide 0.166 percent; Chlorpyrifos [O,O-Diethyl-O-(3,5,6-trichloro-2-pyridyl) Phosphorothioate] 0.500 percent; Petroleum distillate 59.184 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8064-G. C. Alberto Culver Co. PROFESSIONAL ANT & ROACH EXTERMINATOR SYSTEM TERMINEX FORMULA 2. Active Ingredients: Pyrethrins 0.050 percent; Piperonyl butoxide, technical 0.100 percent; N-octyl bicycloheptene dicarboximide 0.166 percent; O,Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500 percent; Aromatic petroleum distillate 0.406 percent; Petroleum distillate 58.778 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8064-E. C. Alberto Culver Co. PROFESSIONAL ANT & ROACH EXTERMINATOR SYSTEM TERMINE FORMULA 1. Active Ingredients: Pyrethrins 0.050 percent; Piperonyl butoxide, technical 0.100 percent; TN-octyl bicycloheptene dicarboximide 0.166 percent, 2-(1-methylethoxy) phenol methylcarbamate 1.000 percent; Petroleum distillate 43.684 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 192-RRG. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL TOMATO LIFE. Active Ingredients: Beta-Naphthoxyacetic Acid 0.00325 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE WATER SOLUBLE POWDER (for use on Oranges, Lemons, Grapefruits & Tangelos in Calif.). Active Ingredients: S-methyl-N-[(methylcarbamoyl)oxy] thioacetimidate 90 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE WATER SOLUBLE POWDER (for use on Carrots in Ariz. and Calif.). Active Ingredients: S-methyl-N-[(methylcarbamoyl)oxy] thioacetimidate 90 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 635-237. E-Z-Flo Chem. Co., PO Box 808, Lansing MI 48903. E-Z FLO ORCHARD MOUSE BAIT. Active Ingredients: Zinc Phosphide 2.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6621-LO. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. LIVESTOCK INSECT REPELLENT. Active Ingredients: Pyrethrins 0.06 percent; Piperonyl butoxide, technical 0.12 percent; N-octyl bicycloheptene dicarboximide 0.20 percent; Di-n-propyl isocinchomeronate 0.40 percent; Petroleum distillate 99.22 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6621-AN. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. ANIMAL GUARD REPELLENT AND INSECTICIDE. Active Ingredients: Pyrethrins 0.10 percent; Piperonyl butoxide, technical 0.20 percent; N-octyl bicycloheptene dicarboximide 0.33 percent; Di-n-propyl isocinchomeronate 0.40 percent; Petroleum distillate 98.97 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4704-UA. J. C. Ehrlich Chem. Co., 800 Hiesters Lane, Reading PA 19605. MAGIC CIRCLE DEER REPELLENT. Active Ingredients: Thiram (tetramethylthiuram disulfide) 20 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32862-R. Environmental Services, Inc., PO Box 944, Great Falls MT 59403. SBP-1382 ULV INSECTICIDE SYNPRO RESMETHRIN. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 4.22 percent; Related compounds 0.57 percent; Aromatic petroleum hydrocarbons 5.59 percent; Mineral oil 89.45 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4482-RU. Epic Chem., Inc., 89 Coffey St., Brooklyn NY 11231. E Z-SAN DISHWASHING DETERGENT. Active Ingredients: n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) Dimethyl Benzyl Ammonium Chloride 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 257-EOL. Fuld-Stalfort, Inc., 1354 Old Post Rd., Havre de Grace MD 21078. SPRAY DISINFECTANT. Active Ingredients: Ethyl alcohol 37.000 percent; Triethylene glycol 8.000 percent; n-alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chloride 0.0500 percent; n-alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chloride 0.0500 percent; 4,5-Dibromosalicylaniide 0.0067 percent; 3,4-Tribromosalicylaniide 0.0067 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-E000. FMC Corp., A.C.D. Industrial Sales Dept., 100 Niagara St., Middleport NY 14105. PYRENONE 30-3 S. E. CONCENTRATE INSECTICIDE. Active Ingredients: Pyrethrins 3.00 percent; Piperonyl Butoxide, Technical 30.00 percent; Petroleum Oil 12.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-E00I. FMC Corp., Agricultural Chem. Div. PYRENONE DIAZINON "DUAL USE" E. C. RESIDUAL INSECTICIDE. Active Ingredients: Pyrethrins 3.33 percent; Piperonyl Butoxide, Technical 16.64 percent; O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrindinyl) phosphorothioate 32.02 percent; Aromatic Petroleum Derivative 24.91 percent; Petroleum Distillate 13.32 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-2918. FMC Corp., Industrial Sales Dept., Agricultural Chem. Div. PYRENONE 25-5 M.A.G. CONCENTRATE. Active Ingredients: Pyrethrins 5.0 percent; Piperonyl Butoxide, Technical 25.0 percent; Petroleum Oil 70.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-1500. FMC Corp., Niagara Chem. Div. NIAGARA METHYL PARATHION 4 MISCIBLE. Active Ingredients: O,O-Dimethyl O-p-nitrophenyl thiophosphate 45.1 percent; Xylene base aromatic petroleum solvent 47.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-UGI. Helena Chem. Co., 5100 Poplar Ave., Memphis TN 38137. HELENA MALATHION — PARATHION WETTABLE. Active Ingredients. Malathion 18.99 percent; Ethyl Parathion 12.54 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34911-RN. HI-Yield Chem. Co., PO Box 460, Bonham TX 75418. HI-YIELD ROSE & FLOWER DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 3 percent; Folpet N-(trichloromethylthio) phthalimide 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6593-O. Hygienic Sanitation Co., Inc., 248 W. Wingchoching St., Philadelphia PA 19140. HYGIENIC DIAZINON SPRAY. Active Ingredients: O,O-diethyl O - (2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500 percent; pyrethrins 0.052 percent; technical piperonyl butoxide (equivalent to 0.209 percent (butyl carbityl) (6-propyl piperonyl) ether and 0.052 percent other related compounds) 0.261 percent, petroleum distillate 99.187 percent. Method of Support: Application proceeds under 2(c) of interim policy.

V40N16 JAN23 75 XUM

EPA File Symbol 407-GIT. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL THIRAM SEED PROTECTANT. Active Ingredients: Thiram (Tetramethylthiuram disulfide) 50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OLR. Kerr-McGee Chem. Corp., Kerr-McGee Center, Oklahoma City OK 73125. FASCO C-Z-M-B NO. 3 A FUNGICIDE-NUTRITIONAL COMBINATION FOR CITRUS FOR USE IN FLORIDA ONLY. Active Ingredients: Copper as metallic (Derived from Basic Copper Sulfate) 20.10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 453-EAI. Wood Treating Chem. Dept. Koppers Co., Inc., 5137 S.W. Ave., St. Louis MO 63110. KOPPERS TIMBERTOX 20NW WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 4.47 percent; Other Chlorophenols & Related Compounds 0.53 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 453-EAO. Wood Treating Chem. Dept., Koppers Co., Inc. KOPPERS WOODTOX PRE-PRIME-T CONCENTRATE. Active Ingredients: Pentachlorophenol 19.35 percent; Other Chlorophenols and Related Compounds 2.25 percent. Method of Support: Application proceeds under 2(c) interim policy.

EPA File Symbol 453-ETN. Wood Treating Chem. Dept., Koppers Co., Inc. KOPPERS WOODTOX PRE-PRIME-T READY TO USE. Active Ingredients: Pentachlorophenol 47 percent; Other Chlorophenols and Related Compounds 53 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 453-ETR. Wood Treating Chem. Dept., Koppers Co., Inc. KOPPERS WOODTOX 140-T READY TO USE. Active Ingredients: Pentachlorophenol 4.47 percent; Other Chlorophenols and Related Compounds 0.53 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 961-GNU. Lebanon Chem. Corp., The Bishop Co. Div., PO Box 180, Lebanon PA 17042. AGRICO WEED CONTROL WITH GRASS FOOD. Active Ingredients: Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 1.30 percent; Isooctyl ester of Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 0.60 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2224-UI. Mobil Chem. Co., PO Box 26683, Richmond VA 23261. MOBIL MOCAP PLUS NEMATICIDE-INSECTICIDE FOR TOBACCO AND PEANUTS. Active Ingredients: O-Ethyl S,S-Dipropyl Phosphorodithioate O,O-Diethyl S-[2-(ethylthio) ethyl] 10 percent; Phosphorodithioate 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70-ENL. Rigo Co., 1200 Fort Wayne, Natl. Bank Bldg., Fort Wayne IN 46802. KILL-KO TOBACCO TREATER. Active Ingredients: Lindane (gamma isomer of benzene hexachloride) 10 percent. Method of Support: Applicant proceeds under 2(c) of interim policy.

EPA File Symbol 523-IT. Roberts Laboratories, 4995 N. Main St., Rockford IL 61101. ROBERTS DUO KILL CONCENTRATE EMULSIFIABLE. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 10.0 percent; 2,2-dichlorovinyl dimethyl phosphate 2.3 percent; Related compounds 0.2 percent; Petroleum hydrocarbons 77.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-475. Thompson-Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. T-H PARATHION E-8. Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl thiophosphate 80.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-590. Thompson-Hayward Chem. Co. T-H MALATHION E-8. Active Ingredients: Malathion 82.00 percent; Xylene 1.60 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-865. Thompson-Hayward Chem. Co. T-H DE-FEND E-267 DIMETHOATE SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S- [N-methylcarbamoylmethyl] phosphorodithioate) 30.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 499-RIU. Whitmire Research Lab., Inc., 3568 Tree Ct. Industrial Blvd., St. Louis MO 63122. WHITMIRE PRESCRIPTION TREATMENT NO. 580. Active Ingredients: Pyrethrins 0.50 percent; Piperonyl butoxide, technical 1.00 percent; N-octyl bicycloheptene dicarboximide 1.67 percent; Petroleum distillate 96.83 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 499-RIL. Whitmire Research Lab., Inc., 3568 Tree Ct. Industrial Blvd., St. Louis MO 63122. WHITMIRE PRESCRIPTION TREATMENT NO. 581. Active Ingredients: Pyrethrins 0.100 percent; Piperonyl butoxide, technical 0.200 percent; N-octyl bicycloheptene dicarboximide 0.333 percent; Petroleum distillate 99.367 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 20954-G. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. ZOECON TRICHLORFON TECHNICAL FOR MANUFACTURING USE ONLY FOR FORMULATION OF INSECTICIDES. Active Ingredients: trichlorfon Dimethyl 22,2-trichloro-1-hydroxyethylphosphonate 98 percent. Method of Support: Application proceeds under 2(c) of interim policy.

APPLICATIONS RECEIVED (OPP—32000/176)

EPA File Symbol 1459-UG. Bullen Chem. Co., Hook Rd., Folcroft PA 19032. C-525 DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250 percent; Dioctyl dimethyl ammonium chloride 0.625 percent; Didecyl dimethyl ammonium chloride 0.625 percent; Alkyl amino betaine 1.000 percent; Hydrogen chloride 8.000 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11558-E. Celanese Chem. Co., 1211 Ave. of the Americas, New York NY 10036. CHEMSTOR III LIQUID PRESERVATIVE FOR HIGH MOISTURE CORN, SORGHUM, WHEAT, OATS, BARLEY, GRASS FORAGE AND LEGUME FORAGE. Active Ingredients: Propionic Acid 56 percent; Acetic Acid 14 percent; Formaldehyde 111 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9404-UT. Chase & Co., PO Box 1697, Sanford FL 32771. SUNNILAND FUNGICIDE FOR VEGETABLES, TURF AND ORNAMENTALS DITHANE M-45. Active Ingredients: Manganese 16 percent; Zinc 2 percent; Ethylene bisdithiocarbamate ion ($C_4H_6N_2S_4$) 62 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 677-227. Diamond Shamrock Chem. Co., 1100 Superior Ave., Cleveland OH 44114. DIAMOND SHAMROCK DACTHAL G-5 HERBICIDE. Active Ingredients: Dimethyl tetrachloroterephtalate 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 677-218. Diamond Shamrock Chem. Co., 1100 Superior Ave., Cleveland OH 44114. DIAMOND SHAMROCK DACTHAL G-2.5 HERBICIDE. Active Ingredients: Dimethyl tetrachloroterephtalate 2.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-1872. FMC Corp., 100 Niagara St., Middleport NY 14105. THIRAM 65 WETTABLE POWDER FUNGICIDE. Active Ingredients: Thiram (tetramethylthiuram disulfide) 65.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5605-RUU. Farmingdale Garden Lab., Inc., 136 Verdi St., Farmingdale, L.I. NY 11735. FARMINGDALE FORMULA D 2,4-D LAWN WEED & DANDELION KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 12.45 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10589-L. Pettibone Lab., Inc., Div. of International Dioxicide, Inc., 11 E. 44th St., New York NY 10017. MILDUGEN-C MILDEWCIDE CONCENTRATE. Active Ingredients: Chlorine Dioxide 1.8 percent; Didecyl Dimethyl Ammonium Chloride 1.0 percent; Isopropanol 2.5 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10589-A. Pettibone Lab., Inc., Div. of International Dioxicide, Inc., 11 E. 44th St., New York NY 10017. MILDUGEN. Active Ingredients: Chlorine Dioxide 0.36 percent; Didecyl Dimethyl Ammonium Chloride 0.20 percent; Isopropanol 0.50 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 618-IA. Merck Chem. Div., Merck & Co., Inc., Rahway NJ 07065. B (THIABENDAZOLE - TRICHLORFON) HORSE WORMER. Active Ingredients: Thiabendazole 41.98 percent (5 g.); Trichlorfon 37.78 percent (4.5 g.). Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 618-IL. Merck Chem. Div., Merck & Co., Inc., Rahway NJ 07065. TOP FORM WORMER TWO (THIABENDAZOLE-TRICHLORFON) HORSE WORMER. Active Ingredients: Thiabendazole 41.98 percent (5 g.); Trichlorfon 37.78 percent (4.5 g.). Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8123-AI. Frank Miller & Sons, 13831 S. Emerald Ave., Chicago IL 60627. RESIDUAL VEGETATION KILLER. Active Ingredients: 2,4-bis (isopropylamino)-6-methoxy-s-triazine 1.5 percent; Petroleum distillate 94.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2224-37. Mobil Chem. Co., Phosphorus Div., PO Box 26683, Richmond VA 23261. MOBIL MOCAP 10 PERCENT GRANULAR NEMATOCIDE-INSECTICIDE. Active Ingredients: O-Ethyl S,S-Dipropyl Phosphorodithioate 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10290-EL. Professional Chem. Co., Inc., 4517 Yale, Houston TX 77018. 3-R RELIABLE RODENT REMOVER. Active Ingredients: 2 pivalyl 1-1, 3-Indandione (Pival) 0.025 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30998-R. Richardson Wharf, PO Box 1019, Portland ME 04104. ALGICIDE 10 percent CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: Alkenyl Dimethyl Ethyl Ammonium Bromide 10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 777-LE. Lehn & Fink Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL LIQUID DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Hydrogen Chloride 8.50 percent; Alkyl (50 percent C14, 40 percent C12, 10 percent C16) Dimethyl Benzyl Ammonium Chlorides 1.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRGI. Thompson-Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. KLEAN-UP 2,4-DB AMINE. Active Ingredients: Dimethylamine Salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 20004-2. Traylor Chem. & Supply Co., Inc., 1911 Lockwood Way, Orlando FL 32804. TRACO SUPER-FINE COPPER 53. Active Ingredients: Copper 53.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: January 17, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.75-2182 Filed 1-22-75;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY, New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

AMERICAN PRESIDENT LINES, LTD., SEATRAIN TERMINALS OF CALIFORNIA, INC., SEATRAIN LINES, INC. AND THE CITY OF OAKLAND

Notice of Agreement Filed by:

James H. Seymour, Esq.
American President Lines
International Building
601 California Street
San Francisco, California 94108

Agreement No. T-3038, among American President Lines, Ltd. (APL), Seatrain Terminals of California, Inc. (Terminals), Seatrain Lines, Inc. (Seatrain), and the City of Oakland (City) succeeds Agreement No. T-3013 (an agreement among the same parties temporarily permitting APL's use of certain terminal facilities prior to formalization of Agreement No. T-3038) and modifies Agreements Nos. T-2480, as amended, (an agreement between the City and Terminals providing for the lease of certain terminal facilities and the nonexclusive prefefential assignment of berthing areas to Terminals) and T-2605 (an agreement between the City and Terminals providing for the nonexclusive preferential assignment to Terminals of land adjoining the facility leased under Agreement No. T-2480, above). The purpose of Agreement No. T-3038 is to provide for (1) the joint use by Terminals and APL until August 1, 2001, of a marine terminal in the Middle Harbor Terminal of the Port of Oakland, (2) the assignment to APL of all the rights, duties, liabilities and obligations of Terminals under Agreements Nos. T-2480, as amended and T-2605, with the exception of certain Construction Fund payment obligations, (3) the Port's designation of Terminals as a secondary user and not as a sublessee of the premises (exclusive of office space) and cranes, and (4) Terminals' lease from APL of an undivided 10 percent interest in the office space. Under this agreement, the office space rental of $85,000 shall be shared 90 percent by APL and 10 percent by Terminals. Also, until the commencement of the third lease year, the total rental compensation, exclusive of office space rental, shall be shared 55 percent by APL and 45 percent by Terminals, and thereafter, during the term of the designation of secondary use, said total rental compensation shall be shared 65 percent by APL and 35 percent by Terminals. Terminals' payments for its use of APL's facility will be in lieu of any charges under the City's Port Tariffs.

By Order of the Federal Maritime Commission.

Dated: January 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2148 Filed 1-22-75;8:45 am]

CITY OF LONG BEACH AND BUILDING MATERIALS TERMINAL, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Leslie E. Still, Jr., Esq.
Deputy City Attorney of Long Beach
Suite 600—City Hall
Long Beach, California 90802

Agreement No. T-3047, between City of Long Beach (City) and Building Materials Terminal, Inc. (BMT) provides for a nonexclusive preferential assignment to BMT of Berth 6, Pier A located at the Port of Long Beach, California. Provision is also made for an exclusive assignment to BMT of land areas including improvements thereon and transit shed offices known as Parcels I, II, and III as further described in the agreement. The term of this agreement is for a period of 5 years, with renewal options. The leased premises are to be used for the operation of a marine terminal and other activities incidental thereto. As compensation for the use of Parcel I BMT will pay to City all applicable tariff charges arising out of its operations subject to an annual minimum of $227,713.00 which may be adjusted according to the provisions of the agreement. For the use of Parcels II and III BMT will pay to City a monthly amount totaling $5,335.00. BMT may elect to conduct its operations pursuant to the current tariff issued by the Port of Long Beach or it may publish its own tariff subject to review by City.

By Order of the Federal Maritime Commission.

Dated: January 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2151 Filed 1-22-75;8:45 am]

V40016 JAN2375 XUM

FEDERAL POWER COMMISSION

[Docket No. G-3287]

ATLANTIC RICHFIELD CO.

Notice of Petition To Amend

JANUARY 16, 1975.

Take notice that on December 30, 1974, Atlantic Richfield Company (Petitioner), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. G-3287 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Natural Gas Pipeline Company of America (Natural) in accordance with the settlement agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G-2730, et al., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the initial order issued in the instant docket on August 5, 1963, Petitioner was authorized to sell gas to Natural from certain acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas, pursuant to a gas sales contract dated January 25, 1950, as amended. Petitioner states that on March 1, 1971 it filed an application which requested, inter alia, authorization to sell to Natural additional volumes from the La Gloria Field previously sold under an expired contract with Transcontinental Gas Pipe Line Corporation (Transco) and that said application was consolidated for hearing, with those of other producers seeking similar authority, in Docket No. G-2730, et al. On March 21, 1973, the Commission in the order accompanying Opinion No. 655 (49 FPC 738) authorized Petitioner and others to increase deliveries to Natural in the amounts set forth in the applications. On November 12, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. Transcontinental Gas Pipe Line Corporation v. FPC, 488 F.2d 1325 (D.C. Cir 1973).

Petitioner states that as a result of settlement negotiations an amendment dated August 31, 1974, to the January 25, 1950, contract has been entered into which, among other things, revises the dedication and quantity provisions of said contract to provide for various volumes to be delivered to Natural during certain periods which are different from the volumes committed under the contract under which sales were authorized in the instant docket. Petitioner further states that said amendment is proposed to become effective upon the Commission's issuing an order approving the settlement in the proceeding in Docket No. G-2730, et al. Petitioner proposes to sell gas at a change in the contractual rate level to the applicable rate prescribed in Section 2.56a of the Commission's rules of practice and procedure (18 CFR 2.56a) for that portion of the gas produced from wells commenced on or after January 1, 1973. Petitioner, accordingly, requests that in the event the Commission issues an order approving the settlement proposal an order be issued amending the certificate issued in the instant docket to authorize Petitioner to perform all acts and obligations provided for in the August 31, 1974, amendment with Natural.

Petitioner states that the August 31, 1974, amendment provides for delivery to Natural, on and after April 1, 1975, of volumes that will vary during prescribed periods so that over the remaining life of the reserves. Natural will receive 40 percent thereof. Petitioner proposes to sell the gas for 25.0 cents per Mcf and 54.16 cents per Mcf at 14.65 psia, as applicable.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2133 Filed 1-22-75;8:45 am]

[Docket No. CP73-149]

CENTRAL FLORIDA GAS CORP.

Notice of Motion To Amend Order Directing Physical Connection of Facilities and Sale of Natural Gas

JANUARY 17, 1975.

Take notice that on January 9, 1975, Central Florida Gas Corporation (Central Florida) filed a motion to amend the Commission's order issued July 25, 1973, in Docket Nos. RP66-4, et al., which include the above-docketed proceeding, to (1) direct Florida Gas Transmission Company (Florida Gas) to connect its facilities and to sell and deliver to Central Florida for resale to the City of St. Cloud, Florida, the annual quantity of 500,000 therms of natural gas authorized by the aforesaid order at an existing or relocated delivery point instead of the two authorized delivery points, one between Kissimmee and St. Cloud in Osceola County, Florida and another west and south of Orlando in Polk County, Florida; and (2) allow Central Florida a period of six months from the date of the Commission's order herein in which to prepare for the receipt of such natural gas deliveries.

In support of its motion, Central Florida alleges that most of the motels and commercial establishments that had signed Letters of Intent to purchase natural gas from it have temporarily shut down because of an over-supply of motels in the Orlando-Disney World area and delays in the completion of the proposed Circus World project. Central Florida claims that consequently, it could take delivery only of limited volumes of natural gas at the authorized delivery points. Central Florida further alleges that it has received an urgent request from the City of St. Cloud for the purchase of the authorized natural gas volumes and that reallocation of such volumes to the City of St. Cloud delivery point would enable Florida Gas to reduce the pipeline which it proposes to construct pursuant to its application in Docket No. CP74-192.

Central Florida asserts that several months will be required to construct a new distribution line if the City of St. Cloud's request is approved, and alternatively, additional time to proceed with original plans for the Florida Gas connection in the event that the City's request is denied.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before January 28, 1975. The notices and petitions for intervention previously filed in this proceeding will not operate to make those parties interveners or protestants with respect to the instant filing. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2134 Filed 1-22-75;8:45 am]

[Docket Nos. RP72-142, PGA75-3]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 17, 1975.

Take notice that Cities Service Gas Company (Cities) on January 8, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities states that pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21 of its FPC Gas Tariff, it proposes to increase its rates effective February 23, 1975, to reflect an increase in the cost of gas purchased from Oklahoma Natural Gas Gathering Corporation, one of Cities' pipeline suppliers.

Cities states that the Third Alternate Substitute Ninth Revised Sheet PGA-1 here filed is proposed should the Commission act on Cities' December 2, 1974 filing in Docket No. RP72-142, by accepting Substitute Ninth Revised Sheet PGA-1 in Appendix B. Alternatively, Cities states that the Fourth Alternate Substitute Ninth Revised Sheet PGA-1 here filed is proposed should the Commission accept the Substitute Ninth Revised Sheet PGA-1 in Appendix A filed December 2, 1974.

Copies of the Company's filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in RP72-142, PGA75-3, and RP74-4.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2136 Filed 1-22-75;8:45 am]

[Docket No. E-9207]

DUKE POWER CO.

Notice of Proposed Change in FPC Electric Rate Schedule

JANUARY 17, 1975.

Take notice that on January 6, 1975, Duke Power Company (Duke) tendered for filing a proposed change in Duke Power Company Rate Schedule FPC No. 233. Duke states that this rate schedule is the contract between itself and the Town of Davidson (Town). Duke states that the change increases the contract demand from 2,800 kw to 4,500 kw and is made at the request of the Town. Duke further states that the requisite agreement has been obtained as shown by the signature of both parties on the Exhibit A-1 which accompanied the tendered filing. The proposed effective date is February 19, 1975.

A copy of the filing has been mailed to the Mayor of the Town.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2137 Filed 1-22-75;8:45 am]

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Tendered Tariff Sheets, Granting Request for Waiver, Denying Motion To Phase and Consolidate Rate of Return Issue, Permitting Interventions, Providing for Hearing and Establishing Procedures

JANUARY 15, 1975.

Before Commissioners: John N. Nassikas, Chairman; Albert B. Brooke, Jr., Rush Moody, Jr., William L. Springer, and Don S. Smith.

On December 16, 1974, El Paso Natural Gas Company (El Paso) tendered for filing revised tariff sheets [1] which would increase rates to jurisdictional customers by approximately $70 million annually. El Paso states that the proposed rate change would increase its overall rate of return to 9.8 per cent. El Paso proposes that the increase be permitted to become effective on January 16, 1975.

In support of its filing, El Paso states that the instant request for increased rates is necessitated by its declining gas supply, increases in the costs of labor, capital, materials and supplies, and increases in overriding royalty payments.

El Paso has requested waiver of § 154.63(e)(2)(i) of the Commission's regulations to permit the Company to include, in the proposed rates, the effect of an increase in special overriding royalty costs. According to El Paso, increases in such royalty costs will be incurred by the Company on June 1, 1975, as a result of issuance of Commission Opinion No. 699-H.[2] El Paso, in support of its request for waiver, contends that this cost is significant, is known and measureable, and will be incurred only one day after the close of the test period used for the instant filing. El Paso has tendered an alternative set of revised tariff sheets should its request be denied.

Our review of El Paso's request for waiver of the Regulations to permit inclusion of such special overriding royalty costs indicates that good cause exists to grant such request. Accordingly, we shall grant waiver of § 154.63(e)(2)(i) of the Regulations, as hereinafter ordered.

Concurrently with its instant rate increase filing, El Paso filed a motion to phase the rate of return issue raised by the instant filing and to consolidate for immediate hearing and decision said issue with the rate of return issue raised by El Paso's filings in Docket Nos. RP73-104 and RP74-57. In support of its motion, El Paso states that the Company "has recently been seriously hampered in its attempts to raise additional debt capital in the money market * * *." Therefore, El Paso contends, the procedural relief requested and a timely decision upon the rate of return issue are needed for the Company to attract additional capital at reasonable costs and maintain investor confidence.[3]

Our review of El Paso's motion to phase and consolidate the rate of return issue indicates that said motion should not be granted. Past experience in proceedings wherein we have permitted phasing of certain issues has shown that such procedure does not necessarily result in an expeditious resolution of those issues. Moreover, our experience indicates that such procedure may actually lengthen the time period required to resolve all the issues in a given docket. For these reasons, we believe that the public interest requires that we deny El Paso's motion.

Public notice of El Paso's filing was issued with comments, protests and petitions to intervene due on or before January 6, 1975. Petitions to intervene were timely filed by Citizens Utilities Company, Arizona Public Service Company, the Navajo Tribal Utility Authority, Tucson Gas and Electric Company, Pacific Gas and Electric Company, Southern Union Gas Company, and Southern California Gas Company. Southwest Gas Corporation filed its petition to intervene on January 7, 1975, one day after the period for timely interventions had ended. On January 8, 1975, San Diego Gas and Electric Company and the Salt River Project Agricultural Improvement and Power District filed their respective petitions to intervene. Upon review of all of these petitions to intervene, we believe that good cause exists to grant intervention to each petitioner.

Based on our review of El Paso's proposed rate increase, including the documents, information and studies submitted therewith as required by the Commission's Regulations, and the aforementioned petitions to intervene, we find that the requested increase may be excessive or otherwise unlawful under the Natural Gas Act. Accordingly, the proposed increase shall be accepted for filing, suspended for the full statutory period, and set for hearing.

We note that in the instant filing, El Paso uses the modified Seaboard method of cost classification for allocation of costs between jurisdictional and non-jurisdictional customers. El Paso's rate design is based upon several methods, including historical zone differentials, direct assignment of costs and uniform cost increases to existing rate levels.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard

[1] Fifteenth Revised Sheet No. 3-B and Second Revised Sheet No. 63-C.3 to Original Volume No. 1; Fifth Revised Sheet No. 1-D and Second Revised Sheet No. 1-M.3 to Third Revised Volume No. 2; and Seventh Revised Sheet No. 1-C, Second Revised Sheet No. 1-D, and Second Revised Sheet No. 7-MM.3 to Original Volume No. 2-A, FPC Gas Tariff.

[2] Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B.

[3] The Navajo Tribal Utility Authority and Southern Union Gas Company filed, together with their respective petitions to intervene, statements supporting El Paso's motion to phase and consolidate the rate of return issue. Pacific Gas and Electric Company and Southern California Gas Company stated in their petitions to intervene that they do not oppose El Paso's motion.

V40N16 JAN23 75 XUM

methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the El Paso system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method of cost classification and allocation, as well as to the propriety of El Paso's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's objectives in this area.[1]

As previously noted, El Paso's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issue of rate of return so as to enable this Commission to formulate sound regulatory policies in this area.

The Commission finds:

(1) The revised tariff sheets listed in footnote "1" at page 1 of this order, as tendered by El Paso on December 16, 1974, should be accepted for filing and suspended as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, as proposed to be amended in Docket No. RP75–39.

(3) Good cause exists to grant El Paso's request for waiver of Section 154.63(e)(2)(i) of the Commission's Regulations, as said request is discussed herein.

(4) Good cause does not exist to grant El Paso's motion to phase and consolidate the rate of return issue raised in the instant filing.

(5) Participation of the above-named petitioners to intervene may be in the public interest, provided that such participation is limited as hereinafter ordered.

The Commission orders:

(A) El Paso's tariff sheets proffered in Docket No. RP75–39 are accepted for filing and suspended for the full statutory period of five months until June 16, 1975, or until such time as they are made effective in the manner provided by the Natural Gas Act, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed in El Paso's December 16, 1974, filing.

(C) On or before July 14, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before July 28, 1975. Company rebuttal shall be served August 13, 1975. Cross-examination of the evidence shall commence on August 25, 1975, at 10:00 A.M., EDT in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(D) El Paso's request for waiver of § 154.63(e)(2)(i) of the Commission's regulations is hereby granted.

(E) El Paso's motion to phase and consolidate the rate of return issue raised in the instant filing is hereby denied.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2138 Filed 1–22–75;8:45 am]

[1] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74–82 and RP74–81.

[Docket Nos. RP69–6, et al.]

EL PASO NATURAL GAS CO.

Notice of Substitute Tariff Sheets Tender

JANUARY 16, 1975.

Take notice that on December 9, 1974, El Paso Natural Gas Company (El Paso) tendered for filing certain substitute revised tariff sheets to its FPC Gas Tariff, Original Volume Nos. 1 and 2A, and a Report of Refunds Due which El Paso claims to be in accordance with the Stipulation and Agreement in Settlement of Rate Proceedings dated May 31, 1973, and ordering Paragraph (D) of the Commission's Order Approving Settlement, Reserving Issue for Hearing and Consolidating Proceedings, issued February 14, 1974, at Docket Nos. RP69–6, et al.

El Paso further states that the tendered tariff sheets are applicable to all rate schedules contained in said Original Volume No. 1 tariff and those special rate schedules contained in El Paso's Original Volume No. 2A tariff, under which the applicable rate is keyed to, and identical with, the rate in effect from time to time under a designated rate schedule, contained in Original Volume No. 1 of El Paso's FPC Gas Tariff. Similarly, special Rate Schedules X–7, X–14, X–25 and X–30 of El Paso's FPC Gas Tariff, Third Revised Volume No. 2 are also keyed to rates in effect from time to time under a designated rate schedule contained in the Original Volume No. 1 tariff; however, such rate schedules do not contain a tariff sheet specifically identifying the effective rate during the refund periods of Docket Nos. RP69–6, RP70–11, RP71–13 and RP72–150, and therefore El Paso alleges that substitute tariff sheets for said rate schedules need not be filed. El Paso also states that the tendered tariff sheets reflect the reduced rate levels provided by the said Stipulation and Agreement for the term of the cumulative locked-in period March 7, 1969, through November 1, 1973, of the subject dockets.

Further, El Paso states the principal refund resulting from the settlement aggregates $50,523,679.23, of which $47,066,165.30, are jurisdictional refunds. El Paso submitted as a part of the instant filing computations supporting said principal refund, reflecting the amount of principal refund due under each rate schedule and to each customer affected by said settlement. El Paso proposes to make the subject refund, together with the appropriate interest thereon, within thirty (30) days of Commission approval of the tendered tariff sheets and refund amount.

El Paso states that copies of the filing were served on all of El Paso's affected Southern Division System customers and all parties of record to the proceedings at Dockets Nos. RP69–6, RP69–20, RP70–11, RP71–13 and RP72–150 and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2139 Filed 1–22–75;8:45 am]

[Docket No. RP75–53]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 16, 1975.

Take notice that on January 10, 1975, Florida Gas Transmission Company (Florida Gas) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2.

The proposed rate changes would increase Florida Gas' revenues from jurisdictional sales and transportation services by $5,495,725, based on the twelve months ended September 30, 1974 as adjusted. Florida Gas proposes to make the increased rates effective February 10, 1975.

Florida Gas states that the increased rates are required to reflect the effect on its cost of service and revenue requirements of reduced deliveries of natural gas because of declining deliverability from connected gas supplies, increases in operating expenses, depreciation expense and taxes, costs related to an advance payment of $20 million, and increases in cost of capital including an overall rate of return of 10.25%.

Florida Gas states that copies of its rate filing were served on all the Company's jurisdictional customers and the Florida Public Service Commission. Also, Florida Gas states that Statement P will be filed within fifteen days of its filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75–2140 Filed 1–22–75; 8:45 a.m.]

[Docket No. E–8987]

INDIANA AND MICHIGAN ELECTRIC CO.

Order Accepting for Filing Proposed Service Agreement, Granting Request for Waiver, and Denying Motion To Reject and Request for Hearing

Issued JANUARY 17, 1975.

On August 21, 1974, Indiana and Michigan Electric Company (I&M) tendered for filing an unsigned agreement with the City of Auburn, Indiana (Auburn), which would provide service for Auburn under I&M's FPC Tariff WS. The new rate schedule would cancel and supersede I&M's FPC Rate Schedule No. 29, under which service is presently being rendered to Auburn. I&M asserted that the reason for the proposed change is to modify the applicable rate for service to Auburn from Tariff IP to the Company's Tariff WS, the applicable rate to municipal wholesale customers. The proposed change would increase I&M's revenues from jurisdictional sales and service to Auburn by approximately $114,375 or 9.1%, based on the twelve-month period ended October 31, 1974.

I&M requested waiver of § 35.13 of the Commission's regulations to the extent that the provisions would require I&M to prepare and file an entirely new cost-of-service study. I&M asserted that a full cost of service study was filed in its initial filing of Tariff WS, in Docket No. E–7740, and that the cost of preparing a new study would be prohibitive, relative to the increased revenues to be derived from the proposed rate schedule change.

Notice of I&M's filing was issued on September 4, 1974, with comments, protests, or petitions to intervene due on or before September 20, 1974. On September 20, 1974, Auburn filed a "Petition to Intervene, Formal Protest, and Request for Rejection" of I&M's filing. Auburn requested the Commission to reject I&M's filing alleging (1) that the filing is in violation of the contract between I&M and Auburn signed on November 16, 1964; (2) that the filing is in violation of the anti-discrimination provisions of the Federal Power Act and Clayton Act; and (3) that even if I&M's filing did not violate its contract with Auburn, the earliest date the changes could be made effective would be November 17, 1974.

On October 7, 1974, I&M filed with the Commission a response to Auburn's petition submitting that Auburn's request for rejection of the August 21, 1974 filing is totally unsupportable. I&M stated, however, that it had no objection to the request of Auburn to intervene in these proceedings.

By order dated October 18, 1974, we conditionally accepted for filing the proposed service agreement and granted intervention to Auburn. We also stated our opinion that "a finding by this Commission that Auburn has the contractual right to continue to receive service under I&M's IP rate schedule would render unnecessary a determination of Auburn's other allegations * * *" (mimeo at 4). We therefore first directed ourselves to the issue of whether Auburn has the contractual right to continue to receive service under Tariff IP. Because we felt it would aid us in a proper determination of Auburn's contractual rights we requested, in our October 18, 1974 order, that briefs be filed on the limited issue of interpreting and reconciling seemingly inconsistent provisions in the 1964 I&M-Auburn service agreement, Tariff IP, and the Terms and Conditions of Service. Pursuant to our directive, both I&M and Auburn filed initial and reply briefs.

THE I&M-AUBURN SERVICE AGREEMENT

The 1964 I&M-Auburn Service Agreement provides that:

> The Company is to furnish and the Customer is to take electric energy under the terms of this Agreement for a period of ten (10) years from the time such service is commenced, and thereafter in successive periods of not less than two (2) years each, *until either party shall give the other not less than 12 months notice in writing of his or its election to discontinue the services at the expiration of any said periods.* (Italics supplied)

The Agreement further incorporated the provisions of Company Tariff IP which provided, in part, as follows:

> Contracts under this tariff will be made for a term of years taking into consideration the size of the load, the location of the load, and the amount of facilities to be furnished by the company in serving the load, but contracts will not be made for initial periods of less than 3 years with self-renewal provisions for successive periods of at least 2 years each. *Contracts may be cancelled or reduced in capacity by either party at the end of initial or renewal periods on a minimum of 12 months' prior written notice to the other party.* (Italics supplied)

The provisions of Tariff IP additionally incorporated the "Terms and Conditions of Service". Section 11 of the Terms and Conditions of Service provides as follows:

> With particular reference to power customers it shall be understood that upon the expiration of a contract the customer may elect to renew the contract upon the same or another tariff published by the Company * * *

Auburn maintains that, notwithstanding I&M's notice of termination and the filing of an unsigned service agreement placing Auburn under the WS Tariff, it has the contractual right to elect to continue to receive service under Tariff IP. Auburn's position is that the contract, at the end of the initial term of ten years, would be automatically renewed for seven consecutive two-year terms as provided in the service agreement. Auburn alleges that upon a notification of termination prior to the expiration of this twenty-four year period Section 11 of the Terms and Conditions comes into play and gives Auburn, and only Auburn, the right to elect to continue to receive service under the same tariff for the full twenty-four year term.[1] Auburn alleges that any other

[1] City of Auburn, Indiana's Petition to Intervene, Formal Protest and Request for Rejection of Rate Schedules Submitted for Filing, filed September 20, 1974, at p. 13.

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interpretation would render Section 11 meaningless. Auburn further points out that its contract right of election does not force I&M to serve it in perpetuity but only so long as I&M maintains a Tariff IP.[3]

I&M, on the other hand, maintains that Auburn has no right to elect to continue to receive service under Tariff IP. In support of its position I&M points out that at an earlier point in time Auburn itself acknowledged that I&M had the right to impose a new rate schedule upon Auburn at the conclusion of the first ten year term under the 1964 Agreement.[4] I&M further alleges that since the Agreement itself and Tariff IP provide for a right of termination and cancellation by either party, that section 11 of the Terms and Conditions comes into play only at the expiration of the 24 year term of contract. I&M therefore argues that there is a legal distinction between the expiration of a contract by its own terms and the termination of a contract during its term under provisions bestowing the right of termination. I&M asserts that its interpretation of the interrelationship of the provisions in the 1964 Agreement and the Terms and Conditions of Service gives meaning to all of the provisions and that Auburn's interpretation of section 11 of the Terms and Conditions would completely negate the clear and unambiguous provisions in both the Service Agreement and Tariff IP providing either party with termination rights.

Upon review of the 1964 Service Agreement, Tariff IP, the Terms and Conditons of Service, the pleadings and the briefs filed herein we are compelled to find that Auburn's contention that it has the right to elect to continue service under Tariff IP for the duration of the twenty-four year contract term is without merit. We have closely scrutinized the specific provisions in the Service Agreement, Tariff IP and the General Terms and Conditions of Service and have applied the rules of contract interpretation to reach our finding. The contractual provision in the Service Agreement and the provision in Tariff IP which provide either party with the right to terminate service at the conclusion of any of the periods are clear and unambiguous. These provisions, provide both parties with the right to terminate service. Section 11 does not speak to termination but to expiration of the contract. While it is true that each period provided for in the contract (the ten-year term and seven two-year terms) does expire, the contract itself does not expire until a minimum of twenty-four years after the commencement of its initial term. Reading all the provisions together to give meaning to each provision, we conclude that I&M, as well as Auburn, with proper notice, has the contractual right to terminate service at the conclusion of any of the terms provided by the Service Agreement. Section 11 of the Terms and Conditions, rather than giving Auburn the right to nullify the right to terminate by I&M, provides the customer, Auburn, with the right to elect to continue service under Tariff IP or another tariff at the expiration of all the terms of the contract if neither party has yet exercised its right to terminate service.

After close scrutiny of the provisions here involved and the arguments advanced by both parties, we find that Auburn's interpretation of the provisions has the effect of rendering useless and meaningless the termination provisions. Since it is a primary rule of contract interpretation to read and interpret a contract so as to give meaning to all of its terms,[6] we must reject Auburn's interpretation.

The contractual interpretation which we have adopted places each provision in question in harmony with the others and provides a totally consistent application. Moreover, our reading is supported by the principles of contractual interpretation. Even though Auburn argues that its previous statements are irrelevant to this present proceeding, the fact remains that it has previously stated that I&M had termination rights under the Service Agreement.[7] This action calls to our attention the rule that the interpretation of contracts given by the parties themselves should be favored.[8] Secondly, the provisions of the Service Agreement should be given precedence if they conflict with provisions in Tariff IP and the Terms and Conditions since the Service Agreement was the bargain struck by the two parties, while Tariff IP and the Terms and Conditions are intended for general use of all customers served thereunder.[9] Finally, the rule of contract interpretation requiring that effectiveness be given to the intention appearing in the principal or most important clause[10] demands we give effect to the Service Agreement's provision bestowing the right of termination.

We find therefore, that Section 11 of the Terms and Conditions of Service does not preclude I&M from terminating service to Auburn under Tariff IP and filing an unsigned service agreement providing for service to Auburn under Tariff WS. Because we do not reject I&M's filing as being inconsistent with the 1964 Service Agreement with Auburn, we now turn to a disposition of the other issues presented by this proceeding.

Auburn's Claim of Discrimination

Auburn argues in its protest that I&M's filing violates the anti-discrimination provisions in the Federal Power Act and Clayton Act because it discriminates against Auburn both by placing it in an inferior competitive position for industrial customers with regard to I&M and by giving it discriminatory rate treatment vis-a-vis the City of Richmond. With regard to Auburn's allegation of being placed in an inferior competitive position to I&M, we have previously held that it is beyond our statutory authority to tie wholesale rates to the rates charged to direct industrial customers.[9] Auburn's allegation of discrimination vis-a-vis the City of Richmond is an issue in the proceeding in Docket No. E-7740. In that proceeding we permitted the parties to introduce evidence to determine whether I&M was discriminating among its municipal customers.[10] Since the testimony on that point concerned the same WS Rate Schedule presently at issue, Auburn, which was a participant in the proceeding, has been afforded the opportunity to submit evidence on this point. The decision to be rendered in the proceeding in Docket No. E-7740 will therefore be dispositive of the discrimination issue and no additional hearing is required.

Request for Suspension and Hearing

In the event I&M's filing is not rejected, Auburn, in its Protest and Petition to Intervene, requested the Commission act in the alternative by suspending the filing for the full 5-month statutory period and set the matter for hearing. The present filing by I&M would place Auburn under the WS tariff which is the subject of the proceeding in Docket No. E-7740. The effectiveness of I&M's initial WS Tariff filing was therein suspended for five months and set for hearing subject to refunds.[11] Auburn was afforded the opportunity to participate, and indeed did participate in those lengthy proceedings. In view of the fact that the effectiveness of the WS Tariff has already been suspended[12] and Auburn has had full opportunity to challenge the justness and reasonableness of the WS Tariff and the increased rates and charges thereunder, there is nothing to be served by providing a suspension and hearing in the present proceeding on the justness and reasonableness of the identical tariff. A recognition of Auburn's position would result in substituting many rate proceedings for one. If we permitted each customer whose contract had expired to challenge the newly effective rates it would result in a "plethora of individual filings".[13] Redundant filings on a common issue would be "wasteful not only of the time and resources of FPC members and staff, but also of the resources of the parties—costs that must in the last analysis be borne by the customer."[14]

The denial of Auburn's request for suspension and a hearing will not affect I&M's refund obligation toward Auburn if the WS Rate Schedule is found to be unjust and unreasonable.

Waiver of Section 35.13

I&M's request for waiver of Section 35.13 of the Commission's Regulations insofar as it would require the filing of a new cost-of-service study is reasonable. I&M's orginal filing of the new WS Rate Schedule in Docket No. E-7740 was accompanied by full cost-of-service data. Because I&M's present filing does not attempt to increase the rates and charges under the WS Rate Schedule but only to place Auburn under the schedule, a new cost-of-service study is not required.

I&M's original filing of the WS Rate Schedule and the accompanying cost-of-service study, which contemplated eventually serving Auburn, was not too premature to encompass customers under later expiring contracts. It is within our authority to refer to the data submitted in the proceeding in Docket No. E-7740 and make our determination thereunder.[15] Auburn is protected by the refund obligation imposed upon I&M by the Court of Appeals for the District of Columbia Circuit in reinstating the suspension and refund of I&M's WS Tariff filing.[16] Because that refund obligation extends to all customers served under the WS Rate Schedule it would apply to rates charged Auburn under a new service agreement.

The Effective Date of I&M's Filing

In our order of October 18, 1974, we permitted I&M's filing, for purposes of conditionally accepting it, to become effective October 21, 1974. Our decision was premised on the language in the contract providing that "the Company is to furnish and the customer is to take electric energy under the terms of this Agreement for a period of ten (10) years from the time such service is commenced * * *" (emphasis supplied). Since I&M's billing records indicate I&M commenced service to Auburn on October 21, 1964, we found in our order of October 18, 1974 and our order denying a petition for rehearing of December 13, 1974, that the ten year contract term began on that date. We therefore conclude that the appropriate effective date for I&M's tendered filing was October 21, 1974.

For the reasons stated above, we find no merit in the arguments advanced by Auburn and we will therefore accept I&M's August 21, 1974 filing to be effective October 21, 1974. We will further consolidate the present proceeding with the proceeding in Docket No. E-7740 for purposes of our final disposition on the justness and reasonableness of the WS Rate Schedule.

The Commission Finds:

(1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing I&M's August 21, 1974 tendered unsigned service agreement to be effective October 21, 1974.

(2) Good cause exists to grant I&M's request for waiver from filing a new cost-of-service study under § 35.13 of our Regulations.

(3) Good cause does not exist to grant Auburn's request for rejection of I&M's filing, or to grant its alternative request for suspension of a hearing concerning I&M's filing.

(4) Good cause exists to consolidate the present proceeding with the pending proceeding in Docket No. E-7740 for the purpose of final disposition.

The Commission Orders:

(A) I&M's August 21, 1974, filing in Docket No. E-8987, submitting an unsigned service agreement with Auburn, is hereby accepted for filing, approved, and made effective as of October 21, 1974.

(B) I&M's request for waiver of the requirements of Section 35.13 insofar as that Section would require filing of a cost-of-service study is hereby granted.

(C) Auburn's request for rejection of or in the alternative, suspension of and a hearing concerning I&M's August 21, 1974 filing is hereby denied.

(D) The present proceeding in Docket No. E-8987 is hereby consolidated with the proceeding in Docket No. E-7740 for the purpose of final disposition.

(E) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc.75-2141 Filed 1-22-75;8:45 am]

[Docket No. RP73-23 PGA 75-2B]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Filing of Substitute Gas Tariff Sheets

January 17, 1975.

Take notice that on January 14, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1 designated as Second Substitute Eighth Revised Sheet No. 3–A (superseding Seventh Revised Sheet No. 3–A) and Second Substitute Eighth Revised Sheet No. 18–B, superseding Seventh Revised Sheet No. 18–B).

The proposed changes contained therein would increase revenues from jurisdictional sales by $236,208 as compared to revenues at the current rates in effect since August 1, 1974, based on the 12 months ending November 30, 1974.

Lawrenceburg states that, pursuant to the purchased gas adjustment (PGA) provision in its FPC Gas Tariff, Original Volume No. 1, it filed by letters dated December 19, 1974 and December 30, 1974, Eighth Revised Sheets Nos. 3–A and 18–B, and Substitute Eighth Revised Sheets Nos. 3–A and 18–B, respectively, in order to track proposed changes in its cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), both of which were to become effective February 1, 1975. By letter dated December 23, 1974, Texas Gas again filed revised gas tariff sheets effective February 1, 1975, pursuant to Commission Order issued December 20, 1974 approving the Stipulation and Agreement in Texas Gas' Docket No. RP74–25, said revision causing Lawrenceburg to again file revised tariff sheets as noticed herein in order that its February 1, 1975 PGA might reflect the latest Texas Gas tariff rates on file with the Commission.

Lawrenceburg requests waiver of the Commission's regulations to permit its substitute tariff sheets to become effective February 1, 1975; and Lawrenceburg states that copies of its filing have been mailed to its two wholesale customers, Lawrenceburg Gas Company and The Cincinnati Gas & Electric Company, and also to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.75-2142 Filed 1-22-75;8:45 am]

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[2] Id. at 14.

[3] Response of Indiana & Michigan Electric Company to the City of Auburn, Indiana, filed October 7, 1974, at p. 2–3; Brief of Indiana & Michigan Electric Company in Response to Federal Power Commission's Order of October 18, 1974, filed October 29, 1974, at p. 5.

[4] 4 Williston on Contracts 3rd ed., Section 618, at 710–711.

[5] "Supplemental Petition to Intervene, Formal Protest and Request for Rejection of Rate Schedules Submitted for Filing", filed by Auburn in Docket No. E-7740 on August 30, 1973, at 18–19.

[6] 4 Williston on Contracts, 3rd ed., section 623, at 789.

[7] *See* 4 Williston on Contracts, 3rd ed., section 622, at 776.

[8] 4 Williston on Contracts, 3rd ed., section 624, at 822.

[9] Southern California Edison Company, Docket No. E-8176, order issued September 21, 1973, rehearing denied November 2, 1973; Indiana and Michigan Electric Company, Docket No. E-7740, order issued November 27, 1973.

[10] Indiana & Michigan Electric Company, Docket No. E-7740, order issued July 3, 1973; Indiana & Michigan Electric Company, Docket No. E-7740, order issued November 27, 1973, wherein we stated: "* * * we cannot determine whether the contested discrimination actually exists until following the evidentiary hearing ordered in this docket * * * evidence on this issue is proper for examination in this docket." (at 4).

[11] Indiana and Michigan Electric Company, 48 FPC 304, 308 (1972).

[12] The U.S. Court of Appeals for the District of Columbia Circuit held that the Commission's suspension order was a nullity. However the Court subsequently employed its equity power to reinstate the suspension of I&M's rates for five months and allow the Commission to order refunds. Indiana & Michigan Electric Company v. F.P.C., Docket No. 72-2168, issued February 14, 1974, order on rehearing issued August 14, 1974.

[13] Municipal Electric Utility Association of Alabama v. F.P.C., 485, F.2d 967, 973 (D.C. Cir. 1973).

[14] Id. at 973.

[15] Municipal Electric Utility Association of Alabama v. F.P.C., supra, note 14, at 974.

[16] Indiana & Michigan Electric Company v. F.P.C., supra note 12.

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[Docket No. RP74-96]

NATURAL GAS PIPE LINE CO. OF AMERICA

Notice of Further Extension of Procedural Dates

JANUARY 16, 1975.

On January 10, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued November 7, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 28, 1975.
Service of Intervenor's Testimony, March 28, 1975.
Service of Company Rebuttal, April 11, 1975.
Hearing, April 29, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2143 Filed 1-22-75;8:45 am]

[Docket No. RP71-107 (Phase II) PGA75-2]

NORTHERN NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment Rate Change

JANUARY 16, 1975.

Take notice that on January 9, 1975, Northern Natural Gas Company (Northern) tendered for filing, as a part of Northern's FPC Gas Tariff to become effective January 9, 1975, Seventh Revised Sheet No. 4a to Third Revised Volume No. 1 and Third Revised Sheet No. 502 and Sixth Revised Sheet No. 1c to Original Volume No. 2.

This rate increase is being filed pursuant to § 154.38(d)(4) of the Regulations under the Natural Gas Act and Ordering paragraph (D) of Opinion No. 699–H issued December 4, 1974, to track the increased rates occasioned by the revised Opinion No. 699–H national rate pursuant to filings made by natural gas producers on or before January 31, 1975 pursuant to § 2.5a(j).

Seventh Revised Sheet No. 4a, Third Revised Sheet No. 502 and Sixth Revised Sheet No. 1c provide for an increase of one and ninety-six hundredths cents (1.96¢) per Mcf in the Commodity portion of Northern's jurisdictional rates. This amount will result in an increase in annual jurisdictional gas sales revenues of approximately $11,657,000 for Volume No. 1 sales and $508,000 for Volume No. 2 sales.

Northern also tendered for filing, to become effective as of the states dates, the following alternative tariff sheets:

December 27, 1974:

Third Substitute Fifth Revised Sheet No. 4a to Third Revised Volume No. 1.
Second Substitute First Revised Sheet No. 502 and Second Substitute Fourth Revised Sheet No. 1c to Original Volume No. 2.

December 28, 1974:

First Substitute Sixth Revised Sheet No. 4a to Third Revised Volume No. 1.
First Substitute Second Revised Sheet No. 503 and First Substitute Fifth Revised Sheet No. 1c to Original Volume No. 2.

According to Northern, these tariff sheets are part of an alternative proposal to effectuate a portion of the PGA increase at this time and to defer the remainder for inclusion in its next PGA filing in order to accommodate to the needs of its customer utilities. Northern stated that the Commission has recently rejected 1.62¢[1] of a total 6.34¢ per Mcf rate increase filed by Northern on October 25, 1974 to become effective some sixty days later on December 27, 1974. This rate increase filing was the annual rate adjustment provided by Northern's approved PGA and R&D cost adjustment clauses. The Commission did approve 4.72¢ per Mcf of the total increase[2] and, pursuant thereto, Northern has tendered for filing substitute tariff sheets, concurrently herewith, to be effective as of December 27 and 28, 1974.[3] Northern proposes, in this alternative, to: (a) effectuate, for the present, only 1.62¢ of the 1.96¢ per Mcf increase occasioned by the Opinion No. 699–H national rate, (b) defer .34¢ per Mcf of the 1.96¢ increase for inclusion in the next PGA rate filing and (c) withdraw Seventh Revised Sheet No. 4a to Third Revised Volume No. 1 and Third Revised Sheet No. 502 and Sixth Revised Sheet No. 1c to Original Volume No. 2, if the Commission grants Northern the authority to:

(1) effectuate 1.62¢ of the 1.96¢ increase as of December 27, 1974 in substitution for the recently rejected 1.62¢ increase,

(2) defer interest expense at the rate of nine percent (9%) annually on the deferred increase in cost of purchased gas represented by the .34¢ per Mcf deferred rate increase,

(3) include in Northern's next PGA filing the deferred interest expense in (2) above, and

(4) effectuate, as of the stated dates, the above alternative tariff sheets.

Northern states its alternative proposal would: (1) avoid an additional rate adjustment occasioned by Opinion No. 699–H, (2) allow Northern's customer utilities to coordinate their required pass-along rate increases with those of Northern and (3) enable Northern to recover interest costs related to deferred costs of purchased gas.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2135 Filed 1-22-75;8:45 am]

[Docket No. RM 74-3]

POLICY WITH RESPECT TO ESTABLISHMENT OF MEASURES TO BE TAKEN FOR THE PROTECTION OF RELIABLE AND ADEQUATE SERVICE FOR 1975

Order Directing Solicitor To Seek an Expedited Decision in the Appeal of Orders No. 491, et seq.

JANUARY 16, 1975.

In response to the severe supply shortage threatening gas consumers during the 1973–74 winter season, the Commission, on September 14, 1973, promulgated Order No. 491[1] which extended from 60 to 180 days the term under which a pipeline experiencing a supply shortage on its system could make emergency purchases of natural gas without Commission certification.[2]

Such action was taken by the Commission pursuant to section 7(c) of the Natural Gas Act, 15 U.S.C. § 717f(c) which provides in pertinent part that the Commission:

> • • • may by regulation exempt from the requirements of this section temporary acts or operations from which the issuance of a certificate will not be required in the public interest.

Pursuant to this statutory authority, the Commission had previously adopted regulations allowing pipelines to make emergency purchases of gas for a period of up to 60 days without obtaining a certificate for the purchases.[3]

Responding to requests for rehearing and reconsideration, the Commission, on September 25, 1973, issued Order No. 491–A. The Commission there reaffirmed and further documented its judgment regarding the acute gas shortage and the resulting economic injury and stated it was necessary to extend the emergency purchase period from 60 days to 180 days in order to make the interstate market more attractive to sellers of gas and thereby to make interstate sales more attractive. In Order No. 491–A we further stated that the rate at which emergency volumes were committed to interstate pipelines would be subject to regulatory review subject to sections 4 and 5 of the Natural Gas Act. Finally, the order provided that interested persons could promptly file written comments concerning these emergency measures, and the Commission would issue a further order in light of those comments.

On October 3, 1973, the United States Court of Appeals for the District of Columbia Circuit stayed Order No. 491 pending final action by the Commission after receipt of the public comments invited by Order No. 491–A.[4]

On November 2,1973, we issued Order No. 491–B, reaffirming the extension of the emergency purchase period to 180 days. In such order we observed that in our judgment "an enlargement of the exemption period from 60 days to 180 days will elicit new gas supplies that would not otherwise be available to interstate consumers for the 1973–74 winter heating season." We, therefore, concluded that the public interest required the implementation of the exempted procedures of section 7(c) of the Natural Gas Act.

Consumers Federation of America sought rehearing of this order and a stay of its effectiveness pending judicial review. On November 21, 1973, we issued Order No. 491–C, denying the requested rehearing and stay. Consumers Federation of America also sought a stay of Order No. 491–B from the U.S. Court of Appeals for the District of Columbia Circuit which was granted December 10, 1973. On December 20, 1973, the Supreme Court of the United States vacated this stay.[5]

Following briefing on the merits of Order Nos. 491, et seq., the United States Court of Appeals for the District of Columbia Circuit heard oral arguments on November 26, 1974. As of this date no decision by such court has been reached regarding the legality of the orders in question.

The Commission is currently faced with a drastic increase in curtailments. A report issued by our Bureau of Natural Gas on November 15, 1974,[6] projects that natural gas supply deficiencies for major interstate natural gas pipeline companies will be 107 percent greater this winter than they were last winter. Regarding firm curtailments, the anticipated supply deficiencies for September 1974 through August 1975, exceed the actual curtailments for the preceding year by 996,234,000 Mcf or 73.15% with 19 pipelines reporting actual firm curtailments.[7] Regarding curtailment of interruptible sales, the anticipated supply deficiencies for September 1974 through August 1975 will result in anticipted curtailment of over 58% of interruptible loads during that time period. Thus, it is readily apparent that the gas supply deficiency has grown in magnitude and now threatens immediate harm to the entire consuming public. These supply deficiencies with the resulting curtailments presently threaten many segments of our economy. Judging by the numerous requests we constantly receive requesting extraordinary relief from curtailment on numerous pipeline systems, curtailments of gas are forcing industrial plant closings and layoffs, reduced production, denial of utility service to new customers, and utilization by industry and electric utilities of alternate fuels which impact upon ambient air quality standards.[8] Petitions for extraordinary relief have been filed to forestall layoffs, plant shutdowns, and production cutbacks involving such products as steel (see *e.g.* Initial Decision On Petition For Extraordinary Relief, Texas Eastern Transmission Corporation (Penn Fuel Gas, Inc.), Docket No. RP74–39–13, issued January 3, 1975); anhydrous ammonia used in the production of fertilizer (see *e.g.* Order Denying Interim Relief, Setting Hearing Procedures, And Granting Interventions, Northwest Pipeline Corporation (Reinchhold Chemicals, Inc.), Docket No. RP75–31–1, issued December 23, 1974, Initial Decision On Petition For Extraordinary Relief, United Gas Pipeline Company, Docket No RP74–37–11, issued December 27, 1974); and Order Granting Intervention, Denying Motion For Stay, Granting Application For Rehearing, And Reopening The Record, Texas Eastern Transmission Corporation (North Alabama Gas District), Docket No. RP74–39–9, issued December 20, 1974); glass (see *e.g.* Notice Of Petition For Extraordinary Relief, Transcontinental Gas Pipe Line Corporation (City of Laurens, South Carolina), Docket No. RP75–16–7, issued January 8, 1975); electrical components and electronic equipment (see *e.g.* Order Granting Extraordinary Relief And Setting Matter For Formal Hearing, Alabama-Tennessee Natural Gas Company, Docket No. RP75–44–1, issued December 26, 1974); aluminum (see *e.g.* Notice of Petition For Extraordinary Relief, Tennessee Gas Pipeline Company (Humphreys County Utility District), Docket No. RP74–91–16, issued January 8, 1975); and other products which are essential to the nation's economy. As can be seen, the total effect of the supply deficiency may seriously jeopardize our entire economy with catastrophic results.[9]

As a result the Commission would like to give serious consideration to reinstatement of emergency sales for a period of up to 180 days. Our reason for this consideration is the fact that our Order Nos. 491, et seq. were very successful in bringing supplies of natural gas to the interstate market that would otherwise not have been available during the 1973–1974 winter heating season. Under these orders there were over 500 sales made and over 172,000,000 Mcf committed to the interstate market between September 1973 and September 1974.[10] In the period between September 1972 and September 1973 the 60 day emergency sales only accounted for 89,000,000 Mcf of gas. Thus, the extension from 60 to 180 days for emergency sales accounted for over 80,000,000 Mcf of additional sales. Such additional volumes this winter would be of tremendous aid in eliminating at least a portion of the existing supply deficiencies and the resulting economic problems related to such deficiency.

Nevertheless, we believe that in view of the uncertainty over the legality of our past procedures which has been generated by the appeal of Order Nos. 491, et seq., an extension from 60 to 180 days for emergency sales at this juncture would be of questionable value in the elicitation of these needed additional supplies of gas.

We, therefore, shall request the Solicitor of the Commission to file a motion in the above-docketed proceeding requesting an expedited decision in this case.

The Commission finds:

Good cause exists to request the Solicitor to file a motion for an expedited deci-

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[1] Paragraph (B) of Order issued December 26, 1974, in Docket Nos. RP71–107 (Phase II), PGA 75–1, RP72–127, RP74–9 and R&D 75–1. (1.56¢ reflected estimate PGA costs related to the proposed new flowing gas rates in Docket No. R–478 and .06 reflected costs associated with the Dallas Center Project, as proposed in Docket No. RP74–9)

[2] Paragraph (A) of Order issued December 26, 1974, in Docket Nos. RP71–107 (Phase II), PGA 75–1, RP72–127, RP74–9 and R&D 75–1.

[3] Second Substitute Fifth Revised Sheet No. 4a to Third Revised Volume No. 1 and First Substitute First Revised Sheet No. 502 and First Substitute Fourth Revised Sheet No. 1c to Original Volume No. 2 are to be effective December 27, 1974. Sixth Revised Sheet No. 4a to Third Revised Volume No. 1 and Second Revised Sheet No. 502 and Fifth Revised Sheet No. 1c to Original Volume No. 2 are to be effective December 28, 1974.

[1] Order No. 491, *et seq.* amended sections 2.68 and 2.70 of our General Policy and Interpretations and §§ 157.22 and 157.27 of our regulations under the Natural Gas Act.

[2] Such action was taken to encourage temporary sales by producers to interstate pipelines, thereby increasing the total gas available to the vital interstate market during the time of acute shortage.

[3] FPC Order No. 418, 44 F.P.C. 1574 (1970).

[4] *Consumer Federation of America, et al.* v. *F.P.C.*, No. 73–2009.

[5] *F.P.C.* v. *Consumer Federation of America, et al.*, No. A–608, December 20, 1973.

[6] See FPC Release No. 30849. This report was prepared on the basis of responses filed by 44 pipelines pursuant to Form No. 16, Report of Gas Supply Requirements. This report provides requirements and curtailment data for the period September 1973 through August 1974 and supply deficiency data for the period September 1974 through August 1975.

[7] The actual net firm curtailments for the 12 months period ending August 31, 1974, totalled 1,361,871,000 Mcf and the projected net firm curtailments from September 1974 through August 1975 total 2,358,105,000 Mcf.

[8] *See generally* Order Consolidating Proceedings, Modifying Previously Issued Orders, Granting Rehearing, Setting Hearings On Request For Interim Extraordinary Relief And For Permanent Extraordinary Relief, And Prescribing Procedures, *Transcontinental Gas Pipe Line Corporation* (Eastern Shore Natural Gas Company and Stauffer Chemical Company, Docket Nos. RP75–16–1 and RP75–17–1; Penn Fuel Gas, Inc. and New Jersey Zinc Company, Docket No. RP75–16–4; City of Linden, Alabama, Marengo Corporation, and Gulf States Paper Corporation, Docket No. RP75–16–5; City of Danville, Virginia, Docket No. RP75–16–6; The Commission of Public Works of the City of Laurens, South Carolina, Docket No. RP75–16–7; North Carolina Natural Gas Company and Farmers Chemical Association, Inc., Docket No. RP75–16–8), issued January 9, 1975; Order Granting Intervention, Denying Extraordinary Relief Pendente Lite, Providing For Hearing And Establishing Procedures, *Transcontinental Gas Pipe Line Corporation* (South Jersey Gas Company), Docket No. RP75–16–3, issued December 23, 1974.

[9] This is especially true when considering that natural gas now represents almost one third of the total energy consumed by the nation with one half of the gas being used for residential and commercial purposes, one-sixth for the generation of electricity, and one-third for industrial uses. See Project Independence Report, Federal Energy Administration, November 1974.

[10] This includes approximately 25,000,000 Mcf of sales made by intrastate pipelines to interstate pipelines.

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sion in Consumer Federation of America, et al. v. F.P.C., D.C. Cir. No. 73-2009

The Commission orders:

The Solicitor shall file a motion for an expedited decision in Consumer Federation of America, et al. v. F.P.C., D.C. Cir. No. 73-2009.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2145 Filed 1-22-75;8:45 am]

[Docket No. E-9209]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Rate Schedule Amendment

JANUARY 17, 1975.

Take notice that Western Massachusetts Electric Company (WMECO) on January 6, 1975, tendered for filing a proposed amendment to its rate schedule designated FPC Electric Tariff Volume No. 1. The proposed amendment is intended to recognize that, effective December 1, 1974, the City of Westfield, Massachusetts Gas and Electric Department, a wholesale customer of WMECO, became entitled to purchase a portion of its electric requirements out of Boston Edison Company's nuclear generating unit, known as Pilgrim No. 1. In order that WMECO's rate schedule properly recognizes that Westfield's purchase out of Pilgrim No. 1 commenced on December 1, 1974, WMECO has requested waiver of the Commission's customary notice period to permit the amendment to take effect as of December 21, 1974, the date on which WMECO's Electric Tariff became effective, subject to refund.

Copies of the filing were served upon the City of Westfield, Massachusetts Gas and Electric Department.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2144 Filed 1-22-75;8:45 am]

FEDERAL RESERVE SYSTEM

CAPITAL CITY BANCSHARES, INC.

Formation of Bank Holding Company

Capital City Bancshares, Inc., Prairie Village, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 93.4 percent or more of the voting shares of Capital City State Bank & Trust Company, Topeka, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 13, 1975.

Board of Governors of the Federal Reserve System, January 14, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2100 Filed 1-22-75;8:45 am]

DARIEN BANCORPORATION, INC.

Formation of Bank Holding Company

Darien Bancorporation, Inc., Darien, Wisconsin, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 93.67 percent of the voting shares of The Farmers State Bank, Darien, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 14, 1975.

Board of Governors of the Federal Reserve System, January 15, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2101 Filed 1-22-75;8:45 am]

SUN BANKS OF FLORIDA, INC.

Acquisition of Bank

Sun Banks of Florida, Inc., Orlando, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Peoples Bank of Broward County, Fort Lauderdale, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 7, 1975.

Board of Governors of the Federal Reserve System, January 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2064 Filed 1-22-75;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Amending Requirement for Divestiture of Interest in Permian Bank & Trust

By Order dated Novemebr 28, 1972 (37 FEDERAL REGISTER 25884), the Board approved an application of Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, to acquire all of the voting shares of American Bank of Commerce, Odessa, Texas. The Board Order required divestiture of Applicant's interest in Permian Bank & Trust, Odessa, Texas, within two years from the effective date of the acquisition of shares of American Bank of Commerce. The acquisition of American Bank by Applicant was consummated on January 8, 1973.

By letter dated December 30, 1974, Applicant requested that the Board grant an extension of time during which shares held in Permian Bank & Trust may be divested. Applicant has indicated that active efforts to sell the shares are continuing.

On the basis of the information presented, the Board has concluded that the request should be granted. Accordingly, the Board's Order of November 28, 1972, is hereby amended to authorize retention of the shares held in Permian Bank & Trust subject to the condition that Applicant divest such shares at the earliest possible date but in no event later than April 8, 1975.

By order of the Board of Governors,[1] effective January 13, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-2102 Filed 1-22-75;8:45 am]

GOVERNMENT PRINTING OFFICE

DEPOSITORY LIBRARY COUNCIL TO THE PUBLIC PRINTER

Cancellation of Meeting

The Depository Library Council to the Public Printer meeting scheduled for January 25, 1975, and announced on Page 1135 of the FEDERAL REGISTER for January 6, 1975, is cancelled due to lack of quorum.

The meeting has been rescheduled for April 14 and 15, 1975.

Dated: January 13, 1975.

T. F. MCCORMICK,
Public Printer.

[FR Doc.75-2104 Filed 1-22-75;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, and Coldwell. Absent and not voting: Chairman Burns and Governors Sheehan and Wallich.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-2)]

AEROSPACE SAFETY ADVISORY PANEL

Meeting

Meeting of Aerospace Safety Advisory Panel, February 5, 1975, NASA Headquarters, Room 7002, capacity—60, 400 Maryland Avenue, SW, Washington, D.C.

The Panel is to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request.

Pursuant to carrying out its statutory duties, the Panel will review, evaluate and advise on those program management policies, management systems, procedures and practices that contribute to risk identification and assessment by management. Priority shall be given to those programs that involve the safety of manned flight.

The chairman of the Panel is Mr. Howard K. Nason. The other members are: Hon. Frank C. Di Luzio, Mr. Herbert E. Grier, Lt. Gen. Warren D. Johnson, USAF, Dr. Henry Reining, Jr., Dr. Ian M. Ross, Mr. Lee R. Scherer, and Dr. Charles D. Harrington.

The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue, SW., Washington, D.C. 20546 (Phone: Area Code 202, 755-8436).

The Panel will convene at 2:30 p.m. to discuss with the Deputy Administrator a summary of its fact-finding activities to date and the resultant conclusions and recommndations on the ASTP program. At that time, the Panel will present its written report to the Administrator for further detailed consideration. The meeting will continue as long as necessary to accomplish its purpose.

This announcement is late because of the unanticipated delays in the data collection and the need to submit the report as early as possible.

Dated: January 21, 1975.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management.

[FR Doc.75-2203 Filed 1-22-75;8:45 am]

[Notice (75-1)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Panel on Aeronautical Operating Systems, Ad Hoc Panel on Terminal Configured Vehicles

The NASA Research and Technology Advisory Council, Panel on Aeronautical Operating Systems, Ad Hoc Pancl on Terminal Configured Vehicles will meet on February 11-12, 1975, at the NASA Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Room 247 of Building 1202, Visitor Center. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 50 persons. All visitors must report to the Receptionist in Building 1202.

The NASA Research and Technology Advisory Council Ad Hoc Panel on Terminal Configured Vehicles serves in an advisory capacity only. The current Chairman is Mr. Ralph L. Erwin, Jr., and there are 10 members. The following list sets forth the approved agenda and schedule for the February 11-12, 1975, meeting of the Ad Hoc Panel on Terminal Configured Vehicles.

For further information, please contact Mr. Kenneth E. Hodge, Area Code 202, 755-2375.

FEBRUARY 11, 1975

Time	*Topic*
8:30 a.m.	Reports of Chairman and Executive Secretary (Purpose: To summarize action taken at the October 1974 meeting of the Research and Technology Advisory Council Panel on Aeronautical Operating Systems and at the November 1974 meeting of the Research and Technology Advisory Council.)
9:30 a.m.	NASA's Long-Range Aeronautical Planning Activities (Purpose: To brief the Panel on NASA's "Outlook for Aeronautics" study and to obtain comments on participation by members in this study.)
10:30 a.m.	Progress Report on Implementation of Recommendations Made at Last Meeting (Purpose: To brief the Panel on NASA's progress in implementing previous recommendations and to afford an opportunity to discuss these actions.)
11 a.m.	Project "Speckled Trout" (Purpose: To inform the Panel of the nature and scope of the Air Force's research program designed to advance the technology for low-visibility terminal-area operations of military aircraft.)
1:30 p.m.	NASA Short-Takeoff-and-Landing (STOL) Aircraft Operating Systems Experiments (Purpose: To provide elaboration on a related NASA program which was discussed briefly at a previous meeting and to discuss coordination efforts.)
2:30 p.m.	Members' Reports (Purpose: To provide an opportunity for Panel members to report on items which are of interest to NASA and relate to the responsibilities of this Panel.)
3 p.m.	MITRE Corporation Report (Purpose: To report what medium-term and long-term improvements can be expected from the Federal Aviation Administration's research, engineering, and development programs to produce the needed air traffic control capacity and productivity at major terminals.)
4 p.m.	Terminal-Area Research and Development (Purpose: To report on terminal-area research and development activities at the Massachusetts Institute of Technology.)

FEBRUARY 12, 1975

Time	*Topic*
8 a.m.	Report on Flight Experiments to Date (Purpose: To report results and to obtain Panel comments on the flight experiments which have been conducted since the last Panel meeting.)
9 a.m.	Landing Display Research and Simulation Results (Purpose: To describe landing display simulation experiments, report results, and obtain Panel comments on this effort.)
10:30 a.m.	Near-Term Program Objectives (Purpose: To obtain Panel comments on the content and priorities of simulation and flight experiments planned for the near future.)
11:30 a.m.	Formulation of Panel Recommendations (Purpose: To document recommendations and observations to be reported to the Research and Technology Advisory Council and NASA officials.)
1:30 p.m.	General Discussions (Purpose: To afford the Panel and other attendees an opportunity to discuss matters relating to the Panel's responsibilities.)
2:30 p.m.	Inspection of the NASA B-737 Aircraft and Simulation Facilities.
4:30 p.m.	Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management.

JANUARY 16, 1975.

[FR Doc.75-2074 Filed 1-22-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will

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be held on February 14, 1975 from 9 a.m.–5 p.m. and February 15, 1975 from 9 a.m.–4 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will include Subcommittee hearings and a reviewing of the Council's 1975 Annual Report draft.

Because of limited space, all persons wishing to attend should call for reservations by February 7, 1975, Area Code 202/382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on January 17, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 75–2125. Filed 1–22–75; 8:45 am]

U.S. NUCLEAR REGULATORY COMMISSION

[Docket No. P–527–A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed in April 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P–527–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75–1301 Filed 1–15–75;8:45 am]

[Docket No. P–556–A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20545. Docket No. P–556–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1–2, Directorate of Licensing.

[FR Doc.75–1302 Filed 1–15–75;8:45 am]

[Docket No. P–537–A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20545. Docket No. P–537–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For The Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Directorate of Licensing.

[FR Doc.75–1823 Filed 1–22–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on February 6–8, 1975, in Room 1046, 1717 H Street NW., Washington, D.C.

[NOTE: Pursuant to the Energy Reorganization Act of 1974 (Pub. L. 93–438) and Executive Order 11834, dated January 15, 1975, the Atomic Energy Commission is abolished, effective January 19, 1975, and the Advisory Committee on Reactor Safeguards is transferred to the Nuclear Regulatory Commission (NRC)].

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

Thursday, February 6, 1975, 3:30 p.m.–7:00 p.m.: Atlantic Nuclear Generating Station and Floating Nuclear Plant Units 1–8—The Committee will hear presentation by and hold discussions with representatives of the Nuclear Regulatory Commission, and the applicants (Public Service Electric and Gas Company of New Jersey and Offshore Power Systems) pertinent to the issuance of a Construction Permit for the Atlantic Generating Station and a Manufacturing Permit for the Floating Nuclear Plant Units 1–8. Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of these plants. Closed sessions will also be held if necessary to discuss security arrangements for these facilities and for Committee deliberative sessions.

Friday, February 7, 1975, 9:30 a.m.–1:00 p.m.: Salem Nuclear Generating Station—The Committee will hear presentations by and hold discussions with representatives of the Public Service Gas & Electric Company related to the request for an Operating License for this station.

Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of this station and to discuss security arrangements for this plant. Closed portions will also be held for Committee deliberative sessions.

2:00 p.m.–3:00 p.m.: Meeting with NRC Staff—The Committee will meet with representatives of the NRC Staff to discuss recent reactor operating experience, recent licensing actions and operator retraining programs.

3:30 p.m.–7:00 p.m.: Bryan/Braidwood Stations—The Committee will hear presentations by and hold discussions with representatives of the Commonwealth Edison Company and the Nuclear Regulatory Commission Staff pertinent to the request for construction permits for these stations.

Portions of this session will be closed if required to discuss proprietary information related to the design, construction, and/or operation of these stations, and the security arrangements for these plants.

Closed sessions will also be held for Committee deliberative sessions.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10 (d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552 (b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any nonexempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than January 29, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and as follows:

Salem Station
Miss Elizabeth Fogg, Librarian
Salem Free Public Library
112 West Broadway
Salem, New Jersey 08079

Atlantic Generating Station/Floating Nuclear Plant
Stockton State College Library
Pomona, New Jersey

Jacksonville Public Library
122 North Ocean Street
Jacksonville, Florida 32204

Business and Science Division
New Orleans Public Library
219 Loyola Avenue
New Orleans, Louisiana 70140

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 5, 1975, to the Office of the Executive Secretary of the Committee (Telephone: 202–634–1371) between 8:30 a.m. and 5:15 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on February 5, 1975.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietry information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. on or after May 10, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc.75–2316 Filed 1–22–75;12:18 pm]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on January 20, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance office, Office of Management and Budget, Washington, D.C.

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20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Agricultural Standards Research Project AATE Questionnaire, single-time, selected farmers, Lowry, R. L., 395–3772.

VETERANS ADMINISTRATION

Interview Schedule for Mothers of Siblings, 10–340(674), single-time, families having sickle and normal hemoglobin, Hall, George, 395–4697.

UNITED STATES TARIFF COMMISSION

Trade Agreement Digest Questionnaire for U.S. Producers of Chemicals and Chemical Products, single-time, principal producers of products covered, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of the Census: Food Stamp Recipiency Supplement April 1975 CPS. CPS–1, single-time, households, Strasser, A., 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Instructions for the A–102 application: Ethnic Heritage Studies Program, OE–349, single-time, institutions of higher education, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Modernization Program Reporting Requirements, 52994, single-time, local housing authorities, Community and Veterans Affairs Division, 395–3532.

REVISIONS

UNITED STATES TARIFF COMMISSION

Synthetic Organic Chemicals — Monthly Report on Production, CD–M1, monthly, original manufacturers of synthetic organic chemicals, Lowry, R. L., 395–3772.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, State Agency Program Expenditure Projection Report, SRS–OA–25, quarterly, Sunderhauf, M. B., 395–4911.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Desert Land Entry Assignment Claim, 2520–2, on occasion, individuals, Evinger, S. K., 395–3648.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife: Bird Band Recovery Report, 3–1807, on occasion, State and Federal conservation agencies, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–2235 Filed 1–22–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 17, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

UNITED STATES TARIFF COMMISSION

Questionnaire on Shipments by Producers of Door Skins, single-time, business firms, Evinger, S. K., 395–3648.

VETERANS ADMINISTRATION

Application for VGLI (Veterans Separated Before August 1, 1974), 29–8715–1, on occasion, veterans, Caywood, D.P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Questionnaires for Advisory Council Members, Chairpersons, and Agency/Project Directors—Aging, CS–2–74, single-time, members of the Advisory Councils for the Elderly, Human Resources Division, 395–3532.

DEPARTMENT OF JUSTICE

Departmental and Other:
- Questionnaire for Directory of Automated Criminal Justice Information System, 6600, single-time, State and local agencies, Hall, George, 395–4697.
- Survey of Crime Victims and Offenders, MA–1, MA–2, single-time, arrestees and random household respondents, Hall, George, 395–4697.

DEPARTMENT OF THE INTERIOR

National Park Service: Petersburg National Battlefield Visitor Survey, single-time, park visitors, Planchon, P., 395–3898.

Mining Enforcement and Safety Administration: Survey of Uranium Miners in the United States, annually, uranium mine operators, Elliott, C.A., 395–6172.

DEPARTMENT OF THE TREASURY

Bureau of Customs: Report of Diversion, 26, on occasion, vessel owner, master, or agent, Lowry, R.L., 395–3772.

Notice of Transfer of Articles to a Foreign-Trade Zone With Benefit of Drawback, 7513, on occasion, importers, Lowry, R.L., 395–3772.

Claim for and Award of Compensation for Original Information, 4623, on occasion, informant, Lowry, R.L., 395–3772.

Declaration for Free Entry of Articles for Colleges, Religious Institutions, etc., 3321, on occasion, educational, scientific and religious institutions, Lowry, R.L., 395–3772.

Declaration for Free Entry of Game Animals or Birds Killed by United States Residents, 3315, on occasion, U.S. residents game hunters, Lowry, R.L., 395–3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Death Registration and Chronic Disease Project, HRANCH0107, single-time, individuals, Hall, George, 395–4697.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration:
- Damage Survey Report, HUD 494, on occasion, Federal/State government inspectors, Community and Veterans Affairs Division, 395–3532.
- Bridge Survey, HUD 498, on occasion, Federal and State government inspectors, Community and Veterans Affairs Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–2236 Filed 1–22–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–2078 Filed 1–22–75;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from

January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–2079 Filed 1–22–75;8:45 am]

[811–1198]

PLICO FUND, INC.

Filing of Application; Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 16, 1975.

Notice is hereby given that Plico Fund, Inc., Provident Life Building, 316 North Fifth Street, Bismarck, North Dakota ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, has filed an application on December 11, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that pursuant to a Plan and Agreement of Reorganization adopted by shareholders on July 2, 1974, substantially all of the assets of the Fund were transferred on July 10, 1974, to Charter Fund, Inc. ("Charter") in exchange for shares of common stock of Charter. Applicant no longer has any assets, all of its former shareholders have become shareholders of Charter, and Articles of Dissolution of the Fund were filed with the Maryland Department of Assessments and Taxation on September 19, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 10, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 10, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–2083 Filed 1–22–75;8:45 am]

[811–1928]

RINFRET FUND, INC.

Proposal To Terminate Registration

JANUARY 16, 1975.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that The Rinfret Fund, Inc. c/o Phoenix Capital Fund, Inc., one American Row, Hartford, Connecticut, 06115 ("Fund"), registered under the Act as an open-end, diversified, management investment company has ceased to be an investment company as defined in the Act.

Information in the Commission's files indicates that Fund was organized as a Delaware corporation on August 1, 1969, and registered under the Act by filing a Form N–8A Notification of Registration on August 22, 1969. At a special meeting of Fund's shareholders held on December 19, 1973, and adjourned to January 11, 1974, a resolution was adopted which provided that Fund be merged with and into Phoenix Capital Fund, Inc. ("Phoenix") a Maryland corporation registered under the Act as an open-end investment company. The effective date of the merger was January 21, 1974, at which time Phoenix exchanged certain of its shares for all of the assets of Fund. Such shares were distributed to Fund's shareholders. Fund filed the Articles and Agreement of Merger with the Office of the Secretary of State of Delaware on January 21, 1974. Fund presently has no assets, no liabilities and no stockholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 10, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY, E. HOLLIS,
Assistant Secretary.

[FR Doc.75–2082 Filed 1–22–75;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is

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suspended, for the period from January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2080 Filed 1-22-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

JANUARY 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 17, 1975 through January 26, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2081 Filed 1-22-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-5182]

PACIFIC VENTURE CAPITAL, LTD.

Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Pacific Venture Capital, Ltd. (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Wilfred W. S. Young,
1650 Liliha Street,
Honolulu, Hawaii 96817, Chairman and Director.

Michael J. Coy,
741 Pahumele Place,
Kailua, Hawaii 96734, President.

Dexter J. Taniguchi,
94-1153 Hinaea Street,
Waipahu, Hawaii 96797, Vice President and Treasurer.

Arleen A. Tanita,
47-281E Hui Iwa Street,
Kaneohe, Hawaii 96744, Secretary.

James L. Swenson,
94-361 Noholoa Loop,
Wahiawa, Hawaii 96789, Director.

Kenneth N. Sumimoto,
1544 Ulupuni Street,
Kailua, Hawaii 96734, Director.

The applicant will maintain its principal place of business at 1427 Dillingham Boulevard, Suite 210, Honolulu, Hawaii 96817.

It will begin operations with $700,000 of paid-in capital and surplus consisting of $500,000 of Model Cities grant funds and $200,000 of private funds. All of the applicant's outstanding stock consisting of 700,000 shares of common stock will be owned by the Hawaii Economic Development Corporation (HEDCO). HEDCO is a nonprofit corporation funded by Model Cities funds.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any persons may, on or before February 7, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Honolulu, Hawaii.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

Dated: January 15, 1975.

[FR Doc.75-2115 Filed 1-22-75;8:45 am]

U.S. INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on February 3, 1975. The session will commence at 9:15 a.m. in Room 660 at 1776 Pennsylvania Avenue, NW., Washington, D.C., and will be devoted to a presentation by USIA's Information Center Service of its major programs. A summary of the agenda follows:

1. Philosophy and purpose of the programs.
2. Exhibits.
3. Book publication and promotion.
4. Information center support and management including English teaching, libraries, and American studies.
5. Change in emphasis from technique to subject in:
   a. Science and technology.
   b. Political and security affairs.
   c. Arts and humanities.
   d. Political and social processes.
   e. Economics.
6. Bicentennial plans.

This session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Ave, NW., Washington, D.C. 20547, so that adequate space will be assured. Written statements concerning topics set forth in the agenda should also be submitted to Mr. Olom.

MARGARET J. MILLER,
Federal Register Liaison Officer.

[FR Doc.75-2092 Filed 1-22-75;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

NOTICE OF MEETINGS

JANUARY 21, 1975.

Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held on February 6-8 and February 20-22, 1975, at 9:00 a.m., in Room 459, Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 522 (b)(2), and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

CHARLES E. GOODELL,
Chairman.

DETERMINATION PURSUANT TO SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT CONCERNING MEETINGS OF THE PRESIDENTIAL CLEMENCY BOARD

JANUARY 21, 1975.

By authority of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as delegated by section 3 of Executive Order 11769, it is hereby determined that for the reasons set forth in the attached Presidential Clemency Board Notice of Meetings, the meetings ascribed therein will concern matters within section 552 (b)(2) and (b)(6) of Title 5, United States Code, and therefore shall not be open to the public.

ROY L. ASH,
Director, Office of Management and Budget.

[FR Doc.75-2310 Filed 1-22-75;12:11 pm]

INTERSTATE COMMERCE COMMISSION

[Notice 680]

ASSIGNMENT OF HEARINGS

JANUARY 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after January 23, 1975.

Correction:

MC 61562 Sub 320, Jenkins Truckline, Inc., now assigned February 19, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of January 19, 1975.

MC 107515 Sub 892, Refrigerated Transport Co., now assigned February 20, 1975, at Chicago, Ill., will be held in Room 1986A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of January 20, 1975.

MC 124170 Sub 38, Frostway, Inc., MC 124170 Sub 41, now assigned February 24, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of January 24, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2166 Filed 1-22-75;8:45 am]

[Notice 679]

ASSIGNMENT OF HEARINGS

JANUARY 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after January 23, 1975.

MC 74321 Sub 96, B. F. Walker, Inc., now assigned February 10, 1975, at Denver, Colo., is cancelled and the application dismissed.

No. MC-C-8378, Laurel Hill Trucking Company, Employees Assistance, Inc., and PV Trucking, Inc.—Investigation and Revocation of Certificate and Permit, now being assigned March 10, 1975 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 140005, Dependable Interline Transfers, Inc., now being assigned March 11, 1975 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-12223, Newport Trucking Corp.—Purchase—Relay Transport, Inc., now being assigned March 13, 1975 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-12253, Valerie's Transportation Service, Inc.—Purchase (Portion)—Starlite Delivery Service, Inc., now being assigned March 3, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61440 Sub 138, Lee Way Motor Freight, Inc., now being assigned March 10, 1975 (2 days), in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 124796 Sub 117, Continental Contract Carrier Corp., now being assigned March 12, 1975 (2 days), in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 111545 Sub 201, Home Transportation Company, Inc., now being assigned March 10, 1975 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 123048 Sub 311, Diamond Transportation System, Inc., now being assigned March 11, 1975 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 95876 Sub 151, Anderson Trucking Service, Inc., now being assigned March 12, 1975 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8412, Bowman Transportation, Inc.—Investigation and Revocation of Certificates, now assigned February 25, 1975, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 30788 Sub 103, Tompkins Motor Lines, Inc., now assigned February 27, 1975, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 106644 Subs 182 & 183, Superior Trucking Company, Inc., now assigned March 3, 1975, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 40978 Sub 21, Chair City Motor Express Company, now being assigned March 11, 1975 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 724, Pre-Fab Transit Co., now being assigned March 13, 1975 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 73937 Sub 16, Hogan Storage & Transfer Company, now being assigned March 17, 1975 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC 139601, Valley Transit Co., Inc., now assigned February 11, 1975, at Harrisburg, Pa., will be held in Room 392, Federal Building, 228 Walnut Street.

MC 115279 (Sub-No. 7), Click Messenger Service, Inc., now assigned February 24, 1975, at New York, N.Y., will be held in Room B-2231, 26 Federal Plaza.

MC 124138 (Sub-No. 2), Old Lyme-Saybrook Taxi Service, Inc., now assigned February 19, 1975, at Hartford, Conn., will be held in Room 565A Public Utilities Commission, 165 Capitol Avenue.

MC 134063 Sub 7, Midwest Transportation Company, A Corp., now assigned February 25, 1975, at Ohama, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 135007 Sub 43, American Transport, Inc., now assigned February 26, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC-F-12187, Hunt Transportation, Inc.—Investigation of Control—Jack's Machinery Transportation Corporation, now assigned February 27, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 53965 Sub 91, Graves Truck Line, Inc., now assigned March 3, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 121586 Sub 1, Kruse Transportation Co., Inc., now assigned March 5, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2167 Filed 1-22-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 20, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1197 (Sub-No. E1), filed May 13, 1974. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe, Denver, Colo. 80216. Applicant's representative: Ira E. Neal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Denver, Colo., on the one hand, and, on the other, Salt Lake City, Utah. The purpose of this filing is to eliminate the gateway of Montrose, Colo.

No. MC 31462 (Sub-No. E21), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Mississippi River, thence along U.S. Highway 49 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., thence along U.S. Highway 270 to Hot Springs, Ark., thence along U.S. Highway 70 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along Texas Highway 79 to junction U.S. Highway

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380, thence along U.S. Highway 380 to junction Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 70, thence along Texas Highway 70 to junction Interstate Highway 20, thence along Interstate Highway 20 to Big Springs, Tex., thence along U.S. Highway 87 to junction Texas Highway 33, thence along Texas Highway 33 to junction U.S. Highway 67, thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E25), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point within 50 miles thereof; and (2) Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E128), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any points in Iowa within 50 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E129), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Indiana on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence along Iowa Highway 150 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, or any point within 50 miles thereof.

No. MC 31462 (Sub-No. E130), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along Texas Highway 24 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E132), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E133), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along Texas Highway 24 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E134), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any points within 30 miles thereof.

No. MC 31462 (Sub-No. E135), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E136), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the International Boundary line, between the United States and Canada, thence along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of (1) any point in North Dakota within 200 miles of Williston, N. Dak., and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 123407 (Sub-No. E175), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *composition board, ceiling tile, materials*, and *accessories* used in the installation of composition board and ceiling tile (except lumber and commodities in bulk, and iron and steel commodities which because of their size or weight require the use of special equipment), from the facilities of Certain-Teed Corporation in Scott County, Minn., to points in Georgia, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, New Hampshire, Maine, New York, Jefferson, Love, Carter, Marshall, Bryan, Choctow, and McCurtain Counties, Okla., points in Texas except the Counties of Dallam, Sherman, Hansford, Ochiltree, Lipsoome, Hartley, Moore, Hutchingon, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collinsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Lamb, Hale, Floyd, Motley, Cottle, and Hardeman, and points in New Mexico except the Counties of San Juan, Rio Arriba, Taos, Colfax, Union, Harding, Mora, O'Day, San Miguel, and Sandoval. The purpose of this filing is to eliminate the gateway of that part of the Commercial Zone of Dubuque, Iowa, in Wisconsin.

No. MC 123407 (Sub-No. E179), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *composition board, ceiling tile, materials*, and *accessories* used in the installation of composition board, and ceiling tiles (except lumber and commodities in bulk), from Port Clinton, Ohio, to points in Colorado, New Mexico, and points in Texas, except the Counties of Red River, Bowie, Franklin, Titus, Cass, Morris, Camp, Wood, Upshur, Marion, Smith, Gregg, Harrison, Cherokee, Rusk, Panola, Shelby, Nacogdoches, Houston, San Augustine, Angelina, Sabine, Walker, Trinity, Polk, Tyler, Jasper, Newton, Orange, Jefferson, Chambers, Liberty, Hardin, San Jacinto, Montgomery, Harris, Fort Bend, Galveston, and Brazoria. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill., and that part of the Commercial Zone of Dubuque, Iowa, within Illinois.

No. MC 31462 (Sub-No. E185), filed May 13 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, La., thence along Louisiana Highway 82 to Pecan Island, La. The purpose of this filing is to eliminate the gateway of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) Gulfport, Miss., or any point in Mississippi within 35 miles thereof.

No. MC 31462 (Sub-No. E186), filed May 13 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in that part of Texas, on and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E187), filed May 13 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E189), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (2) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E190), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (2) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E191), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Iowa on and west of a line beginning at the Iowa-Wisconsin State line, thence along U.S. Highway 18 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 101, thence along Iowa Highway 101 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Kansas-Missouri State line, at St. Joseph, Mo., thence along U.S. Highway 169 to junction Missouri Highway 291, thence along Missouri Highway 291 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 64, thence along Missouri Highway 64 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E192), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E193), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway

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of Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 123407 (Sub-No. E197), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from International Falls, Minn., to points in Texas, New Mexico, and the Counties of Mesa, Delta, Gunnison, Saguache, Alamosa, Huerfano, Las Animas, Otero, Bent, Prowers, Baca, Costilla, Conejos, Rio Grande, Mineral, Archuleta, Hinsdale, La Plata, Montezuma, San Juan, Dolores, San Miguel, Montrose, and Ouray, Colo. The purpose of this filing is to eliminate the gateway of that part of the commercial zone of Dubuque, Iowa, within Illinois.

No. MC 123407 (Sub-No. E198), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities above (except lumber and commodities in bulk), from Superior, Wis., to points in New Hampshire, Connecticut, Delaware, and Massachusetts. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E199), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, and accessories* used in the installation of composition board (except lumber and commodities in bulk), from Dollar Bay, Mich., to points in Montana and Wyoming. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E202), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind., 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from International Falls, Minn., to points in Texas, New Mexico, South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of that part of Dubuque, Iowa, commercial zone, within Illinois.

No. MC 123407 (Sub-No. E203), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from Freeport, Ill., to points in Colorado, New Mexico, Texas, Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of those parts of the commercial zone of Dubuque, Iowa, in Illinois and Wisconsin.

No. MC 107064 (Sub-No. E8), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 70 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line, except points in El Paso, Hudspeth, Culberson, and Jeff Davis Counties, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E11), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and south of Gaines, Dawson, Borden, Scurry, Mitchell, Coke, Tom Green, and Concho Counties, Tex., and on and west of U.S. Highway 83, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E12), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas on and west of U.S. Highway 83, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E14), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and west of Cochran, Hockley, Lubbock, Lynn, Borden, Howard, Sterling, Reagan, Crockett, and Val Verde Counties, Tex., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E15), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, tank vehicles, from those points in and west of Oldham, Potter, Randall, Swisher, Floyd, Crosby, Garza, Scurry, Mitchell, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, Tex., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E17), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and west of Parmer, Castro, Swisher, Hale, Crosby, Garza, Scurry, Mitchell, Coke, Tom Green, Schleicher, Crockett, and Terrell Counties, Tex., to points in Georgia. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E19), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Texas in and south of Cochran, Hockley, Lubbock, Crosby, Dickens, and King Counties, Tex., and on and west of U.S. Highway 83, except points in El Paso and Hudspeth Counties, Tex., to points in Idaho. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107403 (Sub-No. E648) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER January 9, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, in tank vehicles, from Camden, Carneys Point, Deepwater, and Gibbsboro, N.J., to points in that part of Pennsylvania which are within 150 miles of Monongahela, Pa.; (2) *Dry chemicals*, in bulk, in tank vehicles, from points in that part of New Jersey north of New Jersey Highway 33, to points in Butler, Cambria, Erie, Lawrence, McKean, Mercer, and Warren Counties, Pa.; and (3) *Dry chemicals*, in bulk, in tank vehicles, from points in that part of New Jersey on and north of New Jersey Highway 33, to points in that part of Pennsylvania south of Interstate Highway 80 which are within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Philadelphia and Johnston, Pa., in (1) above; Philadelphia, Pa., and Camden, N.J., in (2) above; and Cambria County, Pa., Camden, N.J., and Philadelphia, Pa., in (3) above. The purpose of this correction is to correct the "E" number previously published as E597, E597A, and E597B.

No. MC 108207 (Sub-No. E61), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Worthington, Minn., to points in Louisiana, and those points in California on and south of a line beginning at the Pacific Ocean, and extending along California Highway 20 to its junction with Interstate Highway 5, thence along Interstate Highway 5 to its junction with Interstate Highway 505, thence along Interstate Highway 505 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 12, thence along California Highway 12 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 140, thence along California Highway 140 to its junction with California Highway 120, thence along California Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 108207 (Sub-No. E69), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), from points in Michigan on and south of Michigan Highway 55, to points in Kansas, Nebraska, and those points in Iowa on, south, and west of a line beginning at the Mississippi River and extending along Michigan Highway 55 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Peoria, Ill.

No. MC 109478 (Sub-No. E19), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs*, in bulk, in tank vehicles, from points in New York within 50 miles of LeRoy, Mt. Morris, and Oakfield, N.Y., to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mt. Morris and Oakfield, N.Y.

No. MC 109478 (Sub-No. E20), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods), in bulk, in tank vehicles, from Geneva, Ohio, to Fall River, Boston, New Bedford, and Taunton, Mass., Swedesboro, N.J., Jersey City, N.J., and points in New Jersey within 25 miles thereof, points in New York and Providence, R.I. The purpose of this filing is to eliminate the gateways of Brocton, Monroe County, and Genesee County, N.Y.

No. MC 109478 (Sub-No. E24), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable juices*, in bulk, in tank vehicles, from Geneva, Ohio, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points in New York on, west, and south of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line.

No. MC 109478 (Sub-No. E37), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Fairmont, W. Va., to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and those points in New York on, east, and north of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Genesee and Monroe Counties, and LeRoy and points within 50 miles thereof, N.Y.

No. MC 109478 (Sub-No. E38), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Ohio and those points in Pennsylvania on and west of U.S. Highway 219, to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateways of Brocton, LeRoy, and points within 50 miles thereof, Erie County, and Chautauqua County, N.Y.

No. MC 109478 (Sub–No. E39), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Lapel, Lawrenceburg, and Marion, Ind., and Streator and Chicago, Ill., to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City, and points in New Jersey within 25 miles thereof, and Swedesboro, N.J., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateways of Brocton, Westfield, LeRoy, and points within 50 miles thereof, Chautauqua County, Erie County, Genesee County, and Monroe County, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E40), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Salem, N.J., to Lawton and Decatur, Mich., and Erie County, Pa. The purpose of this filing is to eliminate the gateway of Brocton and Westfield, N.Y.

No. MC 109478 (Sub-No. E41), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from points in New Jersey, Pennsylvania, and Baltimore, Md., to Erie and Chautauqua Counties, N.Y., and Erie County, Pa. The purpose of this filing is to eliminate the gateways of Brocton and Westfield, N.Y., and North East, Pa.

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No. MC 109478 (Sub-No. E42), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers and parts therefor*, from Boston and Waban, Mass., to Erie County, Pa. The purpose of this firing is to eliminate the gateway of Brocton, N.Y.

No. MC 109478 (Sub-No. E43), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and parts therefor*, from points in Ohio and those points in Pennsylvania on and west of U.S. Highway 219, to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateways of Brocton, Leroy and points within 50 miles thereof, Chautauqua County and Erie County, N.Y.

No. MC 110525 (Sub-No. E1029), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water softening compounds*, dry, in bulk, in tank vehicles, from Nashua, N.H., to points in Delaware, Maryland, the District of Columbia, Alabama, Richmond County, Ga., Iowa, Minnesota, Missouri, Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., and points in that part of Wisconsin beginning at Milwaukee, Wis., thence along U.S. Highway 16 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 41, thence along U.S. Highway 41 to Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis. The purpose of this filing is to eliminate the gateways of Springfield, Mass., Port Ivory, Staten Island, N.Y., Newark, N.J., Atlanta, Ga., and Lima, Pa.

No. MC 110525 (Sub-No. E1301), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, November 27, 1974. Applicant: CHEMICAL LE/-MAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 81 to Lima, thence along Interstate Highway 75 to Findlay, thence along Ohio Highway 12 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to Sandusky. The purpose of this filing is to eliminate the gateway of Houston, Tex. The purpose of this correction is to clarify the commodity description.

No. MC 112963 (Sub-No. E1), filed May 12, 1974. Applicant: ROY BROS., INC., 764 Boston Road, Billerica, Mass. 01821. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from points in New Jersey to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Lowell, Mass.

No. MC 112963 (Sub-No. E2), filed May 12, 1974. Applicant: ROY BROS., INC., 764 Boston Road, Billerica, Mass. 01821. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from points in New York City, N.Y., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Lowell, Mass.

No. MC 113459 (Sub-No. E68), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Machinery, equipment, materials, and supplies* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Texas, on the one hand, and, on the other, points in Illinois (points in Oklahoma)*;

(B) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; (4) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines); (5) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (6) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Kansas on and south of U.S. Highway 160, on the one hand, and, on the other, points in Nebraska (points in Oklahoma)*;

(C) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies when moving in connection therewith; between points in that part of Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Oklahoma State line and extending along U.S. Highway 56 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with New Mexico Highway 90, thence along New Mexico Highway

90 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line (points in Oklahoma)*; and (D) (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex. (points in Oklahoma)*. Restriction: The operations authorized in (B) (1) and (2), and (C) (1) and (2) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines and against the transportation of farm machinery, and the operations authorized in (B) (3) and (C) (3) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E69), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines; (2) *Metal tubing and pipe*, incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (3) *Metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment; from points in Nebraska to points in Georgia; from points in North Dakota to points in Alabama and Mississippi; and from points in Montana to points in Alabama, Georgia, and Mississippi. Restriction: The operations authorized in (3) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe or trunk pipelines and against the transportation of farm machinery. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 113459 (Sub-No. E70), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Metal tubing and pipe*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in main or trunk pipelines); (2) *Metal tubing and pipe*, incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (3) *Metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment; from points in South Dakota to points in Alabama, Georgia, and Mississippi (points in Oklahoma)*; (B) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separated and unrestricted shipments; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in South Dakota, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with New Mexico Highway 30, thence along New Mexico Highway 30 to its junction with New Mexico Highway 4, thence along New Mexico Highway 4 to its junction with New Mexico Highway 44, thence along New Mexico Highway 44 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line (points in Oklahoma)*;

(C) (1) *Machinery, equipment, materials and supplies* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment*, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in South Dakota, on the one hand, and, on the other, points in Lean Eddy County, N. Mex. (points in Oklahoma)*; (D) (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Parts of commodities*, which, by reason of size or weight, require the use of special equipment, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in North Dakota, on the one hand, and, on the other, points in that part of New Mexico on and south of a line beginning at the New Mexico-Arizona State line and extending along Interstate Highway 40 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Colorado State line (points in Oklahoma)*;

(E) (1) *Machinery, equipment, materials, and supplies* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for

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the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in North Dakota, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex. (points in Oklahoma)*; (F) (1) *Commodities*, the transportation of which, by reason or size or weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in Utah, on the one hand, and, on the other, points in the Lower Peninsula of Michigan (points in Oklahoma) and Illinois)*; and

(G) (1) *Machinery, equipment, materials, and supplies* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipeline used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Illinois (points in Oklahoma)*. Restriction: The operations authorized in (A) (3), (B) (1), and (2), and (D) (1) and (2) above are restricted against the transportation of those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or truck pipelines, and against the transportation of farm machinery; the operations authorized in (B) (3) and (D) (3) above are restricted to commodities which are transported on trailers; and the operations authorized in (F) above are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E71), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines; between points in Colorado, on the one hand, and, on the other, points in Alaska (points in Wyoming)*; (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; between points in Alaska, on the one hand, and, on the other, points in Missouri (points in Kansas and Wyoming)*; and (3) *Machinery, equipment, materials, and supplies* used in, or in connection with, discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except in connection with main or trunk pipelines), and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (except in connection with main or trunk pipelines); between points in Colorado, on the one hand, and, on the other, points in that part of South Dakota on, north, and west of a line beginning at the Wyoming-South Dakota State line and extending along U.S. Highway 14 to the Missouri River, thence along the Missouri River to the North Dakota-South Dakota State line (points in Colorado east of U.S. Highway 87)*; and between points in Colorado on the one hand, and, on the other, points in that part of North Dakota on and west of North Dakota Highway 30 (points in Colorado east of U.S. Highway 87)*. Restriction: The operations authorized in (2) above are restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114019 (Sub-No. E271), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and closures* thereof and *accessories* therefore, and *paper cartons* used in the packing and shipping of glass articles, all of which are used in the retail food or household supply business, from Richmond, Indiana, to points in Atchinson, Brown, Clay, Cloud, Doniphan, Douglas, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Republic, Riley, Shawnee, and Washington Counties, Kans. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC 114019 (Sub-No. E272), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), in mechanically refrigerated vehicles, from the facilities of Wilson & Co., Inc., at Monmouth, Ill., to points in Minnesota, Wisconsin, Virginia, West Virginia, Bowling Green, Ky., and those points in Kentucky on and east of U.S. Highway 127, Nashville, Tenn., Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of Muscatine, Iowa, Evansville, Jeffersonville, and Gary, Ind., and Union City, Ohio.

No. MC 114019 (Sub-No. E273), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, except canned foods, frozen foods, and commodities in bulk, in tank vehicles, (a) from points in Maryland and Delaware to Denver, Colo., and points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 83 to its junction with U.S. Highway 30 to the Missouri River, and points in Kansas on and east of U.S. Highway 281; and (b) from points in Delaware, and those in Maryland on and east of U.S. Highway 15 to points in West Virginia in and west of Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Ritchie, Calhoun, Roane, Kanawha, Boone, Logan, and Mingo Counties. The purpose of this filing is to eliminate the gateways of Effingham, Ill., and Bridgeport, Ohio.

No. MC 114211 (Sub-No. E404), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from points in that part of Minnesota on and southeast of a line beginning at the Wisconsin-Minnesota State line, thence along Interstate Highway 94 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in Washington, Oregon, California, Nevada, Idaho, Arizona, Utah, Montana, Wyoming, North Dakota, New Mexico, and to points in that part of Maine on and east of a line beginning at Newagen, Maine, thence along Maine Highway 27 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 201, thence along U.S. Highway 201 to the Maine-Canada International Boundary line, and to points in Florida-Canada International Boundary line, and to points in Florida on and south of a line beginning at Punta Russa, Fla., thence along Florida Highway 867 to junction Florida Highway 80, thence along Florida Highway 80 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Turnpike, thence along Florida Turnpike to junction Florida Highway 710, thence along Florida Highway 710 to Riveria Beach, Fla., and to points in that part of Louisiana on and southwest of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Louisiana-Texas State line, and to points in that part of Texas on and south of a line beginning at the Arkansas-Texas State line.

Thence along U.S. Highway 67 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line and to points in that part of Oklahoma on and west of the Texas-Oklahoma State line, thence along Interstate Highway 35 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Kansas State line, and to points in that part of Kansas on and southwest of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 83 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line, and to points in that part of Colorado southwest of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado Highway 59, thence along Colorado Highway 59 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line, and to points in that part of Nebraska on and southwest of a line beginning at the Nebraska-Colorado State line, thence along Nebraska Highway 19 to junction U.S. Highway 30.

Thence along U.S. Highway 30 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, and to points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 85 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation to points in Maine of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E411), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings therefor* when moving with such pipe, from points in that part of Michigan on and north of a line beginning at Muskegon, Mich., thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to Mackinaw City, Mich., to points in Colorado, New Mexico, Nebraska, and to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to the Oklahoma-Texas State line, and to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to junction Texas Highway 14, thence along Texas Highway 14 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico, and to points in that part of South Dakota on and south of a line beginning at the Iowa-South Dakota State line, thence along Interstate Highway 29 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, and to points in that part of Wyoming on and south of a line beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, and to points in that part of Montana on and south of a line beginning at the Wyoming-Montana State line, thence along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Montana-Idaho State line, and to points in that part of Kansas on and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., at Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E416), filed June 4, 1974, Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in that part of Minnesota on and southwest of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Ohio, Alabama, and to points in that part of Louisiana on and east of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Louisiana-Mississippi State line, and to points in that part of Mississippi on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Natchez Trace Parkway, thence along Natchez Trace Parkway to junction U.S. Highway 45, thence along U.S. Highway

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45 to the Mississippi-Tennessee State line, and to points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 79 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 65.

Thence along Interstate Highway 65 to the Kentucky-Indiana State line, and to points in that part of Tennessee on and east of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 45 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line, and to points in that part of Indiana on and east of a line beginning at the Kentucky-Indiana State line, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line, and to points in that part of Michigan on and northeast of a line beginning at the Indiana-Michigan State line, thence along Interstate Highway 69 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 46, thence along Michigan Highway 46 to Muskegon, Mich., and to points in that part of Washington on and west of a line beginning at the Washington-Canada International Boundary line, thence along Interstate Highway 5 to the Washington-California State line, and to points in that part of Oregon on and west of a line beginning at the Washington-Oregon State line.

Thence along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Oregon State line, and to points in that part of California on and west of a line beginning at the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 299, thence along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to the California-Arizona State line, and to points in that part of Wisconsin on and north of a line beginning at Marinette, Wis., thence along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line, with no transportation for compensation on return, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E419), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), from points in Iowa, Illinois, and from points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 15 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line and from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line, and from points in that part of Minnesota on and south of a line beginning at the North Dakota-Minnesota State line, thence along U.S. Highway 10 to junction Minnesota Highway 32, thence aong Minnesota Highway 32 to junction Minnesota Highway 113, thence along Minnesota Highway 113 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls, Minn., to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 10 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along U.S. Highway 12 to the Washington-Idaho State line, and to points in that part of Oregon on and northwest of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 74, thence along Oregon Highway 74 to junction Oregon Highway 206, thence along Oregon Highway 206 to junction Oregon Highway 19, thence along Oregon Highway 19 to junction Oregon Highway 218, thence along Oregon Highway 218 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction U.S. Highway 20, thence along U.S. Highway 20 to Newport, Oreg., and to points in that part of Washington on and northwest of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone lying within the State of Minnesota.

No. MC 114211 (Sub-No. E421), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, from points in that part of Iowa on and northwest of a line beginning at the South Dakota-Iowa State line, thence along U.S. Highway 20 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Wisconsin Highway 35 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 79, thence along Wisconsin Highway 79 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E422), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings* and *accessories* therefor when moving with such pipe the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and south of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line to points in that part of Illinois on and northeast of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 20 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line, and to points in that part of Indiana on and northeast of a line beginning at the Illinois-Indiana State line, thence along Indiana Highway 26 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line and to points in Wisconsin and Michigan. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E423), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings* and *accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and southeast of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 41, thence along Nebraska Highway 41 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to the Nebraska-Kansas State line to points in Montana, Wyoming, South Dakota, North Dakota, Wisconsin, and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E424), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings* and *accessories* therefor when moving with such pipe the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and southeast of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Minnesota. The purpose of this filing is to elminate the gateway of the plant site of Griffin Pipe Products Co., of Minneapolis, Minn.

No. MC 114211 (Sub-No. E432), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, the transportation of which, because of size or weight, requires special equipment, between points in Missouri, on the one hand, and, on the other, points in Minnesota and North Dakota (except points in the Fargo, N. Dak., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission). The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 114211 (Sub-No. E1243), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, except commodities, the transportation of which, because of size or weight, requires the use of special equipment, from points in South Dakota to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Texas Highway 42, thence along Texas Highway 42 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Texas-Mexico Interpational Boundary line restricted against the transportation of those described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 and further restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 119934 (Sub-No. E1), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except silicate of soda), in bulk, in tank vehicles, from Anderson, Ind., to points in Missouri and Iowa, restricted against the transportation of any traffic destined to points in Canada. The purpose of this filing is to eliminate the gateway of the facilities of National Distillers Products Corporation near Ficklin, Ill.

No. MC 119934 (Sub-No. E4), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids* (except soda ash and chemicals derived from petroleum), in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Oklahoma, and to points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 41 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plant site of the Central Inc., near Elwood, Ill. (B) *Phosphoric Chemical Co., Division of Wilson & Co., acid*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Minnesota, Missouri, and Nebraska, restricted against serving the site of any glass manufacturing plant. The purpose of this filing is to eliminate the gateway of the plant site of the National Phosphate Corporation, at or near Marseilles, Ill.

No. MC 119934 (Sub-No. E7), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of National Distillers Products Corporation, near Ficklin, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Company, at or near Clinton, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2168 Filed 1-22-75;8:45 am]

[Notice No. 6]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 17, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 270), filed December 30, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, Suite 1200 Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Western Electric Company at the junction of New York Highway 422 and Maple Street in Elma Township (Erie County), N.Y., in connection with applicant's authorized regular route operations to and from Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or New York, N.Y.

No. MC 2401, (Sub-No. 55), filed Dec. 16, 1974. Applicant: MOTOR FREIGHT CORPORATION, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment): Serving the plantsite of Bata Shoe Co., Inc., at or near Salem, Ind., as an off-route point in connection with carriers authorized regular route authority to Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 268), filed Dec. 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Serving the plantsite of Rigo Co., a Subsidiary of Central Soya Co., Inc., at or near Buckner, Ky., as an off-route point in connection with applicant's presently authorized regular routes; and (2) Serving the Kearney Industrial Park, at or near Flora, Miss., as an off-route point in connection with applicant's presently authorized regular route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Louisville, Ky., or Washington, D.C.

No. MC 2900 (Sub-No. 269), filed Dec. 19, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings*; and (2) *air coolers and air conditioning equipment*, from Faribault, Minn., to points in Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 6461 (Sub-No. 14) (Amendment), filed October 25, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished as amended, this issue. Applicant: B-LINE TRANSPORT CO., INC., East 7100 Broadway, Spokane, Wash. 99206. Applicant's representative: Max Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from the plantsite of the United States Gypsum Company at or near Tacoma, Wash., to points in Oregon and Washington, and Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Hill Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Ponders, Powell, Ravalli, Sanders, Silverbow, Teton, and Toole Counties, Mont., and points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon and Elmore Counties, Idaho, restricted against tacking or interlining from the plantsite named above.

NOTE.—The purposes of this republication are (1) change the authority requested above from non-radial movements, to from and to authority; and (2) add the restriction stated above. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 13123 (Sub-No. 78), filed Dec. 9, 1974. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Anchor Coupling Company, at or near Newark, Del., as an off-route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 21060 (Sub-No. 17), filed December 16, 1974. Applicant: IOWA PARCEL SERVICE, INC., 3123 Delaware Avenue, Des Moines, Iowa 50313. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Rock Island, Ill. and Scott County, Iowa, restricted to the transportation of parcels, packages and articles weighing 100 pounds or less, and further restricted against the transportation of parcels, packages, and articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day.

NOTE.—Common control may be involved. Applicant states that it intends to tack the authority requested above with all its existing authority, and its authority pending in MC 21060 (Sub-No. 15), at Scott County, Iowa to provide service between Rock Island County, Ill., on the one hand, and, on the other, points in Iowa, and points in Harrison, Worth, and Mercer Counties, Mo., subject to the applicable weight restrictions. The authority will be tacked at Scott County, Iowa with applicant's existing authority to provide service between Rock Island County, Ill., and Omaha, Nebr., on air freight shipments, motion picture film, and magazines and periodicals. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Davenport, Iowa, or Washington, D.C.

No. MC 28060 (Sub-No. 29), filed Dec. 16, 1974. Applicant: WILLERS, INC., 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat by-products*, in bulk, in tank vehicles, from Sioux, City, Iowa, to Sioux, Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29886 (Sub-No. 320), filed Dec. 19, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paving, road construction and maintenance machinery and equipment;* and (2) *attachments and parts*, for commodities described in (1) above, when moving in mixed shipments with (1) above, from the plant site and warehouse facilities of Blaw-Knox Construction Equipment, Inc., at or near Mattoon, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 31389 (Sub-No. 193), filed December 23, 1974. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving the plantsite of PPG Industries at or near Cheswold, Del. as an off-route point in conjunction with applicant's regular route operations to and from Baltimore, Md. and West Chester, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 31389 (Sub-No. 194), filed December 23, 1974. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse of Franchise Mailing, Inc. at or near Montgomery, Minn., as an off-route point in connection with applicant's authorized regular route operations to and from Minneapolis-St. Paul, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 32779 (Sub-No. 11), filed December 23, 1974. Applicant: SILVER EAGLE COMPANY, a corporation, 5949 N. Basin Avenue, Portland, Oreg. 97208. Applicant's representative: Robert R. Hollis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in 17 M.C.C. 467, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Longview, Wash. and Portland, Oreg.: From Longview over Washington State Highway Route 433 to junction U.S. Highway route 30 to Portland, Oreg., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 35320 (Sub-No. 144), filed November 19, 1974. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, livestock household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Winchester, Va. and St. Louis, Mo.: From Winchester, Va., over U.S. Highway 50 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular-route operations, serving no intermediate points, and serving Winchester, Va., for purposes of joinder only; (B) Between Hagerstown, Md., and St. Louis, Mo.: From Hagerstown, Md., over Interstate Highway 70 to junction Interstate Highways 70 and 76, near Breezewood, Pa., thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular-route operations, serving no intermediate points, and serving Hagerstown, Md., for purposes of joinder only; (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment); (A) Between Cincinnati, Ohio, and Evansville, Ind.: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ohio, thence over Interstate Highway 64 to junction Interstate Highway 64 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular route operations, serving no intermediate points, restricted against the transportation of local traffic moving between Cincinnati, Ohio, on the one hand, and, on the other, Evansville, Ind.

(B) Between Chicago, Ill., and St. Louis, Mo.: From Chicago, Ill. over Interstate Highway 55 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, restricted against the transportation of strictly local traffic moving between Chicago, Ill. and points within its Commercial Zone as defined by the Commission, on the one hand, and, on the other, St. Louis, Mo. and points in its Commercial Zone as defined by the Commission; (C) Between the International Boundary line between the United States and Canada at Port Huron, Mich. and Detroit, Mich.: From the International Boundary line between the United States and Canada at Port Huron, Mich. over Interstate Highway 94 to Detroit, Mich. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the International Boundary line at Port Huron, Mich. for purposes of joinder only; and (D) Between Chicago, Ill. and Kansas City, Mo.: From Chicago, Ill. over Interstate Highway 55 to junction Interstate Highway 55 and U.S. Highway 36, at or near Springfield, Ill., thence over U.S. Highway 36 to junction of U.S. Highway 36 and U.S. Highway 54 at or near Pittsfield, Ill., thence over U.S. Highway 54 to junction U.S. Highway 54 and Interstate Highway 70, at or near Kingdom City, Mo., thence over Interstate Highway 70 to Kansas City, Mo. and return over the same route as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points, restricted against the transportation of local traffic moving between Chicago, Ill. and points within its Commercial Zone as defined by the Commission, on the one hand, and, on the other, Kansas City, Mo. and points in its Commercial Zone as defined by the Commission;

(3) *General commodities* (except sand, gravel, coal, livestock and articles not suitable for transportation in standard equipment) Between Cincinnati, Ohio, and Atlanta, Ga.: From Cincinnati, Ohio over Interstate Highway 75 to Atlanta, Ga. and return over the same route, as an alternate route for operating conven-

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ience only, in connection with carrier's presently authorized regular-route operations, serving the intermediate point of Knoxville, Tenn. for purposes of joinder only with carrier's presently authorized regular-routes; (4) *general commodities* (except those of unusual value, Classes A and B explosives, and ammunition and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Dallas, Tex. and Oklahoma City, Okla.: From Dallas, Tex. over Interstate Highway 35–E to junction of Interstate Highway 35–E and Interstate Highway 35, thence over Interstate Highway 35 to Oklahoma City, Okla. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; and (B) Between San Antonio and Dallas, Tex.: From San Antonio, Tex. over Interstate Highway 35 to Dallas, Tex. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving Dallas, Tex. for the purpose of joinder only with carrier's presently authorized routes; (C) Between Warner, Okla. and Dallas, Tex.:

(1) From Warner, Okla. over Interstate Highway 40 to junction Interstate Highway 40 and U.S. Highway 69, thence over U.S. Highway 69 and combined U.S. Highway 69 and 75 to Dallas, Tex. and return over the same route; and (2) From Warner, Okla. over U.S. Highway 266 to junction U.S. Highways 266 and 69 thence over U.S. Highway 69 and combined U.S. Highways 69 and 75 to Dallas, Tex. and return over the same route, as alternate routes for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving Warner, Okla. for purposes of joinder only; (5) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Chicago, Ill. and Seattle, Wash.: (a) From Chicago, Ill. over Interstate Highway 90 to junction Interstate Highway 90 and U.S. Highway 16 at or near Alden, Minn., thence over U.S. Highway 16 and/or Interstate Highway 90 to Rapid City, S. Dak. thence over U.S. Highway 14 and/or Interstate Highway 90 to junction of Interstate Highway 90 and U.S. Highway 87 at or near Sheridan, Wyo., thence over U.S. Highway 87 and/or Interstate Highway 90 to junction U.S. Highway 87, Interstate Highway 90 and Interstate Highway 94 at or near Billings, Mont., thence over U.S. Highway 10 and/or Interstate Highway 90 to Spokane, Wash. thence over Interstate Highway 90 to Seattle, Wash. and return over the same route; and (b) From Chicago, Ill. over Interstate Highway 90, as it is completed, to Seattle, Wash. and return over the same route;

(B) Between Evansville, Ind. and Louisville, Ky.: From Evansville, Ind. over U.S. Highway 41 to junction U.S. Highway 41 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky. and return over the same route, 5 (a) and (b) as alternate routes for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; (6) *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); Between El Paso, Tex. and Kansas City, Mo.: From El Paso, Tex. over U.S. Highway 54 to Wichita, Kans., thence over Interstate Highway 35 to Kansas City, Mo. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; (7) *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission commodities in bulk, automobiles, coal, sand, gravel, portland cement, and commodities requiring special equipment); Between Kansas City, Mo. and Chicago, Ill.: From Kansas City over Interstate Highway 70 to junction Interstate Highway 70 and Interstate Highway 270 at or near Wentzville, Mo., thence over Interstate Highway 270 to junction Interstate Highway 270 and Interstate Highway 70, east of St. Louis, Mo., thence over Interstate Highway 70 to junction of Interstate Highway 70 and Interstate Highway 57, thence over Interstate Highway 57 to Chicago, Ill. and return over the same route, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving Kansas City, Mo. for purposes of joinder only; and

(8) *General commodities* (except those of unusual value, household goods as defined by the Commission, explosives, inflammable articles, livestock and commodities in bulk); Between Chicago, Ill. and Evansville, Ind.: From Evansville, Ind. over U.S. Highway 41 to junction of U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., thence over Indiana Highway 63 to junction Indiana Highway 63 and U.S. Highway 41, at or near Carbondale, Ind., thence over U.S. Highway 41 to Chicago, Ill. and return over the same route, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lubbock or Dallas, Tex.

No. MC 41404 (Sub-No. 119), filed November 18, 1974. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Green Giant Company at Tucker, Ga., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, restricted to shipments originating at the named origin and destined to the named destinations.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 51146 (Sub-No. 409), filed December 18, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste paper and scrap paper*, from points in Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Kentucky, Indiana, Illinois, those in that part of Alabama on and north of U.S. Highway 78, those in Michigan on and south of Michigan Highway 21, Mississippi, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, New Mexico, Arizona, Colorado, Wyoming, Utah, New York on and east of U.S. Highway 11, Memphis, Tenn., Mobile, Ala., and points in the District of Columbia, to West Carrollton, Ohio; (2) *paper and paper products*, from West Carrollton, Ohio, to East St. Louis, Ill. and points in Illinois on and south of U.S. Highway 460, Georgia and Florida; and (3) *materials and supplies* used in the manufacture or distribution of paper and paper products, from Memphis, Tenn., Mobile, Ala., Baltimore, Md., East St. Louis, Ill. and points in Illinois on and south of U.S. Highway 460, those in Alabama on and north of U.S. Highway 78, North Carolina, South Carolina, Georgia and Florida, to West Carrollton, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 411), filed December 23, 1974, Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and commercial appliances*, and *parts, accessories and attachments* for household and commercial appliances, from Searcy, Ark., to Bensenville, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 412), filed December 23, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facilities of Heinz, U.S.A. at Muscatine, Iowa, and the distribution center site of Heinz, U.S.A. at Iowa City, Iowa, to points in Illinois, Missouri, and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 413), filed December 30, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications*, and *exempted printed matter*, as described in Section 203(B)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, and *materials, supplies* and *equipment* used in the maintenance and operation of printing plants: (1) between the plant site of the R. R. Donnelly & Sons Company at Warsaw, Ind., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, Michigan, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, New York, Masachusetts, Vermont, New Hampshire, Maine, and the District of Columbia; and (2) between the plant site of the Perry Printing Corporation at Waterloo, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 161), filed December 18, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th, St., Tulsa, Okla. 74107. Applicant's representative Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities utilized by Glover, Inc. of Roswell, New Mexico, to points in Oklahoma, Kansas, Missouri, Arkansas, Tennessee, Mississippi, Louisiana, Alabama, Georgia and Florida, restricted to traffic originating at the plantsite and facilities of Glover, Inc. and destined to points in the named states.

NOTE.—If a hearing is deeemd necessary, the applicant requests it be held at Amarillo and Dallas, Tex.

No. MC 52704 (Sub-No. 119), filed December 11, 1974. Applicant: GLEN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from LaFayette, Ala., to points in South Carolina.

NOTE.—Applicant states that it intends to tack the requested authority with its existing authority in MC–52704 at LaFayette, Ala. to provide a through service from points in Alabama, to points in South Carolina. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 57239 (Sub-No. 26), filed December 16, 1974. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Firestone Tire & Rubber Co. near Nashville, Tenn., in connection with applicant's authorized regular route operations to and from Nashville, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 59488 (Sub-No. 42), filed December 19, 1974. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY (SWT), a corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Arnold, Mo., as an off-route point in connection with applicant's present regular-route authority to and from St. Louis, Mo. over Interstate Highway 55 and U.S. Highways 61 and 67.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 59583 (Sub-No. 145) (amendment), filed Sept. 17, 1974, published in the FEDERAL REGISTER issue of October 17, 1974 and republished as amended this issue. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving the plantsite of Western Electric Company, at New York State Highway 422 and Maple Street, Elma Township, (Erie County) N.Y., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—The purpose of this republication is to amend the location of the Western Electric Company plantsite. Common control was approved in MC–F–6347. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 61396 (Sub-No. 276), filed December 23, 1974. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Omaha, Nebr., to Enid, Okla.; Lawrence, Kans.; Fort Dodge, Iowa; and Sioux City, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 61592 (Sub-No. 333), filed December 13, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, boat trailers, boat accessories and advertising material* when moved in mixed in loads with boats (except commodities in bulk), between Boston, Mass., Freeport, N.Y., points in Brevard, Palm Beach, Dade, Lee, Hillsborough and Bay Counties, Fla.; Dickson, Tenn.; Goshen and New Paris, Ind.; Lucas, Ottowa, Erie, points in Lorain and Cuyahoga Counties, Ohio; Oxford, Mich.; Phoenix, Ariz.; and points in San Diego, Riverside, and Los Angeles Counties, Calif. on the one hand, and, on the other, points in Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 61592 (Sub-No. 335), filed December 19, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, foods, and food materials* (except commodities in bulk), from Mobile, and points in Mobile County, Ala., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

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NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 61592 (Sub-No. 336), filed December 23, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and metal*, between points in Michigan, Ohio, Illinois, and Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 63792 (Sub-No. 23), filed December 23, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, 3838 Majestic St., Houston, Tex. 77022. Applicant's representative: C. W. Ferebee, 710 N. Post Oak, Suite 515, Houston, Tex. 77024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flexifloats, sectional barges and their parts and accessories*, between Harris County, Tex., Atlanta, Ga., and Ft. Wayne, Ind., on the one hand, and, on the other, points in Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Ohio, Texas, Mississippi, Louisiana, Arkansas, Kentucky, Tennessee, Alabama, Georgia, and Florida, restricted to traffic originating at or destined to the plant site and storage facilities of Robishaw Engineering, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, or Dallas, Tex.

No. MC 64932 (Sub-No. 543), filed December 26, 1974. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude oil*, in bulk, in tank vehicles, from points in Illinois, to Littleton, Colo.; and (2) *sulphonate*, in bulk, in tank vehicles, from Littleton, Colo., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Denver, Colo.

No. MC 69116 (Sub-No. 171), filed November 27, 1974. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606. Applicant's representative: Jack Goodman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Decatur, Ill. and the junction of U.S. Highway 51 and Illinois Highway 15: From Decatur over U.S. Highway 51 to junction Illinois Highway 15, and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 51 and U.S. Highway 40 and the junction of U.S. Highway 51 and Illinois Highway 15 for joinder purposes only, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 921), filed December 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, articles of unusual value, and commodities the transportation of which by reason of size or weight require the use of special equipment, motor vehicles and boats), serving LaGrange and Pine Mountain, Ga. as off-route points in connection with its authorized regular route operations from and/or to Columbus, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbus or Atlanta, Ga.

No. MC 103993 (Sub-No. 847), filed December 16, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Redwood County, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 105566 (Sub-No. 107), filed December 18, 1974. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Projectors*, motion or still picture; films, not exceeding 35 MM; *electrical appliances or instruments*, not otherwise indexed; *recordings*, tape and disc; *recorders or players; sets*, vision receiving, and phonographs *school blanks or forms; books*, not otherwise indexed; *books*, NOI with paper or paperboard covers; *kits or sets*, visual teaching or visual control, other than optical instruments; *paraphernalia*, exhibition or show; and *pallets*, from Hightstown, N.J. and Manchester, Mo., to Novato, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or St. Louis, Mo.

No. MC 106398 (Sub-No. 723), filed December 16, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Tishomingo County, Miss., to points in Alabama, Georgia, Florida, Tennessee, Arkansas, Kentucky, and Louisiana.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 106485 (Sub-No. 16), filed December 18, 1974. Applicant: LEWIS TRUCK LINES, INC., Lisbon, N. Dak. 58054. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Fargo, N. Dak., and Oakes, N. Dak., serving all intermediate points and the off-route points of Walcott, Colfax, Galchutt, Mooretown Barney and Great Bend, N. Dak.; From Fargo, N. Dak., over U.S. Highway 81 to Fairmont, N. Dak., thence over North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, N. Dak., and return over the same route, restricted against the transportation of traffic originating at or destined to points located in Minnesota within the Commercial Zones of Fargo and Wahpeton, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wahpeton or Fargo, N. Dak.

No. MC 106497 (Sub-No. 105), filed December 23, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Business Route I–44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushers, crusher attachments, crusher parts, crusher attachment parts, and equipment used in conjunction with crushers*, from points in Lane County, Oreg., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif, or Portland, Oreg.

No. MC 106497 (Sub-No. 107), filed December 30, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Business Route I–44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (3) *parts, attachments and accessories* for use in the installation and operation of the items in (1) and (2) above, from points in Fayette County, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or St. Louis, Mo.

No. MC 106674 (Sub-No. 149), filed December 23, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, machinery* and *Parts, accessories and attachments* therefor as are dealt in by wholesale and retail recreational, lawn and garden equipment supply stores and dealers, from Evansville, Ind., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of Hahn, Inc., at Evansville, Ind., and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 106775 (Sub-No. 37), filed December 19, 1974. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe, and plastic pipe*, from the plantsite of Cement Asbestos Products Company, located at or near Van Buren, Ark., to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston, or Dallas, Tex.

No. MC 107002 (Sub-No. 465), filed December 13, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Michigan and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 107743 (Sub-No. 31), filed December 13, 1974. Applicant: SYSTEM TRANSPORT, INC., E. 6523 Broadway, P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and millwork*, (1) from points in California, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Illinois, Wisconsin, Ohio, Missouri, Indiana, and Michigan; and (2) from points in Oregon, Washington, and Idaho, to points in Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Spokane, or Seattle, Wash., or Portland, Oreg.

No. MC 108341 (Sub-No. 36), filed December 30, 1974. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, construction equipment, and cranes; self propelled articles*, each weighting 15,000 pounds or more; and *related machinery, tools, parts, and supplies* moving in connection therewith, from Shady Grove, Pa., and points in Horry County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 108449 (Sub-No. 382), filed December 23, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied ethylene*, in cryogenic trailers, from the plantsite of Northern Petrochemical Company at Morris, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin, and West Virginia.

NOTE.—Common conrtol may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 108676 (Sub-No. 76), filed December 16, 1974. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, compacted and crushed motor vehicles, bodies, engines and parts, and recycled non-ferrous and ferrous articles, and materials and supplies* used in the production of recycled metal articles and recycled materials (except commodities in bulk, in tank or dump vehicles), between points in Iowa, Wisconsin, Missouri, Oklahoma, Michigan, Texas, and points in the U.S. east thereof, on the one hand, and, on the other, Huntsville, Ala., Knoxville and Chattanooga, Tenn., and Atlanta, Ga., restricted to shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 110683 (Sub-No. 105), filed December 19, 1974. Applicant: SMITH'S TRANSFER CORPORATION, a Corporation, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Allegany County, Md., as off-route points in connection with carrier's existing regular route authority to serve Cumberland, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 206), filed December 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-pollution equipment and supplies* and *refuse handling and treatment equipment* and *supplies*, from points in Washington County, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 111545 (Sub-No. 207), filed December 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste materials, supplies and equipment, tools and containers* used therewith; and (2) *non-radioactive waste, materials supplies and equipment, tools and containers* used therewith, between nuclear burial or disposal plants at or near Barnwell, S.C., Richland, Wash., Beatty, Nev., Morehead, Ky., Sheffield, Ill., and West Valley, N.Y., on the one hand, and, on the other, points in

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the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 111729 (Sub-No. 487), filed December 13, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between Charlottesville, Va., on the one hand, and, on the other, points in Asheboro, Catawba, Eden, Elkin, Granite Falls, Hickory, Hillsboro, Madison, Mocksville, Mt. Airy, North Wilkesboro, Pilot Mountain, Ramseur, Roxboro, Troy, Valdese, West Jefferson, and Walkertown, N.C.; (b) between Charlotte, N.C., on the one hand, and, on the other, points in Bristol, Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn.; (c) between Cleveland, Ohio, on the one hand, and, on the other, Wilkes-Barre, Pa., Clay and Fayetteville, N.Y.; (d) between Counce, Tenn., on the one hand, and, on the other, points in Alabama and Mississippi, north of U.S. Highway 20; and (e) between Lexington, Ky., on the one hand, and, on the other, Craigsville and Holden, W. Va., and Keen Mountain, Va.; (2) *office supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, (a) between Charlottesville, Va., on the one hand, and, on the other, Asheboro, Catawba, Eden, Elkin, Granite Falls, Hickory, Hillsboro, Madison, Mocksville, Mt. Airy, North Wilkesboro, Pilot Mountain, Ramseur, Roxboro, Troy, Valdese, West Jefferson, and Walkertown, N.C.; (b) between Charlotte, N.C., on the one hand, and, on the other, Bristol, Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn.; (3) *critical replacement parts* relative to the telephone industry, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, between Charlottesville, Va., on the one hand, and, on the other, Asheboro, Catawba, Eden, Elkin, Granite Falls, Hickory, Hillsboro, Madison, Mocksville, Mt. Airy, North Wilkesboro, Pilot Mountain, Ramseur, Roxboro, Troy, Valdese, West Jefferson, and Walkertown, N.C.; (4) *ophthalmic goods*, between Cleveland, Ohio, on the one hand, and, on the other, Wilkes-Barre, Pa., Clay and Fayetteville, N.Y.; (5) *emergency replacement parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Cumberland, Md., Cleveland, Cincinnati, Columbus, Dayton, Hopedale, Toledo, Youngstown, Ohio, Monroeville, Pa., Coeburn, Norfolk, Richmond, Salem, Va., Bluefield, Clarksburg, Parkersburg, St. Albans, W. Va.; and (6) *exposed and processed film and prints complimentary, replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Memphis, Tenn., on the one hand, and, on the other, points in Missouri, south of Interstate Highway 70.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 488), filed Dec. 16, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory samples, and specimens of all kinds, consisting of blood and urine; tissues and cells, such as brain and skin; feces, sera and carcasses, limited to small animals or birds such as chickens and baby pigs; cultures, media for cultures, biological research products, vectors (insects), vaccines, antigens, parasites (animal), and chemicals*, as needed in diagnostic procedures, (1) between Orient Point, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; (2) between Ames, Iowa, on the one hand, and, on the other, points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; (3) between Beltsville, Md., on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; and (4) between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic having an immediately prior or subsequent movement by air, originating from or destined to Orient Point, N.Y., Ames, Iowa, and Beltsville, Md.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111940 (Sub-No. 63), filed December 18, 1974. Applicant: SMITH'S TRUCK LINES, a Corporation, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *petroleum wax, petroleum tar, oil emulsions, fuel oil treating compounds, petroleum vehicle body sealers or sound deadeners, compounded oil and greases and lubricating greases, iron and steel rust-preventing or removing compound* (other than petroleum), in containers, and *related advertising materials and supplies;* (A) From Emlenton, Pa., to points in Delaware, Maryland, Virginia, Rhode Island, and the District of Columbia; and (B) From Petrolia, Pa., to points in New Jersey, New York, and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 112304 (Sub-No. 88), filed December 23, 1974. Applicant: ACE DORAN HAULING AND RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (Same address of applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railway track materials*, between points in Wayne County, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 360), filed December 19, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, from the plantsite of American Potato Co., at Plover, Wis., to points in Arizona, California, Colorado, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the named origin and destined to the named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 113651 (Sub-No. 179), filed Dec. 19, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Suite 1000, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, as are utilized by animal food manufacturers*, from Quimby, Iowa, to points in Pennsylvania, Massachusetts, Ohio, Louisiana, South Carolina, Nebraska, Missouri, Wisconsin, Kansas, Indiana, Illinois, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 575), filed Dec. 24, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Glover Packing Co., at or near Roswell, N. Mex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Albuquerque, N. Mex.

No. MC 113828 (Sub-No. 225), filed December 16, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, in bulk, from Kimballton, Va., to points in Pennsylvania, Delaware, Indiana, Ohio, Tennessee, Kentucky, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 305), filed December 16, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building, road maintenance, and construction machinery and equipment;* (2) *attachments*, for (1) above; and (3) *parts*, for (1) and (2) above, from the plant and warehouse sites of Blaw-Knox Construction Equipment, Inc., at or near Mattoon, Ill., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 414), filed December 20, 1974. Applicant: TRANS COLD-EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Fulton and Oswego, N.Y., to points in California and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held either at New York, N.Y., or Washington, D.C.

No. MC 114457 (Sub-No. 216), filed December 13, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from St. Louis, Mo., to points in Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, and Ohio, restricted to traffic originating at the facilities utilized by P. V. O. International, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or St. Louis, Mo.

No. MC 114457 (Sub-No. 217), filed December 23, 1974. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from Cincinnati and Norwood, Ohio, to points in Illinois, Kansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 114533 (Sub-No. 315), filed December 18, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, medical isotopes, and medical test kits*, (1) between St. Louis, Mo., on the one hand, and, on the other, points in Douglas, Johnson, Shawnee, and Wyandotte Counties, Kans., and points in Nebraska; and (2) between points in Kansas, Nebraska, and Missouri, restricted to traffic having a prior and subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 114632 (Sub-No. 81) (Correction) filed November 25, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as corrected, this issue. Applicant: APPLE LINES, INC., 212 SW. Second, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies, scrap iron, and solid waste*, from points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, to points in Illinois, Indiana, Minnesota, and Wisconsin.

NOTE.—The purpose of this republication is to correctly state the applicant's docket number as MC 114632 (Sub-No. 81). If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115594 (Sub-No. 19), filed December 19, 1974. Applicant: HOLLOWAY MOTOR EXPRESS, INC., P.O. Box 2337, East Gadsden, Ala. 35903. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Winding cores, discs, cones, reels, and materials* used in packing and wrapping tire fabric, between the plant sites of Goodyear Tire & Rubber Co. at or near Scottsboro, Ala., and Topeka, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 115646 (Sub-No. 5), filed December 27, 1974. Applicant: BRINK'S CANADA LIMITED, 190 Shannon Street, Montreal, Quebec, Canada. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 East River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canadian Olympic coins*, from ports of entry on the International Boundary line between the United States and Canada located at or near Ogdensburg, N.Y., and Thousand Island Bridge, N.Y., to Ogdensburg, Watertown, and Syracuse, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 494), filed December 23, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulvan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Rober M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meat, meat products, meat by-products, dairy products, articles distributed by meat packinghouses, frozen foods, and commodities in bulk), from Bridgeport and Imlay City, Mich., to points in Arizona, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

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No. MC 117068 (Sub-No. 36), filed December 9, 1974. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled vehicles*, each weighing less than 15,000 pounds (except automobiles, trucks, and buses, and restricted to commodities moving on trailers), *fertilizer spreaders, and solid waste compactors*, from Yankton, S. Dak., and Benson, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Yankton, S. Dak., and Benson, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 117119 (Sub-No. 520), filed December 9, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Good Humor Corporation, at Chicago, Ill., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the named facilities and destined to the above named points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 117119 (Sub-No. 522), filed December 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to points in California, Nevada, Arizona, Arkansas, Illinois, Missouri, Ohio, South Carolina, North Carolina, New York, New Jersey, Pennsylvania, and the District of Columbia, restricted to shipments originating at Denver, Colo., and destined to the above destination points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 117940 (Sub-No. 155), filed December 18, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representatives: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *equipment, utensils, and supplies* used in the conduct of such business (except commodities in bulk and foodstuffs), from the facilities of J. C. Penney Company, Inc., at or near Ridgefield, N.J., to Minneapolis, Minn., Milwaukee, Wis., Chicago, Ill., St. Louis, Mo., Kansas City, Mo., and Denver, Colo.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary applicant requests it be held at either New York, N.Y., or Minneapolis, Minn.

No. MC 118142 (Sub-No. 85), filed December 12, 1974. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities*, exempt from economic regulation under Section 203 (b)(6) of the Act, when transported in mixed loads with bananas, from New Orleans, La., to points in Arizona, California, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or New Orleans, La.

No. MC 118159 (Sub-No. 155), filed November 27, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oil, animal litter, and chopped alfalfa*, (1) from Atlanta, Ga., to points in Alabama, points in those parts of Kentucky and Tennessee west of U.S. Highway 431, points in that part of Louisiana east of the Mississippi River, points in that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line near Corning, Ark., and extending southwesterly along U.S. Highway 67 to junction U.S. Highway 65 at or near North Little Rock, Ark., thence along U.S. Highway 65 southeasterly to the Arkansas-Louisiana State line near Readland, Ark. (except Little Rock, Ark., and points in its commercial zone as defined by the Commission), authorized; and (2) from Houston, Tex., to points in Arkansas, Louisiana, and Mississippi. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 156), filed December 24, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1931 N. Sheridan Road, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *equipment, utensils, and supplies* used in the conduct of such business (except commodities in bulk and foodstuffs), from the facilities of J. C. Penney Company, Inc., at or near Ridgefield, N.J., to Minneapolis, Minn., Milwaukee, Wis., Chicago, Ill., St. Louis, Mo., Kansas City, Mo., and Denver, Colo.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary applicant requests it be held at either New York, N.Y., or Minneapolis, Minn.

No. MC 118142 (Sub-No. 85), filed December 12, 1974. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities*, exempt from economic regulation under Section 203 (b)(6) of the Act, when transported in mixed loads with bananas, from New Orleans, La., to points in Arizona, California, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or New Orleans, La.

No. MC 118159 (Sub-No. 155), filed November 27, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oil, animal litter, and chopped alfalfa*, (1) from Atlanta, Ga., to points in Alabama, points in those parts of Kentucky and Tennessee west of U.S. Highway 431, points in that part of Louisiana east of the Mississippi River, points in that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line near Corning, Ark., and extending southwesterly along U.S. Highway 67 to junction U.S. Highway 65 at or near North Little Rock, Ark., thence along U.S. Highway 65 southeasterly to the Arkansas-Louisiana State line near Readland, Ark. (except Little Rock, Ark., and points in its commercial zone as defined by the Commission), authorized; and (2) from Houston, Tex., to points in Arkansas, Louisiana, and Mississippi. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 156), filed December 24, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1931 N. Sheridan Road, Tulsa, Okla. 74151. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products, and paper and paper products* (except commodities in bulk), and *materials and supplies* (except commodities in bulk) used in the manufacture or distribution of cellulose materials and products and paper and paper products, between Oppelo, Ark. and Fort Worth, Tex., on the one hand, and, on the other, points in Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, and those points in Illinois and Indiana south of U.S. Highway 36.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119226 (Sub-No. 90), filed December 30, 1974. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds*, liquid, in bulk, in tank vehicles, from Lafayette, Ind., to points in Illinois and Iowa.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 119390 (Sub-No. 16), filed November 20, 1974. Applicant: MAIRS TRANSPORT LTD., 976 Adair Avenue, Coquitlam, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, P.O. Box 88968, Tukwila Branch, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plasterboard, joint compound material*, in sacks or cans, between Seattle, Wash. and the port of entry on the International Boundary line between the United States and Canada at or near Blaine, Wash.; and *empty cans* on return; (2) *roofing granules*, in bulk, between Bellingham and Tacoma, Wash., on the one hand, and, on the other, the port of entry on the International Boundary line between the United States and Canada at or near Blaine, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119630 (Sub-No. 13), filed December 23, 1974. Applicant: VAN TASSEL, INCORPORATED, 5th and Grand, Pittsburg, Kans. 66762. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-fabricated buildings*, complete, knocked down, or in sections, from

Oswego, Kans., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in Illinois, Indiana, Maryland, Missouri, Ohio, and Pennsylvania, to Oswego, Kans.

NOTE.—Applicant holds contract carrier authority in MC 115036 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119726 (Sub-No. 48), filed December 19, 1974. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street. Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shower bath stalls, plastic, with or without frames or door, with or without receptors, set up, and plastic bath tubs and accessories*, from the plantsite and facilities of Powers Fiat Corporation located at or near Monroe, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Pennsylvania, Kentucky, West Virginia, Maryland, Virginia, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 119777 (Sub-No. 312), filed December 12, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and jointing compounds* (except those moving in bulk in tank vehicles), (1) from Cannelton, Ind., and Owensboro, Ky., to points in West Virginia; (2) from Des Moines, Ottumwa, Mason City, and Redfield, Iowa, to points in Wisconsin, Ohio, Kentucky, Arkansas, Missouri, Illinois, Indiana, and the Lower Peninsula of Michigan, Tennessee, and Texas; (3) from Mineral Wells, Tex., to points in Alabama, Louisiana, Oklahoma, Arkansas, Mississippi, Missouri, Iowa, Indiana, Illinois, Kentucky, Tennessee, and Ohio; and (4) from Uhrichsville, Ohio, to points in Indiana, Kentucky, Illinois, Iowa, Wisconsin, Tennessee, the Lower Peninsula of Michigan, Texas, and Missouri.

NOTE.—Applicant holds contract carrier authority in MC 126970 Sub 1 and 2 therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Nashville, Tenn.

No. MC 119988 (Sub-No. 73), filed December 13, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from the plantsite and storage facilities of Field's, Inc., located at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the named plantsite and storage facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 121630 (Sub-No. 3), filed December 16, 1974. Applicant: LEMORE TRANSPORTATION, INC., 1420 Industrial Park, P.O. Box 6085, Concord, Calif. 94524. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry general commodities*, in bulk, in dump, hopper or similar type of equipment (except earth, sand, loam, gravel, stone, cement, asphalt, cement or asphalt mixes), between points in Solano, Contra Costa, and Alameda Counties, Calif., on the one hand, and, on the other, Pittsburg, Benicia, Selby, Richmond, Oakland, and Alameda, Calif.; and (2) *general commodities*, (except (a) used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (d) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (e) earth, sand, loam, gravel, stone, cement, asphalt or cement or asphaltic mixes when transported in bulk in dump trucks or in hopper-type trucks; (f) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (g) logs; and (h) fresh fruits and vegetables), between points in San Francisco, Alameda, and Contra Costa Counties, Calif.; San Mateo County, Calif., on and east of California Highway 82; Santa Clara County, Calif., on and north and west of California Highways 17 and 82; and Solano County, Calif., on and south of Interstate Highway 680, restricted to the transportation of shipments having a prior or subsequent movement by water to or from San Francisco, Calif.

NOTE.—By instant application, applicant seeks to convert its Certificates of Registration No. MC 121630 Sub-No. 1 to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123061 (Sub-No. 73), filed December 9, 1974. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds and feed ingredients*, in bags and in bulk, from points in Idaho, to points in Nevada, Wyoming, Montana, and Oregon.

NOTE.—Applicant intends to tack the above route extension to its existing authority in MC 123061 (Sub-No. 60), at Pendleton, Oreg. to provide a through service from points in Idaho, to points in Washington. If a hearing is deemed necessary, the applicant requests it be held at either Pocatello, Idaho or Salt Lake City, Utah.

No. MC 123407 (Sub-No. 215), filed December 12, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and poultry feed* (except in bulk, in tank or hopper-type vehicle), from Chicago Heights, Ill., to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 216), filed December 13, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Squart, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite and warehouse facilities of Guardian Industries, located at Carleton, Mich., to points in Washington, Oregon, California, Nevada, Arizona, Utah, and Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 123407 (Sub-No. 217), filed December 23, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated posts, poles and lumber, and materials* used in the manufacture of wood products and paper products, from points in Sheridan County, Wyo., to points in South Dakota, North Dakota, Montana, Nebraska, Utah, Colorado, Kansas, Arizona, New Mexico, Oklahoma, Texas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123407 (Sub-No. 218), filed December 23, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind.

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46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-FC-7184. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124212 (Sub-No. 80), filed December 19, 1974. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, liquid argon, and compressed gases*, in bulk, in shipper owned or controlled trailers, between points in Michigan, Indiana, Ohio, Kentucky, Tennessee, Virginia, West Virginia, Pennsylvania, and New York.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 143), filed December 16, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding, and roofing and siding materials and supplies*, from Portland, Oreg. and Wilmington and Martinez, Calif., to points in Oregon, Washington, Idaho, Montana, Utah, Wyoming, Colorado, Nevada, Arizona, and California, restricted to traffic originating at the facilities of Bird and Son, Inc. at the above named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 124951 (Sub-No. 33), filed December 12, 1974. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay Products and jointing compounds* (except those moving in bulk, in tank vehicle), (1) from Cannelton, Ind. and Owensboro, Ky., to points in Alabama, Arkansas, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Virginia, West Virginia, and Wisconsin; (2) from Des Moines, Ottumwa, Mason City, and Redfield, Iowa, to points in Wisconsin, Ohio, Kentucky, Illinois, Inidana, Missouri, Arkansas, and the Lower Peninsula of Michigan, Tennessee, and Texas; (3) from Mineral Wells, Tex., to points in Alabama, Louisiana, Oklahoma, Arkansas, Mississippi, Missouri, Iowa, Indiana, Illinois, Kentucky, Tennessee, and Ohio; and (4) from Uhrichsville, Ohio, to points in Indiana, Illinois, Iowa, Kentucky, Tennessee, Wisconsin, the lower Peninsula of Michigan, Texas, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Nashville, Tenn.

No. MC 125162 (Sub-No. 9), filed December 23, 1974. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete shapes and forms*, from the facilities of Prestressed Systems, Inc. located at or near Henry County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; and (2) *cooling tower sections*, from the facilities of Ecodyne Corp. located at Henry County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 126305 (Sub-No. 67) (Correction), filed Nov. 19, 1974, published in the FEDERAL REGISTER issue of Dec. 19, 1974, and republished as corrected this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. I, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., at Apex, N.C., to points in Kentucky, Arkansas, Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Louisiana; and (2) *materials and supplies*, used in the manufacture and sale of glass spheres, and *glass spheres* (except in bulk, in tank vehicles), from points in Louisiana, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Arkansas, and Kentucky, to the facilities of Potters Industries, Inc., at Apex, N.C.

NOTE.—The purpose of this republication is to indicate applicant's correct name. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126899 (Sub-No. 82), filed December 23, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Chicago, Ill., to points in Kentucky, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, and Wisconsin; and *empty malt beverage containers*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Louisville, Ky.

No. MC 128270 (Sub-No. 11), filed Dec. 18, 1974. Applicant: REDIEHS INTERSTATE, INC., 7869 Milton Road, Gary, Ind. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crates, towers, water cooling, air conditioners, with and without blowers and fans;* and (2) *crates, condensers, equalizers, exchangers, pipe type*, between the plantsite of Baltimore Aircoil Company, at Paxton, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, Missouri, Iowa, Nebraska, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128762 (Sub-No. 11), filed December 19, 1974. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum materials and products, and parts and accessories therefor*, and *materials, supplies and equipment* used in the manufacture, production and distribution of aluminum materials and products, and parts and accessories therefor (except liquids in bulk), between Decatur, Ala., Loveland, Colo., Ocala and Plant City, Fla., Jonesboro and Peach Tree City, Ga., Chicago and Morris, Ill., Bristol, Elkhart, and Franklin, Ind., McPherson, Kans., Frederick, Md., Niles, Mich., Montevideo, Minn., Hernando, Miss., Reidville, N.C., Dayton, Ohio, Tulsa, Okla., Bloomsburg, Pa., Mansfield, Tex., Harrisonburg, Va., and Marshfield, Wis., on the one hand, and, on the other, points in the United States east of Idaho, Utah, and Arizona (except Alaska); and (2) *zinc and aluminum*, from Fort Scott, Kans., Chicago, Ill., Cleveland, Ohio, and Checotah, Okla., to points in the United States east of Idaho, Utah, and Arizona (except Alaska); and (3) *aluminum*, from Morris, Ill., to points in the United States east of Idaho, Utah, and Arizona (except Alaska), restricted (a) to shipments either originating at or destined to the plantsites or facilities of Amax Aluminum Company, Inc. or its facilities; and (b) to a transportation service to be performed under a continuing contract or contracts with Amax Aluminum Company, Inc. or its affiliates.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 129332 (Sub-No. 2), filed December 23, 1974. Applicant: RICHARD M. BAAR, doing business as, DICK BAAR TRUCKING, P.O. Box 828, Dickinson, N. Dak. 58601. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and articles* dealt in by malt beverage distributors, from St. Paul, Minn. and Milwaukee, Wis., to Dickinson and Hettinger, N. Dak., under a continuing contract or contracts with Jerome's, Inc.; and (2) *cheese*, from Dickinson, N. Dak., to Plymouth, Wis., under a continuing contract or contracts with Dickinson Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak. or Billings, Mont.

No. MC 133119 (Sub-No. 63), filed December 19, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act when transported in mixed loads with bananas, from Galveston, Tex., to points in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, restricted to traffic having in immediate prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr. or Miami, Fla.

No. MC 133689 (Sub-No. 57), filed December 18, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First St. SW., New Brighton, Minn. 15112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, and confectionery products, and related articles*, from the plantsite and storage facilities of Peter Paul, Inc., located at or near Frankfort, Ind., to points in Iowa, Kansas, Minnesota, Missouri, and Nebraska, restricted to shipments originating at the above indicated origins, and destined to the points named above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 134323 (Sub-No. 69), filed December 19, 1974. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th St., P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, articles distributed by meat packinghouses, and such commodities*, as are used by meat packers in the conduct of their business, between Wichita, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with MBPXL Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Amarillo, Tex.

No. MC 134477 (Sub-No. 86), filed December 18, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, 33 E. Wentworth, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale and retail department stores* (except foodstuffs and commodities in bulk), and in connection therewith, *materials and supplies*, used in the conduct of such business, from Seattle and Tacoma, Wash., and Portland, Oreg., to the facilities of World-Wide, Inc., and Erickson Petroleum Co., at Minneapolis-St. Paul, Minn., and points in their Commercial Zone as defined by the Commission, restricted to import traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 87), filed December 18, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, 33 E. Wentworth, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth and fabric*, made of cotton and synthetic fibers, from Derby, Conn., to St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 88), filed December 18, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail department stores (except foodstuffs and commodities in bulk) and in connection therewith *materials and supplies* used in the conduct of such business, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, and Texas, to facilities of World-Wide, Inc. and Erickson Petroleum Co. at Minneapolis-St. Paul, Minn. and points in their Commercial Zones as defined by the Commission.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134779 (Sub-No. 7), filed December 30, 1974. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a corporation, 1236 South Cherry Street, Janesville, Wis. 53545. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, chassis and buses*, in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Kentucky and Tennessee; (2) *rejected or damaged shipments* of the commodities described in (1) above, from points in Kentucky and Tennessee, to Janesville, Wis.; and (3) *automobiles, trucks, tractors* (except farm tractors, and crawler or track type tractors), *chassis and buses*, in secondary movements, in truckaway and driveaway service, between points in Illinois and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 134780 (Sub-No. 3), filed Dec. 20, 1974. Applicant: UNITED TRUCK SERVICE, INC., P.O. Box 1276, Seminole, Okla. 74868. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials, and ingots*, from Wewoka, Okla., to points in Arkansas, Colorado, Illinois, Kansas, Missouri, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136166 (Sub-No. 12), filed December 19, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vinegar and cooking wine*, in bulk, in tank vehicles, from Guasti, Calif., to Chicago, and Streator, Ill.; Terre Haute, Ind.; and Walworth, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136166 (Sub-No. 14), filed December 23, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oregon 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Burlingame, Calif., to Fort Worth, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 136166 (Sub-No. 15), filed December 23, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesium perchlorate, liquid*, in

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bulk, in tank vehicles, from Henderson, Nev., to Charlotte, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Las Vegas, Nev.

No. MC 136482 (Sub-No. 4), filed December 23, 1974. Applicant: INDUSTRIAL ASPHALT TRANSPORT ,INC., Rt. 3, Buffalo Shoals Rd., Statesville, N.C. 28677. Applicant's representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Charleston, S.C., to points in Georgia, North Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 138563 (Sub-No. 3), filed December 19, 1974. Applicant: J.M.J. PROJECTS, INC., 2109 West 50th, Shawnee Mission, Kans. 66205. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used and junk batteries, residues, residuum scale, slimes, sludge, sweepings, washings, and scrap*, from Leavenworth, Kans., to Granite City, Ill.; and (2) *lead ingots, antimonial, and litharage*, from Granite City, Ill., to Leavenworth, Kans., under contract with Gould, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139495 (Sub-No. 23), filed December 20, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery stores and food business houses, on pallets, from the plantsites and storage facilities of Lever Brothers Company at or near Chicago, Ill., Hammond, Ind., and St. Louis, Mo., to points in Texas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 24), filed December 20, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from points in Montgomery County, Pa., to points in Ohio, Indiana, Illinois, and Michigan.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139591 (Sub-No. 2), filed June 10, 1974. Applicant: MARASCO & SON TRUCKING COMPANY, Route #1, Box 98, Helper, Utah 84526. Applicant's representative: James T. Jensen, 190 North Carbon Avenue, Price, Utah 84501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the facilities of Carbon Fuel Company near Castle Gate, Utah, to the railhead at Castle Gate, Utah, restricted to transportation of shipments having an immediately subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Price or Salt Lake City, Utah.

No. MC 139641 (Sub-No. 1), filed December 13, 1974. Applicant: CURTIS D. MORRIS AND ELSIE M. MORRIS, doing business as MORRIS TRANSFER, P.O. Box 129, Malin, Oreg. 97632. Applicant's representative: Curtis D. Morris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas and produce* exempt from regulations under section 203(b) (6) of the Interstate Commerce Act in mixed loads with bananas, from Long Beach and Wilmington, Calif., Commercial Zones, to Medford, Oreg.; and (2) *groceries* consisting of canned goods and sugar, from points in Contra Costa, Fresno, Monterey, Sacramento, San Francisco, San Joaquin, Sonoma, Stanislaus, Los Angeles, and Orange Counties, Calif., to Medford, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland or Medford, Oreg.

No. MC 139922 (Sub-No. 2), filed December 26, 1974. Applicant: C. A. BOYD, doing business as C. A. BOYD TRUCKING, Route 7, Box 166, Sylvania, Ga. 30467. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins, green, salted*, from points in Richmond County, Ga., to points in Delaware, Maine, Massachusetts, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140013 (Sub-No. 1), filed December 26, 1974. Applicant: PALLAS TRUCKING, INC., 830 Hood Street, Salem, Oreg. 97303. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation equipment, supplies and materials, and pipe*, from the plantsite of Western Irrigation and Manufacturing, Inc., at or near Eugene, Oreg., to points in Washington, Idaho, Montana, Wyoming, Utah, California, Texas, Nevada, Nebraska, Colorado, Arizona, and New Mexico, under a continuing contract or contracts with Western Irrigation and Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 140126 (Sub-No. 2), filed December 19, 1974. Applicant: MARVIN H. PRITCHETT AND CLEATUS WARD, a Partnership, d.b.a. PRITCHETT-WARD, Main & Broad Streets, P.O. Box 311, Lake Butler, Fla. 32054. Applicant's representative: M. H. Pritchett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Baker, Columbia, Suwannee, Hamilton, and Union Counties, Fla., to Clyattville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it beheld at Jacksonville, Fla., or Atlanta Ga.

No. MC 140265 (Sub-No. 2), filed December 13, 1974. Applicant: LARRY E. HICKOX, doing business as LARRY E. HICKOX TRUCKING, Box 95, Casey, Ill. 62420. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethylene film* (except in bulk), from Marshall, Ill., to points in Alabama, California, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin, under a continuing contract or contracts with Custom films, Ind., Marshall, Ill.; and (2) *grain door kits*, from Kansas, Ill., to points in Alabama, Arkansas, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas, under a continuing contract or contracts with Charles Kirchner & Son, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 140281 (Sub-No. 2), filed December 16, 1974. Applicant: EXPORT METALS COMPANY, a Corporation, 3212 Brison Avenue, Murrysville, Pa. 15668. Applicant's representative: James C. Artman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap material*, from Braddock, Pa., to Girard, Ohio, under a continuing contract with B. Zeff Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 140422 (Amendment), filed November 15, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished, as amended, this issue. Applicant: GENE R. THEODORI AND JERRY M. SMIELL, a Partnership, doing business as THEODORI TRUCKING, Box 45, Waltersburg, Pa. 15488. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, used or useful in the mining of coal, (a) between points in Allegheny and Fayette Counties, Pa., on the one hand, and, on the other, points in West Virginia, New Jersey, New York, Maryland, Ohio, and Indiana; and (b) between points in Marion, Monongalia, and Preston Counties, W. Va., on the one hand, and, on the other, points in New York, New Jersey, Indiana, Ohio, Maryland, and Pennsylvania, under a continuing contract or contracts with Betty Louise Coal Company, Inc., and L. B. Smith, Inc.; and (2) *coal*, in bulk, in dump vehicles, from points in Monongalia, Preston, and Marion Counties, W.Va., to points in Fayette, Greene, and Washington Counties, Pa., under a continuing contract or contracts with Betty Louise Coal Company, Inc.

NOTE.—The purpose of this republication is to amend the authority originally requested. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 140498, filed December 13, 1974. Applicant: BECHEM TRANSPORT, INC., 46 River Street, New Haven, Conn. 06513. Applicant's representative: John C. Bradley, 618 Perpetual Bldg., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (1) from North Haven and New Haven, Conn., to points in New York, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont; and (2) from points in New Jersey and Delaware City, Del., to points in North Haven and New Haven, Conn., under continuing contracts with Axton-Cross Company, The Upjohn Company, and H. Krevit and Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Haven, Conn., or Washington, D.C.

No. MC 140501 (Sub-No. 1), filed December 23, 1974. Applicant: EDWARD CRAMBLETT, doing business as CRAMBLETT TRUCKING, Box 477, Scio, Ohio 43988. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinet and sink tops*, from North Township (Harrison County), Ohio, to points in Pennsylvania, New York, Massachusetts, Virginia, Indiana, Michigan, the District of Columbia, Kentucky, Connecticut, West Virginia, Maryland, New Jersey, and Delaware; (2) *materials* used in the manufacture of kitchen cabinet and sink tops (except commodities in bulk), from the destination states in (1) above, to North Township (Harrison County), Ohio; and (3) *insulation board and artificial fireplace logs*, between Sherrodsville, Ohio, on the one hand, and, on the other, points in Pennsylvania, Indiana, Illinois, Kentucky, Michigan, West Virginia, and New York, under a continuing contract or contracts with Scio Cabinet Company and Thermo Cast Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 140505, filed Dec. 16, 1974. Applicant: JOHN PETERSON, doing business as PLAZA TRUCKING CO., 60 North Street, East Peterson, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Athletic goods and camping equipment*, from La Guardia, Kennedy International Airport, N.Y., Newark International Airport, N.J., and piers in New York Harbor N.Y., to Tolland, Conn., under contract with Impecco Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140507, filed December 16, 1974. Applicant: PAUL J. WHITE, Route #1 (State Route 11-B), North Lawrence, N.Y. 12967. Applicant's representative: Richard V. Manning, 43 Market Street, Potsdam, N.Y. 13676. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bagged poultry and dairy feed* (except in bulk), from St. Albans, Vt., to Malone, Bombay, Massena, Hammond, Potsdam, and Madrid, N.Y., under a continuing contract or contracts with Madrid Agway Cooperative, Inc., Hammond Agway Cooperative, Inc., Potsdam Agway Cooperative, Inc., Bombay Agway Cooperative, Inc., Malone Agway Cooperative, Inc., and Massena Agway Cooperative, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 140515 (Sub-No. 1), filed December 23, 1974. Applicant: AMERITEX INC., 2103 Columbia, Plainview, Tex. 79072. Applicant's representative: William E. McCoy, 2218 Joliet, Plainview, Tex. 79072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and hide products*, from the plant and storage facilities of MBPXL Corporation at or near Friona, Tex., to Wilmington, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140516, filed December 20, 1974. Applicant: CYCLE'S TRANSPORT, INC., 4213 Wilson Boulevard, Arlington, Va. 22203. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, and motorcycle parts and accessories*, from Newark, Norwood, and Cherry Hill, N.J.; Norfolk, Va., and Baltimore, Md., to Arlington, Va., under a continuing contract or contracts with Cycle's, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140517, filed December 16, 1974. Applicant: ROBERT L. NORRIS AND JOHN G. SHOCKLEY, a Partnership, doing business as TRANSPORT STEEL, 1721 27th Street, Greeley, Colo. 80631. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel fence posts, rebars, barbed and baling wire, angles, smooth bars, T-bar stock, fence, nails, and welded fabric*, from the plantsite of Colorado Steel and Wire Company at or near Loveland, Colo., to points in Arizona, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; and (2) *raw materials* used in the manufacture of the above named commodities, from the destination states named above, to the plantsite at or near Loveland, Colo., under a continuing contract or contracts with Colorado Steel and Wire Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 140520, filed December 18, 1974. Applicant: HEFLIN INDUSTRIES, INC., 1111 West Maricopa Freeway, Phoenix, Ariz. 85001. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McCowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Floor tile, linoleum, adhesives, carpet, and carpet padding*, from Lancaster and Marietta, Pa., and Ringgold, Ga., to Phoenix, Ariz.; and (B) *textiles*, from Prattville, Ala., Shoemakersville, Pa., and Jefferson, S.C., to Casa Grande, Ariz., under a continuing contract or contracts with Arizona Textile Corp., and Black and Ryan Distributors.

NOTE.—Applicant holds common carrier authority in MC 138178 (Sub-No. 2) therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 140521, filed December 23, 1974. Applicant: RAU CARTAGE, INC., 1107 East Noble Street, Monroe, Mich. 48080. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Monroe, Mich., and Baltimore, Ohio, to points in Ohio and Michigan; (2) *scrap paper and waste paper*, from points in Ohio and Michigan to Monroe, Mich., and Baltimore, Ohio; (3) *shop handling equipment, skids, wood and metal platforms and stock boxes, lawn rollers, and steel castings*, from Monroe, Mich., to points in Ohio; (4) *foundry supplies, brick, carbide, and stone*, from points in Ohio to Monroe, Mich.; (5) *waste and scrap paper, and waste and scrap pulpboard*, from Monroe, Mich., to points in Ohio (except Circleville, Hamilton, Lockland, Middletown, and Rittman, Ohio, and their respective commercial zones as defined by the Commission); (6) *fertilizer*,

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from Lockland and Columbus, Ohio, to points in that part of Michigan on and south of Michigan Highway 55; (7) *starch* (except in bulk), from Harbor Beach, Mich., to Sharonville and Solon, Ohio, and Washington, Pa.; and (8) *agricultural pesticides* (except in bulk) from Columbus, Ohio, to points in that part of Michigan south of Michigan Highway 55.

NOTE.—Common control may be involved. Applicant states that the purpose of this application is to convert its contract carrier authority in MC 53321 and subs thereunder to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at either Detroit or Lansing, Mich., or Chicago, Ill.

No. MC 140522, filed December 23, 1974. Applicant: LUMBER TRANSPORT, INC., 1785 East US–23, East Tawas, Mich. 48730. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, prefabricated buildings, and components* thereof, and *roof trusses*, from East Tawas, Mich., to points in Illinois, Indiana, Ohio, and Pennsylvania; (2) *lumber*, from points on the International Boundary line between the United States and Canada located on the St. Mary's, St. Clair, and Detroit Rivers, to points in Michigan, Illinois, Indiana, Ohio, and Pennsylvania; and (3) *lumber*, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and Texas, to points in Michigan, Illinois, Indiana, Ohio, and Pennsylvania, under a continuing contract or contracts with Schaaf Lumber Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 140523, filed December 30, 1974. Applicant: DELCHER MOVING OF SOUTH FLORIDA, INC., 451 Redland Road, Homestead, Fla. 33030. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 140539, filed December 23, 1974. Applicant: TENNESSEE EXPRESS, INC., 22 Stanley Street, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and telephone equipment, materials, and supplies), between the plantsite of The Firestone Tire & Rubber Company in Rutherford County, Tenn., on the one hand, and, on the other, points in Davidson County, Tenn.

NOTE.—Applicant holds motor contract carrier authority in MC 136714 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

APPLICATIONS OF PASSENGER(S)

No. MC 107815 (Sub-No. 7) (amendment), filed August 5, 1974, published in the FEDERAL REGISTER issue of September 12, 1974, and republished as amended, this issue. Applicant: IOWA COACHES, INCORPORATED, 442 8th Avenue, Dubuque, Iowa 52001. Applicant's representative: M. M. Cooney, 705 Dubuque Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle as passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Dubuque, Farley, Dyersville, Manchester, Independence, Waterloo, Cedar Falls, Ackley, Iowa Falls, Webster City, Fort Dodge, Storm Lake, Sac City, Rockwell City, Cherokee, LeMars, Sioux City, Elkader, Strawberry Point, McGregor, and Cedar Rapids, Iowa, and Prairie du Chien, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to amend the authority originally requested. If a hearing is deemed necessary, applicant requests it be held at Des Moine, Iowa, or Omaha, Nebr.

FREIGHT FORWARDER APPLICATION(S)

No. FF 464 (Correction), filed December 3, 1974, published in the FEDERAL REGISTER issue of December 27, 1974, and republished as corrected this issue. Applicant: PARAMOUNT FORWARDERS, INC., 2164 Springfield Road, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods*, (b) *unaccompanied baggage*, and (c) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted in (c) above to the transportation of import-export traffic.

NOTE.—The purposes of this republication are (1) change FF 377 (Sub. No. 1) to FF 464; and (2) correct the restriction above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2042 Filed 1-22-75;8:45 am]

[Notice 220]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 12, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27735. By order of January 8, 1975, the Motor Carrier Board approved the transfer to Air Land Freight Consolidators, Inc., San Francisco, Calif., of that portion of the operating rights in Permit and Order No. 387 issued October 22, 1971, to Trans-Air Freight System, Inc., Jamaica, N.Y., authorizing operations as a freight forwarder, in interstate commerce, through the use of the facilities of common carriers of express by motor vehicle, in the transportation of general commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities which because of size and weight require special equipment, commodities in bulk, unaccompanied baggage, and motor vehicles), between points in the United States, including Alaska and Hawaii, restricted to the transportation of traffic having an immediately prior or subsequent movement by air in the domestic air forwarder service of Air Land Freight Consolidators, Inc., and subject further to the interpretation made in the report at 339 I.C.C. 17. Hylan Cooper, 450 Seventh Avenue, New York, N.Y. 10001, attorney for applicants.

No. MC–FC–35459. By order entered January 16, 1974, the Motor Carrier Board approved for a period of one year to Route Messenger Services, a corporation, Long Island City, New York, of that portion of the operating rights set forth in Certificate No. MC 1668, issued January 16, 1941, to Riteway Express, Inc., Westwood, N.J., authorizing transportation of general commodities, with the usual exceptions between points and places in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, Bloomingdale, Butler, Clifton, Haskell, Hawthorne, Midvale, Passaic, Pequannock, Pompton Plains, Pompton Lakes, Ringwood Manor, Riverdale, Wanaque, N.J., and points and places in Bergen County, N.J. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for lessee, and Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528, attorney for lessor.

No. MC–FC–75412. By order of 1–17–75, the Motor Carrier Board on reconsideration approved the transfer to Anderson Suburban Delivery, Inc., Youngstown, Ohio, of the operating rights in Certificate No. MC 119742 issued March 9, 1961, as corrected April 3, 1964, to United Parcel Delivery, Inc., Youngstown, Ohio, authorizing the transportation of such commodities as are dealt in by ladies' ready-to-wear stores, from Youngstown, Ohio, to points in Lawrence and Mercer Counties, Pa.; such commodities as are dealt in by wholesale and retail paper houses, from Youngstown, Ohio, to Sharon, Farrell, Sharpsville, and Wheatland, Pa.; such commodities as are dealt in by wholesale and retail hardware stores, from Youngstown, Ohio, to points in Lawrence, Mercer, Beaver, Butler, Crawford, Erie, and Venango Counties, Pa.; such commodities as are dealt in by mill supply houses and by wholesale and retail hardware houses, from Warren, Ohio, to points in Beaver, Butler, Crawford, Erie, Lawrence, Mercer, and Venango Counties, Pa.; agricultural limestone, from Bessemer, Pa., to Youngstown, Ohio, and flour, grains, feeds, salt, macaroni, soap, soap powders, vegetable shortening, paint, and chemicals, from Youngstown, Ohio, to points in Pennsylvania and Ohio within 90 miles of Youngstown. David H. Beaver, 8 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–75567. By order of January 6, 1975, the Motor Carrier Board approved the transfer to Louis G. Hannum, Jr., Pitman, N.J., of that portion of Certificate No. MC 49392 Sub 5 issued July 28, 1972, to Campbell's Moving Company, Inc., Trevose, Pa., authorizing the transportation of such merchandise as is dealt in by wholesale and retail department stores between Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., and points in that part of New Jersey within 30 miles of Camden. Franklin A. Wurman, Esq., 1400 Two Girard Plaza, Philadelphia, Pa. 19102.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–2163 Filed 1–22–75;8:45 am]

[Notice 221]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 12, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75399. By order entered 1–14–74, Division 3, acting as an Appellate Division, approved the transfer to Citizen Express, Inc., Asheville, N.C., of that portion of the operating rights set forth in Certificate No. MC 62824, issued by the Commission December 13, 1940, to Carolina Delivery Service Company, Inc., Charlotte, N.C., authorizing the transportation of motion picture film, supplies, and commodities used in the operations of motion picture theatres when moving to or from places of exhibition, between a specified area in North Carolina; and that portion of the operating rights set forth in said Certificate to Media Express, Inc., authorizing the transportation of motion picture film, supplies, and commodities used in the operation of motion picture theatres when moving to or from places of exhibition, between points in South Carolina, points in a specified area in North Carolina, Danville, Va., and Augusta, Ga., Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 75–2164 Filed 1–22–75;8:45 am]

[Notice 6 TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 304TA), filed January 9, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice concentrate*, in bulk, in tank vehicles, from Geneva, Ohio to Anaheim, Calif., for 180 days. Supporting shipper: The Coca-Cola Company Foods Division, P.O. Box 2079, Houston, Tex. 77001. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 15975 (Sub-No. 8TA), filed January 7, 1975. Applicant: BUSKE LINES, INC., 123 W. Tyler St., Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-unloading spreader truck bodies* set up, *and parts and attachments* therefor, *and tube type auger loaders and unloaders*, from Jerseyville, Ill., to points in the United States on and east of U.S. Highway 85, for 180 days. Supporting shipper: Louis C. Kral, General Manager, Kraus Mfg. and Equipment Company, P.O. Box 70, Jerseyville, Ill. 62052. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 40497 (Sub-No. 4TA), filed January 10, 1975. Applicant: LAWRENCE MOVING & STORAGE CO., P.O. Box 1194 (1930 J Street), Sacramento, Calif. 95806. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Used household goods*, (b)(1) Between points in Alpine and Amador Counties, Calif., and (2) Between points in Alpine and Amador Counties, Calif., on the one hand, and, on the other, points in El Dorado, Nevada, Placer, Sacramento, and Yolo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 150 days. Supporting shipper: Department of Defense, Regulatory Law Office, Department of the Army, Washington, D.C. 20310. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 69492 (Sub-No. 45TA), filed January 6, 1975. Applicant: HENRY EDWARDS, doing business as HENRY ED-

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WARDS TRUCKING COMPANY, Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, (a) from Detroit, Mich., to Dresden, Dyersburg, and Jackson, Tenn., (b) from Peoria, Ill., to Martin, Tenn., (c) from St. Joseph, Mo., to Memphis, Tenn., (2) *Lime*, in bulk, from Jonesboro, Ill., to points in Obion County, Tenn., for 150 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 89617 (Sub-No. 16TA), filed January 10, 1975. Applicant: LEWIS TRUCK LINES, INCORPORATED, Rt. 6, Box 65–A, Conway, S.C. 29526. Applicant's representative: Franck A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap Brass* in the form of chips and shavings and (2) *brass rods*, (1) from the plant site of American Gear & Pinion Corp., near Conway, S.C., to the plant site of Mueller Brass Co., at Port Huron, Mich., and (2) from the plant site of Mueller Brass Co., at Port Huron, Mich., to the plant site of American Gear & Pinion Corp., near Conway, S.C., for 180 days. Supporting shipper: American Gear & Pinion Corp., P.O. Box 267, Conway, S.C. 29526. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens, Columbia, S.C. 29201.

No. MC 111397 (Sub-No. 111TA), filed January 9, 1975. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, requiring special disposition, *and nonradioactive waste materials*, requiring special disposition for ecological purposes; from the cities of San Francisco and Eureka, and the counties of San Francisco, Alameda, Solano, Contra Costa, Santa Clara, San Mateo, Sacramento, San Diego, Los Angeles, and Orange, California; Cimarron, Oklahoma, Albuquerque, New Mexico, to burial site of Nuclear Engineering Company near Beatty, Nevada, for 180 days. Supporting shipper: Nuclear Engineering Company, Inc., 9200 Shelbyville Road, P.O. Box 7246, Louisville, Ky. 40207. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

No. MC 111729 (Sub-No. 495TA) filed January 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, and medical isotopes, and related supplies and accessories*, between Arlington Heights, Ill., on the one hand, and, on the other, points in New Jersey; *replacement parts* for business machines and computers, restricted against the transportation of packages or articles weighing in the aggregate more than 35 pounds from one consignor to one consignee on any one day, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading, and Wilkes-Barre, Pa., restricted to traffic having a prior or subsequent movement by air, *business papers, records, and audit and accounting media of all kinds*, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading, and Wilkes-Barre, Pa., restricted to traffic having a prior or subsequent movement by air, for 180 days. Supporting shippers: Amersham Searle, 2636 S. Clearbrook Drive, Arlington Heights, Ill. 60005, National Cash Register, 456 Union Avenue, Allentown, Pa. 18103. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136201 (Sub-No. 3TA), filed January 10, 1975. Applicant: ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., 1524 Lockwood Road, Billings, Mont. 59101. Applicant's representative: Hugh Sweeney, Hibbs, Sweeney & Colberg, Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, in tank vehicles, from Billings, Mont., to points and places in South Dakota, for 180 days. Supporting shipper: Standard Chemical Manufacturing Company, P.O. Box 3844, Omaha, Nebr. 68103. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 138274 (Sub-No. 14TA), filed January 9, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendering house products*, from the plantsite of C.U.I. International located at or near Boise, Idaho, to points in Washington, Oregon, California, Nebraska, and Colorado, for 180 days. Supporting shipper: C.U.I. International (Division of Beatrice Foods Co.), Nampa, Idaho 83651. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138741 (Sub-No. 15TA), filed January 9, 1975. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials and supplies* used in the installation thereof, and materials, equipment, and supplies used in the manufacture or shipping of roofing and building materials (except commodities in bulk, in tank vehicles), between the plantsite of Building and Industrial Products Division of G.A.F. Corporation located at Kansas City, Mo., on the one hand, and, on the other points in Brown, Pottawatomie, Atchison, Leavenworth, Waubaunsee, Osage, Johnson, Franklin, Coffey, Linn, Doniphan, Jackson, Jefferson, Wyandotte, Shawnee, Douglas, Lyon, Miami, and Anderson Counties, Kansas, for 180 days. Supporting shipper: James Dirkee, Plant Traffic Manager, G.A.F. Corporation, 7600 E. 15th Street, Kansas City, Mo. 64126. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138741 (Sub-No. 16TA), filed January 9, 1975. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials and supplies* used in the installation thereof, and materials, equipment, and supplies used in the manufacture or shipping of roofing and building materials (except commodities in bulk, in tank vehicles), between the plantsite of Building and Industrial Products Division of G.A.F. Corporation located at Kansas City, Mo., on the one hand, and, on the other points in Brown, Pottawatomie, Atchison, Leavenworth, Waubaunsee, Osage, Johnson, Franklin, Coffey, Linn, Doniphan, Jackson, Jefferson, Wayandotte, Shawnee, Douglas, Lyon, Miami, and Anderson Counties, Kansas, for 180 days. Supporting shipper: James Dirkee Plant Traffic Manager, G.A.F. Corporation, 7600 E. 15th Street, Kansas City, Mo. 64126. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138875 (Sub-No. 24TA), filed January 10, 1975. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh & Associates, 1134 No. Orchard, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, from the plantsites of Western & Southern Mining and Minerals, Inc., at Weiser, Idaho and near Westfall (Malheur County) Oregon to ports and docks in Oregon, Washington & California for delivery to ocean vessels, for 180 days. Supporting shipper: Western & Southern Mining and Minerals, Inc., P.O. Box 831, Weiser, Idaho 83672. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 138392 (Sub-No. 1TA), filed January 8, 1975. Applicant: PETER J. BATTAGLIA AND ROGERT LARA, doing business as LINALE DRAYING COMPANY, 1960 Jerrold Avenue, San Francisco, Calif. 94124. Applicant's representative: (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, return with potatoes which are exempt per Section 203(b)(6) from San Francisco, Calif., to Klamath Falls, Springfield, and Redmond, Oregon, for 180 days. Supporting shipper: A. Lucas, Buyer Merchandise, Canned Foods, Inc., 1315 Folsom Street, San Francisco, Calif. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif.

No. MC 140471 (Sub-No. 1TA), filed January 9, 1975. Applicant: R. J. C. TRANSPORT CORP., 23 North Main Street, Pearl River, N.Y. 10965. Applicant's representative: Robert Logan, 117 South Main Street, Nanuet, N.Y. 10954. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture and sale of its business by the Burroughs Corporation, between the plantsites of the Burroughs Corporation located in City of Industry, California, Bardstown, Kentucky, Park Ridge, New Jersey, and Birmingham, Alabama, and its commercial zone; Los Angeles, California, and its commercial zone; Toland, Connecticut; Bardstown, Lexington, Louisville, Kentucky, Carlstodt, Park Ridge, Trenton, New Jersey; Cincinnati, Ohio, and its commercial zone; Conshohocken, Harrisburg, Pennsylvania; Dallas, Texas, and its commercial zone, for 180 days. Supporting shipper, Burroughs Corporation, 76 Park Avenue, Park Ridge, N.J. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140473 (Sub-No. 1TA), filed January 10, 1975. Applicant: BARIBAULT OIL CO., INC., doing business as LYMAN BULK TRANSPORT, 610 Main Street, Watertown, Conn. 06702. Applicant's representative: John F. Phelan, 111 West Main Street, Waterbury, Conn. 06702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand and gravel*, in bump vehicles, for the account of McCleary Bros., Inc., from Woodbury, Conn., to Somers, N.Y., with no return for compensation, for 180 days. Supporting shipper: McCleary Bros., Inc., 974 Main Street, Watertown, Conn. 06795. Send protests to: Bureau of Operations, Interstate Commerce Commisison, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 140501 (Sub-No. 2TA), filed January 10, 1975. Applicant: EDWARD CRAMBLETT, doing business as ED CRAMBLETT TRUCKING, Box 477, Scio, Ohio 43988. Applicant's representative: Richard H. Brandon, 79 E. State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinet sink tops*, from Scio, Ohio, to points in Pennsylvania, New York, West Virginia, Maryland, and New Jersey; (2) *materials and supplies used in the manufacture of kitchen cabinet sink tops*, from Oakmont, Pa., Triadelphia, West Virginia, Odenton, Maryland, and Kearny, New Jersey, to Scio, Ohio (except commodities in bulk), (3) *insulation board*, from Carnegie, Pa., to Sherrodsville, Ohio, and from Sherrodsville, Ohio, to Huntington, Ind., for 180 days. Supporting shippers: Scio Cabinet Company, Box 526, Scio, Ohio. Thermo-Cast Industries, Inc., P.O. Box 212, Sherrodsville, Ohio. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 140535 (Sub-No. 1TA), filed January 10, 1975. Applicant: RAYMOND ADAMSON, Box 42, Gainesville, Mo. 65655. Applicant's representative: Turner White, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic saw shavings, plastic grindings, and scrap plastic material*, from Waco, Tex., Oklahoma City, Okla., Mountain Home and Brinkley, Ark., McPherson, Kans., and Social Circle, Ga., to Gainesville, Mo., for 180 days. Supporting shipper: Bryant Plastics, Inc., Gainesville, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140540 TA, filed January 10, 1975. Applicant: L. MONTGOMERY, INC., 4 Tilton Avenue, Red Bank, N.H. 07721. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Styrofoam products, plastic lids, plastic tumblers, plastic plates, and plastic utensils*, from the plantsite of Thompson Industries Co., New Shrewsbury, N.J., to points in Connecticut, Delaware, Maryland, New York, and Pennsylvania, for 180 days. Supporting shipper: Thompson Industries Co., P.O. Box 395, Eatontown, N.J. 07724. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2160 Filed 1-22-75;8:45 am]

[Notice 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 16, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21455 (Sub-No. 35TA), filed January 13, 1975. Applicant: GENE MITCHELL CO., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat starches and protein* (except in bulk), from ports of entry at Grand Portage, Minn., and Champlain, N.Y., to Chicago and Schaumberg, Ill., Terre Haute, Ind., Kansas City, Mo., Yonkers, N.Y., and Columbus and Worthington, Ohio, for 180 days. Supporting shipper: Industrial Grain Products, P.O. Box 6089, Montreal, Quebec, Canada H3C3H1. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 75816 (Sub-No. 5TA), filed January 13, 1975. Applicant: STONY'S TRUCKING CO., P.O. Box 277, 11550 Youngstown-Akron Road, North Jackson, Ohio 44451. Applicant's representative: James Duvall, Esq., P.O. Box 97,

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220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestressed concrete slabs and abutments*, on extendable trailers, from the facilities of Structural Concrete Systems, Inc., Bellaire-Neffs Road, Bellaire, Belmont County, Ohio, to points in W. Va. for 180 days. Supporting shipper: Structural Concrete Systems, Inc., P.O. Box 309, Bellaire, Ohio 43906. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 123405 (Sub-No. 39TA), filed January 13, 1975. Applicant: FOOD TRANSPORT, INC., R. D. #1, Thomasville, Pa. Applicant's representative: Christian V. Graf, 407 N. Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrol-chemicals), in containers, from New Kensington, Westmoreland County, Pa., and McKees Rocks, Allegheny County, Pa., to points in Florida and Georgia, for 180 days. Supporting shipper: Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138438 (Sub-No. 11TA), filed December 27, 1974. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Drive, Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Martinsburg, W. Va., to points in Pennsylvania, Delaware, New Jersey, New York, Connecticut, and Massachusetts, for 180 days. Supporting shipper: Wilkes Barre Clay Products Co., 140 Dilly Street, Forty Fort, Penn. 18704. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 138607 (Sub-No. 3TA), filed January 13, 1975. Applicant: P & N TRUCK SERVICE, INC., 2821 Orindale Road, Klamath Falls, Oreg. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage*, from Phoenix, Ariz., to points in Oregon and Washington, for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140538 (Sub-No. 1TA), filed January 8, 1975. Applicant: LESLIE NORMAN FRED, doing business as NORMAN FRED, R.F.D. #1, DeSoto, Ill. 62924. Applicant's representative: John G. Gilbert, P.O. Box 1058, 231 West Main, Carbondale, Ill. 62901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products, including cream, ice cream mix, cottage cheese, butter, ice creams, milk powder and milk substitutes, containers for dairy products*, between Carbondale, Ill., on the one hand, and, on the other, points in Cape Girardeau, Mo., Scott, Stoddard, and St. Louis Counties, Mo. for 180 days. Supporting shipper: Harold Hauter, Comptroller, Prairie Farms Dairy, Inc., 1100 North Broadway, Carlinville, Ill. 62626. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2418, Springfield, Ill. 62705.

No. MC 140541 TA, filed January 13, 1975. Applicant: AVANT TRUCKING COMPANY, INC., P.O. Box 216, Gray, Ga. 31032. Applicant's representative: T. Baldwin Martin, Sr., P.O. Box 4987, 700 Home Federal Bldg., Macon, Ga. 31208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime and similar agricultural commodities*, in dump trucks, from United States Steel Corporation in Jefferson City, Tenn., to all points in Georgia, for 180 days. Supporting shipper: Georgia Wholesale Lime Dealers, Inc., P.O. Box 216, Gray, Ga. 31032. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 140542 TA, filed January 10, 1975. Applicant: JACK C. CLAYTON, doing business as C & C AIRFREIGHT, Route 3, Box 3205, Kennewick, Wash. 99336. Applicant's representative: Boyd Hartman, Suite 804, 10655 NE. 4th St., Bellevue, Wash. 98004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Freight*, having an immediate prior or immediate subsequent air movement, between Pasco, Wash., and Pasco International Airport on the one hand, and Walla Walla, Wash., and a 25 mile radius thereof on the other, for 180 days. Supporting shipper: Hughes Airwest, International Airport, Portland, Oreg. 97218. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

APPLICATION OF PASSENGER

No. MC 134415 (Sub-No. 3TA), filed January 15, 1975. Applicant: PERDUE INCORPORATED, P.O. Box 1537, Salisbury, Md. 21801. Applicant's representative: Wendy Phillips (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from points in Worcester, Wicomico, and Somerset Counties, Md., to Perdue Incorporated, Accomac, Va., for 180 days. Supporting shipper: Perdue Incorporated, P.O. Box 1537, Salisbury, Md. 21801. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20432.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2162 Filed 1-22-75;8:45 am]

[Notice 8]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 17, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13900 (Sub-No. 24TA), filed January 13, 1975. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: William E. Gibbs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which at the time are moving on bills of lading of freight forwarders, as defined in Section 402(a) of the Act. Between Memphis, Tennessee, and its commercial zone, on the one hand, and, on the other, Boston, Mass., New York, N.Y., Newark and Trenton, N.J., Harrisburg and Philadelphia, Pa., Baltimore, Md., and Washington, D.C., and points in their respective commercial zones, for 180 days. Supporting shipper(s): (1) Acme Fast Freight, Inc., 3750 W. 47th St., Chicago, Ill. 60632. (2) Universal Carloading & Dist. Co., 345 Hudson Street, New York, N.Y. 10014. (3) National Carloading Corporation and its Operating Division ABC–Trans National Transport, 201 Eleventh Ave., New York, N.Y. 10001. (4) Springmeier Shipping Company, 123 Hadley St., St. Louis, Mo. 63101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations—Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 30844 (Sub-No. 524TA), filed January 14, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Coffeyville, Kans., to Lexington, Ky., Hudsonville, Mich., and Philadelphia, Penn., for 180 days. Supporting shipper: Coffeyville Packing Company, Inc., 14th & Read Streets, Coffeyville, Kans. 67337. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 52460 (Sub-No. 163TA), filed January 13, 1975. Applicant. ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt, beverages and related advertising material, and empty containers* on return, from Memphis, Tenn., to Hannibal, Mo., and from Belleville, Ill., to Mannibal, Mo., for 180 days. Supporting shipper: Med Park Distributing Company, Med Park, Owner, 1220 Broadway. Hannibal, Mo. 63401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 100666 (Sub-No. 288TA), filed January 16, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, Louisiana 71107. Applicant's representative: Wilburn L. Williamson, Dykeman, Williamson, & Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Union City, Ga., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, and Tenn., for 180 days. Supporting shipper: Richmond Lumber, Inc., P.O. Box 691, Union City, Ga. 30291, Raymond L. Harbin, Vice President. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T–9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, Louisiana 70113.

No. MC 106743 (Sub-No. 12TA), filed January 13, 1975. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., P.O. Drawer 1568, Dothan, Ala. 36301. Applicant's representative: Robert S. Richard, P.O. Box 2069, Montgomery Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, as unaccompanied baggage*, between points and places in the following Alabama counties: Calhoun, Clay, Cleburne, Cherokee, Etowah, Randolph, St. Clair, Talladega, and DeKalb. Restriction: Transportation restricted to traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operating are restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper(s): Department of Defense Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 982TA), filed January 14, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's rperesentative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum resin* (in bulk, in tank vehicles), from Burlington, Iowa, to Decatur, Alabama, and points within its commercial zone, for 180 days. Supporting shipper: Midwest Manufacturing Corporation, P.O. Box 189, Burlington, Iowa 52601. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 383TA), filed January 13, 1975. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified natural gas*, in bulk, in tank vehicles, from Chattanooga, Tenn., to Easley, S.C., for 180 days. Supporting shipper: Fort Hill Natural Gas Authority, P.O. Box 272, Easley, S.C., 29640. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth Street, Chicago, Ill. 60604.

No. MC 111729 (Sub-No. 498TA), filed January 7, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media*, from Dothan and Ozark, Ala.; Dalton, Dawson, Fitzgerald, Manchester, Milledgeville, Moultrie, Toccoa, and Winder, Ga.; Myrtle Beach, S.C.; Cookeville, Tenn.; and Bluefield, W. Va., to Durham, N.C., for 180 days. Supporting shipper: General Telephone Company of the Southeast, P.O. Box 1412, Durham, N.C. 27702. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119619 (Sub-No. 79TA), filed January 13, 1975. Applicant: DISTRIBUTORS SERVICE CO., 2000 W 43rd St., Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk). From the plantsites and storage facilities of Circle "C" Beef Co. at or near Denver, Colo., to all points in the Continental United States. (2) *meats, fresh and frozen, and materials and supplies* used in the manufacturing, preparation, processing, selling, and distribution of the commodities shown in (1) above. From all points in the Continental United States to the plantsites and storage facilities of Circle "C" Beef Co., at or near Denver, Colo., for 180 days. Supporting shipper(s): Circle "C" Beef Company, 5800 York St., P.O. Box 16424, Denver, Colo. 80216. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 135364 (Sub-No. 21TA), filed January 8, 1975. Applicant: MORWALL TRUCKING, INC., Box 76–C, R.D. #2, Moscow, Pa. 18444. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used in the manufacture of pressure sensitive adhesive coated paper, aluminum coated insulation facings, and gummed reinforced sealing tape, from Fitchburg and Pepperell, Mass., Ashton, R.I., and Bellows Falls, Vt., to the facilities of Compac Corporation at Netcong and Monmouth Junction, N.J., for 180 days. Supporting shipper: Compac Corporation, Black Horse Lane, Monmouth Junction, N.J. 08852. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

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No. MC 128944 (Sub-No. 15TA), filed January 14, 1975. Applicant: RELIABLE TRUCK LINES, INC., 716 South 37th Street, Birmingham, Ala. 35222. Applicant's representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives, and commodities requiring special equipment), between Birmingham, Ala., and Chattanooga, Tenn., over Interstate Highway 59 (and also over U.S. Highway 11), serving the intermediate points of Gadsden and Attalla, Ala., including the commercial zones of each of these four named points, for 180 days. Supporting shippers: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 136711 (Sub-No. 14TA), filed January 10, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 S. High, P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the plantsites of United Coal Corp., near Inola, Okla., & Okar Energy, Inc., near Shady Point, Okla., and Greene County Coal Co., near Krebs, Okla., to the plantsites of Tharp Bros., Inc., Pangburn, Ark., and Arkansas Lightweight Aggregate Corp., near England, Ark., for 180 days. Supporting shippers: Tharp Bros., Inc., Vernon Tharp, Pres., Pangburn, Ark. Arkansas Lightweight Aggregate Corp., W. J. Ramsey, Plant Mgr., P.O. Box 99, England, Arkansas 72046. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 136711 (Sub-No. 15TA), filed January 10, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 South High, P.O. Box 95818, Oklahoma City, Okla. 73112. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the plantsite of Lamb Coal Co., Thayer, Kansas, to the plantsite of Associated Electric Co-op at Moberly, Mo., and the plantsite of St. Joseph Lite & Power Co., St. Joseph, Mo., for 180 days. Supporting shipper: Lamb Coal Co., R. C. Lamb, President, P.O. Box 157, Thayer, Kans. 66776. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 Third, Oklahoma City, Okla. 73102.

No. MC 136711 (Sub-No. 16TA), filed January 13, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 South High (P.O. Box 95181), Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, (1) from the plantstite of Buildex Incorporated at Ottawa, Kansas, to the plantsite of Makins Concrete Co. at Oklahoma City, Okla., and (2) from the plantsite of Arkansas Lightweight Aggregate Corp., near England, Ark., to the plantsite of Ada Block Co., at Ada, Okla., for 180 days. Supporting shippers: Makins Concrete Company, Hugh M. Smith, Plant Mgr., 100 SE. 4th, Oklahoma City, Okla. 73102. Ada Block Company, Sam Archer, Jr., Owner, P.O. Box 1562, Ada, Okla. 74820. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 140500 (Sub-No. 1TA), filed January 13, 1975. Applicant: EVERETT TRUCKING, INC., P.O. Box 56, Mount Vernon, Wash. 98274. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty foods*, consisting of tortilla and taco shells, requiring temperature control, from Richmond, California, to points in Oregon and Washington, for 180 days. Supporting shipper: Toltec Foods, Inc., 380 Carlson Blvd., Richmond, Calif. 94804. Send protests to: L. C. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commision, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 140543 (Sub-No. 2TA), filed January 13, 1975. Applicant: FRANK GARRETSON, R.R. #2, Morrison, Tenn. 37357. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Georgia and Tennessee, to the plant or storage facilities of the Mead Corporation, located in Jackson County, Ala., for 180 days. Supporting shipper: The Mead Corporation, Talbott Tower, Dayton, Ohio 45402. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A–422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 140544 (Sub-No. 1TA), filed January 13, 1975. Applicant: ARLO R. MILLER AND WILLARD D. NEBEKER, doing business as M & N TRUCKING, P.O. Box 267, Afton, Wyo. 83110. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and nonmetallic ores*, including but not restricted to phosphate and vanadium ore, in bulk, in dump vehicles, between points in Lincoln and Sublette Counties, Wyo., on the one hand, and on the other points in Caribou and Bear Lake Counties, Idaho, for 180 days. Supporting shipper: Chemical Distributors, P.O. Box 68, Montpelier, Idaho 83254. Send protests to: P. A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140550 TA, filed January 13, 1975. Applicant: JAMES RICHARD BROUSTER, doing business as DICK AND SUE'S TAXI SERVICE, Route One, Heavener, Okla. 74937. Applicant's representative: (same as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Employees of the Kansas City Southern Railway Company*, from Heavener, Okla., to DeQueen, Ark., via U.S. 59 and infrequently between Heavener, Okla., and Fort Smith, Ark., via U.S. 59 & 271; also infrequently between Heavener, Okla., and Waldron, Ark., via Oklahoma 128 and Ark., 28, for 180 days. Supporting shipper: The Kansas City Southern Railway Company, 114 W. 11th Street, Kansas City, Mo. 64105. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2161 Filed 1-22-75;8:45 am]

federal register

THURSDAY, JANUARY 23, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 16

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

COMMITTEE MANAGEMENT

Notice of Proposed Rulemaking

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 11]

COMMITTEE MANAGEMENT

Notice of Proposed Rule Making

Notice is hereby given of proposed Department regulations implementing the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I et seq. and Office of Management and Budget Circular No. A-63, 39 FR 12389, April 5, 1974. The regulations will govern the formation and utilization of all advisory committees within the Department's administrative jurisdiction.

Section 11.2 contains definitions of words and terms used in later sections of the regulations and § 11.3 expresses the general policies underlying the regulation. Section 11.4 specifies procedures which must be met in establishing, terminating, and continuing advisory committees including provisions governing the chartering and reporting of all such bodies.

Section 11.5 provides rules governing meetings, public participation therein, the keeping of minutes and other records of meetings, and public access to committee records and § 11.6 establishes remedy in the event of denial of access.

Section 11.7 requires the Department to provide necessary staff and other resources for committees within its administrative jurisdiction; appropriate Department officials to maintain records fully disclosing the disposition of all funds at the disposal of a committee; and establishes guidelines for compensating committee members and staff for their services and expenses.

Section 11.8 provides a method for the submission of advisory committee reports and other documents to the Library of Congress; § 11.9 places responsibility for the conduct of an annual review and report thereon of all advisory committees on the Department Committee Management Officer; and § 11.10 provides for the designation by the Secretary of a Department employee to implement this regulation.

Prior to the final adoption of these proposed rules, consideration will be given to any data, views, or arguments, pertaining thereto which are submitted in writing on or before March 10, 1975.

Comments should be addressed to:

Department Committee Management Officer, Department of Health, Education, and Welfare, Room 4036 North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

Comments received will be available for inspection at the Department's Information Center, Room 5319 at the above address.

Dated: January 17, 1975.

CASPAR W. WEINBERGER,
Secretary.

PART 11—COMMITTEE MANAGEMENT

Sec.
11.1 Scope.
11.2 Definitions.
11.3 General policies.
11.4 Guidelines for the creation and renewal of advisory committees.
11.5 Operation of advisory committees.
11.6 Administrative remedies.
11.7 Administration of advisory committees.
11.8 Submission of reports to the Library of Congress.
11.9 Annual review; periodic reports.
11.10 Department committee management officer.

AUTHORITY: 86 Stat. 770, 5 U.S.C. App. I et seq. and Office of Management and Budget Circular A-63, 39 FR 12389, April 5, 1974.

§ 11.1 Scope.

(a) This part contains the Department's regulations implementing the Federal Advisory Committee Act.

(b) The regulations provided under this part apply to all advisory committees providing advice to the Department or any of its officials except to the extent that statutory provisions governing an advisory committee may specifically provide otherwise.

§ 11.2 Definitions.

(a) "Act" means the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I et seq.).

(b) "Advisory committee," subject to exclusions described in paragraph (b)(3) of this section means any committee, board, commission, council, conference, panel, task force, or other similar group or any subcommittee or other subgroup thereof which is established by statute or reorganization plan; or established or utilized by the Department in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government.

(1) In determining whether a group is an advisory committee, the following factors will be utilized:

(i) Fixed membership including at least one person who is not a full-time Federal employee;

(ii) Establishment by a Federal official or law; or if not Federally established, the initiative for its use as an advisory body for the Federal Government comes from a Federal official rather than from a private group;

(iii) A purpose of providing advice regarding a particular subject or particular subjects;

(iv) An organizational structure (e.g., officers and a staff;

(v) Regular or periodic meetings.

(2) The functions of an advisory committee are to be solely advisory. Where a group provides some advice to the Department, but the group's advisory function is incidental and inseparable from other (e.g., operational) functions, the provisions of this part do not apply. However, if the advisory function is separable, the group is subject to this part to the extent that the group operates as an advisory committee.

(3) Groups excluded from the effect of the provisions of this part include:

(i) Any committee which is composed wholly of full-time officers or employees of the Federal Government;

(ii) Any committee which is exclusively operational in nature (e.g., has functions which include making or implementing decisions, as opposed to the offerings of advice or recommendations);

(iii) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program;

(iv) Any State or local committee or similar group established to advise State or local officials or agencies;

(v) The term "advisory committee" is not intended to include persons or organizations which have contractual relationships with the Department except in those cases where the criteria described in paragraph (b)(1) of this section are present.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Secretary" means the Secretary of Health, Education, and Welfare, or his designee.

(e) "OMB Secretariat" is the office within the Office of Management and Budget to administer the provisions of OMB Circular A-63.

(f) "Presidential advisory committee" means an advisory committee which advises the President.

(g) "Statutory advisory committee" is one established by the Congress or required to be established by the Congress.

(h) "Non-statutory advisory committee" is one established by the President or other Federal officer, including a committee which was authorized by, but not established by or required to be established by statute.

§ 11.3 General policies.

(a) In interpreting this part, Department officials will be guided by the Act and the intent of Congress in enacting the Act. These considerations include:

(1) Limiting the number of advisory committees to those that are essential and terminating any committee not fulfilling its purpose;

(2) Insuring effective use of advisory committees and their recommendations, while assuring that decisionmaking authority is retained by the responsible Department officers;

(3) Providing clear goals, standards and uniform procedures with respect to creation, operation, and duration of committees;

(4) Insuring that adequate information is provided to the President, the Congress and the public regarding advisory committees, and

(5) Insuring adequate opportunities for access by the public to advisory committee meetings.

(b) Department officials will be guided by the HEW Standards of Conduct (45 CFR 73.735), the Federal Personnel Manual, and the Federal Conflict of Interest statutes (18 U.S.C. 201 et seq.), in preventing conflicts of interest or appearance of conflicts of interest on the part of Department employees concerned with advisory committees, advisory committee members and staff, and consultants and experts concerned with advisory committees.

§ 11.4 Guidelines for the creation and renewal of advisory committees.

(a) Advisory committees will be established by the Department only when they are determined to be essential. Their number will be kept to the minimum necessary. They will be terminated when they are no longer carrying out the purposes for which they were established or such purposes are no longer regarded as necessary to the operation of the Department.

(b) No advisory committee shall be established or renewed unless such establishment or renewal is specifically authorized by statute, or established by statute or the President, or determined as a matter of formal record by the Secretary (after written consultation with the OMB Secretariat) to be in the public interest in connection with the performance of duties imposed on the Department by law. In seeking such determination by the Secretary, the responsible official requesting establishment or continuance of an advisory committee will make a request in writing to the Secretary. The request shall describe the nature or purpose of the proposed committee and the reasons why it is needed, including an explanation of why the functions of the proposed committee cannot be performed by Department employees, by an existing committee, or by some other means.

(c) No advisory committee shall meet or take any action until:

(1) The establishment or renewal of the committee, in appropriate instances, has been approved by the OMB Secretariat;

(2) A formal charter has been approved by the Secretary;

(3) Public announcement of its establishment or renewal has been made in the FEDERAL REGISTER, at least fifteen days prior to the filing of the committee's charter with the Congress;

(d) Copies of the charter will be provided by the Department Committee Management Officer to the appropriate standing committees of the Senate and House of Representatives and to the Library of Congress. In the case of Presidential Committees a copy of the charter will also be provided to the Office of Management and Budget. The charter shall be in a form prescribed by the Department Committee Management Officer and shall contain the following information:

(1) The committee's official designation;

(2) The committee's objectives and the scope of its activity;

(3) The period of time necessary for the committee to carry out its purpose;

(4) The official to whom the committee reports;

(5) The person responsible for providing the necessary support for the committee;

(6) A description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(7) The estimated annual operating costs in dollars and man-years for such committee;

(8) The estimated number and frequency of committee meetings;

(9) The committee's termination date, if less than two years from the date of the committee's establishment; and

(10) The date the charter is approved by the Secretary.

(e) With regard to subgroups, if all of its members are members of the parent committee, requisite information may be set forth in the charter of the parent committee. In the event a subgroup includes members who are not all drawn from the parent committee, it must be separately chartered. In addition, if not incorporated in the charter of the parent committee, subgroups must be separately chartered.

(f) No advisory committee will be created if its functions could otherwise be performed effectively within the Department or by an existing committee.

(g) The membership of an advisory committee shall be fairly balanced in terms of the points of view represented and the committee's functions.

(h) No strict rule of proportional representation of the various types of groups is applicable. However, in regard to the selection of committee members, there shall be no discrimination on the basis of race, color, national origin, religion, age or sex.

(i) Appropriate safeguards shall be taken to assure that an advisory committee's advice and recommendations will not be inappropriately influenced by any special interest, but will instead be the result of the advisory committee's independent judgment.

(j) Each advisory committee shall prepare an annual report describing its membership, functions, recommendations and other actions. A copy of the report shall be submitted to the Department Committee Management Officer. This report will be made available by the Department Committee Management Officer to the public upon request.

(k) Unless specifically provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. For purposes of this provision, "Presidential directive" refers to an executive order, executive memorandum or an OMB directive.

(l) When an advisory committee has both advisory and operating functions and the two types of functions are separable, this part shall apply only to the advisory functions.

(m) Decisions regarding actions or policies relating to matters dealt with by a Department advisory committee shall be made solely by Department officials.

(n) No Department advisory committee which was in existence on January 5, 1973 will continue to exist after January 5, 1975 unless renewed prior to that date by action of the Congress, the President, or the Secretary, as appropriate. In the case of a committee continued by the Congress or the President beyond its scheduled termination date, a charter must be approved by the Secretary and the requirements set forth in paragraph (c) of this section complied with before any meeting is held. To renew a committee the Secretary shall determine that such renewal is necessary and inform the OMB Secretariat of his determination and the reasons for it. Renewal determinations shall be made not more than sixty days before the scheduled date of termination. If the OMB Secretariat concurs, the Department Committee Management Officer shall notify the responsible Department officials who shall publish notice of the renewal in the FEDERAL REGISTER. A new charter shall also be approved by the Secretary.

(o) Any advisory committee which is renewed may continue for no more than a two-year period unless prior to the expiration of that period it is renewed for another two-year period in accord with the above provisions.

(p) Each advisory committee established by the President or the Secretary after January 5, 1973, shall terminate not later than two years after its establishment unless prior to that time it is renewed by appropriate action.

§ 11.5 Operation of advisory committees.

(a) *Meetings.* The provisions of this section shall apply to meetings of all Department advisory committees and all subgroups.

(1) *Calling of meetings and agenda.* (i) No advisory committee shall hold any meetings except at the call of or with the advance approval of the designated Department official.

(ii) No meeting shall be held in the absence of a quorum. Unless otherwise established in the charter of the committee, a quorum shall consist of a majority of the committee's authorized membership.

(iii) Each meeting of an advisory committee shall be conducted in accordance with an agenda approved by the designated Department official. Ordinarily, copies of the agenda shall be distributed to the members of the committee prior to the date of the meeting. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b).

(2) *Notice of meeting.* (i) Except when the Director of the Office of Management and Budget determines otherwise for reasons of national security, or except as otherwise provided herein, no-

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tice of each advisory committee meeting shall be published in the FEDERAL REGISTER at least fifteen days prior to the meeting. The fact that a meeting is closed to the public pursuant to paragraph 10(d) of Pub. L. 92–463 does not affect the foregoing requirement.

(*a*) The notice shall state the name of the advisory committee, the time and place of the meeting, and the purposes of the meeting and shall include a summary of the agenda.

(*b*) The notice shall state the extent to which the public will be permitted to attend or participate in the meeting. If the meeting will be closed to the public, the notice shall also state the reasons for closing, including appropriate citation to the Freedom of Information Act.

(*c*) This notice shall be provided by the Department official, or his designee, to whom the advisory committee reports. In the case of a Presidential advisory committee this notice shall be provided by the Executive Secretary of the committee.

(ii) In addition to notice in the FEDERAL REGISTER, other forms of notice shall be used to the extent practicable.

(iii) When a meeting must be called without fifteen days notice being given, the following steps shall be taken, to the extent possible:

(*a*) Advance notice shall be published in the FEDERAL REGISTER.

(*b*) Other forms of notice should be utilized whenever practicable.

(*c*) In the case of meeting notices published in accordance with paragraphs (a)(2)(iii) and (*a*) and (*b*) of this section, the notice must contain an explanation for the failure to give fifteen days notice.

(3) *Public participation at meetings.* (i) Subject to the exceptions described in paragraph (a)(6) of this section each advisory committee meeting shall be open to the public, and interested persons shall be permitted to attend, appear before, or file statements with any advisory committee.

(ii) The Executive Secretary of each committee shall, with respect to any advisory committee meeting, all or part of which is open to the public, assure compliance with the following rules:

(*a*) Meetings shall be held at reasonable times and places that are reasonably accessible to members of the public. Whenever feasible, Government facilities shall be used and meetings held in places involving the least expense to the Department.

(*b*) The size of the meeting room shall be reasonable, considering such factors as the size of the advisory committee, the number of members of the public expected to seek to attend, and the resources and facilities available to the Department.

(*c*) Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after a meeting.

(*d*) To the extent that the time available for a meeting permits, interested persons may be permitted to present oral statements. Any person seeking to present an oral statement to a committee may be required to obtain advance approval for such participation from the committee chairman or the committee's Executive Secretary.

(*e*) Participation by members of the public at committee meetings or questioning of committee members or other participants shall not be permitted except with the authorization of the committee chairman.

(4) *Minutes and transcripts of meetings.* (i) Detailed minutes shall be kept of each meeting of each advisory committee, including meetings of formal and informal subgroups. The Executive Secretary of each advisory committee shall keep the minutes or designate some person to keep the minutes. Minutes need not be kept if a verbatim transcript is made.

(ii) The minutes shall include at least the following: The time and place of the meeting; a list of advisory committee members and staff and Department employees present at the meeting; a detailed summary of matters discussed, including different positions advanced by members and conclusions reached by the committee; copies of all reports received, issued, or approved by the advisory committee; an explanation of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

(iii) Within a reasonable time after the meeting the minutes shall be completed and submitted to the chairman of the advisory committee.

(iv) Within a reasonable time after receipt of the minutes the chairman of the advisory committee shall certify to the accuracy of the minutes and submit them to the Department official advised by the committee.

(5) *Designated Department employee.* (i) Each advisory committee meeting will be attended by a Department employee designated by the Department official responsible for the Committee. Ordinarily, the employee so designated will serve the advisory committee on a continuing basis.

(ii) No advisory committee shall conduct a meeting in the absence of the designated Department employee. If simultaneous subgroup meetings are to be held, each subgroup shall have a designated Department employee in attendance.

(iii) The designated Department employee is authorized to adjourn any advisory committee meeting, whenever he determines adjournment to be in the public interest. Inter alia, the designated Department employee shall adjourn the meeting in the event of unwarranted departure from a meeting's agenda.

(6) *Closing advisory committee meetings.* (i) Subsection 10(d) of the Act provides that the provisions concerning open meetings and public participation shall not apply to any advisory committee which the President, or the head of the department to which the advisory committee reports, determines is concerned with matters listed in 5 U.S.C. 552(b). The Department's regulation implementing that Act is found at 45 CFR 5. Department officials shall be guided by the policies set forth in that regulation in making determinations to close meetings. In applying the provisions of 5 U.S.C. 552(b) to advisory committee meetings, liberal interpretations shall be assumed with respect to the openness of such meetings. Any determination to close a meeting (or portion) shall restrict such closing to the shortest reasonable time.

(ii) In applying the Freedom of Information Act exemptions to advisory committee meetings, the following rules shall be followed:

(*a*) If a meeting (or portion) will have the express purposes of discussing an existing document which is within one of the exemptions set forth in 5 U.S.C. 552(b), the meeting (or portion) may be closed to the public.

(*b*) Meetings closed solely on the basis that a document exempt from mandatory disclosure under exemption (5) (concerning intra-agency and inter-agency memoranda and letters) is to be discussed, may only be closed if the Secretary determines that it is essential to close such meeting (or portion) to protect the free exchange of internal views of committee members and avoid undue interference with Department or committee operation.

(*c*) A meeting (or portion) involving solely the internal expression of views and judgments of committee members, and not the discussion of an exempt document may be closed if a finding is made that it is essential to close the meeting (or portion) to protect the free exchange of members' views and avoid undue interference with Department or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under section 552(b)(5) of Title 5 U.S.C. When feasible, the public shall be given an opportunity to present relevant information and views to the committee. Concurrence for closing such a meeting shall be obtained from the Office of the General Counsel and the Office of Public Affairs.

(*d*) If a meeting (or portion of a meeting) will have the express purpose of discussing a matter which is within one of the exemptions set forth in 5 U.S.C. 552(b), other than exemption (5), the meeting (or portion) may be closed to the public even though no specific exempt document is to be discussed.

(*e*) If the subject of a meeting will be such that paragraphs (a)(6)(ii) (*a*) through (*d*) inclusive above do not furnish a basis for closing it, the meeting shall be open to the public.

(*f*) When an advisory committee seeks to have a meeting (or portion) closed, the Executive Secretary shall make a request in writing for a determination by the Secretary. Such a request shall set forth the reasons why the meeting (or portion) should be closed. Whenever practical, the request shall be

submitted at least thirty days before the scheduled date of the meeting.

(*g*) If the Secretary finds the request to be warranted and in accord with the policy of the Act and the Freedom of Information Act, the request shall be granted. The determination made by the Secretary shall be in writing and contain specific reasons for closing the meeting (or portion). Determinations made by authorized designees must be reviewed and approved by the Office of the General Counsel and the Office of Public Affairs.

(*h*) If a meeting is to be held for the consideration of several separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters may be closed.

(*i*) When part of a meeting is to be closed, the agenda shall be arranged to facilitate attendance by the public at the open portion of the meeting.

(*j*) When a meeting (or portion) is closed, only members of the committee, its staff, and Federal employees shall be permitted to attend.

(*k*) When a meeting (or portion) is closed, members of the advisory committee shall not disclose the matters discussed except to other members of the advisory committee, the staff of the advisory committee or Department employees.

(*l*) The Department Committee Management Officer may review, after the meeting, the appropriateness of any determination to close a meeting (or portion) and require that corrective action be taken with respect to the particular advisory committee or general procedures concerning the closing of meetings.

(*m*) When a meeting (or portion) is closed, and detailed minutes are not to be made available in their entirety to the public, the advisory committee shall prepare and make available to the public within 14 days of the close of the meeting a summary of its activities and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552(b). Notice of the availability of such a summary shall be incorporated in the notice of the meeting published in the FEDERAL REGISTER.

(b) *Access to records.* (1) All records, reports, and other documents of each advisory committee shall be available for public inspection and copying pursuant to the Department's public information regulation. Documents referred to herein include the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda or other documents which were made available to or prepared for or by each advisory committee.

(2) Advisory committee records determined to be available for public inspection are to be made available for inspection and copying at a single location in the offices of the advisory committee or the Department organizational component to which the advisory committee reports. The advisory committee or appropriate Department organizational component shall make available to any person copies of transcripts of committee proceedings or meetings at cost determined in accordance with the appropriate fee schedule.

(3) Advisory committee records will be made available until the advisory committee ceases to exist. Disposition of advisory committee records after the termination of the committee shall be determined by the Department in accordance with applicable regulations.

§ 11.6 Administrative remedies.

(a) Any person whose request for access to an advisory committee document is denied may seek administrative review in accord with the Department's Freedom of Information Act regulation.

(b) Any person whose request for access to an advisory committee meeting is denied after publication of the notice of the meeting in the FEDERAL REGISTER may appeal to the appropriate official designated at 45 CFR 5.82. If the decision on appeal is adverse to the requestor concurrence of the Assistant Secretary for Public Affairs or his designee, shall be obtained.

§ 11.7 Administration of advisory committees.

(a) The Department shall provide support services, staff, quarters, supplies, funds (including, where appropriate, funds for the publication of reports), for each advisory committee within its administrative jurisdiction unless the establishing authority provides otherwise.

(b) Maintenance of financial records and uniform pay and expense guidelines.

(1) *Maintenance of records.* The Department official to whom a committee reports will be responsible for the maintenance of records fully disclosing disposition of all funds at the disposal of the committee and the nature and extent of its activities. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(2) *Rates of pay.* (i) Members of all advisory committees shall be paid at rates fixed by the Secretary. In establishing the rate of pay, consideration will be given to the significance, scope and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the members of such a committee.

(ii) Staff members of an advisory committee shall be paid at an appropriate rate in the general schedule.

(iii) The pay for consultants and experts utilized by advisory committees shall be fixed after giving consideration to the qualifications required of the consultant or expert and the significance, scope, and technical complexity of the work to be undertaken by the consultant or expert. In no case shall the rate of pay to such a consultant or expert exceed the maximum rate of pay which the Department may generally pay experts and consultants under 5 U.S.C. 3109, or other law, including the statute establishing a committee.

(3) *Expenses.* The members of an advisory committee, or the staff of an advisory committee, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703 for persons employed intermittently in the government service.

§ 11.8 Submission of reports to Library of Congress.

(a) Subject to the provisions of the Freedom of Information Act, each advisory committee, through the Department Committee Management Officer, shall file eight copies of each of its reports with the Library of Congress.

(b) When the Department Committee Management Officer determines that it would be appropriate, background papers prepared by consultants for an advisory committee and other advisory committee documents may also be filed with the Library of Congress.

§ 11.9 Annual review; periodic reports.

(a) The Department shall conduct an annual review of all advisory committees within its administrative jurisdiction. The Department Committee Management Officer will be responsible for coordinating this review on behalf of the Secretary and for preparing a report on it for submission to the Office of Management and Budget in accordance with OMB Circular A–63.

(b) The Department Committee Management Officer shall coordinate the preparation of the Department's Annual Report on its advisory committees which shall be submitted annually to the General Services Administration as required by Executive Order 11769 dated February 21, 1974.

(c) The OMB Secretariat or the Department Committee Management Officer may, from time to time, require any Department advisory committee to submit periodic reports regarding its operations, including such matters as might be related to public access to committee meetings and committee records and the handling of any administrative complaints concerning such matters.

§ 11.10 Department committee management officer.

The Secretary shall designate a Department employee to implement this part and consult with the Office of Management and Budget on his behalf.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

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PLASTICS AND SYNTHETICS MANUFACTURING POINT SOURCE CATEGORY

V40-16 JAN23 75 XUM

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 324-5]

PART 416—PLASTICS AND SYNTHETICS POINT SOURCE CATEGORY

On September 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 33889), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the ethylene vinyl acetate copolymers subcategory, the fluorocarbons subcategory, the polypropylene fiber subcategory, the alkyds and unsaturated polyester resins subcategory, the cellulose nitrate subcategory, the polyamides (Nylon 6/12) subcategory, the polyester resins (thermoplastic) subcategory, the silicones subcategory, the epoxy resins subcategory, the phenolic resins subcategory, and the urea and melamine resins subcategory of the plastics and synthetics category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the plastics and synthetics category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 416 by adding thereto the ethylene vinyl acetate copolymers subcategory (Subpart N), the polytetrafluoroethylene subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (Nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), and the silicones subcategory (Subpart U). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the ethylene vinyl acetate copolymers subcategory, the fluorocarbons subcategory, the polypropylene fiber subcategory, the alkyds and unsaturated polyester resins subcategory, the cellulose nitrate subcategory, the polyamides (Nylon 6/12) subcategory, the polyester resins (thermoplastic) subcategory, the silicones subcategory, the epoxy resins subcategory, the phenolic resins subcategory, and the urea and melamine resins subcategory. In addition, the regulation as proposed was supported by two other documents: (1) The Document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymers Segment of the Plastics and Synthetics Manufacturing Point Source Category" (September, 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, The Plastics and Synthetics Industry, Phase II" (September, 1974). These documents were made available to the public and circulated to interested persons shortly after the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: Rohm and Haas Company, Manufacturing Chemists Association, Exxon Chemical Company, Union Carbide Corporation, Shell Oil Company, Stauffer Chemical Company, U.S. Department of Interior, U.S. Department of Commerce, Arco/Polymers Incorporated, State of New York Department of Environmental Conservation, Allied Chemical Corporation, Dow Corning Corporation, Monsanto Polymers and Petrochemicals Company, U.S. Industrial Chemicals Company, Dow Chemical Company, and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) Several commenters requested that the comment period be extended 30 days due to the delay of the Development Document after the proposed regulations appeared in the FEDERAL REGISTER.

Each commenter who requested an extension was sent a letter from the General Counsel's office explaining the EPA position on this matter. The Agency could not formally extend the public comment period in view of the court order requiring promulgation of final regulations. However, the commenters were informed that while the formal comment period had ended, the Agency would continue to accept comments and additional information and would make sincere efforts to give such comments and information the most attention and consideration possible. It is the policy of the Agency to encourage maximum public participation in its rulemaking and to this end opportunity is afforded to comment on the contractor's report and again on the proposed regulations. In addition, information received at any time is utilized to the maximum extent possible.

(2) Several commenters stated that the title of the proposed rules and the reference to "effluent limitations and guidelines" in the preamble implies authority beyond that stipulated in section 304(b) of Pub. L. 92-500. The commenters recommended that the title correctly refer to "effluent guidelines and standards" and that the promulgated rules not imply or assume authority other than that specified in the Act.

These regulations constitute effluent limitations pursuant to section 301 of the Act, as well as guidelines under section 304. They are, therefore, correctly referred to as effluent limitations and guidelines.

(3) Several commenters stated that the EPA "variance procedure", such as that set forth in § 416.152 (39 FR 33898), is not a workable and satisfactory mechanism.

This comment is a general one concerning the best practicable control technology currently available "variance procedure" and is applicable to all industries. The "variance procedure" is currently under public comment and judicial review (39 FR 28927), and will be answered in due course.

(4) Some commenters stated that the preamble indicates that the 10 mg/l basis for best available technology economically achievable (BATEA) TSS levels is derived from other industries and is, therefore, not applicable to the plastics industry. The commenter recommended that the BATEA limitation be based upon operating data on effluents from the industry subcategories affected.

For BATEA and for new source performance standards (NSPS) EPA set its limitations and standards based upon an effluent TSS concentration of 10 mg/1. This concentration is achievable by use of filtration techniques—including mixed media filtration. Mixed media filtration is a pollution control technique which is well established and is currently used with considerable success in a number of treatment works—including municipal systems and waste treatment systems used in the petroleum industry. The wastes from biochemical treatment systems consists mostly of microbial cells regardless of the original source of the raw wastes. Microbial cells have similar

solids removal characteristics. While it has not been demonstrated in the plastics and synthetics industry, the success shown in other uses convinces the Agency that mixed media filtration is fully adaptable to this industry and will achieve the effluent concentration required.

(5) Several commenters recommended that COD be deleted from proposed best practicable control technology currently available (BPCTCA) and NSPS rulemakings. The commenters stated that comment 16 of the preamble to the proposed regulations implies that no independent COD limit is intended.

The COD limitations were included in the proposed regulation because COD is a measure of the chemical byproduct waste of the manufacturing process and falls under the definition of pollutant contained in the Act [section 502(6)]. All of the 1977 COD limitations were non-controlling as to technology. That is, the COD limitations were such that adequate removal of BOD5 will usually result in adequate removal of COD. The numbers were derived from data showing the removal of COD which accompanies reduction of BOD5 to the levels set in the effluent limitations for each subcategory. A plant which is achieving the BOD5 removal required by the regulations need not use any additional technology to meet the proposed COD levels for BPCTCA. The presence of COD limitation nonetheless fulfills an important function by requiring adequate handling and treatment of discarded (bad) batches of reactants and products, so as to avoid shock or peak COD loadings which would be inadequately treated but would not be discovered by a BOD5 analysis. Also, the COD test is a much quicker and more convenient test for the presence of oxygen demanding pollutants than is the BOD5 test. However, since the BPCTCA (1977) COD limits are liberal and would be easily attainable if the BOD5 limits are met, they are being dropped as a limitation parameter for BPCTCA (1977). In order to promote the collection of data on the oxygen demanding parameters of BOD5, COD and TOC (total organic carbon), the Agency is planning to require that a majority of the plants in each subcategory monitor their raw waste loads and treated effluents for BOD5, COD and TOC. This date will be collected for a reasonable period at which time the Agency will consider revising the limitations and standards. The requirement for a COD limit for NSPS will remain unchanged where the standards were based on demonstrated (or rationally transferable) attainable COD concentrations using NSPS technology. The NSPS COD limits for any subcategory that was based on an estimated COD/BOD5 ratio will be dropped from the regulation. (See revision 5)

(6) Several commenters stated that the proposed effluent limitations guidelines being proposed for ethylene-vinyl acetate (EVA) copolymer are significantly more rigid than those already promulgated for polyethylene homopolymer. The commenters suggested that EPA establish effluent limitations guidelines for the copolymer no more rigid than that promulgated for low density polyethylene. The commenters stated that the raw waste would be higher for copolymer rather than lower as suggested in the proposed regulations. Other comments on EVA were made in support of the commenters' suggestion.

The EVA comments were reviewed with respect to the EPA data base and the guidelines have been revised. (see revision 1).

(7) One commenter stated that provisions should be made in the regulations for alternate test procedures that will allow the Regional Administrator flexibility in setting parameter limits on individual point sources.

If a plant can show a direct relationship over a long period of time between BOD5, and COD, TOC or TOD, the parameter measurement of the COD, TOC, or TOD could be substituted for BOD5 if the COD, TOC, or TOD limitations are set such that the BOD5 limitation is not exceeded. This in no way negates the requirement of meeting an independent COD limitation where required.

(8) A commenter stated that a calendar month basis for the time period for compliance would be more reasonable than "thirty consecutive days."

The thirty consecutive days is a flexible requirement allowing the permit writer to set permit conditions that may run on a calendar month basis or, for example, from the 15th of one month to the 15th of the next.

(9) A commenter suggested that the 1983 guidelines should include the variance procedure appearing in 1977 guidelines.

The 1983 guidelines are subject to continuing review as required by the law. The need for a variance procedure for 1983 guidelines has not been demonstrated or established at this time. Also, see section 301(c) of the Act.

(10) A commenter stated that sales should not be a criteria for determining if a plant is meeting daily effluent limitations for the silicones subcategory.

Sales are not the criteria for determining a particular plant's limitations. Actual production is the basis for the limitations on the permit. Sales data were used only as part of the data base for determining effluent limitations guidelines and standards for the silicones industry.

(11) Several commenters stated that guidelines should be issued in the form of a range, not single numbers.

The plastics manufacturing industry has been categorized and subcategorized in such a manner as to take differences within the industry into account.

In total, four broad process oriented subcategories have been established for the plastics industry in which over twenty-four known product-process segments have been classified. Thirteen of the more significant of these segments were covered by the Phase I effluent limitations guidlines with twenty-seven different sets of values. Phase II covers eleven additional segments with fourteen different sets of limitations guidelines.

In establishing the various segments and sub-segments mentioned above and the associated effluent limitations guidelines, factors such as process, raw waste load, size, location, and age of plant were considered.

In addition, an individual may, in the case of the 1977 requirements, submit proper evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) requesting that the requirements be adjusted on the basis that factors related to such discharger are fundamentally different from those given consideration in the regulations and would adversely affect the ability of the particular facility to meet the established effluent limitations.

(12) Several commenters stated that allowances should be made for sources of wastes other than process effluent, e.g., housekeeping, stormwater runoff, once-through cooling water and spills.

In the case of all subcategories except EVA, the effluent limitations guidelines and standards represent process related wastes only such as direct contact process waste water, reaction waste water, housekeeping, spills, etc. It does not include once-through cooling water, cooling tower blowdown, and storm water runoff wastes. If stormwater is required to be collected and treated by state and local agencies, then allowances should be made for stormwater by such agency. The EVA subcategory includes cooling tower blowdown wastes.

(13) One commenter has suggested that EPA postpone promulgation of pretreatment standards for new sources until pretreatment standards for existing sources are published.

Section 307(c) of the Act requires the Agency to promulgate pretreatment standards for new sources at the same time that it promulgates new source performance standards under section 306. Therefore, EPA lacks authority to postpone promulgation of the new source pretreatment standards.

(14) A commenter stated that by incineration of materials containing silicone, silicone dioxide (SiO_2) is produced. Because the quantity of SiO_2 produced will vary with the quantity of silicone containing material incinerated, it is recommended the daily maximum allowance for total suspended solids (TSS) be 2.5 times the proposed 30 day average values.

The EPA data base supports the TSS limitations and includes variability factors of 2.2 for monthly and 4.0 for daily limits based on a long term attainable TSS wasteload. The daily maximum is not a function or multiple of the 30 day average maximum values. Both values are based on a multiple of a long term attainable TSS wasteload. (DD pp. 225-227).

(15) A commenter stated that the regulations for manufacturers of silicones should include limitations for oil and grease.

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The EPA data base does not support a limitation on oil and grease for the silicones industry at this time.

(16) A commenter stated that the definition of the term fluorocarbons should be more precise. The commenter said that it is not clear what exactly is included in the subcategory. The commenter's suggested change in Subpart O is to "Fluoropolymers Subcategory."

A detailed review of the information available on the fluorocarbons subcategory indicated that the commenter was correct regarding the definition of fluorocarbons and as to the clarity of the application of the guidelines. Changes have been made to correct this. (see revision 2).

(17) Commenters stated that guidelines for silicone manufacturers must reflect the major processes at individual plants. The commenters stated that silicone plants have been subcategorized into "multi-product" plants and "fluid products" plants. One commenter stated that their plant had been subcategorized wrongly as a fluid products plant and presented data to support the fact that the plant is a multi-product plant.

These comments were considered and changes were made to the effluent limitations guidelines and standards as supported by the data base. (see revision 3).

(18) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR Part 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(b) Revision of the proposed regulations prior to promulgation. As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The ethylene vinyl acetate (EVA) copolymer subcategory effluent limitations and guidelines were changed to be consistent with the low density polyethylene (LDPE) effluent limitation and guidelines of subpart E of §§ 416.52(a), 416.53(a), and 416.54. These changes were based on additional review of the industry data base and the fact that EVA copolymers are manufactured in the same equipment as LDPE and in most cases make up only a small percentage of the plant's total production of LDPE and EVA.

(2) The fluorocarbons subcategory was changed to the polytetrafluoroethylene subcategory and the description of applicability for this subcategory was changed in order to provide additional clarity as to the applicability of the subpart.

(3) The subdivisions in the silicones subcategory were changed from fluid products and multi-products to one silicones subcategory with wasteload allocations for different products or product mixes. This change was made based on new data supplied by a company that had been classified as a fluid products plant. The new data reclassified the company as a multi-product plant and changed the data basis for the original fluid and multi-product subdivision. The waste allocations for the different product mixes is the best description of the industry based on the current data base.

(4) Economic impact review has not been completed for the phenolic resins subcategory, epoxy resins subcategory, and melamine and urea resins subcategory. These three subcategories will be promulgated at a later date.

(5) The requirement for a COD limit for BPCTCA (1977) has been removed from the regulation. The COD standard for new sources for the polytetrafluoroethylene and polyamide (nylon 6/12) subcategories has been removed from the regulation. (See comment 5.)

(c) Economic impact. The changes that were made to the proposed regulations for the plastics and synthetics manufacturing category do not substantially affect the economic analysis. The changes detailed above result in the effluent limitations and standards being less stringent. These revisions would tend to make the costs slightly less for those affected subcategories. However, these changes would not affect the conclusions of the economic impact study.

(d) Cost-benefit analysis. The detrimental effects of the constituents of waste waters now discharged by point sources within the synthetic polymers segment of the plastics and synthetics manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Synthetic Polymers Manufacturing Segment of the Plastics and Synthetics Point Source Category" (December, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Plastics and Synthetics Industry, Phase II" (September 1974). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the plastics and synthetics industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants. In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymers Manufacturing Segment of the Plastics and Synthetics Point Source Category," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the final economic analysis document will be available from the National Technical Information Service, Springfield, VA 22151.

(f) Final rulemaking. In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 416, Plastics and Synthetics Manufacturing Point Source Category, is hereby amended by adding additional subparts N, O, P, Q, R, S, T and U to read as set forth below. This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609–73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective on January 23, 1975.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective February 24, 1975.

Date: January 9, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart N—Ethylene-Vinyl Acetate Copolymers Subcategory

Sec.
416.140 Applicability; description of the ethylene-vinyl acetate copolymers subcategory.
416.141 Specialized definitions.
416.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.144 [Reserved]
416.145 Standards of performance for new sources.
416.146 Pretreatment standards for new sources.

Subpart O—Polytetrafluoroethylene Subcategory

416.150 Applicability; description of the polytetrafluoroethylene subcategory.
416.151 Specialized definitions.
416.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.154 [Reserved]
416.155 Standards of performance for new sources.
416.156 Pretreatment standards for new sources.

Subpart P—Polypropylene Fiber Subcategory

416.160 Applicability; description of the polypropylene fiber subcategory.
416.161 Specialized definitions.
416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.164 [Reserved]
416.165 Standards of performance for new sources.
416.166 Pretreatment standards for new sources.

Subpart Q—Alkyds and Unsaturated Polyester Resins Subcategory

416.170 Applicability; description of the alkyds and unsaturated polyester resins subcategory.
416.171 Specialized definitions.
416.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.174 [Reserved]
416.175 Standards of performance for new sources.
416.176 Pretreatment standards for new sources.

Subpart R—Cellulose Nitrate Subcategory

416.180 Applicability; description of the cellulose nitrate subcategory.
416.181 Specialized definitions.
416.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.
416.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.184 [Reserved]
416.185 Standards of performance for new sources.
416.186 Pretreatment standards for new sources.

Subpart S—Polyamide (Nylon 6/12) Subcategory

416.190 Applicability; description of the polyamide (nylon 6/12) subcategory.
416.191 Specialized definitions.
416.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.194 [Reserved]
416.195 Standards of performance for new sources.
416.196 Pretreatment standards for new sources.

Subpart T—Polyester Resins (Thermoplastic) Subcategory

416.200 Applicability; description of the polyester resins (thermoplastic) subcategory.
416.201 Specialized definitions.
416.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.204 [Reserved]
416.205 Standards of performance for new sources.
416.206 Pretreatment standards for new sources.

Subpart U—Silicones Subcategory

416.210 Applicability; description of the silicones subcategory.
416.211 Specialized definitions.
416.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.214 [Reserved]
416.215 Standards of performance for new sources.
416.216 Pretreatment standards for new sources.

Subpart N—Ethylene-Vinyl Acetate Copolymers Subcategory

§ 416.140 Applicability; description of the ethylene-vinyl acetate copolymers subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of vinyl acetate and ethylene and associated processing to manufacture ethylene vinyl acetate copolymers.

§ 416.141 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations specify other limitations, or initiate proceedings to revise these regulations.

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The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.39	.20
TSS	1.0	.55
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.39	.20
TSS	1.0	.55
pH	Within the range 6.0 to 9.0.	

§ 416.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.20	.19
COD	2.48	1.65
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.20	.19
COD	2.48	1.65
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	

§ 416.144 [Reserved]

§ 416.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.35	.18
COD	3.5	1.8
TSS	.19	.13
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.35	.18
COD	3.5	1.8
TSS	.19	.13
pH	Within the range 6.0 to 9.0.	

§ 416.146 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the ethylene vinyl acetate copolymers subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.145: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart O—Polytetrafluoroethylene Subcategory

§ 416.150 Applicability; description of the polytetrafluoroethylene subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of granular and fine powder grades of polytetrafluoroethylene, including manufacture of monomer from precursor chlorodifluoromethane, and associated processing.

§ 416.151 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	7.0	3.6
TSS	18	9.9
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	7.0	3.6
TSS	18	9.9
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	

§ 416.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	3.3	2.2
COD	5.9	4.0
TSS	1.8	1.6
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.3	2.2
COD	5.9	4.0
TSS	1.8	1.6
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	

§ 416.154 [Reserved]

§ 416.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	1.6	.80
TSS	.83	.57
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.6	.80
TSS	.83	.57
Fluorides	1.3	.67
pH	Within the range 6.0 to 9.0.	

§ 416.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polytetrafluoroethylene subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128–133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.155; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart P—Polypropylene Fiber Subcategory

§ 416.160 Applicability; description of the polypropylene fiber subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of polypropylene fibers from polypropylene and associated processing.

§ 416.161 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.78	.40
TSS	2.0	1.1
O&G	1.0	.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.78	.40
TSS	2.0	1.1
O&G	1.0	.5
pH	Within the range 6.0 to 9.0.	

§ 416.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.33	.22
COD	.59	.40
TSS	.18	.16
O&G	.18	.092
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.33	.22
COD	.59	.40
TSS	.18	.16
O&G	.18	.092
pH	Within the range 6.0 to 9.0.	

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§ 416.164 [Reserved]

§ 416.165 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.08	.04
COD	.14	.07
TSS	.04	.03
O&G	.033	.017
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.08	.04
COD	.14	.07
TSS	.04	.03
O&G	.033	.017
pH	Within the range 6.0 to 9.0.	

§ 416.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polypropylene fiber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.165; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart Q—Alkyds and Unsaturated Polyester Resins Subcategory

§ 416.170 Applicability; description of the alkyds and unsaturated polyester resins subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of alkyds and unsaturated polyester resins and associated processing.

§ 416.171 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharge effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.60	.33
TSS	.40	.22
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.60	.33
TSS	.40	.22
pH	Within the range 6.0 to 9.0.	

§ 416.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.14	.10
COD	.74	.52
TSS	.04	.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.14	.10
COD	.74	.52
TSS	.04	.03
pH	Within the range 6.0 to 9.0.	

§ 416.174 [Reserved]

§ 416.175 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent Characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.03	.02
COD	.20	.11
TSS	.008	.006
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.03	.02
COD	.20	.11
TSS	.008	.006
pH	Within the range 6.0 to 9.0.	

§ 416.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the alkyds and unsaturated polyester resins subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the

purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.175; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart R—Cellulose Nitrate Subcategory

§ 416.180 Applicability; description of the cellulose nitrate subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of fibrous cellulose and a mixture of sulfuric and nitric acids and associated processing to manufacture cellulose nitrate.

§ 416.181 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	26	14
TSS	17	9.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	26	14
TSS	17	9.4
pH	Within the range 6.0 to 9.0.	

§ 416.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	9.4	6.9
COD	47	34
TSS	2.5	2.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	9.4	6.9
COD	47	34
TSS	2.5	2.1
pH	Within the range 6.0 to 9.0.	

§ 416.184 [Reserved]

§ 416.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	11	6.0
COD	54	30
TSS	2.7	1.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	11	6.0
COD	54	30
TSS	2.7	1.8
pH	Within the range 6.0 to 9.0.	

§ 416.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the cellulose nitrate subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.185; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart S—Polyamide (Nylon 6/12) Subcategory

§ 416.190 Applicability; description of the polyamide (nylon 6/12) subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of Nylon 6/12 and associated processing.

§ 416.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to col-

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lect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	1.2	.66
TSS	.80	.44
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.2	.66
TSS	.80	.44
pH	Within the range 6.0 to 9.0.	

§ 416.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.50	.37
COD	2.6	1.9
TSS	.13	.11
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
BOD5	.50	.37
COD	2.6	1.9
TSS	.13	.11
pH	Within the range 6.0 to 9.0.	

§ 416.194 [Reserved]

§ 416.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent Characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.67	.37
TSS	.17	.11
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.67	.37
TSS	.17	.11
pH	Within the range 6.0 to 9.0.	

§ 416.196 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polyamides (nylon 6/12) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.195; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart T—Polyester Resins (Thermoplastic) Subcategory

§ 416.200 Applicability; description of the polyester resins (thermoplastic) subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of the saturated polyester polymers based on poly (ethylene terephthalate) and poly (butylene terephthalate) and associated processing.

§ 416.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared

to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	1.4	.78
TSS	.95	.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.4	.78
TSS	.95	.52
pH	Within the range 6.0 to 9.0.	

§ 416.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(English units) lb/1000 lb of product		
BOD5	.59	.44
COD	3.1	2.3
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	

§ 416.204 [Reserved]

§ 416.205 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	.80	.44
COD	12	6.5
TSS	.20	.14
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	.80	.44
COD	12	6.5
TSS	.20	.14
pH	Within the range 6.0 to 9.0.	

§ 416.206 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polyester resins (thermoplastic) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.205; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart U—Silicones Subcategory

§ 416.210 Applicability; description of the silicones subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of silicone fluids, greases, emulsions, rubber and resins and associated processing.

§ 416.211 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, the following limitations establish the

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quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of silicone fluids by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	1.9	1.0
TSS	1.25	.69
Cu	.010	.005
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	1.9	1.0
TSS	1.25	.69
Cu	.010	.005
pH	Within the range 6.0 to 9.0.	

(2) An additional allocation for silicone plants which manufacture silicone greases, emulsions, rubbers and resins, the following quantity or quality of pollutant parameter may be discharged in addition to the limitation set forth in subparagraph (1) of this paragraph:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	24	13.2
TSS	16	8.8
cu	.13	.067
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	24	13.2
TSS	16	8.8
cu	.13	.067
pH	Within the range 6.0 to 9.0.	

(3) An additional allocation for silicone plants who manufacture silicone coupling agents, the following quantity or quality of pollutant parameters may be discharged in addition to the limitation set forth in subparagraphs (1) and (2) of this paragraph:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	15	8.2
TSS	10	5.4
Cu	.084	.042
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	15	8.2
TSS	10	5.4
Cu	.084	.042
pH	Within the range 6.0 to 9.0.	

§ 416.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(1) Except as provided in subparagraph (2) of this paragraph, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicone fluids by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	.78	.57
COD	4	3
TSS	.21	.18
Cu	.0062	.0026
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	.74	.57
COD	4	3
TSS	.21	.18
Cu	.0052	.0026
pH	Within the range 6.0 to 9.0.	

(2) An additional allocation for silicone plants which manufacture silicone greases, emulsions, rubbers, resins and coupling agents, the following quantity or quality of pollutant parameter may be discharged in addition to the limitation set forth in subparagraph (1) of this paragraph:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	8.8	6.4
COD	45.5	33.4
TSS	2.8	2.0
Cu	.058	.029
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	8.8	6.4
COD	45.5	33.4
TSS	2.8	2.0
Cu	.058	.029
pH	Within the range 6.0 to 9.0.	

§ 416.214 [Reserved]

§ 416.215 Standards of performance for new sources.

(1) Except as provided in subparagraph (2) of this paragraph, the following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicone fluids by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	1.0	.57
COD	8.5	4.7
TSS	.26	.18
Cu	.0032	.0026
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	1.0	.57
COD	8.5	4.7
TSS	.26	.18
Cu	.0032	.0026
pH	Within the range 6.0 to 9.0.	

(2) An additional allocation for silicone plants who manufacture silicone greases, emulsions, rubbers, resins, and coupling agents, the following quantity

or quality of pollutant parameter may be discharged in addition to the limitation set forth in subparagraph (1) of this paragraph:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD_5	10	5.5
COD	82	45
TSS	2.5	1.7
Cu	.050	.025
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD_5	10	5.5
COD	82	45
TSS	2.5	1.7
Cu	.050	.025
pH	Within the range 6.0 to 9.0.	

§ 416.216 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the silicones subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

"In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.215: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 416]

[FRL 324-6]

PLASTICS AND SYNTHETICS MANUFACTURING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources

Notice is hereby given that pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA or Agency). On April 5, 1974, EPA promulgated a regulation adding Part 416 to Chapter 40 of the Code of Federal Regulations (39 FR 12502). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the plastics and synthetics manufacturing point source category. The regulation proposed below will amend 40 CFR Part 416—plastics and synthetics manufacturing point source category by adding § 416.144 the ethylene vinyl acetate copolymers subcategory (Subpart N), § 416.154 the polytetrafluoroethylene subcategory (Subpart O), § 416.164 the polypropylene fiber subcategory (Subpart P), § 416.174 the alkyds and unsaturated polyester resins subcategory (Subpart Q), § 416.184 the cellulose nitrate subcategory (Subpart R), § 416.194 the polyamides (nylon 6/12) subcategory (Subpart S), § 416.204 the polyester resins (thermoplastic) subcategory (Subpart T), and § 416.214 the silicones subcategory (Subpart U) pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 1251, 1317(b)), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating final regulations which establish the above listed subparts.

(a) *Legal authority.* Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 416.144, 416.154, 416.164, 416.174, 416.184, 416.194, 416.204, and 416.214 proposed below establish pretreatment standards for existing sources within the ethylene vinyl acetate copolymers subcategory (Subpart N), the polytetrafluoroethylene subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), and the silicones subcategory (Subpart U) of the plastics and synthetics manufacturing point source category.

(b) *Summary and basis of proposed pretreatment standard for existing sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the final regulation for the ethylene vinyl acetate copolymers subcategory (Subpart N), the polytetrafluoroethylene subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), and the silicones subcategory (Subpart U) which is promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into the publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 416.144, 416.154, 416.164, 416.174, 416.184, 416.194, 416.204, and 416.214 of the regulation proposed below are intended to implement the concepts of 40 CFR 128.133, by stating specific limitations for pollutants which may be discharged to publicly owned treatment plants based upon best practicable control technology currently available. This is accomplished by setting § 128.133 aside and substituting the specific limitation.

Operators of publicly owned treatment works and other interested persons should refer to the Federal Guidelines: Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works, published pursuant to section 304(f) of the Act, for guidance on local pretreatment requirements and information on those aspects of pretreatment not amenable to a Federal standard.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymers Segment of the Plastics and Synthetics Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's advance notice of public review procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) *Summary of public participation.* As described in the "Development Document," the process wastes from the ethylene vinyl acetate copolymers subcategory, the polytetrafluoroethylene subcategory, and the polypropylene fibers subcategory have waste loads which are generally compatible with joint treatment works. The alkyds and unsaturated polyester resins subcategory, the cellulose nitrate subcategory, the polyamide (nylon 6/12) subcategory, the polyester resins (thermoplastic) subcategory, and the silicones subcategory have high process waste loads of BOD5 and COD. Since joint treatment works are designed to treat BOD5 and the BOD5 portion of the COD, these wastes are considered compatible. However, if a joint treatment works has difficulty in meeting its NPDES permit conditions for BOD5 and COD, the operator may require, at their option, pretreatment in the high process waste load product subcategories of the plastics and synthetics category in order to assist them in meeting their NPDES permit conditions. The silicones subcategory requires pretreatment for the removal of copper.

A full listing of participants and discussion of comments and responses is included in the preamble of the final regulation for Subpart N through U being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the development document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before February 24, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: January 9, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 416 is proposed to be amended as follows:

* * * * *

1. Subpart N is amended by adding § 416.144 as follows:

§ 416.144 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the ethylene vinyl acetate copolymers subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.

2. Subpart O is amended by adding § 416.154 as follows:

§ 416.154 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the polytetrafluoroethylene subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.
Fluorides	Do.

3. Subpart P is amended by adding § 416.164 as follows:

§ 416.164 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the polypropylene fiber subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD 5	Do.
TSS	Do.
COD	Do.

4. Subpart Q is amended by adding § 416.174 as follows:

§ 416.174 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the alkyds and unsaturated polyester resins subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD 5	Do.
TSS	Do.
COD	Do.

5. Subpart R is amended by adding § 416.184 as follows:

§ 416.184 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the cellulose nitrate subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD 5	Do.
TSS	Do.
COD	Do.

6. Subpart S is amended by adding § 416.194 as follows:

§ 416.194 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source

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within the polyamide (nylon 6/12) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.

7. Subpart T is amended by adding § 416.204 as follows:

§ 416.204 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the polyester resins (thermoplastic) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.
Copper	1 mg/l.

[FR Doc.75-2058 Filed 1-22-75;8:45 am]

8. Subpart U is amended by adding § 416.214 as follows:

§ 416.214 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the silicones subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
COD	Do.

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PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low-Income Housing

■

Section 8 Housing Assistance Payments Program—Existing Housing

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-308]

PART 1275—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Notice was given on December 10, 1974, at 39 FR 43179 that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Part 1275 to Chapter VIII.

The purpose of Part 1275 is to set forth the essential elements of the Section 8 Housing Assistance Payments Program—Existing Housing, including, among other things, the roles and responsibilities of HUD, public housing agencies (PHAs), Owners, and Eligible Lower- and Very Low-Income Families (Families); the basis for determining the amount of housing assistance payments; and the prescribed forms and procedures.

HUD has received more than 50 responses to the December 10, 1974 publication. All of these comments were seriously considered and many changes have been incorporated in these regulations, as a result. The principal changes are set forth below.

1. Section 1275.101(b) has been revised to clarify the relationship between Part 1275 and housing under Annual Contribution Contracts (ACCs) on January 1, 1975.

2. The definition of "Eligible Family," as set forth in § 1275.102(g), has been modified to clarify that disabled persons are included within this term.

3. The definition of "Gross Family Contribution," as set forth in § 1275.102 (j), has been modified to clarify that this is the amount payable by the Family before deduction of the shopping incentive credit, where applicable.

4. A definition of the term "HUD" has been added in a new § 1275.102(o) to include HUD's designee.

5. Section 1275.103(a), which sets forth the "finders-keepers" policy, has been modified to require (rather than only to authorize) the PHA to provide assistance in finding units to Families who are unable to locate approvable units because of discrimination.

6. Section 1275.103(b), which sets forth provisions respecting the ACC, has been modified by adding a new § 1275.103 (b)(3) stating that HUD, in addition to providing for a project reserve, will take additional steps authorized by section 8(c)(6) of the U.S. Housing Act of 1937 to assure the availability of funds to cover increases in housing assistance payments. (See also § 1.4(c)(2) of Appendix I.)

7. Section 1275.103(c)(2)(i) has been modified to increase the percent of Contract Rent payable in the event a family vacates its unit in violation of the lease from 70 to 80 percent. (See section 1.3c (1) of Appendix II.)

8. Section 1275.103(d)(1)(i), which sets forth the procedures under which Fair Market Rents may be exceeded by up to 20 percent, has been clarified.

9. Section 1275.103(d)(2), regarding subsequent adjustments in Contract Rents, has been modified to require that each Owner's request for such adjustments be accompanied by a certification signed by the owner and the family that the unit is in decent, safe, and sanitary condition and that the owner is otherwise in compliance with the lease. (See section 1.8a of Appendix II.)

10. Section 1275.103(d)(2)(ii), the provision authorizing special additional adjustments under limited circumstances, has been clarified. (See section 1.8a(2) of Appendix II.)

11. Section 1275.103(h), which sets forth provisions relating to the types of housing which may be utilized under this part, has been modified by (a) explicitly providing that owner-occupied units may not receive section 8 assistance, and (b) revising and clarifying the procedures under which assistance under Part 1275 may be provided with respect to units in a section 221(d)(3) below market interest rate (BMIR), section 202, or section 236 project.

12. Section 1275.103(i), which sets forth equal opportunity requirements, has been revised to clarify that the provisions of section 3 of the Housing and Urban Development Act of 1968 are applicable only to the PHA.

13. Section 1275.103(j) has been modified to permit the owner to require each family to make a security deposit in an amount equal to the amount payable by the family toward one month's gross rent. (See section 1.7 of Appendix II.)

14. Section 1275.103(l), which sets forth the provisions relating to the requirement that the PHA administer the program so that at least 30 percent of the families for whom leases are approved are very low-income families, has been clarified.

15. The definitions of "large family" and "very large family," as used in § 1275.103(m) for purposes of identifying those families for whom housing assistance payments will equal the difference between 15% of gross income and the gross rent, have been modified as follows:

(1) The term "large family" means a family which includes six or more minors (other than the head of the family or the spouse), and

(2) The term "very large family" means a family which includes eight or more such family members.

16. Section 1275.103(n), which sets forth the provisions relating to the shopping incentive credit, has been modified to eliminate the provisions that (1) the credit be limited to the initial term of the lease and (2) the dollar amount of the credit not be changed with subsequent changes in the gross family contribution.

17. Section 1275.103(q), which sets forth the responsibilities of the owner, has been modified by, among other things, the elimination of the requirement for HUD approval of a contract with another entity for the performance of owner services.

18. Section 1275.103(r)(2), respecting amendment to ACCs to provide for additional units, has been clarified as to the manner by which the maximum annual contribution of the revised project will be calculated.

19. A new § 1275.105 has been added to provide procedures and policies (including special fair market rents) for utilization under this part of certain recently constructed or substantially rehabilitated housing.

20. Section 1275.207(a)(1), respecting public notice to lower-income families, has been clarified and modified so that, among other things, (1) notice to occupants of housing assisted under the United States Housing Act of 1937, applicants on waiting lists for any such housing, and holders of Certificates of Family Participation for such housing will be accomplished through the public notice and (2) such public notice will state that all such families must apply specifically if they wish to be considered for a certificate under Part 1275.

21. The contents of the certificate holder's packet, as described in § 1275.207 (d), have been expanded to include equal opportunity complaint forms, information as to the gross family contribution, appropriate fair market rents and shopping incentive credit, the PHA's schedule of allowances for utilities and other services, and information as to recently completed housing, if any.

22. Section 1275.207(g), which sets forth the policies and procedures respecting continued participation when an assisted family moves, has been clarified.

23. Section 1275.207(o), respecting evictions, has been clarified with regard to minimizing PHA delay in making its determination on whether or not to authorize an eviction. (See section 1.5 of Appendix II.)

24. The provisions respecting required maintenance and security services by the owner have been clarified by deleting the proposed Appendix VIII and revising sections 1.6(c) of Appendix II and c of Appendix VI.

In view of the necessity for having limited the original comment period to fifteen days because of the statutory requirement that these regulations be made effective as of January 1, 1975, comments on these regulations will be received until February 24, 1975. Promptly thereafter, HUD will make such modifications in these regulations as it deems appropriate. Comments should be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

In order to comply with the aforementioned statutory requirement, the Assistant Secretary for Housing Production and Mortgage Credit/FHA Commissioner has determined that these regulations be made effective as of January 1, 1975.

Effective date. These regulations are effective as of January 1, 1975. Accordingly, Title 24 is amended as follows:

A new Part 1275, Section 8 Housing Assistance Payments—Existing Housing, is added to Chapter VIII to read as set forth below.

Subpart A—Applicability, Scope and Basic Policies

Sec.
1275.101. Applicability and scope.
1275.102. Definitions.
1275.103. Basic policies.
1275.104. Direct HUD administration of programs under this part.
1275.105. Recently completed housing.

Subpart B—Project Development and Operation

Sec.
1275.201. Allocations of contract authority to field offices.
1275.202. Program mix (new construction, substantial rehabilitation, existing housing).
1275.203. Invitations for existing housing program applications.
1275.204. Submission of application.
1275.205. Evaluation of application.
1275.206. Annual contributions contract.
1275.207. Project operation.
1275.208. HUD review of contract compliance.
1275.209. PHA reporting requirements. [Reserved].

Appendices

NOTE.—Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Existing Housing Handbook.

I. Annual contributions contract.
II. Housing Assistance Payments Contract.
III. Certificate of Family Participation.
IV. Request for lease approval.
V. Agency determination with respect to request for lease approval.
VI. Required lease provisions.
VII. Prohibited lease provisions.
VIII. Family's dwelling unit inspection report.
IX. Owner's dwelling unit inspection report.

AUTHORITY: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); section 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability, Scope and Basic Policies

§ 1275.101 Applicability and scope.

(a) *General.*

(1) The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on Behalf of Eligible Families leasing Existing Housing pursuant to the provisions of section 8 of the U.S. Housing Act of 1937 ("Act").

(2) For the purpose of this part, "Existing Housing" means housing that is in decent, safe, and sanitary condition except that it does not include housing: (i) Which is covered by an Agreement to Enter into Housing Assistance Payments Contract or by a Housing Assistance Payments Contract under 24 CFR Part 1272, 1273, 1276, or 1277, or (2) which is owned by the PHA administering the ACC under this part, or (3) which is subsidized under other provisions of the Act. Occupancy of housing which requires repairs in order to be made decent, safe, and sanitary may be assisted under this part only after such repairs have been made. (See also Sec. 1275.207(j)(4).)

(b) *ACCs in Effect on January 1, 1975.* With respect to all housing under ACCs (including uncommitted leasing authorizations) in effect on January 1, 1975, other than newly constructed or substantially rehabilitated section 23 housing and PHA-owned housing in existence or committed by that date:

(1) The PHA shall submit by June 30, 1975, or in any event in connection with any request for an amendment to an ACC, (i) a recommendation for continuing such housing under the previous ACC authorization with a justification that it is in the Government's interest to do so, or (ii) a schedule for orderly conversion of such housing to housing assisted under this Part. If an amendment to an ACC is requested by the PHA, the request will not be considered unless it is accompanied by the submission.

(2) Until the PHA's submission required by this paragraph (b) is approved by HUD:

(i) No leases for additional units shall be entered into;

(ii) Leases for unoccupied units shall be terminated as quickly as possible consistent with the legal rights of Owners; and

(iii) Leases for occupied units shall not be extended or modified for a term exceeding one year unless the Owner has the right to renew the lease without concurrence of the PHA.

(3) The provisions of this paragraph (b) shall not apply to ACCs implementing the HUD Experimental Housing Allowance Program.

§ 1275.102 Definitions.

(a) *Allowance for Utilities and Other Services ("Allowance").* An amount determined by the PHA as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. Where the Family pays directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

(b) *Annual Contributions Contract ("ACC").* A written agreement between HUD and a PHA to provide annual contributions to the PHA to cover housing assistance payments and other expenses pursuant to the Act. (See Appendix I.)

(c) *Certificate of Family Participation.* A certificate issued by the PHA declaring a Family to be eligible for participation in this program and stating the terms and conditions for such participation.

(d) *Congregate Housing.* Housing in which some or all of the dwelling units do not have kitchen facilities and connected with which there is a central dining facility to provide meals for the occupants.

(e) *Contract Rent.* The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

(f) *Decent, Safe, and Sanitary.* Housing is Decent, Safe, and Sanitary if the performance requirements outlined in § 1275.103(g) are met.

(g) *Eligible Family ("Family").* A family which qualifies as a Lower-Income Family and which meets the other requirements of the Act and this part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until the amount payable by the Family toward the Gross Rent equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in income or rents or other relevant circumstances during the term of the Contract.

(h) *Existing Housing.* See Sec. 1275.101(a)(2).

(i) *Fair Market Rent.* The rent, including utilities (except telephone), ranges and refrigerators, and all maintenance, management, and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, existing, Decent, Safe, and Sanitary rental housing of modest (non-luxury) nature with suitable amenities. Separate Fair Market Rents shall be established for dwelling units of varying sizes (number of bedrooms) and types (e.g., elevator, non-elevator).

(j) *Gross Family Contribution.* The portion of the Gross Rent payable by an Eligible Family (i.e., the difference between the amount of the Housing Assistance Payment payable on Behalf of the Family and the Gross Rent), before deduction of shopping incentive credit, where applicable.

(k) *Gross Rent.* The Contract Rent plus any Allowance for Utilities and Other Services.

(l) *HCD Act.* The Housing and Community Development Act of 1974.

(m) *Housing Assistance Payments Contract ("Contract").* A written contract between a PHA and an Owner for the purpose of providing housing assistance payments to the Owner on behalf of an Eligible Family. (See Appendix II.)

(n) *Housing Assistance Payment on Behalf of Eligible Family.* The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 1275.103(m).)

(o) *HUD.* The Department of Housing and Urban Development or its designee.

(p) *Income.* Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

(q) *Lease.* A written agreement between an Owner and an Eligible Family

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for the leasing of an Existing Housing unit in accordance with the Contract, which agreement is in compliance with the provisions of this part.

(r) *Local Housing Assistance Plan.* A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan which contains the elements set forth in section 104(a)(4) of the HCD Act and which is approved by the Secretary as meeting the requirements of section 213 of that Act.

(s) *Lower-Income Family.* A Family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger Families, except that HUD may establish income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

(t) *Owner.* Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing.

(u) *Public Housing Agency ("PHA").* Any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

(v) *Secretary.* The Secretary of Housing and Urban Development.

(w) *Very Low-Income Family.* A Family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger Families.

§ 1275.103 Basic policies.

(a) *"Finders-Keepers" Policy.* A holder of a Certificate of Family Participation shall be responsible for finding an Existing Housing unit suitable to the holder's needs and desires in any area within the PHA's jurisdiction. A holder of a Certificate may select the dwelling unit which the holder already occupies if the unit qualifies as Existing Housing. A PHA may provide assistance in finding units for those Families who, because of age, handicap, or other reasons, are unable to locate approvable units and shall provide such assistance where the Family alleges that discrimination is preventing it from finding a suitable unit, any such assistance to be in accordance with the PHA's approved equal opportunity housing plan.

(b) *Annual Contributions.*

(1) The maximum total annual contributions that may be contracted for in the ACC for Existing Housing shall not exceed: (i) the total of the Fair Market Rents for all the units plus (ii) a fee for the regular costs of PHA administration. HUD-approved preliminary costs shall be payable out of this total.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Housing assistance payments;

(ii) The amount of the fee for regular PHA costs of administration; and

(iii) Other costs specifically authorized or approved by the Secretary.

(3) In addition, the ACC will provide that HUD will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments payments on a timely basis as a result of increases in Contract Rents or decreases in Family incomes.

(c) *Housing Assistance Payments to Owners*—(1) *General.* Housing assistance payments shall be paid to an Owner in accordance with his Contract for the dwelling unit under lease by an Eligible Family. These housing assistance payments will cover the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with HUD-established schedules and criteria.

(2) *Vacated Units.*

(i) If an Eligible Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first; provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct; and provided further, that if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this paragraph if his action was in violation of the Lease or the Contract or any applicable law or if the Owner failed to comply with § 1275.207(o).

(ii) The Owner shall not be entitled to any payment under this paragraph (c)(2) unless he: (A) Immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (B) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit and (C) has not rejected any eligible applicant, except for good cause acceptable to the PHA.

(iii) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph (c)(2) to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under §1275.103(j)).

(d) *Maximum Rents to Owner.*—(1) *Initial Maximum Rents.* (i) For any Existing Housing unit, the sum of the Contract Rent and any Allowance for Utilities and Other Services shall not exceed the applicable Fair Market Rent except that such Fair Market Rent may be exceeded by up to 10 percent if the PHA certifies that such higher rent meets the test of reasonableness in paragraph (d)(1)(ii), specifies the factor(s) on which the certification is based, and HUD approves. Upon request by the PHA, the Fair Market Rent may be exceeded by up to 20 percent in a designated area, where the Assistant Secretary for Housing-Production and Mortgage Credit determines that special circumstances, such as prevailing rents for modest housing, in a designated area, warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan.

(ii) In addition, the PHA shall determine and so certify that the Contract Rent does not exceed a rent that is reasonable in relation to the location, quality, amenities, facilities, and management and maintenance services of the dwelling unit.

(2) *Subsequent Adjustments.* Contract Rents shall be adjusted as provided in paragraphs (d)(2)(i) and (ii) upon request to the PHA by the Owner, provided that such request is accompanied by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease.

(i) An adjustment as of any anniversary date of the Lease not to exceed the percentage of change in the applicable published Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family), provided that the Owner has the legal right to terminate the tenancy as of such anniversary date.

(ii) A special adjustment, subject to HUD approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph (d)(2)(i). The Owner shall submit financial statements to the PHA which clearly support the increase.

(iii) Notwithstanding any other provisions of this Part, adjustments as provided in this paragraph (d)(2) shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by HUD, in

the case of adjustments under paragraph (d)(2)(ii)).

(e) *Term of ACC.* The term of the ACC shall be for five years, as provided in Appendix I.

(f) *Term of Lease and of Housing Assistance Payments Contract.* The Lease shall be for not less than one year nor more than three years but may contain a provision permitting termination upon 30 days advance written notice by either party. The term of the Contract shall be for the term of the Lease, provided that if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease (or changes thereto which have been approved by the PHA and incorporated in the Contract where appropriate), the Contract shall continue in effect for the duration of such tenancy subject to the limitations in the next sentence. The specified Contract and Lease term, including specified renewal options, if any, and any continuation of tenancy beyond the Lease term shall in no case exceed three years or extend beyond the term of the ACC pertaining to the Contract and the Lease. This limitation shall not preclude the execution of a new Lease and Contract for the dwelling unit.

(g) *Housing Quality Standards.* Housing used in this program shall meet the Performance Requirements set forth in this paragraph (g). In addition, the housing must meet the Acceptability Criteria (set forth in this paragraph (g)) except for such variations as are proposed by the PHA and approved by HUD. Local climatic or geological conditions or local codes are examples which may justify such variations.

(1) *Sanitary Facilities*—(i) *Performance Requirement.* The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(ii) *Acceptability Criteria.* A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

(2) *Food Preparation and Refuse Disposal*—(i) *Performance Requirement.* The dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(ii) *Acceptability Criteria.* A cooking stove or range, a refrigerator of appropriate size for the unit, and a kitchen sink with hot and cold running water shall be present in proper operating condition within the unit. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(3) *Space and Security*—(i) *Performance Requirement.* The dwelling unit shall afford the Family adequate space and security.

(ii) *Acceptability Criteria.* A living room, kitchen area, and bathroom shall be present; and the dwelling unit shall contain at least one sleeping room or living/sleeping room of appropriate size for each two persons. Exterior doors and windows accessible from outside the unit shall be lockable.

(4) *Thermal Environment.*—(i) *Performance Requirement.* The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(ii) *Acceptability Criteria.* The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

(5) *Illumination and Electricity.*—(i) *Performance Requirement.* Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

(ii) *Acceptability Criteria.* Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two electric outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area, and each bedroom area.

(6) *Structure and Materials*—(i) *Performance Requirement.* The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(ii) *Acceptability Criteria.* Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition.

(7) *Interior Air Quality*—(i) *Performance Requirement.* The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.

(ii) *Acceptability Criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

(8) *Water Supply*—(i) *Performance Requirement.* The water supply shall be free from contamination.

(ii) *Acceptability Criteria.* The unit shall be served by an approved public or private sanitary water supply.

(9) *Lead Based Paint*—(i) *Performance Requirement.*

(A) The dwelling unit shall be in compliance with HUD Lead Based Paint regulations, 24 CFR Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and the Owner shall provide a certification that the dwelling has been treated in accordance with such HUD regulations.

(B) If the property was constructed prior to 1950, the Owner shall provide a certification that the Family upon occupancy will receive the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptons and treatment of lead poisoning and the precautions to be taken against lead poisoning and a certification that records showing receipt of such notice by each tenant will be maintained for at least three years.

(ii) *Acceptability Criteria.* Same as Performance Requirement.

(10) *Access*—(i) *Performance Requirement.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties, and the building shall provide an alternate means of egress in case of fire.

(ii) *Acceptability Criteria.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).

(11) *Site and Neighborhood*—(i) *Performance Requirement.* The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants.

(ii) *Acceptability Criteria.* The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(12) *Sanitary Condition*—(i) *Performance Requirement.* The unit and its equipment shall be in sanitary condition.

(ii) *Acceptability Criteria.* The unit and its equipment shall be free of vermin and rodent infestation.

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(13) *Congregate Housing.* The foregoing standards shall apply except for the requirement that food preparation and serving facilities be included within the dwelling unit. All units shall contain a refrigerator of appropriate size. The central dining facility (and kitchen facility, if any) shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner, and there shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(h) *Types of Housing.*

(1) Any type of Existing Housing may be utilized under this Part except as set forth below.

(2) No section 8 assistance may be provided with respect to any Owner-occupied unit; however, cooperatives are considered rental housing for this purpose.

(3) Congregate Housing may be utilized or eligible elderly, handicapped, disabled or displaced families and individuals. The Fair Market Rent for Congregate Housing shall be the same as for 0- and 1-bedroom units (as appropriate) of the same structure type, and the Contract Rent shall not include the cost of providing and serving food.

(4) Existing FHA insured, section 202 direct loan, Farmers Home Administration insured or direct loan, or VA guaranteed properties, or properties held by the Secretary or properties sold by the Secretary on which he has taken back a purchase money mortgage, may be utilized under this Part; provided, however, that in any section 221(d)(3) below market interest rate (BMIR), section 202, or section 236 project, (i) units receiving assistance under section 23 and/or rent supplement programs may continue to receive such assistance; and (ii) units not receiving such assistance may receive section 8 assistance only after approval by the Assistant Secretary for Housing Production and Mortgage Credit and the Assistant Secretary for Housing Management on a case by case basis, and in such cases the number of units assisted under section 8 (together with any section 23 and/or rent supplement units), will generally be limited to 20 percent of the units in each such project. The housing assistance payment shall be the amount by which the rent payable by the Eligible Family is less than the subsidized rent (which subsidy shall not be reduced by the section 8 payment). In no event may any occupant receive the benefit of more than one of the following: rent supplement, section 23 housing assistance, or section 8 housing assistance.

(i) *Equal Opportunity Requirements.* Participation in this program requires compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and all rules, regulations, and requirements issued pursuant thereto. The PHA shall comply with section 3 of the Housing and Urban Development Act of 1968 and all applicable rules, regulations, and requirements.

(j) *Security and Utility Deposits.* (1) An Owner may require Families to pay a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If a Family vacates the unit, the Owner may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. If a family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(2) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner must comply with all State and local laws regarding interest payments on security deposits.

(3) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

(k) *Establishment of Income Limit Schedules.* HUD will establish schedules of income limits for defining Lower-Income Families and Very Low-Income Families.

(l) *30 Percent of Assisted Families To Be Very Low-Income Families.* Each PHA shall so administer its Existing Housing program under this Part, including the issuance of a sufficient number of Certificates to Very Low-Income Families, so that at least 30 percent of the Families for whom Leases are approved by the PHA are Very Low-Income Families; *Provided, however,* That in connection with periodic reexamination of Family income, the PHA shall ascertain whether at least 30 percent of all the assisted Families are Very Low-Income Families; and where the percentage is lower than 30 percent, the PHA shall thereafter use its best efforts in connection with subsequent issuance of Certificates of Family Participation to achieve at least a 30 percent level.

(m) *Establishment of Amount of Housing Assistance Payments.* The amount of Housing Assistance Payment on Behalf of an Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (1) no less than 15 percent nor more than 25 percent of the Family's gross income and (2) the Gross Rent, taking into consideration the income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the Family's gross income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse). The amount of the housing assistance payment shall be adjusted, where appropriate, to reflect the shopping incentive credit pursuant to paragraph (n) of this section.

(n) *Shopping Incentive-Family Credit for Savings of Government Assistance Payments.* (1) As an incentive to Families to find the most economical housing suitable to their needs and approvable under this Part, if a Family selects a unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the Owner's proposed Contract Rent plus any applicable Allowance is below the applicable Fair Market Rent, the Family will be given credit (Shopping Incentive Credit) by a reduction in its required monthly Gross Family Contribution.

(2) The amount of the monthly Shopping Incentive Credit shall be the dollar amount equal to that percentage of the Gross Family Contribution which the Rent Saving is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent (i) exceeds the approved Contract Rent (plus any applicable Allowance), or (ii) exceeds the initially proposed Contract Rent (plus any applicable Allowance), if that be higher than the approved Contract Rent (plus any applicable Allowance).

(o) *Responsibilities of the PHA.* In administering its ACC with HUD, the PHA (subject to review or audit by HUD) shall be responsible for the following:

(1) Publication and dissemination of information concerning the availability and nature of housing assistance for Lower-Income Families;

(2) Public invitation of Owners to make dwelling units available for leasing by Eligible Families and development of working relationships and contacts with landlords and appropriate associations and groups;

(3) Receipt and review of applications for Certificates of Family Participation and maintenance of a waiting list in accordance with this part;

(4) Issuance of Certificates of Family Participation to Eligible Families;

(5) Notification of families determined to be ineligible;

(6) Provision to each Certificate holder of basic information on applicable housing quality standards and inspection procedures, search for and selection of housing, landlord and tenant responsibilities, and basic program rules including the operation of the "shopping incentive;"

(7) Determination of amounts of Gross Family Contributions and credits, if any, pursuant to section 1275.103(n);

(8) Determination of amounts of housing assistance payments;

(9) Review of and action on Requests for Lease Approval;

(10) Making of housing assistance payments;

(11) Reexaminations of Family income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(12) Redeterminations of amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria as a result of an adjustment by the PHA of any applicable Allowance for Utilities and Other Services;

(13) Inspections prior to leasing and inspections at least annually to determine that the units are maintained in Decent, Safe, and Sanitary condition, and notifications to Owners and Families of PHA determinations;

(14) Authorization of evictions (see section 1275.207(o));

(15) Administration and enforcement of contracts with Owners and taking of appropriate actions in case of noncompliance or default; and

(16) Compliance by the PHA with equal opportunity requirements.

(p) *Responsibility of the Family.* A Family receiving housing assistance under this program shall be responsible for fulfilling all its obligations under the Certificate of Family Participation issued to it by the PHA and under the Lease with the Owner.

(q) *Responsibilities of the Owner.* The Owner shall be responsible (subject to review or audit by the PHA or HUD) for performing all of his obligations under the Contract and Lease. The Owner's responsibilities shall include but not be limited to:

(1) Performance of all management and renting functions;

(2) Payment for utilities and services (unless paid directly by the Family);

(3) Performance of all ordinary and extraordinary maintenance;

(4) Collection of Family rents;

(5) Preparation and furnishing of information required under the Contract; and

(6) Compliance by the Owner with equal opportunity requirements. Any owner may contract with any private or public entity to perform such services for a fee, provided that such contract shall not shift any of the owner's responsibilities or obligations, and provided further that no such contract may be entered into with an entity which is responsible for administration of the contract.

(r) *Single ACC.* (1) All of the Existing Housing units administered by a PHA under the Housing Assistance Payments Program shall be assigned a single project number and shall be administered under a single ACC Part I.

(2) In the event that a PHA applies for additional Existing Housing units, the units, if approved, shall be incorporated into a revised Part I of the ACC which shall cover the PHA's entire Housing Assistance Payments Program for Existing Housing. The revised Part I shall be for a new term for the aggregate number of units starting with the date of execution of the revised ACC Part I. When the PHA applies for additional units, it shall specify the number of years for which the aggregate number of units is needed and shall demonstrate such need. On the basis of such showing, HUD shall determine whether the new term for the aggregate number of units shall be five years or such lesser number of years as HUD may find to be justified. The maximum annual contribution of the revised project shall be the sum of (i) the maximum annual contribution for the project prior to the revision, plus (ii) the amount approved for the additional units which shall be computed on the basis of the current Fair Market Rents.

§ 1275.104 Direct HUD administraion of programs under this part.

(a) If, after publishing an invitation in accordance with § 1275.203, no application is received by HUD, by the deadline date, for operation of an Existing Housing program in the area, or if the only applications received are not approvable, the HUD field office shall make such further inquiry, including advice and offer of assistance, as in its judgment may result in the submission of an approvable application by a PHA.

(b) If, on the basis of such further inquiry and all other pertinent information available to the HUD field office, HUD determines that there is no PHA organized or that there is no PHA able and willing to implement the provisions of this part for an area, HUD may, pursuant to section 8(b)(1) of the Act, enter into Contracts with owners and perform the functions otherwise assigned to PHAs under this part with respect to such area.

§ 1275.105 Recently completed housing.

(a) Until December 31, 1975, for any area in which HUD determines that new construction or substantial rehabilitation is justified (see 24 CFR 1273.103(a) and 1277.103(a), respectively) but that there are one or more projects of newly constructed or substantially rehabilitated housing completed subsequent to December 31, 1972 ("Recently Completed Housing"), with substantial vacancies of extended duration, HUD may, for a specified maximum number of units:

(1) Establish Fair Market Rents for such Recently Completed Housing at 75 percent of the Fair Market Rents for new construction then in effect; and

(2) Authorize the PHA to publicize the availability of such Fair Market Rents for the specified number of units of Recently Completed Housing, invite Owners of such projects to qualify their units as Recently Completed Housing, and inform holders of Certificates of Family Participation of the locations of such Housing and of the applicable Fair Market Rents.

(b) All provisions of this part, not specifically modified by this section, shall be applicable to housing under this section.

Subpart B—Project Development and Operation

§ 1275.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for non-metropolitan areas in conformance with section 213(d) of the HCD Act.

§ 1275.202 Program mix (new construction, substantial rehabilitation, existing housing).

Each field office shall, after considering the contents of Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing.

§ 1275.203 Invitations for existing housing program applications.

(a) *Publication.* The HUD filed office shall initiate implementation of its program with respect to Existing Housing by publishing invitations for Existing Housing program applications in accordance with a schedule established by the field office. Such publications shall be at least once a week on the same day or days of each of two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which the applications are desired. In addition HUD shall promptly notify minority media, minority organizations involved in housing and community development, and fair housing groups. To the extent feasible, HUD may also notify appropriate PHAs the chief executive officer of the appropriate unit(s) of general local government, trade journals and other non-minority media. Copies of each invitation shall be available in the HUD field office.

(b) *Contents of Invitation.* The invitation shall indicate: (1) That applications may be submitted by public housing agencies (i.e., any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing), (2) the maximum number of units, (3) the geographic area, (4) the deadline for submission of applications (which shall be at least 30 but not more than 60 calendar days after the date of the first publication in the newspaper of general circulation), (5) the fact that application and other forms and copies of program regulations may be obtained from the field office, (6) the fact that if no application is received by the deadline date, HUD may determine to carry out the Existing Housing program directly, pursuant to section 8(b)(1) of the Act, and (7) such

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other basic information as the field office may specify.

§ 1275.204 Submission of application.

The application for an Existing Housing program shall be submitted by a PHA to the HUD field office. Advice and assistance in the preparation of the application are available from the HUD field office. The application shall be in the form prescribed by HUD and shall require the applicant to:

(a) Indicate the types of Existing Housing (e.g., elevator, nonelevator) likely to be utilized in the proposed program and whether authorization for the use of Recently Completed Housing is desired (see § 1275.105).

(b) Indicate the total number of units expected to be utilized by unit size (i.e., one bedroom units, two bedroom units, etc.) and the approximate number of units to be for occupancy by elderly, handicapped, or disabled.

(c) Demonstrate that the program requested in paragraph (b) of this section is consistent with the applicable Local Housing Assistance Plan, or, in the absence of such a Plan, that the proposed program is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped, and disabled, large Families and those displaced or to be displaced) residing in or expected to reside in the community.

(d) Demonstrate that the applicant qualifies as a "public housing agency" and is legally qualified and authorized to participate in the proposed section 8 Existing Housing program for the area in which the Existing Housing program is to be carried out and include in such demonstration (1) the relevant enabling legislation, (2) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (3) a supporting opinion from the agency counsel.

(e) Submit an equal opportunity housing plan which shall set forth the PHA's policies and procedures for encouraging the participation of Owners of units in areas other than low-income or minority concentrated areas, for advertising, and for making known to families who might be eligible for assistance the opportunity for applying for Certificates of Family Participation and the PHA's policies and procedures (including preferences and priorities, if any) for issuance of such Certificates. Such plan shall be in conformance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and Executive Order 11063 and shall include policies, if any, for carrying out its responsibilities for rehousing displaced Families.

(f) Submit a statement that the housing quality standards to be used in the operation of the program will be as set forth in § 1275.103(g) or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

(g) Submit the proposed schedule of Allowances for Utilities and Other Services with a justification of the amounts proposed.

(h) Propose a schedule specifying the number of units to be leased by the end of each three-month period, for purposes of § 1275.206(c).

§ 1275.205 Evaluation of application.

(a) *Initial Screening.* Promptly after receipt of an application, the HUD field office will check whether or not the application is complete. If an application is incomplete, the PHA will be so notified and will be given until the deadline date or, if necessary, a reasonable time thereafter, within which to complete the application.

(b) *Notice to Unit of General Local Government.* Within 10 days of receipt of each completed application by the HUD field office, the field office will forward, under cover of a letter in the prescribed form, a copy of such application to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed Existing Housing program is to be carried out. The cover letter will invite a response within 30 days.

(c) *Evaluation of Applications.* HUD may begin its evaluation immediately upon receipt of the application, but no final decision of approval or disapproval of the application may be made until after the deadline for receipt of applications or the end of the opportunity for response referred to in paragraph (b) of this section, whichever is later. Each application will be evaluated by HUD on the basis of all pertinent factors under this Part, including comments, if any, received during the comment period from the unit of general local government. If there are two or more approvable applications for a program for a particular area, HUD shall determine on what basis to distribute the units among such applicants, or if it determines that such distribution is not feasible, HUD shall determine which application shall be approved.

(d) *Disapproval, Conditional Approval, or Approval of Applications.* If an application is disapproved, HUD shall notify the applicant by letter indicating in detail the reasons for disapproval. If an application can be approved only if certain changes are made, HUD shall notify the applicant by letter stating that the application can be approved if the PHA adopts, within a reasonable time as determined by HUD, the changes required by HUD. If an application is approved, the applicant shall be sent a Notification of Application Approval, utilizing the prescribed form. This Notification will state, among other things, that authorization for preparation of an ACC has been requested, and that, upon receipt of such authorization, an ACC will be prepared and forwarded to the PHA for execution by it.

§ 1275.206 Annual contributions contract.

(a) *Transmittal of ACC.* After the HUD field office has prepared the ACC, shown as Appendix I, the ACC shall be transmitted to the PHA for execution by the PHA. The letter of transmittal shall advise the PHA that after the ACC has been executed by the PHA, it shall be returned to HUD together with the PHA's estimates of its financial requirements on the prescribed forms.

(b) *Execution of ACC by HUD.* After receipt of the PHA-executed ACC and the accompanying financial estimates, HUD shall review the estimates and, if approved, shall execute the ACC. HUD then shall transmit a fully executed copy of the ACC together with a leasing schedule in accordance with paragraph (c) of this section.

(c) *Expeditious Leasing.* The ACC shall include a provision relating to expeditious leasing of units under the program. HUD will review the PHA-proposed schedule specifying the number of units that are expected to be leased by the end of each three-month period, and will make such changes as it may deem appropriate. In its transmittal of the ACC to the PHA, HUD will include the HUD-approved schedule. This schedule will be established so as to implement HUD policy that all units in a section 8 Existing Housing program of 100 units or more must be leased by Eligible Families within 12 months. In the case of smaller programs, a shorter time period may be established by HUD. Failure of the PHA to demonstrate a good faith effort to adhere to this schedule will be considered a basis for reduction by HUD of the number of units and amount of HUD's annual contributions commitment.

§ 1275.207 Project operation.

(a) *Public Notice to Lower-Income Families; Waiting List.* (1) Promptly after receiving the executed ACC, and thereafter as may be necessary, the PHA shall make known to the public through publication in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families (including assistance with respect to units already occupied by the families) and the notice shall inform such families where they may apply for Certificates of Family Participation.

(i) The notice shall also state that occupants of housing assisted under the Act (including leased housing and housing occupied with assistance under the Section 23 Housing Assistance Payments Program), applicants on waiting lists for any such housing, and holders of Certificates of Family Participation for such housing must apply specifically if they wish to be considered for a Certificate of Family Participation under this Part. In addition, the notice shall state that such applicants for Certificates will not lose their place on the public housing waiting list.

(ii) Such notice shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan and with the HUD guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan, emphasizing outreach to families not otherwise expected to apply. The

PHA shall send to the appropriate HUD field office a statement of the methods used and a copy of the published notice and other material.

(2) The PHA shall establish and maintain a waiting list for applicants for Certificates of Family Participation under this Part. If an applicant is determined by the PHA to be eligible but the PHA has determined pursuant to § 1275.207(c)(3) that it cannot issue any more Certificates, the PHA shall place such Family on this waiting list and notify the Family of this fact, and of the approximate date that a Certificate may be issued, insofar as such date can reasonably be determined.

(3) If the number of Families on the PHA's waiting list for Certificates of Family Participation is such that there is no reasonable prospect that additional applicants could be issued Certificates within the next year, the PHA may determine to suspend the taking of further applications, and in such case the PHA shall not be required to take the actions specified in paragraph (a)(1) of this section. Any such determination by the PHA shall be publicly announced in the same manner as provided in paragraph (a)(1) of this section and shall be effective as of the date stated in such announcement.

(b) *Activities to Encourage Participation by Owners and Others.* (1) The PHA shall invite Owners, through publication in a newspaper of general circulation as well as through minority media and other suitable means, to make dwelling units available for leasing by Eligible Families, and in doing so, the PHA shall encourage the participation of Owners of units in areas other than low-income or minority concentrated areas. Such invitation shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan, and with the HUD advertising guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan. The PHA shall publicize the needs of the program in such ways as to reach a maximum number of Owners and real estate brokers.

(2) The PHA shall also (i) request the field office to furnish it with a list of Secretary-held properties available for rent, to be included in the Certificate Holder's Packets, (ii) develop working relationships with local Owners and real estate broker associations, (iii) establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacees, and (iv) explain fully the provisions of the program, including equal opportunity requirements, to real estate, landlord, and other groups the members of which have dealings with low-income families or are interested in housing such families.

(3) The PHA shall send to the appropriate HUD field office a statement of the methods used in its activities under this paragraph (b) and a copy of the published notice and other material.

(c) *Initial Determination of Family Eligibility.*

(1) The PHA shall be responsible for determining eligibility in accordance with schedules and criteria established by HUD, and for selecting Families for participation in accordance with the PHA's HUD-approved equal opportunity Part. If an Owner is the initial point of housing plan and the provisions of this contact by an applicant who does not have a Certificate of Family Participation, he shall refer such applicant to the PHA.

(2) Every applicant for a Certificate shall complete and sign the form of application prescribed by HUD.

(3) The PHA shall maintain a system to assure that it will be able to honor all outstanding Certificates of Family Participation within its ACC authorization.

(4) PHA records on applicant and certified Families shall be maintained so as to provide HUD with racial, gender, and ethnic data.

(d) *Issuance of Certificate of Family Participation, and Certificate Holder's Packet.* If an applicant is determined by the PHA to be eligible and is selected for participation, he shall be given a Certificate of Family Participation (see Appendix III) signed by the PHA. At the same time, the Family shall be given two Certificate Holder's Packets, each of which shall include:

(1) Request for Lease Approval (see Appendix IV);

(2) Agency Determination with Respect to the Request for Lease Approval (see Appendix V);

(3) Required Lease Provisions and Prohibited Lease Provisions (see Appendices VI and VII);

(4) Booklet, *Watch Out for Lead Paint Poisoning,* issued by the U.S. Department of Health, Education, and Welfare and identified as DHEW Publication No. (HSM) 73–5101;

(5) The PHA's statement of housing quality standards and the forms for inspection of housing units and certification of compliance with those standards (see Appendices VIII and IX).

(6) *Your Housing Rights* (HUD–177–EO(2)) and *Fair Housing U.S.A.* (HUD–63–EO(6)), both issued by the U.S. Department of Housing and Urban Development; and Equal Opportunity complaint form HUD–903.

(7) Housing Assistance Payments Contract (see Appendix II);

(8) A list of Secretary-held properties available for rent and information concerning Recently Completed Housing, if any;

(9) Information as to the Gross Family Contribution, the Fair Market Rents appropriate for the Family size and composition, and the benefit of the shopping incentive credit for rents below the Fair Market Rent;

(10) The PHA's schedule of Allowances for Utilities and Other Services;

(11) Such other items as the PHA may determine should be included.

(e) *Briefing of Certificate Holders.* When a Family initially receives its Certificate of Family Participation, a full explanation of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions; and adequate opportunity shall be provided for Families to raise questions and to discuss the information provided):

(1) Family and Owner responsibilities under the Lease and Contract;

(2) How to find a suitable unit;

(3) Applicable housing quality standards and procedures for joint Family-Owner inspection and for individual certification of compliance with those standards;

(4) Significant aspects of the applicable State and local laws; and

(5) Significant aspects of Federal, State and local fair housing laws.

(f) *Expiration and Extension of Certificate.*

(1) The Certificate of Family Participation shall expire at the end of 60 days unless within that time the Family submits a Request for Lease Approval (Appendix IV).

(2) If a Request for Lease Approval is submitted before expiration of the original Certificate but the Request is disapproved, the PHA shall determine whether sufficient time remains under the Certificate to give the Family a reasonable opportunity to find another unit. If the remaining time is determined to be insufficient, the PHA shall issue a new Certificate to the Family.

(3) If a Certificate expires or is about to expire (other than on the occasion of disapproval of a Request for Lease Approval described in paragraph (f)(2) or extension pursuant to paragraph (g)(1) of this section), a Family may submit the Certificate to the PHA with a request for an extension. The PHA shall review with the Family the efforts it has made to find a suitable dwelling unit and the problems it has encountered and shall determine what advice or assistance might be helpful. If the PHA believes that there is a reasonable possibility that the Family may, with the additional advice or assistance, if any, find a suitable unit, the PHA may grant one or more extensions not to exceed a total of 60 days; provided, however, that further extensions may be granted if the PHA specifically determines that the Family's failure to find a suitable unit is not due to the fault or lack of diligence of the Family. A determination by the PHA that no further extensions should be granted shall not preclude the Family from filing a new application for another Certificate.

(g) *Continued Participation When Assisted Family Moves.*

(1) If an assisted Family notifies the PHA that it wishes to obtain another Certificate of Family Participation for the purpose of finding another dwelling unit, or that it has found another unit to which it wishes to move, the PHA shall (unless it does not have sufficient ACC authority for continued assistance to the Family) issue another Certificate or process a Request for Lease Approval, as the case may be, if the PHA determines

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that the Owner is not entitled to payment pursuant to § 1275.103(j) on account of nonpayment of rent or other amount owed under the Lease, or that the Family has satisfied any such liability.

(2) If a Family wishes to move to another jurisdiction and qualifies under paragraph (g)(1) of this section, the Family may obtain housing assistance in the jurisdiction to which it is moving, *provided*, That the Family obtains a Certificate of Family Participation from the appropriate PHA. The appropriate PHA shall give the Family the same consideration as any other applicants, except that the PHA shall not deny the Family a Certificate on the ground that its income is above the income limits for admission in that jurisdiction.

(h) *Families Determined by the PHA to be Ineligible.* If an applicant is determined by the PHA to be ineligible on the basis of income or family composition, or for any other reasons, the PHA shall notify the applicant by letter of the determination and the reasons therefor and the letter shall state that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant is ineligible, it shall so notify the applicant in writing. The procedures of this paragraph do not preclude the applicant from exercising its other rights if it believes it is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the notification letters, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

(i) *Request for Lease Approval*—(1) *Submission of Request to PHA.* When a Family has found a unit it wants and the Owner is willing to lease, the Family shall submit to the PHA a Request for Lease Approval signed by the Owner of the unit and the Family, together with the Family's Inspection Report and the Owner's Inspection Report. At the same time, the Family shall submit a copy of the proposed lease, which shall contain all required provisions shown in Appendix VI and shall be complete except for execution and entry of the portion of monthly rental which the Family shall be obligated to pay to the Owner.

(2) *Amount of Rent to Owner.*

(i) The PHA shall determine whether the requested rent is approvable in accordance with Sec. 1275.103(d)(1). If the Family is to pay directly for any of the utilities or services, the PHA shall determine the amount of the Allowance on account thereof. Inasmuch as the Fair Market Rents are established for a geographic area within which the rents for modest Decent, Safe, and Sanitary housing may vary substantially, the PHA shall make an analysis to determine the reasonable rent for the particular unit. If the requested Contract Rent plus any applicable Allowance is at or below the reasonable rent and at or below the Fair Market Rent, it may be approved.

(ii) If the otherwise approvable Contract Rent to Owner plus the applicable Allowance, if any, is higher than the applicable Fair Market Rent, and if the PHA determines that such higher rent is justified, it shall request HUD approval in accordance with Section 1275.103(d)(1).

(3) *"Shopping Incentive" Credit.* If the Family is entitled to a "shopping incentive" credit pursuant to Sec. 1275.103(n), the amount of the rent payable by the Family to the Owner shall be reduced by the amount of the credit.

(4) *Decent, Safe, and Sanitary Condition of Unit.*

(i) Before approving a Lease, the PHA shall inspect the unit for compliance with the PHA's housing quality standards as established in accordance with Sec. 1275.103(g), or cause it to be so inspected, as promptly as possible after the date on which the Owner indicates that the unit will be ready for inspection.

(ii) If there are defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, the Owner shall be advised by the PHA of the work required to be done. Before a Contract is executed, the unit must be reinspected to ascertain that the necessary work has been performed and that the unit is Decent, Safe, and Sanitary.

(iii) A report for every inspection and reinspection under this subparagraph (4) shall be prepared and maintained in the files of the PHA. Each such report shall specify (A) any defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, and (B) any other defects or deficiencies, a record of which shall be maintained for use in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

(5) *Oversized Unit.* No otherwise acceptable unit shall be disapproved on the ground that it is too large for the Family, provided that the rent to Owner plus any Allowance does not exceed the Fair Market Rent for the smaller size unit as stated in the Family's Certificate.

(6) *Lease Requirements*—(i) *Term of Lease.* The PHA shall determine that the term of Lease is consistent with § 1275.103(f).

(ii) *Required Provisions.* The Lease shall contain the required provisions specified in Appendix VI and in Part I of the Housing Assistance Payments Contract.

(iii) *Prohibited Provisions.* The Lease shall not contain any clause which falls within the classifications listed in Appendix VII.

(7) *Approval of Lease and Execution of Related Documents.* If the PHA determines that a unit which an Eligible Family wishes to lease is in Decent, Safe, and Sanitary condition, that the rent is approvable, and that the proposed lease complies with the requirements of this Part, the PHA shall approve the lease, and shall notify the Owner and the Family of its determination utilizing Appendix V. The Contract and Lease shall thereafter be executed by the appropriate parties.

(8) *Disapproval of Lease.* If the PHA determines that the lease cannot be approved for any reason, including the condition of the unit, the PHA shall so notify the Owner and the Family using Appendix V. A copy of this notification shall be maintained in the PHA's files together with the original Request for Lease Approval and the inspection report(s) relating to the unit.

(j) *Maintenance, Operation, and Inspections.*

(1) *Maintenance and Operation.* The Owner shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(2) *Periodic Inspection.* In addition to the initial inspection provided under paragraph (i)(4)(i) of this section, the PHA will inspect or cause to be inspected each dwelling unit leased to an Eligible Family at least annually and at such other times as the PHA may deem to be necessary to assure that the Owner is meeting his obligations to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA will take into account complaints and any other information coming to its attention in scheduling inspections. All complaints by Families concerning compliance by the Owner with the PHA's housing quality standards shall be retained in the PHA's files for three years.

(k) *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA determines to terminate the Housing Assistance Payments Contract, the PHA shall issue to the Family another Certificate of Family Participation.

(l) *Reexamination of Family Income, Composition, and Extent of Exceptional Medical or Other Unusual Expenses.* Reexamination of Family income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the PHA at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the PHA of the amount of Family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(m) *Overcrowded Unit.* If the PHA determines that a dwelling unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

(n) *Adjustment of Allowance for Utilities and Other Services.* The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on grounds of changes in utility rates or other change of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of housing assistance payment and notify the Owner accordingly.

(o) *Eviction.* The Owner shall not evict any Family unless the Owner complies with the requirements of local law, if any, and of this paragraph. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of the notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

(p) *Inapplicability of Low-Rent Public Housing Model Lease and Grievance Procedures.* Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are not applicable to the Section 8 Housing Assistance Payments Program under this Part.

§ 1275.208 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the Owner and the PHA are in full compliance with the terms and conditions of the Contract and the ACC. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 1275.209 PHA reporting requirements. [Reserved]

APPENDIX I

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM MASTER SECTION 8 ANNUAL CONTRIBUTIONS CONTRACTS #------

This Annual Contributions Contract (ACC) is entered into on the -- day of ----------, 19 --, (the date of execution by the Government) by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, *et seq.*), which Act as amended to the date of this ACC is herein called the "Act," and the Department of Housing and Urban Development Act (42 U.S.C. 3531), and ---------- (herein called the "PHA"), which is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1. *Project or Projects.* The PHA is undertaking to provide Decent, Safe, and Sanitary housing for Families (as defined in Section 2.1) pursuant to section 8 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with Owners (as defined in Section 2.1). Such undertaking may involve an agreement for the use of housing to be constructed ("New Contruction"), an agreement for the use of existing housing to be substantially rehabilitated ("Substantial Rehabilitation"), or the use of existing housing without substantial rehabilitation ("Existing Housing"). In each instance, the numbers and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2. *Part I and Part II of this Annual Contributions Contract.*

(a) Certain provisions of this ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. Separate forms of Part I are used for different types of Projects (i.e., New Construction, Substantial Rehabilition, and Existing Housing). A separate Part I, on the applicable form thereof, has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all Projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3. *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending ---------- of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

0.4. *Schedule of Projects.* Attached to this Master Section 8 ACC, as Attachment A, is a list identifying each ACC Part I and ACC Part I amendment by project number, date, and ACC List number and date.

PHA ----------
By ----------
Date ----------
THE GOVERNMENT
By ----------
Date ----------

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM ANNUAL CONTRIBUTIONS CONTRACT

PART I

EXISTING HOUSING PROJECT NO. ------

Effective Date ----------

[Date of execution by the Government of this ACC Part I]

ACC List Number and Date ----------

1.1. *The Project.* The PHA proposes to enter into Housing Assistance Payments Contracts ("Contracts") with respect to the following numbers and sizes of existing dwelling units:

Size of Unit	*Number of Units*

The PHA, to the maximum extent feasible, shall enter into Contracts in accordance with the numbers and sizes of units specified above. The PHA shall not enter into any Contract or take any other action which will result in a claim for a total Annual Contribution in respect to the Project in excess of the maximum amounts stated in Section 1.4(a).

1.2. *Authorization of Actions by PHA.* In order to carry out the Project, the PHA is authorized to (a) enter into Housing Assistance Payments Contracts, (b) make housing assistance payments on behalf of Families, and (c) take all other necessary actions all in accordance with the forms, conditions and requirements prescribed or approved by the Government; Provided, however, that neither the PHA nor the Government shall assume any obligation beyond that provided in Contracts, in the form approved by the Government.

1.3. *Term of ACC, Lease and Contract.*

(a) The term of this ACC shall be five years.

(b) The term of each Lease shall be for not less than one year nor more than three years, but the Lease may contain a provision permitting termination upon 30 days advance written notice by either party. The term of each Contract shall be for the term of the Lease, provided that if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease, the Contract shall continue in effect for the duration of such tenancy subject to the limitations in the next sentence. The specified Contract and Lease term, including specified renewal options, if any, and any continuation of tenancy beyond the Lease term shall in no case exceed three years or extend beyond the term of this ACC. This limitation shall not preclude the execution of a new Lease and Contract for the dwelling units.

1.4. *Annual Contributions.*

(a) Notwithstanding any other provisions of this ACC (other than paragraph (c) of this Section) or any provisions of any other contract between the Government and the PHA, the Government shall not be obligated to make any Annual Contributions or any other payment in excess of:

(1) $------ for housing assistance payments under Contracts; or

(2) $------ for other Project Expenditures; or

(3) A total of $------ for all Project Expenditures in respect to the Project;

Provided, however, that these amounts shall be reduced commensurate with any reduction in the number of units under any provision of this ACC.

(b) Subject to the maximum dollar limitations in paragraph (a) of this Section, the Government shall pay Annual Contributions to the PHA in respect to the Project in an amount equal to the sum of the following (subject to reduction by the amount of any

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Project Receipts other than Annual Contributions, which Receipts shall be available for Project Expenditures):

(1) The amount of housing assistance payments payable during the Fiscal Year (see Section 1.5) by the PHA pursuant to the Contract, as authorized in Section 1.2.

(2) The allowance, in the amount approved by the Government, for preliminary costs of administration.

(3) The allowance, in the amount approved by the Government, for the regular costs of administration.

(c) (1) A project account will be established and maintained by the Government, as a specifically identified and segregated account, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act. To the extent funds are available in said account, the Annual Contribution for any Fiscal Year may exceed the maximum amounts stated in paragraph (a) of this Section by such amount, if any, as may be required for increases reflected in the estimates of required Annual Contributions applicable to such Fiscal Year as approved by the Government in accordance with Section 2.11 below.

(2) The Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments on a timely basis as a result of increases in Contract Rents or decreases in Family incomes.

(d) The Government will make periodic payments on account of the Annual Contributions upon requisition therefor by the PHA in the form prescribed by the Government. Each requisition shall include certifications by the PHA that housing assistance payments have been or will be made only:

(1) In accordance with the provisions of the Contracts.

(2) With respect to units which the PHA has inspected or caused to be inspected, pursuant to Section 2.4 of Part II of this ACC, within one year prior to the making of such housing assistance payments.

(e) Following the end of each Fiscal Year, the PHA shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of the periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.5. *Fiscal Year.* The Fiscal Year for the Project shall be the Fiscal Year established by Section 0.3 of this ACC; Provided, however, that the first Fiscal Year for the Project shall be the period beginning with the effective date of this ACC Part I and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum Annual Contribution in Section 1.4(a) may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.6. *Periodic Adjustment of Contract Rents.* Each Contract may provide for periodic adjustment in the rents chargeable by the Owners and commensurate increases in amounts of housing assistance payments in accordance with the applicable Government regulations.

1.7. *Equal Opportunity Housing Plan.* The PHA, in disseminating information concerning the availability and nature of the housing assistance, inviting Owners to make dwelling units available for leasing by Families, and issuing Certificates of Family Participation, shall comply with its HUD-approved equal opportunity housing plan.

1.8. *Expeditious Carrying Out of Project.* The PHA shall proceed expeditiously with the Project. If the PHA fails to proceed expeditiously, the Government, by notice to the PHA, may reduce its obligation hereunder with respect to the Project to the number and size of dwelling units under Contracts with Owners as of the date of receipt of such notice by the PHA, with a corresponding reduction in the maximum amounts of Annual Contributions specified in Section 1.4(a).

1.9. *Prior ACCs Superseded.* This Part I supersedes prior ACC Parts I, if any.

PHA ----------
By ----------
Date ----------
THE GOVERNMENT
By ----------
Date ----------

Section 8 Housing Assistance Payments Program

Terms and Conditions

Constituting Part II of an

Annual Contributions Contract

between

Public Housing Agency

and the

United States of America

U.S. Department of Housing and Urban Development

2.1. *Definitions.*

(a) "Families" means Lower-Income Families (including "Very Low-Income Families") and includes Families consisting of a single person in the case of Elderly Families and Displaced Families and includes the remaining member of a tenant family.

(b) "Elderly Families" means Families whose heads (or their spouses), or whose sole members, are persons who are at least 62 years of age or are under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or are handicapped. The term Elderly Families includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living together with another person who is determined under regulations of the Secretary of Housing and Urban Development ("Secretary") to be a person essential to their care or well being.

(c) "Displaced Families" means Families displaced by governmental action, or Families whose dwellings have been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) "Lower-Income Families" means Families whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

(e) "Very Low-Income Families" means Families whose incomes do not exceed 50 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(f) "Income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary.

(g) "Owner" means the person or entity, including a cooperative, with which the Agreement and Contract are entered into.

(h) "Rent" or "rental" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(i) "Project Receipts" with respect to each Project means the Annual Contributions payable hereunder and all other receipts, if any, accruing to the PHA from, out of, or in connection with such Project.

(j) "Project Expenditures" with respect to each Project means all costs allowable under Section 1.4(b), Part I of this ACC, with respect to such Project.

(k) "Substantial Default" means the occurrence of any of the events listed in Section 2.16.

2.2. *Lower-Income Housing Use; Compliance with Act and Regulations.* The PHA shall use the Annual Contributions solely for the purpose of providing Decent, Safe, and Sanitary dwellings for Families in compliance with all applicable provisions of the Act and all regulations issued pursuant thereto.

2.3. *Eligibility and Amount of Housing Assistance Payments.*

(a) The PHA shall comply with the income limits established by the Government and with the requirements of the Government pursuant to section 8(c)(7) of the Act that at least 30 percent of the Families assisted in all its Projects under its Master Section 8 ACC shall be Very Low-Income Families.

(b) The PHA shall comply or assure compliance with the schedules and criteria established by the Government with respect to the amounts of housing assistance payments made on behalf of Families.

(c) The PHA shall make or cause to be made periodic reexaminations of the income, composition, and extent of exceptional medical or other unusual expenses of Families for whom housing assistance payments are being made, for the purpose of confirming or adjusting, in accordance with the applicable schedules established by the Government, the amount of rent payable by the Family and the amount of housing assistance payment.

(d) The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on grounds of changes of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of Housing Assistance Payment and notify the Owner accordingly.

(e) Prior to the approval of eligibility of a Family and thereafter on the date established for each reexamination of the status of such Family, the PHA shall review or cause to be reviewed a written application, signed by a responsible member of such Family, which application shall set forth all data and information necessary for a determination of the amount, if any, of housing assistance payment which can be made with respect to the Family.

2.4. *Inspections.*

(a) The PHA shall require, as a condition for the making of housing assistance payments, that the Owner maintain the assisted dwelling units and related facilities in Decent, Safe, and Sanitary condition.

(b) The PHA shall inspect or cause to be inspected dwelling units and related facilities prior to commencement of occupancy by

Families and shall make or cause to be made subsequent inspections at least annually, adequate to assure that Decent, Safe, and Sanitary housing accommodations are being provided and that the agreed-to services are being furnished.

2.5. *Nondiscrimination in Housing.*

(a) The PHA shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; the requirements of said Department pursuant to said regulations; and Executive Order 11063, to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The PHA shall, by contractual requirement, covenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

"This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the [contractor or other] to comply therewith inures to the benefit of the United States, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the [contractor or other.]"

(b) The PHA shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations issued pursuant thereto.

(c) The PHA shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any Project or in the use of occupancy thereof, nor deny to any Family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall *automatically* be excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.6. *Equal Employment Opportunity.*

(a) The PHA shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The PHA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) (1) The PHA shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

"Equal Employment Opportunity

During the performance of this contract, the contractor agrees as follows:

(A) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this Equal Opportunity clause.

(B) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(C) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the PHA advising the said labor union or workers' representative of the contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(D) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(E) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(F) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(G) The contractor will include the portion of the sentence immediately preceding Paragraph (A) and the provisions of Paragraphs (A) through (G) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(2) The PHA agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(3) The PHA further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.7. *Training, Employment, and Contracting Opportunities for Businesses and Lower Income Persons.*

(a) The project assisted under this ACC is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.

(b) Notwithstanding any other provision of this ACC, the PHA shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR, Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this ACC. The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the Project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by Section 135.20(b) of the regulations in all contracts for work in connection with the Project. The PHA certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this ACC shall be a condition of the Federal financial assistance provided to the Project, binding upon the PHA, its successors and assigns. Failure to fulfill these requirements shall subject the PHA, its contractors and subcontractors, its successors, and assigns to the sanction specified by this ACC and to such sanctions as are specified by 24 CFR Section 135.135.

(d) The PHA shall incorporate or cause to be incorporated into any contract pursuant

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to this contract such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Housing and Urban Development Act, as amended. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.8. *Cooperation In Equal Opportunity Compliance Reviews.* The PHA shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.9 *Clean Air Act and Federal Water Pollution Control Act.* The PHA shall incorporate or cause to be incorporated, into any contract for construction or substantial rehabilitation, such clause or clauses as are required by the Government for compliance with the regulations issued by the Environmental Protection Agency pursuant to the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and Executive Order 11738. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.10 *Labor Standards.* The PHA shall incorporate or cause to be incorporated into any contract for construction or substantial rehabilitation of nine or more dwelling units, such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Copeland Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.11. *Estimates of Required Annual Contributions.* The PHA shall from time to time submit to the Government estimates of required annual contributions at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

2.12. *Insurance and Fidelity Bond Coverage.* For purposes of protection against hazards arising out of or in connection with the administrative activities of the PHA in carrying out the Project, the PHA shall carry adequate (a) comprehensive general liability insurance, (b) workmen's compensation coverage (statutory or voluntary), (c) automobile liability insurance against property damage and bodily injury (owned and non-owned), and (d) fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

2.13. *Books of Account and Records; Reports.*

(a) The PHA shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the PHA of the Annual Contributions and other Project Receipts, if any.

(b) The books of account and records of the PHA shall be maintained for each Project as separate and distinct from all other Projects and undertakings of the PHA, except as authorized or approved by the Government.

(c) The PHA shall furnish the Government such financial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data, all as may reasonably be required from time to time by the Government.

(d) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the PHA that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(e) The PHA shall incorporate or cause to be incorporated in all Contracts the following clauses:

"PHA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

"(1) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA and the Government.

"(2) The Owner shall permit the PHA and the Government or any of their duly authorized representatives, to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers, and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments."

(f) Audits required by the Government will be performed or paid for by the Government.

2.14. *General Depositary Agreement and General Fund.*

(a) The PHA shall maintain one or more agreements, which are herein collectively called the "General Depositary Agreement," in the form prescribed by the Government, with one or more banks (each of which shall be, and continue to be, a member of the Federal Deposit Insurance Corporation) selected as depositary by the PHA. Immediately upon the execution of any General Depositary Agreement, the PHA shall furnish to the Government such executed or conformed copies thereof as the Government may require. No such General Depositary Agreement shall be terminated except after 30 days notice to the Government.

(b) All monies received by or held for account of the PHA in connection with the Projects shall constitute the General Fund.

(c) The PHA shall, except as otherwise provided in this ACC, deposit promptly with such bank or banks, under the terms of the General Depositary Agreement, all monies constituting the General Fund.

(d) The PHA may withdraw monies from the General Fund only for (1) the payment of Project Expenditures, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the PHA stating in proper detail the purpose for which such withdrawal is made.

(e) If the PHA (1) in the determination of the Government, is in Substantial Default, or (2) makes or has made any fraudulent or willful misrepresentation of any material fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to require any bank or other depositary which holds any monies of the General Fund, to refuse to permit any withdrawals of such monies; Provided, however, that upon the curing of such Default the Government shall promptly rescind such requirement.

2.15. *Pooling of Funds under Special Conditions and Revolving Fund.*

(a) The PHA may deposit under the terms of the General Depositary Agreement monies received or held by the PHA in connection with any other housing project developed or operated by the PHA pursuant to the provisions of any contract for annual contributions, administration, or lease between the PHA and the Government.

(b) The PHA may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the PHA, including any project or enterprise in which the Government has no financial interest; Provided, however, that such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the PHA operates other projects or enterprises in which the Government has no financial interest, it may from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the PHA; Provided, however, that all deposits in such revolving fund shall be lump-sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The PHA may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the PHA withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16. *Default.*

(a) *Failure or Inability of PHA to Comply with Agreement.* In the event the Government determines that the PHA is in default under the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceedings, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder as to the Project. In such case, the Government will assume the PHA's rights and obligations under the Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

(b) *Failure or Inability of PHA to Comply with Contract.* In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder. In such case, the Government will assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(c) *Other Defaults by the PHA.* If the PHA defaults in the observance or performance of the provisions of Section 2.4; fails to comply with its obligations under any duly issued Certificate of Family Participation in accordance with its terms; fails to comply with the requirements of Sections 2.5, 2.6, 2.7, or 2.8; defaults in the performance or observance of any term, convenant, or condition of this ACC other than the defaults enumerated in this paragraph, and if such defaults have not been remedied within a reasonable time, not to exceed 30 days, after the Government has notified the PHA thereof; or fails to comply with the applicable provisions of the Act and all regulations issued pursuant thereto; the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder as to the Project. Upon the occurrence of a Substantial Default with respect to any Project, the PHA shall, if the Government so requires, assign to the Government all of its rights and interests in and to the project, or such part thereof as the Government may specify, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC until reassigned to the PHA.

(d) *Return of Rights and Obligations to PHA.* All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(e) *Rights of Owner.* The provisions of this Section 2.16 are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. To enforce the performance of this provision the Owner and such assignees, as well as the PHA, shall have the right to proceed against the Government by suit at law or in equity.

2.17 *Remedies Not Exclusive and Non-Waivers of Remedies.* Any remedy provided for herein shall not be exclusive or preclude the Owner, PHA and/or the Government from exercising any other remedy available under this ACC or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies available to such parties. Failure on the part of any such party to exercise any right or remedy shall not constitute a waiver of that or any other right or remedy, nor operate to deprive the party of the right thereafter to take any remedial action for the same or any subsequent default.

2.18. *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.*

(a) Neither the PHA nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement, in connection with any Project in which any member, officer, or employee of the PHA, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the PHA was activated, or any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the PHA, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the PHA and such disclosure is entered upon the minutes of the PHA, the PHA, with the prior approval of the Government, may waive the prohibition contained in this subsection; Provided, however, that any such present member, officer, or employee of the PHA shall not participate in any action by the PHA relating to such contract, subcontract, or arrangement.

(b) The PHA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

"No member, officer, or employee of the PHA, no member of the governing body of the locality in which the Project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof."

(c) The provisions of the foregoing subsections (a) and (b) of this Section 2.18 shall not be applicable to the General Depositary Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19. *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX II

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, HOUSING ASSISTANCE PAYMENTS CONTRACT

EXISTING HOUSING

PART I

This Housing Assistance Payments Contract ("Contract") is entered into by and between _____, the person or entity having the legal right to lease the unit ("Owner"), and _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, *et seq.* ("Act"), at section 1437a(6).

The Owner and the PHA agree as follows:

1.1 *FAMILY TO BE HOUSED: PHA ASSISTANCE.*

a. *Family to be Housed.* The Contract Unit is to be leased by the Owner, under a PHA-approved lease ("Lease"), to the following Lower-Income Family ("Family") for use and occupancy by such Family solely as a private dwelling:

_____

(Name of Family)

b. *PHA Assistance and Contract Unit.* In order to enable the Family to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act, the PHA agrees to make housing assistance payments on behalf of the Family for the following described dwelling unit ("Contract Unit"):

_____

c. *Term of Contract.* The term of this Contract shall be __ years [the term of the Lease, not to exceed three years] beginning on _____, 19__, [the effective date of the Lease] and ending _____, 19__; Provided, however, that if the Family continues in occupancy, after the expiration of the term, on the same terms and conditions as the original Lease, the Contract shall continue in effect for the duration of such tenancy, but in no case for a total term of more than five years.

1.2 *AMOUNT OF CONTRACT RENT AND FAMILY PORTION.*

a. *Amount of Contract Rent.* The lease rental for the unit ("Contract Rent") is $_____ per month.

b. *Family Portion of Rent.*

(1) The monthly amount the Family is required to pay toward the Contract Rent is $_____.

(2) If there are any utilities or services payable directly by the Family, the amount in paragraph b(1) was computed as follows:

(i) Monthly amount Family must pay toward Gross Rent $_____.

(ii) Less: PHA-determined Allowance for utilities and services payable directly by the Family $_____.

(iii) Amount payable by Family toward Contract Rent $_____.

(3) If the amount in line (2)(ii) is *greater* than the amount in line (2)(i), enter the amount of such excess $_____.

The Owner agrees to pay the Family this monthly amount, on behalf of the PHA, upon receipt of funds from the PHA for that purpose, and the Owner shall furnish the PHA, upon request by it, with evidence of such payment.

(4) The amount set forth in this paragraph b shall be subject to change by reason of changes in the Family income, composition, or extent of exceptional medical or other unusual expenses, or in the Allowance for Utilities and Other Services or in the Contract Rent, as determined by the PHA, effective as of the date stated in a notification of such change by the PHA to the Family and Owner.

c. *PHA Not Obligated for Family Portion of Rent.* Neither the PHA nor the United States of America ("Government") has assumed any obligation whatsoever for the portion of the rent payable by the Family or for the satisfaction of any claim by the Owner against the Family other than in accordance with Section 1.7 of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of the Family in accordance with this Contract.

1.3 *HOUSING ASSISTANCE PAYMENTS.*

a. *Amount.* The PHA will pay on behalf of the Family a housing assistance payment equal to the difference between the Contract Rent and the portion of said rent payable by the Family.

b. *Conditions for Payment.* Housing assistance payments shall be made by the PHA to the Owner, under the terms and conditions of this Contract and the pertinent Annual Contributions Contract ("ACC"), only for the period during which the Contract Unit is leased or occupied by the Family during the term of the Contract (see section 1.1c), except as provided in paragraphs c and d of this section.

c. *Payment for Vacated Unit.*

(1) If the Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct; and provided further that if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this paragraph if the action was in violation of the Lease

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or the Contract or any applicable law. (See section 1.5.)

(2) The Owner shall not be entitled to any payment under this paragraph c unless he (i) immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (ii) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer applicants, and advertising the availability of the unit, and (iii) has not rejected any applicant except for good cause acceptable to the PHA.

(3) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph c to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.7).

d. *Owner's Monthly Requests for Payments.*

(1) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) the name of the Family and the address and number, if any, of the unit leased by the Family; (ii) the Contract Rent for the unit for which the Owner is claiming payments; (iii) the amount of rent payable by the Family leasing the unit (or, where applicable, the amount to be paid the Family in accordance with Section 1.2b(3)); and (iv) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling unit is in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the PHA, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.4 *MAINTENANCE, OPERATION AND INSPECTION.*

a. *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Unit and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in the Lease. If the PHA determines that the Owner is not meeting any of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection.*

(1) Prior to occupancy of the unit by the Family, the Owner and the Family shall inspect the unit and each shall furnish a report and certification of the condition of the unit, on the form prescribed by the PHA. By executing this Contract, the Owner certifies that to the best of his knowledge and belief and in accordance with the criteria provided in the PHA-prescribed form, the unit is in Decent, Safe, and Sanitary condition on the date of execution.

(2) The PHA shall inspect the Contract Units and related facilities, or cause them to be inspected, at least annually and at such other times (including prior to initial occupancy of the unit) as the PHA may determine to be necessary to assure that the Owner is meeting his obligation to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections, and shall notify the Owner and the Family of its determinations.

c. *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain the dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with Section 8 assistance and the PHA determines to terminate the Contract, the PHA shall issue to the Family another Certificate of Family Participation.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

e. *Overcrowded Unit.* If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

1.5 *EVICTION.* The Owner shall not evict the Family unless the Owner complies with the requirements of local law, if any, and of this Section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same time period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

1.6 *OWNER-FAMILY LEASE.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

"ADDENDUM TO LEASE

"The following additional Lease provisions are incorporated in full in the Lease between ---------- (Lessor) and ---------- ---------- (Lessee) for the following dwelling unit: ----------. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

"a. The total rent shall be $------ per month.

"b. Of the total rent, $------ shall be payable by the Public Housing Agency (PHA) as housing assistance payments on behalf of the Lessee and $------ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.

"c. The Lessor shall provide the following utilities: [Specify]

"d. The Lessor shall provide maintenance and services as follows:

(1) The Lessor shall maintain the dwelling unit and all equipment provided therewith, as well as common areas, facilities and equipment provided for the use and benefit of the Lessee, in compliance with the Housing Quality Standards on the basis of which this Lease was approved by the Public Housing Agency, and the Lessor shall respond in a reasonable time to calls by the Lessee for services consistent with said obligation. Where applicable (as in case of multiunit buildings), such maintenance with respect to common areas, facilities and equipment shall include cleaning; maintenance of grounds, lawns and shrubs; and removal of snow and ice. Where security equipment and services are to be provided by Lessor they are as follows: [Specify, or state "None"].

(2) Extermination services shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

(3) Repainting shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

"e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

"f. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

"g. This Lease has been signed by the parties on the condition that the PHA will promptly execute a Housing Assistance Payments Contract with the Lessor. Accordingly, this Lease shall not become effective unless the PHA has executed such Contract by the first day of occupancy specified in the Lease.

"Lessor ----------

By ----------

Date ----------

Lessee ----------

Date ----------"

1.7 *SECURITY DEPOSITS.* [This section is applicable only if the Owner has required the Family to pay a security deposit.]

a. The Family has paid the Owner a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If the Family vacates the unit, the Owner may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the amount of the security deposit is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. If the Family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

b. In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner must comply with all State and local laws regarding interest payments on security deposits.

1.8 *RENT ADJUSTMENTS.*

a. Contract Rents shall be adjusted as provided in paragraphs a (1) and (2) of this Section upon request to the PHA by the Owner, provided that such request is accompanied by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease.

(1) An adjustment as of any anniversary date of the Lease not to exceed the percentage of change in the applicable published Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family), provided that the Owner has the legal right to terminate the tenancy as of such anniversary date.

(2) A special adjustment, subject to Government approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph a(1). The Owner shall submit financial statements which clearly support the increase.

b. Notwithstanding any other provisions of this Contract, adjustments as provided in paragraph a shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by the Government, in case of adjustments under paragraph a(2)).

1.9 *ENTIRE AGREEMENT.* This Contract, including Part II hereof, contains the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. No changes in this Contract shall be made except in writing signed by both the Owner and the PHA.

1.10 *OWNER'S WARRANTY OF LEGAL CAPACITY.* The Owner warrants that he has the legal right to execute this Contract and to lease the dwelling unit covered by this Contract.

PHA ----------	OWNER ----------
By ----------	By ----------
(Official Title)	(Official Title)
Date ----------	Date ----------

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM; EXISTING HOUSING

HOUSING ASSISTANCE PAYMENTS CONTRACT

PART II

2.1 *Nondiscrimination in Housing.*

a. Neither the Owner nor the PHA shall, in the selection or approval of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be *automatically* excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq;* the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq,* issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Cooperation in Equal Opportunity Compliance Reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.3 *Annual Contributions Contract.*

a. The PHA has entered into an Annual Contributions Contract dated ------, 19--, with the Government, with respect to Project No. ------ ("ACC") under which the Government will provide financial assistance to the PHA pursuant to Section 8 of the Act, for the purpose of making housing assistance payments, which ACC shall be provided by the PHA to the Owner upon request.

b. The PHA hereby pledges such annual contributions payable under Section 1.4(b)(1) of Part I of the ACC to the payment of housing assistance payments pursuant to this and other Housing Assistance Payments Contracts entered into as a part of said Project.

2.4 *PHA and Government Access to Premises and Owner's Records.*

a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

b. The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments.

2.5 *Default by the Owner.*

a. A Default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of the Owner-Family Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under the Owner-Family Lease.

b. Upon a determination by the PHA that a Default has occurred, the PHA shall notify the Owner of the nature of the Default, of the actions required to be taken on account of the Default (including the curing of the Default by the Owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA, the PHA shall take appropriate actions to achieve compliance or to terminate the Contract.

2.6 *Remedies Not Exclusive and Non-Waiver of Remedies.* The availability of any remedy under this Contract shall not preclude the exercise of any other remedy under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.7 *Disputes.*

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the field office director a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the

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Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.8 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the premises are situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the premises, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising from it.

2.9 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.10 *Nonassignability.*

a. The Owner agrees that he has not made, and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract, or any of his interest therein, except with the prior consent of the PHA. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the PHA promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request written consent of the PHA in regard thereto.

c. For the purpose of this Section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX III

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

CERTIFICATE OF FAMILY PARTICIPATION

1. *Certification.* The undersigned Public Housing Agency ("Agency") hereby certifies that the Family headed by _____ is authorized to participate in the Section 8 Housing Assistance Payments Program of this Agency. Under this program, the Agency makes housing assistance payments on behalf of participating Families toward their rents to Owners of Decent, Safe, and Sanitary dwelling units selected by the Families.

2. *Dwelling Unit.* If the Family finds a dwelling unit meeting its space requirements and otherwise suitable to its needs, which is in Decent, Safe, and Sanitary condition, the Family should submit to the Agency the Request for Lease Approval, together with the required inspection reports and a proposed lease. Prior to approval of the proposed lease, the Agency will inspect the dwelling unit or cause it to be inspected.

3. *Lease Rent.* The monthly rental provided in the Lease must be determined by the Agency to be reasonable; and generally this rent, plus the allowance approved by the Agency for any utilities payable directly by the Family, may not exceed the Fair Market Rents for a ___ bedroom dwelling unit, which are $_____ for elevator buildings and $_____ for non-elevator buildings.

4. *Family Portion of Rent.*

(a) Under the rules and regulations of the Housing Assistance Payments Program, the Family will be obligated to pay $_____ toward the monthly lease rental; however, this amount will be reduced by any Allowance for utilities to be paid directly by the Family, and this reduction will be reflected in the amount payable by the Family as specified in the Lease.

(b) As an incentive to the Family to find the most economical housing suitable to its needs, if the Family selects a dwelling unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the proposed monthly lease rental plus any applicable allowance is below the applicable Fair Market Rent, the Family will be given credit by a reduction in the amount it must pay toward rent and utilities (Gross Family Contribution). The amount of this credit will be that percentage of the Gross Family Contribution which the Rent Saving is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent (i) exceeds the monthly lease rental (plus any applicable allowance) approved by the Agency, or (ii) exceeds the initially proposed lease rental (plus any applicable allowance) if that be higher than the approved lease rental (plus any applicable allowance).

(c) The amount which the Family is required to pay toward rent and utilities is subject to change by reason of changes in Family income, composition, and extent of exceptional medical or other unusual expenses and changes in the Allowance for Utilities and Other Services and the Contract Rent.

5. *Agency Portion of Rent.* Pursuant to a Housing Assistance Payments Contract with an Owner, the Agency will pay to the Owner on behalf of the Family an amount equal to the difference between the Family portion of the rent to the Owner and the monthly lease rental.

6. *Agency Approval of Lease.*

(a) After receipt of a Request for Lease Approval, the Agency will notify the Owner and the Family whether or not the proposed lease is approvable. This notification will be given within __ working days from the date of availability for inspection as stated in the Request for Lease Approval.

(b) The Agency, upon issuing this Certificate of Family Participation, anticipates that if a lease meeting the requirements of this program is submitted for approval, the Agency will have funds available for a Housing Assistance Payments Contract with the Owner; however, the Agency is under no obligation to the Family, to any Owner or to any other person to approve any submitted lease, nor does the Agency incur any liability by reason of issuing this Certificate.

7. *Conditions.* The Family agrees to perform all its obligations under the Housing Assistance Payments Program, including the obligations to (a) provide such Family income information and records as may be required in the administration of the program, (b) permit inspection of its dwelling unit at reasonable times after reasonable advance notice, and (c) give at least 30 days notice to the Agency of the Family's intention to vacate the unit.

8. *Equal Housing Opportunity.* If the Family has reason to believe that, in its search for suitable housing, it has been discriminated against on the basis of race, color, creed, sex, religion, or national origin, it may file a complaint with the HUD Regional Office. Fair Housing Complaint Forms (Form HUD-903) are available from this Agency.

9. *Expiration Date.* A Request for Lease Approval may be submitted to this Agency no later than _____ (60 days from the date of this Certificate). If a Request is not submitted by such date, this Certificate shall expire unless extended by the Agency in writing.

_____ (Name of Public Housing Agency)	_____ (Name of Family Representative)
By _____ (Signature and Title)	_____ (Signature of Family Representative)
_____ (Date)	_____ (Date)
_____ (Telephone)	_____ (Present Address)

APPENDIX IV

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

REQUEST FOR LEASE APPROVAL

1. *Request.* The undersigned Owner and Family hereby request the _____ (Name of Public Housing Agency) to approve the attached lease for the dwelling unit located at _____ (Street Address and Apartment Number, if any) for a term of _____ months, beginning _____, 19__. The unit, consisting of _____ bedrooms, is to be leased at $_____ per month. This rent includes maintenance and other services as provided in the lease and the following utilities and appliances:

(Check applicable boxes)

☐ GAS ☐ WATER ☐ REFRIGERATOR
☐ ELECTRICITY ☐ SEWER ☐ RANGE ☐ OTHER (Specify)
☐ HEAT

2. *Certifications.*

THE OWNER, by executing this Request, certifies that:

(a) The most recent rent charged for the above dwelling unit was $_____ per month. The reasons for the difference, if any, between this amount and the proposed rent are:

(b) This unit is made available, managed, and operated regardless of race, color, religion, creed, sex, or national origin.

(c) He has inspected the dwelling unit, as evidenced by the attached inspection report, and his certification as to the condition of the unit is true to the best of his knowledge and belief.

THE FAMILY, by executing this Request, certifies that it has inspected the dwelling unit, as evidenced by the attached inspection report, and that its certification as to the condition of the unit is true to the best of its knowledge and belief.

3. *Dates of Availability for Inspection and Occupancy.*

a. The dwelling unit will be available for inspection by the Agency on _____, 19__.

b. The dwelling unit will be available for occupancy by the Family on _____, 19__.

4. *Authority Determination.* The Owner and the Family understand that the Agency will notify them as to whether or not the proposed lease is approvable, within the time period specified in paragraph 6 of the Certificate of Family Participation.

_____ (Name of Owner or Other Entity Authorized to Lease)	_____ (Name of Family Representative)
By _____ (Signature)	_____ (Signature of Family Representative)
_____ (Date)	_____ (Date)
_____ (Business Address)	_____ (Present Address of Family)
_____ (Telephone)	

APPENDIX V

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM — EXISTING HOUSING

AGENCY DETERMINATION WITH RESPECT TO REQUEST FOR LEASE APPROVAL

(TO BE SENT TO THE OWNER AND FAMILY)

(Check applicable box)

☐ 1. *Approval.* The Agency hereby approves the proposed lease between _____ (Family) and _____ (Owner) for the dwelling unit located at _____ (Street Address and Apartment No., if any)

(a) Enclosed is the proposed lease, which has been completed by the Agency with respect to the portion of the monthly lease rental which the Family shall be obligated to pay to the Owner. The Lease shall be executed by the Family and the Owner and a copy returned to the Agency.

(b) Also enclosed are two copies of a Housing Assistance Payments Contract completed by the Agency except for execution. The Owner shall sign both copies of the Contract and return them to the Agency. The Agency will execute the Contract by the first day of occupancy specified in the Lease and will immediately return an executed copy to the Owner.

☐ 2. *Disapproval.* The proposed lease and/or the dwelling unit are/is disapproved for the following reasons:

☐ 3. *Resubmission.* If the conditions in Item 2 above are remedied, and a Request for Lease Approval is resubmitted by the Owner and the Family to the Agency by _____ (date), the lease will be approved by the Agency if it determines that the conditions have been remedied to its satisfaction. (The Certificate of Family Participation issued to the Family shall not expire before said date.)

_____ (Date)

_____ (Name of Public Housing Agency)

By: _____ (Signature and Title)

_____ (Telephone)

APPENDIX VI

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM — EXISTING HOUSING

REQUIRED LEASE PROVISIONS

The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ (Lessee) for the following dwelling units: _____. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $_____ per month.

b. Of the total rent, $_____ shall be payable by the Public Housing Agency (PHA) as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall provide the following utilities: [Specify].

d. The Lessor shall provide maintenance and services as follows:

(1) The Lessor shall maintain the dwelling unit and all equipment provided therewith, as well as common areas, facilities and equipment provided for the use and benefit of the Lessee, in compliance with the Housing Quality Standards on the basis of which this Lease was approved by the Public Housing Agency, and the Lessor shall respond in a reasonable time to calls by the Lessee for services consistent with said obligation. Where applicable (as in case of multiunit buildings), such maintenance with respect to common areas, facilities and equipment shall include cleaning; maintenance of lighting and equipment; maintenance of grounds, lawns and shrubs; and removal of snow and ice. Where security equipment and services are to be provided by Lessor they are as follows: [Specify, or state "None"].

(2) Extermination services shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

(3) Repainting shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of the notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

f. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

g. This Lease has been signed by the parties on the condition that the PHA will promptly execute a Housing Assistance Payments Contract with the Lessor. Accordingly, this Lease shall not become effective unless the PHA has executed such Contract by the first day of occupancy specified in the Lease.

Lessor _____
By _____
Date _____
Lessee _____
Date _____

APPENDIX VII

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

EXISTING HOUSING

PROHIBITED LEASE PROVISIONS

Lease clauses which fall within the classifications listed below shall not be included in any Lease in this program.

1. *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

2. *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

3. *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

4. *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

5. *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

6. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

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7. Waiver of Right to Appeal Judicial Error in Legal Proceedings. Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

8. Tenant Chargeable with Cost of Legal Actions Regardless of Outcome. Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of this clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

APPENDIX VIII

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS—EXISTING HOUSING

FAMILY'S DWELLING UNIT INSPECTION REPORT

[A modified form shall be used if local variations from the acceptability criteria have been approved by HUD.]

Address of Unit:_____ Apt. No._____

Name of Family_____

Telephone _____

Address _____

Name of Owner or Other Entity Authorized to Lease

_____

Address _____ Telephone_____

INSTRUCTION: Place check mark in appropriate box to indicate whether the item is present, and where applicable, whether the item is in proper operating condition. Fill in other blanks and boxes as indicated.

GENERAL COMPOSITION OF DWELLING UNIT

State number and types of rooms in the dwelling unit:_____

_____

	Item is present	Item is in proper operating condition	Remarks
SANITARY FACILITIES			
Separate, private bathroom	☐	XXXX	
Flush toilet	☐	☐	
Fixed basin with hot and cold running water	☐	☐	
Shower or tub with hot and cold running water	☐	☐	
All facilities connected to approved public or private disposal system	☐	☐	
FOOD PREPARATION AND REFUSE DISPOSAL			
Cooking stove or range	☐	☐	
Refrigerator of appropriate size for the unit	☐	☐	
Kitchen sink with hot and cold running water draining into an approved public or private system	☐	☐	
Adequate space for storage, preparation and serving of food	☐	XXXX	
Adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans)	☐	☐	

	Item is present	Remarks
SPACE AND SECURITY		
Number of persons to occupy unit_____		
Number of living and/or sleeping rooms_____		
One living and/or sleeping room of appropriate size for each two persons	☐	
Exterior doors and windows accessible from outside are lockable	☐	

	Item is present	Item is in proper operating condition	Remarks
HEATING AND COOLING SYSTEMS			
Safe heating facilities which can provide adequate heat to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
Venting facilities for room heaters (if any) which burn gas, oil, or kerosene	☐	☐	
Safe cooling facilities which can provide adequate cooling to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
LIGHT AND ELECTRICITY			
One window in each living and sleeping room	☐	☐	
One ceiling or wall type light fixture in the bathroom	☐	☐	
One ceiling or wall type light fixture in the kitchen area	☐	☐	
Two electric outlets, one of which may be overhead light, in living area, in kitchen area, and in each bedroom area	☐	☐	

	Item is specified condition	Remarks
Number of electric outlets in:		
Living area _____	Bedroom area No. 2 _____	
Kitchen area _____	Bedroom area No. 3 _____	
Bedroom area No. 1 _____	Bedroom area No. 4 _____	
Overhead lights in:		
Living area _____	Bedroom area No. 2 _____	
Kitchen area _____	Bedroom area No. 3 _____	
Bedroom area No. 1 _____	Bedroom area No. 4 _____	

	Item is in specified condition	Remarks
STRUCTURE AND MATERIALS		
Ceilings, walls and floors free from serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage	☐	
Roof structure firm	☐	
Roof weathertight	☐	
Exterior wall structure and exterior wall surface free from serious defects such as leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage	☐	
Condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., such as not to present a danger of tripping or falling	☐	
INTERIOR AIR QUALITY		
Unit free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants	☐	
Adequate air circulation throughout unit	☐	
At least one openable window or other adequate exhaust ventilation of bathroom area	☐	

	Item is present	Item is in proper operating condition	Remarks
WATER SUPPLY			
Unit served by approved public or private sanitary water supply	☐	☐	

	Item is in specified condition	Remarks
ACCESS		
Unit useable and capable of being maintained without unauthorized use of other private properties	☐	
Alternate means of egress in case of fire (such as fire stairs or egress through windows)	☐	
SITE AND NEIGHBORHOOD		
Site and neighborhood free from serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazard or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; rodent or vermin infestation; or fire hazards	☐	
SANITARY CONDITION		
Unit is free of vermin and rodent infestation	☐	

	Item is present	Item is in proper operating condition	Remarks
CONGREGATE HOUSING			
(This group of items is applicable only if unit is located in congregate housing, defined as housing connected with which there is a central dining facility to provide meals for the occupants.)			
Suitable space and equipment in central dining facility to store, prepare and serve food in sanitary manner	☐	☐	
Adequate facilities and service in central dining facility for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary, e.g., garbage cans	☐	☐	

FAMILY CERTIFICATION

I hereby certify that the foregoing report correctly represents the condition of the above-identified dwelling unit.

Date of Inspection_____, 19_____

Signature of Family member who conducted the inspection:_____

_____

APPENDIX IX

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

OWNER'S DWELLING UNIT INSPECTION REPORT

[A modified form shall be used if local variations from the Acceptability Criteria have been approved by HUD]

Name of Family_____ Telephone_____

Address _____

_____

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Name of Owner or Other Entity Authorized to Lease

Address ---

--- Telephone ---

INSTRUCTION: Place check mark in appropriate box to indicate presence if the facility or item is present in the dwelling unit, and where applicable, if the facility or item is in proper operating condition. Fill in other blanks and boxes as indicated.

GENERAL COMPOSITION OF DWELLING UNIT

State number and types of rooms in the dwelling unit: ---

	Item is present	Item is in proper operating condition	Remarks
SANITARY FACILITIES			
Separate, private bathroom	☐	XXXX	
Flush toilet	☐	☐	
Fixed basin with hot and cold running water	☐	☐	
Shower or tub with hot and cold running water	☐	☐	
All facilities connected to approved public or private disposal system	☐	XXXX	
FOOD PREPARATION AND REFUSE DISPOSAL			
Cooking stove or range	☐	☐	
Refrigerator of appropriate size for the unit	☐	☐	
Kitchen sink with hot and cold running water draining into an approved public or private system	☐	☐	
Adequate space for storage, preparation and serving of food	☐	XXXX	
Adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans)	☐	☐	

	Item is present	Remarks
SPACE AND SECURITY		
Number of persons to occupy unit ----		
Number of living and/or sleeping rooms ----		
One living and/or sleeping room of appropriate size for each two persons	☐	
Exterior doors and windows accessible from outside are lockable	☐	

	Item is present	Item is in proper operating condition	Remarks
HEATING AND COOLING SYSTEMS			
Safe heating facilities which can provide adequate heat to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
Venting facilities for room heaters (if any) which burn gas, oil, or kerosene	☐	☐	
Safe cooling facilities which can provide adequate cooling to each room of unit appropriate for the climate to assure healthy living environment	☐	☐	
LIGHT AND ELECTRICITY			
One window in each living and sleeping room	☐	☐	
One ceiling or wall typelight fixture in the bathroom	☐	☐	
One ceiling or wall typelight fixture in the kitchen area	☐	☐	
Two electric outlets, one of which may be overhead light, in living area, in kitchen area, and in each bedroom area	☐	☐	
Number of electric outlets in:			
Living area ---- Bedroom area No. 2 ----			
Kitchen area ---- Bedroom area No. 3 ----			
Bedroom area No. 1 ---- Bedroom area No. 4 ----			
Overhead lights in:			
Living area ---- Bedroom area No. 2 ----			
Kitchen area ---- Bedroom area No. 3 ----			
Bedroom area No. 1 ---- Bedroom area No. 4 ----			

	Item is in specified condition	Remarks
STRUCTURE AND MATERIALS		
Ceilings, walls and floors free from serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage	☐	
Roof structure firm	☐	
Roof weathertight	☐	
Exterior wall structure and exterior wall surface free from serious defects such as leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage	☐	
Condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., such as not to present a danger of tripping or falling	☐	
INTERIOR AIR QUALITY		
Unit free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants	☐	
Adequate air circulation throughout unit	☐	
At least one openable window or other adequate exhaust ventilation of bathroom area	☐	

	Item is present	Item is in proper operating condition	Remarks
WATER SUPPLY			
Unit served by approved public or private sanitary water supply	☐	☐	

	Item is in specified condition	Remarks
ACCESS		
Unit useable and capable of being maintained without unauthorized use of other private properties	☐	
Alternate means of egress in case of fire (such as fire stairs or egress through windows)	☐	
SITE AND NEIGHBORHOOD		
Site and neighborhood free from serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazard or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; rodent or vermin infestation; or fire hazards	☐	
SANITARY CONDITION		
Unit is free of vermin and rodent infestation	☐	

	Item is present	Item is in proper operating condition	Remarks
CONGREGATE HOUSING			
This group of items is applicable only if unit is located in congregate housing, defined as housing connected with which there is a central dining facility to provide meals for the occupants.)			
Suitable space and equipment in central dining facility to store, prepare and serve food in sanitary manner	☐	☐	
Adequate facilities and services in central dining facility for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary, i.e., garbage cans	☐	☐	

LEAD-BASED PAINT

☐ I hereby agree that the dwelling unit shall be in compliance with HUD Lead Based Paint Regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and the dwelling unit has been treated in accordance with such HUD regulations.

☐ If the property was constructed prior to 1950, I hereby certify that this Family upon occupancy will receive the notice required by HUD Lead-Based Paint regulations and procedures regarding the hazards of lead-based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning and that records showing receipt of such notice by the Family will be maintained for at least three years.

OWNER'S CERTIFICATION

I hereby certify that the foregoing report correctly represents the condition of the above-identified dwelling unit. If this report discloses any deficiencies, I further certify that they will be remedied by the date set forth in the Request for Lease Approval for inspection by the issuing agency.

Date of Inspection ----, 19----

Signature of owner

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[FR Doc.75-2103 Filed 1-22-75;8:45 a.m.]

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Just Released

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 28]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURSIDICTION

Miscellaneous Provisions

The regulations for the operation of the Food Distribution Program (31 FR 14297), as amended, are further amended to (1) update the quoted provisions of section 6 and add the new section 14 of the National School Lunch Act, as amended by Pub. L. 93-326, and add provisions of the Agriculture and Consumer Protection Act of 1973, as amended; (2) delete obsolete provisions relating to priority to be given to recipient agencies or recipients; and (3) delete the requirements that feeding operations conducted by food service management companies must be contracted for only on a fee-for-service basis and that contracts for such services must be approved by the appropriate Food and Nutrition Service Regional Office.

This amendment will enable the Department to distribute food more effectively in accordance with recent legislation which prescribes minimum levels of commodity assistance to certain eligible recipient agencies. In addition, this amendment will permit employment of food service management companies by institutions, summer camps for children, and nutrition programs for the elderly on the same basis that schools and service institutions may employ them under Parts 210, 220, and 225 of this chapter.

Since this amendment does not adversely affect the rights or obligations of any member of the public, in that it merely updates quoted statutes, deletes obsolete provisions, and removes restrictions on the use of food service management companies, it is hereby determined that compliance with the proposed rulemaking and public participation procedures is impracticable and unnecessary.

1. The authority citation for Part 250 is revised to read as follows:

AUTHORITY: (5 U.S.C. 301); sec. 32, 49 Stat. 774, as amended (7 U.S.C. 612c); 50 Stat. 323, as amended (15 U.S.C. 713c); secs. 6 and 9, 60 Stat. 231, 233, as amended (42 U.S.C. 1755, 1758); sec. 416, 63 Stat. 1058, as amended (7 U.S.C. 1431); sec. 402, 68 Stat. 843, as amended (22 U.S.C. 1922); sec. 210, 70 Stat. 202 (7 U.S.C. 1859); sec. 9, 72 Stat. 1792, as amended (7 U.S.C. 1431b); 74 Stat. 899, as amended (7 U.S.C. 1431 note); sec. 709, 79 Stat. 1212, as amended (7 U.S.C. 1446a-1); sec. 3, 82 Stat. 117, as amended (42 U.S.C. 1761); sec. 8, 80 Stat. 888 (42 U.S.C. 1777); sec. 707, 86 Stat. 94, as amended (42 U.S.C. 3045f); sec. 4, 87 Stat. 249, as amended (7 U.S.C. 612c note); sec. 2, 88 Stat. 286 (42 U.S.C. 1763).

2. In § 250.1, paragraph (b) is amended by revising subparagraph (6), by adding a new subsection to subparagraph (15), and by adding two new subparagraphs (16) and (17), as follows:

§ 250.1 General purpose and scope.

• • • • • •

(b) *Legislation.* • • •

• • • • • •

(6) Section 6 of the National School Lunch Act, as amended (hereinafter referred to as "section 6"), which reads in part as follows:

(a) The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less (1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966; (2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and (3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3 • • • shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institutions authorities.

• • • • • •

(c) For the fiscal year ending June 30, 1975, and subsequent fiscal years, the national average value of donated foods, or cash payments in lieu thereof, shall not be less than 10 cents per lunch, and that amount shall be adjusted on an annual basis each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among those commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates.

• • • • • •

(15) Section 707 of the Older Americans Act of 1965, as amended, which reads as follows:

• • • • • •

(d) In donating commodities pursuant to this section, the Secretary of Agriculture shall maintain an annually programed level of assistance of not less than 10 cents per meal: *Provided*, That this amount shall be adjusted on an annual basis each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among the commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner, is authorized to prescribe the terms and conditions respecting the donating of commodities pursuant to this section, and, within ninety days after the date of enactment of his subsection (d), the Secretary of Agriculture shall issue regulations governing the donation of such commodities.

(16) Section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended, which reads in part as follows:

(1) Notwithstanding any other provision of law, the Secretary of Agriculture shall until July 1, 1975, (i) use funds available under provisions of section 32 of Public Law 320, Seventy-Fourth Congress, as amended (7 U.S.C. 612c), and not otherwise expended or necessary for such purposes to purchase, without regard to the provisions of existing law governing the expenditure of public funds, agricultural commodities and their products of the types customarily purchased under section 32 (which may include seafood commodities and their products) to maintain the traditional level of assistance for food assistance programs as are authorized by law, including but not limited to distribution to needy families pending the transition to the food stamp program, institutions, supplemental feeding programs wherever located, disaster relief, summer camps for children, and the family commodity distribution program on Indian reservations not requesting a food stamp program, and (ii) if stocks of the Commodity Credit Corporation are not available, use the funds of the Corporation to purchase agricultural commodities and their products of the types customarily available under section 416 of the Agricultural Act of 1949 to meet such requirements.

(2) Notwithstanding any other provision of law, the Secretary of Agriculture shall, during each of the two fiscal years beginning July 1, 1975, and ending June 30, 1977, purchase agricultural commodities and otherwise carry out the provisions of this subsection with funds appropriated from the general fund of the Treasury. There are hereby authorized to be appropriated such funds as may be necessary to carry out the provisions of this paragraph. Authority provided in this paragraph shall be carried out only with such funds as are appropriated from the

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general fund of the Treasury for that specific purpose, and in no event shall it be carried out with funds derived from permanent appropriations.

(17) Section 14 of the National School Lunch Act, as amended, which reads as follows:

Notwithstanding any other provision of law, the Secretary, during the period beginning July 1, 1974, and ending June 30, 1975, shall—

(1) use funds available to carry out the provisions of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) which are not expended or needed to carry out such provisions, to purchase (without regard to the provisions of existing law governing the expenditure of public funds) agricultural commodities and their products of the types customarily purchased under such section, for donation to maintain the annually programmed level of assistance for programs carried on under this Act, the Child Nutrition Act of 1966, and title VII of the Older Americans Act of 1965; and

(2) if stocks of the Commodity Credit Corporation are not available, use the funds of such Corporation to purchase agricultural commodities and their products of the types customarily available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), for such donation.

3. In § 250.4, paragraph (b) is revised to read as follows:

§ 250.4 Availability of commodities.

* * * * *

(b) *Quantities.* The quantity of commodities to be made available for donation under this part shall be determined in accordance with the pertinent legislation and the program obligations of the Department, and shall be such as can be effectively distributed in furtherance of the objectives of the pertinent legislation. Beginning October 10, 1974, the quantity of commodities to be made available for any Federal fiscal year, or portion thereof, for distribution in any State to nutrition programs for the elderly shall be valued at not less than 10 cents for each meal which the State Agency on Aging, in accordance with current regulations and guidelines authorized by the Commissioner on Aging, estimates will be served within the State during the year. For the Federal fiscal year ending June 30, 1975, and subsequent fiscal years, the national average value of donated foods distributed to schools, or cash payments in lieu thereof, shall not be less than 10 cents per lunch served. The value of commodities to be distributed to nutrition programs for the elderly and to schools, or the amount of cash payments to be made to schools in lieu of commodities, shall be adjusted, on an annual basis, the first day of each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Any commodities made available as a grant or as a sale for foreign currencies shall be made available to the maximum extent practicable for donation under this part. The Department may, at its discretion, restrict distribution of commodities to one or more classes of recipient agencies or recipients.

4. In § 250.8, subparagraph (b) (3) is revised to read as follows:

§ 250.8 Eligible recipient agencies.

* * * * *

(b) *Institutions.* * * *

(3) Institutions which desire to receive commodities under this part may employ food service management companies to conduct their feeding operations, provided that the institutions enter into written contracts with such companies. Contracts between institutions and food service management companies shall expressly provide that:

(i) Any commodities received by the institution and made available to the food service management company shall inure only to the benefit of the institution's feeding operation and shall be utilized therein; and

(ii) The books and records of the food service management company pertaining to the feeding operation of the institution shall be available for a period of three years from the close of the Federal fiscal year to which they pertain for inspection and audit by representatives of the distributing agency, of the Department, and of the General Accounting Office at any reasonable time and place.

* * * * *

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Programs, No. 10.550, National Archives Reference Services).

This amendment shall become effective on January 24, 1975.

Dated: January 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-2216 Filed 1-23-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 678]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Jan. 26–Feb. 1, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.976 Lemon Regulation 676.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons at the beginning of this week was good, but is now showing an easier trend. Average f.o.b. price was $4.87 per carton the week ended January 18, 1975, compared to $5.10 per carton the previous week. Track and rolling supplies at 132 cars were up 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necesary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 21, 1975.

(b) *Order.* (1) This quantity of lemons grown in California and Arizona which may be handled during the period January 26, 1975, through February 1, 1975, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: January 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-2279 Filed 1-23-75;8:45 am]

[Grapefruit Reg. 97]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Indian River grapefruit that may be shipped to fresh market during the weekly regulation period Jan. 27–Feb. 2, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.397 Grapefruit Regulation 97.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of Indian River grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Indian River grapefruit industry.

(i) The Committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The Committee further reports the market demand for Indian River grapefruit is about steady, with market supplies ample. Average f.o.b. prices per ⅘ bushel carton for the week ended January 19, 1975, averaged $2.71 for white seedless and $3.50 for pink seedless grapefruit. Shipments for the week ended January 19, 1975, and for the previous week were 375 carlots and 500 carlots, respectively. On January 19, 1975, there were approximately 8,314 carlots of Indian River grapefruit remaining for interstate shipments, while 6,686 carlots have been shipped to date.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 21, 1975.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period January 27, 1975, through February 2, 1975, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-2289 Filed 1-23-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–54–AD; Amdt. 39–2079]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP660–4 and –4R Auxiliary Power Units (APU)

Amendment 39–2064 (40 FR 1036), AD 75–01–06, requires installation of a placard restricting use of the AiResearch Model GTCP660–4 and –4R APU's during taxi or flight, a check of the adjustment of the fuel pump ultimate relief valve, and an initial and recurring inspection of the fuel pump body for presence of fatigue cracks. After issuing Amendment 39–2064, the agency has re-evaluated the need for the restriction prohibiting operation of the APU during aircraft taxi, and concluded that this operation restriction may be removed without compromising the original intent of Amendment 39–2064. Therefore, AD 75–01–06 is being amended to eliminate this taxi operation restriction and to correct an error in the APU serial numbers.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation

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Regulations, Amendment 39-2064 (40 FR 1036), AD 75-01-06 is amended as follows:

(1) By amending the first paragraph of the AD to read:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to model GTCP660-4 (prior to Serial No. P37808) and GTCP660-4R (prior to Serial No. P133) Auxiliary Power Units installed in, but not limited to, Boeing B-747 airplanes, certificated in all categories

(2) By amending paragraph (a) (1) to read:

Within 15 days time in service after the effective date of this AD, install a placard in view of the flight crew to prohibit all inflight operation of the APU. Thereafter, the APU may not be used during flight but may be used for ground operations

This amendment becomes effective January 31, 1975.

(Sections 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on January 16, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-2187 Filed 1-23-75;8:45 am]

[Airspace Docket No. 74-GL-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On November 11, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 39733) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-175 from Alexandria, Minn., via Park Rapids, Minn., Bemidji, Minn., to Roseau, Minn., and delete V-254 between Bemidji, Minn., and Roseau, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307, 39 FR 39261) is amended as follows:

1. In V-175 "Alexandria, Minn." is deleted and "Alexandria, Minn.; Park Rapids, Minn.; Bemidji, Minn.; Roseau, Minn." is substituted therefor.

2. V-254 is revoked.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 17, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2192 Filed 1-23-75;8:45 am]

[Airspace Docket No. 74-CE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Leavenworth, Kansas, control zone.

On December 15, 1974, the weather services performed by the United States Air Force for the Leavenworth, Kansas, control zone were permanently ceased. There is no other available source for the service. Accordingly, it is necessary to revoke the Leavenworth, Kansas, control zone designation effective immediately.

Since this revocation will eliminate designated control zone airspace at Leavenworth, Kansas, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.171 (39 F.R. 354), the following control zone is revoked: Leavenworth, Kansas.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on December 24, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.75-2189 Filed 1-23-75;8:45 am]

[Airspace Docket No. 75-SO-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) control zone and the Atlanta, Ga., transition area.

The Atlanta (Dobbins AFB/NAS Atlanta) control zone is described in § 71.171 (40 FR 354) and the Atlanta transition area is described in § 71.181 (40 FR 441). In both descriptions, reference is made to "NAS Atlanta TACAN." Since the name of the TACAN has been changed to "Dobbins," it is necessary to amend the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) control zone and in § 71.181 (40 FR 441), the Atlanta, Ga., transition area are amended as follows:

"• • • NAS Atlanta TACAN • • •" is deleted and "• • • Dobbins TACAN • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1346(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 15, 1975.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.75-2190 Filed 1-23-75;8:45 am]

[Airspace Docket No. 75-SW-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Clinton, Okla. (Clinton-Sherman Airport), transition area times of designation from part time to full time.

On June 2, 1970, a final rule was published in the FEDERAL REGISTER (35 FR 8475) designating the Clinton, Okla., transition area. Subsequently, on August 22, 1970, a final rule was published in the FEDERAL REGISTER (35 FR 13425) which redesignated the Clinton, Okla., transition area as the Clinton, Okla. (Clinton-Sherman Airport), transition area and designated the Clinton, Okla. (Clinton Municipal Airport), transition area.

The Clinton, Okla. (Clinton-Sherman Airport), transition area was designated part time and effective during the specific times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual. It has been determined that it would be advantageous to redesignate the Clinton, Okla. (Clinton-Sherman Airport), transition area as full time. An appropriate Notice to Airmen has been issued designating the transition area full time effective January 30, 1975. It is found that this situation will be in the best interest of the public and will impose no undue burden on any person. Notice and public procedure hereon are unnecessary and the amendment may be made effective January 30, 1975.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Clinton, Okla. (Clinton-Sherman Airport), transition area is amended by deleting "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on January 16, 1975.

A. H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-2191 Filed 1-23-75;8:45 am]

[Docket No. 14251; Amdt. 952]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective March 6, 1975.*

Burlington, Iowa—Burlington Municipal Arpt., VOR Rwy 30, Amdt. 5.
Cable, Wisc.—Cable-Union Arpt., VOR/DME-A, Orig.
Chicago (Wheeling), Ill.—Pal-Waukee Arpt., VOR/DME Rwy 16, Amdt. 1.
Chicago (Wheeling), Ill.—Pal-Waukee Arpt., VOR Rwy 16, Amdt. 15.
Duluth, Minn.—Duluth Int'l. Arpt., VOR Rwy 9, Amdt. 12.
Duluth, Minn.—Duluth Int'l Arpt., VOR Rwy Rwy 21, Amdt. 7.
Eveleth, Minn.—Eveleth-Virginia Municipal Arpt. VOR Rwy 27, Amdt. 5.
Grand Rapids, Minn.—Grand Rapids, Itasca County Arpt. VOR Rwy 34, Amdt. 3.
Hebron, Ohio—Buckeye Valley Arpt., VOR-A, Orig.
Jamestown, N.D.—Jamestown Municipal Arpt., VOR Rwy 12, Amdt. 3.
Jamestown, N.D.—Jamestown Municipal Arpt., VOR Rwy 30, Amdt. 4.
Lawrence, Kans.—Lawrence Municipal Arpt., VORTAC-A, Amdt. 4.
Longview, Tex.—Gregg County Arpt., VOR Rwy 13 (TAC), Amdt. 12.
Longview, Tex.—Gregg County Arpt., VOR-TAC Rwy. 31, Amdt. 4.
Longview, Tex.—Gregg County Arpt., VOR-TAC Rwy 35, Amdt. 2.
Muncie, Ind.—Delaware County-Johnson Field, VOR Rwy. 14, Amdt. 8.
Muncie, Ind.—Delaware County-Johnson Field, VOR Rwy 20, Amdt. 5.
Muncie, Ind.—Delaware County-Johnson Field, VOR Rwy 32, Amdt. 6.
Olympia, Wash.—Olympia Arpt., VOR Rwy 17, Amdt. 6.

• • • *effective January 10, 1975.*

Boston, Mass.—Gen. Edward Lawrence Logan Int'l. Arpt., VOR Rwy 33L, Amdt. 13.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective March 6, 1975.*

Duluth, Minn.—Duluth Int'l. Arpt., LOC (BC) Rwy 27, Amdt. 8.
Jamestown, N.D.—Jamestown Municipal Arpt., LOC/DME (BC) Rwy 12, Amdt. 1.
Longview, Tex.—Gregg County Arpt., LOC/DME (BC) Rwy 31, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 6, 1975.*

Burlington, Iowa—Burlington Municipal Arpt., NDB Rwy 36, Amdt. 1.
Cable, Wisc.—Cable-Union Arpt., NDB-A, Amdt. 3.
DeKalb, Ill.—DeKalb Muncipal Arpt., NDB Rwy 27, Amdt. 1.
Duluth, Minn.—Duluth Int'l Arpt., NDB Rwy 9, Amdt. 15.
Jamestown, N.D.—Jamestown Municipal Arpt., NDB Rwy 30, Amdt. 2.
Lawrence, Kans.—Lawrence Municipal Arpt., NDB-A, Amdt. 1.
Longview, Tex.—Gregg County Arpt., NDB Rwy 13, Amdt. 6.
Muncie, Ind.—Delaware County, Johnson Field, NDB Rwy 32, Orig.
Parsons, Kans.—Tri-City Arpt., NDB Rwy 17, Amdt. 3.
Parsons, Kans.—Tri-City Arpt., NDB Rwy 35, Amdt. 1.

• • • *effective February 27, 1975.*

Savannah, Tenn.—Savannah Municipal Arpt., NDB Rwy 36, Orig.

• • • *effective February 13, 1975.*

Atlanta, Ga.—Fulton County Arpt., NDB Rwy 8R, Amdt. 6.

• • • *effective January 13, 1975.*

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., NDB Rwy 32L, Amdt. 11.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 6, 1975.*

Burlington, Iowa—Burlington Municipal Arpt., ILS Rwy 36, Amdt. 1.
Duluth, Minn.—Duluth Int'l. Arpt., ILS Rwy 9, Amdt. 10.
Jamestown, N.D.—Jamestown Municipal Arpt., ILS Rwy 30, Amdt. 2.
Longview, Tex.—Gregg County Arpt., ILS Rwy 13, Amdt. 2.
Olympia, Wash.—Olympia Arpt., ILS Rwy 17, Amdt. 3.

• • • *effective January 13, 1975.*

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., ILS Rwy 32L, Amdt. 12.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective March 6, 1975.*

Duluth, Minn.—Duluth Int'l. Arpt., RADAR-1, Amdt. 9.

• • • *effective January 10, 1975.*

Boston, Mass.—Gen. Edward Lawrence Logan Int'l. Arpt., RADAR-2, Amdt. 3.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective March 6, 1975.*

Burlington, Iowa-Burlington Municipal Arpt., RNAV Rwy 18, Orig.
Cable, Wisc.—Cable-Union Arpt., RNAV Rwy 34, Orig.
Longview, Tex.—Gregg County Arpt., RNAV Rwy 22, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 16, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.75-2186 Filed 1-23-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2581]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Century 21 Homes, Inc. et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.-

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1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.-1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Century 21 Homes, Inc., et al. Portland, Ore., Docket C–2581, Oct. 22, 1974]

In the matter of Century 21 Homes, Inc., Centurion Properties, Inc., and Century 21 Properties, Inc., corporations, and David L. Oringdulph, individually and as an officer of said corporations, Ralph E. Fish, individually and as an officer of Centurion Properties, Inc., and Philip G. Mullard, individually and as a former officer of Century 21 Properties, Inc.; and Century 21 Development, a joint venture, and John F. Weiser, individually and as general manager of Century 21 Development

Consent order requiring a Portland, Ore., firm engaged in the construction, development and sale of residential real property among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondents Century 21 Homes, Inc., Centurion Properties, Inc., and Century 21 Properties, Inc., corporations, and their officers, and David L. Oringdulph, Ralph E. Fish and Philip G. Mullard, individually and as officers and former officers of said corporations, and Century 21 Development, a joint venture, and John F. Weiser, individually and as general manager of Century 21 Development, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act, P.L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Stating, in any such advertisement, the rate of any finance charge unless the rate of the finance charge is expressed as an "annual percentage rate," using that term, as required by § 226.10 (d) (1) of Regulation Z.

2. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. Except in the case of the sale of a dwelling or a loan secured by a first lien on a dwelling to purchase that dwelling, the deferred payment price or the sum of the payments, as applicable.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in Century 21 Development or in a corporate respondent, such as dissolution, termination, assignment or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, or any other change in such respondents as may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–2243 Filed 1–23–75;8:45 am]

[Docket No. 8946]

PART 13—PROHIBITED TRADE PRACTICES

William D. Campbell, Jr. et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* §13.15 *Business status, advantages or connections;* 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; § 13.71 *Financing;* § 13.75 *Free goods or services;* § 13.155 *Prices;* 13.155–5 Additional charges unmentioned; 13.155–10 Bait; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; § 13.160 *Promotional sales plans;* § 13.225 *Services;* § 13.240 *Special or limited offers.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–10 Corrective advertising; 13.533–20 Disclosures; 13.533–40 Furnishing information to media; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1535 *Qualifications.* —Goods: § 13.1625 *Free goods or services;* § 13.-174 *Special or limited offers.* —Prices: § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1805 Exaggerated as regular and customary; § 13.1820 Retail as cost, etc., or discounted. —Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1855 Identity; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1892 Sales contract, right-to-cancel provision; § 13.1905 Terms and conditions; 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, William D. Campbell, Jr., et al., trading as Rhode Island Carpets, Mt. Rainier, Md., Docket 8948, Oct. 1, 1974]

[1] Copies of the Complaint & Decision and order filed with the original document.

In the matter of William D. Campbell, Jr., and Jack S. Owens, individually, trading and doing business as Rhode Island Carpets

Consent order requiring a Mt. Rainier, Md., distributor and installer of carpeting and floor coverings, among other things to cease using bait and switch tactics; disparaging merchandise; misrepresenting sale prices; failing to maintain adequate records; misrepresenting the qualifications of its staff; failing to set forth contracts in the principal language used in sales presentations (e.g., Spanish); and failing to inform customers of their right to a three-day cooling-off period during which they may cancel their contract with full refund rights. Further, respondent is required to place a notice in all future advertising that F.T.C. has found that they have engaged in bait and switch tactics.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I

It is ordered, That respondents William D. Campbell, Jr., and Jack S. Owens, individually, trading and doing business as Rhode Island Carpets or under any other names, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, distribution or installation of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations, directly or indirectly, orally or in writing, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying for a period of three years following the date of publication of any advertisement, adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sale of each advertised product or service at the advertised price.

6. Using the words "Sale", "Low, Low Discount Prices", or any other word or words of similar import or meaning not set forth specifically herein, unless the price of such merchandise or service being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise or service was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

7. Representing, directly or indirectly, orally or in writing, that any price amount is respondents' regular price for any article of merchandise or service unless said amount is the price at which such merchandise or service has been sold or offered for sale by respondents for a reasonably substantial period of time in the recent, regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

8. Representing, directly or indirectly, orally or in writing, that a purchaser of respondents' merchandise or services will receive a "free" vacuum cleaner or any other "free" merchandise, service, prize or award unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, services, gifts, prizes or awards are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in each advertisement or offer.

9. Representing, directly or indirectly, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of advertised mechandise or services, when, in fact, the cost of such merchandise or service is regularly included in the selling price of the advertised merchandise or service.

10. Representing, directly or indirectly, orally or in writing, that a "free" offer is being made in connection with the introduction of new merchandise or services offered for sale at a specified price unless the respondents except, in good faith, to discontinue the offer after a limited time and commence selling such merchandise or service, separately, at the same price at which it was sold with a "free" offer.

11. Representing, directly or indirectly, orally or in writing, that merchandise or service is being offered "free" with the sale of merchandise or service which is usually sold at a price arrived at through bargaining, rather than at a regular price, or where there may be a regular price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

12. Representing, directly or indirectly, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondent's sale in that area of the product or service in the amount, size, or quality promoted with the "free" offer shall not exceed 50 percent of the total volume of its sales of the product or service, in the same amount, size or quality, in the area.

13. Representing, directly or indirectly, orally or in writing, that a product or service is being offered as a "gift", "without charge", "bonus", or by other words or terms which tend to convey the impression to the consuming public that the article of merchandise or service is free, when the use of the term "free" in relation thereto is prohibited by the provisions of this order.

14. Representing, directly or indirectly, orally or in writing, that a stated price for carpeting or floor coverings includes the cost of a separate padding and the installation of such padding and carpeting thereof, unless in every instance where it is so represented the stated price for floor covering does, in fact, include the cost of such separate padding and installation thereof; or misrepresenting in any manner, the prices, terms, or conditions under which respondents supply separate padding and provide installation in connection with the sale of floor covering products.

15. Representing, directly or indirectly, orally or in writing, that respondents employ or have available for prospective customers a trained, qualified interior decorator; or misrepresenting in any manner, the training or qualifications of any of respondents' employees, agents, or representatives.

16. Representing, directly or by implication, orally or in writing, that purchasers of respondents' products are granted easy or assured credit terms by financial institutions with which respondents deal; or misrepresenting, in any manner, the amount, type, extent or any other facet of the credit terms respondents arrange or may arrange for their purchasers.

17. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

18. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the

[1] Copies of the complaint & decision and order filed with the original document.

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buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

19. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[enter date of transaction]

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to ----------, at

(Name of seller)

(address of seller's place of business)

not later than midnight of ----------

(date)

I hereby cancel this transaction.

(Date)

(Buyer's signature)

20. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

21. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

22. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

23. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

24. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

25. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

26. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

27. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square yard price for additional quantities of such carpet with padding and installation needed.

28. Advertising any carpeting or floor covering using a unit of measurement not usually and customarily employed in the retail advertising of carpet or which tends to exaggerate the size or quantity of carpeting or floor covering being offered at the advertised price.

Provided, however, That nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That the respondents forthwith cease and desist from dissemination, or causing the dissemination of, any advertisement of merchandise except advertising in connection with respondent Campbell's operation of a retail liquor store, by means of newspapers, or other printed media, television or radio, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless respondents clearly and conspicuously disclose in each advertisement the following notice set off from the text of the advertisement by a black border:

The Federal Trade Commission has found that we engage in bait and switch advertising; that is, the salesman makes it difficult to buy the advertised product and he attempts to switch you to a higher priced item.

One year from the date this order becomes final or any time thereafter, respondents upon showing that they have discontinued the practices prohibited by this order and that the notice provision is no longer necessary to prevent the continuance of such practices may petition the Commission to waive compliance with this order provision.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and instore solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor coverings and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this Order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondents, William D. Campbell, Jr., and Jack S. Owens promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business addresses and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The Decision and Order was issued by the Commission, October 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2244 Filed 1-23-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11187]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Financial Statements Furnished to Customers of Broker-Dealers

The Securities and Exchange Commission today announced the adoption of an amendment to paragraph (n) of rule 17a-5 under the Securities Exchange Act of 1934. The adoption of this amendment follows the Commission's consideration of comments received in connection with the proposal to adopt the amendment announced in Securities Exchange Act Release No. 11017. This amendment modifies the present requirements of paragraph (n) and requires all broker-dealers subject to paragraph (k) of rule 17a-5 to furnish customers annually one unaudited report of financial condition and certain information concerning the firm's net capital in lieu of the quarterly reports previously required by paragraph (n). In addition, paragraph (m) of the rule presently requires broker-dealers to furnish an audited statement of financial condition and other specified information annually. Thus, under the revised rule, customers would receive two financial reports from broker-dealers annually approximately 6 months apart, one audited and one unaudited.

The Commission believes that it is important that customers of broker-dealers receive the information set forth in paragraphs (m) and (n) of the rule concerning the financial and operating condition of the broker-dealer to whom they entrust their funds and securities. The Commission is also of the view that customers of the broker-dealer will be provided with sufficient information to enable them to judge the financial condition of the broker-dealer to whom they entrust their funds and securities if the broker-dealer is required to provide an unaudited report pursuant to paragraph (n) in addition to the annual audited report required pursuant to paragraph (m) of the rule. The amendment would provide that such unaudited statement will be as of a date approximately 6 months after the date of the audited statement.

COMMISSION ACTION

Pursuant to sections 15(c)(3), 17(a) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission hereby amends § 240.17a-5(n) of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a-5 Reports to be made by certain exchange members, brokers and dealers.

* * * * *

(n) Every member, broker or dealer who is subject to paragraphs (k), (l) and (m) of this rule shall furnish customers (as defined in paragraph (o) of this rule) and shall file with the Regional Office of the Commission for the region in which the member, broker or dealer has his principal place of business and with the national securities exchange and the national securities association of which he is a member (or, if he is not a member, only with the Commission) not later than 285 days from the date of the audited statements required by paragraph (m) of this rule, an unaudited statement containing the information specified in subparagraphs (m)(1) and (m)(2) of this rule which shall be as of the date of the member's, broker's or dealer's fiscal period which ends nearest to 6 months from the date of the audited statements required to be furnished to customers pursuant to paragraph (m) of this rule.

* * * * *

(Secs. 15(c)(3), 17(a), 23(a), 48 Stat. 895, 897, 901, secs. 3, 4, 8, 49 Stat. 1377, 1379, secs. 2, 5, 52 Stat. 1075, 1076, sec. 7(d), 84 Stat. 1653, 15 U.S.C. 78o(c)(3), 78q(a), 78w)

By the Commission.

Dated: January 17, 1975.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2241 Filed 1-23-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart M—Conditions for Coverage of Services of Independent Laboratories; Correction

A revision of Subpart M of Regulations No. 5, relating to conditions for coverage of services of independent laboratories under Medicare, and a preamble discussing comments received in response to a notice of such proposed revision, were published in the FEDERAL REGISTER of September 19, 1974 (39 FR 33690).

In the preamble published at that time, Paragraph 5 of the list of changes made in the proposed revision as a result of comments, seems to suggest that a laboratory may not refer tests to another laboratory. Therefore, to more precisely reflect the provisions of the regulations, such paragraph 5 of the preamble to the regulations is revised to read as follows:

5. On § 405.1314 (Clinical laboratories; tests performed), we received several comments expressing concern over the proposed regulation which allowed laboratories to be certified in a specialty or subspecialty even though it was not performing tests in that specialty or subspecialty. We agree that a laboratory should be required to perform tests in all specialties and subspecialties for which it is certified. Therefore, we have deleted the portion of proposed § 405.1314 which permitted approval of a laboratory for a specialty or subspecialty even though tests in such specialty or subspecialty were not performed. Effective October 21, 1974, Medicare will approve independent laboratories only for specialties or subspecialties in which they are actually performing tests. However, a laboratory may continue to refer tests in a particular specialty or subspecialty to a laboratory which is certified under Medicare to perform tests in such specialty or subspecialty regardless of whether the referring laboratory is approved for such specialty or subspecialty. This brings the Medicare regulations into line with the regulations of the Center for Disease Control in this area.

Also, the regulations published at that time contained the following minor errors:

1. As a result of numerous comments regarding the meaning of "significant volume of diagnostic tests," § 405.1310(a) was revised by deleting "performs a significant volume of" and substituting "accepts at least 100 specimens in any category during any calendar year." However, the phrase "diagnostic tests" should also have been deleted. Section 405.1310(a) should read as set forth below.

2. Since several professional groups had contended and we had agreed that predegree experience was just as valid as postdegree experience, we intended to delete the portion of § 405.1310(d) containing the limitation on predegree training. However, the phrase "or prior to qualifying as a technologist under § 405.1315(b)(4)" was inadvertently included. Section 405.1310(d) should read as set forth below.

§ 405.1310 Definitions.

For purposes of this Subpart M, the following definitions apply:

(a) *Independent laboratory.* An independent laboratory performing diagnostic tests means one which is independent both of the attending or consulting physician's office and of a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act. A laboratory which: (1) is located in a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act or, if outside the hospital, is operated under the supervision of the hospital or its organized medical staff, and (2) serves the hospital's patients, is not an independent laboratory. Services furnished by out-of-hospital laboratories under the direction of a physician, such as a pathologist, are considered to be subject to the conditions where the physician holds himself and the facilities of his office out to other physicians as being available for the performance of diagnostic tests. A laboratory maintained by a physician for performing diagnostic tests for his own patients is exempt from the conditions unless such laboratory accepts at least 100 specimens in any category during any calendar year on referral from other physicians. For purposes of this paragraph a category shall be one of the following: (i) Microbiology and serology; (ii) clinical chemistry; (iii) immunohematology; (iv) hematology; (v) pathology; (vi) radiobioassay.

* * * * * *

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(d) *Subsequent to graduation.* The phrase "subsequent to graduation" means laboratory training and experience acquired after receipt of the degree specified. However, for purposes of § 405.1312 or § 405.1313, experience as a technologist in an approved clinical laboratory, which was gained prior to acquiring such degree, may be substituted on an equivalency basis of 1.5 years of such experience for every 1 year of postdegree training and experience; and experience as a general supervisor in an approved clinical laboratory, which was gained prior to acquiring such degree, may be substituted on a 1-for-1 basis.

• • • • • •

3. Since we received numerous comments regarding possible confusion in the numbering scheme used in § 405.1315, we revised the numbering to provide for a separate paragraph for each category of technical personnel, by qualifications and duties. However, the phrase "In the case of a laboratory technologist or cytotechnologist not meeting the training and experience requirements defined in paragraph (b)(1) or (2) of this section" was inadvertently included. It is superfluous, and § 405.1315(c)(3) should read as follows:

§ 405.1315 Condition—clinical laboratory; technical personnel.

• • • • • •

(c) • • •

(3) Achieves a satisfactory grade in a proficiency examination approved by the Secretary. However, after December 31, 1977, initial certification as a cytotechnologist must be in accordance with paragraph (c)(1) or (2) of this section.

• • • • • •

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Approved: January 17, 1975.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.75-2250 Filed 1-23-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

SUBPART C—SPONSORS OF APPROVED APPLICATIONS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (98-595V) filed by Walnut Grove Products, Division of W. R. Grace & Co., Atlantic, IA 50022, proposing safe and effective use of a tylosin premix in making swine feed. The application is approved.

To facilitate referencing, the firm is being assigned a sponsor code number and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended in Parts 135 and 135e as follows:

1. In Part 135, § 135.501(c) is amended by inserting numerically a new sponsor 132 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

Code no.	Firm name and address
•	• • • •
132	Walnut Grove Products, Division of W. R. Grace & Co., 201 Linn St., Atlantic, IA 50022.
•	• • • •

2. In Part 135e, § 135e.10 is amended by adding paragraph (b)(28) to read as follows:

§ 135e.10 Tylosin.

• • • • • •

(b) • • •

(28) To 132: 4 grams per pound; item 4.

• • • • • •

Effective date. This order shall be effective January 24, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(b))

Dated: January 17, 1975.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.75-2205 Filed 1-23-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 449—ANTIFUNGAL ANTIBIOTICS

Certification of Nystatin Lotion

In the FEDERAL REGISTER of November 5, 1970 (35 FR 17069), the Food and Drug Administration published its conclusion regarding Nysta-Dome Lotion containing nystatin marketed by Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Ave., New York, NY 10023. The notice stated that the Food and Drug Administration had evaluated reports received from the National Academy of Sciences/National Research Council and concluded that this preparation is effective for the treatment of cutaneous and mucocutaneous mycotic infections caused by *Candida* species (*Monilia*). Affected firms were requested to submit amendments to their antibiotic applications to provide for revised labeling.

Since the manufacturer has now provided labeling information in accordance with the reevaluation of the drug published in the FEDERAL REGISTER of November 5, 1970, the Commissioner of Food and Drugs concludes that the antibiotic regulations should be amended as set forth below to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 449 is amended by adding a new section to read as follows:

§ 449.550h Nystatin lotion.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Nystatin lotion is composed of nystatin with one or more suitable and harmless suspending agents, emulsifiers, surfactants, and preservatives in a suitable and harmless vehicle. Each milliliter contains 100,000 units of nystatin. Its potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of nystatin that it is represented to contain. Its pH is not less than 5.5 and not more than 7.5. The nystatin used conforms to the standards prescribed by § 449.50(a)(1), except safety.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The nystatin used in making the batch for potency, loss on drying, pH, and identity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The nystatin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative portion of the sample into a high-speed glass blender jar containing sufficient dimethylformamide to give a convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and dilute with sufficient dimethylformamide to yield a stock solution containing 400 units of nystatin per milliliter (estimated). Further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

Since the conditions prerequisite to providing for certification of subject antibiotic have been complied with, and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective on January 24, 1975.

Dated: January 17, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-2213 Filed 1-23-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Subchapter H—Right-of-Way and Environment

PART 713—RIGHT-OF-WAY—THE PROPERTY MANAGEMENT FUNCTION

Applicability

This will amend the regulations of the Federal Highway Administration by revising § 713.302(c) of 23 CFR 713, Subpart C. Subpart C, dealing with the disposal of rights-of-way, was published in the FEDERAL REGISTER on September 27, 1974 (39 FR 34654). Section 713.302(c) is amended to clarify the nonapplicability of the regulation to real property acquired for planned highway purposes but not used because of a determination not to construct the planned highway facility.

The proposed regulation will codify a revision of paragraph 2(c) of Volume 7, Chapter 4, section 2 of the Federal Highway Program Manual.

Section 713.302(c) is hereby revised to read as follows:

§ 713.302 Applicability.

• • • • • •

(c) The provisions of this section do not apply:

(1) Where whole sections of the Interstate System are withdrawn under the provisions of 23 U.S.C. 103(e)(2) and (4), or

(2) Where real property has been acquired for planned highway purposes, but because of environmental concerns, widespread public objections, or other similar considerations, the State highway department (SHD) or other appropriate State authority determines not to construct the planned highway facility.

This revision will take effect immediately.

Issued on January 20, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-2202 Filed 1-23-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 325-4]

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California

The section entitled "Control strategy: Photochemical oxidants (hydrocarbons) and carbon monoxide" and designated as § 52.240 in the June 22, 1973 FEDERAL REGISTER (38 FR 16564) is redesignated as § 52.269.

Dated: January 20, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-2181 Filed 1-23-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. 1208]

PART 1033—CAR SERVICE

Reading Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 21st day of January 1975.

It appearing, that the Lehigh and New England Railway Company (LNE) has notified the Commission that, on or before January 24, 1975, it will be unable to transport the traffic offered it because its cash position makes continued operation impossible; and that, accordingly, the LNE has placed its embargo No. 1-75 against all traffic, effective January 7, 1975;

It further appearing, that the imminent cessation of all transportation services by the LNE constitutes an emergency situation such as that contemplated by section 1(16)(b) of the Interstate Commerce Act (49 U.S.C. 1(16)), as amended, by section 601(e) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236); and that section authorizes the Commission under certain prescribed conditions, to direct a carrier or carriers by railroad to perform essential transportation services which another carrier is no longer able to perform;

It further appearing, that the legislative history to section 1(16)(b) indicates that its purpose is to assure the continuance of essential rail service for a period of sixty days, or in extraordinary circumstances for an extended period not to exceed 240 days, in the event that a railroad is required to cease operation under conditions described in the Act; and that such authority was intended as an interim emergency measure and not as a permanent solution;

It further appearing, that in determining whether the LNE should be operated pursuant to the authority of section 1(16)(b) and in its planning therefore, the Commission, consistent with Congressional intent and the provisions of the Emergency Rail Services Act of 1970 (45 U.S.C. 661), has coordinated its activities with the Department of Transportation and has been in consultation with representatives of the United States Railway Association, among others;

It further appearing, that the Commission has determined that based upon the statute and the directives contained in the legislative history of section 1(16)(b) of the Act, the operation of the lines of the LNE is necessary and such operation is in the public interest; that the Commission considered many factors, including but not limited to: the transportation requirements of the patrons of the LNE, the economic impact of a discontinuance of service, the amount of originating and terminating traffic on individual lines, transportation requirements of connecting carriers, condition of track, alternative carriers and transportation modes, and net operating revenues attributable to individual lines; and that, the Commission should direct a carrier to operate over the lines of the LNE;

It further appearing, that the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg) should be directed to provide the services herein determined to be essential in the public interest, which were formerly performed by the LNE, because, among other things, the Rdg's proximity to the lines of the LNE, the volume of the traffic LNE interchanges with the Rdg, its familiarity with the operation of the LNE and its willingness and ability to perform the services required for shippers;

It further appearing, that the performance of the operations directed herein will not substantially impair the Rdg's ability adequately to serve its own patrons or to meet its outstanding common carrier obligations; that the performance of the directed operation should not violate the provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421);

It further appearing, that in light of the emergency situation which would result from a cessation of all transportation service by the LNE, public notice and hearings are impractical and not required by the procedures set forth in section 1(15) of the Act; that the public interest requires the continuation of operation over certain lines of the LNE by the Rdg for a period of operation of 60 days as provided by section 1(16)(b) of the Act; and that good cause exists for making this order effective upon the date served;

It further appearing, that the Rdg is presently a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) subject to the jurisdiction of the United States District Court for the Eastern District of Pennsylvania; and that, accordingly, approval of said court may be necessary for the implementation of this order; and

It further appearing, and the Division so finds, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, and the Division so finds, that cessation of service by the LNE would have serious economic consequences not only to the patrons of the LNE but also to the communities located within the area; and for good cause appearing therefore:

§ 1033.1203 Service Order No. 1203.

(a) *Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, directed to operate certain portions of Lehigh and New England Railway Company. It is ordered,* That the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, trustees (Rdg), be, and it is hereby directed to enter upon that portion of the Tamaqua branch of the Lehigh and New England Railway (LNE) extending between milepost 2.20

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east of Hauto, Pennsylvania, and a connection with the Reading Company at milepost 6.55 in the vicinity of Tamaqua, Pennsylvania, and to operate such railroad and facilities subject to any necessary approval of the reorganization court of the United States District Court for the Eastern District of Pennsylvania, for the purpose of handling, routing, and moving the traffic of the Lehigh and New England Railway Company in accordance with the lawful instructions of shippers and consignees and in compliance with the rules and regulations of the Commission, and subject to the rates and charges prescribed in tariffs lawfully published and filed in accordance with law and applicable to freight transported over the lines of the Lehigh and New England Railway Company; that such entry and operations shall commence on or before 12:01 a.m., January 24, 1975, and shall continue for a period of 60 days, unless such period is reduced by order of the Commission or unless further extended by order of the Commission, for cause shown, for an additional designated period; and that a certified copy of the order of the court authorizing the Reading Company to perform the directed service pursuant to the order of the Commission shall be filed with this Commission, with appropriate reference to this proceeding;

(b) *It is further ordered*, That the Lehigh and New England Railway Company shall, on the date of service of this order inform all persons who were given notice of its embargo No. 1–75, that said embargo shall no longer be applicable to service over its lines;

(c) *It is further ordered*, That the Reading Company shall (1) collect all revenues attributable to the handling, routing, and movement of freight traffic including all agents' and conductors' accounts and all payments from other carriers collected after the commencement of directed operations; (2) distribute such revenues in accordance with divisional agreements presently applicable, collecting and paying to the Lehigh and New England Railway Company the divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed and events occurring prior to January 24, 1975, and collecting and retaining for the Reading Company on a segregated basis all such divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed by the Reading Company in the place and stead of the Lehigh and New England Railway Company and from events occurring on or after January 23, 1974;

(d) *It is further ordered*, That all carriers are hereby directed to pay to the Reading Company, such sums as otherwise would be payable to the Lehigh and New England Railway Company including interline freight revenues, per diem, and all other interline accounts of whatsoever kind and nature coming due under normal accounting rules and procedures for the settlement of interline transactions and accounts between carriers during the period this order is in effect and thereafter coming due for services performed and events occurring during the period of directed service;

(e) *It is further ordered*, That the Reading Company shall pay to all carriers amounts received by it but due to them for services performed by them, for per diem, and for events occurring either prior to the commencement of operations directed herein or during the period this order is in effect, all in accordance with established procedures for the settlement of interline transactions and accounts between carriers;

(f) *It is further ordered*, That in executing the directions of this Commission as provided for in this order, all carriers involved in the movement of traffic to the lines of the Lehigh and New England Railway Company shall proceed even though in some instances, no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; that in the event reroutings are necessary pursuant to the directives of this and subsequent orders, the divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act;

(g) *It is further ordered*, That, in carrying out the operations directed herein, the Reading Company shall hire employees of the Lehigh and New England Railway Company to the extent such employees had previously performed the directed service and shall assume all existing employment obligations and practices of the Lehigh and New England Railway Company relating thereto, including, but not limited to, agreements governing rates of pay, rules, working conditions, and all current employee protective conditions, for the duration of the directed service;

(h) *It is further ordered*, That the Reading Company and the Lehigh and New England Railway Company shall, if possible, negotiate an agreement (hereinafter called the agreement) on all aspects of the directed operation subject to their determination, including, but not limited to use of and rental for equipment, use of, and compensation for, existing inventories of fuel, materials, and supplies, and rental for the use of rights-of-way and other rail facilities; that the Commission shall be represented at all such discussions; that the agreement shall be subject to approval by the Commission upon such procedure as the Commission shall later specify; and that in the event the Reading Company and the Lehigh and New England Railway Company fail to agree upon the terms for such use and compensation, the directed service shall continue pending a Commission determination to establish such terms as it may find to be just and reasonable;

(i) *It is further ordered*, That in the event the parties achieve agreement, any funds to be paid the Lehigh and New England Railway Company thereunder shall be paid into an escrow account until the agreement is given approval by the Commission; and that in the event the parties are unable to reach agreement, any monies the Reading Company holds for the account of the Lehigh and New England Railway Company to compensate it to the use of its equipment and facilities and properties, in lieu of a final agreement, shall be paid into an escrow account until a determination has been made by the Commission as to what terms are just and reasonable;

(j) *It is further ordered*, That the Reading Company shall record the revenues earned and the costs incurred in and for the performance of the operations directed herein over the lines of the Lehigh and New England Railway Company, in a manner to be prescribed by the Commission, that the information so recorded, and supporting data where specifically required, shall be submitted by the Reading Company to the Commission for audit and evaluation immediately upon completion of the directed operation, or at such intervals, during the period of the directed operation, as the Commission may request; and that, if, for the period during which this order shall be effective, the cost to the Reading Company of handling, routing, and moving the traffic over the lines of the Lehigh and New England Railway Company shall exceed the direct revenues therefor, payment shall be made to the Reading in the manner provided by section 1(16) (b) of the Act;

(k) *It is further ordered*, That the Commission shall retain jurisdiction to modify, supplement or reconsider this order at any time and for such purposes as it may consider necessary consistent with the legislative intent and the express provision of section 1(16) (b) of the Interstate Commerce Act, as amended;

(l) *It is further ordered*, That this order shall be served upon the United States Department of Transportation, the United States Railway Association, the Rail Planning Services Office of the Interstate Commerce Commission, the governor of the State of Pennsylvania, Pennsylvania Public Utilities Commission, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(m) *It is further ordered*, That this order shall be effective upon the date of service; that the operations which the Reading Company is herein directed to perform shall commence on or before 12:01 a.m., January 24, 1975; and that

such operations shall cease 60 days from the date the directed service shall be instituted by the Reading Company at 11:59 p.m., unless otherwise extended, modified, changed, or suspended by subsequent order of the Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–2262 Filed 1–23–75;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 12)]

PART 1100—GENERAL RULES OF PRACTICE

Paper Conservation

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 17th day of January, 1975.

It is ordered, That based on the reasons set forth in the attached notice, Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as set forth below.

It is further ordered, That this order shall become effective on January 24, 1975.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission has amended its rules of practice in an attempt to conserve paper. The rule changes will permit persons submitting written pleadings, documents, and papers to use both sides of the paper (rather than one side) and to file 8 (instead of 15) copies of such pleadings, documents, and papers. These measures should permit persons appearing before the Commission to economize on paper and reproduction costs.

The rule is issued under the authority of sec. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, 551, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U.S.C. 12, 13a, 17, 304, 305, 306, 307, 309, 311, 902, 903, 904, 909, 916, 1003, 1010, 1017.

Issued in Washington, D.C., January 17, 1975.

Accordingly, this action modifies 49 CFR 1100.15 and 1100.16 so that they now read as follows:

§ 1100.15 Typographical specifications generally (Rule 15).

Except as otherwise provided respecting applications (Rule 38(a)), exhibits (Rule 84(a)), and informal complaints (Rules 24(a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by offset press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. Whiteline blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression may be on both sides of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. Nothing less in size than Elite type shall be used. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading or brief in excess of 50 pages (except a pleading under modified or shortened procedure), including cover pages, indexes, and appendixes, must be printed. Printing by offset press will be accepted: *Provided*, That the type used is not reduced in size smaller than that required for typewritten documents and that where the pleading or brief exceeds 50 pages, the impression is on both sides of the paper. Failure to observe these specifications will result in rejection.

§ 1100.16 Copies. (Rule 16).

(a) *Generally.* The original and 8 copies of every pleading, document, or paper permitted or required to be filed under this part shall be furnished for the use of the Commission except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (Rule 35(c)), applications (Rule 36(b) and Rule 40 (c)); complaints, formal (Rules 26 and 37) and informal (Rule 24(a) and Rule 25(d)); depositions (Rule 64); exhibits (Rules 84(c) and 86); modified procedure (Rule 52); petitions in intervention (Rule 72(d)); prepared statements (Rule 77); protests in investigation-and-suspension proceedings (Rule 42(c)); replies (Rule 23(b)); and matters respecting oral argument (Rule 98); subpenas (Rule 56(a)); time modification (Rule 21(b)); transcript correction (Rule 90(b)), and petitions for rehearing, reargument, or reconsideration (Rule 101(a)).

(b) *In bankruptcy proceedings.* Except as otherwise provided in an application form or instruction (Rule 38) and respecting exhibits (Rule 84(c)), the original and 19 copies of every pleading, document, or paper filed in a proceeding arising under the Uniform Bankruptcy Act shall be furnished for the use of the Commission.

[FR Doc.75–2261 Filed 1–23–75;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-456]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Desha	McGehee, city of	Jan. 28, 1975. Emergency	Mar. 29, 1974		
Massachusetts	Franklin	Greenfield, town of	do	Sept. 13, 1974		
Missouri	Reynolds	Ellington, city of	do	Mar. 29, 1974		
New York	Westchester	Hasting-on-Hudson, city of	do	Nov. 8, 1974		
Do	Oneida	New Hartford, village of	do	Feb. 22, 1974		
Ohio	Delaware	Galena, village of	do	Feb. 15, 1974		
Do	Warren	South Lebanon, village of	do	May 24, 1974		
Tennessee	Lauderdale	Ripley, town of	do	May 17, 1974		
Virginia	Lee	Unincorporated areas	do			
Washington	Whitman	Colfax, city of	do	Apr. 5, 1974		
West Virginia	Monongalia	Morgantown, city of	do	Aug. 2, 1974		
Wisconsin	Chippewa	Cadott, village of	do	Dec. 17, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2178 Filed 1-23-75;8:45 am]

[Docket No. FI-457]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Pima	Tucson, city of	Jan. 20, 1974. Emergency	Aug. 2, 1974		
Do	Pinal	El Rey, city of	do	May 31, 1974		
Florida	Putnam	Palatka, town of	do	July 19, 1974		
Do	Sumter	Bushnell, city of	do	Jan. 16, 1974		
Georgia	Bulloch	Statesboro, city of	do	June 7, 1974		
Iowa	Linn	Fairfax, city of	do	May 3, 1974		
Indiana	Johnson	Franklin, city of	do	Dec. 28, 1973		
Do	Ohio	Unincorporated areas	do			
Do	do	Rising Sun, city of	do			
Do	Bartholomew	Unincorporated areas	do	Sept. 20, 1974		
Do	Lake	St. John, town of	do	Nov. 30, 1973		
Kansas	Rice	Lyons, city of	do	Feb. 15, 1974		
Maine	York	Biddeford, city of	do	May 24, 1974		
Michigan	Midland	Midland, city of	do	May 3, 1974		
Missouri	Cape Girardeau	Jackson, city of	Jan. 9, 1974. Suspension withdrawn.	May 4, 1973		
Maine	Aroostook	Madawaska, town of	Jan. 20, 1974. Emergency	Aug. 9, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Missouri	Dunklin	Holcomb, city of	do	Mar. 29, 1974		
Mississippi	Franklin	Bude, town of	do	June 7, 1974		
New Jersey	Bergen	Rockleigh, borough of	do			
North Carolina	Johnston	Smithfield, town of	do			
Ohio	Clermont	Chilo, village of	do			
Do	Cuyahoga	Middleburg Heights, city of	do	Jan. 16, 1974		
Oregon	Washington	Hillsboro, city of	do			
Pennsylvania	Montgomery	Trappe, borough of	do	Nov. 15, 1974		
Texas	Walker	Huntsville, city of	do	May 24, 1974		
Do	Denton	Lewisville, city of	do	Mar. 15, 1974		
Utah	Utah	Salem, city of	do	June 28, 1974		
Do	Emery	Ferron, town of	do	May 24, 1974		
Vermont	Washington	Marshfield, town of	do	Sept. 20, 1974		
Virginia	Richmond	Unincorporated areas	do			
Do	Rockingham	Elkton, town of	do	June 28, 1974		
Washington	Yakima	Yakima, city of	do			
West Virginia	Mason	Point Pleasant, city of	do			
Do	Fayette	Mount Hope, city of	do	Sept. 13, 1974		
Wisconsin	LaCrosse	Bangor, village of	do	Jan. 16, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2177 Filed 1-23-75;8:45 am]

[Docket No. FI-458]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry read as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Walker	Jasper, city of	Jan. 21, 1975. Emergency	Jan. 23, 1974		
Arkansas	Craighead	Lake City, city of	do	May 24, 1974		
Colorado	Boulder	Broomfield, city of	Jan. 10, 1975. Suspension. Withdrawn.			
Florida	Seminole	Sanford, city of	Jan. 21, 1975. Emergency	Aug. 16, 1974		
Kentucky	Ballard	Wickliffe, city of	do	May 24, 1974		
Louisiana	Acadia Parish	Iota, town of	do	do		
Massachusetts	Middlesex	Framingham, town of	do	Aug. 2, 1974		
Minnesota	Ramsey	Arden Hills, city of	do	Apr. 5, 1974		
Nebraska	Burt	Decatur, village of	do	Apr. 12, 1974		
New York	Nassau	Long Beach, city of	Jan. 10, 1975. Suspension. Withdrawn.			
Ohio	Belmount	Shadyside, city of	Jan. 21, 1975. Emergency	Nov. 23, 1973		
Do	Auglaize	St. Mary's, city of	do	May 17, 1974		
Oregon	Yamhill	Sheridan, city of	do	Oct. 18, 1974		
Do	do	Willamina, city of	do	Dec. 28, 1973		
Pennsylvania	Allegheny	Braddock, borough of	do	Mar. 29, 1974		
Do	Erie	Edinboro, borough of	do	Mar. 5, 1974		
Do	Susquehanna	Great Bend, Borough of	do	Sept. 20, 1974		
Do	Lebanon	Jackson, Township of	do			
Do	Washington	Marianna, Borough of	do	Feb. 8, 1974		
Do	Berks	Robesonia, Borough of	do			
Do	Allegheny	Swissvale, Borough of	do	May 14, 1974		
Texas	Kerr	Unincorporated Areas	do			
Do	Cooke	Lindsay, Town of	do			
Virginia	Franklin	Boones Mill, Town of	do	Aug. 16, 1974		
Do	Pittsylvania	Unincorporated Areas	do			
Washington	Skagit	Mount Vernon, City of	do	May 17, 1974		
Wisconsin	Dodge	Wanpun, City of	do	Jan. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2176 Filed 1-23-75;8:45 am]

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[Docket No. FI 459]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Orange	Placentia, city of	Jan. 22, 1975, Emergency	June 14, 1974		
Colorado	Adams	Northgleen, city of	do			
Georgia	Liberty	Unincorporated areas	do			
Iowa	Cherokee	Cherokee, city of	do	Mar. 29, 1974		
Ohio	Mercer	Celina, city of	do	Apr. 12, 1974		
Do	Clark	New Carlisle, city of	do	Feb. 1, 1974		
Virginia	Independent City	Suffolk, city of	do	July 19, 1974		
West Virginia	Wyoming	Pineville, town of	do	July 26, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2175 Filed 1-23-75;8:45 am]

[Docket No. FI 450]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Coffee	New Brockton, town of	H 010233 01 through H 010233 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Town of New Brockton, New Brockton, Ala. 36351.	Jan. 17, 1975.
Do	do	Unincorporated areas.	H 010239 01 through H 010239 03	do	Mayor, County of Coffee, P.O. Box 450, Elba, Ala. 36723.	Do.
Do	Henry	do	H 010261 01 through H 010261 02	do	Mayor, City Hall, County of Henry, Headland, Ala. 36345.	Do.
Do	Jefferson	Adamsville, city of.	H 010267 01 through H 010267 02	do	Mayor, City Hall, City of Adamsville, Adamsville, Ala. 35005.	Do.
Do	Montgomery	Unincorporated areas.	H 010278 01 through H 010278 03	do	Mayor, City Hall, County of Montgomery, Montgomery, Ala. 36104.	Do.
Do	Pickens	do	H 010283 01 through H 010283 05	do	Mayor, County of Pickens, Aliceville, Ala. 35442.	Do.
Do	Russell	do	H 010287 01 through H 010287 06	do	Mayor, County of Russell, Phenix City, Ala. 36867.	Do.
Arizona	Graham	do	H 040032 01 through H 040032 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7006, 718 West Glenrosa, Phoenix, Ariz. 85011.	Chairman, Graham County Board of Supervisors, Court House, County of Graham, Safford, Ariz. 85546.	Do.
Arkansas	Miller	Garland, town of	H 050138 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Town of Garland, Miller County, Garland, Ark. 71839.	Do.
California	Orange	La Verne, city of	H 060133A 01 through H 060133A 03	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, City of La Verne, La Verne, Calif. 91750.	June 14, 1974, Jan. 17, 1975.
Do	San Bernadino	Barstow, city of	H 060271 01 through H 060271 09	do	Mayor, City Hall, 220 East View Ave., City of Barstow, Barstow, Calif. 92311.	Jan. 17, 1975.
Do	Humboldt	Blue Lake, city of.	H 060438 01	do	Mayor, City Hall, City of Blue Lake, Blue Lake, Calif. 95525.	Do.
Colorado	Larimer	Wellington, town of.	H 080104A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, City Hall, Town of Wellington, Wellington, Colo. 80549.	Mar. 22, 1974, Jan. 17, 1975.
Do	El Paso	Calhan, town of	H 080192 01	do	Mayor, Town of Calhan, Calhan, Colo. 80808.	Jan. 17, 1975.
Delaware	Sussex	Bethel, town of	H 100055 01 through H 100055 02	Division of Soil and Water, Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delware Insurance Department, 21 The Green, Dover, Del. 19901.	Mayor, City Hall, Town of Bethel, Bethel, Del. 19931.	Do.
Florida	Bay	Unincorporated areas.	H 120004 01 through H 120004 16	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Chairman, Board of County Commissioners, County of Bay, Panama City, Fla. 32401.	Do.
Do	Clay	do	H 120064 01 through H 120064 09	do	Clay County Commission and Zoning Board, County of Clay, Clay County Court House, Green Cove Springs, Fla. 32043.	Do.
Do	Hernando	do	H 120110 01 through H 120110 09	do	Planning and Zoning Official, Hernando County, 9 North Brooksville Ave., Brooksville, Fla. 33512.	Dec. 13, 1974, Jan. 17, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Seminole	do	H 130280 01 through H 130289 12	do	Seminole County Engineering Office, 4300 South Orlando Ave., Sanford, Fla. 32771.	Jan. 17, 1975.
Georgia	Ben Hill	Fitzgerald, city of.	H 130007 01 through H 130007 04	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Building Inspector's Office, 304 East Central Ave., City of Fitzgerald, Fitzgerald, Ga. 31750.	Do.
Do	Dawson	Dawsonville, city of.	H 130004 01	do	Mayor, City Hall, City of Dawsonville, Dawsonville, Ga. 30534.	Do.
Do	Rabun	Mountain City, town of.	H 130252 01 through H 130252 02	do	Mayor, Town of Mountain City, Mountain City, Ga. 30562.	Do.
Do	Tift	Tifton, city of	H 130171 01 through H 130171 02	do	Tifton City Hall, City of Tifton, Tifton, Ga. 31601.	Do.
Idaho	Bannock	Unincorporated areas.	H 160009 01 through H 160009 13	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, State House, Boise, Idaho 83707.	Zoning Administrator's Office, Bannock County, Court House, P.O. Box 4777, Pocatello, Idaho 83201.	Do.
Do	Latah	Deary, city of	H 160133 01	do	Mayor, City Hall, City of Deary, Deary, Idaho 83823.	Do.
Illinois	Lake	Unincorporated areas.	H 170357 01 through H 170357 15	Governor's Task Force on Flood Control, 300 North State St., Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Ronald Cole, Chairman, Planning and Zoning Committee, Board of Supervisors of Lake County, Lake County, Ill. 60085.	Do.
Do	Peoria	do	H 170533 01 through H 170533 05	do	Tri-County Regional Planning Commission, Suite 7-A, Junction City, Peoria, Ill. 61614.	Do.
Iowa	Butler	Aredale, town of	H 190035 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Town of Aredale, Aredale, Iowa 50605.	Do.
Do	Jackson	Monmouth, city of.	H 190161 01	do	Mayor, Town Hall, City of Monmouth, Monmouth, Iowa 52309.	Do.
Do	Winneshiek	Fort Atkinson, town of.	H 190284 01	do	Paul Glass, Town of Fort Atkinson, Fort Atkinson, Iowa 52144.	Do.
Do	Louisa	Morning Sun, town of.	H 190312 01	do	County Board of Supervisors, Court House, Town of Morning Sun, Wapello, Iowa 52653.	Do.
Kansas	Ellis	Schoenchen, city of.	H 200097 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, State House, Topeka, Kans. 66612.	Mayor, City Hall, City of Schoenchen, Schoenchen, Kans. 67667.	Do.
Do	Linn	Blue Mound, city of.	H 200195 01	do	Mayor, City of Blue Mound, Blue Mound, Kans. 66010.	Do.
Kentucky	Kenton	Lakeview, city of.	H 210249 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Northern Kentucky Area Planning Commission, 1th & Lowell St., P.O. Box F, City of Lakeview, Newport, Ky. 41072.	Do.
Louisiana	Beauregard Parish.	Unincorporated areas.	H 220026 01 through H 220026 19	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Chairman, Beauregard Parish Police Jury, Parish Court House, Beauregard Parish, DeRidder, La. 70634.	Do.
Do	Tangipahoa Parish.	do	H 220206 01 through H 220206 12	do	Mayor, Tangipahoa Parish, Amite, La. 70422.	Do.
Do	Union	Bernice, town of	H 220314 01	do	Mayor, Town of Bernice, Bernice, La. 71222.	Do.
Maine	York	Shapleigh, town of.	H 230195 01 through H 230198 06	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Manager, Town Office, Town of Shapleigh, Shapleigh, Maine 04076.	Do.
Do	Cumberland	Sebago, town of	H 230206 01 through H 230206 13	do	Planning Board, Town of Sebago, Sebago, Maine.	Do.
Do	Sagadahoc	Arrowsic, town of.	H 230208 01 through H 230208 02	do	Town Manager, Town Office, Arrowsic, Maine.	Do.
Do	Lincoln	Southport, town of.	H 230221 01 through H 230221 06	do	Town Manager, Municipal Bldg., Town of Southport, Southport Maine 04569.	Do.
Do	Kennebec	Windsor, town of	H 230251 01 through H 230251 10	do	Town Manager, Municipal Bldg., Windsor, Maine 04363.	Do.
Do	Waldo	Knox, town of	H 230258 01 through H 230258 10	do	Town Manager, Town of Knox, Knox, Maine.	Do.
Do	Hancock	Mount Desert, town of.	H 230287 01 through H 230287 16	do	Town Manager, Municipal Bldg., Town of Mount Desert, Mount Desert, Maine 04660.	Do.
Do	do	Orland, town of	H 230288 01 through H 230288 14	do	Town Manager, Municipal Bldg., Town of Orland, Orland, Maine 04472.	Do.
Do	do	Southwest Harbor, town of.	H 230293 01 through H 230293 05	do	Town Manager, Town Office, Town of Southwest Harbor, Southwest Harbor, Maine 04679.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Winter Harbor, town of.	H 230302 01 through H 230302 10	do	Town Manager, Town Hall, Town of Winter Harbor, Winter Harbor, Maine 04693.	Do.
Do	Washington	Crawford, town of.	H 230309 01 through H 230309 12	do	Town Manager, Town of Crawford, Crawford, Maine.	Do.
Do	Oxford	Sweden, town of	H 230341 01 through H 230341 02	do	Town Manager, Municipal Bldg., Town of Sweden, Maine.	Do.
Do	Somerset	Athens, town of	H 230254 01 through H 230254 13	do	Town Manager, Municipal Bldg., Town of Athens, Athens, Maine 04912.	Do.
Do	do	Cambridge, town of.	H 230355 01 through H 230355 06	do	Town Manager, Town Office, Town of Cambridge, Cambridge, Maine 04923.	Do.
Do	do	Cornville, town of.	H 230358 01 through H 230358 06	do	Town Manager, Town Office, Town of Cornville, Cornville, Maine.	Do.
Do	do	Moose River, town of.	H 230363 01 through H 230363 06	do	Town Manager, Town Office, Town of Moose River, Moose River, Maine.	Do.
Do	Penobscot	Etna, town of	H 230385 01 through H 230385 07	do	Town Manager, Town Office, Town of Etna, Etna, Maine 04434.	Do.
Do	Aroostook	Amity, town of	H 230418 01 through H 230418 12	do	Chairman, Selectmen, Town Office, Town of Amity, Amity, Maine.	Do.
Massachusetts	Franklin	Wendell, town of	H 250131 01 through H 250131 11	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Manager, Town of Wendell, Wendell, Mass.	Do.
Michigan	Alpena	Alpena, city of	H 260010 01 through H 260010 04	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	City of Alpena, Alpena City Hall, 208 North 1st St., Alpena, Mich. 49707.	Do.
Do	Ionia	Belding, city of	H 260096 01 through H 260096 02	do	Mayor, City of Belding, Ionia County, Belding, Mich. 48809.	Do.
Do	Montcalm	Greenville, city of.	H 260158 01 through H 260158 02	do	City Assessor and Zoning Administrator, City of Greenville, 411 South Lafayette, Greenville, Mich. 48838.	Do.
Do	Huron	Caseville, township of.	H 260257 01 through H 260257 07	do	Caseville Township Board, 6682 Main St., Caseville, Huron County, Mich. 48725.	Do.
Do	Oceana	Golden, township of.	H 260301 01 through H 260301 11	do	Chairman, Board of Supervisors, Township of Golden, Oceana County, Golden, Mich.	Do.
Minnesota	Lyon	Balaton, city of	H 270953 01	Division of Waters, Soils and Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210, State Office Bldg., St. Paul, Minn. 55101.	Mr. James E. Klukas, Clerk-Treasurer, Village of Balaton, Balaton, Minn. 56115.	Do.
Do	Benton	Rice, city of	H 270597 01 through H 270597 04	do	Mayor, City of Rice, Benton County, Rice, Minn. 56367.	Do.
Do	Yellow Medicine	Wood Lake, city of.	H 270615 01	do	Mayor, City of Wood Lake, Yellow Medicine County, Wood Lake, Minn. 56297.	Do.
Do	Koochiching	South International Falls, city of.	H 270660 01 through H 270660 02	do	Mayor, City of South International Falls, Koochiching County, South International Falls, Minn. 56679.	Do.
Do	Sherburne	Big Lake, city of	H 270663 01	do	Mayor, City of Big Lake, Sherburne County, Big Lake, Minn. 55309.	Do.
Do	Wright	Waverly, city of	H 270666 01	do	Mayor, City of Waverly, Wright County, Waverly, Minn. 55390.	Do.
Mississippi	Tallahatchi	Webb, town of	H 280213 01	Mississippi Research and Development Center, P.O. Drawor 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mrs. Alyce H. Long, Town Clerk, Town Hall, Webb, Miss. 38966.	Do.
Missouri	Carroll	Bosworth, City of	H 290463 01	Department of Natural Resources, Division of Program and Policy Development, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Presiding Judge, Carroll County Court, Court House, City of Bosworth, Carrollton, Mo. 64633.	Do.
Do	Moniteau	Tipton, city of	H 290640 01	do	Mayor, City of Tipton, Moniteau County, Tipton, Mo. 65081.	Do.
Nebraska	Adams	Juniata, village of.	H 310263 01	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Juniata, Juniata, Nebr. 68955.	Do.
Do	Colfax	Clarkson, city of	H 310359 01	do	Mayor, City of Clarkson, Clarkson, Nebr. 68629.	Do.
Do	York	Henderson, city of.	H 310378 01	do	Mayor, City of Henderson, Henderson, Nebr. 68379.	Do.
Do	Colfax	Howells, village of.	H 310380 01	do	Mayor, Village of Howells, Howells, Nebr. 68641.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Hampshire	Carroll	Effingham, town of.	H 330012 01 through H 330012 05	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Selectmen, Center Effingham, Town of Effingham, Effingham, N.H.	Do.
Do.	Grafton	Grafton, town of.	H 330054 01 through H 330054 06	do	Chairman, Board of Selectmen, Town of Grafton, Grafton, N.H. 03240.	Do.
Do.	Sullivan	Springfield, town of.	H 330163 01 through H 330163 12	do	Chairman, Board of Selectmen, Town of Springfield, Springfield, N.H.	Do.
Do.	Carroll	Albany, town of.	H 330174 01 through H 330174 06	do	Town Supervisor, Town of Albany, Albany, N.H.	Do.
Do.	Cheshire	Stoddard, town of.	H 330195 01 through H 330195 05	do	Chairman, Planning Board, Town of Stoddard, Stoddard, N.H.	Do.
Do.	Rockingham	Danville, town of.	H 330199 01	do	Town Supervisor, Town of Danville, Danville, N.H. 03819.	Do.
Do.	Coos	Dummer, town of.	H 330201 01 through H 330201 12	do	Town Supervisor, Town of Dummer, Dummer, N.H.	Do.
Do.	Merrimack	Dunbarton, town of.	H 330202 01 through H 330202 10	do	Town Supervisor, Town of Dunbarton, Dunbarton, N.H.	Do.
Do.	Carroll	Eaton, town of.	H 330204 01 through H 330204 03	do	Town Supervisor, Town of Eaton, N.H.	Do.
Do.	Coos	Errol, town of.	H 330205 01 through H 330206 09	do	Town Supervisor, Town of Errol, Errol, N.H. 03579.	Do.
Do.	Belknap	Gilmanton, town of.	H 330208 01 through H 330208 07	do	Town Supervisor, Town of Gilmanton, Gilmanton, N.H. 03237.	Do.
Do.	Rockingham	Kingston, town of.	H 330217 01 through H 330219 05	do	Town Supervisor, Town of Kingston, Kingston, N.H. 03848.	Do.
Do.	Strafford	Madbury, town of.	H 330219 01 through H 330129 05	do	Town Supervisor, Town of Madbury, Madbury, N.H.	Do.
Do.	Carroll	Madison, town of.	H 330220 01 through H 330220 03	do	Town Supervisor, Town of Madison, Madison, N.H. 03840.	Do.
Do.	Hillsborough	Mount Vernon, town of.	H 330224 01	do	Town Supervisor, Town of Mount Vernon, Mount Vernon, N.H. 03057.	Do.
Do.	Rockingham	Newfields, town of.	H 330228 01 through H 330228 09	do	Town Supervisor, Town of Newfields, Newfields, N.H. 03856.	Do.
Do.	Cheshire	Sullivan, town of.	H 330233 01 through H 330233 02	do	Chairman, Planning Board, town of Sullivan, Sullivan, N.H.	Do.
Do.	Merrimack	Webster, town of.	H 330236 01 through H 330236 09	do	Selectmen, Town of Webster, Webster, N.H.	Do.
Do.	Cheshire	Westmoreland, town of.	H 330238 01 through H 330238 03	do	Selectmen, Town Office, Town of Westmoreland, Westmoreland, N.H. 03467.	Do.
Do.	Carroll	Wolfeboro, town of.	H 330239 01 through H 330239 08	do	Chairman, Planning Board, Town of Wolfeboro, Wolfeboro, N.H.	Do.
New Mexico	Taos	Questa, village of.	H 350116 01 through H 350116 02	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, Village of Questa, Taos County, Questa, N. Mex. 87556.	Do.
New York	Albany	Guilderland, town of.	H 360010 01 through H 360010 26	New York State Department of Environmental Conservation, Division of Resources Management Service, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, Town of Guilderland, Town Hall, Guilderland, N.Y. 12084.	Do.
Do.	St. Lawrence	Hammond, town of.	H 360700 01 through H 360700 10	do	Town Supervisor, Town Hall, Town of Hammond, Hammond, N.Y. 13646.	Do.
Do.	Chenango	Afton, town of.	H 361084 01 through H 361084 13	do	Mayor, Town of Afton, Afton, N.Y.	Do.
Do.	Greene	Jewett, town of.	H 361114 01 through H 361114 18	do	Supervisor, Town of Jewett, Jewett, N.Y. 12444.	Do.
Do.	Fulton	Mayfield, town of.	H 361132 01 through H 361132 15	do	Supervisor, Town of Mayfield, Mayfield, N.Y. 12117.	Do.
Do.	Essex	North Elba, town of.	H 361156 01 through H 361156 10	do	Supervisor, Town of North Elba, North Elba, N.Y.	Do.
Do.	do	Wilmington, town of.	H 361161 01 through H 361161 23	do	Supervisor, Town of Wilmington, Wilmington, N.Y. 12997.	Do.
Do.	Washington	Putnam, town of.	H 361236 01 through H 361236 04	do	Supervisor, Town of Putnam, Putnam, N.Y.	Do.
Do.	Montgomery	Glen, town of.	H 361295 01 through H 361295 06	do	Town Supervisor, Town of Glen, Glen, N.Y.	Do.
Do.	Chenango	Preston, town of.	H 361306 01 through H 361306 12	do	Town Supervisor, Town of Preston, Preston, N.Y.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Cortland	Freetown, town of.	H 361325 01 through H 361325 02	do	Supervisor, Town of Freetown, Freetown, N.Y.	Do.
Do.	do	Solon, town of.	H 361329 01 through H 361329 08	do	Supervisor, Town of Solon, Solon, N.Y.	Do.
Do.	Allegany	Ward, town of.	H 361364 01 through H 361364 03	do	Supervisor, Town of Ward, Ward, N.Y.	Do.
Do.	do	West Almond, town of.	H 361365 01 through H 361365 04	do	Supervisor, Town of West Almond, West, Almond, N.Y.	Do.
Do.	Chautauqua	Clymer, town of.	H 361369 01 through H 361369 12	do	Mayor, Town of Clymer, Clymer, N.Y.	Do.
Do.	do	French Creek, town of.	H 361370 01 through H 361370 12	do	Supervisor, Town of French Creek, French Creek, N.Y.	Do.
Do.	do	Sherman, town of.	H 361373 01 through H 361373 11	do	Town Supervisor, Town of Sherman, Sherman, N.Y. 14781.	Do.
Do.	Chenango	Coventry, town of.	H 361375 01 through H 361375 04	do	Mayor, Town of Coventry, Coventry, N.Y.	Do.
Do.	Franklin	Bellmont, town of.	H 361392 01 through H 361392 11	do	Mayor, Town of Bellmont, Bellmont, N.Y.	Do.
Do.	do	Brandon, town of.	H 361398 01 through H 361398 04	do	Mayor, Town of Brandon, Brandon, N.Y.	Do.
Do.	do	Duane, town of.	H 361396 01 through H 361396 06	do	Supervisor, Town of Duane, Duane, N.Y.	Do.
Do.	Greene	Windham, town of.	H 361401 01 through H 361401 04	do	Supervisor, Town of Windham, Windham, N.Y. 12496.	Do.
Do.	Jefferson	Worth, town of.	H 361409 01 through H 361409 04	do	Supervisor, Town of Worth, Worth, N.Y.	Do.
Do.	Otsego	Decatur, town of.	H 361417 01 through H 361417 02	do	Town Supervisor, Town of Decatur, Decatur, N.Y.	Do.
Do.	St. Lawrence	Pierrepont, town of.	H 361425 01 through H 361425 06	do	Supervisor, Town of Pierrepont, Pierrepont, N.Y. 13674.	Do.
Do.	do	Parishville, town of.	H 361427 01 through H 361427 06	do	Supervisor, Town of Parishville, Parishville, N.Y. 13672.	Do.
Do.	Steuben	West Union, town of.	H 361437 01 through H 361437 04	do	Supervisor, Town of West Union, West Union, N.Y.	Do.
Do.	do	Wheeler, town of.	H 361438 01 through H 361438 04	do	Supervisor, Town of Wheeler, wheeler, N.Y.	Do.
Do.	Washington	Jackson, town of.	H 361444 01 through H 361444 12	do	Supervisor, Town of Jackson, Jackson, N.Y.	Do.
Do.	Wayne	Marion, town of.	H 361446 01 through H 361446 02	do	Supervisor, Town of Marion, Marion, N.Y. 14505.	Do.
Do.	Sullivan	Wurtsboro, village of.	H 361476 01	do	Mayor, Village of Wurtsboro, Wurtsboro, N.Y. 12790.	Do.
Do.	Madison	Wampsville, village of.	H 361485 01	do	Mayor, Village of Wampsville, Wampsville, N.Y. 13163.	Do.
Do.	Orange	Chester, village of.	H 361541 01 through H 361541 02	do	Supervisor, Town of Chester, Main St., Chester, N.Y. 10918.	Do.
North Carolina	Guilford	Unincorporated areas.	H 370111 01 through H 370111 29	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	County Board of Commissioners, Guilford County, Greensboro, N.C. 27402.	Do.
North Dakota	McHenry	Anamoose, city of.	H 380154 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Anamoose, McHenry County, Anamoose, N. Dak. 58710.	Do.
Do.	Nelson	Aneta, city of.	H 380155 01	do	Mayor, City of Aneta, Nelson County, Aneta, N. Dak. 58212.	Do.
Do.	Sargent	Cogswell, city of.	H 380164 01	do	Mayor, City of Cogswell, Sargent County, Cogswell, N. Dak. 58017.	Do.
Do.	Walsh	Edinburg, city of.	H 380165 01	do	Mayor, City of Edinburg, Edinburg, N. Dak. 58227.	Do.
Do.	McHenry	Granville, city of.	H 380176 01	do	Mayor, City of Granville, Granville, N. Dak. 58741.	Do.
Do.	Griggs	Hannaford City, city of.	H 380178 01	do	Mayor, City of Hannaford City, Hannaford City, N. Dak. 58448.	Do.
Do.	Barnes	Litchville, city of.	H 380187 01	do	Mayor, City of Litchville, Litchville, N. Dak. 58461.	Do.
Do.	Cavalier	Munich, city of.	H 380189 01	do	Mayor, City of Munich, Munich, N. Dak. 58352.	Do.
Do.	Nelson	Petersburg, city of.	H 380194 01	do	Mayor, City of Petersburg, Petersburg, N. Dak. 58272.	Do.
Do.	Wells	Sykeston, city of.	H 380207 01	do	Mayor, City of Sykeston, Sykeston, N. Dak. 58486.	Do.
Do.	do	Fessenden, city of.	H 380226 01	do	Mayor, Town of Fessenden, Fessenden, N. Dak. 58438.	Do.
Do.	Emmons	Hazelton, city of.	H 380232 01	do	Mayor, City of Hazelton, Hazelton, N. Dak. 58544.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Sargent	Milner, city of	H 280230 01	do	Mayor, City of Milnor, Milnor, N. Dak. 58060.	Do.
Do	Benson	Minnewaukan, city of.	H 280240 01	do	Mayor, City of Minnewaukan, Minnewaukan, N. Dak. 58351.	Do.
Oklahoma	Oklahoma	Edmond, city of	H 400252 01 through H 400252 25	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City of Edmond, City Hall, 23 East 1st, Edmond, Okla. 73034.	Do.
Oregon	Columbia	Unincorporated areas.	H 410264 01 through H 410264 20	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Ron Reeves, Director, Columbia County Planning Department, Courthouse, St. Helens, Oreg. 97051.	Do.
Do	do	do	H 410264 01 through H 410264 20	do	Ron Reeves, Director, Columbia County Planning Department, Courthouse, St. Helens, Oreg. 97051.	Do.
Do	Deschutes	do	H 410055 01 through H 410055 24	do	Chairman, Deschutes County Commissioners, Courthouse, County of Deschutes, Bend, Oreg. 97701.	Do.
Do	Lincoln	do	H 410129 01 through H 410129 31	do	Paul Breerbyer, Project Planner, Planning Department, Lincoln County, Lincoln County Courthouse, Newport, Oreg. 97365.	Do.
Pennsylvania	Huntingdon	Rockhill, borough of.	H 420491 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Dale Moore, Mayor, Borough of Rockhill, Rockhill Furnace, Pa. 17249.	Do.
Do	Monroe	Stroud, township of.	H 420693 01 through H 420693 11	do	Township Board of Supervisors, Stroud Township, 1211 North 5th St., Stroudsburg, Pa. 18360.	Do.
Do	Cameron	Portage, township of.	H 421122 01 through H 421122 07	do	Secretary, Rural Delivery No. 1, Township of Portage, Emporium, Pa. 15834.	Do.
Do	Tioga	Clymer, township of.	H 421174 01 through H 421174 08	do	Chairman Board of Supervisors, Rural Delivery No. 1, Township of Clymer, Sabinsville, Pa. 16943.	Do.
Do	do	Union, township of.	H 421184 01 through H 421184 13	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Union, Canton, Pa. 17724.	Do.
Do	Bedford	Broad Top, township of.	H 421233 01 through H 421233 05	do	Chairman, Board of Supervisors, Township of Broad Top, Defiance, Pa. 16633.	Do.
Do	do	East Providence, township of.	H 421236 01 through H 421236 06	do	Chairman, Board of Supervisors, Township of East Providence, Rural Delivery No. 1, Breezewood, Pa. 15533.	Do.
Do	do	Juniata, township of.	H 421240 01 through H 421240 15	do	Chairman, Board of Supervisors, Township of Juniata, Rural Delivery No. 1, Manns Choice, Pa. 15550.	Do.
Do	do	Mann, township of.	H 421246 01 through H 421246 09	do	Chairman, Board of Supervisors, Township of Mann, Rural Delivery No. 1, Artemas, Pa. 17211.	Do.
Do	do	West St. Clair, township of.	H 421254 01 through H 421254 10	do	Chairman, Board of Supervisors, Township of West St. Clair, Alum Bank, Pa. 15521.	Do.
Do	Blair	Taylor, township of.	H 421264 01 through H 421264 02	do	Chairman, Board of Supervisors, Township of Taylor, Roaring Spring, Pa. 16673.	Do.
Do	Cambria	Barr, township of.	H 421454 01 through H 421454 10	do	Chairman, Board of Supervisors, Township of Barr, Nicktown, Pa. 15762.	Do.
Do	do	East Taylor, township of.	H 421441 01 through H 421441 05	do	Chairman, Board of Supervisors, Township of East Taylor, Conemaugh, Pa. 15909.	Do.
Do	Clarion	Redbank, township of.	H 421411 01 through H 421411 09	do	Chairman, Board of Supervisors, Township of Redbank, Rural Delivery No. 1, Fairmount City, Pa. 16224.	Do.
Do	Columbia	Benton, borough of.	H 421563 01 through H 421563 04	do	Chairman, Board of Supervisors, Borough of Benton, Rural Delivery No. 3, Benton, Pa. 17814.	Do.
Do	Clearfield	Union, township of.	H 421631 01 through H 421631 08	do	Chairman, Board of Supervisors, Township of Union, Bradford, Pa. 16866.	Do.
Do	Crawford	West Fallowfield, township of.	H 421577 01 through H 421577 02	do	Chairman, Board of Supervisors, Township of West Fallowfield, Rural Delivery No. 1, Hartstown Pa. 16331.	Do.
Do	Cumberland	North Newton, township of.	H 421563 01 through H 421563 04	do	Chairman, Board of Supervisors, Township of North Newton, Rural Delivery No. 2, Newville, Pa. 17241.	Do.
Do	Dauphine	Wayne, township of.	H 421599 01 through H 421599 02	do	Chairman, Board of Supervisors, Township of Wayne, Rural Delivery No. 2, Halifax, Pa. 17032.	Do.
Do	Fayette	Redstone, township of.	H 421635 01 through H 421635 04	do	Chairman, Board of Supervisors, Township of Redstone, Box 166, Fairbank, Pa. 15435.	Do.
Do	Fulton	Todd, township of.	H 421665 01 through H 421665 09	do	Chairman, Board of Supervisors, Township of Todd, McConnellsburg, Pa. 17233.	Do.
Do	Greene	Greene, township of.	H 421670 01 through H 421670 08	do	Chairman, Board of Supervisors, Township of Greene, Rural Delivery No. 1, Carmichaels, Pa. 15320.	Do.
Do	do	Morris, township of.	H 421675 01 through H 421675 04	do	Chairman, Board of Supervisors, Township of Morris, Rural Delivery No. 2, Prosperity, Pa. 15327.	Do.
Do	do	Richhill, township of.	H 421676 01 through H 421676 05	do	Chairman, Board of Supervisors, Township of Richhill, Rural Delivery No. 1, Holbrook, Pa. 15341.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Huntingdon	Juniata, township of.	H 421642 01 through H 421642 02	do	Chairman, Board of Supervisors, Township of Juniata, Rural Delivery No. 3, Huntingdon, Pa. 16652.	Do.
Do	do	Warriors Mark, township of.	H 421705 01 through H 421705 08	do	Chairman, Board of Supervisors, Township of Warriors Mark, Rural Delivery No. 4, Tyrone, Pa. 16686.	Do.
Do	do	West, township of.	H 421706 01 through H 421706 09	do	Chairman, Board of Supervisors, Township of West, Rural Delivery, Petersburg, Pa. 16669.	Do.
Do	Indiana	Rayne, township of.	H 421721 01 through H 421721 12	do	Chairman, Board of Supervisors, Township of Rayne, Rural Delivery No. 1, Clymer, Pa. 15728.	Do.
Do	Juniata	Lack, township of.	H 421742 01 through H 421742 17	do	Chairman, Board of Supervisors, Township of Lack, Blairs, Mills, Pa. 17213.	Do.
Do	Lawrence	Taylor, township of.	H 421800 01 through H 421800 03	do	Chairman, Board of Supervisors, Township of Taylor, 6th St., West Pittsburgh, Pa. 16160.	Do.
Do	Luzerne	Fairmount, township of.	H 421827 01 through H 421827 04	do	Chairman, Board of Supervisors, Township of Fairmount, Rural Delivery No. 1, Sweet Valley, Pa. 18656.	Do.
Do	do	Union, township of.	H 421836 01 through H 421836 04	do	Chairman, Board of Supervisors, Rural Delivery 1, Township of Union, Shickshinny, Pa. 18655.	Do.
Do	Perry	Miller, township of.	H 421954 01 through H 421954 02	do	Chairman, Board of Supervisors, Rural Delivery 2, Township of Miller, Newport, Pa. 17074.	Do.
Do	do	Tuscarora, township of.	H 421960 01 through H 421960 06	do	Chairman, Board of Supervisors, Township of Tuscarora, Rural Delivery No. 1, Millerstown, Pa. 17062.	Do.
Do	Potter	Allegany, township of.	H 421972 01 through H 421972 12	do	Chairman, Board of Supervisors, Rural Delivery 2, Township of Allegany, Genesee, Pa. 16923.	Do.
Do	do	Hebron, township of.	H 421979 01 through H 421979 04	do	Chairman, Board of Supervisors, Township of Hebron, Rural Delivery No. 2, Coudersport, Pa. 16915.	Do.
Do	do	Hector, township of.	H 421980 01 through H 421980 12	do	Chairman, Board of Supervisors, Township of Hector, Rural Delivery, Sabinsville, Pa. 16943.	Do.
Do	Schuylkill	Reilly, township of.	H 422017 01 through H 422017 06	do	Chairman, Board of Supervisors, Township of Reilly, Branchdale, Pa. 17923.	Do.
Do	Snyder	Spring, township of.	H 422039 01 through H 422039 10	do	Chairman, Board of Supervisors, Township of Spring, Beaver Springs, Pa. 17812.	Do.
Do	do	Washington, township of.	H 422041 01 through H 422041 04	do	Chairman, Board of Supervisors, Rural Delivery No. 3, Township of Washington, Middleburg, Pa. 17842.	Do.
Do	Susquehanna	Dimock, township of.	H 422078 01 through H 422078 04	do	Chairman, Board of Supervisors, Township of Dimock, Rural Delivery No. 1, Montrose, Pa. 18801.	Do.
Do	do	Harmony, township of.	H 422082 01 through H 422082 12	do	Chairman, Board of Supervisors, Township of Harmony, Rural Delivery No. 3, Susquehanna, Pa. 18847.	Do.
Do	Tioga	Rutland, township of.	H 422099 01 through H 422099 09	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Mansfield, Pa. 16933.	Do.
Do	Warren	Columbus, township of.	H 422116 01 through H 422116 04	do	Chairman, Board of Supervisors, Township of Columbus, Rural Delivery No. 4, Corry, Pa. 16407.	Do.
Do	Washington	Cecil, township of.	H 422143 01 through H 422143 12	do	Chairman, Board of Supervisors, Box 63, Cecil, Pa. 15321.	Do.
Do	Wyoming	Nicholson, township of.	H 422202 01 through H 422202 10	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Nicholson, Nicholson, Pa. 18446.	Do.
Do	York	Chanceford, township of.	H 422217 01 through H 422217 26	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Felton, Pa. 17322.	Do.
Do	Luzerne	Jeddo, borough of.	H 422269 01	do	Mayor, Borough of Jeddo, Rural Delivery No. 1, Freeland, Pa. 18224.	Do.
Do	Beaver	Center, township of.	H 422310 01 through H 422310 06	do	Chairman, Board of Supervisors, Township of Center, 849 Monaca Rd., Monaca, Pa. 15061.	Do.
Do	do	Frankfort Springs, borough of.	H 422315 01	do	Mayor, Borough of Frankfort Springs, Rural Delivery No. 1, Hookstown, Pa. 15050.	Do.
Do	do	Patterson Heights, borough of.	H 422325 01	do	Mayor, 302 Seventh St., Borough of Patterson Heights, Beaver Falls, Pa. 15010.	Do.
Do	Butler	Clay, township of.	H 422343 01 through H 422343 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Clay, Butler, Pa. 16001.	Do.
Do	do	Concord, township of.	H 422345 01 through H 422345 02	do	Chairman, Board of Supervisors, Rural Delivery 1, Karns City, Pa. 16041.	Do.
Do	do	Donegal, township of.	H 422347 01 through H 422347 02	do	Chairman, Board of Supervisors, Township of Donegal, Rural Delivery No. 1, Chicora, Pa. 16025.	Do.
Do	do	Prospect, borough of.	H 422356 01 through H 422356 02	do	Mayor, Borough of Prospect, Prospect, Pa. 16052.	Do.
Do	Clarion	Farmington, township of.	H 422366 01 through H 422366 02	do	Chairman, Board of Supervisors, Township of Farmington, Star Route, Leeper, Pa. 16233.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Piney, township of.	H 422374 01 through H 422374 03	do	Chairman, Board of Supervisors, Township of Piney, Rural Delivery No. 2, Sligo, Pa. 16255.	Do.
Do	do	Richland, township of.	H 422375 01 through H 422375 04	do	Chairman, Board of Supervisors, Township of Richland, Rural Delivery No. 2, Emlenton, Pa. 16373.	Do.
Do	do	Washington, township of.	H 422378 01 through H 422378 03	do	Chairman, Board of Supervisors, Township of Washington, Fryburg, Pa. 16326.	Do.
Do	Clearfield	Jordan, township of.	H 422383 01 through H 422383 06	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Curwensville, Pa. 16833.	Do.
Do	Crawford	Conneaut Lake, borough of.	H 422386 01	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Linesville, Pa. 16424.	Do.
Do	do	Greenwood, township of.	H 422390 01 through H 422390 10	do	Chairman, Board of Supervisors, Township of Greenwood, Rural Delivery No. 2, Cochranton, Pa. 16314.	Do.
Do	do	Sparta, township of.	H 422398 01 through H 422398 11	do	Chairman, Board of Supervisors, Township of Sparta, Rural Delivery No. 2, Spartansburg, Pa. 16434.	Do.
Do	do	West Shenango, township of.	H 422402 01 through H 422402 05	do	Chairman, Board of Supervisors, Township of West Shenango, Rural Delivery No. 2, Jamestown, Pa. 16134.	Do.
Do	do	Woodcock, borough of.	H 422403 01	do	Mayor, Borough of Woodcock, Rural Delivery, No. 2, Saegertown, Pa. 16433.	Do.
Do	Erie	Albion, borough of.	H 422409 01 through H 422409 02	do	Mayor, Borough of Albion, 15 Franklin St., Albion, Pa. 16401.	Do.
Do	do	Concord, township of.	H 422410 01 through H 422410 09	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Corry, Pa. 16107.	Do.
Do	do	Lake City, borough of.	H 422414 01 through H 422414 05	do	Mayor, Borough of Lake City, 131 Main St., Lake City, Pa. 16423.	Do.
Do	Forest	Jenks, township of.	H 422422 01 through H 422422 08	do	Chairman, Board of Supervisors, Township of Jenks, Marienville, Pa. 16239.	Do.
Do	Indiana	Banks, township of.	H 422435 01 through H 422435 02	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Glen Campbell, Pa. 15742.	Do.
Do	do	East Mahoning, township of.	H 422436 01 through H 422436 04	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of East Mahoning, Marion Center, Pa. 15759.	Do.
Do	Jefferson	Beaver, township of.	H 422441 01 through H 422441 06	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Summerville, Pa. 15864.	Do.
Do	do	Eldred, township of.	H 422443 01 through H 422443 11	do	Chairman, Board of Supervisors, Township of Eldred, Rural Delivery No. 1, Sigel, Pa. 15860.	Do.
Do	do	Warsaw, township of.	H 422450 01 through H 422450 15	do	Chairman, Board of Supervisors, Township of Warsaw, Rural Delivery No. 1, Brookville, Pa. 15825.	Do.
Do	Carbon	Summit Hill, borough of.	H 421451 01 through H 421451 04	do	Mayor, Borough of Summit Hill, 107 East Holland St., Summit Hill, Pa. 18250.	Do.
Do	Lawrence	Enon Valley, borough of.	H 422463 01	do	Mayor, Box 5, Enon Valley, Pa. 16120.	Do.
Do	do	South New Castle.	H 422467 01	do	Mayor, Borough of South New Castle, 2308 Morris St., New Castle, Pa. 16102.	Do.
Do	do	Wayne, township of.	H 422469 01 through H 422469 02	do	Chairman, Board of Supervisors, Township of Wayne, Rural Delivery No. 1, Box 406A, Ellwood City, Pa. 16117.	Do.
Do	Mercer	Jackson, township of.	H 422480 01 through H 422480 06	do	Chairman, Board of Supervisors, Township of Jackson, Rural Delivery No. 2, Jackson Center, Pa. 16133.	Do.
Do	do	Lackwannock, township of.	H 422482 01 through H 422482 07	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Lackwannock, Mercer, Pa. 16137.	Do.
Do	Venango	Allegheny, township of.	H 422529 01 through H 422529 08	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Pleasantville, Pa. 16341.	Do.
Do	do	Clinton, township of.	H 422531 01 through H 422531 09	do	Chairman, Board of Supervisors, Township of Clinton, Rural Delivery No. 1, Harrisville, Pa. 16038.	Do.
Do	do	Cornplanter, township of.	H 422533 01 through H 422533 12	do	Chairman, Board of Supervisors, Township of Cornplanter, 412 Oak Rd., Oil City, Pa. 16301.	Do.
Do	Warren	Eldred, township of.	H 422546 01 through H 422546 04	do	Chairman, Board of Supervisors, Rural Delivery, Township of Eldred, Tidioute, Pa. 16354.	Do.
Do	do	Pleasant, township of.	H 422548 01 through H 422548 05	do	Chairman, Board of Supervisors, Township of Pleasant, 45 Linda Lane, Warren, Pa. 16365.	Do.
Do	do	Triumph, township of.	H 422550 01 through H 422550 03	do	Chairman, Board of Supervisors, Township of Triumph, Rural Delivery No. 2, Tidioute, Pa. 16351.	Do.
Do	Washington	Nottingham, township of.	H 422561 01 through H 422561 04	do	Chairman, Board of Supervisors, Township of Nottingham, Rural Delivery No. 1, Sugar Run Rd., Eighty Four, Pa. 15330.	Do.
Do	do	Robinson, township of.	H 422562 01 through H 422562 04	do	Chairman, Board of Supervisors, Township of Robinson, North St., Rural Delivery 1, McDonald, Pa. 15057.	Do.
Do	Wayne	Bethany, borough of.	H 422566 01	do	Mayor, Borough, of Bethany, Rural Delivery No. 1, Honesdale, Pa. 18431.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Fayette	Masontown, borough of.	H 422572 01	do	William S. Moser, Mayor, Borough of Masontown, 2 Court Ave., Masontown, Pa. 15461.	Do.
South Carolina	Charleston	North Charleston, city of.	H 450042 01 through H 450042 09	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	City of North Charleston, City Hall, Montague Ave., North Charleston, S.C. 29406.	Do.
South Dakota	Lyman	Kennebec, town of.	H 460050 01	South Dakota Planning Agency, Office of Executive Management, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Mayor, Town of Kennebec, Kennebec, S. Dak. 57544.	Do.
Tennessee	Madison	Unincorporated areas.	H 470112 01 through H 470112 03	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Jackson Municipal Regional Planning Commission, Madison County, Madison County Court House, 105 North Church, Jackson, Tenn. 38301.	Do.
Do	Morgan	do	H 470130 01 through H 470130 02	do	Morgan County Quarterly Court, Morgan County, Wartburg, Tenn.	Do.
Do	Lauderdale	Halls, town of.	H 470231 01 through H 470231 04	do	Town Supervisor, Town of Halls, Halls, Tenn. 38010.	Do.
Texas	Atascosa	Unincorporated areas.	H 480014 01 through H 480014 30	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Atascosa County, Atascosa County Court House, Jourdanton, Tex. 78026.	Do.
Do	Harris	Missouri City, city of.	H 480304 01 through H 480304 09	do	City of Missouri City, City Hall, P.O. Box 26, Missouri City, Tex. 77459.	Do.
Utah	Box Elder	Mantua, town of.	H 490009 01 through H 490009 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84111. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, Town of Mantua, Mantua, Utah 84302.	Do.
Vermont	Addison	Ripton, town of.	H 500010 01 through H 500010 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Ripton Board of Selectmen, Ripton, Vt. 05766.	Do.
Do	do	Panton, town of.	H 500169 01 through H 500169 02	do	Town Supervisor, Town of Panton, Panton, Vt.	Do.
Do	do	Weybridge, town of.	H 500171 01 through H 500171 02	do	Chairman, Weybridge Board of Selectmen, Weybridge, Vt.	Do.
Do	Caledonia	Danville, town of.	H 500185 01 through H 500185 05	do	Chairman, Danville Board of Selectmen, Danville, Vt. 05828.	Do.
Do	Orange	Strafford, town of.	H 500240 01 through H 500240 04	do	Chairman, Strafford Board of Selectmen, Strafford, Vt. 05072.	Do.
Do	do	Vershire, town of.	H 500242 01 through H 500242 03	do	Chairman, Vershire Board of Selectmen, Vershire, Vt. 05079.	Do.
Do	Rutland	Danby, town of.	H 500312 01 through H 500312 03	do	Chairman, Danby Board of Selectmen, Danby, Vt. 05739.	Do.
Do	Washington	Woodbury, town of.	H 500314 01 through H 500314 04	do	Chairman, Woodbury Board of Selectmen, Woodbury, Vt. 05681.	Do.
Virginia	Clarke	Unincorporated	H 510036 01 through H 510036 13	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Clerk's Office, Office of the Circuit Court of Clarke County, Berryville, Va. 22611.	Do.
Do	Smyth	do	H 510181 01 through H 510181 30	do	Mr. Marvin R. Perry, County Administrator, Board of Supervisors of Smyth County, Marion, Va. 24354.	Do.
Do	Charles City	do	H 510195 01 through H 510195 16	do	Board of County Supervisors, Charles City County, Charles City, Va. 23030.	Do.
Do	Franklin	Rockymount, town of.	H 510291 01 through H 510291 02	do	Chairman, Franklin County Board of Supervisors, County Office Bldg., Town of Rockymount, Rockymount, Va. 24151.	Do.
Washington	Douglas	Unincorporated areas.	H 530036 01 through H 530036 06	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Douglas County Regional Planning Commission, 110 3d St. NE., East Wenatchee, Wash. 98801.	Do.
Do	King	do	H 530071 01 through H 530071 36	do	King County Council, King County Court House, Seattle, Wash. 98104.	Do.
Do	Spokane	do	H 530174 01 through H 530174 25	do	County Commissioners, Spokane County Court House, Spokane, Wash. 99201.	Do.
West Virginia	Jackson	do	H 540063 01 through H 540063 31	Office of Federal-State Relations, Room W115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department State Capitol, Charleston, W. Va. 25305.	County Court of Jackson, County of Jackson, Ripley, W. Va. 25271.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Upshur	do.	H 540198 01 through H 540198 23	do.	Upshur County Court, City Hall, County of Upshur, Buckhannon, W. Va. 26201.	Do.
Do.	Wirt	do.	H 540211 01 through H 540211 17	do.	President, Wirt County Court; County of Wirt, Elizabeth, W. Va. 26143.	Do.
Do.	Wood	do.	H 540213 01 through H 540213 27	do.	President, Wood County Court, Court House, County of Wood, Parkersburg, W. Va. 26101.	Do.
Do.	Wyoming	do.	H 540217 01 through H 540217 34	do.	Wyoming County Court, County of Wyoming, Pineville, W. Va. 24874.	Do.
Do.	Kanawha	Handley, town of.	H 540279 01	do.	President, Kanawha County Court, Court House, Town of Handley, Charleston, W. Va. 25301.	Do.
Wisconsin	Price	Unincorporated areas.	H 504343 01 through H 504343 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Chairman, County Board of Supervisors, County of Price, Court House, Phillips, Wis. 54555.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: January 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2006 Filed 1-23-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Proposed Deletion of Exemptions from Certain Drug-labeling Requirements

The Commissioner of Food and Drugs, under provisions of 21 CFR 1.106(b)(3) and upon written request stating reasonable grounds therefor, will offer an opinion on a proposal to omit certain labeling information (i.e., full disclosure information) from the dispensing package of a prescription drug if, but only if, the article is a drug for which directions, hazards, warnings, and use information are commonly known to practitioners licensed by law to administer the drug. In 21 CFR 3.515 the Commissioner has offered such opinions exempting certain drug products from the labeling requirements of § 1.106(b)(3)(i) provided they meet the conditions prescribed in § 3.515. The Commissioner last offered such an opinion in an amendment to § 3.515 on June 8, 1962 (27 FR 5428), prior to enactment of the Drug Amendments of 1962.

Under the Drug Amendments of 1962, proof of effectiveness is now required for each claimed use of a new drug. To implement these Amendments the Food and Drug Administration, with the assistance of the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, undertook a study of the effectiveness of the new drugs "approved" prior to October 10, 1962, on the basis of safety. This study has shown that many drug claims commonly known to practitioners in fact lack substantial evidence of effectiveness as required by the Drug Amendments of 1962. A number of these drugs, which are included in § 3.515, have been the subject of Drug Efficacy Study Implementation (DESI) notices. These FEDERAL REGISTER notices set forth the Administration's conclusions on the effectiveness of such drugs based on reports received from the NAS/NRC as well as other available information. These DESI notices require that a drug determined to be effective be labeled to comply with all requirements of the act and regulations and that its labeling bear adequate information for safe and effective use of the drug. Other drugs or indications concluded to lack substantial evidence of effectiveness have been or will be removed from the market.

The Commissioner has concluded that many DESI notices have superseded specific exemptions from drug labeling requirements previously granted under § 3.515, and that any such exemption as it applies to a drug that is the subject of a DESI notice should be revoked.

The Food and Drug Administration is presently establishing procedures for developing old drug monographs. An old drug monograph will set forth conditions for which a prescription drug which is not a new drug and shall be deemed safe and effective and not misbranded. Such old drug monographs will supersede the labeling exemptions for those drugs remaining in § 3.515 which have not already been superseded by DESI announcements.

The following drugs currently listed in § 3.515 are the subjects of DESI notices:

1. Aminophylline (DESI 1626; published in the FEDERAL REGISTER of July 26, 1972 (37 FR 14895)).

2. Atropine methylnitrate (DESI 3265; published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11754)).

3. Barbiturates (DESI 793; published in the FEDERAL REGISTER of July 28, 1972 (37 FR 15186)). Specific barbiturate preparations have been subjects of other DESI announcements.

4. Digitalis (DESI 8627; published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15024)).

5. Epinephrine Injection (DESI 366; published in the FEDERAL REGISTER of July 11, 1972 (37 FR 13564)).

6. Mannitol Hexanitrate (DESI 1786; published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001)); evaluation for diagnostic purposes (DESI 2282; published in the FEDERAL REGISTER of August 6, 1971 (36 FR 14507)).

7. Pentaerythritol tetranitrate (DESI 1786; published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001)).

8. Pentaerythritol tetranitrate with phenobarbital (DESI 1786; published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001)).

9. Quinidine Sulfate (DESI 6320; published in the FEDERAL REGISTER of September 8, 1972 (37 FR 18227)).

10. Scopolamine methylbromide (DESI 3265; published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11754)).

The Commissioner has also concluded that the reference to nitroglycerin in § 3.515 shall be amended to specify the sublingual dosage form which was the intent of the exemption. Sustained action nitroglycerin preparations are the subject of a DESI notice (DESI 1786) published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701, 52 Stat. 1050–1053, 1055–1056, as amended; 21 U.S.C. 352, 355, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 3 in § 3.515(b) by deleting the entries "Aminophylline," "Atropine methylnitrate," "Barbiturates," "Digitalis," "Epinephrine injection," "Mannitol hexanitrate," "Pentaerythritol tetranitrate," "Pentaerythritol tetranitrate with phenobarbital," "Quidine sulfate," "Scopolamine methylbromide," and by revising the entry "Nitroglycerin" to read "Nitroglycerin sublingual". As revised, § 3.515 (b) reads as follows:

§ 3.515 Exemptions from certain drug labeling requirements.

* * * * *

(b) The Commissioner of Food and Drugs has considered submitted material covering a number of drug products and has offered the opinion that the following drugs, when intended for those human uses for which they are now generally employed by the medical profession, should be exempt from the requirements of § 1.106(b)(3) of this chapter, provided that they meet the conditions prescribed in this paragraph. Preparations that are not in dosage unit form (for example, solutions) will be regarded as meeting the conditions with respect to the maximum quantity of drug per dosage unit if they are prepared in a manner that enables accurate and ready administration of a quantity of drug not in excess of the maximum per dosage unit:

Atropine sulfate. For oral use, not in excess of 0.54 milligram per dosage unit; for injection, not in excess of 0.54 milligram (1/120 grain) per dosage unit.

Chloral hydrate. For oral use, not in excess of 500 milligrams per dosage unit; for use as suppositories, not in excess of 1.0 gram per suppository.

Codeine phosphate. For oral use, not in excess of 65 milligrams per dosage unit; for injection, not in excess of 65 milligrams per dosage unit.

Codeine sulfate. For oral use, not in excess of 65 milligrams per dosage unit; for injection, not in excess of 65 milligrams per dosage unit.

Dihydrocodeinone bitartrate. For oral use, not in excess of 10 milligrams per dosage unit.

Dihydromorphinone hydrochloride. For oral use, not in excess of 4 milligrams per dosage unit.

Erythrityl tetranitrate. For oral use, not in excess of 30 milligrams per dosage unit.

Homatropine methylbromide. For oral use, not in excess of 5 milligrams per dosage unit.

Hyoscyamine hydrobromide. For oral use, not in excess of 1 milligram per dosage unit.

Hyoscyamine sulfate. For oral use, not in excess of 1 milligram per dosage unit.

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Hyoscyamus tincture. For oral use, not in excess of 2 milliliters per dosage unit.

Methenamine. For oral use, not in excess of 1 gram per dosage unit.

Morphine phosphate. For oral use, not in excess of 33 milligrams per dosage unit; for injection, not in excess of 33 milligrams per dosage unit.

Morphine sulfate. For oral use, not in excess of 33 milligrams per dosage unit; for injection, not in excess of 33 milligrams per dosage unit.

Nitroglycerin sublingual. For oral use, not in excess of 0.65 milligram per dosage unit.

Sodium chloride injection.

Sodium nitrite. For oral use, not in excess of 60 milligrams per dosage unit.

Theobromine. For oral use, not in excess of 325 milligrams per dosage unit.

Thyroid. For oral use, not in excess of 220 milligrams per dosage unit.

Water for injection, sterile.

Interested persons may, on or before March 25, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 14, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–2206 Filed 1–23–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72–SW–10]

BELL MODEL 206A AND 206B HELICOPTERS

Proposed Airworthiness Directive

Amendment 39–1437 (37 FR 8438) AD 72–9–2, requires an inspection of the cabin roof reinforcing straps and the support fittings for cracks and loose rivets. It also requires replacement of a cracked strap, loose rivets or a cracked support fitting on certain Bell Model 206A and 206B helicopters. After issuing Amendment 39–1437, the agency received reports of additional cases of cracked cabin roof straps, P/N 206–031–200–23 and –24, on helicopters included in Amendment 39–1437 and on helicopters not included. Therefore, the agency is considering superseding Amendment 39–1437 with a new AD that requires replacement of the cabin roof straps P/N 206–031–200–23 and –24 with straps P/N 206–032–200–37 and –38 on Model 206A and 206B helicopters, serial numbers 1 through 1163.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 24, 1975, will be considered by the Director before taking action upon the proposed rule.

The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A and 206B helicopters, S/N 1 through 1163, certificated in all categories.

Compliance required within the next 1200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the cabin roof straps, P/N 205–031–200–23 and –24, accomplish the following:

(a) Remove the cabin roof straps, P/N 205–031–200–23 and –24, in accordance with items 1 through 4 of Bell Helicopter Company Service Bulletin 206–01–74–2, dated November 12, 1974, or later approved revision.

(b) Install the cabin roof straps, P/N 206–032–200–37 and –38, in accordance with items 5 through 9 of Bell Helicopter Company Service Bulletin 206–01–74–2, dated November 12, 1974, or later approved revision.

The manufacturers' specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This supersedes Amendment 39–1437 (37 FR 8438), AD 72–9–2.

Issued in Fort Worth, Texas, on January 10, 1975.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75–2188 Filed 1–23–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–SO–96]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Christiansted, St. Croix, V.I., Control Zone and Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga., 30320. All communications received on or before February 10, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C., 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend § 71.171 (40 FR 354) by altering the Christiansted, St. Croix, V.I., control zone to read as follows:

Within a 5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

The FAA also proposes to amend § 71.181 (40 FR 441) by altering the Christiansted, St. Croix, V.I., transition area to read as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° radial, extending from the 8.5-mile radius area to 8.5 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles south and 4.5 miles north of the ILS localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM.

Revision of the procedure turn altitude from 3,000 feet MSL to 2,200 feet MSL for the VOR Runway 27 instrument approach procedure requires an extension to the 700 foot transition area to comply with the United States Standard for Terminal Instrument Procedures (TERPS). Because the Christiansted RBN has been decommissioned, the control zone extensions and the transition area extensions designated for the protection of instrument approaches predicated on this RBN are no longer required.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 20, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–2193 Filed 1–23–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–SW–2]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Malvern, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 24, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be mads by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MALVERN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of Malvern Municipal Airport, Malvern, Ark. (latitude 34°19'57" N., longitude 92°45'45" W.); and within 3.5 statute miles each side of 046° T (040° M) bearing from the Malvern NDB (latitude 34°19'56" N., longitude 92°45'50" W.), extending from the 5-mile-radius area to 11.5 statute miles northeast of the NDB; excluding that portion which overlies the Little Rock, Ark., transition area.

The proposed transition area will provide controlled airspace for aircraft executing a new instrument approach procedure for the Malvern, Ark., Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on January 16, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75–2194 Filed 1–23–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–CE–22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Waterloo, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before February 24, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been designed for an approach from the southwest to the Waterloo, Iowa, Municipal Airport. Accordingly, it is necessary to alter the 700-foot transition area at Waterloo, Iowa, to provide controlled airspace protection for aircraft executing the new instrument approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

WATERLOO, IOWA

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Waterloo Municipal Airport (lat. 42°33'28" N., long 92°23'58" W.); and within 3½ miles each side of the Waterloo ILS localizer northwest course extending from the 10-mile radius area to 8 miles northwest of the OM; and 3 miles each side of the Waterloo, Iowa VORTAC 120° radial extending from the 10-mile radius to 15 miles southeast of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 194° radial extending from the 10-mile radius to 11½ miles south of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 001° radial extending from the 10-mile radius to 11½ miles north of the VORTAC; and within 3½ miles each side of the Waterloo, Iowa, VORTAC 316° radial extending from the 10-mile radius to 11½ miles northwest of the VORTAC.

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This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on December 23, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.75-2195 Filed 1-23-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 2]

[FRL 327-2]

PROVIDING OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Proposed Fee Schedule

Notice is hereby given that the Administrator of the Environmental Protection Agency (EPA) proposes to amend Part 2 of Title 40, Code of Federal Regulations by amending § 2.111(a) to establish a uniform schedule of fees for document search duplication applicable to all constituent units of the Environmental Protection Agency.

Recent amendments to 5 U.S.C. 552, commonly known as the Freedom of Information Act, require each Federal agency to publish in the FEDERAL REGISTER a schedule of reasonable standard fees to be charged for searching for and duplicating requested records. The proposed regulation would comply with that requirement and would revise an existing fee schedule maintained by EPA but not previously published in the FEDERAL REGISTER.

The charge of $2.50 per half hour for "record search time" and $4.50 per half hour for "in-house computer programming time" are based on the estimated average salary of an individual performing the search and/or programming tasks. The charge of $.20 per page for reproduction of documents is based on the combination of salary of the individual reproducing the copy, and machine and materials costs for making that copy.

The cost of computer time varies according to the computer system being used and the components of that system needed to complete the task. The fee for computer time will be the actual direct cost of the machine time, as well as any necessary in-house or contract programming costs.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency Information Center, Environmental Protection Agency, Washington, D.C., 20460. Comments on all aspects of the proposed regulation are solicited. All comments received on or before February 24, 1975, will be considered. A copy of all public comments will be available for inspection and copying at the Environmental Protection Agency Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. Authority: 5 U.S.C. 552, 553.

Dated: January 21, 1975.

RUSSELL E. TRAIN,
Administrator.

It is therefore proposed to amend Part 2 of Title 40, Code of Federal Regulations, by revising § 2.111(a) to read as follows:

§ 2.111 Payment.

(a) *Charges.* Fees will be charged for copies of records which are furnished to a person under this part and for time spent in locating and reproducing them in accordance with the fee schedule below. No fee will be charged for periods of less than one-half hour spent in connection with a search for records or computer programming.

Record search time	$2.50 per half hour.
In-house computer programming time.	$4.50 per half hour.
Reproduction of documents.	$0.20 per page.

If the information requested exists as a computer record and a print-out or tape is a means by which that information may be made available, the fee will be the actual direct cost of the computer system time added to any applicable search, in-house programming, reproduction, or contract programming costs.

* * * * *

[FR Doc.75-2308 Filed 1-23-75;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

Correction

In FR Doc. 75-1731 appearing on page 3220 of the issue for Monday, January 20, 1975, the reference in the fourth line to "page 3209" should read "page 3210M".

FOREIGN CLAIMS SETTLEMENT COMMISSION

[45 CFR Part 503]

SEARCH AND DUPLICATION OF AGENCY RECORDS

Fee Schedule

Revisions of the regulations of the Foreign Claims Settlement Commission concerning the availability of public information as currently contained under Part 503 of its regulations are being considered to conform with the 1974 amendments (Pub. L. 93-502) to the Freedom of Information Act (5 U.S.C. 552).

Notice is hereby given of the proposal to amend the fee schedule as currently set forth in § 503.14 of the Commission's regulations governing the disclosure of information under the Freedom of Information Act. In the consideration of the 1974 amendments to the subject Act contained under Public Law 93-502, which becomes effective February 19, 1975, it is proposed to amend § 503.14 as follows:

§ 503.14 Fees for services.

Unless otherwise waived by paragraphs (d) and (e) of this section, the following fees shall be imposed for the reproduction of any record disclosed pursuant to this part.

(a) Copying of records and documents. Twelve cents per copy for each page.

(b) Search fees. (i) clerical searches. $1.25 for each quarter hour spent by clerical personnel searching for and producing a requested record or document, including time spent copying any record. (ii) $3 for each one quarter hour spent by professional or supervisory personnel searching for and producing a requested record, including time spent copying any record.

(c) Certification and validation of records. $1 per certification or authentication.

(d) The Executive Director may reduce or waive payment of fees in whole or in part when he determines that such reduction or waiver is in the public interest because furnishing the information can be considered as primarily benefiting the general public, or unless the requester is a government agency or indigent.

(e) No fees will be charged (1) for time spent in examining the requested records for the purpose of determining whether an exemption can and should be asserted, (2) for time spent in deleting exempt matters being withheld from records to furnish, (3) for time spent in monitoring a requester's inspection of agency records made available to him in this manner, (4) for records not found or is determined to be totally exempt from disclosure, or (5) where the cost of providing the records is less than $5.

(f) Payment of fees under this part should be made by check or money order payable to the Treasury of the United States.

(g) Unless the request for services where fees are chargeable under this part, specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that is expected to involve assessed fees in excess of $50 will not be deemed to have been received until the requester is advised promptly at the time of receipt of the request of the anticipated cost and agrees to bear it. When the anticipated fees exceed $50, a deposit of $25 must be made within 5 days of advising the requester of such costs.

Written comments concerning the proposed revisions to the Commission's regulations under the Freedom of Information Act, as amended by Pub. L. 93-502, are invited from interested persons. Comments may be presented in writing to the Executive Director, Foreign Claims Settlement Commission, Washington, DC 20579. All comments received not later than February 18, 1975, will be considered. The revised fee schedule set forth in § 503.14 will become effective on February 19, 1975.

WAYLAND D. MCCLELLAN,
General Counsel.

[FR Doc.75-2234 Filed 1-23-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-230 (Sub-No. 3)]

[49 CFR Part 1090]

MOTOR CARRIERS OF PROPERTY

Circuity Limitations

JANUARY 20, 1975.

Petitioners: Brown Transport Corp. and Harper Motor Lines, Inc. (Atlanta, Ga.). Petitioners' representative: Harry C. Ames, Jr., and Marshall Kragen, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001.

Section 1090.5 (sometimes called the 85-percent circuity limitation provision) of the Commission's regulations entitled Practices of For-Hire Carriers of Property Participating in Trailer-on-Flatcar Service, 49 CFR Part 1090, provides as follows:

§ 1090.5 Circuity limitations. (a) Motor and water common carriers shall not participate in joint intermodel TOFC service which is to be provided in lieu of their authorized line-haul transportation, and motor and water common and contract carriers shall not utilize open tariff TOFC service, where the distance from origin to destination over the route including the TOFC movement is less than 85 percent of the distance between such points over the motor or water carrier's authorized service route: *Provided, however,* That the Interstate Commerce Commission may grant relief from the provisions of this paragraph upon consideration of an appropriate petition.

(b) For the purpose of paragraph (a) of this section the distance from origin to destination over the motor or water carrier's authorized route shall be computed (1) if a motor carrier operating over regular routes, over its authorized regular service route, (2) if a motor carrier operating over irregular or a combination of regular and irregular routes, through any gateway point which it is required to observe, and (3) if a water carrier, over the most direct available all-water route.

By joint petition filed December 31, 1974, Brown Transport Corp., and Harper Motor Lines, Inc., seek the institution of a rulemaking proceeding, proposing that the words "85 percent" in § 1090.5(a) of the above-noted trailer-on-flatcar (TOFC) service regulations be deleted, insofar as such words pertain to motor carriers, and the words "80 percent" be substituted in lieu thereof in this context.

Petitioners note that in Ex Parte No. 55 (Sub-No. 8), *Gateway Elimination,* 119 M.C.C. 530 (decided February 15, 1974), the Commission has recently adopted procedures (codified at 49 CFR 1065) pursuant to which a motor common carrier authorized to provide service from one point to another point by tacking or combining at a common point of service (a "gateway") separate irregular-route authorities (which authorities were issued to the carrier pursuant to an application proceeding, or proceedings, pending before the Commission on or before November 23, 1973), may (subject to certain other specified conditions), file for and obtain direct-service operating authority from the one point to the other point, thereby eliminating the necessity of operating through the "gateway", provided that the most direct highway distance between the points to be served is not less than 80 percent of the highway distance between such points over the carrier's authorized routing through the gateway. In this context petitioners contend that the asserted disparity in the amount of circuity reduction permitted in the elimination of such gateways and in the circuity reduction permitted motor carriers under the TOFC service regulations is not justified, and urge that appropriate corresponding modifications in the circuity limitation of the TOFC service regulations be made. Petitioners further assert that their proposed amendment would allow carriers to provide improved service, while the minor increase in the circuity reduction permitted under the TOFC service regulations would not allow carriers to provide totally new services which would obtain from the indiscriminate substitution of direct TOFC service for indirect all-motor service.

Moreover, in the environmental analysis submitted in conjunction with their joint petition, Brown and Harper submit that the Commission's granting of the requested relief will have a beneficial impact upon the environment. In this context petitioners assert that adoption of the recommended change in the TOFC service regulations will encourage the increased use of rail transportation, and that the attendant reduction in the number of highway miles traveled by motor carriers will result in a significant reduction in fuel consumption, an increase in efficiency and economy in the movement of freight, a decrease in the emission of air pollutants, a reduction in traffic congestion, and an improvement in highway safety. The only potentially adverse environmental impact which petitioners foresee is the increase in the number of carriers making use of TOFC service; however, petitioners believe that this potential impact is outweighed in overall effect by the asserted substantial benefits which would follow from adoption of the proposed amendment.

In its environmental analysis petitioners further state that there are three possible alternatives to its proposed action, viz: the Commission could (1) take no action, (2) permit reduction in operational circuity greater than that contemplated under petitioners' so-called "20 percent" circuity reduction proposal, (3) establish the proposed amendment for a limited period of time, or (4) continue to allow greater circuity reduction on a case-by-case procedure in accordance with the provision of § 1090.5(a). Petitioners, however, reject each of these alternatives as inappropriate. Thus, petitioners submit (1) that failure to act would mean foregoing the anticipated beneficial effects upon the environment outlined above, (2) that amendment of the considered provision of the TOFC service regulations to permit significantly greater circuity reduction than that which petitioners propose would lead to destructive competition and an inefficient utilization of equipment, (3) that temporary establishment of the proposed rule change would discourage carriers from making the commitments necessary to make full utilization of the new rule, and (4) that following a procedure of processing individual carrier's petitions seeking greater reduction in circuity on a case-by-case basis, as is already provided for under the present TOFC service rules, would, per se, discourage motor carriers from attempting to utilize TOFC service, and, furthermore, would not be consonant with the need for expedition in this matter. Petitioners further contend that the proposed change in the regulations, by enabling carriers to operate more efficiently, will also serve to improve long-term productivity by the conservation of limited fuel supplies. Including their environmental analysis, petitioners submit that there will be no irreversible and irretrievable commitments of resources as a result of the proposed action; and that, on the contrary, such action should result in a better and more efficient utilization of existing resources.

No oral hearing is contemplated at this time, but any person (including petitioners) interested in making representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. Likewise, any person desiring to comment upon the environmental issues raised by the petition is hereby invited to do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with the Commission on or before March 24, 1975.

A copy of each representation should be served upon petitioners' representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2169 Filed 1-23-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-38]

EMPLOYMENT RELATED HOUSING (TEMPORARY LABOR CAMPS)

Additional Hearing Location

Pursuant to section 6(b)(3) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594,

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29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, the hearing scheduled for Employment Related Housing was published in the FEDERAL REGISTER on Tuesday, December 24, 1974, at 39 FR 44456, with notification of an additional hearing published on January 3, 1975, at 40 FR 797.

It has been determined that an additional hearing will be conducted in Fresno, California, on February 19, 1975. The hearing will begin at 9 a.m. local time in the Ballroom of the Hilton Inn, which is located at 1055 Van Ness Street, Fresno, California.

Interested persons may file a written notice of intention to appear, together with two copies thereof. This notice must be postmarked no later than February 7, 1975. Such requests should be addressed to Mrs. Jeanne Ferrone, Attn: Docket OSH–38, Occupational Safety and Health Administration, Room 200, 1726 M Street Northwest, Washington, D.C. 20210. Phone: (202) 961–2487/2248. The notice must state the name and address of the person wishing to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include or be accompanied by, a statement of the position to be taken in regard to the specific issues being raised, and the evidence to be adduced in support of this position. For persons wishing to appear at the hearings, but unable to attend, written statements postmarked no later than February 18, 1975, may be submitted to the above address. The written statements should be submitted in triplicate.

In all other respects, the notice of hearing published on December 24, 1974 (39 FR 44456) remains in effect.

Signed at Washington, D.C., this 23rd day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–2331 Filed 1–23–75;9:56 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 439]

CULTURALLY SIGNIFICANT OBJECT OF ART

Importation and Exhibition

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and delegation of authority number 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the painting described,

Claude Monet 1866
DEJEUNER SUR L'HERBE
216 x 162 x 18 cm.
From—Pushkin Museum of Fine Arts, Moscow

to be imported, pursuant to a loan agreement between Mr. Thomas Hoving for the Metropolitan Museum of Art and the Minister of Culture of the U.S.S.R., for temporary exhibition without profit within the United States is of cultural significance and that (2) the temporary exhibition or display of such painting within the United States at the Metropolitan Museum of Art in New York City on or about January 25, 1975 to on or about February 20, 1975, is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

Dated: January 20, 1975.

[SEAL] JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

[FR Doc.75–2199 Filed 1–23–75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Brissa, Daniel Patrick, 946 N. St. Louis Avenue, Chicago, Illinois, convicted on July 6, 1966, in the Circuit Court, Cook County, Illinois.

Bryan, Jacob A., 2907 Page Drive, Baltimore, Maryland, convicted on March 23, 1954, in the Baltimore City Court, Baltimore, Maryland; and on February 23, 1957, in the Anne Arundel County Circuit Court, Maryland.

Burrows, Michael Raymond, 5238 South "K", Tacoma, Washington, convicted on December 7, 1965, in the Superior Court of the State of Washington, in and for Pierce County.

Butters, Robert J., McNeil Road, Fryeburg, Maine, convicted on October 4, 1965, in the Oxford County Superior Court, Maine.

Chapman, Roland C., P.O. Box 830, Forks, Washington, convicted on October 19, 1970, in the United States District Court, Tacoma, Washington.

Chesser, Choice L., 10403 Vern Street, Gibsonton, Florida, convicted on June 25, 1957, in the Circuit Court De Kalb County, Alabama.

Crenshaw, George E., 701 Rutherford Avenue, N.W., Roanoke, Virginia, convicted on July 29, 1971, in the Hustings Court of the City of Roanoke, Virginia.

Eaton, James Hoyle, Route #3, Booneville, Mississippi, convicted on June 19, 1959, and on May 2, 1967, in the United States District Court, Northern District of Mississippi.

Fillion, Ralph Rodger, 8805 37th S.W., Seattle, Washington, convicted on July 14, 1970, in the Superior Court of the State of Washington for the County of King.

Fortune, James Wellington, Route 1, Box 40–A, Milford, Virginia, convicted on July 7, 1971, in the Circuit Court of the City of Fredericksburg, Virginia.

Galeotti, Daniel Louis, Box 377, Main Street, Austin, Pennsylvania, convicted on December 10, 1958, in the Potter County Criminal Court, Courdersport, Pennsylvania; and on May 14, 1973, in the Cameron County Criminal Court, Emporium, Pennsylvania.

Gilcott, Wardell A., Route #201, Gardiner, Maine, convicted on September 4, 1948, in the Somerset County Superior Court, Maine; and on November 4, 1959, in the Kennebec County Superior Court, Maine.

Griffin, George L., 4702 18 Avenue, Phenix City, Alabama, convicted on December 2, 1933, in the United States District Court for the Middle District of Alabama.

Jarzemkoski, John Joseph, Sr., 3664 Liermann Avenue, St. Louis, Missouri, convicted on April 14, 1970, in the United States District Court, East St. Louis, Illinois.

Lawrence, James C., 16313 Sandy Ford Road, Chesterfield, Virginia, convicted on March 16, 1970, in the United States District Court for the Eastern District of Virginia.

Lee, Delbert Gene, P.O. Box 507, Amity, Oregon, convicted on April 19, 1967, in the Lane County Circuit Court, Oregon.

May, Karl E., 376 Oak Street, Menasha, Wisconsin, convicted on August 11, 1971, in the Circuit Court, Outagamie County, Wisconsin.

Nystrom, Ellen, 923 Oak Street, Negaunee, Michigan, convicted on June 14, 1971, in the State of Wisconsin Circuit Court, Marinette County, Wisconsin.

Orawiec, Stanley V., Jr., 1714 Pingree Avenue, Ogden, Utah, convicted on July 6, 1971, in the District Court, 2d Judicial District, Weber County, Utah.

Pate, Kenneth Lee, 11 N.E. 81st Street, Kansas City, Missouri, convicted on April 28, 1967, in the County Court, Wyandotte County, Kansas.

Philpot, Chester R., Straight Creek, Kentucky, convicted on June 29, 1973, in the United States District Court, District of Columbia.

Pisegna, Dennis J., 1019 Washington Street, Farrell, Pennsylvania, convicted on June 14, 1973, in the Court of Common Pleas of Mercer County, Pennsylvania.

Scott, Stephen Michael, 3700 28th Street, Lot N. 160, Sioux City, Iowa, convicted on March 7, 1973, in the District Court, Woodbury County, Iowa.

Smith, Jack E., Rural Route #2, Menomonie, Wisconsin, convicted on November 3, 1972, in the State of Wisconsin, County Court, Dunn County.

Soltes, Leonard, 520 N. Mathilda Street, Pittsburgh, Pennsylvania, convicted on November 30, 1951, in the Court of Quarter Sessions of Washington County, Pennsylvania; on or about July 17, 1952, in the Court of Quarter Sessions of Centre County, Pennsylvania; and on November 25, 1959, in the Court of Quarter Sessions of Allegheny County, Pennsylvania.

Sundall, Brant M., 602 St. James Street, Rapid City, South Dakota, convicted on November 14, 1959, in the Circuit Court, Pennington County, South Dakota.

Ticknor, Larry Lowell, 1307 Holly Drive, Sioux Falls, South Dakota, convicted on July 20, 1973, in the United States District Court, District of South Dakota.

Tinklenberg, Harris J., 701 11th Street, Windom, Minnesota, convicted on July 4, 1959, in the Municipal Court, Long Beach, California.

Wakeland, Milo W., 111 Riverside Drive, Truth or Consequences, New Mexico, convicted on January 21, 1949, in the United States District Court for the Southern District of Texas.

Wever, Ewing Gene, 6604 18th Street, Rio Linda, California, convicted on February 14, 1962, in the Superior Court of the State of California in and for the County of Sacramento.

Signed at Washington, D.C. this 9th day of January 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75–2251 Filed 1–23–75;8:45 am]

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Office of the Secretary

RECHARGEABLE SEALED NICKEL-CADMIUM BATTERIES FROM JAPAN

Antidumping Proceeding Notice

On December 24, 1974, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that rechargeable sealed nickel-cadmium batteries from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JANUARY 22, 1975.

[FR Doc.75-2281 Filed 1-23-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT FES 75-7]

EHV TRANSMISSION LINE CORRIDOR (TG&E), ARIZ.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental statement for the construction of two EHV Transmission Lines from Westwing Substation near Phoenix, to the Vail Substation near Tucson, Arizona. Tucson Gas & Electric Company proposes to construct the lines through portions of Maricopa, Pinal, and Pima Counties. The lines proposed are an extension of the power transmission system for power being generated at the coal fired Navajo Plant in northern Arizona.

The final statement considers the impact of powerline construction, operation, and maintenance.

Copies are available for inspection at the following locations during regular office hours:

Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona. Telephone (602) 261-4231.

Arizona State Office, Bureau of Land Management, Room 3204 Federal Building, 230 N. 1st Avenue, Phoenix, Arizona. Telephone (602) 261-3706.

Office of Public Affairs, Bureau of Land Management, Room 5625, Interior Building, Washington, D.C. Telephone (202) 343-5717.

A limited number of single copies may be obtained by writing the Arizona State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

Dated: January 20, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-2245 Filed 1-23-75;8:45 am]

Fish and Wildlife Service

LINCOLN PARK ZOOLOGICAL GARDENS

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:
Lincoln Park Zoological Gardens
100 W. Webster Avenue
Chicago, Illinois 60614
Mr. Saul L. Kitchener
Assistant Director

LINCOLN PARK ZOOLOGICAL GARDENS

DIRECTOR,
Bureau of Sport Fisheries & Wildlife, United States Department of Interior, Washington, DC 20240

DECEMBER 6, 1974.

DEAR SIR: The Lincoln Park Zoological Gardens, 100 West Webster, Chicago, Illinois 60614, hereby applies for a permit to place a pair of Snow Leopards (*Panthera uncia*) born Lincoln Park Zoo May 29, 1974 on breeding loan with Howletts Zoo Park, Bekesbourne, England. Mr. John Aspinall, 1 Lyall Street, London SWIX 8DW, England (Phone: 01-235-5108) is the owner of Howletts.

At the present time Lincoln Park Zoo owns eleven (11) Snow Leopards and we frankly do not have the facilities to keep all of them. Besides this lack of adequate space it is a good idea for conservation of this species to disperse surplus animals to institutions that have already proved their ability to breed and maintain either this species or related ones. At this writing the pair of Snow Leopards under discussion are living in a small holding area off display. This area is minimal at present and obviously becomes more of a problem as the animals grow. It is imperative, therefore, that a decision be made on this application immediately.

At Lincoln Park Zoo we have always believed in cooperating with our sister institutions for the benefit of our animal charges. Towards this end we regularly send and receive many animals on breeding loans. We sent a female Snow Leopard to the Seattle Zoo on breeding loan as a potential mate for one of their males in June, 1974 and exchanged a female Snow Leopard for a male with Cincinnati Zoo. In early 1973 we exchanged Snow Leopards with Helsinki, Finland; we sent a Zoo-born female there, in return they sent one of their Zoo-born males here under Endangered Species Permit No. ES-324. I am happy to say that this male was the sire of the pair of animals under discussion in this application. It should be mentioned that this pair is therefore a full second generation birth.

Mr. John Aspinall became known to us in early 1973 from a notice in the *International Zoo News* stating his need for a breeding age male Gorilla. At that time he had eleven (11) Gorillas, but his male was not able to impregnate any of his females. An extensive correspondence ensued and one of the Chicago Park District Commissioners even inspected the facilities at Howletts and spent some time with Aspinall himself. He came away thoroughly satisfied that our animal would receive the optimum of care. (Commissioner Franklin Schmick was extremely concerned about Gorillas and in fact donated five (5) of our present Gorilla group. He had been to Cameroon, West Africa to visit a Gorilla capture camp and personally pick out a Gorilla he wished to donate and, as might be expected, was not an easy man to please.)

We also contacted a number of Zoos in England regarding Mr. Aspinall and they reinforced the Commissioner's thoughts and what we ourselves had begun to feel, that Aspinall would do very well indeed by the animal. Taking all of this into consideration we decided to send the male Gorilla.

The arrangements were handled with great dispatch by Aspinall and his staff. As a direct consequence of this loan Mr. Aspinall visited the United States with a film of his Howletts facility. He showed this film to our Zoological Society, among others, and appeared on national television with it as well. Our consulting veterinarian, Dr. Erich Maschgan, and Head Primate Keeper, James Higgins, accompanied the Gorilla to England, at Mr. Aspinall's expense, and both were impressed with him and his entire operation. Howletts Zoo Park is owned entirely by Mr. Aspinall and the public is allowed to visit only a few days of the year. There seems to be no doubt that Aspinall is entirely devoted to his animals and the conservation movement as a whole. From everything we know about him we believe he spares no expense or trouble to further the comfort and breeding potential of his animals.

By his own admission, Aspinall has always had a special feeling for Snow Leopards. When he visited here earlier this year he was extremely pleased with the possibility we would even consider loaning a pair to him. After the successful Gorilla transaction, we decided he would do everything in his power to breed Snow Leopards.

The Snow Leopards will remain the property of Chicago Park District/Lincoln Park Zoo and the offspring will be equally divided between the two parties to the agreement. Please find appended a copy of the signed breeding loan agreement for the Gorilla loan. The Snow Leopard agreement will be exactly the same.

Mr. Aspinall owns and is developing two other animal facilities at the present time, Chilham Rare Animal Compound and Port Lympne Estate. The latter will be open to the public. In 1974 he purchased and is now the owner/publisher of the *International Zoo News* the only international Zoo bulletin. Please find enclosed a copy of letters dated 18 November 1974 written by Mr. Aspinall and his secretary. It would seem salient here to point out that the Cats have done very well at Howletts. Bengal Tigers have bred well and they were the first to breed the Siberian sub-species in England. The most impressive breeding, however, is that of Clouded Leopards which has traditionally been a very

difficult species to breed and maintain in captivity. At present they have nine (9) living offspring along with the breeders who were the first to breed in England. *International Zoo Yearbook* Vol. 14 lists only Dublin, Ireland and Oklahoma City along with Howletts as having bred Clouded Leopards in 1972. More significantly, Howletts' were the only ones to survive.

After viewing Mr. Aspinall's film of his facilities and from personal discussions with him we all feel sure the Snow Leopards will be housed more than adequately. They will be maintained in a large outdoor cage similar to his successful Clouded Leopard areas. I have personally seen these areas in his film and although I cannot state exact dimensions they are bigger than any area I have seen in any Zoo keeping Clouded Leopards. There will be indoor dens although they will probably only be needed for cubbing since the weather there is not as severe as Chicago winters or summers and we house ours outside all year with only a wooden box for shelter.

In June, 1968 the IUCN listed the Snow Leopard as endangered stating that a rough working estimate for their numbers in the wild would be 400, give or take 200. In an updating of Snow Leopard information and status in 1972 the Snow Leopard is still redsheeted in the IUCN data book. In this 1972 update no figures are given as to total numbers, but throughout its entire range the animal is severely threatened and under severe hunting pressure in most areas. Skins are still being offered for sale in various areas and it is interesting to note that Naumann & Nogge (1973) saw skins for sale at the Bazaar in Kabul, Afghanistan. Animals are still being exported from Russia as well. In a letter dated August 13, 1974 to the then Snow Leopard studbook keeper, Mr. Marvin Jones, the German animal dealer, Claus Gollembek, reported that he delivered a pair of Snow Leopards to the Hannover Zoo, West Germany in January, 1974 and a single female to the Zurich Zoo, Switzerland in April, 1974.

These three animals were legally obtained by this dealer from the Russian government. In all probability they were wild caught animals. While the situation in the wild continues to be grim, the situation in captivity continues to brighten. At one time only 6% of Snow Leopards living in captivity were born there, but as of 1972 a full 35% were captive born. An increase of 29% in 10 years. Equally important, if not more so, are the second generation births at, at least, the Lincoln Park, Oklahoma City, Bronx, and Helsinki, Finland zoos.

Lincoln Park Zoo has had a total of 32 Snow Leopards born between 1960 and 1974 and because of this great number has had more experience with Snow Leopards than any other Zoo with the possible exception of Helsinki, Finland. All of our expertise will be made available to Mr. Aspinall and his staff. Please find appended to this application a copy of a paper accepted for publication in *International Zoo Yearbook* Vol. 15. which summarizes our knowledge and experience of Snow Leopards. Mr. Aspinall also plans another trip to the United States in 1975 and we will consult with him at that time, as well.

The continuation of proper management of cantive Snow Leopard stock is imperative and the dispersal, on loan, of this pair of Snow Leopards to Howletts is consistent with our philosophy and management policies at Lincoln Park Zoo. After a great deal of consideration we feel that Mr. Aspinall will make every effort to propagate and maintain these animals. He already has demonstrated his ability with other species of *Felidae* and cooperates with other institutions as can be seen by items iv-v on page 2 of his appended animal inventory. The Siberian Tigers are registered in the studbook and there is no reason to believe he would not do so with the Snow Leopards. It should also be pointed out that since Lincoln Park Zoo now keeps the Snow Leopard studbook we would be in an excellent position to keep track of these animals.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely yours,

SAUL L. KITCHENER,
Assistant Director.

1 LYALL STREET LONDON SWIX 8DW

TELEPHONE: 01-235 5108

Mr. SAUL L. KITCHENER,
Assistant Director,
Lincoln Park Zoological Gardens,
100 West Webster, Chicago, Illinois 60614

NOVEMBER 18, 1974.

DEAR MR. KITCHENER: That you for your letter of 8th November and for all the documentation you kindly enclosed which I certainly hope will satisfy the authorities over here, with regard to the import of 1/1 Snow Leopard.

I hope that the letter Mr. Aspinall has written to you, which is enclosed, will suffice. The only information I can add to what he has already said, is that Howletts was the first zoo in Great Britain to breed Clouded Leopards, the first zoo to breed Siberian Tigers in this country (all of which are studbook registered in Leipzig), and the first zoo to successfully breed the Honey Badger, in the world.

Yours sincerely,

Miss SUSAN HUNT,
Secretary to Mr. John Aspinall.

1 LYALL STREET, LONDON SWIX 8DW, ENGLAND

Mr. SAUL L. KITCHENER,
Assistant Director,
Lincoln Park Zoological Gardens,
100 West Webster,
Chicago, Illinois 60614.

NOVEMBER 18, 1974.

DEAR SAUL: Please use the following information in the light of a testimonial with reference to our ability to look after 1/1 Snow Leopard which Lincoln Park has offered on loan to Howletts Zoo Park:

From an input of 8 Indian Tigers we have bred 37: the colony at the moment stands at 27 (12 of these we have bred this year). From 4 different females, our Siberian Tiger colony has had an input of 7 and now stands at 15, (4 having been bred this year). The Clouded Leopard colony has had an input of 2 and now stands at 11 (0/2 being bred this year, 0/1 of which is designated to yourselves and will be sent over at your request), these 2 females are now over 6 months old. We also have a breeding pair of Black Leopards. Our other cats are, as yet, too young to breed and consist of 1/1 Spotted Leopard, 1/1 Serval Cat and 1/1 Northern Lynx. The only adult group we have not yet bred successfully are the Cheetahs, but we are now arranging three different enclosures for them so we can separate the females from the males on the pattern of Victor Manton who has bred them successfully in this country, at Whipsnade.

Enclosed is an up to date stock list which gives an indication of the animals we breed successfully at Howletts.

Yours sincerely,

JOHN ASPINALL.

LINCOLN PARK ZOOLOGICAL GARDENS

BREEDING LOAN AGREEMENT BETWEEN CHICAGO PARK DISTRICT AND MR. JOHN ASPINALL/HOWLETT'S ZOO PARK

OCTOBER 17, 1973.

The above parties to this agreement agree to the following concerning the loan of an adult male Lowland Gorilla (*Gorilla g. gorilla*) named Kisoro, age 13 years.

The Chicago Park District will loan Kisoro to Mr. Aspinall for the sole purpose of captive animal propagation at Howlett's Zoo Park. Mr. Aspinall agrees to provide all the necessary housing, food and veterinary care to the best of his ability.

While it is not practical to set a proper monetary value on an adult male breeding gorilla, we request that Mr. Aspinall insure Kisoro for $10,000 U.S. Mr. Aspinall will furnish Chicago Park District proof of insurance coverage of $10,000 U.S. before Kisoro is shipped to England. The insurance will cover the period of transit, as well as the duration of Kisoro's stay in England. Mr. Aspinall also agrees that he will assume all liability should any person be injured or property damaged by Kisoro while the animal is under his care. The Chicago Park District will, therefore, be free of any liability for Kisoro's actions under this loan agreement.

The cost of crating and shipping Kisoro to England will be borne by Mr. Aspinall. He will also be responsible for the cost of returning Kisoro to Chicago when and if this becomes necessary.

Due to the value of this animal adequate personnel should accompany the shipment of Kisoro to England, as well as his return to the United States, cost to be borne by Mr. Aspinall.

If any young are born between the Chicago Park District male and Aspinall's females, the offspring will be equally divided between the Chicago Park District and Mr. Aspinall, with the Chicago Park District receiving the first offspring. An attempt will be made by both parties to have each party to the agreement receive an equitable division of sexes of the young.

There will be a continued evaluation of this agreement by both parties especially related to the amount of time Kisoro will spend in England.

If for any reason this animal is offered for sale during its stay in England, Mr. Aspinall will have the first option to buy.

The agreement can be terminated by either party upon service to the other, with a minimum notice of ninety (90) days.

LESTER E. FISHER, D.V.M.,
Chicago Park District, Zoological Gardens Director, Lincoln Park Zoo.

JOHN ASPINALL,
(Owner),
Howlett's Zoo Park.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the

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Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 24, 1975, will be considered.

Dated: January 21, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-2228 Filed 1-23-75;8:45 am]

National Park Service

NATIONAL CAPITAL PARKS

Authorization of Additional Interpretive Visitor Transportation Services

Pub. L. 93-62 (Act of July 6, 1973, 87 Stat. 146), directed the Secretary of the Interior to provide interpretive visitor transportation services between or in Federal areas within the District of Columbia and its environs upon the determination that such services are desirable to facilitate visitation and to insure proper management and protection of these areas.

Pursuant to this authority, it has been determined that providing interpretive visitor transportation service between the Mall and on the grounds of the Robert F. Kennedy Memorial Stadium is desirable to facilitate visitation and to insure proper management and protection of such areas. Therefore, notice is hereby given that, pursuant to the direction of Public Law 93-62 and the authority of the Act of July 25, 1916, as amended and supplemented (16 U.S.C. 1, et seq.), interpretive visitor transportation services are to be provided between the Mall and the grounds of the Robert P. Kennedy Memorial Stadium.

MANUS J. FISH, JR.,
Director, National Capital Parks.

[FR Doc.75-2428 Filed 1-23-75;10:33 am]

Office of Hearings and Appeals

[Docket No. M 75-81]

OLD BEN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 816(c) (1970), Old Ben Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Dixiana Mine, Norton, Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) All cars in use at the subject mine will be coupled together in units by pin-and-link couplers. A ¼ inch hole will be drilled in each pin which will be fixed in position with a cotter key of appropriate size.

(2) The front end of the first car and the locomotive will be fitted with an Ohio Brass automatic coupler so designed as to permit an employee to couple or uncouple the units without the necessity of positioning himself between the unit and the locomotive.

(3) It is presently planned that most, if not all mine car units will consist of ten cars per unit. However, in the event it becomes more practical to combine cars into units of more or less than ten cars, each unit will conform to the specifications of pin-and-link couplers on all cars and automatic coupler on the front end of the car connected to the locomotive.

(4) Petitioner's alternate method will provide greater safety than the application of the mandatory safety standard because it will prevent the accidental uncoupling of cars which often occurs on undulating track.

The petition is supported by a schematic diagram detailing the specifications for the fixation of the pins in the pin-and-link couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 24, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: January 16, 1975.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.75-2246 Filed 1-23-75;8:45 am]

Office of the Secretary

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on February 13 and 14, 1975, at the Ramada Inn, 999 South Main Street, Salt Lake City, Utah. The meeting will begin at 10 a.m. on Thursday, February 13, in the Alta Room No. 1 and conclude at 12 noon on Friday, February 14.

The Panel was established to assist the Department of the Interior in the performance of functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of the meeting is to review a proposal to stimulate insitu oil shale development; review the first quarterly environmental data reports for the Colorado Lease Tract C-b and for the two Utah lease tracts; review a proposed fish and wildlife management plan for the Utah lease tracts; to receive reports from departmental officials; have a technical briefing on the Uintah Basin tar sands; and to discuss other oil shale related matters.

The meeting is open to the public. It is expected that space will permit approximately 100 persons to attend the meeting in addition to the Panel. Interested persons may make brief presentations to the Panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 820-A, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Panel Office.

Dated: January 20, 1975.

JACK HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-2248 Filed 1-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

DAIRYLAND POWER COOPERATIVE, WIS.

Supplemental Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a supplemental draft environmental impact statement specifically detailing certain items not adequately discussed or which have been changed from the draft environmental impact statement which was made available to the Council on Environmental Quality and the public on July 2, 1974. The original draft environmental impact statement was prepared in connection with a proposed loan guarantee for Dairyland Power Cooperative, 2615 East Avenue, South, LaCrosse, Wisconsin 54601, to provide for new generation facilities and related transmission facilities to be located near Alma, Wisconsin.

The proposed supplemental draft environmental impact statement will detail a proposed 46 mile-161 kV transmission line addition from Alma, Wisconsin to Spring Valley, Wisconsin. The supplement will also detail the alternative of barge delivery of coal to the proposed plant site, the alternative of cooling towers discussed in more detail and the acquisition of certain land for a proposed ash pond and railroad loop coal delivery system. The land under question is presently owned by the Federal Government and is within the boundaries of the Upper Mississippi River National Wildlife and Fish Refuge.

Interested persons are invited to submit comments which may be helpful in preparing the supplemental Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above.

Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C. this 17th day of January 1975.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.75-2217 Filed 1-23-75;8:45 am]

Soil Conservation Service

TYGARTS VALLEY SOIL CONSERVATION DISTRICT, W. VA.

Equipment Grant Eligibility Determination

Notice is hereby given, in accordance with 7 CFR 662.2(c), of a determination that the Tygarts Valley SCD, Philippi, West Virginia 26416, is eligible for a grant of the following items of equipment (or materials) to carry out soil and water conservation work: One—1½-ton supply truck.

The grant is subject to the availability of the equipment from Federal excess property sources, and may be made on or before February 24, 1975.

JAMES S. BENNETT,
State Conservationist, Morgantown, West Virginia 26505.

[FR Doc.75-2201 Filed 1-23-75;8:45 am]

UPPER MEDICINE CREEK WATERSHED, NEBR.

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Medicine Creek Watershed, Hayes, Lincoln, and Frontier Counties, Nebraska.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement include conservation land treatment supplemented by four single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
134 South 12th Street, Room 604
Lincoln, Nebraska 68508

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until after February 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 17, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-2200 Filed 1-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Miscellaneous—External Drug Products.	February 23 and 24, 9 a.m., Conference room 1, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed February 23, open February 24, 9 a.m. to 10 a.m., closed February 24 after 10 a.m., Armond M. Welch, (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data on the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing miscellaneous external drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Review of over-the-counter miscellaneous external drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Miscellaneous Internal Drug Products.	February 23 and 24, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed February 23, open February 24, 9 a.m. to 10 a.m., closed February 24 after 10 a.m., Thomas D. DeCillis, (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data on the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing miscellaneous internal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Review of over-the-counter miscellaneous internal drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of dis-

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cussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its misson.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: January 17, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-2209 Filed 1-23-75;8:45 am]

[FAP 5B3066]

E. I. DUPONT DE NEMOURS & CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3066) has been filed by the E. I. DuPont de Nemours & Co., Wilmington, DE 19898, proposing that § 121.2502 *Nylon resins* be amended to provide for the safe use of nylon 612 resins made by the condensation of hexamethylenediamine and dodecanedioic acid as a component of food contact articles intended for repeated use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: January 13, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-2212 Filed 1-23-75;8:45 am]

MEDICAL RADIATION ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal of the Medical Radiation Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of two years beyond January 5, 1975.

Authority for this committee will expire January 5, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.75-2210 Filed 1-23-75;8:45 am]

PANEL ON REVIEW OF LAXATIVE, ANTIDIARRHEAL, ANTIEMETIC AND EMETIC DRUGS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Panel on Review of Laxative, Antidiarrheal, Antiemetic, and Emetic Drugs for an additional period of 2 years beyond December 27, 1974.

Authority for this committee will expire December 27, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 17, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.75-2211 Filed 1-23-75;8:45 am]

RADIATION EMISSION FROM AND HUMAN EXPOSURE TO ELECTRONIC PRODUCTS

Memorandum of Understanding Between the United States of America and Canada

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding between the Food and Drug Administration and the Health Protection Branch of the Canada Department of National Health and Welfare was executed on December 16, 1974. The memorandum pertains to exchange of information on compliance program efforts that are of mutual concern to both agencies and is restricted to activties that involve controlling radiation emission and human exposure from electronic products. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, U.S.A. AND THE HEALTH PROTECTION BRANCH DEPARTMENT OF NATIONAL HEALTH AND WELFARE, CANADA

The Health Protection Branch of the Canada Department of National Health and Welfare (hereinafter referred to as HPB) and the Food and Drug Administration of the U.S. Department of Health, Education, and Welfare (hereinafter referred to as FDA) do hereby jointly agree to the following terms and conditions as stated herein.

I. *Purpose:* To establish a formal mechanism by which the Canadian Health Protection Branch and the U.S. Food and Drug Administration may develop a procedure to exchange information on compliance program efforts which are of mutual concern to both agencies. This understanding is restricted to those activities which involve controlling radiation emission and human exposure from electronic products.

II. *Items of Agreement.* A. FDA agrees that:

1. Prior to the issuance of standards by FDA under the Radiation Control for Health and Safety Act to control the emissions of radiation from electronic products, HPB will be consulted during the development stage of the standards, for advice on the latest available scientific and medical data in the field of electronic product radiation, the reasonableness and technical feasibility of such standards, and the standards currently in existence or being developed by HPB dealing with the same subject.

2. Copies of all regulations, standards, policy statements, and other similar documents pertaining to electronic product radiation will be provided to HPB.

3. Upon request from HPB, FDA will promptly furnish copies of decisions arising from inspections of manufacturers of electronic products prepared by FDA personnel.

4. Joint inspections of electronic product manufacturing plants may be conducted in the United States and Canada, provided the manufacturers so consent. This will afford opportunities for comparing inspection and reporting techniques, for exchanging inspection experiences, for developing common administrative practices, and for early mutual recognition of the inspectional findings of our respective inspectors and investigators.

5. FDA shall endeavor to provide prompt notification to HPB with respect to electronic product defects and noncompliance with FDA performance standards. This will include the name of the firm, the model number and other identification, the reason for the compliance action and a description of the manufacturer's corrective action program.

6. At appropriate intervals, and by mutual agreement, FDA will endeavor to arrange for meetings between its inspectors, technical experts, and management, and those of HPB for the purpose of reviewing the progress made through implementation of this information exchange.

7. Information shall be provided to the extent that United States law permits. Information furnished to FDA by HPB will be treated as confidential for intergency use only insofar as United States law permits. The provision of information shall not extend to the disclosures of financial data or trade secrets.

B. HPB agrees that:

1. Prior to the establishment of standards or regulations under the Radiation Emitting Devices Act or the Food and Drugs Act relative to radiation emitting devices, FDA will be consulted during the development stage for advice on the latest available scientific and medical data in the field of radiation emitting devices, and reasonableness and technical feasibility of such standards, and the standards currently in existence or being developed by FDA dealing with the same subject.

2. Copies of all regulations, standards, policy statements, and other similar documents pertaining to radiation emitting devices will be provided to FDA.

3. Upon request from FDA, HPB will promptly furnish copies of decisions arising from inspections of manufacturers of radiation emitting devices prepared by HPB personnel.

4. Joint inspections of radiation emitting devices' manufacturing plants may be conducted in the United States and in Canada, provided the manufacturers so consent. This will afford opportunities for comparing inspection and reporting techniques, for exchanging inspection experiences, for developing common administrative practices, and for early mutual recognition of the inspectional findins of our respective inspectors and investigators.

5. HPB shall endeavor to provide prompt notification to FDA with respect to radiation emitting device defects or noncompliance with Canadian performance standards.

6. At appropriate intervals, and by mutual agreement, HPB will endeavor to arrange for meetings between its inspectors, technical experts, and management, and those of FDA for the purpose of reviewing the progress made through implementation of this information exchange.

7. Information shall be provided to the extent national legislation permits. The provision of information will not extend to the disclosure of financial data or trade secrets.

III. *Name and Address of Participating Agencies.*

Health Protection Branch, Health and Welfare of Canada, Brookfield Rd., Ottawa, Canada K1A 1C1.

Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852.

IV. *Liaison Officers.*

A. Mr. G. E. MacDonald (613-995-7059), Chief, Compliance Services, Environmental Health Directorate, Health Protection Branch.

B. Mr. Robert G. Britain (301-443-4016), Director, Division of Compliance, Bureau of Radiological Health, Food and Drug Administration.

V. *Period of Agreement.* This Memorandum of Understanding shall continue in effect unless modified by mutual consent of both parties or terminated by either party upon thirty (30) days advance written notice to the other.

This Memorandum of Understanding does not modify existing agreements nor does it preclude entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by special agreement.

Nothing in this agreement is intended to diminish or otherwise affect the authority of either agency to carry out its respective statutory functions.

Date: December 16, 1974.

ALEXANDER M. SCHMIDT,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare.

Date: December 16, 1974.

A. B. MORRISON,
Assistant Deputy Minister, Health Protection Branch, Canada Department of National Health and Welfare.

Effective date. This Memorandum of Understanding became effective on December 16, 1974.

Dated: January 16, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.75-2208 Filed 1-23-75;8:45 am]

SANITARY QUALITY OF FROZEN FROG LEGS EXPORTED TO THE UNITED STATES OF AMERICA

Agreement Between the Export Inspection Council, Ministry of Foreign Trade, India and the Food and Drug Administration

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs gives notice that an agreement was approved and accepted by the Food and Drug Administration and the Export Inspection Council, Ministry of Foreign Trade, India on January 13, 1975. This agreement, which provides for control of the sanitary quality of frozen frog legs exported from India to the United States, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN FOOD AND DAUG ADMINISTRATION, PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, UNITED STATES OF AMERICA AND THE EXPORT INSPECTION COUNCIL, MINISTRY OF FOREIGN TRADE, INDIA

This Memorandum of Understanding has been developed and agreed to by the respective agencies to control the sanitary quality of frozen frog legs exported to the United States of America.

For purposes of this Memorandum, both parties agree to the following terms:

Lot. A lot is a quantity of frozen frog legs produced during a discrete period of time, by one manufacturer, packaged in identical containers identified by a code or mark traceable to the manufacturer and sealed in such a manner as to maintain integrity of the lot.

Salmonella- and *Arizona*-negative. Microbiological examination for the presence of *Salmonella* and *Arizona* will be conducted as follows: Place 15 pairs of frog legs into a flask containing 3,500 milliliters of broth. When single legs are estimated to average 25 grams or more, modify by culturing only one leg of each of the 15 pairs. Shake the flasks on a shaker for 15 minutes following which the lactose broth is decanted into another sterile flask and incubated at 35° C

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for more than 24 hours. Following incubation, proceed according to "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed. (1970).[1]

THE EXPORT INSPECTION COUNCIL

1. The Export Inspection Council agrees to inspect each lot of frozen frog legs produced in this country and offered for export to the United States of America to assure that it is negative for *Salmonella* and *Arizona* based upon examination of sample units consisting of 15 pairs of frog legs and analyzed by methods prescribed in the above paragraph, "*Salmonella* and *Arizona*-negative."

2. The Export Inspection Council agrees to issue an export certificate for only those lots which meet the criteria of paragraph 1. Any lot which fails to meet such criteria will be denied export to the United States of America.

3. The Export Inspection Council agrees to require that all containers of all lots exported to the United States of America be identified by lot number, together with all other information required by the Federal Food, Drug, and Cosmetic Act.

4. The Export Inspection Council agrees to include in the certificate for each lot exported to the United States of America the following information:

a. Lot identification.

b. Number and size of containers in the lot.

c. Analytical results for *Salmonella* and *Arizona*.

d. Date.

e. Name and stamp or seal of authorizing official.

5. The Export Inspection Council agrees to furnish to the Food and Drug Administration a copy of the regulations and procedures used to assure that frozen frog legs are sanitary.

6. The Export Inspection Council agrees to furnish to the Food and Drug Administration a full description of the manufacturing processes and quality controls used to assure the production of sanitary frozen frog legs.

FOOD AND DRUG ADMINISTRATION

1. The Food and Drug Administration is responsible for the safety and quality of frozen frog legs imported into this country for human consumption.

2. The Food and Drug Administration will sample products certified under this program to assure that the exporting country and the exported products comply with specifications set forth in this Memorandum of Understanding and all other requirements of the Federal Food, Drug, and Cosmetic Act. The intensity of sampling may be reduced on gaining confidence in the compliance of the product to these specifications.

3. The Food and Drug Administration will share information about its audit sampling with the exporting country.

4. The Food and Drug Administration will share expertise and will provide consultative assistance to the exporting country when necessary to assure the safety of the frozen frog legs exported to the United States.

The Export Inspection Council and the Food and Drug Administration agree that this Memorandum of Understanding shall become effective on the date it is signed by the Food and Drug Administration. It shall remain in effect, and govern all frozen frog legs exported to the United States of America pending revision or revocation at the request of either agency.

In witness whereof, the agencies have executed this Memorandum of Understanding.

For the Food and Drug Administration.
By: A. M. Schmidt.
Title: Commissioner of Food and Drugs.
Country: The United States of America.
Date: January 13, 1975.

For the Ministry of Foreign Trade.
By: C. N. Modawal.
Title: Director of Quality Control and Inspection.
Country: India.
Date: January 13, 1975.

Effective date. This agreement became effective January 13, 1975.

Dated: January 17, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-2207 Filed 1-23-75;8:45 am]

[DESI 9366; Docket No. FDC-D-556; NDA No. 11-417]

DEANOL ACETAMIDOBENZOATE

Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

Correction

In FR Doc. 75-521, appearing at page 1533 of the issue for Wednesday, January 8, 1975, the following corrections are made:

1. On page 1533, column 3, the eighth line from the bottom, the section number reading "314.11" should read "314.111".

2. On page 1534, column 1, the seventeenth line from the top, the word "patient" should read "parent".

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS

Meeting and Hearing

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on February 14 and 15, 1975 in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. both days and will be open to the public, subject to the limitation of available space. The meeting on February 14 will be open for presentation by the public of views on research on the fetus. In addition, the Commission will examine issues involved in research on the fetus and, time permitting, other items of its legislative mandate set forth in P.L. 93-348.

The deadline for requests to participate in the hearing on February 14 has been extended by the Commission from January 9 to January 31, 1975. It should be noted that this is the only hearing scheduled by the Commission to hear the views of members of the public regarding research on the fetus. Any person wishing to speak on February 14 must file a written request prior to the deadline and receive approval from the Commission. A request to participate must include a detailed summary of the proposed presentation; oral presentation shall be limited to 10 minutes for each participant. Requests should be addressed to:

Staff Director, National Commission for the Protection of Human Subjects, Westwood Building, Room 125, 9000 Rockville Pike, Bethesda, Maryland 20014.

Requests for information should be directed to Ms. Anne Ballard at the address given above. Telephone number (301) 496-7526.

Dated: January 15, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75-2215 Filed 1-23-75;8:45 am]

Office of Education

INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE

Extension of Closing Date for Receipt of Applications

Notice is hereby given that the U.S. Commissioner of Education has extended the February 15, 1975 closing date for receipt of applications for support of schools located on or near a reservation which are non-local educational agencies as well as local educational agencies which have been local educational agencies for less than three years under section 303(b) of the Indian Elementary and Secondary School Assistance Act, Title III of P.L. 81-874, as added by Title IV, Part A of Public Law 92-318 (20 U.S.C. 241aa-241ff), and Title VI, Part C of Pub. L. 93-380, previously published in the FEDERAL REGISTER at 40 FR 1535 on January 8, 1975, to February 18, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.551. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidence by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from: Program Manager, Part A, U.S. Office of Education, Office of Indian Education, Room 3662, Regional Office Building Three, 400 Maryland Avenue SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100a) and 45 CFR Part 186, published in the FEDERAL REGISTER on June 24, 1974 at 39 FR 22424.

(20 U.S.C. 241bb(b))

(Catalog of Federal Domestic Assistance Number 13.551; Indian Education Grants to Non-LEA's (Part A))

Dated: January 17, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-2252 Filed 1-23-75;8:45 am]

HEALTH RESOURCES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority Amendments

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1456, January 9, 1974), is amended to reflect the following changes under section 7-B:

Organization and Functions. 1. Delete the title and statement for *Office of Management* (*7A19*), and substitute the following:

Office of Operations and Management (*7A19*). (1) Serves as the Administrator's principal staff for providing Administration-wide leadership in all phases of management and for direct conduct or general supervision of Administration-wide operational functions; (2) directs and coordinates the Administration's activities in the areas of management policy, operational planning, systems management, financial management, procurement and materiel management, grants management, and personnel management; (3) advises the Administrator on management implications of Administration plans and programs; (4) provides staff support and facilities for advisory councils, conferences, and meetings; (5) collaborates with the Office of Planning, Evaluation, and Legislation in the development and implementation of the five-year program and financial plan for the Administrator; (6) provides facility and space management services for Administration field elements and directs the Agency's safety management program; (7) coordinates Agency programs with PHS Regional Office functions by providing liaison to the Office of Regional Operations, PHS; and (8) directs data systems management and the Agency's management information support systems.

2. *Within the National Center for Health Statistics (7B00), the Office of the Center Director (7B01)* is amended by replacing the current statement for that office and adding statements for its newly created staff offices as follows:

Office of the Center Director (*7B01*). (1) Plans, directs, administers, coordinates and evaluates the total vital, health, and health related statistics programs of the Center; (2) stimulates basic and applied research and developmental activities; (3) provides national and international leadership in vital and health statistics; (4) conducts a variety of professional activities to provide assistance to government agencies, to foster international relationships, and to improve the broad fields of vital and health statistics; (5) coordinates the Center's activities with public and private health statistical agencies; (6) directs and coordinates Center activities in support of the Department's Equal Employment Opportunity program; (7) provides management and administrative support for the Center; (8) provides program planning and development for the Center; and (9) develops and coordinates legislative activities.

Office of Program Support (*7B02*). (1) Plans, directs, administers, coordinates and evaluates the Center's fiscal, management, and administrative support activities; (2) develops, analyzes, improves and implements internal management policies, methods and procedures; (3) in cooperation with the Division of Financial Management, HRA, provides financial guidance and information to NCHS program managers in the operation of the Center's financial management system, including program policy interpretation in budget formulation and execution, and preparation of program planning and budgetary support data; (4) coordinates the Center's contracts activities; (5) directs the Center's employee development and training activities; (6) advises the Center Director on administrative policy matters affecting the Center's programs; and (7) maintains close liaison with the Office of the Associate Administrator for Operations and Management, HRA, and with other governmental agencies, and outside groups.

Office of International Statistics (*7B03*). (1) Plans, directs, coordinates and evaluates the Center's international statistical programs; (2) plans and conducts training programs in vital and health statistics for foreign statisticians and demographers; (3) determines needs for technical assistance in various foreign countries and arranges for consultants and advisors to provide such assistance; (4) stimulates Center professional staff to conduct research in vital and health statistics in foreign countries; (5) develops and maintains an international statistical data file and conducts international studies of demographic and health statistics; (6) provides advice and guidance on disease classifications and disease classification problems in the Center; coordinates activities within the Center on classification of diseases and procedures; and has responsibility for development of revision proposals and U.S. position on decennial revisions of the International Classification of Diseases; (7) provides an Executive Secretary for the U.S. National Committee on Vital and Health Statistics; and (8) maintains liaison with key officials in HRA, the Department and international agencies on requests for data and consultant services.

Office of Program Development (*7B05*). (1) Provides a focus for short- and long-range program planning, coordination, and evaluation of the adequacy and completeness of new and existing programs in meeting the Center's mission; (2) serves as liaison with organizations planning or conducting new initiatives in Federal health statistics; (3) provides staff advice on the development of new health statistics programs based on assessment of emerging needs; (4) in collaboration with the Associate Director for Management, translates planning into program and budget proposals for Center operations; (5) assists the Center Director in the assessment of program accomplishments through a program review process; (6) develops and coordinates the Center's legislative activities; (7) administers a program of project review as required by the Federal Reports Act, including official bureau clearance officer responsibilities; (8) serves as the Center coordinator for interdisciplinary and interprogram activities; (9) provides liaison with counterparts at higher levels; and (10) provides support services for the Center's conferences, advisory committees, and other advisory groups.

Office of Statistical Research (*7B07*). (1) Provides general direction to and coordinates the Center's statistical research program; (2) plans and budgets Center-wide research activities; (3) stimulates research in the Center, and maintains close communication with research statisticians in universities and in private and governmental organizations; (4) conducts a program of basic measurement research and long-range applied research in statistical methodology; (5) promotes the publication and dissemination of statistical research findings; and (6) provides technical assistance to the Center Director in methodological matters.

Dated: January 17, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-2249 Filed 1-23-75;8:45 am]

[1] Copies may be obtained from:
Association of Official Analytical Chemists
Box 540, Benjamin Franklin Station
Washington, DC 20044

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

UNITED STATES TERMINAL INSTRUMENT PROCEDURES (TERPS) ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of Pub. L. 92-463, notice is hereby given that the United States Terminal Instrument Procedures (TERPS) Advisory Committee will hold a meeting beginning at 9 a.m., e.s.t., March 3 through 7, in Rooms 6A, B, C, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. The following agenda item is scheduled for this meeting:

Discussion. Preparation of final draft for publication in the United States Standards for Terminal Instrument Procedures (TERPS) Handbook 8260.3A.

a. New Chapter 12, Departure Procedures.

b. Major revisions of the nonprecision instrument approach criteria.

c. Minor editorial changes to the entire handbook.

All those interested in attending the meeting should contact James A. Forgas, Chief, Flight Procedures Standards Branch, AFS-460, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8144. The meeting will be open to the public.

Issued in Washington, D.C. on January 16, 1975.

JAMES A. FORGAS,
Chairman, U.S. Terminal Instrument Procedures (TERPS) Advisory Committee.

[FR Doc.75-2197 Filed 1-23-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX 74-6; Notice 2]

VINTAGE REPRODUCTIONS, INC.

Petition for Temporary Exemption from Federal Motor Vehicle Safety Standards

The National Highway Traffic Safety Administration has decided to grant Vintage Reproductions, Inc. an exemption of its 1900 Series Horseless Carriages from many Federal motor vehicle safety standards on grounds of substantial economic hardship.

Notice of petition for the exemption was published in the FEDERAL REGISTER on October 22, 1974 (39 FR 37526) and an opportunity afforded for comment. Vintage, of Fort Lauderdale, Florida, produces replicas of the 1901 Ford Runabout and several different 1901 Olds passenger cars and truck body types. The company requested exemption from the following safety standards applicable to passenger cars or trucks: 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 114, 115, 124, 201, 202, 203, 204, 207, 208, 210, 212, 215, 216, 301, and 302. The vehicles apparently will comply with Standards Nos. 107, 113, 205, and 211. The basic reason behind the request, described more fully in Notice 1, is that most safety standards are not "reasonable, practicable, or appropriate" for the configuration of 1901-style vehicles.

In support of its petition the company argued that its vehicles would not present a significant hazard to traffic safety. In two years of production the company manufactured 199 vehicles and intends to manufacture not more than 900 units before terminating production. The overall concept of the vehicle is such, argues the company, that its appeal is primarily for occasional, limited use (*e.g.* auto shows, resorts) rather than for extensive use on the public roads. The company has 20 full-time employees and had a net loss of $142.75 in the 12-month period ending April 30, 1974. Compliance with standards for which exemption is sought would involve substantial costs and, in the opinion of the company, destroy the character and hence the sales appeal of the vehicle.

No comments were received on the petition. The NHTSA concurs with the company's assessment that conformance would be costly and risky to the short term future of the company, and accepts its assessment that the effect of a denial would cause a loss of over $60,000 in the year following it.

In reaching a decision that an exemption would be in the public interest, the Administrator has balanced the intent of Congress in providing temporary hardship exemptions to limited-production manufacturers against the need for traffic safety. While the manufacturer could produce as many as 30,000 units under a 3-year hardship exemption, it states that its intended production will not exceed 900. Many of the standards (*e.g.* 206, 214) are inappropriate for 1900-style vehicles that are open from the top and sides. Other standards, while appropriate (*e.g.* 109, 110), contain dimensional specifications outside the limits of 1900-style vehicles, making compliance impossible. Because of their small numbers and distinctive configurations, the Administrator does not believe that these vehicles will present a significant hazard to traffic safety.

The manufacturer has not shown that providing lap belts would create a hardship, and it thus is not exempted from that requirement of Standard No. 208.

For the reasons discussed above, the NHTSA finds that the exemptions requested are in the public interest and consistent with the objectives of the Act. Vintage Reproductions, Inc. is hereby granted NHTSA Temporary Exemption No. 74-6, expiring December 1, 1977, from the following motor vehicle safety standards: 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 114, 115, 124, 201, 202, 203, 204, 207, 208 (except for that portion of S4.1.2.3.2 that requires a Type 1 seat belt assembly at each designated seating position), 210, 212, 215, 216, 301, and 302.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on January 21, 1975.

NOEL C. BUFE,
Acting Administrator.

[FR Doc.75-2231 Filed 1-23-75;8:45 am]

ACTION

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

Eligibility Levels

This notice revises the schedule of income eligibility levels for individuals and a family of two for the Foster Grandparent Program and the Senior Companion Program published in the FEDERAL REGISTER of November 4, 1974 (39 FR 39077). The figures increase the currently applicable guideline published by the Office of Economic Opportunity (OEO) by the 4.1 percent change in the Consumer Price Index during the four-month period of July 1974 through October 1974. The heading of the second column in the schedule has been changed from Couples to Family of Two to coincide with Census Bureau and OEO usage of terms. A third column, Family of Three, has been added to meet occasional needs therefor.

These ACTION programs are authorized pursuant to section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402. Pursuant to section 421(4) of Pub. L. 93-113, 87 Stat. 414, the income eligibility levels are determined by the current applicable guideline published by the Office of Economic Opportunity, pursuant to section 625 of the Economic Opportunity Act of 1974, as amended (42 U.S.C. 2971(a)), and increased by the amounts individual states supplement the Federal Supplemental Security Income (SSI) Program. The states supplemental payments reflect the higher cost of living in the geographic area to be served by the project. Section 625 permits the OEO guideline to be adjusted for cost-of-living changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Pursuant to section 420 of Pub. L. 93-113, this policy will become effective on January 23, 1975.

SCHEDULE OF INCOME ELIGIBILITY LEVELS FOR FOSTER GRANDPARENTS OR SENIOR COMPANIONS

State	Individuals	Family[1] of two	Family[1] of three
Alabama	$2,425	$3,327	$4,097
Alaska	4,277	5,569	6,861
Arizona	2,425	3,195	3,965
Arkansas	2,425	3,195	3,965
California	3,493	5,847	6,617
Colorado	2,653	4,527	5,297
Connecticut	3,529	3,999	4,769
Delaware	2,425	3,195	3,965
District of Columbia	2,425	3,195	3,965
Florida	2,425	3,195	3,965
Georgia	2,425	3,195	3,965
Hawaii	3,114	4,167	5,220
Idaho	3,073	3,555	4,325
Illinois	2,773	3,195	3,965
Indiana	2,425	3,195	3,965
Iowa	2,425	3,195	3,965
Kansas	2,425	3,195	3,965
Kentucky	2,425	3,195	3,965
Louisiana	2,425	3,195	3,965
Maine	2,425	3,375	4,145
Maryland	2,425	3,195	3,965
Massachusetts	3,901	5,487	6,257
Michigan	2,593	3,447	4,217
Minnesota	2,809	3,663	4,433
Mississippi	2,425	3,195	3,965
Missouri	2,425	3,195	3,965
Montana	2,425	3,195	3,965
Nebraska	3,229	4,035	4,805
Nevada	2,893	4,143	4,913
New Hampshire	2,713	3,387	4,157
New Jersey	2,857	3,567	4,337
New Mexico	2,425	3,195	3,965
New York	3,157	4,107	4,877
North Carolina	2,425	3,195	3,965
North Dakota	2,425	3,195	3,965
Ohio	2,425	3,195	3,965
Oklahoma	2,606	3,555	4,325
Oregon	2,629	3,399	4,169
Pennsylvania	2,665	3,555	4,325
Rhode Island	2,889	4,011	4,781
South Carolina	2,425	3,195	3,965
South Dakota	2,425	3,195	3,965
Tennessee	2,425	3,195	3,965
Texas	2,425	3,195	3,965
Utah	2,425	3,195	3,965
Vermont:			
Area 1	2,773	3,687	4,457
Area 2	3,013	3,927	4,697
Virginia	2,425	3,195	3,965
Washington:			
King, Pierce, Snohomish	2,785	3,591	4,361
All other counties	2,617	3,267	4,037
West Virginia	2,425	3,195	3,965
Wisconsin	3,265	4,515	5,285
Wyoming	2,425	3,195	3,965
Puerto Rico	2,425	3,195	3,965

[1] Family refers to a group of two or more persons related by blood, marriage or adoption and residing together.

JOHN L. GANLEY,
Deputy Director.

[FR Doc.75-2230 Filed 1-23-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, February 19, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-2229 Filed 1-23-75;8:45 am]

COMMISSION OF FINE ARTS

NOTICE OF MEETING

JANUARY 17, 1975.

The Commission of Fine Arts will meet on Wednesday, February 19, 1975 at 11:30 a.m. in the Commission offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda and requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.75-2242 Filed 1-23-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from January 13 through January 17, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is March 10, 1975. The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Tongass N.F. Land Use Plan, Alaska, January 15: The statement concerns the implementation of a Land Use Plan prepared for the Tongass National Forest. The Plan divides the over 20 million acres into 13 planning units. Uses and activities include road building, timber harvesting, recreation development, mining, wildlife projects, off-road vehicle use, and others. A large acreage will remain roadless and undeveloped. (ELR Order No. 50076.)

South Fork Salmon River Planning Unit, Boise, Payette Valley Counties, Idaho, January 13: The statement concerns a planning unit containing 348,328 acres, approximately 246,000 of which are within Payette National Forest, 102,328 of which are within Boise National Forest, and 855 acres are in private ownership. The plan sets forth the allocation of lands to resource uses and activities. Minor adverse effects such as temporary air pollution due to burning of residual material after timber harvests are expected (50 pages). (ELR Order No. 50059.)

Siuslaw, Siskiyou, Umpqua N.F.'s, Supplement, Oregon and California, January 13: The statement supplements a final eis which was filed with CEQ on February 25, 1974, and refers to the use of herbicides on the three forests in forest management activities. The chemical agents to be used include 2,4-D, 2,4,5-T, 2,4,5-TP, Amitrole-T, atrazine, picloram, and dicamba. There will be impacts to non-target species and to wildlife. (ELR Order No. 50060.)

Timber Plan, Bighorn National Forest, Wyoming, January 13: The statement refers to a proposed timber plan for the Bighorn National Forest. Over the next ten year period, 68,300 acres (28 percent of the suitable and available forest land) will be subject to various timber management activities. The expected annual yield is 54.2 cunits, including 21.9 million board feet of saw timber. There will be impacts to soil, air, water, and visual qualities from timber cutting and the requisite road construction. (ELR Order No. 50067.)

Final

Silverleads Planning Unit, Salmon N.F., Lemhi County, Idaho, January 13: The statement refers to the 25,560 acre Silverlands Planning Unit, Lemhi County in the Salmon N.F. The planning area was divided into two management areas. The management areas are further divided into smaller segments called management units, which are separate parcels of land for which management requirements, protection needs, and resource uses are indicated. Adverse impacts will be to soil, water, vegetation, wildlife, scenics, livestock grazing, and roadless area values. Comments made by: AHP, USDA, DOI, EPA, State and local agencies. (ELR Order No. 50058.)

SOIL CONSERVATION SERVICE

Draft

West Fork of Bayou Lacassine Watershed, Jefferson Davis and Calcasieu Parishes, Louisiana, January 13: The statement refers to a watershed protection, flood prevention, and agricultural water management project. Project measures include 83 miles of channel works, land treatment measures, weirs, and pipe drops. There will be adverse impact to air and water quality, and to mature hardwood stands. (ELR Order No. 50066.)

North and South Mill Creek Subwatershed, Grant, Pendleton, Hardy Counties, West Virginia, January 17: Proposed is the construction of 5 single-purpose floodwater retarding dams and one multi-purpose floodwater retarding and recreation dam for purposes of flood control and recreation. The project will inundate 102 acres of farm land and 1.9 miles of stream (114 pages). (ELR Order No. 50090.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, (301) 973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, (301) 973-7373.

Draft

Plutonium Cardiac Pacemakers, January 16: The statement, a generic eis, refers to the proposed authorization of wide-scale use of plutonium powered pacemakers in cardiac patients. The statement outlines design and testing standards for pacemakers. Environmental impacts discussed include the possibility of plutonium release through accidental breach of the pacemaker, and the effects of exposure to the patient, those around him, and those involved in the handling and transport of the instrument. (ELR Order No. 50083.)

Proposed Final

The following statement, as the result of an agreement with CEQ and AEC is to be considered a proposed final. The commenting period on this statement is to be 60 (sixty) days, beginning with this FEDERAL REGISTER notice of availability (January 27, 1975).

Liquid Metal Fast Breeder Reactor, January 16: The statement refers to AEC's administrative action to continue the program to develop Liquid Metal Fast Breeder Reactor (LMFBR) technology. Consideration is given to all aspects of the environmental effects

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of the LMFBR program, including the postulated nuclear breeder power reactor industry. The LMFBR is expected to have a higher thermal efficiency and lower radiological releases than the current light, water plants. The environmental effects of the LMFBR fuel cycle, including fuel fabrication and reprocessing, waste management and transportation, are not expected to differ significantly from light water plants that have a similar uranium-plutonium fuel cycle (seven volumes). Comments made by: USDA, USCG, TVA, HEW, DOT, EPA, DOI, FPC, State and local agencies, and concerned citizens. (ELR Order No. 50089.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-7168.

Draft

Mermentau River-Gulf of Mexico Navigation Channel, Louisiana, January 13: Proposed is the maintenance dredging of the Mermemtau River-Gulf of Mexico Navigation Channel to its design cross section, 15 by 100 feet. Also included in the proposal are the maintenance of jetties at the entrance of the channel in the Gulf and the disposal of dredged materials in a manner that would least alter the existing ecological conditions and would create new tidal marsh. Annual dredging would result in destruction of benthic habitat and dredged material dumped on existing disposal banks would destroy vegetation and existing wildlife habitat. (ELR Order No. 50055.)

Yazoo River Basin Flood Control, several counties, Mississippi, January 14: Proposed is the construction of four large levees (already completed), channel modifications, drainage control structures, levees, floodwalls, and pumping plants for the purpose of flood control in the Yazoo River Basin. Previous attempts at channel improvement have resulted in siltation, bank caving, and deterioration of channel efficiency. Approximately 45,000 acres of woodlands, 42,000 acres of cleared lands, and 4,800 acres of channel area would be committed to the project (Vicksburg District). (ELR Order No. 50073.)

Final

Nome Harbor and Seawall, Alaska, January 13: The statement refers to the maintenance and operation of the Nome Harbor and Seawall. Typical maintenance requires the annual dredging of 16,000 to 20,000 cu. yds. of material. Adverse impact would be that resulting to marine organisms (Alaska) (62 pages). Comments made by: DOI, DOC, USCG, EPA, State agencies. (ELR Order No. 50031.)

North Fork Feather River, Plumas County, California, January 16: The project concerns the construction of a diversion dam and diversion channel from North Fork Feather River into Lake Almanor to provide flood control protection. A total of 670 acres (336 agricultural and 234 residential) will be lost to the project. Adverse impacts will include loss of wildlife habitat, vegetation and esthetic values (42 pages). Comments made by: EPA, DOI, HEW, USDA, State agencies. (ELR Order No. 50080.)

Cahokia Creek Low Dam, Illinois, January 17: The statement refers to a plan which is designed to replace an existing dam which has been damaged beyond engineering economically justifiable repairs. Failure of the existing structure could result in severe scour along the channel, threatening several bridges and levees. The proposed is a rectangular broad-crested concrete dam with a spillway width of 188 ft. and a spillway basin with the exception of the temporary impacts which result from construction activities (noise, dust, and visual pollution), the only significant adverse impact will be the loss of 20 acres of woodland, which will be revegetated (St. Louis District). Comments made by: EPA, USDA, DOI, HUD, AHP, State agencies. (ELR Order No. 50097.)

Marion Local Flood Protection, Kansas, January 14: The project consists of construction of a levee and floodway on Mud Creek and Cottonwood River for flood protection at Marion. The adverse effects resulting from the project include purchase of 3 home sites, increased flooding on some lands outside of the protected area, and alteration of the ground characteristics and vegetation on 110 acres of land required for the levee and diversion channel. There will also be temporary inconvenience to area inhabitants during construction (Tulsa District). Comments made by: DOI, EPA, HUD, DOT, USDA, DOC, HEW, State and local agencies, and concerned citizens. (ELR Order No. 50070.)

Onaga Lake, Pottawatomie County, Kansas, January 16: The statement refers to the proposed construction of Onaga Lake, a multi-purpose lake project on Vermillion Creek. At the top of the multi-purpose pool the lake will have a surface area of 5,320 acres; at the top of the flood control pool the lake will have a surface area of 10,990 acres. The project will result in the inundation of 17 miles of stream; 12,210 acres of land will be purchased in fee simple for project purposes. Adverse impact will include the inundation of wildlife habitat and stream fishery; the displacement of people; effects to the agricultural economy; and loss of archeological and historical sites (Kansas City District). Comments made by: USDA, HUD, DOI, USCG, DOT, EPA, AHP, State and local agencies. (ELR Order No. 50086.)

Hurricane Protection, New Orleans to Venice, Louisiana, January 16: The statement refers to the proposed enlargement of 36 miles of levee from City Price to Venice, and the construction of 16 miles of new levee from Phoenix to Bohemia, in order to provide protection from hurricane-induced flooding. Approximately 8,500 acres will be used for temporary ponding and 1,200 acres will be required for right-of-way; much of this land is estuarine marsh. Comments made by: DOI, EPA, USDA, DOC, DOT, HEW, AHP, State agencies. (ELR Order No. 50082.)

Modification of Ludington Harbor and Channel, Michigan, January 14: The project involves the widening of Ludington Harbor breakwater entrance, inner channel, and inner harbor turning area, and deepening of the channel and turning area to depth of 27 to 29 feet. Dredged sand will be distributed south of the harbor in shallow, near shore waters parallel to the Buttersville bar and south adjoining bluffs. Adverse impacts include the removal of 5 acres of developable Pere Marquette Lake shore zone, loss of .75 acres of aquatic bottom land, and temporary effects such as construction, noise turbidity, and increased traffic. Comments made by: USDA, DOC, DOI, EPA, HUD, State agencies. (ELR Order No. 50071.)

South Branch, Wild Rice River Flood Protection, Norman and Clay Counties, Minnesota, January 14: The proposed project involves the construction of local flood protection works, including channel modification, levees, and inlet modifications, on certain reaches of the South Branch Wild Rice River and Felton Ditch. Also included is the implementation of a wildlife corridor plan. A total of 314 acres of land will be committed to project measures; 6.6 miles of natural stream would be lost (St. Paul District). Comments made by: AHP, DOI, USDA, USCG, FPC, EPA. (ELR Order No. 50074.)

Navigation Project, Davis, Carteret County, North Carolina, January 13: The statement refers to the proposed construction and maintenance of a deeper navigation project at Davis. Construction consists of deepening the existing project by 2 feet to provide a channel 7 feet deep, 75 feet wide, and 3,500 material in diked areas (34 pages). Comments made by: AEC, USDA, HEW, USCG, EPA, DOI, State and local agencies, and one citizens group. (ELR Order No. 50062.)

Candy Lake, Candy Creek, Osage County, Oklahoma, January 17: The statement refers to the proposed Candy Lake located in Osage County on Candy Creek. Project purposes are flood control, water supply, recreation, and fish and wildlife. The project consists of an earth dam, a reinforced concrete outlet works, an uncontrolled spillway, and project buildings and access roads. Adverse impacts are the inundation of 2,170 acres of land and 7.5 miles of Candy Creek, displacement of pipelines, powerlines and telephone lines, and relocation of 8 families (Tulsa District). Comments made by: EPA, HUD, DOI, DOT, USDA, AHP, HEW, State agencies. (ELR Order No. 50096.)

Catherine Creek Dam and Lake, Union County, Oregon, January 16: The statement refers to the construction of an earth-fill dam on Catherine Creek, 2.9 miles of road relocation, and a fish hatchery. The purposes of the project are those of flood control, irrigation, recreation, anadromous fish enhancement, and water supply. Approximately 2300 acres will be acquired for the project. Adverse effects will include the loss of 2.5 miles of natural stream bed and an unspecified amount of land to be inundated. Water quality of the stream will be affected, and the acquisition of 480 acres of land for deer and elk will be necessary to compensate for the loss of big game winter range. Comments made by: EPA, USDA, DOT, FPC, DOC, DOI, State and local agencies, and concerned citizens. (ELR Order No. 50085.)

Cooper River Rediversion Project, South Carolina, January 15: The statement refers to the construction of a channel to redivert water from the Cooper River to the Santee River Basin to relieve shoaling problems in Charleston Harbor. The project will also include construction of a hydropower plant, fish hatchery, and fish lift. Adverse impacts include decreased biological productivity in Cooper River, land requirements for the diversion canal and disposal site, potential destruction of archeological sites, and turbidity and sedimentation during construction (235 pages). Comments made by: USDA, DOC, DOT, DOI, EPA, State agencies. (ELR Order No. 50078.)

Little Goose Lock and Dam, Whitman, Columbia, Garfield Counties, Washington, January 16: The statement refers to the existing Little Goose Lock and Dam Project, a navigation-hydroelectric project on the Snake River. Project measures include a navigation lock, a 3 unit hydroelectric spillway dam, and a 10,025 acre lake. The proposed action is the addition of 3 power units, and the continued operation and management of the project. Impacts discussed in the statement relate to recreational uses, navigation, wildlife habitat management, the operation of fish passage facilities, and the production of electric power (Walla Walla District) (200 pages). Comments made by: FPC, EPA, USCG, DOC, USDA, DOI, State agencies. (ELR Order No. 50079.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

Final

Palmer Lake Sanitation District, Colorado, January 13: Proposed is the construction of an Interceptor sewer and a wastewater treatment plant (0.84 mgd capacity) to serve the Palmer Lake and Monument Sanitation Districts and the Woodmor Water and Sanitation District. A total of 21,000 feet of interceptor has already been constructed. The facility would consist of two aerated lagoons, a polishing pond, and a chlorination system; effluent would be discharged to Monument Creek. The new facility would assure adequate sewage treatment for future area population growth. Comments made by: USDA, HEW, HUD, DOI, State and local agencies, and concerned citizens. (ELR Order No. 50055.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343-4161.

Final

Social Security Admin. Facilities, Baltimore, Baltimore County, Maryland, January 14: Proposed is the consolidation of Social Security Administration office and data processing facilities at two sites, one adjacent to SSA headquarters in Woodlawn, the other, Metro West, in the Orchard-Biddle Neighborhood Development Project in Baltimore. The former facility will comprise 1,265,270 sq. ft., the later 1,156,200, including 402,500 sq. ft. for parking (two volumes). Comments made by: HUD, OEO, OMB, GSA, DOT, DOI, AHP, (ELR Order No. 50072.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6295.

Draft

Potter Urban Renewal Project, Middlesex County, New Jersey, January 17: The Township of Edison Housing Authority proposes to erect 866 units of low and moderate income housing on a 177 acre vacant, wooded site in North Edison, adjacent to an existing 90 unit Public Housing Project. The project would result in removal of vegetation and reduction of air and water quality. (ELR Order No. 50095.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Draft

Development, Crow Reservation and Ceded Area, Big Horn and Treasure Counties, Montana, January 16: The statement refers to the probable impacts of two assumed levels of coal development on the Crow Indian Reservation and the Ceded Area. The lower level of development would result in the export of 20,000,000 tons of coal annually from three mines. The higher level of development would result in the mining of 90,000,000 tons annually from three mines, plus three mining complexes and the use of some coal in three conversion plants. There will be impacts on or from: air quality; wildlife habitats; historic and archeological resources; water consumption and water quality; the land surface; the socio-political structure; recreational uses. (ELR Order No. 50081.)

Final

Proposed Iliamna National Resource Range, Alaska, January 16: The statement refers to the proposed legislative designation of 2.8 million acres of public lands in the Lake Iliamna Nushagak River area of Alaska as the Iliamna National Resource Range. It is also proposed that a 47-mile segment of the Alagnak River be designated as a component of the National Wild and Scenic River System. The Bureau of Land Management would have primary responsibility for implementation of the land-use plan related to the action, with assistance coming from the Bureau of Sports Fisheries and Wildlife. Mineral development, except for valid existing rights, will be under the discretionary control of the Federal Government (620 pages). Comments made by: USDA, COE, DOC, EPA, FPC, DOT, DOI, State and local agencies. (ELR Order No. 50088.)

BUREAU OF OUTDOOR RECREATION

Draft

Huron Clinton Land Acquisition, Washtenaw County, Michigan, January 13: The statement refers to the proposed use of Land and Water Conservation Fund Assistance for the acquisition by the Huron Clinton Metropolitan Authority of 3501 acres of land. The land would be used for intensive, multiple activity, daytime recreational use focused around a 618 acre impoundment on Mill Creek. The action will necessitate the relocation of 44 families and the reconstruction of roads and utilities. (ELR Order No. 50054.)

BUREAU OF RECLAMATION

Draft

Columbia Basin Project, several counties, Washington, January 17: The statement concerns the construction of the Third Powerplant at Grand Coulee Dam and the extension of an irrigation system (now 50% complete) to provide irrigation for an additional 577,000 acres. The Grand Coulee Third Powerplant could accommodate additional powerplant capacity for peaking operations of at least 7,500 megawatts. (ELR Order No. 50098.)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Final

Cape Romain National Wildlife Refuge, Charleston County, South Carolina, January 15: The statement refers to the proposed designation of 28,000 acres of the Cape Romain Wildlife Refuge as wilderness within the National Wilderness Preservation System. Comments made by: EPA, COE, USDA, DOT, DOC, DOI, State agencies. (ELR Order No. 50077.)

NATIONAL PARK SERVICE

Final

Proposed Yukon-Charley National Rivers, Alaska, January 16: The statement refers to the proposed Congressional designation of 2.23 million acres of lands and waters along the upper Yukon River as Yukon-Charley National Rivers, in order to protect the nationally significant natural, historic and archeological values. The Rivers would be administered by the National Park Service, and would be studied for possible inclusion in the National Wilderness Preservation System. The land in the Charley River basin would be closed to mining and mineral entry; mining would be permitted on the Yukon portion on a permit and lease system (included in the statement is a discussion of a conceptual master plan for management.) (669 pages). Comments made by: USDA, DOC, COE, HEW, HUD, DOI, DOT, State and local agencies. (ELR Order No. 50087.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Columbus and Thomaston Roads, Widening, Bibb County, Georgia, January 17: Proposed is the widening of Columbus Road from the intersection of Columbus and Thomaston Roads (S.R. 22 and S.R. 74) easterly to a point east of Dempsey Avenue and the widening of Thomaston Road from I 475 to its intersection with Columbia Road. As many as three residences and two businesses will be displaced by the project (154 pages). (ELR Order No. 50091.)

Vista Avenue-Ridenbaugh Canal-U.S. 30 Connection, Ada County, Idaho, January 13: The proposed project consists of improving the existing Vista Avenue-Federal Way (U.S. 30) connection in Boise City, Idaho, including the improvement of three intersections, realignment of through routes, and widening rights-of-way to provide for the projected increase in through traffic flow. Adverse impacts include the displacement of families and businesses, construction disruption and the gradual conversion of residential land to commercial use. A 4(f) statement is included concerning Platt Gardens Park. (ELR Order No. 50057.)

Freeway 592, Polk and Warren Counties, Iowa, January 17: Proposed is the construction of Freeway 592 in Polk and Warren Counties, Iowa. The alternatives range from the upgrading of an existing road, requiring 27 additional acres to construction of a new facility, requiring as much as 690 acres. Dislocation of families and farms depends upon the alternatives chosen. (ELR Order No. 50093.)

S.R. 3025, Rapides Parish, Louisiana, January 17: Proposed is the construction of a 5.6 mile segment of State Route LA 3026 between the municipalities of Tioga and Timber Trails just north of Alexandria. The four-lane controlled access facility will displace 15 families and one business and will require the commitment of 215 acres of residential and forest land to roadway use. (ELR Order No. 50092.)

Loop 1, Austin, Travis County, Texas, January 13: The statement refers to the construction of a 4.3 mile section of Loop 1 (Mo Pac Boulevard) from R.M. Highway 2244 southeast to the City of Austin, south to US 290 west in Travis County. The project will displace one business and will take 315 acres of undeveloped land. There will be construction disruption (248 pages). (ELR Order No. 50085.)

SH 6 Bypass, Falls County, Texas, January 16: Proposed is the construction of the SH 6 bypass, from 3.0 miles south of Marlin to 2.0 miles north of the city. Total length of the four-lane facility will be approximately five miles. Construction of the project will result in the taking of right-of-way and the displacement of twelve residences and businesses (51 pages). (ELR Order No. 50084.)

Final

I-5, Santa Ana Freeway, Broadway Interchange, Orange County, California, January 13: Proposed is the improvement of the interchange of I-5 at Main Street and the construction of a new overpass at Broadway. Twelve businesses and 19 families will be displaced. A 4(f) statement is included concerning 5000 square feet of required right-of-way. Comments made by: DOT, DOI, HUD, COE, EPA, State and local agencies. (ELR Order No. 50064.)

I-90, Big Timber to Greycliff, Sweetgrass County, Montana, January 13: Proposed is the construction of a 4-lane, 10.5 mile segment of I-90. The project will require approximately 3.5 acres of "Fireman's Island", which although belonging to the City of Big Timber is not a city park. Construction disruption will result (105 pages). Comments

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made by: USDA, COE, HEW, HUD, DOI, EPA, State agencies and one local agency. (ELR Order No. 50041.)

New Hampshire Rte. 175, Woodstock, Grafton County, New Hampshire, January 15: The statement refers to the proposed relocation of a 1.2 mile segment of New Hampshire Route 175 in the town of Woodstock. The new two lane facility will necessitate the acquisition of 2.5 acres of land. Other adverse impacts include increased traffic noise levels, temporarily increased siltation levels in the Pemigewasset River during construction, and the loss of wildlife habitat (104 pages). Comments made by: USDA, USCG, COE, HEW, HUD, DOI, EPA, (ELR Order No. 50075.)

Rte. 106, Merrimack County, New Hampshire, January 17: The statement refers to the improvement of 3.8 miles of N.H. Route 106 in the town of Loudon, Merrimack County. The new segment will have two lanes, 2 new bridges over the Soucook River, and six intersections. Adverse impacts include acquisition of 105 acres of land, relocation of 6 families and 1 business, loss of wetlands, and a temporary increase in the level of the Soucook River during construction. There will also be the normal temporary negative impacts associated with highway construction. Comments made by: EPA, HEW, HUD, DOI, FPC, USDA, USCG, State agencies, and concerned citizens. (ELR Order No. 50094.)

US 75 and Spur 503, Grayson County, Texas, January 14: The statement refers to construction of a 14.1 mile section of US 75, beginning at Travis St. in Sherman and ending at the Texas-Oklahoma line at Red River. Also included in the project is a 1.7 mile section of Spur 503 connecting proposed US 75 to existing US 75 and SR 75–A north of Iron Ore Creek. Both US 75 and Spur 503 are to be developed on new location to a multi-lane divided freeway design. Adverse impacts are the taking of additional grass and wooded areas (exact acreage not specified), and the displacement of 89 families, 11 businesses and 3 oil wells. Comments made by: DOT, HEW, HUD, COE, USDA, DOI, State and local agencies. (ELR Order No. 50069.)

State Trunk Highway 59, Waukesha and Milwaukee Counties, Wisconsin, January 13: Proposed construction of 8.1 miles of 2-lane S.H. 59. Thirty-one residences will be displaced by the action and an unspecified number of acres taken. A 4(f) statement will be filed as land would be taken from a local park. Comments made by: HEW, DOI, HUD, EPA, OEO, State and local agencies. (ELR Order No. 50063.)

State Trunk Highway 28, Sheboygan Co., Wisconsin, January 13: Proposed is the construction, on new location, of 4.8 miles of State Trunk Highway 28, from Sheboygan Falls to the city of Sheboygan. Some additional land will be required for right-of-way, and a number of homes will be displaced (115 pages). Comments made by: EPA, HUD, HEW, DOI, State and local agencies, and citizens organizations. (ELR Order No. 50068.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-2232 Filed 1-23-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

OFFICIAL SEAL

Notice of Adoption

Correction

In FR Doc. 75-1887 appearing on page 3242 of the issue for Monday, January 20, 1975, the effective date, now reading "January 9, 1975", should read "January 19, 1975".

FEDERAL HOME LOAN BANK BOARD

[H. C. 184]

BASS FINANCIAL CORP.

Receipt of Application for Permission To Purchase the Assets of Potomac Building and Loan Association

JAUNARY 20, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Bass Financial Corporation, Norridge, Illinois, a multiple savings and loan holding company, for approval of a bulk purchase of the assets of Potomac Building and Loan Association, Potomac, Illinois, an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 24, 1975.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-2233 Filed 1-23-75;8:45 am]

GENERAL ACCOUNTING OFFICE

FEDERAL TRADE COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 17, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new single-time FTC survey—Used Car Study. 54 state and territorial transportation officials will be required to provide information on used vehicle inspection programs and vehicle component degradation. The estimated average burden is 2 to 3 man-hours per response.

CARL F. BOGAR,
Regulatory Reports Review.

[FR Doc. 75-2254 Filed 1-23-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

COMMITTEE AND PROJECT REPORTS

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on February 20 and 21, 1975, from 9 a.m. to 5 p.m. at the Sheraton Harbor Island Hotel, 1380 Harbor Island Drive, San Diego, California.

The National Advisory Council on Supplementary Centers and Services is established under section 309 or Pub. L. 91-230. The Council is directed to advise the President and the Congress concerning the operation of Title III of the Elementary and Secondary Education Act.

Agenda items for the meeting will include: (1) an on-site visit to the Multiage Grouping in Early Childhood Education project, Kenneth Tensell, Project Director, Belle Benchley Elementary School, 7202 Princess View Drive, San Diego, California 92120; (2) member reports on ESEA Title III project visitations since the last Council meeting; (3) recommendations and last chapter of Drop-Out Prevention report; (4) review and revision of Council's operational budget; (5) project report from Sam Kerman, Project Director, Equal Opportunity in the Classroom, Los Angeles County Education Center, 9300 E. Imperial Highway, Downey, California 90242; (6) review of Council's role in cosponsoring the ESEA Title III annual meeting; (7) progress reports on the annual report and the Quarterlies on the handicapped and educational technology; (8) discussion of report on the nonpublic schools; and (9) report from the Committee on Special Concerns, Dr. William Harvey, Chairman.

The meeting of the Council shall be open to the public. Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 529, 425 13th Street, NW., Washington, D.C.

Signed at Washington, D.C. on January 20, 1975.

GERALD J. KLUEMPKE,
Executive Director.

[FR Doc.75-2253 Filed 1-23-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-3)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON GUIDANCE, CONTROL AND INFORMATION SYSTEMS

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems will meet on February 19-20, 1975, at the NASA Ames Research Center, Moffett Field, California 94035. The meeting will

be held in Conference Room 217 of Building 200. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Ames Research Center Receptionist in Building 200.

The NASA Research and Technology Advisory Council, Committee on Guidance, Control and Information Systems serves in an advisory capacity only. The current Chairman is Dr. Barry W. Boehm. There are 12 members. The following list sets forth the approved agenda and schedule for the February 19-20, 1975, meeting of the Guidance, Control and Information Systems Committee. For further information, please contact Dr. Peter R. Kurzhals, Area Code 202 755-3225

FEBRUARY 19, 1975

Time	*Topic*
8:30 a.m.	Report of the chairman (Purpose: To summarize issues and actions taken at the November 1974 meeting of the Research and Technology Advisory Council).
9:00 a.m.	Report of the Executive Secretary (Purpose: To brief the Committee on recent changes in the NASA organization and on the status of guidance, control, and information systems programs).
9:30 a.m.	Software Action Plan Review (Purpose: To obtain Committee comments on a plan for improving coordination and management of software research in NASA).
11:00 a.m.	Report on Outlook for Space Technology Forecast (Purpose: To brief the Committee on the organization, status and plans of the Working Group which developed the technology forecast document).
1:00 p.m.	Critique of the Technology Forecast Document (Purpose: To obtain Committee views and detailed comments on the forecasts of technology related to guidance, control and information systems).

FEBRUARY 20, 1975

Time	*Topic*
8:30 a.m.	Review of New Initiatives (Purpose: To brief the Committee on proposed new systems technology program and obtain their comments and recommendations).
10:30 a.m.	Committee Discussions and Recommendations (Purpose: To summarize Committee findings and recommendations and identify critical issues to be studied at subsequent meetings).
12 Noon	Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

JANUARY 20, 1975.

[FR Doc.75-2204 Filed 1-23-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSEUM ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that closed meetings of the Museum Advisory Panel to the National Endowment for the Arts will be held at 9 a.m.–5 p.m. on February 10, 1975; February 13–14, 1975; February 20, 1975 in the 11th floor Museum area, Columbia Plaza, 2104 E Street, NW., Washington, D.C.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these meetings, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5)), will not be open to the public.

Further information with reference to these meetings can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-2387 Filed 1-23-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ASTRONOMY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Astronomy to be held at 9 a.m. on February 10–11, 1975, in room 338 at the National Science Foundation, 1800 G Street, NW., Washington, D.C.

The purpose of this panel is to provide advice and recommendations concerning research proposals and projects in astronomy and to advise the Foundation of the impact of its research support programs on the scientific community in astronomy.

The agenda for this meeting will include:

FEBRUARY 10—MORNING SESSION (9 A.M.–12 NOON)

Summary Discussion of FY 76 Budget for Astronomy Long-range Plans.

AFTERNOON SESSION (1–5 P.M.)

Solar Astronomy Review.

FEBRUARY 11—MORNING SESSION (9 A.M.–12 NOON)

Reports by NSF Staff on Former Panel Concerns Theoretical Physics and Astrophysics Computational Facilities.

AFTERNOON SESSION (1–5 P.M.)

Future Trends in Astronomy.

This meeting will be open to the public but limited to 10 observers who may make written suggestions following the meeting. Individuals who wish to attend should contact Ms. Mary Saffell, Secretary to the Head of the Astronomy Section, Rm. 305, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4196, no later than February 7.

For further information about this Panel, please contact Dr. Robert Fleischer, Head, Astronomy Section, at the above address. Summary minutes of this meeting may be obtained from the Management Analysis Office, Rm. 720–K, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 20, 1975.

[FR Doc.75-2218 Filed 1-23-75;8:45 am]

ADVISORY PANEL FOR ENVIRONMENTAL BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Environmental Biology to be held at 9 a.m. on February 10 and 11, 1975, in room 517, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual

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research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of P.L. 92-463.

For further information about this Panel, please contact Dr. John L. Brooks, Program Director for General Ecology, Rm. 331, National Science Foundation, Washington, D.C. 20550, telephone 202/632-7324.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 20, 1975.

[FR Doc.75-2219 Filed 1-23-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Notice of Subpanel Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Energy-Related Graduate Traineeships Evaluation Subpanel to be held at 9 a.m. on February 10 and 11, 1975 in room 464, 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of P.L. 92-463.

For further information about this Subpanel, please contact Mr. Joseph Danek, Program Manager, Fellowships and Traineeships Section, Rm. 464, National Science Foundation, Washington, D.C. 20550, telephone 202/282-7595.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 20, 1975.

[FR Doc.75-2220 Filed 1-23-75;8:45 am]

ADVISORY PANEL FOR SYSTEMATIC BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Systematic Biology to be held at 9 a.m. on February 10 and 11, 1975, at the Fairchild Tropical Garden, 10901 Cutler Road, Miami, Florida.

The purpose of this Panel is to provide advice and recommendations for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of P.L. 92-463.

For further information about this Panel please contact Dr. H. Jack Schultz, Program Director, Systematic Biology, Program, Rm. 331, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5846.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 20, 1975.

[FR Doc.75-2221 Filed 1-23-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

LIQUID METAL FAST BREEDER REACTOR PROGRAM

Notice of Availability of Proposed Final Environmental Statement

Notice is hereby given by the Atomic Energy Commission that the General Manager has issued a Proposed Final Environmental Statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program and has solicited written comments on it during the sixty (60) days following publication by the Council on Environmental Quality of the Statement's availability in the FEDERAL REGISTER.

Copies of the Proposed Final Environmental Statement will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, as well as in the Commission's Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois 60439; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee 37830; Richland Operations Office, Federal Building, Richland, Washington 99352; Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114; San Francisco Operations Office, 1333 Broadway, Oakland, California 94612; and Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina 29801.

Single copies of the Proposed Final Environmental Statement have been sent to all who commented on the draft. Others, who wish to comment within the comment period ending March 25, 1975, may obtain single copies by addressing their request to W. H. Pennington, Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545. Comments should be sent to the same address.

The Draft LMFBR Program Environmental Statement was issued on March 14, 1974 (39 FR 9692). Public comments were also solicited prior to the issuance of this Draft Statement (38 FR 27540). Additionally, being intent on affording the public a meaningful opportunity to express their views, the Commission held a legislative-type public hearing on the Draft Statement on April 25-26, 1974.

The Proposed Final Statement enlarges the examination of the matters dealt with in the Draft Statement and sets forth and considers the submitted views of the Environmental Protection Agency, other Government agencies, environmental groups, industrial organizations, and other commenters. The Proposed Final Statement has undergone internal reviews by an interdisciplinary committee of senior AEC personnel not involved in the Statement's preparation as well as by several outside consultants.

Ordinarily, this document would have been considered by the Commission to determine whether it should be issued in its present, or some modified, form as a Final Environmental Statement. In view, however, of the imminent assumption of AEC's research and development functions by the Energy Research and Development Administration (ERDA), the AEC has determined that it would be appropriate for the Administrator of ERDA to consider this document in proposed form prior to concluding the NEPA review process on the LMFBR research and development program. More specifically, the Commission has recommended to the Administrator that he review the Proposed Final Statement, as well as the views and comments received on it, and determine whether it, along with a supplementary document embodying those views and comments, should be adopted as ERDA's Final Environmental Statement on the LMFBR research and development program.

Adoption of the foregoing course of action is not required by NEPA. Nevertheless, in embarking upon it, the AEC considered it appropriate to determine whether or not during this further period of review—estimated to extend through the balance of FY 1975—planned LMFBR program activities should continue. With respect to the LMFBR Base Program, it is planned during this period to continue analytical, experimental and prooftesting activities at AEC laboratories and contractor sites as well as to continue design, construction and operation of test facilities. Principal facilities presently under design and construction are the Fast Flux Test Facility, the Sodium Pump Test Facility, the Fuel Element Failure Propagation Loop System, the Large Leak Test Rig, the Sodium Component Test Facility, and the Component Handling and Cleaning Facility. Those principal facilities which will continue to be operated are the Liquid Metal Engineering Center, the Experimental Breeder Reactor—II, the Zero Power Plutonium Reactors, the High Temperature Sodium Facility, the Tower Shielding Facility, the Transient Reactor Test Facility, and the Hot Fuel Examination Facility. Based upon annualized averages, it is presently estimated that expenditures for the activities described in this paragraph during this further period of review will not exceed $50 million per month.

With respect to the Clinch River Breeder Reactor Project (CRBRP), the Government and industrial participants, during this further period of review, will continue system and component design and will continue to order long-lead material and components. There will be no site clearance or construction activity at the CRBRP site. The components scheduled to be ordered during this period are the reactor vessel, the reactor vessel closure head, the reactor guard vessel, the reactor containment building vessel, three (3) intermediate heat exchangers, the turbine generator, twenty-one (21) primary control rod drive mechanisms, seven (7) heat transport system pumps, three (3) heat transport system valves, six (6) pump and intermediate heat exchanger guard vessels, seven (7) large sodium tanks, ten (10) steam generator modules, the condenser, non-sodium valves, and other related components. This would involve estimated average monthly CRBRP expenditures for the period of further review of about $8 million.

It will be during this period of further review that the FY 1976 request will be made for authorization of appropriations for further expenditures on the Base Program and the CRBRP at planned levels which are commensurate with the conduct of the above-described work in these areas.

In undertaking its examination with respect to the continuation of LMFBR Base Program and CRBRP activities during the period of further review, AEC considered and balanced the same factors it focused on in connection with the following Program and Project Determinations previously announced during earlier periods of the NEPA review:

Project Determination—July 24, 1973 (38 FR 19853)

Project Supplemental Determination—February 26, 1974 (39 FR 7478)

Program Determination—March 27, 1974 (39 FR 11326)

These factors are:

1. Whether it is likely that the continuation of LMFBR Base Program and CRBRP activities during the further period of NEPA review will give rise to a significant adverse impact on the environment; the nature and extent of this impact, if any; and whether redress of any adverse environmental impact can reasonably be effected should modification, suspension or termination of Base Program and/or CRBRP activities result from the NEPA review.

2. Whether continuation of the LMFBR Base Program and CRBRP activities during this further period of review would foreclose subsequent adoption of alternatives.

3. The effect of any delay in the LMFBR Base Program and CRBRP upon the public interest.

4. Whether the additional commitment of resources to the LMFBR Base Program and CRBRP during the prospective review period might affect the eventual decision reached on the NEPA review.

The results of AEC's examination are set forth in the following findings:

1. *Continuation of the LMFBR Base Program and CRBRP activities during the further period of review is not expected to give rise to any significant adverse impact on the environment.* Continuation of the LMFBR Base Program during the balance of FY 1975 will not lead to significant releases of radioactive or nonradioactive air and water pollutants. Releases will be small compared to releases due to other activities at various AEC program sites, and will be insignificant compared to normal industrial activities. All applicable Federal and state air and water quality standards will be met by such releases. Any potential construction impact will be minimized by preventive measures employed during construction. Redress of such environmental impact as will result from construction can be readily achieved and the environment can be returned to original surface contours.

With regard to the CRBRP, system and component design and the long-lead procurement activities will involve design, materials-forming and component manufacturing activities that will be conducted within existing offsite facilities. These activities will constitute a negligible increment to the existing work at these facilities. None of these activities will have any direct environmental impact at the CRBRP site.

2. *Subsequent adoption of alternatives—including reorientation, delay or termination—would not be foreclosed by continuation of the LMFBR Base Program and CRBRP during the further period of review.* The LMFBR Base Program is a long term research and development undertaking which will require much additional time and resources to bring the LMFBR concept to a point where it can be considered to be a commercially viable energy option. The contract work to be performed on the LMFBR Base Program and the system and component design work for the CRBRP during this further period of review is a continuation of prior work and all these contracts are terminable by the Government at any time.

Federal Government FY 1975 funds allocated to energy research and development are estimated to be about $1.6 billion. AEC's portion of this is $803 million. Of that amount about $356 million is assigned to energy research and development in other than LMFBR development. This is an increase of more than $105 million by comparison with the FY 1974 budget for AEC research and development on energy systems other than LMFBR. The Federal Government has no intention of restricting work on any other reactor or energy concept as a result of proceeding with LMFBR activities.

The planned CRBRP procurement activities will be directed only to the purchase of such long-lead time items as reactor components and related materials, the designs of which are well established and the manufacturing period for which is relatively long. These components would not be significantly changed by consideration of plant design alternatives relating to such major factors as plant power level, refueling options, and primary pump location. Moreover, if it were decided as a result of the NEPA review that further pursuit of the LMFBR program were to be deferred or discontinued, procurement of those items not yet delivered could be terminated and other use of or sale for scrap arranged for any deliverable materials, with relatively small dollar penalty. It is estimated that if such a decision were reached by July 1, 1975, the dollar penalty which might result from discontinuance of these procurement activities would be about $15 million of Government and utility funds.

Finally, it should be emphasized that issuance of any construction permit for the CRBRP would be preceded by numerous technical reviews, another environmental statement on the Plant, and a hearing on safety and environmental matters in which interested persons may participate. Provision is also made by regulation and statute for further reviews of any decision to construct, and judicial review at the behest of any party to the construction permit proceeding. The industrial participants in the CRBRP expend their own funds at the financial risk that the outcome of the NEPA review or of the licensing process itself may require some alternative course—including project termination. Cf. *Coalition for Safe Nuclear Power v. AEC, et al.*, 463 F.2d 954.

3. *The public interest would be adversely affected by not continuing the LMFBR Base Program and CRBRP activities during this further period of review since it could result in compromising Base Program and CRBRP viability by the loss of key management, scientific and engineering personnel and would result in delay in realizing the availability of a key energy option for the Nation, with significant adverse consequences in terms of increased Base Program and CRBRP costs and substantial dollar penalties in higher costs of electricity.* In AEC's earlier findings in regard to its interim LMFBR Base Program and Project reviews, it was noted that in assessing the wisdom of delaying the LMFBR program (continuation of which would be contingent on the outcome of the NEPA review), AEC could not blind itself to a

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number of compelling national interest considerations. The development of viable energy options for the 1980's and beyond is a matter of vital national concern. The soundness of the domestic economy, the Nation's position in international trade (including, particularly, its balance of payments), the country's nondependence on foreign sources for energy supplies—indeed, the health and welfare of the American people—are directly affected by the availability of adequate means for meeting our overall energy needs during the remainder of this century.[1] The need for this country to have the domestic capability to meet both its near and longer term energy requirements has been strongly emphasized by recent and continuing events regarding the Middle East.

While many of these considerations cannot be quantified in dollar costs alone, it is worth noting that, if the LMFBR program does go forward and succeed, a one-year delay in the commercial availability of the breeder reactor could impose upon the U.S. economy a substantial dollar penalty in higher costs of electricity and increased environmental impact from extended use of less environmentally-compatible power generation facilities.[2]

Additionally, it should be reiterated that while a number of technological, environmental and other problems require treatment in connection with any successful demonstration of the breeder concept, availability of the breeder reactor as an alternative energy option would have special significance in regard to conservation of the Nation's fuel resources. Current-type light water reactors utilize less than 2 percent of the available energy from the uranium fuel which they burn. The LMFBR could utilize more than 50 percent of the total energy from uranium and thus extend the usefulness of domestic uranium reserves from decades to centuries.[3]

Moreover, the basic framework has now been established for all elements of the LMFBR program. A highly dedicated group of managers, scientists and engineers—both in Government and industry—has been brought together to work on the Base Program and CRBRP. A decision to delay or significantly curtail the Base Program and CRBRP during this further period of review would essentially destroy the framework that has been established and would result in the loss of key management, engineering and scientific personnel in the participating organizations. It is estimated that approximately 17,000 people are engaged in LMFBR activities funded by AEC. About one-fourth of these are management, scientific and technical personnel. It is unlikely that a large fraction of these people could be utilized on other programs during the period that the LMFBR Base Program and CRBRP would be delayed or curtailed. Thus, it appears that many of these individuals would be permanently lost to the LMFBR program under such circumstances.

Delaying the presently planned LMFBR Base Program and CRBRP during this period would increase the overall cost of the LMFBP program. This is due to the increased expenditures associated with reducing the level of effort or cancelling subprograms and then restoring these programs later, including those costs associated with the difficult task of reassembling resources, replacing lost personnel, retraining personnel and refurbishing facilities and equipment.

A decision to delay or significantly reduce the Government sponsored LMFBR activities also could have serious adverse implications in terms of the nuclear power industry's willingness to continue its support of the development of the LMFBR.

4. *The additional commitment of resources to the LMFBR Base Program and CRBRP during the further review period would not affect the eventual decision reached on the NEPA review.* Total cumulative expenditures on the LMFBR Base Program and CRBRP through January 1, 1975, have been about $1.9 billion. It is estimated that it will require an additional $8.1 billion of Government funds plus substantial private funds to develop the LMFBR as a commercially-viable energy option. The $250 million projected to be spent over the balance of FY 1975 on the Base Program and CRBRP is not insubstantial; however, in the context of prior and projected expenditures, it is not believed to be of such magnitude as to constitute an irrevocable commitment to the continuation of the Base Program and CRBRP. Nor, for the same reasons, would it affect the outcome of the NEPA review of the LMFBR program or the actions which may be appropriate in light thereof, including reorientation, delay, or abandonment, in whole or in part.

The risk involved in the expenditure of these resources during this further period of NEPA review of the LMFBR program is not unique. Such risks are continually being taken in research and development efforts. Notwithstanding the substantial prior expenditure of time, effort and funds, programs have been terminated where it had been found that their continuation was no longer justified. For example, the AEC-NASA space nuclear propulsion program, involving 15 years of effort and $1.4 billion, was discontinued when the feasibility of a nuclear flight engine for use in space was very close to being established. Examples of other discontinued concepts and their program expenditures include: the sodium-cooled, graphite-moderated reactor ($150 million); the heavy water component test reactor ($23 million); the experimental gas cooled reactor ($105 million); the Los Alamos Molten Plutonium Program ($43 million); and the organic-cooled reactor ($54 million).

Based on the results of the foregoing examination, AEC has determined that the actions expected to be taken during the balance of FY 1975 in connection with the LMFBR Base Program and CRBRP should not give rise to any significant adverse impact on the environment; would neither constitute an irrevocable commitment of resources nor foreclose the subsequent adoption of alternatives of the type that could result from the ongoing review; and, if curtailed, would adversely affect the public interest. Accordingly, the Commission has recommended to the ERDA Administrator that the LMFBR Base Program and CRBRP continue as planned during this further period of review.

Dated at Washington, D.C. this 16th day of January, 1975.

For the Nuclear Regulatory Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75-2041 Filed 1-23-75;8:45 am]

[1] Message from the President of the United States Concerning Energy Resources, 93rd Congress, 1st Session. H. Doc. No. 93-85, April 18, 1973; Hearings before the Subcommittee on Foreign Affairs, 92d Congress, 2d Session, September 21, 26, 27; October 3, 1972; Updated AEC Cost Benefit Analysis, WASH-1184, January 1972.

[2] AEC's cost-benefit analysis as part of the LMFBR Program—Proposed Final Environmental Statement issued January 1975 shows that the dollar penalty for a one year delay in the commercial availability of the LMFBR may be in the range of $1.0 to $3.3 billion on a discounted basis.

[3] Message from the President of the United States on "Clean Energy," 92d Congress, 1st Session, H. Doc. No. 92-118, June 4, 1971; 1970 National Power Survey, Part I, issued by Federal Power Commission, December 1971, pp. 1, 6, and 22.

[Docket No. P-351-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the Local Public Document Room Tulsa City—County Library, Tulsa, Oklahoma 74102. Docket No. P-351-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 18, 1975.

Dated at Bethesda, Maryland this 9th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1355 Filed 1-16-75;8:45 am]

[Docket Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Order To Show Cause

I. The Cleveland Electric Illuminating Company, the Duquesne Light Company, the Ohio Edison Company, the Pennsylvania Power Company, and the Toledo Edison Company (the Licensees) are holders of a Limited Work Authorization authorizes the conduct of certain work activities pending the completion of action on the Licensees' application for construction permits for the Perry Nuclear Power Plant, Units 1 and 2 (facility). The proposed construction site is (LWA) dated October 21, 1974,[1] which located on Lake Erie in Lake County, Ohio.

II. On December 9, 1974, the Licensees filed Amendment No. 22 to their Preliminary Safety Analysis Report (PSAR) with the then AEC Regulatory Staff.[2] The Licensees, in this Amendment, proposed a change to a prior commitment[3] to design safety-related buildings and structures to withstand the effects of the hydrostatic pressure resulting from a groundwater level of 618 feet mean sea level. During the course of meeting with the NRC Staff on January 10, 1975, in Bethesda, Maryland, the Licensees stated that the proposed change was prompted because of, inter alia, the impracticality of meeting the Commitment. The proposed change involves unique hydrological and plant design features which might have affected the issuance of the LWA if the change had been known at that time. The effect of these events on the pending construction permit proceeding and the work being conducted under the LWA is discussed below.

Upon the completion of evidentiary hearings concerning environmental and site suitability matters for the facility, the cognizant Atomic Safety and Licensing Board (Board) issued a Partial Initial Decision, Environmental and Site Suitability[4] on September 18, 1974, and a Supplemental Partial Initial Decision, Site Suitability and Environmental Matters on October 20, 1974.[5] The Board in these partial initial decisions made the environmental findings required by 10 CFR 51.52 (b) and (c); and determined, based on the available information and review at that time, that there was reasonable assurance that the proposed site for the facility was a suitable location for two nuclear power reactors of the general size and type proposed by the Licensees. Thereafter, the NRC Staff issued an LWA in accordance with and pursuant to 10 CFR § 50.10(e)(1). The Licensees have commenced work under the LWA and are presently engaged in the performance of such activities.

The application for construction permits, consistent with the Nuclear Regulatory Commission's regulations, is still pending before the Board. Among other considerations, the Board's consideration of radiological health and safety matters remains outstanding.

In the context of the environmental and site suitability phase of the proceeding before the Board, the Licensees' Commitment referred to above served as a predicate for the NRC Staff's position concerning environmental and site suitability matters in connection with the application for the construction of the facility.

The effect of the Licensees' Amendment No. 22 on site suitability is intertwined with radiological health and safety considerations. The Licensees' Commitment enabled the NRC Staff to relegate design questions concerning hydrostatic pressure to their health and safety review phase for resolution. However, the Licensees' recently proposed change represents a significant departure from generally used methods in the nuclear field. In such circumstances, the NRC Staff would have inquired further into various design alternatives to the one proposed in Amendment No. 22 before determining that the proposed site was suitable. A site could be found suitable within the concept of the finding required by 10 CFR 50.10(e)(2) if it were determined that satisfactory design alternative(s) to the unique proposal existed, and that such alternative(s) were not compromised by the work proposed to be performed under the LWA. Based on a preliminary review to date of Amendment No. 22, the NRC Staff believes the proposed change may not be acceptable.[6] Although the NRC Staff believes satisfactory alternatives exist, one such alternative—raising the elevations of the facility foundation—could be compromised by the continuation of the LWA work in this case. Specifically, to the extent excavation work under the LWA would permit any excavation of the lower till, the natural geologic foundation of the site could be so weakened as to foreclose this alternative. The lower till is probably more competent as a foundation material than an engineered backfill (such as crushed rock) which might be placed in the excavation in order to raise the elevation of the plant foundations. Concrete is an engineered backfill material which is as competent as the lower till. However, the financial cost of placing lean concrete as a backfill material in the excavation may render this approach impractical.

With respect to environmental concerns, the NRC Staff concluded that dewatering at the construction site would have a negligible environmental impact because site dewatering could occur only during the limited period required to construct the proposed facility.[7] The bases for this conclusion, however, could be vitiated if the Licensees adopted the permanent dewatering system proposed in Amendment No. 22 because dewatering of the site would occur during the forty-year life of the facility. Moreover, the use of the permanent dewatering system gives rise to a number of environmental considerations which have not been previously reviewed and evaluated by either the NRC Staff or the Licensees. These environmental considerations include (i) the drawdown resulting from the proposed permanent dewatering sys-

[1] See the letter dated October 21, 1974, from Mr. Roger Boyd of the then Atomic Energy Commission's (AEC) Directorate of Licensing to Mr. Harold L. Williams, Vice President—Engineering, Cleveland Illuminating Company. The LWA scope of work was supplemented by Mr. Boyd's November 8, 1974, letter to Mr. Williams. The complete scope of the LWA work is set forth in Attachment A to this Order.

[2] Effective January 19, 1975, the AEC Regulatory Staff became a part of the Nuclear Regulatory Commission and is hereinafter referred to in this Order as the "NRC Staff".

[3] On March 15, 1974, the Licensees committed in Amendment No. 12 to the PSAR to meet the NRC Staff's requirement to design safety-related buildings and structures to withstand the effects of the hydrostatic pressure resulting from a groundwater level of 618 feet mean sea level (hereinafter referred to as the "Commitment").

[4] LBP-74-69, RAI-74-9, p. 538.

[5] LBP-74-76, RAI-74-10, p. 701.

[6] The NRC Staff has questions regarding the structural integrity and the performance characteristics of the proposed permanent dewatering system, including the adequacy of the analytical methods used to determine (a) the basis for the proposed strength of the porous concrete blanket; (b) the basis for the seismic category and the safety classifications proposed for the permanent dewatering system; (c) the basis for the permeability values proposed for the porous concrete blanket; (d) the basis for the analysis of the flow distribution within the porous concrete blanket; (e) the effect of potential random cracking and localized crushing of the porous concrete blanket, as well as potential random differential settlement, on the system performance and functionability; (f) the analytical modeling of the dynamic response of the manholes; (g) the structural integrity of the embedded power supply to the submersible pumps; and (h) the proposed preliminary design of the porous concrete blanket.

[7] Final Environmental Statement, Perry Nuclear Power Plant, Units 1 and 2, § 4.1.1, pp. 4-1, 4-2, dated April 1974.

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tem which could adversely affect the groundwater level beyond the boundary of the facility site, (ii) the potential adverse effects on the in situ and adjacent biota and vegetation resulting from the drawdown of the groundwater level, (iii) the potential adverse effects of discharging the groundwater from the proposed permanent dewatering system, and (iv) the potential adverse effect on shoreline erosion adjacent to the proposed site resulting from the pattern of groundwater flow which the Licensees propose to alter during the lifetime of the proposed facility. In short, Licensees' Amendment No. 22 requires, in the foregoing respects, further environmental review of the proposed facility.[1]

Copies of the Licensees' PSAR, including Amendments Nos. 12 and 22, Mr. Boyd's letters dated October 21 and November 8, 1974, and all pertinent information have been placed in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, Northwest, Washington, D.C. 20545 and the Nuclear Regulatory Commission's Local Public Document Room, Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

III. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2 and 50, *It is hereby found and ordered*, That:

The Licensees show cause, in the manner hereinafter provided, why all work activities under the LWA (see Attachment A to this Order) should not be suspended pending completion of the Nuclear Regulatory Commission's review and evaluation of the environmental and site suitability considerations raised by Amendment No. 22 to the PSAR; and

The public health, safety or interest requires, pending further order, that all work activities under the LWA (see Attachment A to this Order) be temporarily suspended, effective immediately with the date of issuance of this Order.

The Licensees may, on or before February 13, 1975, file a written answer to this Order under oath or affirmation. Within the same time, the Licensees or any interested person may request a hearing. If a hearing is requested, the Nuclear Regulatory Commission will issue an order designating the time and place for hearing. Upon failure of the Licensees to file an answer within the time specified, an order will be issued, without further notice, suspending any further activities under the LWA.

In the event that a hearing is requested, the issue to be considered at such hearing shall be: whether or not the work activities under the LWA should be suspended pending completion of the Nuclear Regulatory Commission's review and evaluation of the environmental and site suitability considerations raised by the Licensees' Amendment No. 22 to the PSAR.

Order dated and issued at Bethesda, Maryland, this 20th day of January 1975.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

ATTACHMENT A

The LWA work activities authorized are:

1. Preparation of the site for construction of the facility (including such activities as clearing, grading, construction of temporary access roads and burrow areas) such as:
   a. Site survey and Layout—establishing permanent plant monuments and baselines.
   b. Clearing, grubbing, and demolition.
   c. Preliminary grading of the plant site.
   d. Diversion of the minor stream east of the plant.
   i. Reconstruction of 850 linear feet of Lockwood Road with a drainage culvert.
   e. Relocation of the major stream.
   f. Grading for Barge unloading facility.
   i. Including construction of the crushed stone reactor haul road.
   g. Site Service Roads.
   h. Relocation of the 16-inch gas pipeline.
2. Installation of temporary construction support facilities (including such items as warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and construction support buildings) such as:
   a. Construction Office and Warehouse Building.
   i. Foundations and slab on grade.
   ii. Complete steel superstructure and concrete floors.
   b. Guard House.
   c. Concrete Batch Plant.
   d. Construction Power Substation.
   e. Construction Power Distribution System.
   f. Construction Parking Lots.
   g. Contoured Berms Along Parmly Road.
3. Excavation for facility structures.
4. Construction of service facilities (including such facilities as roadways, paving, railroad spurs, fencing, exterior utility and lighting systems, transmission lines, and sanitary sewerage treatment facilities) such as:
   a. Industrial Waste Lagoon Facility (2 lagoons—unlined).
   i. Foundations.
   ii. Concrete superstructure (retaining walls, etc.).
   iii. Pumphouse structures complete.
   iv. Underdrain filter system.
   v. Earth dikes.
   b. Sanitary Sewerage Facility including the Tertiary Treatment Building.
   i. Foundations including sheet piling as required.
   ii. Concrete retaining walls as required.
   iii. Pipe anchor blocks.
   iv. Building superstructures complete with equipment supports and/or foundations.
   c. Railroad Spur Line—approximately 3½ miles long, entering the plant site from the southwest.
   d. Onsite Railroad Sidings.
   e. Onsite Railroad Bridge—over the relocated major stream.
   f. Primary Access Road.
   i. Bituminous Concrete.
   ii. Includes large corrugated metal drainage culvert.
   g. Sediment Control Dams.
   1. In each of three construction drainage areas on site.
   ii. Dumped riprap protection and a spillway with a metal skimming baffle.
   h. Yard Piping.
   i. Plant storm drainage system—including catch basins and headwalls.
   ii. Fire system.
   i. Site and Access Road Lighting System.
   j. Perimeter Grounding System.
   k. Chemical Cleaning Waste Lagoon—lined.
   l. Oil Interceptor Structures.
   m. Construction Fencing.
5. Construction of the following structures, systems, and components which are not subject to the provisions of Appendix B to 10 CFR Part 50:
   a. Service Building.
   i. Foundations.
   ii. Equipment foundations.
   iii. Superstructure.
   iv. Backfill.
   d. Circulating Water Line Installation.
   e. Circulating Water Pumphouse.
   i. Fill concrete as required.
   ii. Installation of waterproofing membrane.
   iii. Placement of foundation mat.
   iv. Concrete exterior and interior walls.
   v. Backfill.
   f. Water Treatment Building and Auxiliary Boiler Building.
   i. Foundations.
   ii. Equipment foundations and supports.
   iii. Superstructure.
   iv. Backfill.
   g. On-shore Discharge Facility.
   i. Cooling Towers.
   i. Foundations.
   ii. Superstructure and basins.
   iii. Backfill.

[FR Doc.75-2317 Filed 1-23-75;8:45 am]

[1] The NRC Staff, shortly, will file an appropriate pleading with the Board which will set forth the NRC Staff's views concerning what action in that forum, if any, is compelled by these changed circumstances.

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 20, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Survey of Maturity Distribution of Large Time Deposits at Weekly Reporting Banks, 416X, single-time, large commercial banks, Hulett, D. T., 395-4730.

ENVIRONMENTAL PROTECTION AGENCY

Ground Water Pollution Problems in the Southeastern United States, on occasion, water resources professionals, Weiner, N., 395-4890.

DEPARTMENT OF DEFENSE

Defense Supply Agency: Scientific and Technical Information Needs of the Defense Community, single-time, DOD contractors, National Security Division, 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: A Research Action Evaluation Program for Venereal Disease in Los Angeles, CDC 1107, single-time, households, VD clinic patients, and VD clinic personnel, Hall, George, 395-4697.

Office of the Secretary: Human Services Planning Interview OS-3-75, single-time, State and sub-State public human service agencies, Human Resources Division, 395-3532.

National Institute of Education: Career Education Product Information Handbook: (1) Background Information Questionnaire, (2) Telephone Interview, (3) Market Survey—Formative Evaluation Questionnaire, NIE 80, NIE 80(A), on occasion, career education officials, Planchon, P., 395-3698.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Individual Grant Application, NEA-2(REV), on occasion, individuals, Evinger, S. K., 395-3648.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Regulations—Shell Egg Grading, on occasion, Evinger, S. K., 395-3648.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration:
- Uniform Quarterly Reporting Requirements for Comprehensive Health Centers, 0429, quarterly, Reese, B. F., 395-5630.
- Fiscal Technical Assistance Program, annually, PHS grantees, Lowry, R. L., 395-3772.
- Migrant Hospitalization Demonstration Program Referral Form, HSA BCHS, on occasion, clients of 10 migrant health centers, Human Resources Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
- Survey and Planning Budget, HUD 627, on occasion, Evinger, S.K., 395-3648.
- Counseling Agency Activity Report Part I and Part II—Instructions for preparation of Report, HUD 9902, quarterly, Evinger, S.K., 395-3648.
- Summary of Budget Estimates (of Local Public Agencies), HUD-6221, annually, Evinger, S.K., 395-3648.
- Project Cost Estimate and Financing Plan, HUD 6200, on occasion, Evinger, S.K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2349 Filed 1-23-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

JANUARY 17, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 19, 1975 through January 28, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2183 Filed 1-23-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JANUARY 17, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 20, 1975 through January 29, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2184 Filed 1-23-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Delaying Effectiveness of Proposed Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed an amendment to proposed changes in its option plan filed pursuant to Rule 9b-1 (17 CFR 240.9b-1) under the Securities Exchange Act of 1934 delaying their effectiveness until the Commission allows them to become effective or disapproves the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

The proposed amendments to Rules 2.8, 18.1, 18.4, 18.5, 18.7 and 18.13, noticed on December 20, 1974 at 39 FR 44100, seek principally to simplify Exchange arbitration procedures and to reduce the number of arbitrators serving on arbitration panels in controversies arising out of Exchange business. In addition, the proposed amendments would, among other things, change the qualifications of nonmember arbitrators serving on arbitration panels in disputes between Exchange members and nonmembers.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, N.W., Washington, D.C.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

JANUARY 16, 1975.

[FR Doc.75-2185 Filed 1-23-75;8:45 am]

[70-5608]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JANUARY 17, 1975.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $35,000,000 principal amount of First Mortgage Bonds, due not later than March 1, 2005 ("bonds"). The interest rate (which will be a multiple of ⅛% of 1%) and the price (which will be not less than 100 percent and not more than 102.75 percent of the principal amount of the bonds, plus accrued interest from March 1, 1975, to the date of delivery) will be determined by competitive bidding. The bonds will be issued under the Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, successor to First National City Trust Company (formerly City Bank Farmers Trust Company), Trustee, as heretofore supplemented and amended, and as to be further supplemented and

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amended by a Twenty-sixth Supplemental Indenture to be dated as of March 1, 1975. None of the bonds may be redeemed at the option of Jersey Central prior to March 1, 1980, if the funds for such redemption are obtained at an interest cost lower than the yield of the bonds, except under certain circumstances.

The entire proceeds (exclusive of premium and accrued interest) from the sale of the bonds, will be applied to the payment of a portion of Jersey Central's short-term bank loans outstanding at the date of sale of the bonds, for construction purposes or to reimburse Jersey Central's treasury for funds previously expended for construction purposes. Premium resulting from the sale of the bonds will be used for financing the business of Jersey Central, including the payment of the expenses of issuing and selling the bonds. The estimated cost of Jersey Central's 1975 construction program is approximately $135,000,000 (including allowance for funds used during construction).

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 12, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2186 Filed 1-23-75;8:45 am]

ARKANSAS LOUISIANA GAS CO. AND GREYHOUND CORP.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1975.

The Midwest Stock Exchange, Inc. has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following companies, which securities are presently listed and registered on that Exchange and will continue to be listed and registered on one or more other national securities exchange. Applications have been filed with the Commission to withdraw and strike from listing and registration on the Midwest Stock Exchange the common stock of the following companies, to be effective upon the granting of unlisted trading privileges.

Arkansas Louisiana Gas Company, File Nos. 7-4714, 1-3751.

Greyhound Corporation, File Nos. 7-4715, 1-2117.

Upon receipt of a request, on or before February 5, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.2237 Filed 1-23-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Delaying Effectiveness of Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed an amendment to proposed changes in its option plan filed pursuant to Rule 9b-1 (17 CFR 210.9b-1) under the Securities Exchange Act of 1934 delaying their effectiveness until the Commission allows them to become effective or disapproves the changes in whole or in part as being inconsistent with the public interest or the protection of investors. The amendments were originally published at 39 FR 44100 on December 20, 1974.

The proposed amendments would modify rule 2.6 in two ways: First, the definition of a quorum for the Floor Procedure Committee would be changed from "three" to a "majority" to reflect the growth in the size of the Committee. Second, the Floor Procedure Committee would be empowered to appoint additional Floor Officials from among those members who are regularly engaged in business on the Exchange floor. These additional Floor Officials would assist the Floor Procedure Committee in overseeing activity on the floor and in maintaining a fair and orderly market. The additional Floor Officials would not be members of the Floor Procedure Committee and would not have the authority to halt trading under Rule 6.3, to declare a fast market and take related action under proposed Rule 6.6 or to impose fines under Rule 6.20.

Proposed Rule 6.6 is new and would grant the Floor Procedure Committee and its members authority to adopt special procedures to deal with unusual market conditions. Whenever a large influx of orders in a particular class of option contracts impairs the maintenance of a fair and orderly market under normal trading procedures, it is proposed that a Floor Official may declare the market in that class to be "fast." Under a "fast market" declaration, a Floor Official would be authorized to do one or more of the following with respect to the class or classes involved:

(i) Assign one or more classes or series of options traded at the post to Board Brokers at other posts.

(ii) Authorize Board Broker clerks to execute transactions.

(iii) Assign brokerage responsibilities for particular series to specific Floor Brokers in the trading crowd.

(iv) Authorize one or more Market-Makers to act as Floor Brokers.

(v) Direct that one or more trading rotations be employed pursuant to Rule 6.2.

(vi) Restrict the entry of new orders into the book.

(vii) Take such other actions as are deemed necessary in the interest of maintaining a fair and orderly market.

The fast market would be terminated as soon as conditions would permit. This proposal is intended to provide an alternative to halting trading under existing rule 6.3.

Proposed rule 6.6 would also empower the Floor Procedure Committee to place restrictions on the entry of certain types of orders in one or more classes or series of option contracts if deemed necessary for the maintenance of a fair and orderly market. Any such restriction would require approval by the Exchange's Board of Directors if it were to remain in effect for longer than two consecutive business days.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after they become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10-54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW, Washington, D.C.

Dated: January 20, 1975.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2238 Filed 1-23-75;8:45 am]

[File Nos. 24NY-7375, 3-4598]

ROBERT SHELLEY PRODUCTIONS, LTD.

Order Temporarily Suspending Exemption

JANUARY 16, 1975.

I

Robert Shelley Productions, Ltd. ("Productions" or "issuer") is a New York corporation originally located at 14 East 62nd Street, New York, New York. It was organized on April 9, 1971 to engage in production of theatrical, television and film works. The issuer changed its name in January, 1972 to National Cultural Industries, Inc., and its present location is 510 Sylvan Avenue, Englewood Cliffs, New Jersey.

On July 2, 1971 Productions filed a notification pursuant to Regulation A in connection with a proposed offering of 300,000 shares of its $0.01 par value common stock at $1.00 per share. The offering was to be conducted by Norbert Asociates, Inc. as underwriter on a "best efforts one-third-or-none" basis. After one amendment to the notification, the offering commenced on October 19, 1971. The offering was completed on February 11, 1972, with the sale of 161,350 shares.

II

The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The offering circular filed by Productions contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in the following respects:

1. The statement that Productions owned certain assets which, in fact, it did not own at the commencement of the offering;

2. The listing of an individual as a director who, in fact, was not a director of the issuer; and

3. The statement that an advance against royalties in the amount of $10,000 was paid to the author of a certain stage play.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The offering circular inaccurately sets forth the issuer's assets;

2. The offering circular incorrectly identifies an individual as a director of the issuer; and

3. The offering circular incorrectly states the amount of an advance against royalties that was paid to the author of a certain stage play.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

D. Orders of Injunction were issued in New York State Supreme Court against the issuer and Robert Shelley, its president, after the filing of the notification which would have rendered the Regulation A exemption unavailable if it had occurred prior to such filing.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given That any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-2239 Filed 1-23-75;8:45 am]

[812-3899]

WELLINGTON FUND, INC., ET AL.

Filing of Application for an Order Permitting Certain Proposed Transactions

JANUARY 17, 1975.

Notice is hereby given That Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Exeter Fund, Inc., Explorer Fund, Inc., Trustees' Equity Fund, Inc., Wellesley Income Fund, Inc., W. L. Morgan Growth Fund, Inc., Westminster Bond Fund, Inc., and Fund for Federal Securities, Inc., all open-end diversified management investment companies, and Gemini Fund, Inc., a closed-end diversified investment company ("Fund"), all of which are registered under the Investment Company Act of 1940 ("Act"); The Vanguard Group, Inc. ("Vanguard"), a Pennsylvania corporation; and Wellington Management Company ("WMC") (collectively "Applicants"), P.O. Box 823, Valley Forge PA. 19482, filed an application on October 4, 1974, pursuant to section 17(b) of the Act and rule 17d-1 thereunder for an order permitting Applicants to engage in certain transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

WMC is presently the "external" investment adviser to each of the Funds and the principal underwriter for all of the Funds except Exeter and Gemini, which do not continuously offer their shares and have no principal underwriter. Pursuant to investment advisory contracts and principal underwriting agreements between WMC and each of the Funds, WMC, in addition to performing advisory and underwriting functions, also provides virtually all of the day-to-day internal corporate administrative services and most of the personnel required for each Fund's operation.

The application states that the boards of directors of the Funds, which, except for Explorer Fund, consist of the same individuals (Explorer Fund has one less member), have conducted a detailed review and analysis of the means by which the Funds could best obtain corporate administration, investment advisory and distribution services. The boards concluded that the Funds should (a) employ a full-time chief executive officer, a full-time supporting executive and a managerial and clerical staff all of whom would be independent of any external investment adviser or distributor; (b) assume for themselves the responsibility of performing, at cost, most corporate administrative functions presently performed by WMC; and (c) continue to contract with WMC for investment advisory and distribution services. The application states that WMC has agreed to enter into revised advisory and underwriting relationships with the Funds based upon their determination to "internalize" corporate administrative functions and to assist in the implementation of these revised relationships. The application also states that Funds and WMC have negotiated a revised investment advisory fee rate schedule which, based upon specified past and present levels of the Funds' assets, will reduce the total advisory fees to be paid by the Funds to WMC by the amount of expenses previously borne by WMC plus an additional amount that will result in reduced total expenses for the Funds.

Funds propose to internalize their corporate administration functions by acquiring, capitalizing, and operating a "service company"—Vanguard—which will be owned by the Funds. Funds will

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contract with Vanguard to obtain, at cost, substantially the following services: Fund accounting, including the maintenance of books and records; Fund reporting, including the preparation and filing of federal and state securities and tax reports and shareholder communications; supervision of the maintenance of shareholder accounts; administration of the arrangements between Funds and their custodian and depository banks; performance of budget and control functions, including the preparation of budgets and supervision of payments for services; and monitoring and planning, including the review and evaluation of externally performed services.

Under the proposal, Funds will have their elected executive officers who will be employed by Vanguard and who will be responsible for the Funds' general management. No officers or employees of Vanguard will be permitted to own any securities of or to have interests in any external adviser or distributor for the Funds. The initial board of directors of Vanguard will be composed of the eleven directors of the Funds. The initial staff is estimated to consist of sixty officers and employees, most of whom are presently employed by Funds or WMC.

Applicants propose that Funds capitalize Vanguard by purchasing shares of its common stock (or other securities) in proportion to the Funds' relative net assets on the last business day of the month preceding the date on which shares are purchased. The total initial capitalization cannot exceed $500,000 and is expected not to exceed $300,000, which represents the amount necessary for working capital and the purchase of needed office equipment and furnishings from WMC. Based upon Fund assets on August 31, 1974, Applicants estimate that each Fund would contribute approximately .02 percent of its current net assets and in no event more than .05 percent thereof. The amount invested by each Fund will be periodically adjusted by purchases and sales of Vanguard stock among the Funds to reflect changing net assets, assuring that investments do not become disproportionate. Each Fund will be entitled to vote its shares of Vanguard. In the event a Fund terminates its relationship with Vanguard it will be entitled to receive the fair value of its shares of Vanguard.

Applicants contemplate the purchase by Vanguard of various tangible assets such as office furniture, equipment and supplies necessary for the conduct of its business, including furnishings to be purchased from WMC at a negotiated price not to exceed $60,600.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of or principal underwriter for a registered investment company, acting as principal, knowingly to sell any security or other property to such registered investment company or to any company controlled by such registered company or, knowingly to purchase from such registered investment company any security, with certain exceptions not relevant to the application. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Vanguard would be an affiliated person of several of the Funds which will own more than 5 percent of its voting securities. Further, since there will be common directors and Funds will own all of Vanguard's voting securities, Vanguard may be deemed to be directly or indirectly controlled by, or under common control with, one or more of the Funds. Vanguard's ovting securities, Vanguard ated person of Funds; and Funds may be deemed to be affiliated persons of each other. WMC is an affiliated person of each of the Funds. Thus, Applicants state, the proposed purchases and sales of Vanguard shares between Funds and Vanguard and sales of tangibles by WMC to Vanguard may be deemed subject to the provisions of section 17(a).

Section 17(d) of the Act and Rule 17d–1 thereunder, in pertinent parts, prohibit an affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company or a company controlled by such registered company is a participant with the affiliated person unless an application regarding such transaction is filed and an order is granted approving such joint enterprise or arrangement prior to its submission to security holders for approval; and provide that, in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants state that by virtue of the affiliations described above one, or more or all of the Funds, Vanguard and/or WMC may be deemed to be engaged in such a joint transaction and prohibited from participating in the proposed transaction unless the Commission issues an order allowing the implementation of the proposal.

Applicants therefore, request an order pursuant to section 17(b) of the Act and rule 17d–1 thereunder permitting (1) Vanguard to issue and the Funds to purchase securities of Vanguard as described above; (2) Funds periodically to purchase and sell their securities of Vanguard among themselves to maintain ownership of Vanguard proportional to their assets; (3) WMC to sell office furnishings and equipment to Vanguard; and (4) Funds, Vanguard and/or WMC to enter into and implement the proposed joint transaction described herein.

Applicants represent that all the proposed arrangements and transactions described in the application comport with the applicable statutory standards.

Funds state that by internalizing the management of Funds' corporate administrative affairs through Vanguard the Funds can achieve increased independence from, and an increased ability to monitor and evaluate the performance of, any external investment adviser or distributor, thereby increasing their ability to obtain the best investment advisory, distribution, and administrative services at a reasonable cost. The Funds further state that the proposed arrangement will increase the Funds' bargaining in obtaining advisory and underwriting services and reduce the Funds' expenses both immediately and in the long run by having corporate administrative services performed at cost. The Funds estimate that their expenses will be immediately reduced by approximately $300,000 to $500,000. The Funds state the proposed capitalization of Vanguard to be reasonable in view of the anticipated working capital needs of Vanguard and the de minimis portion of each Fund's assets to be invested and fair since each Fund will contribute capital in proportion to its current net assets with the capital contributions being adjusted periodically so that no Fund will have a disproportionate investment. Applicants also state the consideration to be paid to WMC for office furnishings and equipment necessary to conduct Vanguard's business is reasonable and fair and involves no overreaching on the part of any person concerned.

Applicants further note that the proposed arrangement will be submitted for approval by each Fund's shareholders who must also approve any necessary changes in Fund policies. The Funds state that the essential purposes of the proposal—to increase their independence and control of their affairs, increase their ability to obtain and monitor external services and reduce costs—are consistent with the provisions, policies and purposes of the Act.

Notice is further given That any interested person may, not later than February 11, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing)

upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–2240 Filed 1–23–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 681]

ASSIGNMENT OF HEARINGS

JANUARY 21, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 140008 Sub 1, Wellington Transportation Corporation, now being assigned March 17, 1975 (2 days), at Kansas City, Mo., in a hearing room to be designated later.

MC 44795 Sub 13, Kissick Truck Lines, Inc., now being assigned March 19, 1975 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 139979, American Colloid Carrier Corp., now being assigned March 21, 1975 (1 day), at Kansas City, Mo., in a hearing room to be designated later.

MC–F–12218, Crouch Bros., Inc.—Control—Caddo Express, Inc., and MC 134308 Sub 8, Caddo Express, Inc., now being assigned March 24, 1975 (1 week), at Kansas City, Mo., in a hearing room to be designated later.

MC 116763 Sub 284, Carl Subler Trucking, Inc. now being assigned February 21, 1975, at Chicago, Ill., Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 117165 Sub 37, C. J. Davis, DBA St. Louis Freight Lines, now being assigned, February 20, 1975, at Chicago, Ill., Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 139841, Denver Trans-Corp., now assigned February 3, 1975, at Denver, Colo., is cancelled and the application is dismissed.

MC 119774 Sub 77, Eagle Trucking Company, now assigned January 29, 1975, at Denver, Colorado, is cancelled and the application is dismissed.

MC–F–12224, Century Express, LTD.—Purchase—Lansdale Transportation Co., Inc., now assigned January 29, 1975, at Philadelphia, Pa., is postponed indefinitely.

MC 124211 Sub 244, Hilt Truck Line, Inc., now assigned February 5, 1975, at Denver, Colorado, is cancelled and the application is dismissed.

MC 106401 Sub 38, Johnson Motor Lines, Inc., application dismissed.

MC 139724 Sub 2, Novo Package Delivery, Inc., application dismissed.

MC 139794 Sub 1, Somerset Limousine Service, Inc., application dismissed.

No. 36060, Seaway Port Authority of Duluth, et al. v. Burlington Northern, Inc., et al., now being assigned April 22, 1975 (4 days), at St. Paul, Minn., in a hearing room to be designated later.

MC 107496 Sub 950, Ruan Transport Corporation, now assigned February 6, 1975, at Chicago, Ill., is advanced to February 3, 1975, in Room 204A, Everett McKinley Dirksen Building, 219 S. Dearborn St., Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc.75–2255 Filed 1–23–75;8:45 a.m.]

[I.C.C. Order 138 Under Rev. S. O. No. 994]

BURLINGTON NORTHERN, INC. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Burlington Northern Inc., and the Chicago, Rock Island and Pacific Railroad Company are unable to transport traffic to or from connections or to or from shippers located at Burlington, Iowa, or Mediapolis, Iowa, because of flooding.

It is ordered, That: (a) The Burlington Northern Inc., and the Chicago, Rock Island and Pacific Railroad Company being unable to transport traffic to or from connections or to or from shippers over their joint line between Burlington, Iowa, and Mediapolis, Iowa, because of track damage from high water and flooding; that carriers and their connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:30 p.m., January 10, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 10, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[F.R. Doc.75–2258 Filed 1–23–75;8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42929—*Wrought Iron or Steel Oil Country Tubular Goods and Line Pipe to Colley, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B–507), for interested rail carriers. Rates on wrought iron or steel oil country tubular goods and line pipe, in carloads, as described in the application, from Minnequa and Pueblo, Colorado, to Colley, Louisiana.

Grounds for relief—Rate relationship.

Tariff—Supplements 62 and 63 to Southwestern Freight Bureau, Agent, tariff 259–F, I.C.C. No. 5080. Rates are

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published to become effective on February 20, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2260 Filed 1-23-75;8:45 am]

[AB 43 (Sub-No. 7)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding; and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Massac County, Ill., on or before January 29, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 43 (Sub-No. 7)]

ILLINOIS CENTRAL GULF RAILROAD COMPANY, ABANDONMENT BETWEEN METROPOLIS AND BROOKPORT, MASSAC COUNTY, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated January 13, 1975, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company from Metropolis to Brookport, in Massac County, Ill., a distance of 5.78 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmetal Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are not considered significant because no traffic has been handled on the line since March, 1973, no diversion of traffic from rail to truck will occur, and there are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service. In addition, no major ecological impacts would result should the abandonment be authorized. Furthermore, the Illinois Department of Conservation and the Massac County Bicentennial Committee have expressed their desire to purchase that portion of the right-of-way that passes through Fort Massac State Park for a linear park.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-2257 Filed 1-23-75;8:45 am]

[Finance Docket No. 25949]

LEHIGH VALLEY RAILROAD

Abandonment of Line

JANUARY 21, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in the Borough of Towanda, Pa., on or before January 29, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 16th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[Finance Docket No. 25949]

LEHIGH VALLEY RAILROAD, ABANDONMENT BETWEEN DUSHORE AND TOWANDA, PENNSYLVANIA

The Interstate Commerce Commission hereby gives notice that by order dated January 16, 1975, it has been determined that the proposed abandonment of its entire line of the Lehigh Valley Railroad (LV), between Dushore and Towanda, Pennsylvania, a total distance of 20.889 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts are not considered significant because there have been no operations over the line since June 1972, and prospects for substantial increased demand are speculative, alternate means of transportation are available including rail service over the lines of the Lehigh Valley Railroad Co. at Towanda. The increase in traffic created by diversion to motor carriers will not result in a significant increase in energy consumption nor a significant degradation of the area's air quality or noise levels. The Pennsylvania Department of Transportation is negotiating with Lehigh Valley to purchase this line and restore service at least initially to Monroeton. Reinstitution of service by the State would substantially mitigate any anticipated adverse effects.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-2259 Filed 1-23-75;8:45 am]

[Docket No. AB 33 (Sub. No. 6)]

UNION PACIFIC RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Jackson County, Colo., on or before January 21, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[Docket No. AB 33 (Sub-No. 6)]

UNION PACIFIC RAILROAD COMPANY ABANDONMENT PORTION, COALMONT BRANCH BETWEEN WALDEN AND HEBRON, IN JACKSON COUNTY, COLORADO

The Interstate Commerce Commission hereby gives notice that by order dated January 6, 1975, it has been determined that the proposed abandonment by the Union Pacific Railroad Company of its line from Milepost 93.00 at Walden southwesterly to Milepost 108.00 at Hebron, a distance of about 15.0 miles, all in Jackson County, Colo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because no traffic has moved over the line since 1970 and there is no immediate prospect of obtaining additional business that would warrant continued operations and maintenance. Although abundant coal resources are located in the general area affected by the abandonment, there are no indications that these resources will be developed in the near future or will be adversely affected by the proposed abandonment. In addition, any anticipated shipments in the area involved can be accommodated by motor carrier services with negligible impacts on the local air and water quality.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before February 5, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-2256 Filed 1-23-75;8:45 a.m.]

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FRIDAY, JANUARY 24, 1975

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PART II

FEDERAL COMMUNICATIONS COMMISSION

■

SCHEDULE OF FEES

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19658; FCC 75-32]

PART 1—PRACTICE AND PROCEDURE

PART 13—COMMERCIAL RADIO OPERATORS

Fee Schedules

In the matter of amendment of Subpart G of Part 1 of the Commission's rules relating to the schedule of fees. Docket No. 19658.

Amendment of Part 13 of the Commission's rules relating to commercial radio operator licenses.

1. On August 7, 1974, the Commission adopted a further notice of proposed rule making in the above-entitled matter looking toward a general revision of the Commission's schedule of fees.[1] It was indicated at the time of adoption of the Commission's first schedule of fees that we would undertake a continuing review of the schedule.[2] The current proceeding is a reflection of that continuing review. A large number of comments, both formal and informal, have been received and fully considered.

2. The statutory basis for the establishment of a schedule of fees by the Commission is Title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a (hereinafter referred to as Title V). That section provides:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts • • •.

3. The Commission first adopted a schedule of fees in 1963. That schedule was limited in its scope and established nominal fees producing revenue that totalled approximately 25 percent of the Commission's current appropriations.[3] In 1970 the Commission adopted a new and comprehensive schedule intended to produce a fee revenue that would generally approximate the Commission's costs.[4] *Fees Schedule*, 23 FCC 2d 880 (1970), 28 FCC 2d 139 (1971). However, on March 4, 1974, the Supreme Court handed down its decision in *National Cable Television Association, Inc.* v. *United States*, 415 U.S. 336 (1974), a case which had arisen out of a number of petitions for judicial review of the schedule of fees adopted by the Commission in 1970.[5] While the case before the Supreme Court involved only the cable television annual fee, the decision raised certain basic questions with respect to the manner in which the Commission had computed the fees adopted in its 1970 schedule. Since Title V must of course be interpreted by the Commission in the future in light of the Supreme Court's construction of the statute, we issued the further notice of proposed rule making on August 7, 1974 which is the subject of this Report and Order. The notice reflected the remand of the case for further proceedings directed by the Supreme Court with respect to the cable television annual fee and, in addition, proposed other revisions in the schedule of fees in light of the Court's interpretation of the statute.

4. The Supreme Court in the NCTA decision remanded the matter for further proceedings consistent with its opinion after holding that since the Commission's activities benefit the public as well as the regulated industries, the Commission could not merely calculate the total cost of supervision and then contrive a formula that reimburses the Commission for that amount; the Congressional aim that franchisees pay some of the cost of necessary regulation, the Court stated, can be achieved within the framework of "value to the recipient" as contrasted with the public policy interest that is also served. Thus, the Court rejected the concept that the Commission's fees should approximate its budget, stating that the cable television annual fee should not include the agency's costs "for the protective services rendered the public by the Commission." Our Further Notice of Proposed Rule Making was designed to revise the schedule of fees in accordance with the Court's directive.

5. We note at the outset that numerous comments in this proceeding argued that the Court declared annual fees to be illegal *per se*. However, the Court's opinion does not support their contention. We also take note of the fact that the dissent expressly declared its dissatisfaction with the majority's failure so to hold. We therefore reject the contention that the statute withholds power to fashion fees payable on an annual basis.[6]

6. The further notice proposed a revised schedule of fees under which only the costs of those Commission activities that are specifically identified as benefitting identifiable recipients are included as costs to be recovered in the fee program. A fundamental ground upon which the Further Notice was based and upon which the schedule adopted herein is based is that the "value to the recipient" factor is reasonably related to a portion of the Commission's costs. When the *NCTA* decision is read together with Title V, a clearly reasonable interpretation that will result in a workable statute is to base the fees as a reflection of value to the recipients upon the cost of Commission activities that confer a benefit on identifiable recipients. The comments have uniformly failed to recognize this. The value to the recipient cannot practicably be construed as an abstract concept unrelated to the other considerations set out in Title V. The Court's discussion in *NCTA* of the "protective services" the Commission renders the public as compared to the benefits it confers on individual recipients indicates, as does the statute itself, that the costs of providing those benefits constitute the base, and outer limit, for Commission fee recovery. Otherwise the Commission could base its fees on the "true" value to the recipient in an economic sense, and we suspect that no one would argue that the value to individuals of the hundreds of thousands of authorizations issued each year by the Commission does not exceed the Commission's total costs of operation manyfold. Thus, in attempting to revise our schedule of fees in a manner that will be consistent with Title V as construed by *NCTA*, we have identified those areas, primarily processing of applications and other authorizations, which provide a clear value to identifiable recipients. The costs of providing these benefits were set as the upper limit of fee recovery in each area and viewed as equivalent to the total value to all recipients of the specific services. However, rather than dividing the costs equally among all applicants e.g., for broadcast construction permits, which would seem unfair, or attempting to assess fees based on the Commission's actual costs of processing each individual application, which would be unreasonably difficult, if even possible, the value to the recipient concept has been used to establish reasonable fees that reflect the varying value to the myriad of different kinds and sizes of Commission applicants and licensees, whether it be a television station with a spot rate of $3,000 or a radio station with a spot rate of $5; a cable television system with 500 subscribers or 5,000 subscribers; an amateur radio station or a station providing service on a commercial basis in the 806–947 MHz band. It is simply unrealistic

[1] FCC 74-879, 39 FR 30016 (August 19, 1974), 48 FCC 2d 402.

[2] See Docket No. 14507, FCC 63-414, 28 FR 4758; FCC 63-856, 28 FR 10911 (1963); 1 FCC 2d 1349 (1965).

[3] FCC 63-414, 28 FR 4758 (1963); FCC 63-856, 28 FR 10911 (1963).

[4] On February 26, 1974 the Commission adopted a further Report and Order establishing a new schedule of fees that was to have been effective May 1, 1974. See FCC News Report No. 9201, February 27, 1974. On March 7, 1974, this Report and Order was set aside. See FCC News Report No. 9233, March 8, 1974.

[5] Petitions for review of the 1970 schedule were consolidated in the United States Court of Appeals for the Fifth Circuit which, in the case of *Clay Broadcasting* v. *United States*, 464 F. 2d 1313 (1972), affirmed the Commission's schedule of fees in all respects. Only the National Cable Television Association petitioned the Supreme Court to review the *Clay Broadcasting* decision.

[6] See Order of Court of Claims in *Cannon Beach TV Co. Inc., et al.* v. *United States* (Case No. 82-74), November 15, 1974 at p. 2.

to suggest, as many comments have, that the value received from such Commission authorizations does not justify the fees.

7. Another basic point which has also been generally ignored and/or misunderstood by the comments, is that a Commission activity that benefits a recipient may be made subject to a fee even though the activity is performed to insure that the authorization received is exercised in a manner which serves the public interest. This point was emphasized in the further notice:

> The Commission does not consider that either Title V or the *NCTA* decision establishes mutually exclusive categories of services, i.e., the Commission is not limited to charging fees for services which solely benefit the recipients of those services. Such a view would render Title V a nullity because the very basis for the establishment of the Commission was the protection of the public interest in wire and radio communication, and public interest considerations are thus an inherent part of all Commission activities. It is our view that the Commission is authorized to charge fees for those services that provide a value to identifiable recipients, which we have identified as activities associated with processing of applications that provide authorization for individuals, for example, to operate radio transmitters, or sell radio equipment, or collect common carrier charges. The fact that the general public may also benefit by Commission authorization of such activities, in that the activities may directly or indirectly provide a service to the public, does not limit the Commission's authority to charge a fee to the recipients of the services that will allow those services provided by the Commission to be operated on a self-sustaining basis as mandated in Title V.[7]

8. Numerous parties commented that the costs of all of the Executive Director's Office should be excluded from the fee collection base as not being directly attributable to application processing and related activities. However, there can be no doubt that the included portions of the Executive Director's Office do provide essential administrative support to the offices and bureaus engaged in the processing itself. As such, they are indirect costs of applications processing which should properly be included in the fee base.

9. Numerous parties objected to the inclusion of the cost of hearings in the fee base. It was frequently pointed out that hearings are required in order to determine whether a licensee is operating in the public interest or which of several competing applicants for a license could best serve the public interest, and it was claimed that the Commission's hearing role is as guardian of the public interest rather than as a provider of value to a recipient. Furthermore, it was argued that hearings are already very costly to Commission licensees and applicants, who should not have to bear the additional burden of the costs of protecting the public. As the Commission observed in the further notice, "the public interest factor is more clearly focused when a hearing is involved."[8] However, it has not been the Commission's view that either Title V or the *NCTA* decision establishes mutually exclusive categories of services, i.e., those that solely provide value to a recipient and those which solely benefit the public. Although the public interest may be more clearly focused, hearings are only one phase of the process the ultimate result of which is the granting of licenses or otherwise providing some value to an identifiable recipient. Whether it be in hearings or in non-hearing review of applications to see if specific standards are met by an applicant, all of the Commission's processing relates to a request for an authorization which is of direct value to the recipient. This cost, we believe, is recoverable through fees.

10. On March 29, 1974, the Commission suspended the collection of the cable television and broadcast annual fees in view of the substantial questions raised by the opinion of the Supreme Court in the *NCTA* case. However, it is clear that the Supreme Court did not declare annual fees illegal *per se*, and there appears to be no reason for not reassessing annual fees for the period in which the suspension order has been in effect. The fees will be determined using the same method employed to calculate the other fees adopted in this Report and Order, but with the budget for fiscal year 1973 as the cost base. The recalculated cable television annual fees for calendar years 1973 and 1974 are being computed in this manner. The cable annual fee for calendar year 1975 will be as set forth in the appendix. The broadcast annual recalculated fee will cover the period April 1, 1973–December 31, 1974. The fee for any part of the twelve month fee payment period occurring after December 31, 1974 will be the fee appearing in the appendix. These fees and their due date will be announced in a second Report and Order to be issued in the very near future.

BROADCAST SERVICES (§ 1.1103)

11. The schedule of fees applicable to Broadcast Bureau applications has been altered significantly as a result of consideration of the comments and a re-examination of the varying processing costs of different applications. It appears that in fact annual fees and assignment and transfer fees produce revenues somewhat higher than the cost of processing renewal applications and transfer applications respectively whereas the revenues from fees for applications for construction permits, major and minor changes and other similar applications are considerably less than the cost of processing these applications. In light of this, we concluded that it would be advisable to determine more precisely the cost of processing the various applications filed with the Bureau and the cost of hearings related to those applications so that fee revenues would more nearly approximate the costs of processing each category of application.

12. As explained in the further notice, the cost figures utilized in developing the fee schedule were those appearing in the Commission's fiscal year 1975 budget estimates submitted to Congress. These estimates are prepared primarily by activity rather than by Commission organizational unit. The word "activity" denotes discrete functions within the Commission such as broadcast and common carrier and includes costs allocated from the administrative law judges, Review Board, Office of Opinions and Review, the Data Automation Division and the Dockets Branch. Each activity is divided into sub-activities which further describe discrete functions within each activity. Of the seven Broadcast sub-activities, the Commission, in developing the further notice, determined that the costs of only two, application processing and related hearings, could be recovered by fees. Thus, in further refining the cost allocation, the primary task was to allocate the cost of the two sub-activities—application processing and hearings—among the three primary categories of applications—renewals, assignments and transfers and facilities applications (applications for construction permits, major and minor changes, etc.).

13. Using estimated costs for the various units of the Broadcast Bureau which process the applications, the percentage of the cost of processing each type of application to the whole bureau cost of application processing was determined. These percentages were applied to the application processing sub-activity costs to determine the cost of processing each type of application. Two per cent was substracted from each of these figures to account for the cost of processing fee exempt applications. Using estimates of the number of broadcast applications which would be designated for hearing in fiscal 1975, the percentage of the cost of hearings for each type of application to the whole cost of hearings was determined. As with the application processing sub-activity, these percentages were applied to the costs of the hearings sub-activity to determine the cost of hearings for each type of application. Two per cent was subtracted from each figure to account for enforcement hearings.

14. The fee recoverable costs for processing and hearings for each category of application were added. The portion of the cost of the Executive Director's Office assigned to Broadcast activity was divided between the three categories of applications on the basis of the ratio of each to the total Broadcast fee recoverable costs. The cost of the Antenna Survey program attributable to the Broadcast Bureau was then added to the total for facilities applications. The resulting total fee recoverable costs were $1,509,178 for renewal applications, $908,272 for transfer applications and $4,558,184 for facilities applications.

15. By utilizing the method described above we have determined more precisely the costs which are incurred in the processing of each category of application. The total fee recoverable cost for the entire Bureau activity utilizing this

[7] 48 FCC 2d at 404.

[8] *Id.* at 406.

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method is approximately the same as the total fee recoverable cost appearing in the Further Notice.

16. The annual fee has been lowered from that proposed in the Further Notice in order to recover the $1,509,178 cost of processing renewal applications. We find no basis for the contention in several of the comments that the annual fee does not conform to the value concept set forth in the *NCTA* decision. It should be clear that the broadcast annual license fee is imposed in lieu of a renewal application fee. In the 1970 Report and Order in Docket 18802, adopting the present schedule of fees, the Commission pointed out that "upon the effective date of the fee schedule, renewal fees for all broadcast applications will be abolished in favor of annual operating fees."[9] We think there is no question that a fee based on license renewal is soundly rooted in the concept of value to the recipient. We do not agree with the argument in a number of comments that a renewal application fee would be more consistent with the *NCTA* decision. There is nothing in either *NCTA* or in *New England Power Co.* v. *Federal Power Commission*, 415 U.S. 345 (1974), which prohibits *per se* the use of annual fees. When it has been determined that certain Commission activities are of the type that provide valuable benefits to identifiable recipients, there may be a number of methods of assessing a fee. The selection among alternatives is within the Commission's discretion, and we have found nothing in the comments that raises any serious question as to the reasonableness of the selection of an annual fee as opposed to a renewal application fee for recovery of costs attributable to the renewal of operating authority every three years.

17. The assignment and transfer fee has also been lowered further to recover $908,272, the cost of processing assignment and transfer applications. A number of comments raised questions as to both the general policy and the modification of assignment and transfer fees proposed in the further notice. There is no real question, as has been pointed out on numerous occasions, that the grant of an assignment or transfer application results in substantial benefits for the applicant. Moreover, the revised method of assessing the grant fee based on the gross revenue of the station involved clearly provides a reasonable and, we think, quite precise allocation of the fee among various types and sizes of applicants. Several parties also state that the collection of fees in assignment and transfer cases where there is an intervivos gift will have an inhibiting effect on gifts to charitable institutions and would also complicate estate planning. However, assuming that any substantial effect could be demonstrated, we do not believe that its consideration is relevant here. As the Supreme Court made amply clear in the *NCTA* case, our function is not to levy a tax based upon considerations of public policy, but rather to assess a fee to compensate for Commission work done which is of value to the recipient.

18. The various fees charged for the processing of applications by the Facilities Division have been raised so that fee revenues will more nearly approximate the costs of processing of those applications. As stated earlier this cost is $4,558,184. The schedule adopted here is designed to recover approximately $1,200,000. We believe that the various fees are reasonable and fully conform to Title V's mandate and the Supreme Court's decision in *NCTA*. Higher fees, although arguably warranted by the high cost of processing these types of applications, would not properly reflect the value to the recipient of our authorizations as the Supreme Court required. Therefore, we have concluded that we will not recover a large portion of the costs of processing facilities applications.

19. One party contends that the amount of some of the broadcast fees has an inhibiting effect on the Commission's regulatory actions, in that the Commission would hesitate to modify or fail to renew a license or to revoke a license, where the party affected could be said not to have had the opportunity to get the full benefit of the authorization for which the fee was paid. This concern is without foundation, and we note that no basis for it has been supplied.

ASSIGNMENT AND TRANSFER GRANT FEE

20. One of the comments suggests that the gross revenue approach is an improvement in the method of assessing grant fees because it gives a definiteness to the administration of the fee. However, that party also argues that the Commission has not disclosed its method of deriving the formulae used for arriving at different grant fees for different types of applications. We believe that the discussion in the further notice, 48 FCC 2d 409–11, as well as the internal Commission documents used in developing this portion of the schedule, which have been placed in the public docket, have given interested parties adequate and complete information as to the method by which the various formulae components were developed.

21. The rates (multipliers) that are contained in the formula represent the mathematical basis for computing the fee, using the underlying market value of the property in lieu of consideration, which was the base in the 1970 schedule. The use of the gross revenue method of computation of the grant fee in assignment and transfer cases meets the tests specified in *NCTA*, and it gives nearly complete administrative certainty as well as making it easy for the parties negotiating a transaction to compute the fee.

22. One of the parties suggests that the annual gross revenue figure, as reported on line 19 of FCC Form 324, should be reduced by the amount of line 15 of Form 324, *i.e.*, "All Broadcasting Revenues Other Than from Time Sales", because they say those "are not sufficiently related to broadcasting functions to warrant their inclusion in the basis for computation of the Commission's grant fee * * *" The amount of revenues disclosed on line 15, while not a part of time sales, is one of the components of the revenues that determine the entire market value of the broadcast property. Moreover, it would be a rare case in which they were a significant portion of the total annual gross revenues. We believe that certainty obtained in using the total annual gross revenues justifies its use.

23. Several of the parties vigorously challenge the charging of fees for acquisitions of further ownership interests within the two-year period following the transaction that gave rise to the necessity for filing the assignment or transfer application. The challenge is that such a fee is unreasonable and arbitrary because there is no application to process, and all that is involved is record changing in the station's ownership file. As we clearly outlined in the further notice, the Commission based the recovery of such a fee on the ground that interests acquired within the two-year period prior to the "control-acquiring" transaction that gives rise to the necessity of filing an application, and within the two-year period thereafter, are parts of the entire transaction. That is, we utilized the "transactional" approach (48 FCC 2d 412–13). The fact that little or no work is involved in changing the ownership records for additional acquisitions of ownership interests within the specified period is not the determining factor. The Commission is of the opinion that these acquisitions in practically all cases are part of a plan to acquire more than just majority control of the licensee, and we cannot reasonably permit a step-by-step acquisition to be used to frustrate the normal fee collection. Since the acquisitions within the period are part of a process of acquisition a grant fee calculated upon the entire process is fair and reasonable.

24. A number of parties contend that the Commission should create an exemption from grant fees for assignment and transfer applications that are based on involuntary changes in legal ownership to an executor or administrator upon the death of a licensee, a partner, or principal stockholder. They argue that fees in such cases are an undue burden, and are inequitable. Under the present provisions of Note 5 to § 1.1111(a)(5), such Form 316 applications filed pursuant to § 1.541 are exempt from the payment of grant fees. Note 5 makes clear that grant fees are required only on Form 316 applications filed pursuant to § 1.540 (b)(3) or (b)(6). Of course, as in all Form 316 applications, filing fees are required.

25. Two of the parties state that the grant fees to be charged in partnership cases where a "less than controlling" interest in the partnership is transferred are discriminatory because "less than controlling" interests in a corporate licensee can be transferred without payment of grant fees. There is an apparent anomaly. However, the choice of business organization is of course voluntary and generally based upon other considerations. This choice has numerous "side effects," of which this is one. Because of the legal characteristics peculiar to a partnership, changes in its makeup result in the termination of the old entity and the creation of a new legal entity. Therefore, an application is required, work is done by the Commission and a benefit is conferred. A change in ownership of a corporation does not require the filing of an application if less than control is involved. The fact that an application is not required does not mean that no benefit may result from the change, but it does mean that there is no need to invoke the Commission's processes and that, accordingly, there is not the same basis for assessment of a fee as is the case with a partnership.

26. One party stresses the need for confidentiality (that was proposed in paragraph 27 of the further notice) of the gross revenue figures that are to be used in the computation of grant fees in assignment and transfer cases. Two specific steps are here outlined to carry out this objective. Section 0.457(d)(1)(i) will be modified by the addition of a Note to grant confidentiality; any correspondence with respect to the computation of the grant fee will be placed in the "confidential" portion of the license file.

INTERNATIONAL BROADCASTING

27. Far East Broadcasting Company, Inc., the licensee of Station KGEI, an international broadcast station, contends that there should be no fees charged. It urges that: (1) Such stations operate as tax-exempt, non-profit, noncommercial international educational organizations; and (2) An exemption "is dictated" by the United States Information and Educational Exchange Act of 1948 (the Smith-Mundt Act), 22 U.S.C. 1431 *et seq.*; and (3) The fee base has been improperly computed, with an improper imputation of value to the recipient in this case.

28. While the existing international broadcast stations may not now carry commercial material, they may do so, with certain limitations, under our rules, unlike noncommercial educational stations. Nothing in the Communications Act or the Commission's rules or policy prevent KGEI or other international broadcast stations from broadcasting institutional advertising. We believe it reasonable to assess a fee in accord with the authority we grant. Nor do we find that the Smith-Mundt Act dictates an exemption for international broadcasting. Far East urges that that Act contains a Congressional mandate for the expansion of private international broadcasting. However, the Act, as modified by the Reorganization Plan No. 8 of 1953, provides that the Director of the USIA shall reduce government information activities whenever corresponding private information dissemination is found to be adequate. There is nothing there to suggest that such private dissemination is to be exempted from fee payments which are required of domestic counterparts of such stations that choose not to broadcast advertising matter.

29. KGEI claims that the "value to the recipient" in international broadcasting is at best nominal. We do not agree. An international broadcaster has been given the use of valuable spectrum space. He may choose to operate on a profit or non-profit basis, as he so desires. Within broad limitations, he may broadcast programs as he chooses. We see no basis for the requested exemption under either the Independent Offices Appropriation Act or *NCTA*.[10]

COMMON CARRIER (SECTION 1.1113)

30. Common Carrier respondents unanimously objected to the imposition of fees for tariff filings essentially on the grounds that tariff processing is strictly for the benefit of the using public. The argument is made that there is an essential fallacy in the Commission's analysis of section 203 of the Communications Act, since the purpose of the section is to protect the public against discrimination and unjust rates and the carriers do not benefit from enforcement of the tariff filing requirements. The Commission remains of the opinion that it is appropriate to charge tariff filing fees. The filing of tariffs is required before a carrier may lawfully obtain revenues for its services. Without such tariffs the carriers could not legally operate and would receive no revenues whatsoever from the public for interstate and foreign communication's services. In short, carriers must file tariffs to do business. A tariff filing involves a change in some aspect of a carrier's business, and it involves Commission consideration and workload. The processing of tariffs by the Commission provides value to the carrier just as does consideration of a broadcast or other application, even though the carrier need not await a "grant" to commence operation. It is not persuasive to argue that tariffs are filed in order that the public interest may be protected and that the Commission's inquiry concerning a tariff is to assure that the public in protected. This is, of course, true in part in this area as in other areas of Commission regulation. But it is not a dispositive contention because here as in other areas there is also the element of benefit conferred—in this case the right to render common carrier service to the public.

31. The consensus of those responding to the alternatives presented in the further notice is that the most practical method of assessing tariff fees would be to apply a fee to each tariff page. We agree that this method would be the easiest to administer by both the carriers and Commission alike, and we will prescribe a charge for each original or revised tariff page filed with the Commission. Transmittal letters accompanying tariff filings will be excluded but all tariff pages will be included regardless of whether requested or ordered by the Commission or voluntarily filed by the carriers. In recognition of the greater value to the larger carriers who generate proportionately greater interstate and foreign revenues from tariffs than do the carriers of lesser size, we are prescribing a sliding scale of fees based on overall operating revenues of each carrier.

32. We reject the argument made by most of the common carrier respondents that the sole purpose of a rate or tariff hearing is to permit the Commission to resolve questions affecting only the public interest, and that no costs associated with the hearing process should be included within fee recoverable costs for any service. While there is a large element of public benefit in the hearing process, the carriers, in our view, also receive substantial benefit from such proceedings. The Communications Act expressly gives the carriers the right to hearings before the Commission may prescribe rates, regulations, etc. against the carriers' will, and hearings provide opportunities for the carriers to be heard in support of rate or tariff proposals which present problems. Such hearings often result in Commission approval of increased rates or higher rate of return levels,[11] but the essential point is that they are a more formalized phase of the process of reviewing tariff, thus of the process of obtaining an authorization to serve the public. In all tariff and rate hearings proceedings, we are called upon to arrive at results that are just and reasonable not only from the standpoint of the public but also just and reasonable from the standpoint of the stockholders and the owners of the carriers. Accordingly, we conclude that reflection of hearing costs in fee recoverable costs for each activity is not inconsistent with the principles enunciated by the Supreme Court.

33. With respect to the objections raised against the imposition of fees for each mobile unit associated with a base station license in the domestic public land mobile service, we would point out that this fee treatment is strictly in accordance with the "value to the recipient" concept. Furthermore, it is consistent with the application of fees to each transmitter in other Commission radio services. We are not persuaded that the fees proposed are prohibitive or unduly burdensome for the five-year license period in the land mobile service.

34. We recognize the "non-profit" characteristics of cooperative telephone companies. However, the service they render is of economic benefit and is limited to members of the associations. In our view, the public benefit of these telephone companies cannot properly be equated with that of the public safety,

[9] 23 F.C.C. 2d 891 (1970).

[10] *See Aeronautical Radio Inc.* v. *U.S.*, 335 F.2d 304, 311 (7th Cir. 1964), *cert. den.*, 379 U.S. 965 (1965) holding that "value to the recipient" need not be a pecuniary value.

[11] To suggest, for example, that the public is the sole beneficiary of hearings such as Phase I of Docket 19129, wherein the Commission allowed AT&T to increase its rates to provide Bell a rate of return of 8½ percent rather than 7½ percent, is to urge a proposition that is obviously untenable.

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health and welfare and educational entities traditionally exempt from the Commission's fees.

SECTION 214 FEES

35. AT&T suggests certain changes in the proposed fee schedule for domestic satellite channelizing applications, in view of the manner in which such facilities will be used in the domestic network. The presently proposed fee structure is essentially the same structure applied in the past to international satellite channelizing applications and, in AT&T's view, is inappropriate for domestic satellite channelizing applications, particularly the proposed grant fee for channels of communication at an earth station. The carrier recommends that the proposed fee schedule for satellite channelizing applications be confined to international applications and that domestic applications be treated the same as Section 214 landline, wire, cable or radio route applications, with airline mileage, instead of route mileage, used for straight line terrestrial distance between earth stations.

36. We believe AT&T's suggestion has merit. Inasmuch as domestic satellite circuits will be integrated into a terrestrial network and will often be used interchangeably with (or in competition with) terrestrial circuits, it would be appropriate to establish like fee schedules. Therefore, we have decided to apply the grant fee to both domestic satellite and terrestrial circuits on the basis of airline channel miles between terminal cities. We believe such consistency in applying fees will be consistent with most tariff offerings which base distance charges on airline miles.[12] Since we will be applying fees on an airline rather than route mile basis, we have adjusted upward the rate to compensate for the fewer miles that will be involved.[13] Also, we are setting a maximum grant fee based on a 2500 mile channel length so as not to overly burden very long domestic communications facilities (e.g., to Alaska, Hawaii and Puerto Rico). We are also making other minor adjustments to the Section 214 fee schedule for clarification purposes.

37. With respect to the determination of grant fees for Section 214 applications, we proposed to establish equivalency factors for transmission in the digital mode of 9.6 kb/s (for data) and 64 kb/s (for voice) equaling one 4 KHz analog channel (§ 1.1113, footnote 10). AT&T commented that 9.6 kb/s is a reasonable equivalent for data transmitted over a 4 KHz analog (voice) channel but that 64 kb/s of data or one voice channel could be transmitted over digital transmission facilities. Therefore, it recommended that the last sentence of footnote 11 be modified to read: "When a digital mode is used for voice or data services, an equivalency of 64 kb/s to a 4 KHz channel will be used."

38. In considering this matter we recognize the difficulty in equating analog and digital channels since digital data is often connected to an analog format and transmitted over analog facilities while analog or voice signals are digitized and transmitted over digital facilities. In the former case 9.6 kb/s of data can usually be accommodated on a 4 kHz analog or voice channel, and in the latter case the voice signal requires 64 kb/s of capacity on a digital system. We further appreciate the fact that in many systems the use of a single channel may vary between voice and data, and that alternate analog and digital facilities may be interconnected. Therefore, we have decided that for ease of administration we should use only a single equivalency: 64 kb/s equaling a 4 kHz analog channel, and have modified the schedule accordingly.

SAFETY AND SPECIAL RADIO SERVICES (§ 1.1115)

39. Since the release of the further notice of proposed rule making in this proceeding in August 1974, the number of applications filed and expected to be filed in this Bureau has significantly increased resulting in a projected fee revenue substantially higher than that shown in the Further Notice. Therefore, we are on our own motion further lowering the fee to $4.00 for most applications. This will result in fee revenues which more nearly approximate the expected costs of processing applications and granting authorizations.

40. In the land mobile services, all of the comments supported the new fee proposals. Four of the comments, however, took strong exception to the reasons for our decision to withdraw the proposal to charge an additional fee for authorizations with multiple mobile units, or ship or aircraft in plurality or fleet licenses. We said in the Further Notice that the original proposal to charge extra filing fees in these cases was not feasible because the fee recovered for each extra unit would be substantially below $1 and the cost of paying and collecting the fees would be unduly burdensome for both the applicants and the Commission. Accordingly the unit fee is not being adopted and no useful purpose would be served by generally abandoning the principle of unit fees, as some of the comments suggest.

41. One comment, that of Telecommunications Council, expressed concern that a disproportionate share of the costs of operating certain Commission offices such as the Review Board and the Administrative Law Judges, was allocated to the Safety and Special Radio Services Bureau. We have allocated only those costs of those offices for the portion of their time spent on Safety and Special Radio Services Bureau authorization of services matters. Specifically, of the total number of man-years required to operate the offices of the Law Judges, Dockets Division, Review Board and Office of Opinions and Review, we have allocated 5, 3, 2, and 3 man-years, respectively, or a total of 13 man-years to the Bureau's 128 man-years for authorization of services.

42. All but one of the comments pertaining to the Citizens Radio Service supported the proposed fee reduction. Most of the comments suggested that no fee be required for organizations providing a service to the public, e.g., REACT teams. However, these organizations receive the same intrinsic value from their radio license as other licensees, regardless of the services they provide to the general public. The one comment in opposition recommended higher fees, asserting that if the lower fee is adopted licenses might be granted to people who should never be licensed. Apart from the merits of that argument, it is clear that the Commission does not have authority under 31 U.S.C. 483a to use its fee schedule as a vehicle to advance such public policy objections. See *NCTA* v. *U.S.*, 415 U.S. at 340–41.

43. All comments on the fees for the Amateur Radio Service objected to any filing fees in that Service for routine authorizations, on the grounds that the service is by its very nature a public service and the licensee cannot use his station for pecuniary gain or business activity. We again find this argument, which has been repeatedly made by amateur operators, to be inadequate to support the requested relief. Amateur licensees, while they may engage in valuable public service activities, are primarily involved in the use of radio for their own personal interest. Each licensee clearly receives a valuable benefit from his license. Additionally several comments objected to the disparity between a $6 fee for an amateur operator compared to a $4 fee for commercial operator licenses. First, we would note that as discussed above, we are lowering the proposed fee to $4.00. Further, the comments ignore the fact that the amateur fee covers the operator's license as well as the station license. The commercial license fee covers only the operator's license fee; the station fee is additional. We are on our own motion reducing the modification fee from the proposal of $5 to $3, a change which will have no significant impact on the overall recovery of Bureau costs.

44. In the Aviation Service none of the comments objected to the revised, lower fees. Several referred to and supported an earlier comment by the Aircraft Operators and Pilots Association in this proceeding that objected to any licensing fees by this Commission for aircraft stations or aircraft station operators, on the grounds that this licensing should be the function of the Federal Aviation Administration, and argued that no operator permit be required for aircraft stations. However, this is not the appropriate place to address those issues, which are in any event governed by the Congressional directive that we license the use of aircraft radio, and the Radio Regulations of the International Telecommunications Union. One comment

[12] Part 63 of the rules is in the process of being amended to require the specification of airline distance in all section 214 applications.

[13] By comparing airline miles and route miles of various section 214 applications, we estimate that airline mileage would generally be 25–30% less than the route mileage. Thus, the rate per channel mile would have to be adjusted upward about 35–40% to yield approximately the same fee revenue.

questioned whether we are properly computing the portion of our expenses which can lawfully be recovered through fees and, particularly, whether we should recover the costs of hearing or regulatory activities. We are attempting herein to recover our costs in granting authorizations, which may include hearings, but not the general costs of regulating the services. For example, we have included the costs of all our employees who are directly involved in the acceptance, processing and granting of applications, but we have excluded the costs of employees involved in rule writing, revocation proceedings, imposing monetary forfeitures for rule violations or carrying out administrative functions not directly involving authorization of services. Other personnel, who are involved in both regulating and authorizing services, have had an appropriate portion of their time allocated to the authorization of service, as shown on time sheets, or by job descriptions. That portion of their time is reflected in the costs we are recovering through the new fees. Concern was also expressed that too much of the costs of operating the Chicago Spectrum Management office may be allocated to the Safety and Special Radio Service, since that office also processes applications for other services. The present spectrum management licensing program at the Chicago office is devoted primarily to Safety and Special radio activities. Over 99 percent of the applications handled there are in the Safety and Special Radio Services. Consequently, we believe the number of applications relating to the work of other bureaus is too minimal to warrant further adjustments.

CABLE TELEVISION (§ 1.1116)

45. The further notice proposed a revised fee schedule for the Cable Television ("Cable") and Cable Television Relay ("CAR") Service which specified, (1) in the CAR Service, fees ranging from $5 to $20 for applications for construction permits and licenses, and modifications, reinstatements, assignments, and transfers of control and (2) in the Cable Service, an annual authorization fee equal to 13 cents per cable system subscriber. Each of the fees in the proposed revised schedule is slightly more than 40 percent of its counterpart in the previous schedule. The purpose and anticipated effect of that reduction is to yield an estimated return of $1.16 million per year—approximately 45 percent of the anticipated FY 1975 cost of FCC Cable and CAR regulatory activity.

46. The fee was determined in the light of estimates of the number of applications that would be filed in each category during FY 1975 and the estimated total number of cable subscribers in the United States in calendar year 1974.[14] The Commission has adopted a Cable and CAR Service fee schedule designed to yield only enough revenue to offset the costs attendant upon processing applications for CAR Service construction permits, licenses, etc., and Cable television certificates of compliance.

47. Some of the comments contend that, with the possible exception of CAR station licensing, no Commission fees should be levied against cable systems, since the whole purpose and effect of the Commission cable regulatory program is not benefit to cable operators but restriction of cable operators for the benefit of the general public (and, incidentally, broadcast television licensees). It is also suggested that no fees should be charged in connection with the processing or grant of a certificate of compliance, since (a) the certificate does not provide a cable operator with a benefit analogous to the three year loan of a portion of the radio spectrum which accrues to a broadcast station licensee, and (b) the certificate of compliance is not really a license in view of the fact that a prospective cable system operator must first obtain a franchise from a State or local governmental unit.

48. In considering this contention, we note the Supreme Court's statement that, "A fee * * * is incident to a voluntary act, e.g., a request that a public agency permit an applicant to practice law or medicine * * * The public agency performing those services normally may exact a fee for a grant which, presumably, bestows a benefit on the applicant, not shared by other members of society." *NCTA* v. *U.S.*, 415 U.S. at 340–341. We think the Court's reasoning is equally applicable to the Commission's regulation of cable television, which confers an authority—to carry broadcast signals—not conferred upon the public at large. The fact that the regulation attendant upon the grant of this benefit is designed to protect the public interest in its use should not obscure the presence of the very real benefit involved. Nor does the fact that the prospective cable operator must normally obtain another authorization from a State or local governmental unit affect the result. It is irrelevant to the benefit conferred by the Commission's process. It might also be noted in this connection that the Commission's rules prevent State and local authorities from imposing unduly high franchise fees upon cable television systems.

49. Some of the comments argue that no fees should be charged unless an application is granted since an applicant receives no benefit if the application is not granted. The application fees in both the Cable and CAR Services schedule are quite nominal (they range from $5 to $20). In the overwhelming percentage of cases, the application results in a grant of the license or other benefit sought (albeit only after detailed correspondence with the applicant in many cases to elicit from him amendments curing defects in his application). Thus in the overwhelming percentage of cases the fact that the charge is for the filing, rather than the grant, of an application has no practical effect, although it does facilitate the bookkeeping operations of the Commission. In any event, in those few cases where the application is not granted, the application fee is scant compensation for the work performed by the Commission in considering the application. We do not believe that it is improper to impose a nominal fee for this work even though no authorization may finally be granted.

50. It has also been argued that no annual authorization fee should be charged, since a cable operator is benefited by the authorization to operate a cable system only during the year in which the authorization is issued, and that no authorization fee, annual or otherwise, should be levied against cable systems that have obtained their authorizations to operate via temporary "grandfathering" (until 1977) pursuant to the revision of the cable rules in 1972.[15] It is urged that since no application processing work by the Commission is involved in such authorizations, no fee should be exacted. We do not accede to this argument because the cable operator benefits from the authorization to operate conferred by our rules, whether or not he has filed an application for the particular year. Clearly, an authorization with an effective life of several years may be accompanied by a fee apportioned over that period. And, all systems operate under the authority of the Commission rules, including those "grandfathered" systems which need not file a formal application for a certificate of compliance until 1977. The Commission is providing the same benefit, and is doing work in connection with that benefit, whether or not it has received a formal application. We do not believe that the existence of a formal application is the touchstone of the right to impose a fee under Title V.[16]

51. In the area of cable television fees, as well as in other areas, it has been argued that the Commission's expenses resulting from hearings conducted in

[14] Annual authorization fee payments are based upon the number of cable subscribers in the calendar year immediately preceding the due date of the payment. See § 1.1102 of the Commission's rules.

[15] A grandfathered system, operating temporarily pursuant to the general grant of authority to do so, must even within the period expiring March 31, 1977, submit a formal application if its franchise expires before that date or if it desires to add a television broadcast signal to its operations before that date. See § 76.11 (a) and (b) of the Commission's rules.

[16] The Commission could, of course, in lieu of "grandfathering," have required all cable systems to file applications for certificates of compliance within 90 days of adoption of the 1972 rules. The Commission could also have ceremonialized the continuing authority of cable systems to carry broadcast signals by requiring a cable operator to annually apply for a one-year renewal of his authorization, thereby providing the document which some of the comments seem to feel is a prerequisite to imposition of a fee. However, neither Title V nor the Supreme Court's decision in *NCTA* require such formalities. The fact that the Commission has chosen a simpler method of regulation of cable television does not foreclose it from assessing fees for the valuable benefits that are nevertheless provided by the Commission activities. The practical result is the same, and cable operators equitably share the costs of providing the benefits which all of them receive, without regard to the essentially irrelevant consideration of whether any particular system files for a certificate in any particular year.

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connection with certificate of compliance applications should not be treated as part of the cost-recoverable fee base, since such hearings are conducted to determine the public interest rather than to benefit cable operators. As discussed elsewhere, it is the Commission's position that since hearings are but one phase of the process by which value is provided to cable operators, their cost is properly included in the fee base. As for the fact, also urged upon us, that only a small percentage of certificate of compliance applications result in hearings, the Commission is well aware that processing and evaluation of some applications involves considerably greater Commission activity and expense than is involved in the treatment of other such applications. However, that fact provides no justification for treating the cost as if it were not related to the certification process, and the added increment to all fees is minimal.

52. In response to objections to the use of the number of subscribers as a measure of the annual authorization fee, the Commission remains of the opinion that the formula for determination of the annual authorization fee as set forth in the proposed revision of § 1.1116 provides the best practical means of assessing a fee reasonably related, in each case, to the benefit received by the cable operator from his receipt of the Commission's authorization to operate his cable system. Although monthly subscription rates do vary somewhat from one system to another, utilization of a system's subscriber count in determining the amount of the fee results in a fee reasonably related to earnings differences among systems.[17] At the same time, it is convenient for use by the Commission in verifying the correctness of the amount paid, and avoids the need for reference to cable system income data (net or gross) which should be respected as confidential in nature. It is apparent that the larger a cable operation is, the more its owners benefit from the cable system operating authority which they have received from the Commission. At the same time, the formula is designed to yield a total income not in excess of the total cost to the Commission of its activity in authorizing cable operations.

EQUIPMENT TESTING AND APPROVAL (§ 1.1120)

53. As a result of the fact that the cost allocation to the Equipment Testing and Approval area previously was performed primarily on an application processing basis, the general revision of the cost allocation explained above has had little impact in this area. Thus, there have been relatively few changes in the amounts of fees set out in the Appendix from the fees proposed in the original notice in this proceeding. The categories of fees for certification have been modified somewhat for simplicity and there have been some revisions in fees for type approval to reflect more accurately the relative costs of performing the tests on each type of equipment based on records of man-hours expended and test equipment utilized.

54. Several parties commented on the proposed schedule in this area. Two comments argued that certification of radio frequency devices provides no benefit to the manufacturer as its purpose is to prevent harmful interference which impacts upon the public at large. We note that the argument that the Commission's work is in the public interest has been made by broadcasters, cable television system operators, and common carriers. In response to the argument here, we would point out that manufacturers of radio frequency devices are prohibited from marketing such devices unless they have been certified.[18] Therefore, certification is the prerequisite to any sale by the manufacturer. There can be little question that the Commission's action in certifying equipment provides substantial value to the recipient.

55. One comment indicated that the higher filing fee and a lower grant fee is not as reasonable as a lower filing fee and higher grant fee because equipment may be withdrawn at any time prior to the grant. However, a substantial portion of the costs involved in application processing is incurred whether or not a grant is made; the relatively higher filing fee covers most, but not all of, the costs involved, whether or not the equipment is withdrawn or rejected. Similarly, in regard to the combined fee for certification and acceptance, which was questioned, the costs of processing are incurred whether the equipment passes or fails. It was argued that if equipment is rejected, payment of a fee for resubmittal is not in line with the *NCTA* ruling, for, although the Commission's costs have increased, the benefit to the manufacturer has not. The Commission is not required to provide *gratis* the service of reviewing and/or testing equipment any number of times until the manufacturer perfects it. It is incorrect to say that such a service would not benefit the manufacturer. Furthermore, as we noted in the Further Notice, it has been our experience that the vast majority of such applications are pursued successfully.

56. It has been questioned whether separate fees should be charged for the certification of receivers having the same chassis but different identification numbers. As our certification program does not include testing as a prerequisite to certification, there is relatively little reduction in cost in the processing of the application for certification of a given receiver simply because a receiver with the same chassis was previously certified. Furthermore, new value to the recipient is furnished by each separate certification. Therefore, a lower fee is not warranted.

57. One comment pointed out the omission of the note in the certification subsection which provided: "No fee is required for certificates for use of industrial heating equipment on Form 724 in accordance with § 18.116 of the Commission's rules of this chapter." This provision was inadvertently deleted in the Further Notice, but is now included. Parties filing Forms 724 for equipment which has already received prototype certification are not required to remit any further fee.

58. In response to the comparison made by one comment between the Commission's fees and the lower estimate for equipment testing received from a private laboratory, we can only observe that Title V does not require that in structuring our fee schedule the criterion of the market price of analogous activities engaged in by private businesses be considered. Additionally, the standards used by a private firm may be significantly different from those prevailing in our laboratory.

EFFECTIVE DATE OF THE NEW SCHEDULE OF FEES

59. The new schedule of fees adopted herein and the related amendments to other sections of the Commission's rules will be effective as of March 1, 1975. Under the effective date of March 1, 1975, all applications received by the Commission on or after March 1, 1975, will be subject to the revised schedule of fees as set out below. Additionally all grants of authority made on or after March 1 will be subject to the new schedule regardless of when the application for such grant was filed.

60. Authority for the adoption of the amendments herein is contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and Title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a.

61. *Accordingly, it is ordered,* That effective March 1, 1975, Parts 1 and 13 of the Commission's rules and regulations are amended as set forth below.

Adopted: January 15, 1975.

Released: January 20, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,[19]

[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 1 and 13 of Chapter I, Title 47 of the Code of Federal Regulations are amended to read as follows:

1. The Schedule of Fees Filed With the Commission, Subpart G of Part 1 is amended in the following respects:

In § 1.1102, the Note following paragraph (b) is deleted, paragraphs (d), (e), and (f) are revised, paragraph (j) is deleted.

In § 1.1103, paragraph (b) is revised and paragraph (c) is deleted.

Sections 1.1111 and 1.1113 are revised.

In § 1.1115, paragraph (a) is revised and a subparagraph (c)(10) is added.

In § 1.1116, paragraphs (a) and (b) are revised and paragraph (c) is deleted.

Sections 1.1117 and 1.1120 are revised.

The revised Subpart G of Part 1 reads as follows:

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

Sec.
1.1101 Authority.
1.1102 Payment of fees.
1.1103 Return or refund of fees.
1.1104 General exceptions.
1.1105 General rule (STA and waiver).
1.1111 Schedule of fees for Radio Broadcast Services.
1.1113 Schedule of fees for Common Carrier Services.
1.1115 Schedule of fees for the Safety and Special Radio Services.
1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.
1.1117 Schedule of fees for commercial radio operator examinations and licensing.
1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

AUTHORITY: Sec. 501, 65 Stat. 290; 31 U.S.C. 483a.

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this subpart is contained in Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.1102 Payment of fees.

(a) *Filing fees.* Each application or other filing filed on or after August 1, 1970, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the filing fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, shall be returned to the applicant without processing. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, there should be attached to the remittance an accounting sheet or notice stating what fees are covered by the check or money order.

(b) *Grant fees.* The applicant shall observe the instruction contained in the notice of grant concerning payment of grant fees. Grant fees shall be accompanied by a transmittal advice identifying the purpose of the check. The duplicate copy of the Commission's notice of grant, which will specify the amount of the fee, will suffice.

(c) All remittances should be accompanied by a letter, application, rate card, grant fee notice or other document to properly identify the purpose of the fee.

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services the grant fee in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization or approval becoming null, void and ineffective after that date.

(e) *Broadcast Annual License fee.* The annual license fee prescribed for broadcast stations must be submitted each year on or before the anniversary date of the expiration date of the station's license. The licensee shall submit the amount of the annual fee together with the station's rate card for the preceding June 1, on which the annual fee is based. (See § 1.1111(a)(6).) Such fee shall be for the twelve-month period immediately preceding the anniversary date on which the fee is payable.

(1) A new station first becomes liable for the annual license fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of grant of program test authority until the next payment (anniversary) date. (Example: If a station is in operation for seven full months prior to the next payment date, the annual license fee is seven-twelfths of the annual rate.)

(f) *Cable Television Annual Authorization fee.* The annual fee prescribed in § 1.1116(b) of this chapter for cable television systems must be submitted by April 1 of each year for the preceding calendar year. The fee will be based on the average number of subscribers as set out in § 1.1116(b).

(1) A new cable television system becomes liable for the annual authorization fee as of the date it begins to charge for service to 50 subscribers or more. In the first year of operation of the system, the fee will be computed based on the average of the number of subscribers being served on the last day of each calendar quarter of operation up to the end of the calendar year. (Example: If a cable system is in operation on the last day of three quarters prior to the end of the calendar year, the average of those three last-day figures is to be used in computing the fee required.) The fee will cover the number of full months of operation until the end of the calendar year. (Example: If a cable system is in operation for seven full months prior to the end of the calendar year, the fee is seven-twelfths of the annual rate.)

(g) Applications and attached fees should be addressed to Federal Communications Commission, Washington, D.C. 20554, or to the appropriate FCC field office and should not be marked for the attention of any individual bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(h) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(i) Except as provided in §§ 1.1103 and 1.1104, all application filing fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in a major change in the application; the resubmission will then be treated as a new application requiring a new filing fee.

§ 1.1103 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Upon return of an application for renewal of an operator license which is received after expiration of the grace period.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(l) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(6) When applications (accompanied by fees) are filed where not actually required by Safety and Special Radio Services rules (e.g. change of address, pro forma change of corporate name, etc.).

(7) When construction permit holders and licensees make nonsubstantive correction in license grants within a period of 60 days from the grant.

(b) Payment in excess of an applicable fee will be refunded only if the overpayment exceeds $3.

§ 1.1104 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal Government

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[17] In this respect, the function of the subscriber count in determining the particular cable system's annual authorization fee payment is analogous to the function of the advertising rate card in determining a particular broadcast station's annual fee payment.

[18] See § 2.803 of the Commission's rules.

[19] A statement of Chairman Wiley in which the other members of the Commission join is filed as part of the original document.

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agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) A receiver model certificated prior to August 1, 1970, and which will continue to be distributed after August 1, 1970, need not be recertificated and no filing or grant fee shall be required for continued distribution provided it will continue to be distributed under the same trade name and model number and with identical circuitry.

§ 1.1105 General rule (STA and waiver).

Except as otherwise provided no filing fee is required for any application or request for special temporary authority (STA) or waiver of brief duration or minor character in any service or for the grant of either an STA or a waiver of brief duration or minor character. Upon the grant of an application or request for either an STA or a waiver of an important character, the applicant will be notified to remit a fee in the following amount for the respective services:

Broadcast services	$25
Common carrier services	25
Safety and special radio	5
Cable television services	25

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

(1) *Construction permits.* Application for construction permit for new station or for major changes in existing station:

	Filing fee	Grant fee
VHF—Top 50 markets [1]	$10,000	$67,500
UHF—Top 50 markets	2,500	22,500
VHF—Next 50 markets	4,000	27,000
UHF—Next 50 markets	1,000	9,000
VHF—Balance	2,000	13,500
UHF—Balance	500	4,500
FM—Class A	200	1,350
FM—Class B and C	400	2,700
AM—Day—50 kW	1,000	6,750
AM—Day—25 kW	800	5,400
AM—Day—10 kW	600	4,050
AM—Day—5 kW	400	2,700
AM—Day—1 kW	200	1,350
AM—Day—500 W	100	675
AM—Day—250 W	50	340
AM—Unlimited 50 kW	2,000	13,500
AM—Unlimited 25 kW	1,600	10,800
AM—Unlimited 10 kW	1,200	8,100
AM—Unlimited 5 kW	800	5,400
AM—Unlimited 1 kW	400	2,700
AM—Unlimited 500 W	200	1,350
AM—Unlimited 250 W	100	675
AM—Class IV	200	1,350

[1] The market size shall be determined by the ranking of the American Research Bureau, on the basis of prime time households (average quarter-hour audience during prime time, all home stations).

(2) *Other applications:* The following fees shall accompany each application:

	AM	FM	TV	Auxiliary [1]
Application for construction permit to replace expired permit, FCC Form 321 [2]	$250	$250	$250	$50
Application for modification other than major change, FCC Form 301	(3)	(3)	(3)	(3)
(A) Application to change antenna/transmitter site; or to increase antenna height; or to change antenna pattern	100	100	100	
(B) All other FCC Form 301 applications	200	200	200	
Application for change of call sign for broadcast station				
Application for authorization in Auxiliary Broadcast Services, FCC Form 313:				
(A) Application for modification of construction permit or license in Auxiliary Broadcast Service				50
(B) Application for construction permit for remote pickup mobile station				100
(C) Application for construction permit for inter-city relay; or for studio transmitter link; or for remote pickup base station				250
(D) All other Form 313 applications				100
Application for construction permit or license of auxiliary or alternate main transmitter	50	50	50	50
All other applications in the broadcast services	100	100	100	100

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefore are filed at the same time.

[2] The $250 fee applies to construction permits for new stations or major change in existing stations. An application to replace a construction permit for a modification other than a major change must be accompanied by a fee of $50 in all services.

[3] One-half the filing fee for an application for construction permit for new station or major change in existing station, but not less than $100.

(3) *Subscription Television.* Application for Subscription Television Authorizations:

Application filing fee	$700

(4) *International Broadcasting.* Construction Permits:

Filing fee	70
Grant fee	630

Filing Fee for Application for Seasonal Schedule:

Per transmitter-hour requested (for one day)	17

(5) *Assignments and transfers.* Application for assignment of license or transfer of control—Form 314, Form 315 and Form 316 applications. (Where more than one broadcast station license is involved, the total amount of fees prescribed for *each* license so involved will be paid in the manner set forth below.):

Sales or exchanges:	
Application filing fee (forms 314 and 315)	$200.
Application filing fee (form 316)	50.
Grant fee (to be paid immediately following consummation of the assignment or transfer):	
For AM stations, and joint assignment or transfer of AM-FM stations, with gross revenue of $400,000 or less	0.9% of gross revenue.
For AM stations, and joint assignment or transfer of AM-FM stations, with gross revenue greater than $400,000	$3,600 plus 1.4% of gross revenue in excess of $400,000.
For all FM stations	0.9% of gross revenue.
For television stations with gross revenue of $800,000 or less	1% of gross revenue.
For television stations with gross revenue greater than $800,000	$8,000 plus 1.6% of gross revenue in excess of $800,000.
In all other cases and/or when gross revenue is indeterminable (See Note 2)	0.4% of consideration for assignment or transfer.
Gifts:	
Application filing fees and grant fees for assignments or transfers resulting from gifts are the same as those for sales or exchanges above, with the exception that no grant fee will be assessed for an assignment or transfer by gift from a person to a spouse and/or lineal descendant.	

NOTE 1: Gross revenue will be determined by taking the average of the annual gross revenue figures reported on line 19 of FCC Form 324 for the respective station(s) for the three years immediately preceding the date of the consummation of the transfer or assignment.

NOTE 2: In certain situations gross revenue figures are not available for assessment of a fee on that basis—for example, assignment or transfer of an AM or FM station individually from what had been a joint AM–FM operation; assignment or transfer of a broadcast station license in which gross revenue has been either nonexistent or so intermittent as to be an improper basis upon which to establish a grant fee; assignment or transfer of religious or other stations that do not report gross revenue. In those types of cases, the grant fee will be assessed on the basis of consideration as indicated above.

NOTE 3: In the case of transfer of control, the transfer grant fee will be based on the percentage of interest acquired which resulted in the transfer of control (except for those situations described in Note 4 below in which additional acquisitions of interest may be subject to the grant fee). (Example: "A" acquires a 60% interest in an AM station with gross revenue of $100,000. Assuming "A" holds no other interest in this station that was acquired in the preceding two years, the grant fee is $540—$100,000×0.9%×60%.)

NOTE 4: In the case of transfer of control in which the transferee holds previously acquired interest in the subject broadcast station license, the grant fee will be based on the acquisition which resulted in transfer of control and on interests acquired during the two-year period immediately preceding the date of the contract for the transfer of control. In addition, a grant fee will also be assessed against any additional interest in the station acquired within two years following the date of the contract for transfer of control. Such grant fee for additional acquisitions within two years subsequent to transfer of control will be computed on the basis of the same gross revenue figures used in connection with the transfer of control application and such additional fee shall be submitted at the time the supplemental Ownership Report (FCC Form 323) is filed with the Commission pursuant to § 1.615(c) of this chapter. (Example: "A" acquires the following interests in an AM station with $100,000 gross revenue: 1/1/71—10%, 1/1/72—10%; 1/1/73—20% 2/1/74 (contract date)—30%. The transfer grant fee is $450—$100,000 x 0.9% x 50%, with the 50% figure representing the interest that resulted in transfer of control plus interest acquired in the two years immediately preceding the date of contract for the transaction which resulted in transfer of control. If "A" were to acquire any additional interest in this station prior to 2/1/76, an additional grant fee would be incurred equivalent to the additional interest acquired times $100,000 times 0.9%.

NOTE 5: Grant fees are required in the case of FCC Form 316 applications only in cases in which the application is filed pursuant to § 1.540 (b)(3) or (b)(5) of this chapter. In such cases, grant fees will be computed in the same manner as for FCC Form 315 applications.

(6) *Annual License fee.* Each broadcast station shall pay an annual license fee to the Commissioned based on the station's rate card as of June 1 of each year.[1]

For AM & FM radio stations: The annual license fee will be a payment equal to 8.5 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.

For television broadcast stations: The annual license fee will be a payment equal to 4.25 times the station's highest "30-second" spot announcement rate, but in no event shall the annual license fee be less than $100.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial, educational use.

(2) Applications in the standard broadcast service requesting authority to determine power of non-directional standard broadcast stations by direct measurement.

(3) Applications for all FM or television translators and all FM or television translator relay stations.

(4) Applications by local government entities in connection with the licensing or operation of a noncommercial broadcast station.

(5) Applications for licenses to cover construction permits in the auxiliary broadcast services.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for common carrier services shall be accompanied by the fees prescribed below:

[1] See § 1.1102(e) for explanation of manner of payment and computation of the broadcast annual license fee.

(A) DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES [1]

	Application fee
Application for initial construction permit or for relocation of a base station including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems [3 4]	$150
If above includes authority for mobile units, blanket dispatch station authority or standby transmitters without independent radiating system add per mobile unit, dispatch station or standby transmitter	6
Application for initial construction permit or for relocation of a dispatch station,[5] auxiliary test station, control station or repeater station [4]	75
Application for other than initial construction permit, modification of construction permit or license for base station, dispatch station, auxiliary test station, control station or repeater station at an existing station location	30
Application for modification of authorization to increase number of mobile units, blanket dispatch stations or standby transmitters without independent radiating systems—per unit or transmitter	6
Application for renewal of base station license	90
If above includes renewal authority for mobile units, blanket dispatch stations or standby transmitters without independent radiating systems, add per mobile unit, dispatch station or standby transmitter	3
Application for renewal of license for dispatch station, auxiliary test station, control station or repeater station	35
Application for license, modification of license or renewal of license for individual mobile stations: [6]	
One mobile unit per application	15
Each additional mobile unit per application	9

(See footnotes at end of tables.)

(B) RURAL RADIO SERVICE

	Application Fee
Application for an initial construction permit or for relocation of central office, interoffice or relay facilities [4]	$120
Application for other than initial construction permit, modification of construction permit or license for central office, interoffice or relay facilities [4]	45
Application for an initial construction permit or for relocation of rural subscriber facilities [4]	75
Application for other than initial construction permit modification of construction permit or license for rural subscriber facilities	45
Application for license for operation of stations at temporary-fixed locations	20
Application for renewal of license of central office, interoffice or relay station	75
Application for renewal of license of rural subscriber station	15

(C) POINT-TO-POINT MICROWAVE RADIO SERVICES

	Application Fee
Applications for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of comunication or for relocation of facilities [4 7]	$120
Application for license for operation of a station at temporary-fixed locations	90
Application for other modifications of construction permit or modification of license [4]	30
Application for renewal of license	75

(See footnotes at end of tables.)

(D) LOCAL TELEVISION TRANSMISSION SERVICE

	Application Fee
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities [4]	$120
Application for license for operation of an STL station at temporary-fixed locations	90
Application for license for operation of a mobile television pickup station	90
Application for other modification of construction permit or modification of license [4]	30
Application for renewal of license	75

(See footnotes at end of tables.)

(E) MULTIPOINT DISTRIBUTION SERVICE

	Application Fee
Application for initial construction permit or for modification involving relocation of station or addition or change of frequencies or increase in power	[15] $150
Application for other modification of construction permit or license	30
Application for renewal of license	75

(F) INTERNATIONAL FIXED PUBLIC RADIO-COMMUNICATION SERVICES

	Application Fee
International Fixed Public Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	$500
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if the applications are filed simultaneously) [4]	105
Application for change of location of an authorized station	330
Application for modification of license	75
Application for renewal of license	180
International Control Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	300
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if the applications are filed simultaneously) [4]	180
Application for change of location of an authorized station	300

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	Application Fee		Application Fee
Application for modification of license	$75	Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application)	$35
Application for renewal of license	90	All other common carrier radio applications	15

(See footnotes at end of tables.)

(g) OTHER RADIO APPLICATIONS

(h) SATELLITE COMMUNICATIONS SERVICES [1]

	Filing fee	Grant fee
Application for initial construction permit for commerical transmit/receive earth station.[4]	$120	½ of 1 percent of construction cost as set forth in the application, not to exceed $15,000.
Application for initial construction permit for a commercial receive-only or transportable earth station.[4]	60	Do.
Application for modification of construction permit or license or for construction permit for additional equipment at an existing commercial earth station.[4]	60	½ of 1 percent of construction cost as set forth in the application.
Application for authority to operate a transportable earth station at a fixed site.[5]	180	None.
Application for renewal of license for a commercial transmit/receive earth station.	60	$3,000.
Application for renewal of license for a commercial receive-only earth station.[5]	220	None.
Application for initial construction permit or modification of construction permit or license for an auxiliary station (boresight) to an earth station or for a telemetry, tracking and control station.[4]	30	½ of 1 percent of construction cost as set forth in the application.
Application for initial construction permit per satellite [4]	150	$3,000.
Application for authority to launch and operate satellites, per satellite	150	½ of 1 percent of satellite construction cost as set forth in the application (due 45 days after successful launch and operation).
Application for renewal of an auxiliary station to an earth station or for a telemetry, tracking and control station.	180	None.
Application for assignment of a commercial transmit/receive earth station or satellite construction permit or license or transfer of control of a licensee or permittee, per earth station or satellite.	45	None.
Application for assignment of a commercial receive-only or transportable earth station construction permit or license or transfer of control of a licensee or permittee, per earth station.	45	None.
Application for communications common carrier for authorization to own stock in the Communications Satellite Corp.	45	None.
Any other application filed under the Communications Satellite Act or the Communications Act of 1934 in the Satellite Communications Services.	45	None.

(i) COMMON CARRIER NONRADIO APPLICATIONS

Section 214 application for construction or acquisition of landline domestic cable or waveguide.[10]	60	$3 per route mile.
Section 214 application to establish or supplement domestic facilities by installation or acquisition of carrier equipment on wire, cable, waveguide, or radio routes.[10]	15	$4.50 per 100 equivalent 4 kHz channel miles authorized.[11 12]
Section 214 application to lease channels from other carriers for domestic use [10]	15	$3.50 per 100 equivalent 4 kHz channel miles authorized.[11 13]
Section 214 application to lease satellite transponder for domestic use (per transponder).	25	None.
Section 214 application for overseas cable construction	600	$30 per route mile (nautical.
Section 214 application to establish or supplement international facilities by installation or acquisition of carrier equipment on overseas cable or radio routes (except satellite) or to acquire such facilities on a capital basis other than ownership.[10]	30	$6 per 100 3 kHz channel miles authorized.[11]
Section 214 application to lease channels on overseas cable or radio routes (except satellites).[10]	30	$3.50 per 100 equivalent 3 kHz channel miles authorized.[11]
Section 214 application to lease circuits to interconnect international circuits:		
Circuits outside of the U.S.	15	None.
Circuits within the U.S. or territories	15	$3.50 per 100 equivalent 3 kHz channel miles authorized.[11]
Section 214 application to install carrier equipment to establish international channels of communication at an earth station.	60	½ of 1 percent of equipment and installation cost as set forth in application.
Section 214 application to establish and provide international channels of communication via satellite.	150	None.
Section 214 application to acquire satellite channels for international use	30	$12 per equivalent 4 kHz channel.[11]
Cable Landing License	120	None.
Section 214 application to discontinue, reduce or impair service to the public; [10]		
Telegraph offices and Public Coast stations	15	Do.
All other	60	Do.
Interlocking Directorate applications	30	Do.
Section 221 applications	30	Do.
Applications for certification for priority of leased intercity private line service in emergency situations.	45	Do.
All other common carrier nonradio applications	15	Do.

	Filing fee	Grant fee
Tariff Filings:		
Each tariff page, original or revised, filed pursuant to Part 61 of the Commission's Rules.	Annual Gross Revenue [14] of Issuing Carrier:	
	Under $1 million	$50
	$1 million to $100 million	100
	$100 million to $1 billion	300
	$1 billion to $10 billion	500
	Over $10 billion	700

[1] In this service each transmitter at a fixed location is a separate station notwithstanding the inclusion of more than one such station on a single authorization or under a single call sign.

[2] When included as part of base station applications, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for a single application for a license to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

[6] The fee is not required for applications filed by governmental entities.

[7] For applicants who propose to multiplex their radio systems and who make the supplementary showing required by sections 21.608 and 21.706 of this chapter in the lead application in lieu of filing a separate application under section 214 of the Act, an additional grant fee will be payable at the rate prescribed in the schedule for section 214 applications to extend or supplement facilities.

[8] The filing fees specified in the schedule for satellite communications services do not apply to initial applications for domestic systems considered in conjunction with that of Western Union; Public Notice FCC 70-953. However, the grant fee will be applicable to any grant. All subsequent applications will be subject to the filing as well as the grant fees.

[9] In the case of connecting circuits for international satellite circuits the mileage is computed as the distance from the U.S. terminal to the nearest earth station.

[10] Projects undertaken pursuant to grant of continuing authority as prescribed in §§ 63.03(c) and 63.04(c) of this chapter are subject to the grant fee.

[11] Fees for other than 4 kHz or 3 kHz channels will be the appropriate multiple or fractions of the 4 kHz or 3 kHz channel fee. (No grant fee is required for a video and associated audio channels.) Where the transmission of voice or digital data will be accomplished in the digital mode, a 64 kb/s transmission channel is to be considered the equivalent of one 4 kHz analog channel for purposes of calculating the grant fee.

[12] Unless otherwise specified, the grant fees based on channel miles for Section 214 applications are calculated on the basis of airline mileage between terminal cities (up to a maximum of 2500 miles between cities). Where domestic satellite channels are to be established between several cities on a demand use basis (as opposed to a point to point basis), the grant fee is calculated on the basis of the arithmetic average of the distances between each of the cities being so interconnected. Where the channels being established are one-way (rather than two-way), one half the normal grant fee will apply.

[13] For blanket applications filed pursuant to §§ 63.67 or 63.68 of this chapter, the grant fee shall apply to each individual main or branch office for which reduction of hours is authorized.

[14] Total operating revenues as reported for the previous calender year on Form M, Account 300, Line 42.

[15] An additional grant fee of $50 is applied for any application proposing transmitter power in excess of 10 watts.

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorizations filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	$4
Ship license that includes interim authorization	10
Operational fixed station using frequencies above 952 MHz:	
Initial license, 5-year renewal and assignment of license	20
Yearly renewal for stations used in CATV systems	5
Stations using frequencies in the band 806-947 MHz and providing service on a commercial basis—per channel	200
Common carrier public coast stations:	
Initial license, renewal and assignment of license	75
Amateur service:	
Modification of license without renewal	3
Special call sign (in addition to other applicable fee)	25

(b) Except as provided in paragraph (c) of this section, the fee set forth below shall accompany the following application or requests in the Safety and Special Radio Services:

Duplicate license	2

(c) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry Conservation, Highway Maintenance, Local Government and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: hospitals, disaster relief organizations, beach patrols, school buses, and nonprofit ambulance operators and rescue organizations.

(4) Applications filed in the Disaster Communications Services.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Application for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Services (RACES).

(7) Operational Fixed Microwave applications filed for Closed Circuit Educational Television Service.

(8) Applications for Aeronautical Radionavigation Stations, Aeronautical Search and Rescue Stations, and any applications filed by the Civil Air Patrol or its component units in the Safety and Special Radio Services.

(9) Applications for license for an aircraft station to operate with only an emergency locator transmitter.

(10) Amendments to applications for authorizations in the Safety and Special Radio Services if the amended application on an original filing would not have required a higher fee than that already paid for the application being amended. If a higher fee would have been required than that already paid, the applicant will be required to pay the difference upon filing the amendment. If the fee would have been lower, no refund will be made.

§ 1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.

(a) Applications and petitions filed in the Cable Television and Cable Television Relay Services shall be accompanied by the fees prescribed below:

Application in the Cable Television Relay (CAR) Service:	
For a construction permit	$20
For a license or renewal	5
For a modification of construction permit or of a license	5
For reinstatement of expired construction permit or license	5
For assignment of license or of construction permit, or for transfer of control	10
Application for certificate of compliance pursuant to § 76.11	15

NOTE 1: If multiple applications for certificates of compliance are simultaneously filed by cable television systems having a common headend and identical ownership but serving or proposing to serve more than one community, the full $15 fee will be required for only one of the communities; a $5 fee will be required for each of the other communities.

(b) An annual authorization fee shall be paid by each CATV system on or before April 1 of each year for the preceding calendar year. The fee for each system shall be equal to the number of its subscribers times 13 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter. (See § 1.1102(f).)

NOTE 2: Where a system offers bulk-rates to multiple-outlet subscribers, such as apartment house or motel operators, each bulk-rate contract is viewed as a number of subscriptions to be calculated by dividing the total annual charge for the bulk-rate contract by the system's basic annual subscription rate for an individual household. (Thus, for example, if a cable television system charges an apartment house operator $1,000 a year for a bulk-rate contract and charges individual households a basic rate or $50 per year, the bulk-rate contract is counted as 20 subscriptions (i.e. 1,000÷50=20.) Where a variety of "annual subscription rates" for individual households exists (e.g., $50 per year, if paid in one sum, or $60 per year, if paid on a per-month basis), the rate used in the subscriber formula shall be the lowest annual

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rate which is offered to individual subscribers ($50 here). Likewise, if the bulk-rate contract is on a monthly basis, it shall be divided by the lowest monthly rate which is offered. In the preceding example, a $50 per year charge should be viewed as a charge of $4.17 per month. It is not contemplated, however, that such calculations should be made with respect to extra payments for additional cable television outlets within the same individual household.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraphs (b) and (c) of this section, applications for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

(1) Applications for new operator license or permit:	
First-class, second-class, or third-class, either radiotelephone or radiotelegraph	$4
Provisional radiotelephone third-class operator certificate with broadcast endorsement, one-year term	2
Restricted radiotelephone permit	4
Restricted radiotelephone permit (alien), five-year term	4
(2) Application for endorsement of license or permit:	
(3) Application for renewal of operator license or permit:	
First-class, second-class, or third-class, either radiotelephone or radiotelegraph	2
Restricted radiotelephone operator permit (alien)	4
(4) Application for replacement or duplicate license or permit	2
(5) Application for verification card (Form 758-F)	2

(b) Whenever an applicant requests both an operator license or permit and an endorsement the required fee will be the fee prescribed for the license document involved only.

(c) No fee is required for applications for a replacement license or permit for a marriage-related change of name.

(d) When an application is filed for a new license or permit and the applicant fails to appear for the required examination within 18 months, the application will be null and void for failure to prosecute and no refund will be made.

(e) Operator authorizations are issued by the Commission subject to payment and receipt of the applicable fee pursuant to the requirements of § 1.1102 of this chapter. In the case of operator authorizations, when the Commission is unable to collect the prescribed fee by a specified date upon notification mailed to the applicant at his last known address, the authorization will become null, void and ineffective after that date.

§ 1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

Type approval, type acceptance, certification or approval of subscription television systems shall require payment of fees as prescribed below:

(a) CERTIFICATION

Item	Application fee
(1) Application for certification of each receiver model: [3]	
a. Television broadcast receiver	$250
b. FM broadcast receiver (with or without other reception capability)	150
c. Combination TV/FM broadcast receiver (with or without other reception capability)	300
d. All other receivers	150
(2) Application for certification of equipment operating under Part 18 [3] (N fee required for certification for use of industrial heating equipment on Form 724 in accordance with § 18.116 of the Commission's Rules)	150
(3) Application for certification of equipment (other than receivers) operating under Part 15 [3]	150

(See footnotes at end of tables.)

(b) TYPE ACCEPTANCE

Item	Application fee
(1) Application for type acceptance for each equipment type [1 2 3 4]	$200
(2) Application for the addition of one or more rule parts to existing type acceptance for each equipment type as identified by manufacturer or trade name and type number	150
(3) Approval of subscription television system	1500

(See footnotes at end of tables.)

(c) TYPE APPROVAL [5]

Item [6]	Filing fee [7]	Grant fee [7]
(1) Applications for type approval of equipment requiring tests: [8 11]		
a. Part 73:		
1. Broadcast modulation monitors—SCA or stereo	$2,400	$800
2. Broadcast modulation monitors—other	1,200	400
3. Broadcast antenna phase monitors	2,400	800
4. Other broadcasting equipment	1,200	400
b. Parts 81 and 83:		
1. Ship transmitters, including lifeboat transmitters	1,200	400
2. Radar	900	300
3. Ship automatic alarms	3,000	1,000
4. Ship automatic alarm keyers	750	250
5. Other maritime devices	750	250
c. Part 15:		
1. Wireless microphones	450	150
2. Auditory training transmitters (72-76 MHz)	1,200	400
3. Class I TV devices:		
If rated to operate on 1 or 2 channels	1,500	500
If rated to operate on more than 2 channels, for each channel over 2	750	250
4. Other Part 15 devices	450	150
d. Part 18:		
1. Medical diathermy and Subpart H equipment (13.56, 27.12, 40.68 MHz)	750	250
2. Medical diathermy, microwave ovens and other Subpart H equipment (915 MHz and above)	900	300
3. Ultrasonic	450	150
4. Other Part 18 devices	750	250
(2) Applications for type approval of equipment not requiring tests [9]	75	25
(3) Applications for approval of modifications in existing type approved equipment:		
a. Modifications which require retesting	[10] 75	[10] 25
b. All other modifications		
(4) Correction of equipment deficiencies: Application for type approval where unit has been previously rejected for deficiency and is resubmitted for testing	[12]	[12]

[1] The receiver part of a transceiver or a unit which includes a transmitter and receiver shall be separately certificated. The application for receiver certification shall be filed simultaneously with, but under separate cover from, the application for type acceptance.

[2] In the case of an equipment in which one or more receivers and transmitters are packaged as an individual equipment and identified by a single type number, each receiver shall be separately certificated and each transmitter shall be separately type accepted. The application(s) for certification for each receiver shall be filed simultaneously with, but under separate cover from, the application(s) for type acceptance.

[3] Application for certification or type acceptance of equipments which bear different identification will be considered separate applications, regardless of whether such equipment may be otherwise identical.

[4] Fees for type acceptance are not required in the following cases:
(a) When a request for type acceptance is included in an application for station license and covers only the item of equipment to be authorized in that particular station;
(b) When a request is made by the licensee of a station for approval of modifications to a specific item of existing type accepted equipment authorized in that particular station.

[5] Whenever an item subject to type approval is required to comply with more than one set of technical specifications, separate fees will be required for each set of technical specifications for which compliance is examined. For example, a combined frequency and modulation monitor will require the payment of fees applicable to each; a frequency monitor for standard broadcast and FM broadcast will require payment of fees applicable to each. Likewise, combination units of items of the same type, for example, a combination of two radars, will require payment of two fees.

[6] A separate application, with payment of appropriate fees, is required for each equipment bearing different identification, whether in trade name or model number, even though such equipment may otherwise be identical to another. However, see note 9 below.

[7] The filing fee must be remitted with the application. The applicant may include the grant fee if he desires; otherwise the grant fee shall be remitted within the prescribed 45 days after grant of type approval. See §1.1102 of this chapter.

[8] A single application is required for a combination under a single identification of two or more equipments which are subject to type approval, such as a combination of two radars. However, payment of separate fees will be required for each equipment which is tested. For an equipment which is subject to two or more sets of technical specifications in the rules, separate fees will be required for each set of tests.

[9] For a family or series of equipment models having the same radiofrequency generator or transmitter and so nearly identical in design and construction that tests on only one model will be required, the model tested will be subject to the fees specified in paragraph (c)(1), and the other models in that series will be subject to the fees specified in paragraph (c)(2). For example, this would apply to two or more models of microwave ovens identical except for identification, styling, and minor electrical or mechanical changes. Likewise, it would apply to two or more models of marine radars which employ the same transmitter but with different combinations of accessories. However, initial applications for type approval which request use of alternate magnetrons or other critical components will require payment of the fee indicated in paragraph (c)(1) plus the fee required in paragraph (c)(3)a.

[10] 75 percent of the filing and grant fees specified in (1) above for the particular class of equipment.

2. In § 13.71, paragraph (b) is revised to read as follows:

§ 13.71 Issue of duplicate or replacement licenses.

* * * * *

(b) The holder of any license or permit whose name is legally changed shall, within thirty days of the legal change of name, make application for a replacement document to indicate the new legal name by submitting a properly executed application accompanied by the license or permit affected. If the authorization is in the diploma form, the application should be submitted to the office where it was issued. If the authorization is of the card form (Restricted Radiotelephone Operator Permit), it should be submitted to the Federal Communications Commission, Gettysburg, Pa. 17325.

NOTE: Pursuant to § 1.1117(c) of this chapter, no fee is required for application for replacement of license for a marriage-related change of name.

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FRIDAY, JANUARY 24, 1975

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Georgia:	
AQ–4052	Jan. 18, 1974
Illinois:	
AR–3059; AR–3060; AR–3062	Aug. 2, 1974
Michigan:	
AR–3054	July 12, 1974
Nebraska:	
AR–77	Nov. 15, 1974
AR–94	Dec. 27, 1974
New Mexico:	
NM75–4002	Jan. 10, 1975
New York:	
AR–2014	Aug. 9, 1974
AR–2017; AR–2059; AR–2065	Oct. 11, 1974
AR–2064; AR–2071	Nov. 1, 1974
AR–2072	Nov. 15, 1974
Oklahoma:	
AR–50	Sept. 27, 1974
AR–80; AR–81	Nov. 22, 1974
Texas:	
AR–82	Nov. 29, 1974
TX75–4001	Jan. 10, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Arizona:	
AR–1060 (AZ75–5003)	Dec. 27, 1974
Connecticut:	
AQ–2125 (NY75–3010)	May 31, 1974
Colorado:	
AR–1033 (CO75–5010); AR–1035 (CO75–5009)	Sept. 27, 1974
Delaware:	
AQ–2125 (NY75–3010)	May 31, 1974
Florida:	
AQ–4091 (FL75–1011)	Mar. 22, 1974
AQ–4127 (FL75–1009)	June 28, 1974
AR–4240 (FL75–1010)	Sept. 27, 1974
Hawaii:	
AR–1052 (HI75–5002)	Dec. 6, 1974
Indiana:	
AR–3126; AR–3127; AR–3128 (IN75–2014)	Aug. 23, 1974
Louisiana:	
AR–78 (LA75–4033)	Nov. 15, 1974
Maine:	
AQ–2125 (NY75–3010)	May 31, 1974
Maryland:	
AQ–2125 (NY75–3010)	May 31, 1974
Massachusetts:	
AQ–2125 (NY75–3010)	Do.
Nevada:	
AR–1043 (NV75–5005)	Nov. 8, 1974
New Hampshire:	
AQ–2125 (NY75–3010)	May 31, 1974
New Jersey:	
AQ–2125 (NY75–3010)	Do.
New Mexico:	
AR–1061 (NM75–5004)	Dec. 27, 1974
New York:	
AQ–2125 (NY75–3010)	May 31, 1974
North Carolina:	
AR–4058 (NC75–1014)	Nov. 22, 1974
Pennsylvania:	
AQ–2125 (NY75–3010)	May 31, 1974
Rhode Island:	
AQ–2125 (NY75–3010)	Do.
Texas:	
AQ–112 (TX75–4028)	June 21, 1974
AR–42 (TX75–4031)	Sept. 20, 1974
AR–46 (TX75–4032); AR–52 (TX75–4020); AR–53 (TX75–4021); AR–54 (TX75–4022)	Sept. 27, 1974
AR–55 (TX75–4023)	Oct. 4, 1974
AR–68 (TX75–4027); AR–69 (TX75–4024)	Oct. 18, 1974
AR–72 (TX75–4030)	Nov. 1, 1974
AR–84 (TX75–4025)	Dec. 6, 1974
AR–90 (TX75–4029)	Dec. 20, 1974
AR–91 (TX75–4028)	Dec. 27, 1974

Signed at Washington, D.C., this 17th day of January 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MODIFICATIONS P. 2					
DECISION #AR-3059 - Mod. #1 (39 FR 28030 - August 2, 1974) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler and Scott Counties, Illinois					
CHANGE:					
Carpenters & Piledrivermen:					
Illiopolis & Vicinity (Sangamon County)	$8.715	.30	.60		.08
Mason County	7.98	.30	.45		.02
Ironworkers:					
Remainder of Adams & Schuyler Counties	7.65	.30	.30		
Painters:					
Pike County:					
Brush	8.55	.35	.15		
Roller	8.80	.35	.15		
Bridges:					
Brush	9.05	.35	.15		
Adams & Brown Counties:					
Brush	6.60				
Spray	7.60				
DECISION #AR-3060 - Mod. #1 (39 28031 - August 2, 1974) Marion, Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawerence, Richland, Wabash, Wayne & White Counties, Illinois					
CHANGE:					
Laborers - District #7	6.75		.30		.035
Painters:					
Jasper & Effingham Counties:					
Brush	8.47	.40	.20		.03
Bridges	9.47	.40	.20		.03
Fayette County:					
Brush	8.55	.35	.15		
Rollers	8.80	.35	.15		
Bridges:					
Brush	9.05	.35	.15		
Power Equipment Operators:					
(Fayette, Jefferson & Marion)					
Group I	9.63	.42	.90		.05
Group II	8.80	.42	.90		.05
Group III	8.15	.42	.90		.05
Group IV	8.05	.42	.90		.05
Group V	7.80	.42	.90		.05
Group VI:					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MODIFICATIONS P. 1					
DECISION #AQ-4052 - Mod. #1 (39 FR 2328 - January 16, 1974) Fulton, Clayton, Cobb, DeKalb and Gwinnett Counties Georgia					
Omit: Asbestos workers					
Add: Insulation mechanics	$3.00				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3060 - Mod. #1 (CONT'D)					
Power Equipment Operators: (Fayette, Jefferson & Marion)					
c.	$9.90	.42	.90		.05
d.	10.20	.42	.90		.05
Power Equipment Operators: (Remainder of District #7)					
Class I	9.25	.40	.50		.10
Class II	8.50	.40	.50		.10
Class III	6.50	.40	.50		.10
DECISION #AR-3062 - Mod. #1 (39 FR 28041 - August 2, 1974) Alexander, Franklin, Perry, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Randolph, Saline, Union and Williamson Counties, Illinois					
CHANGE:					
Carpenters & Piledrivermen:					
Randolph County	$9.435	.40	.50		
Remainder of District #9	7.13	.35	.35		.02
Ironworkers:					
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union, Williamson, Saline(SW of Eldorado)	7.55	.45	.50		.02
Laborers:					
Randolph County - Highway	8.65		.20		.035
Remainder of District #9	6.75		.30		.035
Painters:					
Jackson, Perry & Randolph Cos:					
Brush & Roller	7.15				
Spray	7.90				
Power Equipment Operators: (Perry & Randolph Counties)					
Group I	9.63	.42	.90		.05
Group II	8.80	.42	.90		.05
Group III	8.15	.42	.90		.05
Group IV	8.05	.42	.90		.05
Group V	7.80	.42	.90		.05
Group VI:					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05
c.	9.90	.42	.90		.05
d.	10.20	.42	.90		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr.
DECISION #AR-3054 - Mod. #3 (39 FR 25858 - July 12, 1974) Kent County, Michigan					
Change:					
Plumbers & Steamfitters	$ 9.59	.38	.35		
DECISION NO AR-77 - Mod. #3 (39 FR 40465 - November 15, 1974) Douglas and Sarpy Counties, Nebraska					
Change:					
Glaziers	$8.45	.40	.35		.01
Elevator constructors	9.18	.445	.29	3%+a	.02
Elevator constructors helper	70%JR	.445	.29	3%+a	.02
DECISION NO. AR-94 - Mod. #1 (39 FR 44918 - December 27, 1974) Douglas and Sarpy Counties, Nebraska					
Change:					
Glaziers	$8.45	.40	.35		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. NM75-4002 - Mod. #1 (40 FR 2391 - January 10, 1975) Statewide, New Mexico					
CHANGE:					
Description of work to read "Commercial Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, Bernalillo and San Juan Counties, but not on the Navajo Indian Reservation)"					
LABORERS:					
Residential Construction (Dwelling houses and apartments not to exceed two stories in height)					
GROUP I	$4.62	.30	.25		
OMIT:					
PLUMBERS-PIPEFITTERS					
Zone I	7.25	.43	.30		.06
ADD:					
PLASTERERS	7.25	.43	.30		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-2014 - Mod. #1 (39 FR 28735 - August 9, 1974) Chautauqua County, New York					
Change:					
Bricklayers, cement masons, plasterers, stone masons, marble setters, terrazzo workers and tile setters	$8.80	.50	.70		
Cement masons, hvy & hwy	7.90	.50	.70		
Carpenters & soft floor layers	7.92	.50	.85		.05
Carpenters, hvy & hwy	7.87	.50	.85		.05
Electricians:					
Twps. of Mina, French Creek, Clymer, Sherman, Chautauqua, Ellery, Harmony, North Harmony, Busti, Gerry, Ellicott, Kiantone, Ellington, Poland and Carroll	8.51	.37	1%+.35		½%
Line Construction:					
Linemen	10.10	.65	1%+.60	c	3/8%
Cable splicers	11.11	.65	1%+.60	c	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	c	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	c	3/8%
Groundman truck drivers	7.90	.65	1%+.60	c	3/8%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8%
Millwrights	8.17	.50	.85		.05
Piledrivermen	8.17	.50	.85		.05
DECISION NO. AR-2017 - Mod. #2 (39 FR 36718 - October 11, 1974) Broome County, New York					
Change:					
Asbestos workers	$10.18	.47	.21		.02
Bricklayers, cement masons, plasterers and stone masons	8.71	.45	.35		
Cement masons, Heavy & Highway	8.30	.45	.35		
Elevator Constructors	8.55	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	5.985	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (probationary)	4.275				
Electricians	8.65	.37	1%+.34	.32+g	.055
Glaziers	7.18	.35	.30		.01
Lathers	8.38	.325	.25		.05
Line Construction:					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable Splicers	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck drivers	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%

DECISION NO. AR-2066 - Mod. #2
(39 FR 38807 - November 1, 1974)
Albany County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Elevator Constructors	$9.37	.445	.29	3%+b	.02
Elevator Constructors' helpers	6.56	.445	.29	3%+b	.02
Elevator Constructors' helpers (probationary)	4.685				
Line Construction:					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicers	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Plumbers, steamfitters, air conditioning and refrigeration	9.30	.35	.72		.05

DECISION NO. AR-2065 - Mod. #1
(39 FR 36803 - October 11, 1974)
Monroe County, New York

Change:					
Carpenters & piledrivermen:					
Heavy & Highway	$ 8.07	.45	.70		.025
Carpenters, Building	9.67	.45	.75		.005
Cement masons, heavy & highway	8.22	.30	.58		
Elevator Constructors	10.115	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.08	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (probationary)	5.06				
Line Construction:					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicers	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%

DECISION NO. AR-2071 - Mod. #1
(39 FR 38833 - November 1, 1974)
Niagara County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters, Building					
Remainder of County:					
Carpenters & soft floor layers	$ 9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Line Construction					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicers	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%

DECISION NO. AR-2072 - Mod. #1
(39 FR 40480 - November 15, 1974)
Dutchess County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters:					
Remainder of County	$9.12	6%	6%	.60	.10
Elevator Constructors	9.79	.445	.29	3%+c+d	.02
Elevator Constructors' helpers	6.85	.445	.29	3%+c+d	.02
Elevator Constructors' helpers (prob.)	4.895				
Line Construction:					
Linemen	10.10	.65	1%+.60	f	3/8%
Cable splicers	11.11	.65	1%+.60	f	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	f	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	f	3/8%
Groundman truck drivers	7.90	.65	1%+.60	f	3/8%
Groundman dynamite man	8.30	.65	1%+.60	f	3/8%
Painters:					
Brush	8.30	.42	.65	.43+k	
Bridges, towers, fire escapes, smoke stacks, flag poles, swing stage, window jacks, boatswain chair, safty belts and spray structural steel	8.80	.42	.65	.43+k	
Piledrivermen, dock & wharf builders	9.86	.95	1.63	.61	.02
Add:					
Laborers, Building schedule attached.					
Marble setters' helpers	7.50	1.05		1.15+o	
Terrazzo workers' helpers	7.55	1.05		1.15+o	
Tile setters helpers	7.20	1.05		1.15+o	

Footnote:
Paid Holidays A through F, Washington's Birthday; Good Friday; Columbus Day providing the employee works 3 days prior to the Holiday or any 3 days following the holiday.

AR-2072 - Mod. #1

NY-14-LAB-1-I

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
General Laborers	$7.60	.66	1.31	a		
Hod carriers (plasterers' helpers), scaffold builders (padlock & self-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foremen, drillers & jackhammer op., signalmen, gunniting, motor buggs, water pumps 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators	7.85	.66	1.31	a		
Blasters, laser beam op.	8.00	.66	1.31	a		

FOOTNOTE:

a. Two hours off with pay on Election Day.

DECISION NO. AR-2059 - Mod. #1
(39 FR 36773 - October 11, 1974)
Jefferson County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	$10.18	.47	.21		.02
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters	9.06	.40	.60	a	.02
Cement masons, heavy & highway	8.30	.40	.40		
Line Construction:					
Linemen	10.10	.65	1%+.60	c	3/8%
Cable splicers	11.11	.65	1%+.60	c	3/8%
Grounsman digging machine op.	9.17	.65	1%+.60	c	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	c	3/8%
Groundman truck driver	7.90	.65	1%+.60	c	3/8%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8%
Plumbers & Steamfitters	8.50	.52	.50		.025
Add:					
Lathers:					
Northern part of County	8.55	.325	.20		.01
Remainder of County	8.915	.325	.40		.01

DECISION NO AR-50 - Mod. 94
(39 FR 35046 - September 27, 1974)
Tulsa and Creek Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$8.90	.35	.50		.015
Boilermakers	8.00	.50	.76		.02
Ironworkers	8.49	.30	.35		.08
Roofers	7.25	.25	.25		.04
Elevator constructors	7.93	.445	.29	3%+a+b	.02
Elevator constructors helper	70%JR	.445	.29	3%+a+b	.02
Elevator constructors helper (Prob. 6 mos.)	50%JR				

DECISION NO AR-80 - Mod. 92
(39 FR 41107 - November 22, 1974)
Comanche County, Oklahoma

Change:					
Asbestos workers	$8.45	.30	.60		.02
Boilermakers	8.00	.35	.76		.02
Ironworkers	8.49	.30	.35		.08
LABORERS:					
Common laborers	4.55	.25	.20		
Air tool operator, mason and plasterers tender, mortar mixer, pipelayers (concrete and clay)	4.80	.25	.20		
Powderman (make-up) & wagon drill operators	5.30	.25	.20		
Marble setters	8.05		.20		
Terrazzo workers:					
Terrazzo workers	8.05		.20		
Terrazzo workers helper	6.28				
Terrazzo workers floor machine operator	6.38				
Terrazzo base machine operator	6.58				
Tile layers	8.05		.20		
Tile & Marble helper(experienced)	5.95				
Roofers	7.25	.25	.25		.04

DECISION NO AR-81 - Mod. 93
(39 FR 41160 - November 22, 1974)
Oklahoma, Cleveland, Canadian, Lincoln, Pottawatomie, McClain and Seminole Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$8.95	.30	.60		.02
Boilermakers	8.00	.35	.76		.02
Ironworkers	8.49	.30	.35		.08
Plasterers	8.80				.01
Plumbers	8.70	.55	.50		.10
Pipefitters	8.57	.60	.55		.10
Roofers	7.25	.25	.25		.04
Marble masons	8.05		.20		
Terrazzo workers	8.05		.20		
Tile layers	8.05		.20		
Tile and Marble Helpers:					
Experienced helpers	5.95				
Terrazzo workers helper	6.28				
Terrazzo floor machine man	6.38				
Terrazzo base machine man	6.58				
CARPENTERS (ZONE III)					
Carpenters	7.40	.30	.25		.04
Power saw operator	7.65	.30	.25		.04
Millwrights-Piledrivermen	7.65	.30	.25		.04
BRICKLAYERS-STONEMASONS:					
Lincoln, Pottawatomie and Seminole Counties	8.50				
CARPENTERS (ZONE IV)					
Carpenters	6.50	.25	.25		.02
Millwrights & Piledriverman	7.325	.25	.25		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-82 - Mod. #1 (39 FR 41654 - November 29, 1974) Harrison County, Texas					
Change:					
Boilermakers	$8.00	.30	.76		.02
Bricklayers & stonemasons	7.50		.20		
Cement masons	6.25		.20		
Plasterers	7.50		.20		
DECISION #TX75-4031 - Mod. #1 (40 FR 2402 - January 13, 1975) Statewide (excluding Dallas-Fort Worth Regional Airport), Texas					
Change:					
Asphalt shoveler:					
Zone 4	2.10				
Carpenter helper:					
Zone 6	2.10				
Laborer, common:					
Zone 4	2.10				
Zone 5	2.10				
Zone 6	2.10				
Truck drivers:					
Single axle, light:					
Zone 6	2.10				
Single axle, heavy:					
Zone 6	2.10				
Tandem axle or semitrailer	2.10				

SUPERSEDEAS DECISION

STATE: Arizona

COUNTIES: Navajo and Hopi Indian Reservations in Apache, Coconino and Navajo Counties

DECISION NUMBER: AZ75-5003

DATE: Date of Publication

Supersedes Decision No. AR-1060 dated December 27, 1974, in 39 FR 44914.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 8.98	.50	.65		.01
Bricklayers	11.79	.50	.45		.03
Carpenters	8.25	.40	.60		.025
Cement Masons	7.985	.50	.60		.025
Electricians	8.82	.25	1%		1/2%
Laborers, unskilled	5.08				
Plumbers	9.85	.50	1.07	1.00	.10
Roofers	7.35	.40	.20		.02
Sheet Metal Workers	9.56	.27	.32		.02
Tile Layer, ceramic	8.30	.50	.30		.01
Truck Drivers	5.50				
Power Equipment Operators: Grader, Buildozer, Backhoe, Trencher	8.01				

SUPERSEDEAS DECISION

STATE: Colorado

COUNTY: El Paso

DECISION NUMBER: CO75-5009

DATE: Date of Publication

Supersedes Decision No. AR-1035 dated September 27, 1974, in 39 FR 34976

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.50	.45	.50		.04
CARPENTERS:					
Zone I (0-30 miles from Post Office in Colorado Springs)	7.54	.48	.60	.40	.05
Zone II (30 miles and over from Post Office in Colorado Springs)	7.79	.48	.60	.40	.05
Millwrights	7.24	.45	.40	.40	.04
CEMENT MASONS:					
Cement Masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.00	.44	1.10	.60	.07
ELECTRICIANS	9.07	.42	1% + .25		.01
ELEVATOR CONSTRUCTORS	8.12	.395	.26	2-1/2% +a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2-1/2% +a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	8.40	.55	.80		.06
MARBLE SETTERS	7.14	.30	.50		
PAINTERS:					
Brush and roller; Tapers, Hand Texture	7.20	.50	.20		.03
Paperhangers; Steel	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
PLASTERERS	8.69				.01
PLUMBERS; Pipefitters	8.18	.55	.65	1.17	.05
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.60	.53	.40	.25	
TILE SETTERS	7.41	.45	.50		

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs.

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to and depth below working surface working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer Operator underpinning and shoring over 12' below working surface; Bellers and Stemmers on caisson work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.14	.48	.60	.40	.05
CEMENT MASONS	7.29	.48	.60	.40	.05
	6.22	.42	1.10	.30	.07

LINE CONSTRUCTION - COLORADO	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$ 8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%
TRUCK DRIVERS					
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & including 19 cu. yds.; Discributor Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MULTI-PURPOSE TRUCK - Specialty and hoisting	$ 5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, Euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Constr.)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Highway or Heavy)

GROUP 1: Minimum laborer, including cutting to 8", carrying, tying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Hexel bar ; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching; and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Tele mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rikers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than curb saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material sanitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, line graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)[1]

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, Bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Garfield, Gunnison, Mesa, Montrose, and Pitkin

DECISION NUMBER: C075-5010

DATE: Date of Publication

Supersedes Decision No. AR-1033 dated September 27, 1974, in 39 FR 34967

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Mesa, Montrose, Garfield, Gunnison Counties	7.45	.45	.60	.25	.05
Pitkin County	7.45	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	8.90	.32	1%		3/10%
Cable Splicers	9.15	.32	1%		3/10%
ELEVATOR CONSTRUCTORS	8.12	.395	.26	2½+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornemental and Reinforcing	8.40	.55	.80	.40	.06
MILLWRIGHTS	7.58	.48	.60		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	8.51	.50	.45		.04
Drywall finisher; Paperhangers	8.71	.50	.45		.04
Spray; Swing stage	8.99	.50	.45		.04
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION- Colorado

Cable Splicer	$8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

C075-5010 P. 3

LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
Garfield and Pitkin Counties	ZONE 1*	ZONE 2*	ZONE 3*				
Group 1	$4.80	$5.25	$5.70	.42	.45		.07
Group 2							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

	ZONE 1**	ZONE 2**	ZONE 3**				
Gunnison, Mesa & Montrose Cos.							
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

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LABORERS (BUILDING CONSTRUCTION) (Cont'd)

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air, gas, and electrical tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12" below working surface; Belters and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.14	.48	.60	.40	.05
CEMENT MASONS	7.29	.48	.60	.40	.05
	6.22	.42	1.10	.30	.07

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.30	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Geb operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Constr.)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)**

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propalled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixermobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island
DECISION NO.: NY75-3010 DATE: Date of Publication
Supersedes Decision No. AQ-2125, dated May 31, 1974 in 39 FR 19413
DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the Southerly Border of the State of Maryland and tributary waters emptying into the Atlantic Ocean, the C & D Canal, Baltimore City and Baltimore County, Maryland, but excluding Boston Harbor and the Chesapeake Bay.

Dredge-1-Atlantic 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Dipper and Clamshell Dredges					
Craneman	$8.08	.25	.25	5%+a	
Deckhand, tug deckhand	6.22	.25	.25	5%+a	
Engineer	8.30	.25	.25	5%+a	
Fireman, oiler	6.45	.25	.25	5%+a	
Maintenance engineer	7.92	.25	.25	5%+a	
Mate	7.24	.25	.25	5%+a	
Rodman, scowman	6.12	.25	.25	5%+a	
Welder	7.76	.25	.25	5%+a	
Hydraulic Dredges					
Boiler, dredge carpenter, blacksmith, electrician, welder	7.76	.25	.25	5%+a	
Derrick operator	8.08	.25	.25	5%+a	
Deckhand, shoreman, mate	6.12	.25	.25	5%+a	
Engineer	8.08	.25	.25	5%+a	
Fireman, oiler	6.45	.25	.25	5%+a	
Leverman	8.19	.25	.25	5%+a	
Maintenance engineer	7.92	.25	.25	5%+a	
Spider barge operator	7.66	.25	.25	5%+a	
Tug deckhand	6.22	.25	.25	5%+a	
Tug Boats					
Tug engineer	7.31	.25	.25	5%+a	
Tug deckhand	6.22	.25	.25	5%+a	
Drill Boats					
Blaster	7.2575	.25	.15	b	
Drill, machinist, welder	7.1587	.25	.15	b	
Engineer	7.1575	.25	.15	b	
Fireman	6.88	.25	.15	b	
Oiler	6.7387	.25	.15	b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6½) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: Orange
DECISION NUMBER: FL75-1009
DATE: Date of Publication
Supersedes Decision No. AO-4127 dated June 28, 1974 in 39 FR 24190
DESCRIPTION OF WORK: Building Construction. (excluding single family homes and garden type apartments up to and including 4 stories.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	7.77	.35	.35		.06
Boilermakers	7.50	.40	.90		.01
Bricklayers:					
Bricklayers	7.75	.35	.20		.02
Stonemasons	7.75	.35	.20		.02
Marble masons	7.75	.35	.20		.02
Plasterers	7.75	.35	.20		.02
Cement masons	7.65	.35	.20		.02
Carpenters:					
Carpenters	8.15	.50		.20	.03
Piledrivermen	8.40	.50		.20	.03
Soft floor layers	8.15	.50		.20	03
Electricians:					
Electrical contracts less than $20.000 00	6.75	.30	1%		½ of 1%
All others	8.65	.30	1%		½ of 1%
Elevator constructors	7.355	.395	.26	2%+a&b	.02
Elevator constructors' helpers	70%JR	.395	.26	2%+a&b	.02
Elevator constructors' helpers (preb)	50%JR				
Glaziers	6.40	.25	.20		.01
Ironworkers:					
Structural & Ornamental	7.73	.45	.31	.54	.05
Reinforcing	7.73	.45	.31	.54	.05
Laborers:					
Air tool operator	5.45	.20	.10		
Laborers	5.30	.20	.10		
Mason tenders	5.45	.20	.10		
Mortar mixers	5.45	.20	.10		
Pipelayers (concrete & clay)	5.45	.20	.10		
Plasterers tenders	5.45	.20	.10		
Lathers	7.25	.20	.10		
Linemen:					
Linemen	7.46	.25	1%		½ of 1%
Cable splicers	7.96	25	1%		½ of 1%
Groundmen					
Up to 1 year experience	3.02	.25	1%		½ of 1%
Over 1 year expierence	4.26	.25	1%		½ of 1%
Heavy equipment operator	7.46	.25	1%		½ of 1%
Winch truck operator	5.89	.25	1%		½ of 1%
Pick up or flat bed operator	4.28	.25	1%		½ of 1%
Painters:					
Brush, roller (" roll & 12" pole)	6.85	.30	.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Spray	7.10	.30	30		.05
Paperhangers	7.35	.30	.30		.05
Sandblasters	7.35	.30	.30		.05
Structural steel	7.10	.30	.30		.05
Plumbers	8.03	35	.40	.50	.10
Roofers:					
Roofers	6.75	30	.20		
Kettlemen	5.30	.30	.20		
Roofers helpers	4.65	30	.20		
Sheet Metal Workers	7.33	.20	.20	.20	.01
Sprinkler Fitters	8.71	.40	.60	.10	
Steamfitters	8.03	.35	.40	.50	.10
Terrazzo workers	7.75		.10		.02
Tile setters	7.75		.10		.02

Welders - Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:

a. Six paid holidays A through F

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE)

A-New Years's Day B-Memorial Day: C-Independence Day: D-Labor Day
E-Thanksgiving Day· F- Christmas Day.

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	8.03	.40	.35		.05
GROUP II	6.96	.40	.35		.05
GROUP III	6.12	.40	.35		.05
GROUP IV	5.04	.40	.35		.05

GROUP I: Cranes. derricks. clam shells. draglines, piledriver (including auger & boring machines for drilling in piling). backhoes. hydra cranes. grade all. shovels. patrols. cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60 2 or 3 twenty cu. yd. scrapers), front end loaders. (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging). mechanic (heavy equip.) tower crane (stationary. climbing & traveling). gantry cranes, locomotive cranes. bridge cranes (over 20 tons cap.). concrete pump with boom (mobile). high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers. bridge cranes (20 tons & under), highlift of fork-lift (up to 2nd floor), straddle buggys. hoists (other than rigging) including winch truck not mobile & used as a hoist. front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24' width. concrete paver & scrpaers

GROUP III: Concrete pumps. front end loader (2cy or less not used as hoist) mobile winch trucks. self-propelled sub-grader asphalt paving machine concrete mixer, tractors. aim compressor plant (2 or more compressors on a common manifold). lubricating engineer (mobile plant), pavement breakers street sweeping machines

GROUP IV: Tractors operated sweeper. trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers. wellpoint pump. asphalt distributor. water truck drivers. motor boat operator. oiler. mechanics' helpers. pumpman (other than well point up to & incl., 5 pumps within 300 ft. raduis), self-propelled sweepers., combination pump, compressor & combustion type welding machine, conveyor (motor operated), welding machine op (3 or more combustion type. pulver mixor, compressor (1 to and including 3 compressors within 3 cu. ft. raduis).

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Hillsborough
DECISION NUMBER: FL75-1010 DATE: Date of Publication
*Supersedes Decision No. AR-4040 dated September 27, 1974 in 39 FR 34982
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

29-FLA-1-n

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.77	.35	.35		.06
Boilermakers	7.50	.40	.90		.02
Bricklayers:					
Bricklayers	7.55	.30	.50		.05
Stone masons	7.55	.30	.50		.05
Marble masons	7.30	.30	.50		.05
Terrazzo workers	7.30	.30	.50		.05
Tile setters	7.30	.30	.50		.05
Cement masons	6.80	.30	.50		.05
Cement block layers	7.55	.30	.50		.05
Carpenters	7.865	.325	.20		.04
Millwrights	8.37	.45	.45		.06
Piledriversmen	8.115	.325	.20		.04
Electricians:					
Electrical Contracts over $50,000					
Wiremen	8.98	4%b	2%		.12
Cable splicers	9.33	4%b	2%		.12
Electrical Contracts $50,000 or under:					
Wiremen	7.80	4%b	2%		.12
Cable splicers	8.15	4%b	2%		.12
Elevator constructors	7.79	.395	.26	2%b+a&b	.02
Elevator constructors' helpers	70%JR	.395	.26	2%b+a&b	.02
Elevator constructors' mechanics helpers (prob.)	50%JR				
Glaziers	7.15	.25	.20		.01
Ironworkers:					
Structural	7.81	.45	.30	.25	.05
Ornamental	7.81	.45	.30	.25	.05
Reinforcing	7.81	.45	.30	.25	.05
Sheeters	7.81	.45	.30	.25	.05
Laborers:					
Power tool operator	6.00	.25	.20		
Mortar mixers	6.00	.25	.20		
Pipelayers (concrete & clay)	6.00	.25	.20		
Masons, plasterers' tenders	6.00	.25	.20		
Common laborers	5.85	.25	.20		
Lathers	7.905	.30	.20		.01
Lead burners	6.35	.25		c	.01
Line Construction:					
Linemen & hvy. equipment operator	7.90	.35	1%		1%
Cable splicers	8.29	.35	1%		1%
Cable splicers' helpers	7.90	.35	1%		1%
Winch truck driver operator	6.16	.35	1%		1%
Groundmen	4.59	.35	1%		1%

29-FLA-1-n (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush & roller	6.84	.30	.25		.06
Swing stage & window jacks, spray & sandblasting	7.34	.30	.25		.06
Dry wall tapers	7.69	.30	.25		.06
Structural steel, bridge & Ind.:					
Brush, roller, swing, stage boe'n chair	7.05	.25	.20		.06
Spray & sandblasting	7.30	.25	.20		.06
Paperhangers	6.95	.25	.20		.06
Plasterers	7.96	.30	.50		.05
Plumbers	8.91	.45	.40	.75	.05
Roofers	6.85	.25	.20		
Roofers' helpers	5.90	.25	.20		
Roofers, Kettlemen	4.80	.25	.20		
Sheet metal workers	7.56	.38	.35	.15	
Soft floor layers	7.865	.325	.20		.04
Sprinkler fitters	8.71	.40	.60		.10
Steamfitters	8.91	.45	.40	.75	.05
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FLA-2-PEO-1-V

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	9.74	.375	.35		.05
GROUP B	8.99	.375	.35		.05
GROUP C	8.755	.375	.35		.05
GROUP D	8.535	.375	.35		.05
GROUP E	6.985	.375	.35		.05
GROUP F	6.725	.375	.35		.05
GROUP G	6.495	.375	.35		.05

GROUP A: Cat cranes. truck cranes pile driver crane. derrick, dragline, material hoist with Chicago boom, material hoist with two drums, hydraulic lift form. diesel electric and steam generators. motor grader. pumperete or similar machine. oherry picker gradall. hypto and wheelabrator and mechanic. tractor back hoe, drill, rig & tack boom tractor

GROUP B: Tugger hoist

GROUP C: Trenching machine over 24" winch truck, material hoist (elevator type)

GROUP D: Crawler bulldozer. crawler tractor and tunapull. heavy hufftype front end loader, heavy EW-10 to EW-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator

GROUP E: Air compressor 125 cu. ft. or over

GROUP F: Wellpoint system and pumps, material hoist, front end loader other than heavy huff type, rubber tired tractor with attachments other than backhoe

GROUP G: Concrete mixer, rubber tired tractor without attachments, trenching machines under 24" high lift, sand blasting machines, welding machine, air compressor, miscellaneous pumps

150' boom, including jib scale of top operator classification plus .25 per hour.
Tower crane operators .25 per hour above top operator classification not including long boom pay.

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL75-1011
Supersedes Decision No. AO-4091 dated March 22, 1974 in 39 FR 10911
DESCRIPTION OF WORK: Building and Heavy Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Broward
DATE: Date of Publication

6-FLA-1-L (1-2)

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanics	$9.13				
Asbestos workers	9.96	.35	.35		.02
Boilermakers	8.13	.40	.70		.01
Bricklayers	8.60	.38	.35		.03
Stonemasons	8.60	.38	.35		.03
Marble setters	8.60	.38	.35		.03
Terrazzo workers	8.60	.38	.35		.03
Plasterers	8.60	.38	.35		.03
Cement masons	8.76	.38	.35		.03
Block layers	8.85	.38	.35		.03
Carpenters & Soft floor layers	8.27	.45	.30		.02
Electricians	9.38	.5%	7%+.40	1%	1%
Cable splicers	9.88	.5%	7%+.40	1%	1%
Elevator constructors	9.03	.34½	.23	2%+a&b	.01½
Elevator constructors' helpers	70%JR	.34½	.23	2%+a&b	.01½
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	7.62				
Ironworkers	8.80	.75	.83		.03
Laborers:					
Laborers	5.85	.55	.30		
Mason tenders	6.10	.55	.30		
Plasterers' tenders	6.13	.55	.30		
Mortar mixers	5.95	.55	.30		
Power tool operators	5.95	.55	.30		
Vibrators	5.95	.55	.30		
Lathers	5.95	.30	.10		.02
Line construction:					
Linemen	7.56	3%	1%		½ of 1%
Cable splicer	7.81	3%	1%		½ of 1%
Groundman	4.54	3%	1%		½ of 1%
"A" Class operators	7.56	3%	1%		½ of 1%
"B" Class operators	6.05	3%	1%		½ of 1%
Painters:					
Brush	7.70	.40	.40		.02
Spray	8.20	.40	.40		.02
Structural steel	7.95	.40	.40		.02
Plumbers & Steamfitters	9.00	.50	.50		.07
Roofers	7.75	.30	.10	.20	
Sheet metal workers	9.87	.45	.35		.08
Sprinkler fitters	8.71	.40	.60		.10
Tile setters	8.40	38	.35		.03
Welders - Rate for craft					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

1-FL-[illegible]-1-A

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air compressor	$4.25				
Backhoe	5.20				
Batching plants	4.75				
Boring & Drilling machines (all types)	4.75				
Bulldozer & Pans	4.25				
Clam shell	5.20				
Compressor, small (under 105 cu. ft.)	3.90				
Cranes:					
Cranes or Derricks	5.20				
Austin Western Crane	5.20				
Hydro Crane	5.20				
Two (2) Operators on Tower Cranes	5.35				
Distributor - Bituminous	4.00				
Dragline	5.20				
Drilling of Piling (all types)	5.20				
Earth freezing equip. (all types)	5.20				
Finishing machine - paving	4.00				
Fireman	4.25				
Front end loader	4.25				
Generator (electric power supply)	4.50				
Gradall	5.20				
Hoist	5.20				
Jet pump	4.25				
Mechanics	4.75				
Mixers - Charger Pan	4.00				
Motor grader - finish grade	4.75				
Motor grader - pans & pulls & other dirt moving equipment	4.25				
Piledriver	5.20				
Pumps under 6"	3.90				
Pumps 6" and over	4.25				
Pumps concrete machines (all types)	4.75				
Pumps motor mixer (all types)	4.60				
Rollers	4.25				
Scraper	4.00				
Shovel	5.20				
Tractor boom	4.75				
Trenching machine	4.25				
Welding machines limit (4)	3.75				
Well points 1 system limit 3 pumps not over 600' distance	3.90				
Winch trucks & A frames	4.40				
FOOTNOTES: (Where Applicable)					
a. Cranes with 150' boom or more additional 25¢ per hour					

SUPERSEDEAS DECISION

STATE: Hawaii
DECISION NUMBER: HI75-5002
Supersedes Decision AR-1052 dated December 6, 1974, in 39 FR 42819

COUNTIES: Statewide
DATE: Date of Publication

DESCRIPTION OF WORK: Building (including single family homes and apartments up to and including 4 stories); Heavy and Highway Construction and Dredging

HI75-5002 P. 2

Page ____

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$ 9.45	.50	.70		.08
TERRAZZO WORKERS:					
Terrazzo Workers & Tile Setters	6.92	.55	.60		.05
Terrazzo Base Grinder	6.57	.55	.60		.05
Terrazzo Floor Grinder and Helper and Tile Setter's Helpers	5.69	.55	.60		.05
TRUCK DRIVERS:					
Flatbed	5.93	.62	1.00	.50	.15
Dump, 8 yds. and under; Water Truck (up to and incl. 1500 gallons)	6.20	.62	1.00	.50	.15
Water truck (over 1500 gallons)	6.51	.62	1.00	.50	.15
Tandem, Semi-trailer, or semi-dump	7.16	.62	1.00	.50	.15
Site-in or Run	7.48	.62	1.00	.50	.15
End dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor trailer (hauling equipment)	7.59	.62	1.00	.50	.15

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 7.10	.53	.80		.03
BOILERMAKERS	7.89	.28	.30		.03
BRICKLAYERS; Stonemasons	6.90	.55	.60		.05
CARPENTERS:					
Carpenters; Hardwood Floorlayers; Pneumatic Scaffold Erectors; Pile-driverman; Pneumatic Nailer; Shingler	7.03	.44	.55		.06
Millwrights	7.28	.44	.55		.06
Power Saw Operator (2 HP & above)	7.18	.44	.55		.06
CEMENT MASONS:					
Cement Masons	6.60	.55	.60		.05
Trowel Machine Operators	6.75	.55	.60		.05
DRYWALL INSTALLERS	7.13	.44	.55		.06
ELECTRICIANS:					
Groundman	6.19	.55	1% + 1.00	11%	.18
Line Equipment Men	7.43	.55	1% + 1.00	11%	.18
Electricians; Linemen	8.25	.55	1% + 1.00	11%	.18
Technicians	8.50	.55	1% + 1.00	11%	.18
Cable Splicers	9.08	.55	1% + 1.00	11%	.18
ELEVATOR CONSTRUCTORS	8.55	.395	.26	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR	.395	.26	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	50%JR				
FENCE ERECTORS (Chain Link)	4.35	.20	.18	.09	.03
FLAGGERS	7.47	.53	.50		.12
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	7.95		.50	.20	.02
LATHERS	8.65	.44	.60		.01
MARBLE SETTERS	6.90	.55	.60		.05
PAINTERS:					
Brush	7.21	.42	.50		.04
Tapers	7.41	.42	.50		.04
Spray	7.71	.42	.50		.04
PLASTERERS	8.16	.55	.60		.16
PLASTERERS' HOD CARRIERS:					
Hod Carriers	5.91	.37	.46	.12	.08
Mortar Mixers	6.11	.37	.46	.12	.08
PLUMBERS; Steamfitters	8.70	.72	1.05	.91	.12
ROOFERS	7.30	.56	.30		.05
SHEET METAL WORKERS	8.15	.46	1.00	7.73%	.15
SOFT FLOOR LAYERS	6.85	.44	.16	.10	.04

HI75-5002 P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
GROUP 1:	5.65	.62	1.00	.50	.15
GROUP 2:	5.76	.62	1.00	.50	.15
GROUP 3:	5.93	.62	1.00	.50	.15
GROUP 4:	6.20	.62	1.00	.50	.15
GROUP 5:	6.51	.62	1.00	.50	.15
GROUP 6:	7.16	.62	1.00	.50	.15
GROUP 7:	7.48	.62	1.00	.50	.15
GROUP 8:	7.59	.62	1.00	.50	.15
GROUP 9:	7.70	.62	1.00	.50	.15
GROUP 9-A:	7.93	.62	1.00	.50	.15
GROUP 10:	7.99	.62	1.00	.50	.15
GROUP 10-A:	8.14	.62	1.00	.50	.15
GROUP 11:	8.29	.62	1.00	.50	.15
GROUP 12:	8.65	.62	1.00	.50	.15

HI75-5002 P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DREDGING					
HYDRAULIC SUCTION DREDGES; CLAMSHELL DREDGES; BOAT OPERATORS; DERRICKS					
Leverman; Operators (Derricks, Pile Drivers and Cranes)	$ 8.29	.62	1.00	.50	.15
Assistant Engineer (steam or electric)	7.99	.62	1.00	.50	.15
Welder; Boat Operator	7.93	.62	1.00	.50	.15
Deckmate; Barge Mate (Seagoing)	7.48	.62	1.00	.50	.15
Levee Foreman; Winchman (stern winch on Dredge)	7.16	.62	1.00	.50	.15
Fireman	6.20	.62	1.00	.50	.15
Oiler; Deckhand (can operate anchor scow under direction of Deckmate); Boat Deckhand	5.93	.62	1.00	.50	.15
Leveman; Bargeman	5.76	.62	1.00	.50	.15
Master Boat Operator	8.14	.62	1.00	.50	.15
LABORERS					
GROUP 1:	$ 5.71	.44	.51	.18	.08
GROUP 1-a:	6.21	.44	.51	.18	.08
GROUP 1-b:	6.41	.44	.51	.18	.08
GROUP 1-c:	6.46	.44	.51	.18	.08
GROUP 1-d:	6.66	.44	.51	.18	.08
GROUP 2:	5.96	.44	.51	.18	.08
GROUP 3:	6.16	.44	.51	.18	.08

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LABORERS

Group 1: All clean-up work of debris, grounds and buildings; Bridge Laborers; Construction Laborers; Dumpman; Gardeners; Horticultural and Landscape Laborers; General Laborers; Limbers, Brush Loaders and Pilers; Maintenance, repair (track and roadbeds)

Group 1-a: Mason Tenders

Group 1-b: High Scaler

Group 1-c: Gunnite Operator

Group 1-d: Powderman

Group 2: Asphalt Shovelers; Cement Dumpers; Choke Setter and Rigger (clearing work); Concrete Chipping; Concrete Laborers (wet or dry) including Bucket Tender for concrete; Driller's Helper, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hudraulic monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Mucker (under ground); Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers and Rakers; Barko and similar type Tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setter; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jack-hammer Operator; Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stonespaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (bull float in connection with laborers' work); Vibrator, Burning, Welding, Signaling, and Rigging in connection with laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner, Denver DH-143 and similar type drills; Track Drillers, Diamond Core, Wagon Drillers and Davis Trencher T-66 or similar types

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty shop parts room when needed); Repairman Helper

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (jobsite); Dinky Operator

Group 5: Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline or diesel); Agri-cat (Mini Cat)

Group 6: Combination Loader and Backhoe (including Mapto (up to and incl. 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports and canals); Drilling Machinery (not to apply to waterliners, wagon drills or jack-hammers); Highline Cable-way Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Pavement Braker; Maginnis Internal Full Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical Finishers (concrete)(large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Portable Crushers; Power Jumbo Operator (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Small Rubber-tired Tractors; Trencher (up to and including 6'); Slip Form Pumps (power driven by hydraulic, electric, gas, etc., lifting device for concrete forms)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter; Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar) (Screedman required); Mine or Shaft Hoist; Pavement Breaker, Truck mounted, with Compressor Combination; Pavement Breaker with Compressor Combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grader Plane; Slusher Operator; Trencher (over 6'); Water Tanker (pulled by Euclids, T-Pulls, DW-10, 20, 21, or similar); Mixermobile (over 5 tons) Small Tractor (with boom D-6 or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd. to and incl. 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and incl. 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yard to and including 3/4 yd.); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu. yds.); Wheel Trencher (over 6')

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with dozer; Sheep Foot; Tractors; Tractors(with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclids, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with tandem scraper); Tractor, Compressor, Drill Combination; Tractor (tandem scraper); Tractors (D-9 or equivalent)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Skip Form Paver (concrete or asphalt)(Gradesetter, Screedman required); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earth-moving Machine (multiple propulsion power units and two or more scrapers)(up to and including 35 cu. yds. struck "MRC"); Highline Cable-way; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, Mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" mrc); Power Shovels and Draglines (7 cu. yds. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yd. Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN75-2014
Supersedes Decisions No. AR-3126, dated August 23, 1974 in 39 FR 30752, No. AR-3127 dated, August 23, 1974 in 39 FR 30759 and No. AR-3128 dated, August 23, 1974 in 39 FR 30759.
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below *
DATE: Date of Publication

*Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DuBois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, Washington

IND-H H - 2-4-5-6

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters:					
Bartholomew (Camp Atterbury) Boone, Clay, Fountain, Hendricks, Montgomery, Morgan (North of the White River) Owen (North of the White River), Parks, Putnam, Vermillion, Vigo & Warren	$ 8.08	.40	.40		.05
Remainder of Counties	8.88	.35	.35		.05
Cement Masons					
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick	8.12	.40	.20		
Greene County	7.35	.30	.20		
Daviess, Knox, Gibson, Martin & Pike	7.45	.40			
Fountain, Montgomery, Warren and Northern ½ of Boone County	7.60	.40	.30		
Hendricks, Southern ½ of Boone and Northern ½ of Morgan	7.76				
Monroe Southern ½ of Morgan and Southern ½ of Owen	7.80				
Bartholomew & Brown	8.30				
Decatur & Franklin	7.80				
Clark, Floyd and Harrison	8.78	.40			
Dearborn, Ohio, Ripley and Switzerland	4.70				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott and Washington	8.10				
Vermillion, Vigo, Clay, Parke, Putnam and the extreme Western Part of Owen	7.20	.45	.25		.01
Sullivan	8.50	.30	.50		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Ironworkers:					
Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick	$ 8.15	.25	.25		
Montgomery Co. and N. W. ½ of Boone	8.64	.55	.65		
Fountain and Warren	8.55	.40	.60		.08
Clay Daviess, Greene, Knox, Parke, Putnam, Sullivan, Vermillion and Vigo and N. W. 1/6 of Lawrence	9.35	.55	1.30		
Western ½ of Martin	8.15	.25	.25		
Bartholomew, Brown, Monroe and N.E. 1/6 of Lawrence & Western 1/2 of Decatur, Hendricks, Morgan, Owen S. East ½ of Boone	9.65	.55	.80		.05
Dearborn, Franklin, Ohio Ripley, Switzerland and E. ½ of Decatur	8.895	.55	.85		.02
Eastern ½ of Martin, Southern ½ of Jackson, Southern ½ of Jennings S. 2/3 of Lawrence, Crawford, Clark, Floyd, Harrison, Jefferson, Orange, Scott and Washington	9.50	.55	.65		.04
Painters:					
Fountain, Montgomery, Putnam and Warren:					
Brush	7.25				
Spray	10.52				
Sullivan and Vigo:					
Brush and roller	7.30				
Spray	8.30				
Boone and Hendricks:					
Brush and roller	8.10	.20	.20		
Spray	8.90	.20	.20		
Greene, Morgan, Owen, Brown and Monroe:					
Brush and roller	7.15			.20	
Spray	8.15			.20	
Vermillion and Parke:					
Brush	7.45				
Roller	8.45				
Spray	8.95				
Clay:					
Brush	5.25				
Spray	7.375				
Daviess, Gibson and Knox:					
Brush	6.65				
Spray and sandblasting	7.65				
Bartholomew, Decatur, Jackson and					

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
Jennings:					
Brush and roller	5.45				
Spray	5.70				
Clark, Floyd, Harrison, Jefferson, Scott, Crawford and Washington:					
Brush	7.59	.25	.10		.03
Spray	8.04	.25	.10		.03
Dearborn, Ohio, Ripley and Switzerland					
Brush and roller	7.40				
Spray	7.90				
Lawrence, Martin and Orange					
Brush	6.00				
Spray	7.00				
Dubois, Perry, Spencer, Vanderburgh and Warrick					
Brush	8.00	.45	.20		
Spray	8.75	.45	.20		

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

FOUNTAIN, WARREN AND VERMILLION COUNTIES
LINE CONSTRUCTION

LINE CONSTRUCTION-INDIANA Area IV - A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
Linemen - Groundman Equipment Operator (all crawler type equipment larger than D-4	$9.28	.25	1%+.30		.25%	
Groundman - truck driver with winch	6.81	.25	1%+.30		.25%	
Groundman - truck driver without winch	6.36	.25	1%+.30		.25%	
Groundman	5.04	.25	1%+.30		.25%	

NOTICES

REMAINDER OF COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION						
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

CRAWFORD, DUBOIS, GIBSON, PERRY, PIKE, POSEY, SPENCER, VANDERBURGH & WARRICK COUNTIES

IND-LC-AREA III

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
LINEMEN & CABLE SPLICER	$ 9.25	.30	1%		
DIGGING MACHINE OPERATOR	9.25	.30	1%		
GROUNDMAN	7.89	.30	1%		
TRUCK DRIVERS:					
WITH WINCH	8.60	.30	1%		
WITHOUT WINCH	8.20	.30	1%		

BOONE, CLAY, DAVIESS, FOUNTAIN, GREENE, HENDRICKS, KNOX, MONROE, MONTGOMERY, MORGAN, OWEN, PARKE, PUTNAM, SULLIVAN, VERMILLION, VIGO AND WARREN COUNTIES

Ind-1-PEO 1 of 2

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.10	.30	.50		.05
GROUP 2	7.65	.30	.50		.05
GROUP 3	7.22	.30	.50		.05
GROUP 4	6.41	.30	.50		.05

CLASSIFICATIONS

GROUP 1: Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (RR), Bituminous mixer, Bituminous paver, Bituminous plant engineer, Bulldozer, Caisson drilling machine (crane mounted), C.M.I. machine auto-grade, Concrete mixer (21 cu. ft. or over), Core drilling machine, Crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.), Dredge operator, Drilling machine (on which the drill is an integral part), Elevating grader euclid loader, Formless paver, Gradall, Gravel processing machine, Operator of guard rail post driver, High lift shovel (1½ yds. and over), Keystone (skimmer scoop, locomotive, operators, mucking machine, panel board concrete plant (central mix type), Pacer-Hetherington, Piledriver-skid crawler, Road pacing mixer, Rock crusher, Roller-asphalt, Waterbound macadam, Bituminous macadam, Brick surface, Roller with dozer blade, self-propelled widener, Surface heater and planer, Tandem push cat, Tournapull, or similar type equipment, Tournapull tandem, tractor (boom or winch), Tractor (push), Trench machine (over 24") Tug boat operator, Well drilling machine, Winch truck with A-frame

GROUP 2: Backfiller, Backhoe on farm type tractor with less than 50 H.P., Bull float, Concrete pump, Concrete mesh depressor (independently operated), Concrete spreader (power driven), Excavating loader (portable), Finishing machine (who supervises 2 or more greasers on a greaser and a helper), Mechanic, Multiple tamping machine (RR), P.C.C. concrete belt placer, Pull grader-power control, Ross carrier, Sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, Waterbound macadam, Bituminous macadam, Brick surface, Trench machine (24" and under), Welder

GROUP 3: Assistant plant engineer, Concrete finishing machine, Concrete mixer (less than 21 cu. ft.), Curb machine, Farm tractor (including farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), Fireman (on boiler), Greaser, Hoist (one drum), Jersey spreader or base paver, Operator (3 to 5 pieces of minor equipment), Paving breaker, Power broom (self-propelled), Roller (earth and sub-base material), Slurry seal machine (RR), Tamper-multiple vibrating-earth and sub-base material, Throttle valve, Throttle valve and compressor or clever brooks type combination, Throttle valve and fireman combination on horizontal or upright boiler, Tractaire with drill, Tractor (50 H.P. or over), Well point system, Widener (Apsco or similar type)

GROUP 4: Air compressor, Assistant to engineer, Automatic dry batch plant, Bituminous distributor, Bituminous patching tamper, Broom and belt machine, Coleman type screen conveyor (portable), Deck hand, Digger post hole (power driven), Ulrich spreader, Form grader, Form tamper (motor driven), Generator, Hetherington driver, Hetherington helper, Mechanics helper, Mechanical heater, Operator, 2 pieces of minor equipment outboard or inboard motor boat, Power curing spraying machine, Power saw concrete (power driven), Pull Broom (power type), Seaman tiller, Straw blower, Stripping machine, paint (motor driven), Subgrader, Tractaire, Tractor below (50 H.P.), Truck crane oiler-driven, Water pump, Welding machine

BOONE, CLAY, DAVIESS, FOUNTAIN, GREENE, HENDRICKS, KNOX, MONTGOMERY, MORGAN, OWEN, PARKE, PUTNAM, SULLIVAN, VERMILLION, VIGO, WARREN & MONROE COUNTIES

IND-9-PEO-1 S&T

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP A	$8.59	.30	.50		.05	
GROUP B	8.48	.30	.50		.05	
GROUP C	8.30	.30	.50		.05	
GROUP D	6.55	.30	.50		.05	

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS:

GROUP A: Master Mechanic

GROUP B: Utility Operator

GROUP C: Power Cranes, Draglines, Derricks, Electric Overhead cranes, Shovels, Gradall, Mechanics, Repair & Maintenance of all Equipment, Tractor Highlift, ForkLifts, Tournedozer, Mixer over 14S Capacity, Tournamixer, 2-Drum Machine or 2-Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam & Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, 2-Air Compressor; Hetherington Paver Operator, Farm Tractor with half Yard Bucket and/or Backhoe Attachment Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Air Compressors 300 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Backfiller, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machi Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors (without Winch) Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra-Ax, Rasco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver Ski or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerator Machine Freezing Operator, Chair Cart - Self Propelled, Hydra-Seeder, Straw Blower, Concrete Mixers with Skip, All 1-Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Sprea Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concre Plant Engineer, Loaders, HydraCrane, Caissons, Shaft or any similar type Drilling Machin Concrete Curb Machine (Self Propelled) Winch or Hydraulic Boom Truck,

GROUP D: Mixers 14S capacity or less, Trench Machine cutting 24" & under, Farm Tractor w/less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, 1-Drum Machine, Air Compressor less than 300 cu. ft. capacity, Concrete Pump, Gunnite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, 2 or 4 Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operators to do Winter Repair work in Shop between November 1st & March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, 1 Welding Machine or 1 Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands.

REMAINDER OF COUNTIES

POWER EQUIPMENT OPERATORS
HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.30	.30	.30		.05
GROUP 2	7.85	.30	.30		.05
GROUP 3	7.42	.30	.30		.05
GROUP 4	6.61	.30	.30		.05

CLASSIFICATIONS

GROUP 1: Auto patrol, Backhoe (on farm type tractor over 50 H.P.), Ballast regulator (RR), Bituminous mixer, Bituminous paver, Bituminous plant engineer, Bulldozer, Caisson Drilling machine (crane mounted), C.M.I. machine auto-grade, Concrete mixer (21 cu. ft. or over), Core drilling machine, Crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), Dredge operator, Drilling machine (on which the drill is an integral part), Elevating grader, Euclid loader, Formless paver, Gradall, Gravel processing machine, Operator of guard rail post driver, high lift shovel (1½ yds. and over), Keystone (skimmer scoop, locomotive, operators, mucking machine, panel board concrete plant (central mix type), Pacer-Hetherington, Piledriver-skid crawler, Road grading mixer, Rock crusher, Roller-asphalt, Waterbound macadam, Bituminous macadam, Brick surface, Roller with dozer blade, Self-propelled widener, Surface heater and planer, Tandem push cat, Tournapull, or similar type equipment, Tournapull tandem, Tractor (boom or winch), Tractor (push), Trench machine (over 24"), Tug boat operator, Well drilling machine, Winch truck with A-frame

GROUP 2: Backfiller, Backhoe on farm type tractor with less than 50 H.P., Bull float, Concrete pump, Concrete mesh depressor (independently operated), Concrete spreader (power driven), Excavation loader (portable), Finishing machine (who supervises 2 or more greasers or a greaser and a helper), Mechanic, Multiple tamping machine (RR), P. C. C. Concrete belt placer, Pull grader-power control, Ross carrier, Sheepfoot roller (self-propelled), Tamper-multiple vibrating-esphalt, Wasterbound macadam, Bituminous macadam, and bull float, Gunite machine, Head greaser (who supervises 2 or more greasers or a greaser and a helper), Mechanic, multiple tamping machine (RR), Brick surface, Trench machine (24" and under), Welder

GROUP 3: Assistant plant engineer, Concrete finishing machine, Concrete mixer (less than 21 cu. ft.), Curb machine, Farm tractor (incl. farm tractor with all attachments except backhoe, and incl. highlift end loaders of 1 cu. yd. capacity and less), Fireman (on boiler), Greaser, Hoist, (one drum), Jersey spreader or base paver, Operator (3 to 5 pieces of minor equipment), Paving breaker, Power broom (self-propelled), Roller (earth and subbase material), Slurry seal machine, Spike machine (RR), Tamper - multiple vibrating - earth and subbase material, Throttle valve, Throttle vale and compressor or clever Brooks type combination, Throttle valve and fireman combination on horizontal or upright boiler, Tractaire with drill, Tractor (50 H.P. or over), Well point system, Widener (Apsco or similar type)

GROUP 4: Air compressor, Assistant to Engineer, Automatic dry batch plant, Bituminous Distributor, Bituminous patching tamper, broom and belt machine, Coleman type screen, Conveyor (portable), Deck hand, Digger post hole (power driven), Ulrich spreader, Form grader, Form tamper (motor driven), Generator, Hetherington driver, Hetherington heater, Operator, two pieces of minor equipment, outboard or in board motor boat, power curing spraying machine, power saw - concrete (power driven), Pull broom (power type), Seaman tiller, Straw blower, Stripping machine, Paint (motor driven), Subgrader, Tractaire, Tractor (below 50 H.P.), Track crane oiler - driver, Water pump, Welding machine

TRUCK DRIVERS: IN75-2014 P. 11 IND-19-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.16	a16.00	a17.00		
GROUP B	7.11	a16.00	a17.00		
GROUP C	7.06	a16.00	a17.00		
GROUP D	7.01	a16.00	a17.00		
GROUP E	6.96	a16.00	a17.00		
GROUP F	6.91	a16.00	a17.00		
GROUP G	6.86	a16.00	a17.00		
GROUP H	6.81	a16.00	a17.00		
GROUP I	6.76	a16.00	a17.00		
GROUP J	6.71	a16.00	a17.00		
GROUP K	6.66	a16.00	a17.00		
GROUP L	6.56	a16.00	a17.00		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets
GROUP B-Acey Wagons to and including 3 Buckets
GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle
GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch
GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle
GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)
GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (3½E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)
GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3½E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks
GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders
GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Louisiana
PARISH: Statewide
DECISION NO.: LA75-4033
DATE: Date of Publication
Supersedes Decision No. AR-78, dated November 15, 1974, in 39 FR 40329.
DESCRIPTION OF WORK: Building (including Residential in Bossier, Caddo & Calcasieu Parishes only) Construction and Construction of Highways, Roads, Streets and Parking Areas (except those let with a building contract)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS					
ZONE 1	$8.145	.325	.30		.04
ZONE 2	7.98	.30	.51		.025
ZONE 3	7.25	.40	.90		
ZONE 4	7.78	.30			

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Richland, Sabine, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BOILERMAKERS	$8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	7.74	.20	.13		.06
ZONE 2	6.68				
ZONE 3	7.85	.43	.20		.02
ZONE 4	8.69	.25	.15		.035
ZONE 5	7.25				
ZONE 6	6.68				
ZONE 7	7.45	.30	.30		
ZONE 8	7.75		.30		
ZONE 9	8.00		.10		
ZONE 10	8.00				

DECISION NO. LA75-4033

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs & Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Highway #190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin & St. Mary Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS					
ZONE 1	$6.88				
ZONE 2	6.945	.25	.18		.05
ZONE 3	6.80	.20			
ZONE 4	7.30	.20	.25		.04
ZONE 5	8.42	.20	.20		.04
ZONE 6	8.235	.20	.20		.04
ZONE 7	6.70				
ZONE 8	7.40	.20	.25		.03
ZONE 9	6.70				
ZONE 10	6.60	.35	.20		.05

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from Mississippi State line to the western boundary of Tangipahoa Parish) & Washington Parishes

NOTICES

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AREA COVERED BY CARPENTERS ZONES (CONT'D)

ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) Tangipahoa (remainder of Parish not covered by Zone 3) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (BUILDING CONSTRUCTION)					
ZONE 1	$6.235				
ZONE 2	6.70				
ZONE 3	6.55	.40	.35		.05
ZONE 4	7.205	.25	.30		.04
ZONE 5	6.35				
ZONE 6	5.25				
ZONE 7	6.90				
ZONE 8	6.82		.10		
ZONE 9	5.75		.30		

AREA COVERED BY CEMENT MASONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (southern portion) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (HIGHWAY CONSTRUCTION)					
On concrete lined ditches:					
ZONE 1	$8.195				
On other work:					
ZONE 1	6.70				
ZONE 2	6.45				
ZONE 3	6.45				
ZONE 4	6.30				
ZONE 5	5.72				

AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier, Caddo, Calcasieu & Cameron Parishes
ZONE 4 - Acadia, Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Webster & West Baton Rouge Parishes
ZONE 5 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS					
Electricians					
ZONE 1	$8.80	.25	1%+.30		3/10%
ZONE 2	8.00		1%		
ZONE 3	8.95	.35	1%+.20		1/10%
ZONE 4	9.05	.25	1%		
ZONE 5	8.90	.30	1%+.20		.03
ZONE 6	8.45	.30	1%		1/2%
ZONE 7	7.95	.45	1%		1%
ZONE 8	7.95		1%	.30	1/2%

NOTICES

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable splicers					
ZONE 1	$9.05	.25	12%+.30		3/10%
ZONE 2	8.50		12%		
ZONE 3	9.20	.35	12%+.20		1/10%
ZONE 4	9.35	.25	12%		
ZONE 5	8.90	.30	12%+.20		.03
ZONE 6	8.95	.30	12%		1/2%
ZONE 7	8.45	.45	12%		12%
ZONE 8	8.20		12%	.30	1/2%

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1					
Elevator constructors	$8.48	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
ZONE 2					
Elevator constructors	6.98	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				

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FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

AREA COVERED BY ELEVATOR CONSTRUCTORS ZONES

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS					
ZONE 1	$6.05				
ZONE 2	6.05				
ZONE 3	7.175	.17	.30		.01
ZONE 4	4.35				
ZONE 5	6.40		.10		
ZONE 6	5.60				

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north & west of Highway 022), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway 022), Pointe Coupee, St. Helena, Tangipahoa (west of Highway 051), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway 022), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway 022), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany, Tangipahoa (east of Highway 051), Terrebonne & Washington Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to the city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 6 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	$8.48	.30	.35		.04
ZONE 2	8.09	.30	.25		.015
ZONE 3	7.95	.30	.35		.04
ZONE 4	7.95	.30	.35		.04
ZONE 5	6.65	.30	.35		.025
ZONE 6	7.50	.30	.35		

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)
ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles & Evangeline, southwest along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico);Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (south of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)
ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (west of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)
ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (north of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)
ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

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AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES (CONT'D)
ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes; Parts of Acadia, Evangeline, Lafayette, Rapides, St. Landry & Vermilion Parishes (west of a line drawn from the city of Kolin, southwest along the western city limits of Abbeville, Louisiana to the Gulf of Mexico and southwest of a line drawn from Kolin through Boyce to the Natchitoches-Rapides Parish boundary); Part of Sabine Parish south of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS (HIGHWAY CONSTRUCTION)					
ZONE 1	$8.72				
ZONE 2	8.48				
ZONE 3	8.70				
ZONE 4	8.30				
ZONE 5	8.16				
ZONE 6	6.99				
ZONE 7	6.45				
ZONE 8	5.84				

AREA COVERED BY IRONWORKERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson & Orleans Parishes
ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Bossier & Caddo Parishes
ZONE 6 - Lafayette, Ouachita & Rapides Parishes
ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$3.90	.10			
GROUP 2	4.05	.10			
GROUP 3	4.15	.10			
ZONE 2					
GROUP 1	4.42	.15			.05
GROUP 2	4.62	.15			.05
ZONE 3					
GROUP 1	5.23	.15	.10		
GROUP 2	5.33	.15	.10		
GROUP 3	5.38	.15	.10		
GROUP 4	6.19	.15	.10		
GROUP 5	5.75	.15	.10		
GROUP 6	5.49	.15	.10		
GROUP 7	5.28	.15	.10		
ZONE 4					
GROUP 1	5.03	.15	.10		.10
GROUP 2	5.13	.15	.10		.10
GROUP 3	5.18	.15	.10		.10
ZONE 5					
GROUP 1	4.63	.15	.10		.10
GROUP 2	4.73	.15	.10		.10
GROUP 3	4.78	.15	.10		.10
ZONE 6					
GROUP 1	5.91	.15	.10		.05
GROUP 2	6.01	.15	.10		.05
GROUP 3	6.16	.15	.10		.05
GROUP 4	6.06	.15	.10		.05
GROUP 5	6.14	.15	.10		.05

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1	$5.625	.15	.10		.05
GROUP 2	5.775	.15	.10		.05
GROUP 3	5.825	.15	.10		.05
ZONE 8					
GROUP 1	4.15	.15	.10		
GROUP 2	4.35	.15	.10		
GROUP 3	4.40	.15	.10		
GROUP 4	4.45	.15	.10		
GROUP 5	4.80	.15	.10		
ZONE 9					
GROUP 1	4.23	.15	.10		
GROUP 2	4.33	.15	.10		
GROUP 3	4.38	.15	.10		
GROUP 4	4.43	.15	.10		
ZONE 10					
GROUP 1	4.29	.15	.10		.05
GROUP 2	4.39	.15	.10		.05
GROUP 3	4.54	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction
GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe, and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators

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LABORERS - ZONE 2

GROUP 1 - Building laboror; rotary drill laborers; foundation drill crewman
GROUP 2 - Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipeline laborers, wrappers and dopers

LABORERS - ZONE 3

GROUP 1 - Building and general laborer; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners
GROUP 2 - Air tool operators (except jackhammer); interior of closed tanks and vessels power equipment
GROUP 3 - Mortar mixers and jackhammer operators
GROUP 4 - Blasterers
GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker
GROUP 6 - Wiping joints, laying pipe and tile from pumpcrete
GROUP 7 - Interior of closed tanks and vessels manually

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders
GROUP 2 - Power tool operators (harner men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers
GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender), laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators
GROUP 4 - Bricklayers tenders and mason tenders
GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tendors, plasterer tenders, stone masons helpers, vibratormen
GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); plasterers' tenders; stone mason helpers; concrete workers; scaffold builders
GROUP 2 - Air tool operators (jackhammer, vibrator, and tamper); sewer pipe joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); mortar mixer (wet or dry); motorized buggy operator; waterproofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers
GROUP 5 - Powderman

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LABORERS - ZONE 9

GROUP 1 - Building laborers
GROUP 2 - Mason tenders, plasterer tenders; Asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (bricknasons, stonemasons, cement masons, carpenter, plasterers); Stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artifical stone; building scaffolds; shoring
GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc.); sewer pipe layers; mortar mixers (hand or machine); gunite operator
GROUP 3 - Pipe dopers & burners

AREA COVERED BY LABORERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - St. Tammany (as far south as Bayou Lacombe and east to the Mississippi State Line at Pearlington), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U.S. Highway 51, then running south paralleling Highway #51 at a 20 mile distance to Lake Pontchartrain) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, St. John the Baptist Parishes (north of a line drawn from the southern limits of the town of St. James in St. James Parish to the northern limits of the town of Napoleonville, in Assumption Parish & then directly west to the Parish line, all of St. James Parish except that part which is east of a line drawn from Lutcher, Louisiana to U.S. Highway 61 (Airline Highway) then west on U.S. 61 to Blind River and on a direct line to Manchac, Louisiana)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn Lutcher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou Lacombe, east to the Mississippi State Line at Pearlington) Parishes
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

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LABORERS (HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1					
ZONE 1	$4.90	.10	.10		.05
ZONE 2	4.60	.10	.10		.05
ZONE 3	4.20	.10	.10		.05
ZONE 4	4.90	.10	.10		.05
ZONE 5	4.15	.10	.10		.05
ZONE 6	3.90	.10	.10		.05
ZONE 7	3.80	.10	.10		
GROUP 2					
ZONE 1	5.00	.10	.10		.05
ZONE 2	4.70	.10	.10		.05
ZONE 3	4.30	.10	.10		.05
ZONE 4	5.00	.10	.10		.05
ZONE 5	4.25	.10	.10		.05
ZONE 6	4.00	.10	.10		.05
ZONE 7	3.90	.10	.10		.05
GROUP 3					
ZONE 1	5.45	.10	.10		.05
ZONE 2	5.15	.10	.10		.05
ZONE 3	4.75	.10	.10		.05
ZONE 4	5.45	.10	.10		.05
ZONE 5	4.70	.10	.10		.05
ZONE 6	4.45	.10	.10		.05
ZONE 7	4.35	.10	.10		.05
GROUP 4					
ZONE 1	5.70	.10	.10		.05
ZONE 2	5.40	.10	.10		.05
ZONE 3	5.00	.10	.10		.05
ZONE 4	5.70	.10	.10		.05
ZONE 5	4.90	.10	.10		.05
ZONE 6	4.65	.10	.10		.05
ZONE 7	4.55	.10	.10		.05

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CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
GROUP 2 - Raker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jetting laborer, painters helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Mary, St. Martin (that portion south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

LATHERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$6.90				.01
ZONE 2	7.63	.20	.20		.05
ZONE 3	8.105	.30			.01
ZONE 4	7.475				.01
ZONE 5	6.40				.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary (up to a 40 mile radius of Lafayette)
ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes
ZONE 5 - Rapides Parish

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Linemen	$8.90	.30	1%+.20		.03
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.20		.03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.30	1%+.20		.03
Operator using truck without winch; Groundmen (starting rate to 1½ years service)	45%JR	.30	1%+.20		.03
Groundmen (1½ years service or over)	50%JR	.30	1%+.20		.03
ZONE 2					
Linemen, line equipment & line truck operators	8.80	.25	1%+.30		3/10%
Cable splicers	9.05	.25	1%+.30		3/10%
ZONE 3					
Linemen, equipment operators	8.95	.35	1%+.20		1/10%
Cable splicers	9.20	.35	1%+.20		1/10%
Groundman	6.95	.35	1%+.20		1/10%
ZONE 4					
Linemen & equipment operators	7.80	.25	1%		
Cable splicers	8.45	.25	1%		
Groundmen	50%JR	.25	1%		
ZONE 5					
Linemen & equipment operators	7.95		1%	.30	1/2%
Cable splicers	8.20		1%	.30	1/2%
Groundmen	60%JR		1%	.30	1/2%
ZONE 6					
Linemen & equipment operators	8.45	.30	1%		1/2%
Cable splicers	8.95	.30	1%		1/2%
Groundmen, 1st 6 months	2.85	.30	1%		1/2%
Groundmen, 2nd 6 months	3.44	.30	1%		1/2%
Groundmen, after 1 year	3.73	.30	1%		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 7					
Linemen	$7.95	.45	1%		1%
Cable splicers	8.45	.45	1%		1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE SETTERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.69	.25	.15		.035
ZONE 2	7.85	.43	.20		.02
ZONE 3	8.00				
ZONE 4	7.07		.10		
ZONE 5	6.50				
ZONE 6	7.30				

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS' HELPERS					
ZONE 1	$5.85	.25			
ZONE 2	4.39	.15	.10		.05
ZONE 3	3.00				

AREA COVERED BY MARBLE SETTERS' HELPERS

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line), Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MILLWRIGHTS					
ZONE 1	$8.145				.05
ZONE 2	8.72	.20	.20		.04
ZONE 3	8.855				.03
ZONE 4	7.605				
ZONE 5	7.45				
ZONE 6	7.90	.20	.25		.03
ZONE 7	7.45				
ZONE 8	7.50	.35	.20		.05
ZONE 9	9.38	.20			

AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 9) & Terrebonne Parishes
ZONE 3 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

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AREA COVERED BY MILLWRIGHTS ZONES (CONT'D)

ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Parts of St. Tammany & Tangipahoa (north of I-12 from Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS					
ZONE 1					
GROUP 1 - Brush, wood or wall	$7.36				
GROUP 2 - Brush on steel, buffer on wood or wall	7.485				
GROUP 3 - Paperhanging, taping & floating	7.56				
GROUP 4 - Spray, wood & wall, rollers	7.705				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennier, spray, steel	7.845				
ZONE 2					
GROUP 1 - Brush; Taping; floating & texture	6.45		.10		
GROUP 2 - Industrial & steel	7.12		.10		
GROUP 3 - All spray painting; roller operator & using of mitts; All power tools for cleaning & preparing surfaces for painting; All work on stacks, steeples, flag poles and all towers and tanks over 50 feet; All work off swing stage, bosun chair and spiders; All work with creosote material or any similar material as service cement paint	6.70		.10		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1 - Painters, paperhangers and sheetrock tapers & floaters	$6.375	.175	.20		.05
GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 feet: tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves and structural steel in old buildings; spray painters, swing stage painters	6.75	.175	.20		.05
GROUP 3 - Industrial	7.625	.175	.20		.05
ZONE 4					
GROUP 1 - Brush	6.35				
GROUP 2 - Industrial & steel	6.72				
GROUP 3 - Hand tools or automatic tools to finish gypsum board; spray; sandblasting - 25¢ per hour above rate for brush					
GROUP 4 - All power tools; All stacks, steeples, flag poles, swing stages & window jacks; All towers, tanks & structural steel over 50 ft. high - 25¢ per hour above journeyman rate					
ZONE 5					
GROUP 1 - Commercial brush	5.00				
GROUP 2 - Industrial	5.60				
GROUP 3 - Roller, power tools; sheetrock finishers	5.25				
GROUP 4 - Spray, sandblasting	6.05				
ZONE 6					
GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls	5.90				
GROUP 2 - Other commercial work, brush spray, stage, window jacks, flagpoles and steeple work	6.25				
GROUP 3 - All industrial work including sandblasting or power tools of any kind	6.75				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1 - Painters, tape & float & paperhangers; Stage, window jacks & structural steel	$7.25				
GROUP 2 - Stage, window jacks & structural steel over 30 feet	7.50				
GROUP 3 - Stage, window jacks & structural steel over 75 feet	7.75				
GROUP 4 - Sandblasting, spray	7.85				
ZONE 8					
GROUP 1 - Painters, paperhangers, tapers, floaters	5.80				
GROUP 2 - Stage window jacks, bosun chairs; Structural steel, roller, equipment painting; sandblasting, spray; Stack, sign, tank painting, steeple jack work	6.80				
GROUP 3 - Structural steel, brush	6.30				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north & west of Highway 022), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway 022), Pointe Coupee, St. Helena, Tangipahoa (west of Highway 051), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway 022), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway 022), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes
ZONE 5 - St. Tammany (northern portion), Tangipahoa (east of Highway #51) & Washington Parishes
ZONE 6 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (south half), Rapides, St. Landry (north half) & Winn (south half) Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 8 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PILEDRIVERMEN					
ZONE 1	$7.10	.20			
ZONE 2	7.30	.20	.25		.04
ZONE 3	8.52	.20	.20		.04
ZONE 4	7.335				.05
ZONE 5	7.20				
ZONE 6	7.65	.20	.25		.03
ZONE 7	7.20				
ZONE 8	7.10	.35	.20		.05

AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - Parts of St. Tammany & Tangipahoa (north of I-12 from Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes
ZONE 4 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia (west of the Atchafalaya River), Jefferson Davis, Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River), Vermilion & Vernon Parishe
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS					
ZONE 1	$6.20				
ZONE 2	6.35				.01
ZONE 3	7.17				
ZONE 4	6.545				.01
ZONE 5	7.05	.30	.20		.03
ZONE 6	5.50				.01
ZONE 7	7.95			.50	
ZONE 8	8.00		.10		
ZONE 9	7.75		.30		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (parish line on the west, along U.S. Highway #190 through the lower limits of Covington and Abita Springs along State Highway #435 to Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$8.90	.40	.60		.06
ZONE 2	7.90	.465	.575		.035
ZONE 3	7.65	.35	.25		.05
ZONE 4	7.82	.35	.45		.02
ZONE 5	7.34		.30	.55	.06
ZONE 6	8.88	.42	.32		.08

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AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes
ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen (northeast corner), Avoyelles, Evangeline (except southwest corner), Grant, Natchitoches (south of Highway #84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Highway #10) & Winn Parish (south of a line drawn from Natchitoches through Winnfield to Standard); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and west of a line drawn from that junction to the meeting place of the Concordia-West Feliciana Parish Line)
ZONE 4 - All of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and east of a line drawn south from that junction to the meeting place of the Concordia-West Feliciana Parish Line); Part of Winn Parish (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson & north of a line drawn east from Winnfield to Standard)
ZONE 5 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Highway #111 between Anacoco & Haddens); Part of Winn Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)
ZONE 6 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northwest corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway #31), St. Mary (western tip), Vermilion & Vernon (south of Highway #111 & southwest of Highway #10) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)					
ZONE 1 (Excluding Residential Residential Construction in Caddo & Bossier Parishes)					
GROUP 1	$5.83	.25	.30		.05
GROUP 2	6.09	.25	.30		.05
GROUP 3	6.36	.25	.30		.05
GROUP 4	6.41	.25	.30		.05
GROUP 5	6.67	.25	.30		.05
GROUP 6	7.80	.25	.30		.05
ZONES 2, 3 & 4					
GROUP 1	5.98	.25	.15		.05
GROUP 2	6.24	.25	.15		.05
GROUP 3	6.51	.25	.15		.05
GROUP 4	6.56	.25	.15		.05
GROUP 5	6.82	.25	.15		.05
GROUP 6	7.95	.25	.15		.05
ZONE 5					
GROUP 1	6.015	.25	.30		.05
GROUP 2	5.805	.25	.30		.05
GROUP 3	5.635	.25	.30		.05
GROUP 4	6.245	.25	.30		.05
GROUP 5	7.975	.25	.30		.05
GROUP 6	6.525	.25	.30		.05
GROUP 7	7.03	.25	.30		.05
ZONE 6					
GROUP 1	6.95	.25	.30		.05
GROUP 2	5.525	.25	.30		.05
GROUP 3	5.365	.25	.30		.05
GROUP 4	5.74	.25	.30		.05
GROUP 5	6.26	.25	.30		.05
GROUP 6	6.975	.25	.30		.05
GROUP 7	7.85	.25	.30		.05
GROUP 8	8.10	.25	.30		.05
GROUP 9	8.35	.25	.30		.05
GROUP 10	8.60	.25	.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1	$8.62	.25	.30		.05
GROUP 2	8.87	.25	.30		.05
GROUP 3	6.30	.25	.30		.05
GROUP 4	6.65	.25	.30		.05
GROUP 5	7.18	.25	.30		.05
GROUP 6	8.37	.25	.30		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4

GROUP 1 - Oiler
GROUP 2 - Mechanic helper
GROUP 3 - Oiler-Driver
GROUP 4 - Scaleman
GROUP 5 - Air compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum or less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)
GROUP 6 - Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more or 40 feet (on structures other than buildings); Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)

POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale operator; Oiler-Driver on Motor Crane; Batch Plant Operator
GROUP 2 - Pumps under 3 inch suction; Mechanic Helper
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreader; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Front End Loaders (except farm type); Grease Serviceman; Hoist (1 drum, 4 stories, or 40 feet) on construction other than buildings; Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer Plant Operator, Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete, 6" and over discharge; Push Cat; Road Pavers; Derricks; Ditching or Trenching Machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (plant mix asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Trucks with A-Frame (5 tons and over); Work Boats, requiring licensed operator

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POWER EQUIPMENT OPERATORS - ZONE 5 (CONT'D)

GROUP 6 - Bush Hog; Compressors; Concrete Pumps, under 6" discharge; Concrete Saw; Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass cutters, etc.); Test Pump, Internal, combustion engine powered; Ditching or Trenching Machines (non-riding type); Water Blast Pumps; Hoist, 1 drum under 4 stories on buildings); Hoist, 1 drum (40 feet or under on structures other than buildings
GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat, not requiring licensed operator; Finishing Machines

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch Cat; Pumps, 3 inch suction or more
GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper
GROUP 3 - Oiler
GROUP 4 - Batch Plant Operator
GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor (Bitum Surface); Finishing Machine (Concrete, Paving); Hoist, 1 drum, less than 4 stories; Concrete Mixer under 16S; Oiler Driver; Pump Crete; Street and Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-Hole Digger; Tractor operated Bush Hog and similar grass or bush cutting equipment
GROUP 6 - A-Frame Truck; Bulldozer, under 6; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy; Traxcavator, Scoopmobile and similar front-end loading equipment with Scoopmobile or Bucket under one (1) cubic yard capacity; Locomotive; Well Point System; Unit Operator; Hoist, 1 drum, 4 stories or over
GROUP 7 - Backhoe; Cableway; Concrete Mixer, 16S & up; Crane; Derrick; Dragline; Dredge; Equipment Maintenance Mechanic; Hoist, 2 drum; Locomotive Crane; Paving Mixer; Piledriver; Road Paver; Roller on Asphalt or Brick (5 tons & over); Shovel; Sideboom Cat; Bulldozer, 6 and over; Motor Patrol; Scraper; Hydrolift Crane, Hydrolift Truck, Yard Crane; Cherry Picker, etc.; Foundation Boring and Reaming Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Traxcavator and similar front-end loading equipment with scoop or Bucket of one (1) cubic yard or more capacity; Tug Boat Operator; Turnapull; Euclid, DW-10 and other similar self-loading earth moving equipment; Concrete Pump (not Pump Crete
GROUP 8 - Crane Operator, 60 tons & over; Crane Operator, Boom 100 feet & over; Piledriver operator, Leads 100 feet & over
GROUP 9 - Crane Operator, 100 tons & over; Crane Operator, Boom 150 feet & over; Piledriver Operator, Leads 150 feet & over
GROUP 10 - Crane Operator, Boom 250 feet & over; Piledriver Operator, Leads over 250 feet

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POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant Master Mechanic
GROUP 2 - Master Mechanic
GROUP 3 - Oilers
GROUP 4 - Batch Plant Operators; Mechanic Helpers; Oilers (Drivers)
GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineers; Asphalt Finisher, Screed Men; Blade Graders; Boat Operator; Bullfloats; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pug Mill Operators; Pull Tractors; Pump, Pump Crete; Rollers, except on brick and asphalt; Rubber tired Front End Loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale Operator; Scoopmobile; Snatch Cats; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Track Machines and equivalent Machines; Tractors or Bulldozers smaller than D-6
GROUP 6 - A-Frame Truck, when working with ironworkers and pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers, over 16-s paving machines; Cranes, Derricks; Draglines and Clam Shells; Deck Winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoist, 2 drums or more; Hydro Cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without blade attachments, 1 cu. yd. capacity or more; Scrapers; Shovels; Backhoes (all types); Sideboom Cats; Stabilizers, 3 drums or more; Traxcavators; Trenching Machines; Unit Operator; Welder, journeyman; Well Point Systems (gas, diesel, electric, etc.); Concrete Pump/Boom Combinations

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 2 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border)
ZONE 3 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes
ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs; Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)

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AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that part of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Grarercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$8.15	.25	.30		.05
ZONE 2	8.02	.25	.30		.05
ZONE 3	7.80	.25	.30		.05
ZONE 4	7.96	.25	.30		.05
ZONE 5	6.69	.25	.30		.05
ZONE 6	6.14	.25	.30		.05
ZONE 7	5.53	.25	.30		.05
GROUP 2					
ZONE 1	8.40	.25	.30		.05
ZONE 2	8.27	.25	.30		.05
ZONE 3	8.05	.25	.30		.05
ZONE 4	8.21	.25	.30		.05
ZONE 5	6.94	.25	.30		.05
ZONE 6	6.39	.25	.30		.05
ZONE 7	5.78	.25	.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 3					
ZONE 1	$7.90	.25	.30		.05
ZONE 2	7.77	.25	.30		.05
ZONE 3	7.55	.25	.30		.05
ZONE 4	7.71	.25	.30		.05
ZONE 5	6.46	.25	.30		.05
ZONE 6	5.89	.25	.30		.05
ZONE 7	5.28	.25	.30		
GROUP 4					
ZONE 1	6.95	.25	.30		.05
ZONE 2	6.88	.25	.30		.05
ZONE 3	6.66	.25	.30		.05
ZONE 4	6.87	.25	.30		.05
ZONE 5	5.58	.25	.30		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.46	.25	.30		
GROUP 5					
ZONE 1	6.64	.25	.30		.05
ZONE 2	6.17	.25	.30		.05
ZONE 3	6.17	.25	.30		.05
ZONE 4	6.16	.25	.30		.05
ZONE 5	5.02	.25	.30		.05
ZONE 6	4.48	.25	.30		.05
ZONE 7	3.97	.25	.30		
GROUP 6					
ZONE 1	6.06	.25	.30		.05
ZONE 2	5.56	.25	.30		.05
ZONE 3	5.56	.25	.30		.05
ZONE 4	5.56	.25	.30		.05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	.30		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 7					
ZONE 1	$5.79	.25	.30		.05
ZONE 2	5.28	.25	.30		.05
ZONE 3	5.28	.25	.30		.05
ZONE 4	5.28	.25	.30		.05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	.30		.05
GROUP 8					
ZONE 1	6.95	.25	.30		.05
ZONE 2	6.88	.25	.30		.05
ZONE 3	6.66	.25	.30		.05
ZONE 4	6.87	.25	.30		.05
ZONE 5	5.58	.25	.30		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.46	.25	.30		.05
GROUP 9					
ZONE 1	7.20	.25	.30		.05
ZONE 2	7.13	.25	.30		.05
ZONE 3	6.91	.25	.30		.05
ZONE 4	6.92	.25	.30		.05
ZONE 5	5.83	.25	.30		.05
ZONE 6	5.27	.25	.30		.05
ZONE 7	4.71	.25	.30		.05
GROUP 10					
ZONE 1	6.04	.25	.30		.05
ZONE 2	5.53	.25	.30		.05
ZONE 3	5.53	.25	.30		.05
ZONE 4	5.53	.25	.30		.05
ZONE 5	5.11	.25	.30		.05
ZONE 6	4.56	.25	.30		.05
ZONE 7	4.06	.25	.30		.05

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CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; Crane with 125' boom

GROUP 2 - Crane with 175' boom

GROUP 3 - Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bulldozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; pilsdriver operator; sideboom cats; A-frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and founation drilling machines

GROUP 4 - Medium Duty Operators-Two drum stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats

GROUP 5 - Light Duty Operators-Single drum stabilizer; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; electric elevator (inside); oiler driver; farm-type, rubber-tired tractor, with attachments, except backhoe; Kolun buff and similar equipment; fork lifts, ten ton capacity and under; outboard motored crew boats

GROUP 6 - Mechanic Helper; Batch Plant Operator

GROUP 7 - Oiler

GROUP 8 - Fireman

GROUP 9 - Fireman Operating Steam Valve

GROUP 10 - Oiler on Crane Using Air to Drive Piles

AREA COVERED BY POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes

ZONE 2 - Ascension, East Baton Rouge, Iberville, West Baton Rouge Parishes

ZONE 3 - Bossier, Caddo & Red River Parishes

ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes

ZONE 5 - Lafayette, Ouachita & Rapides Parishes

ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes

ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS					
ZONE 1					
Roofers	$6.88		.10		
Roofers' helpers	5.38		.10		
ZONE 2					
Roofers	6.96	.50	.45		.25
ZONE 3					
Roofers	6.155	.35	.30		.04
Roofers' helpers	4.535	.35	.30		.04
ZONE 4					
Roofers, steep	6.00				
Roofers, flat	5.75				
Roofers, kettlemen	5.50				
Roofers' helpers	4.45				
ZONE 5					
Roofers	5.70		.20		.02
Kettlemen	3.97		.20		.02
Roofers' helpers	3.60		.20		.02

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes

ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes

ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS					
ZONE 1	$8.03	.25	.15		.06
ZONE 2	7.315	.25	.40	.25	.10
ZONE 3	7.75	.20	.50		.12
ZONE 4	7.25	3%+.40	.25		.05

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Bienville, Bossier, Caddo, Caldwell, Carahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS					
ZONE 1	$6.945	.25	.18		.05
ZONE 2	8.42	.20	.20		.04
ZONE 3	8.255	.20	.20		.04
ZONE 4	6.80	.20			
ZONE 5	6.70				
ZONE 6	7.40	.20	.25		.03
ZONE 7	6.70				
ZONE 8	6.60	.35	.20		.05

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Pontchatoula running north and south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa, & Washington Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$8.75	.50	.70		.08
TERRAZZO WORKERS					
ZONE 1	7.80	.25			
ZONE 2	7.85	.43	.20		.02
ZONE 3	6.25				
ZONE 4	7.07		.10		
ZONE 5	6.50				
ZONE 6	7.30				

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS' HELPERS					
ZONE 1	$5.85	.25			
ZONE 2	4.39	.15	.10		.05
ZONE 3	3.30				

AREA COVERED BY TERRAZZO WORKERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, West St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS					
ZONE 1	$7.80	.25			
ZONE 2	5.87		.20		
ZONE 3	6.75				
ZONE 4	7.07		.10		
ZONE 5	6.50				
ZONE 6	7.30				

AREA COVERED BY TILE SETTERS' ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS' HELPERS					
ZONE 1	$5.85	.25			
ZONE 2	4.39	.15	.10		.05
ZONE 3	3.00				

AREA COVERED BY TILE SETTERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$4.91				
GROUP 2	5.34				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.55				
GROUP 6	5.45				
GROUP 7	5.55				
GROUP 8	5.37				
GROUP 9	5.76				
ZONE 2					
GROUP 1	4.65				
GROUP 2	4.65				
GROUP 3	5.51				
GROUP 4	5.39				
GROUP 5	5.77				
GROUP 6	5.84				
GROUP 7	6.09				
GROUP 8	6.24				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1	$4.87				
GROUP 2	4.95				
GROUP 3	5.20				
GROUP 4	5.35				
GROUP 5	5.50				
GROUP 6	5.70				
GROUP 7	6.05				

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 1

GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.
GROUP 4 - Mixers on trucks up to and including 3 yds.
GROUP 5 - Mixers on trucks over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
GROUP 8 - Trucks - dump
GROUP 9 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

TRUCK DRIVERS - ZONE 2

GROUP 1 - Teamster, pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Truck & trailer; Dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers on trucks over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
GROUP 5 - Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels
GROUP 6 - Euclids, low-boys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over three (3) yards, fuel truck
GROUP 7 - Fork lift

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AREA COVERED BY TRUCK DRIVERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$5.23				
ZONE 2	5.23				
ZONE 3	5.01				
ZONE 4	5.36				
ZONE 5	4.45				
ZONE 6	4.35				
ZONE 7	4.23				
GROUP 2					
ZONE 1	5.34				
ZONE 2	5.34				
ZONE 3	5.09				
ZONE 4	5.47				
ZONE 5	4.56				
ZONE 6	4.46				
ZONE 7	4.36				
GROUP 3					
ZONE 1	5.39				
ZONE 2	5.39				
ZONE 3	5.28				
ZONE 4	5.52				
ZONE 5	4.61				
ZONE 6	4.51				
ZONE 7	4.41				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 4					
ZONE 1	$5.45				
ZONE 2	5.45				
ZONE 3	5.45				
ZONE 4	5.58				
ZONE 5	4.67				
ZONE 6	4.57				
ZONE 7	4.47				
GROUP 5					
ZONE 1	5.61				
ZONE 2	5.61				
ZONE 3	5.80				
ZONE 4	5.74				
ZONE 5	4.83				
ZONE 6	4.73				
ZONE 7	4.63				

CLASSIFICATION DEFINITIONS

GROUP 1 - One ton and under: Warehouseman, material checker, receiving clerk, spotter and dumper
GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailer and truck mechanic
GROUP 5 - Special equipment, euclids and five axle moving equipment

AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Nevada Test Site Including Tonopah Test Range in Clark and Nye Counties

DECISION NUMBER: NV75-5005

DATE: Date of Publication

Supersedes Decision No. AR-1043 dated November 8, 1974, in 39 FR 39712.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.16	.78	.72		
CARPENTERS (Nevada Test Site):					
Carpenters	8.24	.45	.60	.80	.03
Floorlayers	8.265	.45	.60	.80	.03
Millwrights	8.54	.45	.60	.80	.03
CARPENTERS (Tonopah Test Range):					
Carpenters; Power actuated tools	6.71	.45		2.10	
Floorlayers; Shinglers	6.735	.45		2.10	
Power Saw Operator (overhead)	6.855	.45		2.10	
CEMENT MASONS:					
Cement Masons	7.35	.50		1.60	.08
Floor Finishing Machine	7.50	.50		1.60	.08
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	11.02	.63	1%		.05
Cable Splicers	11.35	.63	1%		.05
Groundman	8.82	.63	1%		.05
IRONWORKERS:					
Reinforcing	8.78	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
PAINTERS:					
Brush; Roller	7.83	.32	.25	1.00	.02
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	8.08	.32	.25	1.00	.02
Buffing; Sandblasters, Steel	8.29	.32	.25	1.00	.02
PLUMBERS; Steamfitters	9.70	.45	1.30	1.60	.08
SHEET METAL WORKERS	8.93	.63	1.30	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1	$6.23	.26	.75	1.00	
Group 2	6.28	.26	.75	1.00	
Group 3	6.31	.26	.75	1.00	
Group 4	6.33	.26	.75	1.00	
Group 5	6.35	.26	.75	1.00	
Group 6	6.36	.26	.75	1.00	
Group 7	6.38	.26	.75	1.00	
Group 8	6.41	.26	.75	1.00	
Group 9	6.42	.26	.75	1.00	
Group 10	6.44	.26	.75	1.00	
Group 11	6.49	.26	.75	1.00	
Group 12	6.52	.26	.75	1.00	
Group 13	6.54	.26	.75	1.00	
Group 14	6.57	.26	.75	1.00	
Group 15	6.59	.26	.75	1.00	
Group 16	6.655	.26	.75	1.00	
Group 17	6.71	.26	.75	1.00	
Group 18	6.75	.26	.75	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
Group 1	7.03	.95	1.50	.30	.02
Group 2	7.27	.95	1.50	.30	.02
Group 3	7.51	.95	1.50	.30	.02
Group 4	7.62	.95	1.50	.30	.02
Group 5	7.81	.95	1.50	.30	.02
Group 6	7.91	.95	1.50	.30	.02
Group 7	7.31	.75	1.50	.30	
Group 7-A	7.22	.75	1.50	.30	
Group 7-B	7.11	.75	1.50	.30	
Group 7-C	6.87	.75	1.50	.30	
TRUCK DRIVERS					
Group 1	7.915	.223	.50		
Group 2	7.97	.223	.50		
Group 3	8.02	.223	.50		
Group 4	8.18	.223	.50		
Group 5	8.365	.223	.50		

NOTICES

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LABORERS

Group 1: Laborers - General or Construction; Demolition (cleaning of brick, lumber, etc.); Dry packing of concrete and filling of form-bolt holes; Gas and Oil Pipeline; Laborer - temporary water lines (portable type); Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Mortar Man, Kettleman, Potman and man applying asphalt, Lay-kold Creosote, Lime, and similar type materials

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Riprap Stonepaver; Sandblaster (pot tender); Making and Caulking of all non-metallic Pipe Joints

Group 10: Operators and Tenders of Pneumatic and Electric Tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench Multi-plate and similar mechanical tools not separately classified herein; Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger mixers and handling bulk cement); Concrete Saw Man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas and Oil Pipeline Wrapper-pot Tender and Form Man; Operator of Cement Grinding Machine; Roto-scraper; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type brush shredders

Group 11: Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or Power Tools)

Group 12: Driller and/or Pavement Breaker

Group 13: Oversize Concrete Vibrator Operator, 70 lbs. and over; Laying of all non-metallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Powderman-blaster - all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing

LABORERS (Cont'd)

Group 16: Steel Headboardman

Group 17: Sandblaster (Nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 and similar type drills

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, Pump or Generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, Wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yd. or less (w/o dragtype attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Rodman and Chainman; Rosa Carrier; Self-propelled Tar Pipelining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Instrumentmen; Locomotive Engineer; Power Sweeper; Roller, Compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), Soil, Cement, Asphalt - Finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Heavy Duty Welder; Machine Tool; Pavement Breaker; Pneumatic Heading Shield - Tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber Tired, Heavy Duty Equipment)Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Skiploader, Wheeltype, over 3/4 yards, up to and including 1½ yds.; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tractor-drag type Shovel, Bulldozer, Tamper, Scraper and Push Tractor

NOTICES

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Combination Heavy Duty Repairman and Welder; Concrete Mixer - Paving; Concrete Mobile Mixer; Concrete Pump or Pumpcrete Gun; Crushing Plant Engineer; Elevating Grader; Heavy Duty Repairman; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader-Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or size); Multiple Engine-earth moving machinery; Party Chief; Pneumatic Concrete Placing Machine - Hackley-Praaswell or similar type; Rotary Drill, excluding Caisson type; Skiploader, Wheeltype, over 1½ yds.; Surface Heater and Planer; Tractor Loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, Cleaning and Bending Machine; Trenching Machine (over 6 feet depth); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, Derrick, Derrick Barge, Crane, Piledriver and Mucking Machine) Forklift, over 5 tons

Group 7: Driller Operator; Fishing Tool Engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drillers Helpers

TRUCK DRIVERS

Group 1: Light Duty Driver; Warehouseman

Group 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

Group 3: Tireman; Warehouse Clerk

Group 4: Heavy Duty Driver; Forklift Driver; Equipment Parts; Stockroom Clerk

Group 5: Extra Heavy Duty Driver

SUPERSEDEAS DECISION

STATE: New Mexico

COUNTIES: Navajo Indian Reservation in San Juan and McKinley Counties

DECISION NUMBER: NM75-5004

DATE: Date of Publication

Supersedes Decision No. AR-1061 dated December 27, 1974, in 39 FR 44901.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.50	.50	.72		.03
Bricklayers	8.52	.38	.40		.02
Carpenters:					
Dwelling houses and apartments not to exceed 2 stories					
Carpenters	7.44	.47	.45		.12
Dwelling houses and apartments over 2 stories					
Carpenters	7.94	.47	.45		.12
Cement Masons:					
Dwelling houses and apartments not to exceed 2 stories					
Cement Masons	5.62	.38	.20		
Dwelling houses and apartments over 2 stories					
Cement Masons	5.82	.38	.20		
Electricians:					
Electricians	9.18	.25	1%		.01
Cable Splicers	9.95	.25	1%		.01
Laborers:					
Dwelling houses and apartments not to exceed 2 stories					
Laborers, unskilled	4.12	.26	.20		
Dwelling houses and apartments over 2 stories					
Laborers, unskilled	4.57	.26	.20		
Painters, brush; Roller	5.67	.30	.20		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plasterers	$6.50	.38	.20		.06
Plumbers	9.50	.42	.75		.09
Roofers	5.70				
Sheet Metal Workers	7.11	.31	.25		.02
Soft Floor Layers	5.75	.30			.02
Truck Drivers:					
Dwelling houses and apartments not to exceed 2 stories					
Pickup 3/4 ton and under	4.30	.38	.15		
Dwelling houses and apartments over 2 stories					
Pickup 3/4 tons and under	4.60	.38	.15		
Power Equipment Operators:					
Tractor, under 50 HP (w/o attachments)	5.18	.25	.20		.06
Air Compressor (300 CFM and over)	5.72	.25	.20		.06
Motor Graders	5.80	.25	.20		.06
Backhoes	6.30	.25	.20		.06

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4020

DATE: Date of Publication

Supersedes Decision No. AR-52, dated September 27, 1974, in 39 FR 35066.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.45	.35	.30		.02
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	8.05		.20		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Carpenters	7.75				
Millwrights	8.00				
ZONE 2 - Childress County:					
Carpenters	7.60	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS:					
Cement masons	7.05				
Machine operators	7.30				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Electricians	8.08	.30	1%		1/2%
Cable splicers	8.88	.30	1%		1/2%
ZONE 2 - Childress County:					
Electricians	7.325	.20	1%		1/4%
Cable splicers	7.575	.20	1%		1/4%

DECISION NO. TX75-4020

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator constructors	$4.06	.175	.20	2%+a+b	
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b	
Elevator constructors' helpers (prob.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.					
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	5.75				
IRONWORKERS	7.50	.35	.50		.10
LABORERS:					
ZONE 1 - Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall & Swisher Counties:					
GROUP 1 - Unskilled	3.00				
GROUP 2 - Air tool operator (jackhammer, vibrator); Mason tenders; Mortar mixers; Pipelayers (non-metallic); Plasterers tenders	3.15				
ZONE 2 - Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman & Wheeler Counties:					
GROUP 1 - Unskilled	3.50				
GROUP 2 - Air tool operator (jackhammer, vibrator); Mason tenders; Mortar mixers; Pipelayers (non-metallic); Plasterers tenders	3.65				
LATHERS	5.275				

NOTICES

DECISION NO. TX75-4020

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Lineman	$8.08	.30	1%		1/2%
Cable splicer	8.88	.30	1%		1/2%
Groundman, more than 1 year experience	5.42	.30	1%		1/2%
Groundman, less than 1 year experience	4.73	.30	1%		1/2%
Operator-hole digger, line truck	6.28	.30	1%		1/2%
Flat bed truck driver	4.73	.30	1%		1/2%
ZONE 2 - Childress County:					
Lineman	9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Lineman operator	9.21		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE MASONS (EXTERIOR)	8.05		.20		
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
Brush & roller; paperhangers; perfa-tapers	5.75		.15		
Structural steel painters; swinging stage or chair below 50 ft.	5.875		.15		
Spray painters & sandblasters	6.40		.15		
Perfa-tape machine operator	6.00		.15		
PLASTERERS	7.75				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	7.73	.25	.55	.30	
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	7.98	.25	.55	.30	
ZONE 3 - shall apply to all areas not within Zone 1 or Zone 2	8.23	.25	.55	.30	

DECISION NO. TX75-4020

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$6.49	.30	.35		.05
GROUP 2	6.34	.30	.35		.05
GROUP 3	6.15	.30	.35		.05
GROUP 4	6.05	.30	.35		.05
GROUP 5	6.01	.30	.35		.05
GROUP 6	5.90	.30	.35		.05
GROUP 7	5.71	.30	.35		.05
GROUP 8	5.51	.30	.35		.05
GROUP 9	5.40	.30	.35		.05
GROUP 10	5.53	.30	.35		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Utility operator

GROUP 2 - Blade grader, self-propelled; Clam shells; Cable ways; Cranes, power operated (all types); Air compressors; Pumps, welding machines and light plants; Derricks, power operated (all types); Draglines; Elevating graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixrobiles; Paving mixers, all types; Pile drivers; Scrapers; Bulldozers; Side boom; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd. & over) with backhoe; All other equipment of similar nature coming within the heavy class, when power operated

GROUP 3 - Air compressors, pumps, welding machines, throttle valves, light plants (3 - 6); Farm type tractor (loader, under 1 yd.) with backhoe; Go-devil; Mixer, 14 cu. ft. or over; Rollers, over 10 tons; Air compressor and one tugger; 2 or more boilers; All other equipment of similar nature coming within the light class, when power operated

GROUP 4 - Winch trucks

GROUP 5 - Front end scoopmobile, loader & payloader

GROUP 6 - Blade grader, towed; Elevators, building; Fork lifts; Hoist, single drum or 1 line hoisting (1 tugger); Mixers, less than 14 cu. ft.; Rollers; Screening Plants; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler; Front end crane

GROUP 7 - Mechanic helper; Welder helper; Fireman

GROUP 8 - Cressers

GROUP 9 - Oilers, 1st year

GROUP 10 - Oilers, 2nd year

NOTICES

DECISION NO. TX75-4020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.50				
SHEET METAL WORKERS	8.68		.20		.07
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4021 DATE: Date of Publication

Supersedes Decision No. AR-53, dated September 27, 1974, in 39 FR 35369.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$8.05		.20		
CARPENTERS	7.75				
CEMENT MASONS	7.05				
ELECTRICIANS	8.08	.30	1%		1/7%
LABORERS:					
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Wheeler & Gray Counties:					
Laborers	3.50				
Mason tenders	3.65				
Potter, Carson, Deaf Smith, Randall, Armstrong, Donely, Collingsworth, Castro, Swisher & Childress Counties:					
Laborers	3.00				
Mason tenders	3.15				
PAINTERS	5.75		.15		
PLUMBERS	7.73	.25	.55	.30	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO TX75-4021

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.95				
Asphalt Heaterman	3.50				
Asphalt Raker	3.70				
Batching Plant Scaleman	4.10				
Carpenter	3.95				
Carpenter Helper	3.60				
Concrete Finisher (Paving)	4.30				
Concrete Finisher Helper (Paving)	3.55				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper(Structures)	3.35				
Form Builder (Structures)	4.55				
Form Builder Helper (Structures)	2.90				
Form Setter (Paving and Curb)	4.00				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	3.65				
Laborer, Common	2.60				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	3.25				
Mechanic	4.20				
Mechanic Helper	3.50				
Oiler	3.55				
Serviceman	3.70				
Pipelayer	3.00				
Pipelayer Helper	2.60				
Powderman	4.00				
Reinforcing Steel Setter (Paving)	4.35				
Reinforcing Steel Setter(Structures)	4.00				
Reinforcing Steel Setter Helper	3.05				
Sign Erector	3.50				
Sign Erector Helper	3.10				
Spreader Box Man	3.60				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.45				
Broom or Sweeper Operator	2.80				
Bulldozer, 150 HP and Less	3.70				
Bulldozer, over 150 HP	4.05				
Concrete Paving Finishing Machine	3.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				

DECISION NO TX75-4021

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	$4.30				
Crusher or Screening Plant Operator	4.15				
Foundation Drill Operator (Crawler Mounted)	3.70				
Foundation Drill Operator (Truck Mounted)	4.75				
Foundation Drill Operator Helper	3.25				
Front End Loader (2½ CY and Less)	3.70				
Front End Loader (Over 2½ CY)	4.20				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.45				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.30				
Roller, Pneumatic (Self-Propelled)	3.15				
Scrapers (17 CY and Less)	3.70				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	3.25				
Tractor (Crawler Type) over 150 HP	3.55				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.40				
Traveling Mixer	3.75				
Trenching Machine, Light	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Weighman (Truck Scales)	2.65				
Welder	4.80				
Welder Helper	2.75				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX75-4022

DATE: Date of Publication

Supersedes Decision No. AR-54, dated September 27, 1974, in 39 FR 35071.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4021 for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$8.43	.30	.30		.08
ZONE 2 - Bosque, Hill & McLennan Counties	7.98	.30	.51		.025
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS	7.70		.25		.03
CARPENTERS:					
Carpenters					
ZONE 1 - Bell & Coryell Counties	7.30				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties	6.84	.18			
Millwrights & Piledrivermen:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties	7.24	.18			
CEMENT MASONS	6.74	.30	.10		
ELECTRICIANS:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse Creek	8.00		1%		1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	8.60		1%		.8%
ELEVATOR CONSTRUCTORS	7.89	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.75				
IRONWORKERS	7.49	.55	.60		.12
LABORERS:					
Unskilled	2.97				
Mason tenders & mortar mixers	3.55				
LATHERS	7.05	.30		.50	.05

FOOTNOTES: a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates. b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

DECISION NO TX75-4022

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen; Linemen operator	$9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
PAINTERS:					
ZONE 1 - Bosque, Coryell, Falls, Hill & McLennan Counties:					
Brush	5.60				
Roller pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	6.10				
Ames tools for dry walls	6.20				
Spray work & self feeding rollers	6.35				
Steam cleaning, sandblasting & hazardous work	6.70				
ZONE 2 - Bell County:					
Brush	4.40				
Tapers, floater & dry wall finishers	4.65				
Stage work; Boatswain chair	4.90				
Window jacks, steel brushing	4.875				
Spray, sandblasting	5.65				
PLASTERERS	8.20	.25	.10		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	7.50				.02
ZONE 2 - All other areas	7.90				.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.38		.40		
GROUP 2	6.46		.40		
GROUP 3	5.43		.40		
GROUP 4	5.33		.40		

DECISION NO TX75-4022

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated On Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft. Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 3 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Slate, tile, asbestos, roofing & siding	$5.80				.03
Composition, built-up, damp & waterproofing	5.65				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Court House, Waco	7.95				.05
ZONE 2 - Over 20 miles but less than 45 miles	8.45				.05
ZONE 3 - Over 45 miles	8.95				.05
SPRINKLER FITTERS	9.05	.50	.70		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX75-4027

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$3.00				
Asphalt Heaterman	3.15				
Asphalt Raker	3.50				
Batching Plant Scaleman	3.50				
Carpenter	3.60				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.90				
Concrete Finisher Helper (Structures)	2.50				
Concrete Rubber	3.25				
Form Builder (Structures)	4.00				
Form Setter (Paving and Curb)	3.85				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.35				
Laborer, Utility Man	2.75				
Mechanic	4.00				
Mechanic Helper	3.25				
Oiler	3.00				
Serviceman	3.25				
Pipelayer (Concrete & Clay)	3.10				
Plumbers:					
Zone 1 - 35 miles radius of Waco, Texas including town of Temple	7.50				.02
Zone 2 - all area not included in Zone 1	7.90				.02
Powderman	3.55				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	2.75				
Steel Worker (Structural)	4.00				
Sign Erector	3.25				
Spreader Box Man	3.40				
Swamper	3.05				
Power Equipment Operators:					
Asphalt Distributor	3.60				
Asphalt Paving Machine	3.25				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				

DECISION NO TX75-4022

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	$4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.25				
Crusher or Screening Plant Operator	3.75				
Foundation Drill Operator (Truck Mounted)	3.25				
Front End Loader (2½ CY and Less)	3.45				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.25				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	2.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.70				
Roller, Pneumatic (Self-Propelled)	2.75				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.75				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP and Less	2.75				
Tractor (Pneumatic) over 80 HP	3.05				
Trenching Machine, Light	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.75				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.35				
Welder	3.60				

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Bowie
DECISION NO.: TX75-4023
DATE: Date of Publication
Supersedes Decision No. AR-55, dated October 4, 1974, in 39 FR 35901.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4031 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.50		.20		
CARPENTERS:					
Carpenters	6.80				.01
Millwrights	8.60				.04
Piledrivermen	7.30				.01
CEMENT MASONS	6.91	.15			.03
ELECTRICIANS	7.75	.30	1%		1/4%
ELEVATOR CONSTRUCTORS	7.89	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

IRONWORKERS	7.95	.30	.35		.04
LABORERS, UNSKILLED	2.85				
LINE CONSTRUCTION:					
Lineman	8.05		1%		1/2%
Cable splicer	8.29		1%		1/2%
Hole digger operator; Heavy equipment operators (or pole cat equivalent); powderman	7.33		1%		1/2%
Line truck (winch operator)	6.60		1%		1/2%
Jackhammer man	6.04		1%		1/2%
Groundman	5.39		1%		1/2%
Groundman, 1st year	4.93		1%		1/2%
Truck driver (flat bed, one & half & under)	5.72		1%		1/2%
PAINTERS:					
GROUP 1 - Brush	5.00				
GROUP 2 - Spray; Structural steel & iron galvanized pipe over 40 ft.; Brush swinging stage & chair work	6.30				
GROUP 3 - Structural steel & iron galvanized pipe, brush; Brush working window jack	6.00				
GROUP 4 - Brush swinging stage & chair work over 40 ft.	6.60				
GROUP 5 - Spray, sandblasters & power tools from swinging stage or chair work	6.65				

DECISION NO TX75-4023

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS	$8.60		.45		.05
POWER EQUIPMENT OPERATORS:					
GROUP 1	6.265	.30	.50		.10
GROUP 2	7.05	.30	.50		.10
GROUP 3	7.45	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment
GROUP 3 - Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 3 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Pordson type backhoe; Derrick, power operated (all types); Cradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.50				
SHEET METAL WORKERS	7.835	.35	.50		.03
SOFT FLOOR LAYERS	6.80				.01
SPRINKLER FITTERS	9.05	.50	.70		.08
TRUCK DRIVERS	2.45				
WELDERS - receive rate prescribed for craft performing operation to which is welding is incidental					

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: El Paso
DECISION NO.: TX75-4024
DATE: Date of Publication
Supersedes Decision No. AR-69, dated October 18, 1974, in 39 FR 37352.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Incidental Paving).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.08	.50	.82(a)		.03
FOOTNOTE: a-Includes $0.07 contribution to Occupational Health Fund.					
BOILERMAKERS	6.00	.30	.76		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	6.13	.38	.20		.06
CARPENTERS:					
Carpenters	6.15	.45			.02
Millwrights	6.40	.45			.02
Stationary radial arm power saw operator	6.275	.45			.02
Floor layers	6.15	.45			.02
CEMENT MASONS	5.155	.38			.03
ELECTRICIANS:					
Electricians	7.45	.25	1%		1/2%
Cable splicers	7.70	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	6.72	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate; b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	5.47	.24			
IRONWORKERS	6.70	.40	.50		.05
LABORERS:					
Powderman or blasterer	4.08	.26	.10		
Outside wagon drill; wagon drill tenders; miner	3.83	.26	.10		
Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	3.58	.26	.10		
Pipelayer, main sewer and drainage	3.455	.26	.10		
Jackhammer operator, asphalt raker; kettleman; asphalt or pot man	3.33	.26	.10		
Common	3.18	.26	.10		
LATHERS	6.69				.01
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	7.45	.25	1%		1/2%
Cable splicers	7.70	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 months)	50%JR	.25	1%		1/2%

DECISION NO TX75-4024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS	$6.17		.20		.06
PAINTERS:					
Brush; paperhangers; chipping & hand tools used for cleaning; rollers; Tapers, bedders, rollers 9" in width	5.51	.24			.01
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.925	.24			.01
Spray, sandblasting, waterblasting, swing stage	6.215	.24			.01
Ames tools	5.73	.24			.01
Striping machine	6.21	.24			.01
PLASTERERS	6.41	.28			.01
PLUMBERS & STEAMFITTERS	6.75	.31	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	4.96	.30	.30		.03
GROUP 2	5.54	.30	.30		.03
GROUP 3	5.63	.30	.30		.03
GROUP 4	5.68	.30	.30		.03
GROUP 5	5.76	.30	.30		.03
GROUP 6	6.00	.30	.30		.03
GROUP 7	6.16	.30	.30		.03
GROUP 8	5.63	.30	.30		.03
GROUP 9	5.86	.30	.30		.03
GROUP 10	6.16	.30	.30		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farmtype tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments
GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum hydrolift, Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; forklift and lumber stacker on construction job site. Grease truck operator, (Head Oiler). Motor man and Industrial Locomotive. Tractors under 35 HP with attachments; and farm type tractor with back, or shovel type attachments

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DECISION NO. TX75-4024

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)
GROUP 3 - Concrete mixers 1 yard and over, single drum paving machines. Crushing plants. Drilling machines, 6 inches and over; Front end loaders, 2 yards and over; Paving; Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish
GROUP 4 - Tractor Equipment: Athey and Barber Green Loader, Scraper, Trenching Dumor, Elevating Grader; Euclid, Highlander, Scraper, Tractor and Tractors 35 HP and up
GROUP 5 - Concrete Paving machines, double drum. Caccranes, Hyteers, Cherry Picker, Attachment cranes, side and swing boom tractors, Building Hoist, 2 drums and up.
GROUP 6 - Shovel, Backhoe, Patrol, finish Mechanic, Welder. Patrol, finish Cranes 25 tons and under; Cranes 3/4 yards and under; Cranes 25 tons
GROUP 7 - Guy and stiff leg derrick, Piledrivers; Crawler or skid rig, Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons
GROUP 8 - Refrigeration, oilers, Jumbo form operators
GROUP 10 - Mine hoists

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers; Waterproofers; Pipewrappers	$5.00	.29	.25		.005
SHEET METAL WORKERS	7.90	.24			.01
SOFT FLOOR LAYERS	5.56	.50	.70		.08
SPRINKLER FITTERS	9.05		.20		.06
TERRAZZO WORKERS	6.17		.20		
TERRAZZO WORKERS' HELPERS	3.70		.20		.06
TILE SETTERS	6.17				
TILE SETTERS' HELPERS	3.70				
TRUCK DRIVERS					
Up to and including 2 tons Panel and dump trucks, sechantially	3.50	.26			
Tank trucks, up to 2300 gallons	3.60	.26			
Standard dump truck, up to and including 4 cu. yds.	3.50	.26			
Dump trucks, over 4 cu. yds.	3.60	.26			
Trucks over 4 tons including transit mix, all semitruck, etc.	3.75	.26			
Loaboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO. TX75-4025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS:					
Harris County	$7.09	.67		.25	
Galveston County	7.35				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	8.56				
GROUP 2 - All pneumatic and electric tools and steam cleaning	8.915				
GROUP 3 - All tape and float on drywall	8.685				
GROUP 4 - All paper and vinyl hanging	8.81				
GROUP 5 - All spray painting, sandblasting and waterblasting materials	8.955				
GROUP 6 - Steeple jack work, hot materials	9.215				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	7.545	.275	.30	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	7.92	.275	.30	.40	.04
GROUP 3 - Tape, float & drywall	7.67	.275	.30	.40	.04
GROUP 4 - Steeple jack work, hot materials	8.17	.275	.30	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	7.05	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	7.30	.55	.45	.665	.02
GROUP 3 - Painters on rework & repaint	6.72	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	8.70	.40	.55		.045
That part of Galveston County East of the Trinity River:					
Commercial work up to $50,000	8.56	.275	.30		.02
Commercial work $50,000 & over	8.99	.275	.30		.02
PLASTERERS:					
Harris County	8.00	.37	.30		.02
Galveston County	7.80	.32	.30		.05

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX75-4025
Supersedes Decision No. AR-84, dated December 6, 1974, in 39 FR 42651.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Decision Determination TX75-4001 for Paving & Utilities Incidental to Building Construction)

COUNTIES: Galveston & Harris
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.10	.70	.70		.06
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	8.69	.325	.30		.05
CARPENTERS:					
Carpenters	7.96	.45	.30		.05
Millwrights	8.26	.45	.30		.05
Piledrivermen	7.96	.45	.30		.05
CEMENT MASONS:					
Harris County	7.40	.49	.42		.05
Galveston County	7.40	.49	.42		
ELECTRICIANS:					
Harris County	8.65	.30	3%		.04
Galveston County	8.64	.28	12%+34		.01
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+4h	.02
ELEVATOR CONSTRUCTORS' HELPERS (75%)	70%JR	.445	.29	3%+4h	.02
ELEVATOR CONSTRUCTORS' HELPERS	50%JR				
FOOTNOTES: 6+1st 5 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates. 5-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	8.06	.375	.20		.01
IRONWORKERS	7.87	.55	.60		.075
LABORERS:					
GROUP 1 - Common	5.60	.28	.30		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	5.775	.28	.30		.02
GROUP 3 - Lather tender; Mortar mixers; Plaster tenders & hod carriers	5.875	.28	.30		.02
GROUP 4 - Well driller	6.15	.28	.30		.02
GROUP 5 - Well driller tender	5.725	.28	.30		.02
GROUP 6 - Blaster, powderman	6.025	.28	.30		.02
LATHERS (Harris County only)	7.97	.30	.15		.02
LINE CONSTRUCTION:					
Lineman	8.84	.28	1%		1/2%
Groundman	6.06	.28	1%		1/2%
Groundmen (1st 6 mos.)	4.42	.28	1%		1/2%

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DECISION NO. TX75-4025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Harris County	$8.36	.36	.52	.50	.10
Galveston County:					
Commercial work up to $50,000	8.56	.275	.30		.02
Commercial work $50,000 & over	8.99	.275	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.35	.40		.04
GROUP 2	6.92	.35	.40		.04
GROUP 3	6.48	.35	.40		.04
GROUP 4	6.34	.35	.40		.04

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated (same, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO. TX75-4025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:	$6.69	.20	.10	.15	.03
Roofers	5.73	.20	.10	.15	.03
Kettlemen	4.48	.20	.10	.15	.03
Helpers					
SHEET METAL WORKERS:	8.585	.225	.475	.20	.025
Harris County	8.35	.15	.25		.10
Galveston County	7.12	.25	.10		.07
SOFT FLOOR LAYERS	9.05	.50	.70		.08
SPRINKLER FITTERS					
TERRAZZO WORKERS:	7.09	.47		.25	
Harris County	7.35				
Galveston County					
TILE SETTERS:	7.09	.47		.25	
Harris County	7.35				
Galveston County					
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash, grease, fireman, fuel pump operation when used on construction jobs	6.42				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	6.74				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	6.92				
GROUP 4 - Euclids (not self-loading)	7.05				
GROUP 5 - Warehousemen	6.63				
GROUP 6 - Material checkers; pick-up drivers	7.49				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Gregg
DECISION NO.: TX75-4026 DATE: Date of Publication
Supersedes Decision No. AQ-112, dated June 21, 1974, in 39 FR 22360.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$6.70				
CARPENTERS:					
Carpenters	6.05				1/4%
Millwrights	7.55				1/4%
CEMENT MASONS	5.04				
ELECTRICIANS	7.10		1%		1/4%
IRONWORKERS	7.65	.30	.35		.04
LABORERS	3.02				
PAINTERS, BRUSH	5.50				
PLUMBERS & PIPEFITTERS	7.60				.06
ROOFERS	4.56				
SHEET METAL WORKERS	7.245	.35	.25		.03
TILE SETTERS	4.79				
TRUCK DRIVERS	3.125				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.00				
Bulldozers	4.25				
Cherry pickers	4.50				
Cranes	4.00				
Graders	4.50				
Loaders	3.95				
Rollers	3.75				
Scrapers	4.28				
Tractors	3.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX75-4027
Supersedes Decision No. AR-68, dated October 18, 1974, in 39 FR 37328.
DESCRIPTION OF WORK: Building (including Residential) Construction.
(See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction)

COUNTY: Howard
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.10				
CEMENT MASONS	5.00				
ELECTRICIANS	7.40	.30	1%		1/10%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	6.65	.55	.50		.10
LABORERS:					
Laborers	3.06				
Mason tenders	3.50				
PAINTERS	4.50				
PLUMBERS	4.26				
ROOFERS	4.00				
SHEET METAL WORKERS	5.85				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.50				

DECISION NO TX75-4027

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.75				
Asphalt Heaterman	3.00				
Asphalt Raker	3.25				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.25				
Carpenter	3.50				
Carpenter Helper	2.75				
Concrete Finisher (Paving)	3.50				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	3.70				
Concrete Finisher Helper(Structures)	2.50				
Electrician	5.90				
Form Builder (Structures)	3.75				
Form Builder Helper (Structures)	2.90				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving & Curb)	2.90				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.50				
Laborer, Utility Man	2.90				
Mechanic	3.60				
Mechanic Helper	3.00				
Oiler	3.00				
Serviceman	3.00				
Painter (Structures)	3.50				
Powderman	3.70				
Powderman Helper	2.75				
Reinforcing Steel Setter (Paving)	2.90				
Reinforcing Steel Setter(Structures)	4.00				
Reinforcing Steel Setter Helper	2.75				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.25				
Asphalt Paving Machine	3.45				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	4.00				

DECISION NO. TX75-4027

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Crusher or Screening Plant Operator	3.20				
Foundation Drill Operator (Truck Mounted)	3.50				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.25				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	2.75				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.65				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP and Less	2.50				
Tractor (Pneumatic) over 80 HP	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.85				
Tandem Axle or Semitrailer	2.75				
Lowboy-Float	3.10				
Transit-Mix	2.60				
Weighman (Truck Scales	2.50				
Welder	3.85				

SUPERSEDAS DECISION

STATE: Texas COUNTIES: Kleberg & Nueces
DECISION NO.: TX75-4028 DATE: Date of Publication
Supersedes Decision No. AR-91, dated December 27, 1974, in 39 FR 44953.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction.

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
ASBESTOS WORKERS	$7.64	.35	.30	
BOILERMAKERS	8.00	.30	.76	
BRICKLAYERS:	6.98	.18	.15	
Carpenters	6.09	.27	.30	
Millwrights	7.05			
CEMENT MASONS	6.65			
ELECTRICIANS:				
Electricians	7.85	.35	1%	
Cable splicers	7.975	.35	1%	
GLAZIERS (excluding Kleberg Co.)	5.34		.20	
IRONWORKERS:				
Structural, Ornamental	5.89	.40	.40	
Reinforcing	5.84	.40	.40	
LABORERS:				
GROUP 1 - General laborer (any work not specifically defined herein)	3.85	.28	.10	
GROUP 2 - Grade tenders; Brick-layers, plasterers, tile setters, concrete & mortar finishers, carpenter layers, lathers, air compressors, air tampers, air & water proofers, cement gunners; Power tool operators (includes paving buster, jack-hammer, chipping gun, air tamper, barie tamper, electric vibrator, air or gasoline driven vibrator or drills, sump pumps and any and all power driven equipment operated by laborers	4.05 4.20	.28 .28	.10 .10	
GROUP 3 - Pipe wrappers & dopers	4.20	.28	.10	
GROUP 4 - Gunnite nozzlemen; Powderman or blaster	4.30 6.85	.28 .30	.20	1.00
LATHERS	7.92	.28	1%	
LINE CONSTRUCTION:				
Lineman	8.045	.28	1%	
Cable splicer	5.23	.28	1%	
Groundman				

	Fringe Benefits Payments		
	Vacation	Apr. Tr.	
MARBLE SETTERS			.02
MARBLE SETTERS' HELPERS			
PAINTERS:			
Brush			2/10¢
Spray			2/10¢
Sign			2/10¢
PLASTERERS			.01
PLUMBERS & STEAMFITTERS			.035
POWER EQUIPMENT OPERATORS:			
Group 1			
Group 2			
Group 3			
Group 4			

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Asphalt Plant Mixer; Back Filler; Back Hoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or waterwell); Bull Clam; Bull Dozer; Cableway; Clamshell; Crane, power operated, all types; Crusher; Derrick, power operated, all types; Drawbar, Elevating Grader; Elevator, outside the building; Euclids and Athey-Trailer; Finisher, Tank (2 drums or more); Hoist, Elevator, Man or Material (2 drums or more); Hoist, Man-Material (Construction except Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine; Tugboat (on Construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Truck; All other equipment of similar nature coming within Heavy Equipment Class when power operated; Mechanic; Lubrication Engineer (required on grease racks and service trucks)

GROUP 2 - Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Floor-plane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-roller (required on tractors or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Wagon drill; Welding Machines (3 to 6) other than electric; All other equipment of similar nature coming within Light Equipment Class when power operated

GROUP 3 - Oiler, 1st year

GROUP 4 - Oiler, 2nd year

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DECISION NO. TX75-4028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
ROOFERS:	$5.525		.15		
Roofers	5.525		.15		
Kettlemen	5.525		.15		
Waterproofers	5.525	.15	.25		.01
Deckmen	6.72	.27	.50		.02
SHEET METAL WORKERS	6.09	.50	.70		.08
SOFT FLOOR LAYERS	9.05				.02
SPRINKLER FITTERS	6.38				
TERRAZZO WORKERS	4.87				
TERRAZZO WORKERS' HELPERS:	5.07				
Terrazzo helpers	5.22				
Floor machine operators	6.36				.02
Base machine operators	4.87				
TILE SETTERS					
TILE SETTERS' HELPERS					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

V40117 JAN24 75 XUM

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Lubbock
DECISION NO.: TX75-4029
DATE: Date of Publication
Supersedes Decision No. AR-90, dated December 20, 1974, in 39 FR 44191
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.45	.35	.30		.02
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.90		.20		
CARPENTERS	6.85	.30	.30		.01
CEMENT MASONS	6.00				
ELECTRICIANS:					
Electricians	7.60	.30	1%		1/10%
Cable splicers	7.85	.30	1%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.03	.55	.60		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	7.155	.55	.60		.10
LABORERS:					
GROUP 1	4.025	.275	.10		.01
GROUP 2	4.30	.275	.10		.01
GROUP 3	4.275	.275	.10		.01
GROUP 4	4.375	.275	.10		.01
GROUP 5	4.625	.275	.10		.01

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below
GROUP 2 - Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders
GROUP 4 - Wagon drill
GROUP 5 - Blasters and powder make-up men

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$6.75	.20			.01
LINE CONSTRUCTION:					
Lineman	7.60	.30	1%		
Operators	80%JR	.30	1%		
Groundmen (more than 1 year experience)	55%JR	.30	1%		
Groundmen (less than 1 year experience	50%JR	.30	1%		
Flat bed truck operator	70%JR	.30	1%		

DECISION NO TX75-4029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$5.80		.20		.04
Spray	6.45		.20		.04
PLASTERERS	6.00				
PLUMBERS & STEAMFITTERS	7.50		.40		.04
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle valves, Light Plants; Conveyor; Wagon drill; Elevators builcing; Form graders; Hoist, single drum; Ford tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening plants; Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the light equipment class, when power operated
GROUP 3 - Drilling machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch truck; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving mixer (all types); Pile drivers; Mobile concrete mixers over 14 cubic feet; Bulldozers, loaders, tractovators; Scrapers and pulls; Welder; Trenching machines; Roller, ten tons or over; Air compressors, pumps, welding machines and light plants; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic; All other equipment of similar nature coming under the heavy equipment class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$3.50				
SHEET METAL WORKERS	8.68		.20		.07
SOFT FLOOR LAYERS	5.80		.20		.04
SPRINKLER FITTERS	9.05	.50	.70		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Taylor
DECISION NO.: TX75-4030
DATE: Date of Publication
Supersedes Decision No. AR-72, dated November 1, 1974, in 39 FR 38799.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING MECHANICS	$4.00				
ASBESTOS WORKERS	7.98	.30	.51		.025
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS	7.20				
CARPENTERS	6.00	.25	.30		
CEMENT MASONS	5.41				
ELECTRICIANS	6.95	.30	1%		1/4%
GLAZIERS	4.50				
IRONWORKERS	6.65	.55	.50		.10
LABORERS:					
Laborers	3.20				
Mason tenders	3.80				
LINE CONSTRUCTION:					
Lineman	6.45	.30	1%		1/4%
Cable splicers	6.70	.30	1%		1/4%
Groundmen (over 1 yr. of experience)	4.84	.30	1%		1/4%
Groundman (under 1 yr. of experience)	3.87	.30	1%		1/4%
Equipment operator	5.29	.30	1%		1/4%
Flat bed truck driver	4.06	.30	1%		1/4%
PAINTERS:					
Brush, tape & bedding, paperhanger	6.00				
Stage work	6.25				
Spray	6.875				
PLASTERERS	6.60				
PLUMBERS & PIPEFITTERS	7.05		.40		.03
POWER EQUIPMENT OPERATORS:					
Backhoes	4.75				
Cranes, derricks, draglines	5.575				
Drilling	5.575				
Oilers	4.65				
ROOFERS	3.94				
SHEET METAL WORKERS	6.26				
SOFT FLOOR LAYERS	3.75				
TILE SETTERS	4.00				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Travis
DECISION NO.: TX75-4031
DATE: Date of Publication
Supersedes Decision No. AR-47, dated September 20, 1974, in 39 FR 34037.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4031 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.43	.30	.30		.08
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.78	.35	.30		.03
CARPENTERS:					
Carpenters	7.91	.38	.30		.04
Millwrights	8.16	.38	.30		.04
CEMENT MASONS	6.74	.30	.10		
ELECTRICIANS & CABLE SPLICERS	8.60		1%		.8%
ELEVATOR CONSTRUCTORS	7.285	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.31		.20		
IRONWORKERS	7.49	.55	.60		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	4.405	.275	.20		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool operator	4.555	.275	.20		.02
GROUP 3 - Plaster tender; Hod carrier; Mortar mixers; Lather tender; Water or damp proofers	4.73	.275	.20		.02
GROUP 4 - Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	4.805	.275	.20		.02
LATHERS	8.525				.01
LINE CONSTRUCTION:					
Linemen	8.17	.28	1%		1/2%
Groundmen	5.99	.28	1%		1/2%
Groundmen (1st 6 mos.)	4.90	.28	1%		1/2%
MARBLE SETTERS	6.85				
MARBLE SETTERS' HELPERS	4.87				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

DECISION NO TX75-4031

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Taping & floating of sheetrock	$6.55				
Paperhangers; Chipper, burner, torch; Skeleton steelwork erected	6.80				
Spray; Steam cleaning, sand blast & other powered equipment	7.05				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25c per hour above all base rates					
PLASTERERS	8.20	.25	.10		.01
PLUMBERS & STEAMFITTERS	7.85	.20	.25		.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.38		.40		
GROUP 2	6.46		.40		
GROUP 3	5.43		.40		
GROUP 4	5.33		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12, Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination-man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machine or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

NOTICES

DECISION NO TX75-4031

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$5.23				.01
Kettlemen	5.08				.01
SHEET METAL WORKERS	8.30	.30	.35		.07
SOFT FLOOR LAYERS	7.12	.25	.10		.07
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	6.85				
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	6.85				
TILE SETTERS' HELPERS	4.87				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NOTICES

SUPERSEDEAS DECISION

Page 2

STATE: Texas
COUNTY: Wichita
DECISION NO.: TX75-4032
DATE: Date of Publication
Supersedes Decision No. AR-46, dated September 27, 1974, in 39 FR 35059.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4031 for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX75-4032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS & STONEMASONS	8.55		.30		.05
CARPENTERS:					
Carpenters	7.60	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS	6.40				
ELECTRICIANS:					
Electricians	7.325	.20	1%		1/4%
Cable splicers	7.575	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	7.89	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	4.00				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.03	.55	.60		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	7.155	.55	.60		.10
LABORERS:					
GROUP 1 - General laborers	4.125	.275	.20		
GROUP 2 - Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.25	.275	.20		
GROUP 3 - Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer	4.375	.275	.20		
GROUP 4 - Gunnite over 1½" thick; Nozzleman & machine operator	4.375	.275	.20		
GROUP 5 - Powderman, blaster	4.625	.275	.20		
LATHERS	7.65				.01

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman; Lineman operator	$9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE SETTERS	3.90				
PAINTERS:					
GROUP 1	7.895		.20		.02
GROUP 2	8.145		.20		.02
GROUP 3	7.895		.20		.02
GROUP 4	9.145		.20		.02

PAINTERS CLASSIFICATION DEFINITIONS

GROUP 1 - Brush
GROUP 2 - Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Bosun chair; Window jack & window sill; Stage; Fire escape; Steel storage tanks; Stilts; Mittens; Ames tools; Drywall finishing
GROUP 3 - On jobs requiring less than six 250 foot rolls of joint tape, or less than eight man hours of bedding tape, the drywall finishing rate will be
GROUP 4 - Steeple jack rate (radio & TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles atop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$7.65				.01
PLUMBERS-PIPEFITTERS:					
ZONE 1 - Within 25 miles of Wichita Falls City limits	7.05	.25	.35		.02
ZONE 2 - Between 25 and 40 miles of Wichita Falls City limits	7.30	.25	.35		.02
ZONE 3 - Between 40 and 70 miles of Wichita Falls City limits	7.45	.25	.35		.02
ZONE 4 - Between 70 and 100 miles of Wichita Falls City limits	7.60	.25	.35		.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	7.75	.25	.35		.02

DECISION NO. TX75-4032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachmend (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated
GROUP 3 - Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.,); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - Power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.00				
SHEET METAL WORKERS	7.19				.01
TERRAZZO WORKERS	4.10				
TILE SETTERS	3.50				
TRUCK DRIVERS	2.25				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

[FR Doc.75-2022 Filed 1-23-75;8:45 am]

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federal register

FRIDAY, JANUARY 24, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 17

PART IV

FEDERAL ENERGY ADMINISTRATION

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

February, 1975 Supplier Percentages

V40-17 JAN24 75 XUM

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for February, 1975

Pursuant to the provisions of 10 CFR 211.163(b)(3), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in February, 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the impact of available fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(3) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC Forms 23 and 23A submitted by utilities;
2. Natural gas curtailments;
3. FEA's prediction that this supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil to be delivered to the utilities listed during the month of February, 1975. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level for February. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and teh FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

FEA will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEA burn levels in any month. Adjustments may have been made in the allocation to certain utilities to reflect necessary corrections in the delivery levels authorized in previous months. It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of February to avoid undue hardship. Such corrections or adjustments may be made pursuant to Subpart B and C of Part 10 CFR 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels less adjustments for projected growth exceeding historic averages.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. Thus, the timely submission of these forms will be a necessary prerequisite to receiving future allocations.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., January 16, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

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APPENDIX

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF FEBRUARY 1975

	RECOMMENDED FEO BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	1,724,000			1,724,000
AMERADA HESS CORP		68.0	1,172,320	
TAD JONES CO (GULF)		21.0	362,040	
WYATT INC (EXXON)		10.0	172,400	
H N HARTWELL&SON INC		1.0	17,240	
UNITED ILLUMINATING CO	721,000			721,000
TEXACO		87.0	627,270	
WYATT INC (EXXON)		13.0	93,730	
MAINE				
BANGOR HYDRO ELEC. CO.	16,405			16,405
SPRAGUE		100.0	16,405	
CENTRAL MAINE POWER CO.	281,000			281,000
TEXACO		100.0	281,000	
MAINE PUBLIC SERVICE CO.	26,240			26,240
DEAD RIV.O.(SPRAGUE)		100.0	26,240	
MASSACHUSETTS				
BOSTON EDISON CO.	1,186,000			1,186,000
WHITE FUEL (TEXACO)		46.0	545,560	
EXXON		42.0	498,120	
SPRAGUE		12.0	142,320	
BRAINTREE ELEC. LT. DEPT.	16,106			16,106
CK SMITH(GOLD.EAGLE)		100.0	16,106	
.UTIL.ASSOC.(MONTAUP&BLACKS	269,000			269,000
TEXACO		100.0	269,000	
ITCHBURG GAS & EL.	16,000			16,000
NORTHEAST PETROLEUM		100.0	16,000	
HOLYOKE GAS AND ELECTRIC	24,518			24,518
WYATT INC (EXXON)		100.0	24,518	
NEW ENG. ELEC	1,545,000			1,545,000
ASIATIC PETRO CORP		60.0	927,000	
GOLD.EAGLE		39.9	616,455	
PRULEASE		.1	1,545	

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NEW ENG. G & E	687,000			687,000
NEW ENGLAND PETRO		84.8	582,576	
WHITE FUEL(TEXACO)		15.2	104,424	
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	104,844			104,844
QUINCY OIL CO (EXXON		100.0	104,844	
NEW HAMPSHIRE				
PUB SER OF N.H.	398,000			398,000
SPRAGUE		26.3	104,674	
CONOCO		73.7	293,326	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	1,152,820			1,152,820
AMERADA HESS CORP		100.0	1,152,820	
CONSOL EDISON OF NY	3,666,000			3,666,000
NEW ENGLAND PETRO		45.5	1,668,030	
EXXON		20.8	762,528	
AMERADA HESS CORP		22.3	817,518	
TEXACO		11.4	417,924	
FREEPORT, VILLAGE OF	20,900			20,900
BURNS BROS O.(NEPCO)		100.0	20,900	
LONG ISLAND LIGHT CO.	1,549,000			1,549,000
NEW ENGLAND PETRO		100.0	1,549,000	
NIAGARA MOHAWK POWER CO.	519,728			519,728
NEW ENGLAND PETRO		100.0	519,728	
ORANGE & ROCKLAND UTILITIES	1,033,436			1,033,436
NEW ENGLAND PETRO		31.6	326,566	
HOWARD FUEL CORP		68.4	706,870	

ROCHESTER GAS & ELECTRIC	154,311			154,311
ALLIED O		29.7	45,830	
MONOCO OIL COMPANY		70.3	108,481	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	4,370			4,370
CK SMITH		100.0	4,370	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	542,000			542,000
STEUART PETROLEUM CO		22.0	119,240	
TEXACO		5.0	27,100	
GULF		8.0	43,360	
CONOCO		65.0	352,300	
DOVER, CITY OF	34,819			34,819
TEXACO		100.0	34,819	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	1,232,000			1,232,000
ASIATIC PETRO CORP		79.0	973,280	
STEUART PETROLEUM CO		21.0	258,720	
MARYLAND				
BALTIMORE GAS & ELECTRIC	996,430			996,430
AMERADA HESS CORP		52.7	525,119	
EXXON		47.3	471,311	
NEW JERSEY				
ATLANTIC CITY ELECTRIC COMPA	364,208			364,208
AMERADA HESS CORP		60.0	218,525	
CONOCO		40.0	145,683	
PU INTEGRATED SYSTEM	359,031			359,031
AMERADA HESS CORP		94.0	337,489	
SWANN OIL INC		5.0	17,952	
SHIPLEY-HUMBLE		1.0	3,590	

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PUBLIC SERVICE ELECTRIC	1,192,000			1,192,000
AMERADA HESS CORP		78.0	929,760	
EXXON		22.0	262,240	
VINELAND,CITY OF ELEC.	34,800			34,800
SWANN OIL INC		100.0	34,800	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	346,000			346,000
PHILADELPHIA ELECTRIC CO.	1,320,000			1,320,000
ARCO		28.5	376,200	
AMERADA HESS CORP		21.5	283,800	
GULF		9.0	118,800	
NEW ENGLAND PETRO		2.1	27,720	
TEXACO		24.0	316,800	
CONOCO		14.9	196,680	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	0			0
FLORIDA P & L	1,480,000			1,480,000
EXXON		15.0	222,000	
BELCHER OIL(EXXON)		85.0	1,258,000	
FLORIDA POWER CORPORATION	1,339,700			1,339,700
EXXON		60.0	803,820	
AMERADA HESS CORP		40.0	535,880	
FORT PIERCE, CITY OF	53,000			53,000
NEW ENGLAND PETRO		100.0	53,000	
GAINESVILLE, CITY OF	84,963			84,963
EASTERN SEABOARD		100.0	84,963	
GULF POWER CO.	23,900			23,900
BAKER SERVICE(EXXON)		100.0	23,900	

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JACKSONVILLE ELEC. AUTH.	570,000			570,000
VEN FUEL INC		82.6	470,820	
AMERADA HESS CORP		8.7	49,590	
NEW ENGLAND PETRO		8.7	49,590	
KEY WEST UTILITIES	48,000			48,000
STD.OIL-KY		100.0	48,000	
LAKE WORTH UTIL AUTHORITY	11,470			11,470
BELCHER OIL(EXXON)		100.0	11,470	
LAKELAND LIGHT & WTR DEPT	128,000			128,000
BELCHER(STD.OIL-KY)		100.0	128,000	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	428,379			428,379
NEW ENGLAND PETRO		100.0	428,379	
OBRING UTILITIES COMM.	4,500			4,500
UNION OIL OF CA		100.0	4,500	
TALLAHASSEE, CITY OF	120,122			120,122
UNION OIL OF CA		100.0	120,122	
TAMPA ELECTRIC CO.	68,646			68,646
WESTERN (STD.OIL-KY)		100.0	68,646	
VERO BEACH MUNICIPAL POWER	28,363			28,363
BELCHER OIL(EXXON)		100.0	28,363	
GEORGIA				
GEORGIA POWER COMPANY	82,298			82,298
NEW ENGLAND PETRO		100.0	82,298	
SAVANNAH ELECTRIC & POWER CO	201,456			201,456
COLONIAL OIL(EXXON)		100.0	201,456	
MISSISSIPPI				
MISSISSIPPI POWER CO.	69,700			69,700
ERGON(INTL TRADING)		45.0	31,365	
BAKER SERVICE(EXXON)		55.0	38,335	

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SOUTH MISSISSIPPI ELEC	47,454			47,454
SOUTHLND OIL		83.0	39,387	
AMERADA HESS CORP		17.0	8,067	
NORTH CAROLINA				
CAROLINA POWER & LT.	288,508			288,508
EXXON		100.0	288,508	
SOUTH CAROLINA				
CAROLINA ELEC & GAS CO	457,619			457,619
EXXON		100.0	457,619	
CAROLINA PUB SERV AUTH	0			0
VIRGINIA				
VIRGINIA ELECTRIC POWER	2,725,500			2,725,500
EXXON		56.0	1,526,280	
AMERADA HESS CORP		19.7	536,924	
AMOCO		24.3	662,297	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	169,403			169,403
LOGICON INC (SHELL)		80.0	135,522	
E L BRIDE(TEXACO)		20.0	33,881	
JONESBORO WATER AND LIGHT PL	0			0
COLORADO				
TRU, S.COLO PWR DIV.	0			0
KANSAS				
CENTRAL KANSAS PWR	9,067			9,067
GR.PLS(CRA-FARMLAND)		100.0	9,067	

MANUTE,CITY OF	3,678			3,678
MID AMER.REFINING		100.0	3,678	
MAY CENTER LT&WTR	400			400
CARTER WTR		100.0	400	
MOFFEYVILLE LT & PWR	2,866			2,866
CRA-FARMLAND		100.0	2,866	
MP&U, WESTERN PWR DIV	41,000			41,000
AMOCO		73.0	29,930	
NORTH AMER PETRO		23.0	9,430	
CARTER WTR		4.0	1,640	
MANSAS GAS & ELEC	138,561			138,561
FRONTIER PRODUCTION		15.3	21,200	
ASPH&PETRO INDUST		84.7	117,361	
MANSAS POWER & LIGHT	123,099			123,099
PHILLIPS PETROLEUM		46.1	56,749	
GR.PLS		38.4	47,270	
NTL COOP REFINERY		15.5	19,080	
MARNED WTR & ELEC	261			261
CARTER WTR		100.0	261	
MCPHERSON BD OF PUB UTIL	2,990			2,990
NTL COOP REFINERY		100.0	2,990	
MOTTAWA WTR & LT	1,014			1,014
CARTER WTR(AMOCO)		100.0	1,014	
LOUISIANA				
MENTRAL LOUISIANA ELECTRIC C	18,069			18,069
FALCO		66.7	12,052	
ATLAS(PENNZOIL)		33.3	6,017	
MONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	2,097,710			2,097,710
MURPHY OIL CORP		30.0	629,313	
TAUBER OIL CO		20.5	430,031	
SHELL		21.3	446,912	
EXXON		12.9	270,605	
GULF		9.5	199,282	
ERGON INC (EXXON)		3.8	79,713	
E L BRIDE(OKC REF.)		1.7	35,661	
REESE OIL(SUN OIL)		.3	6,293	

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OUTHWESTERN ELECTRIC POWER	42,213			42,213
FALCO		100.0	42,213	
MISSISSIPPI				
ARKSDALE WTR & LT	26,262			26,262
SOUTHLND OIL		100.0	26,262	
AZOO CITY PUB SERV	4,285			4,285
SOUTHLND OIL(HOWELL)		100.0	4,285	
MISSOURI				
MPIRE DIST ELEC	45			45
E L BRIDE		100.0	45	
T JOSEPH LT & PWR	12,391			12,391
E L BRIDE		100.0	12,391	
OKLAHOMA				
LACKWELL WTR & LT	349			349
SHEPHERD(MIDSTATES)		100.0	349	
KLAHOMA GAS & ELEC	0			0
ESTERN FARMERS ELEC COOP	16,803			16,803
MCPHERSON BROS		100.0	16,803	
TEXAS				
ULF STATES UTILITIES	451,433			451,433
COASTAL STATES MKTG		37.5	169,287	
TENNECO		16.1	72,681	
LAJET		4.0	18,057	
EXXUN		20.1	90,738	
SOUTH HAMPTON CO		22.3	100,670	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

USTIN CITY ELEC DEPT	44,667			44,667
TESORO		100.0	44,667	

RAZOS ELEC COOP	0			0
RYAN, CITY OF	7,185			7,185
PETROLEUM T&T(3 RIVE		100.0	7,185	
DALLAS POWER &LT.	5,660			5,660
WINSTON REF CO		18.2	1,030	
KERR MCGEE OIL CO		18.9	1,070	
J&W REFINING		47.2	2,672	
BEE OIL&REFINING		15.6	883	
ARLAND,CITY OF	14,941			14,941
PRIDE REFINERY INC		74.7	11,161	
DELTA REFINING CO		25.3	3,780	
HOUSTON LIGHT & PWR	0			0
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	2,905			2,905
TESORO		100.0	2,905	
SAN ANTONIO PUB SERV	364,415			364,415
TESORO		100.0	364,415	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	17,503			17,503
LA GLORIA OIL&GAS CO		31.1	5,443	
J&W REFINING		49.0	8,576	
KERR MCGEE		19.9	3,483	
WEST TEXAS UTIL	122,826			122,826
PRIDE REFINING INC		100.0	122,826	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS				
COMMONWEALTH EDISON CO.	340,000			340,000
ALLIED O.		98.0	333,200	
CLARK OIL&REF.CORP		2.0	6,800	

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LLINOIS POWER CO	0			0
MISSOURI				
NION ELECTRIC	25,000			25,000
APEX OIL CO		100.0	25,000	
WISCONSIN				
UPERIOR WTR & LT	13,334			13,334
MURPHY OIL CORP		100.0	13,334	
ISCONSIN ELEC PWR	0			0

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
TLANTIC MUNICIPAL UTILITIES	5,250			5,250
MCMILLAN OIL CO		100.0	5,250	
NTERSTATE POWER	40,219			40,219
NORTHWESTERN REF		100.0	40,219	
AMONI MUNIC	0			0
MINNESOTA				
USTIN UTILITIES	5,500			5,500
NORTHWESTERN REF		48.3	2,657	
GUSTAFSON OIL CO		33.0	1,815	
W H BARBER		18.7	1,029	
AIRMONT WTR & LT	0			0
ARSHALL MUNICIPAL UTIL	2,200			2,200
E L BRIDE		100.0	2,200	
INNESOTA PWR & LT	30,700			30,700
MURPHY OIL		100.0	30,700	
ORTHERN STATES PWR	0			0

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WATONNA MUN UTIL	12,092			12,092
NORTHWESTERN REF		60.0	7,255	
GUSTAFSON OIL CO		40.0	4,837	
ORTHINGTON, CITY OF	5,967			5,967
ALLIED O.		100.0	5,967	
NEBRASKA				
ENTRAL NEBRASKA PUBLIC	0			0
AIRBURY LT & WTR	5,000			5,000
CARTER WTR(TEXACO)		100.0	5,000	
RAND ISLAND ELEC	5,253			5,253
E L BRIDE		100.0	5,253	
ASTINGS UTILITIES DEPT	3,250			3,250
CARTER WTR		100.0	3,250	
INCOLN ELECTRIC SYSTEM	2,300			2,300
E.L. BRIDE CO		100.0	2,300	
EBRASKA PUBLIC POWER DISTRI	10,068			10,068
PANHANDLE COOP ASSOC		100.0	10,068	
MAHA PUB PWR DIST	4,869			4,869
MILDER OIL CO		100.0	4,869	
WISCONSIN				
AKE SUPERIOR DIST PWR	32,500			32,500
DOME PETROLEUM		100.0	32,500	

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
LINTON LT & WTR	652			652
CRYSTAL REFINING CO		100.0	652	
ONSUMERS POWER	695,011			695,011
CONSUMERS PWR-CRUDE		54.0	375,306	
LAKESIDE REFINING CO		14.0	97,302	
OSCEOLA REFINING CO		8.0	55,601	
TOTAL LEONARD INC		4.0	27,800	
MURPHY MI.DIV.AMOCO		6.0	41,701	
ENTERPRISE OIL CO		6.0	41,701	
BORON OIL(STANDARD)		3.0	20,850	
INDUST FUEL&ASPHALT		2.0	13,900	
RUPP OIL COMPANY		2.0	13,900	
GLADIEUX REF		1.0	6,950	

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ETROIT EDISON CO.	229,214			229,214
SUN OIL LTD		70.0	160,450	
CANADIAN FUEL MKTRS		9.9	22,692	
ENTERPRISE OIL CO		4.8	11,002	
PETRO PRODUCTS		5.4	12,378	
MARATHON OIL		9.9	22,692	
RAND HAVEN BD PUB	0			0
ILLSDALE BD OF PUB WORKS	7,480			7,480
LEWIS(GLADIEUX REF)		100.0	7,480	
OHIO				
LEVELAND ELEC ILLUMIN	268,333			268,333
ALLIED O.(ASHLAND)		100.0	268,333	
OLEDO EDISON	0			0
PENNSYLVANIA				
LLEGHENY POWER SERVICE	87,600			87,600
ALLIED O.(NEPCO)		100.0	87,600	

). WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA				
RIZONA PUBLIC SERVICE CO.	235,379			235,379
UNION OIL OF CAL		63.0	148,289	
PACIFIC SOUTHWEST		16.5	38,838	
SAN JOAQUIN REF		16.5	38,838	
BASIN FUELS		4.0	9,415	
ALT RIVER PROJECT	69,441			69,441
TESORO		12.4	8,611	
DOUGLAS OIL CO		2.8	1,944	
GUSTAFSON OIL CO		.9	625	
MACMILLAN		17.0	11,805	
POWERINE OIL CO		18.1	12,569	
LITTLE AMERICA		19.7	13,680	
SAN JOAQUIN REF		29.1	20,207	

UCSON GAS & ELEC	168,573			168,573
GOLDEN GATE PETRO		22.0	37,086	
NAVAJO REFINING		5.0	8,429	
TOSCO		43.0	72,486	
UNION OIL OF CA		25.0	42,143	
HOLLAND OIL(TOSCO)		5.0	8,429	
CALIFORNIA				
URBANK CITY PUBLIC SER.	765,000			765,000
CARSON(GOLD.EAGLE)		100.0	765,000	
LENDALE PUBLIC SERVICES	81,081			81,081
POWERINE OIL CO		100.0	81,081	
MPERIAL IRRIGATION DISTR	68,200			68,200
CRESCENT REF&O(GULF)		100.0	68,200	
OS ANGELES DEPT OF WATER &	1,403,000			1,403,000
ARCO		59.8	838,994	
EDGINGTON OIL CO		20.9	293,227	
PETROBAY		7.6	106,628	
NEWHALL REFINING CO		5.0	70,150	
SAN JOAQUIN REF		3.5	49,105	
POWERINE OIL CO		3.2	44,896	
ACIFIC GAS & ELECTRIC CO	2,118,000			2,118,000
ARCO		59.8	1,266,564	
UNION OIL OF CA		4.0	84,720	
PHILLIPS PETROLEUM		20.1	425,718	
PERTA OIL		16.1	340,998	
ASADENA POWER CO.	98,368			98,368
GOLD.EAGLE		100.0	98,368	
AN DIEGO GAS & ELECTRIC CO.	913,081			913,081
UNION OIL OF CA		29.8	272,098	
HIRI		16.2	147,919	
EDGINGTON OIL CO		21.3	194,486	
TESORO		32.7	298,577	

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SOUTHERN CALIF EDISON	4,033,000			4,033,000
STD.OIL-CAL		50.1	2,020,533	
TEXACO		9.7	391,201	
ARCO		7.8	314,574	
EXXON		20.4	822,732	
PACIFIC RESOURCES		6.8	274,244	
MACMILLAN R.F.OIL		3.0	120,990	
CONOCO		2.2	88,726	
COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	104,763			104,763
PLATEAU INC		20.1	21,057	
REF.CORP		43.5	45,572	
CONOCO		36.4	38,134	
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	57,380			57,380
GUSTAFSON OIL CO		54.0	30,985	
HUSKY OIL COMPANY		46.0	26,395	
SIERRA PACIFIC POWER	93,224			93,224
GOLDEN GATE PETRO		100.0	93,224	
NEW MEXICO				
PLAINS ELEC GEN & TRANSM	1,190			1,190
PLATEAU INC		97.8	1,164	
CAPIROU 4 CORNERS		2.2	26	
PUB SERV NEW MEXICO	35,949			35,949
PLATEAU INC		39.8	14,308	
SHELL		26.4	9,491	
THRIFTWAY		5.4	1,941	
NAVAJO REFINING		24.1	8,664	
STD.OIL-TEXAS		4.3	1,546	

OREGON				
PACIFIC POWER & LIGHT CO	0			0
TEXAS				
COMMUNITY PUB SERV	20,147			20,147
STD.OIL-TEXAS		100.0	20,147	
EL PASO ELECTRIC	85,540			85,540
SOUTHERN UNION		74.5	63,727	
TESORO		25.5	21,813	
UTAH				
UTAH POWER &LIGHT CO.	22,000			22,000
BLACKLINE ASPH.SALES		100.0	22,000	
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	124,305			124,305
ROSSO INC		1.0	1,243	
PACIFIC NORTHERN		16.0	19,889	
HOME OIL CO		2.0	2,486	
SOUTH CENTER OIL		16.5	20,510	
LILYBLAD		8.5	10,566	
CASCADE		8.0	9,944	
OLDS OLYMPIC		4.0	4,972	
SHELL		44.0	54,694	
SEATTLE DEPT OF LI	0			0
TACOMA DEPT OF PUBLIC UTILIT	0			0

10. ASCC

ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPANY	600,444			600,444
STD.OIL-CA		100.0	600,444	

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HILO ELEC LT	28,268			28,268
STD.OIL-CA		100.0	28,268	
KAUAI ELECTRIC	13,212			13,212
STD.OIL--CA		100.0	13,212	
MAUI ELECTRIC	28,151			28,151
STD.OIL-CA		100.0	28,151	
11. NOT OTHERWISE CLASSIFIED				
UNK				
GUAM PWR AUTH	85,532			85,532
U.S.NAVY		100.0	85,532	
PUERTO RICO WATER RESOURCES	1,719,321			1,719,321
COMMONWEALTH OIL		50.0	859,661	
PUERTO RICO SUN OIL		30.0	515,796	
CARIBBEAN GULF REF		20.0	343,864	
ST CROIX, V.I. WTR PWR	53,339			53,339
AMERADA HESS CORP		100.0	53,339	
ST THOMAS, V.I. WTR PWR	39,542			39,542
AMERADA HESS CORP		100.0	39,542	

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CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1974)

Title 43—Public Lands: Interior (Parts 1–999)---------- $3.95

Title 45—Public Welfare (Parts 100–199)---------- 5.30

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Title 3—The President

PROCLAMATION 4341

Modifying Proclamation No. 3279 [1], Relating to Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS the Director of the Office of Civil and Defense Mobilization found pursuant to Section 2 of the Act of July 1, 1954, as amended (19 U.S.C. 1352a), "that crude oil and the principal crude oil derivatives and products are being imported in such quantities and under such circumstances as to threaten to impair the national security;" and

WHEREAS, Proclamation No. 3279 as well as modifications thereof, including Proclamation No. 4210 which suspended tariffs on imports of petroleum and petroleum products and established a system of license fees for such imports, was issued pursuant to this finding; and

WHEREAS, although conditions in world oil markets have changed significantly in recent years, the above finding continues to be valid at the present time; and

WHEREAS, the Administrator of the Federal Energy Administration who maintains constant surveillance of imports of petroleum and its primary derivatives in respect to the national security, and who has reviewed the current status of imports under Proclamation No. 3279, as amended, has recommended that the method of adjusting imports of crude oil and the principal crude oil derivatives and products be modified; and

WHEREAS, I agree with this recommendation; and

WHEREAS, pursuant to Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), the Secretary of the Treasury having made an appropriate investigation to determine the effects on the national security of imports of crude oil and the principal crude oil derivatives and products and having considered the matters required by him to be considered by the Trade Expansion Act of 1962, as amended,

[1] 24 FR 1781, 3 CFR, 1959–1963 Comp., p. 11.

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has reported the findings of his investigation and has advised me that crude oil, the principal crude oil derivatives and products, and related products derived from natural gas and coal tar, are being imported in such quantities and under such circumstances as to threaten to impair the national security and has recommended that I take action to reduce such imports; and

WHEREAS, having considered the matters required by me to be considered by the Trade Expansion Act of 1962, as amended, I agree with the said advice; and

WHEREAS, I find and declare that adjustments must be made in imports of crude oil, the principal crude oil derivatives and products, and related products, so that such imports will not so threaten to impair the national security; and

WHEREAS, I judge it necessary and consistent with the national security to further discourage importation into the United States of petroleum, petroleum products, and related products, in such quantities or under such circumstances as to threaten to impair the national security; to create conditions favorable to domestic crude oil production needed for projected national security requirements; and to increase the capacity of domestic refineries and petrochemical plants to meet such requirements; and to encourage the development of other sources of energy; and

WHEREAS, in order to achieve the above objectives, I determine that a supplemental fee should be imposed on all imports of petroleum and petroleum products, and that certain other changes in the existing license fee system be made; and

WHEREAS, I have instructed the Administrator of the Federal Energy Administration to evaluate the structure and scope of coverage of those aspects of the existing Mandatory Oil Import Program which are not changed by this Proclamation, and to report to me within three months with his recommendations;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of February 1, 1975, a new system of oil import fees is instituted, and accordingly, Proclamation No. 3279, as amended, is hereby further amended as follows:

SECTION 1. Subparagraph (1) of paragraph (a) of section 3 is amended to read as follows:

"SEC. 3(a)(1). Effective February 1, 1975, the Administrator shall issue allocations and licenses subject to fees, on imports of crude oil, unfinished oils, and finished products. Such licenses shall require, among other appropriate provisions, that:

"(i) With respect to imports of crude oil and natural gas products, over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.21 per barrel;

"(ii) With respect to imports of motor gasoline, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt), over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.63 per barrel;

"(iii) With respect to imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the customs territory of the United States on or after February 1, 1975, there shall be a supplemental fee per barrel, of $1.00, rising to $2.00 on imports entered on or after March 1, 1975, and to $3.00 on imports entered on or after April 1, 1975;

"(iv) With respect to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii), the amount of such fees shall be reduced, on a monthly basis, by an amount equal to any applicable duties paid less any drawbacks received during the same period, except that where duty drawbacks exceed the duty paid during that period, the net differences shall be applied to subsequent periods;

"(v) With respect to all licenses issued prior to the effective date of this Proclamation, such licenses shall be subject to paragraph 3(a)(1)(iii), regardless of whether such licenses were issued as a result of payment of fees or an allocation not subject to fee;

"(vi) With respect to licenses issued prior to the effective date of this Proclamation, not subject to the license fee prescribed in paragraph 3(a)(1)(i)–(ii) or licenses issued by prepayment of such fees, payment of the fees prescribed in paragraph 3(a)(1)(iii) shall be made no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first. With respect to licenses subject to the fees prescribed in paragraph 3(a)(1)(i)–(ii) but issued against a surety bond, payment of the fees prescribed in paragraph 3(a)(1)(iii) shall be made simultaneously with payment of the fees prescribed in paragraph 3(a)(1)(i)–(ii). Notwithstanding the provisions of paragraph (b) of Section 3, surety bonds need not be increased to cover the additional fee liability on licenses issued prior to the effective date of this Proclamation;

"(vii) With respect to licenses issued on or after February 1, 1975, for imports entered into the customs territory of the United States prior to April 1, 1975, an amount of fees under paragraph 3(a)(1)(iii) equal to those due on April 1, 1975, shall be payable, subject to refund of the difference between the amount of the fee applicable at the time the imports are entered and the amount already paid;

"(viii) With respect to licenses issued pursuant to paragraph 3(a)(1)(iii) for imports other than (A) crude oil as defined for purposes of the Old Oil Allocation Program which is imported for refining or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, the Administrator may by regulation reduce the fee payable by the following amounts, or by such other amounts as he may determine to be necessary to achieve the objectives of this Proclamation and the Emergency Petroleum Allocation Act of 1973:

"—For imports entered into the United States customs territory during the month of February, 1975, $1.00 per barrel;

"—For imports entered during the month of March, 1975, $1.40 per barrel;

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"—For imports entered during the month of April, 1975, and thereafter, $1.80 per barrel.

"(ix) With respect to licenses issued pursuant to paragraph 3(a)(1)(i)–(iii), the Administrator:

"(A) With respect to imports of crude oil, to the extent that such imports are refined into products or incorporated into petrochemicals exported from the United States and its territories and possessions, shall refund any fee collected; *provided*, that the Administrator may limit the quantity of exports to which refunds under this provision may be applicable;

"(B) With respect to unfinished oils, may, by regulation, provide for refunds to the extent that such unfinished oils are refined into products or incorporated into petrochemicals which are exported from the United States and its territories and possessions; and

"(C) With respect to petrochemicals, shall specify, by regulation, those petrochemicals which qualify an importer for a refund under this subparagraph."

SEC. 2. In addition to the foregoing amendments, which in themselves are intended to achieve the objectives of this Proclamation, the following additional and conforming amendments are made to Proclamation No. 3279, as amended:

(a) Paragraph (c) of Section 1 is amended to read as follows:

"(c) In Districts I–IV, District V, and in Puerto Rico, no department, establishment, or agency of the United States shall without prior payment of the fees provided for in Section 3(a)(1)(i)–(ii) of this Proclamation, import finished products in excess of the respective allocations made to them by the Administrator. Such allocations shall, except as otherwise provided in this Proclamation, be within the maximum levels of imports established in Section 2 of this Proclamation. No such department, establishment, or agency shall be exempt from the fees provided in Section 3(a)(1)(iii)."

(b) Section 2 is amended in the following respects:

(1) The first sentence of paragraph (a) of section 2 preceding subparagraph (1) is amended to read as follows:

"SEC. 2(a). Except as otherwise provided in this Proclamation, the maximum level of imports, from sources other than Canada and Mexico which may be made without prior payment of the fees provided in Section 3(a)(1)(i)–(ii) of this Proclamation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be:"

(2) Subparagraphs (1), (2), (5) and (6) of paragraph (a) of section 2 are amended by deleting the word "calendar" wherever it appears.

(3) Paragraph (c) of section 2 is deleted, and paragraph (d) is redesignated as paragraph (c).

(4) Subparagraph (1) of paragraph (d) of section 2 preceding the portion of subparagraph (1) designated (i) is amended to read as follows:

"(c)(1) Except as otherwise provided in this Proclamation, the maximum levels of imports from Canada of crude oil and unfinished oils to which license fees under section 3(a)(1)(i)–(ii) are not applicable shall be:"

(5) Subparagraph (1) of paragraph (d) of section 2 is amended in the portions designated (i) and (ii) by deleting the word "calendar" wherever it appears.

(6) Paragraph (e) of section 2 is redesignated as paragraph (d), and is amended by deleting the word "calendar."

(7) Paragraph (f) of section 2 is redesignated as paragraph (e).

(c) Section 3 is amended in the following additional respects:

(1) Subparagraph (2) of paragraph (a) of section 3 is amended in its proviso to read as follows:

"Provided, that such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Administrator that he made a good faith attempt to arrange shipment by vessel under United States registry and that no such vessel was available at reasonble rates for the purpose at the time this shipment was made."

(2) Subparagraph (3) of paragraph (a) of section 3 is amended to read as follows:

"(3) The Administrator is authorized to refund or reduce fees, whether in whole or in part, (i) for payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties, by the United States Customs Service, less any applicable drawback pursuant to paragraph 3(a)(1)(iv); (ii) for payment to the importer of record of the sums required to be refunded by paragraphs 3(a)(1)(vii) and (viii); (iii) where the licensee failed to use, wholly or in part, the license issued to him; (iv) where refunds of license fees, whether in whole or in part, are ordered by the Oil Import Appeals Board; (v) where refund of a license fee, whether in whole or in part, is called for by reason of a person having exported finished products or petrochemicals; (vi) where crude oil imported by virtue of a license for which a fee was paid has been manufactured into asphalt; (vii) where refund of a license fee is called for by reason of the same having been improperly charged."

(3) Paragraph (b) of section 3 is amended to read as follows:

"(b) Applications for allocations and licenses for imports subject to fee under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of the Treasurer of the United States in the amount chargeable pursuant to this section, or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the amount chargeable pursuant to this section, conditioned upon payment of such amount to the order of the Treasurer of the United States, by the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse, whichever occurs first, or within such other period as the Administrator shall specify. In the event that such bond is terminated or the face value of the bond

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is reduced below the outstanding liability of licenses issued pursuant to the bond, the Administrator shall immediately revoke all licenses issued pursuant to the bond. Except as to a department, establishment or agency of the United States, applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Payment of fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency, to the suspense account provided by subparagraph (1) of paragraph (c) of this section."

(4) Subparagraph (1) of paragraph (c) of section 3 is amended to read as follows:

"(c)(1) All monies received by the Administrator under the terms of paragraph (b) of this section shall be held by the Administrator in a suspense account and may be drawn upon by the Administrator for the payment of refundable license fees. Balances remaining in such suspense account and not required to be reserved for payments hereinabove provided shall be deposited at the end of each fiscal year in the Treasury of the United States and credited to miscellaneous receipts."

(5) Subparagraph (2) of paragraph (c) of section 3 is redesignated as subparagraph (3) and a new subparagraph (2) is added to paragraph (c) to read as follows:

"(2) Any importer, paying fees pursuant to this section, shall, with respect to each such payment, receive the refunds authorized by subparagraph (1)(iv) of paragraph (a) of this section by submitting to the Administrator, simultaneously with or subsequent to the payment of license fees, such evidence of tariff payment as the Administrator shall specify. Said importer shall also certify the amount of drawback received during the same period for which a refund is requested."

(d) Section 4 is amended in the following respects:

(1) Subparagraphs (1), (2), and (4) of paragraph (b) of section 4 are amended by inserting the phrase "under section 3(a)(1)(i)–(ii)" after the words "license fees" wherever such words shall appear.

(2) Subparagraph (5) of paragraph (b) of section 4 is amended in the first sentence by inserting the phrase "under section 3(a)(1)(i)–(ii)" after the words "license fees", and in the third and fourth sentences by inserting the words "to which fees under section 3(a)(1)(i)–(ii) shall not be applicable" after the word "allocations", wherever such word shall appear.

(4) Paragraph (c) of section 4 is amended by adding, at the end of said paragraph, the following sentence:

"In exercising this authority the Administrator will consult with the Secretaries of State, Treasury, and Defense, as appropriate."

(5) Paragraph (d) of section 4 is deleted.

(e) Section 5 is amended in the following respects:

(1) Paragraph (a) of section 5 is amended by deleting the last sentence.

(2) Paragraph (b) of section 5 is amended in clause (1) of the first sentence by deleting the words "on applications for allocations of imports

under such regulations," and by inserting the words "under implementing regulations," in the last sentence by deleting the word "fee" and inserting the words "from the fees established in section 3(a)(i)–(ii)", and by adding a new sentence after the last sentence to read as follows: "Any allocations granted by the Board, however, shall be subject to payment of the fees established in section 3(a)(1)(iii)."

(f) Section 10 is redesignated as section 7 and is amended to read as follows:

"SEC. 7. The Administrator shall provide policy direction, coordination, and surveillance of the mandatory oil import program, and shall, from time to time, in consultation with the Secretaries of State and the Treasury and other federal agencies as appropriate, review the status of imports of petroleum and its primary derivatives in respect to the national security. In this connection, he shall inform the President of any circumstances which might indicate the need for further Presidential action under Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended."

(g) Section 11 is redesignated as section 8 and is amended by adding after the words "fee" or "fees", wherever they shall appear, the phrase "under section 3(a)(1)(i)–(ii)", and by deleting the proviso.

(h) Section 12 is redesignated as section 9, and is amended by substituting a comma for the period, and by adding the words "except that all such allocations shall be subject to the payment of fees prescribed by section 3(a)(1)(iii) of this Proclamation."

(i) Section 13 is redesignated as section 10.

(j) Section 14 is deleted.

(k) Section 15 is redesignated as section 11 and is amended by adding, after the last paragraph, the following paragraphs:

"(m) The term 'Administrator' means the Administrator of the Federal Energy Administration, or his delegate.

"(n) The term 'Old Oil Allocation Program' means the program adopted pursuant to the Emergency Petroleum Allocation Act of 1973 for Allocation of Old Oil, 39 F.R. 42246 (December 4, 1974), 10 C.F.R. 211.67."

(l) Section 16 is redesignated as section 12, and is amended to read as follows:

"SECTION 12. Effective with respect to articles entered, or withdrawn from warehouse for consumption on or after February 1, 1975, tariffs upon imports of petroleum products listed in schedule 4, part 10—"Petroleum, natural gas, and products derived therefrom"—of the Tariff Schedules of the United States shall be and are reinstated."

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

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rules and regulations

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Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

The Board of Governors has amended Regulation D (12 CFR Part 204) to modify the reserve balances that member banks are required to maintain against demand deposits. The amendments approved by the Board reduce by one-half of 1 percentage point reserves required on all categories of net demand deposits up to $400 million. The reduction on reserves of deposits of more than $400 million will be 1 percentage point. These amendments are designed to permit further gradual improvement in bank liquidity and to facilitate moderate growth in the monetary aggregates. The effect of these amendments will be to release approximately $1.1 billion in reserve balances.

This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. The amendments to Regulation D are effective on deposits outstanding in the week beginning January 30, 1975, and affect reserves held by member banks in the week beginning February 13, 1975. There was no notice or public participation with respect to this amendment since such procedures would result in delay that would be contrary to the public interest and serve no useful purpose. The effective date was deferred for less than the 30-day period referred to in section 553(d) of Title 5, United States Code, because the Board found that the public interest compelled it to make the action effective no later than the date adopted (see § 262.2(e) of the Board's Rules of Procedure).

Effective January 30, 1975, § 204.5(a)(1)(iii) and (2)(iii) of Regulation D are amended to read as follows:

§ 204.5 Reserve requirements.

(a) • • •

(1) • • •

(iii) (a) 7½ percent of its net demand deposits if its aggregate net demand deposits are $2 million or less, (b) $150,000 plus 10 percent of its net demand deposits in excess of $2 million if its aggregate net demand deposits are in excess of $2 million but less than $10 million, (c) $950,000 plus 12 percent of its net demand deposits in excess of $10 million if its aggregate net demand deposits are in excess of $10 million but less than $100 million, or (d) $11,750,000 plus 13 percent of its net demand deposits in excess of $100 million.

(2) • • •

(iii) $50,750,000 plus 16½ percent of its net demand deposits in excess of $400 million.

• • • • • •

By order of the Board of Governors, January 20, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-2296 Filed 1-24-75;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-43]

PART 524—OPERATIONS OF THE BANKS

Lease of Federal Home Loan Bank Quarters

JANUARY 15, 1975.

The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble.

I. *Existing regulation.* Requires prior approval of the Federal Home Loan Bank Board for a Bank or the Fiscal Agent of the Banks to enter into any contract for the lease of Bank quarters.

II. *Amended regulation.* Removes the requirement for prior approval of contracts for the lease of quarters for a period of 10 years or less.

III. *Effect of proposed amendment.* Eliminates the necessity for the Board to review proposed short term (10 years or less) lease contracts for Bank quarters.

The Federal Home Loan Bank Board considers it desirable to amend the regulations for the Federal Home Loan Bank System by revoking § 524.1 (12 CFR 524.1). Section 524.1 requires Board approval prior to entering into any contract for the lease of Bank quarters, as follows:

> Neither a Bank nor the Fiscal Agent of the Banks shall enter into any contract for the lease of quarters until such proposed contract shall have been approved by the Board.

The Board desires to revoke the above provisions to eliminate the burden of Board review for short-term lease contracts for Bank quarters. If this is accomplished, the principal effect would be to enable Banks or the Fiscal Agent of the Banks (whose functions are now performed by the Office of Finance pursuant to § 522.81) to enter into any contract for the lease of Bank quarters having a term of 10 years or less, without prior Board approval. Section 12 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1432), would continue to require Board approval of any lease of quarters having a term of more than 10 years.

§ 524.1 [Revoked]

Accordingly, the Board hereby revokes § 524.1 of the regulations for the Federal Home Loan Bank System, effective January 27, 1975.

Since the amendment relieves restrictions, notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.75-2357 Filed 1-24-75;8:45 am]

[No. 74-1353]

PART 545—OPERATIONS

PART 555—BOARD RULINGS

Changing Interest Rates on Passbook Accounts

DECEMBER 19, 1974.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations.

I. *Existing regulations.* Federal "deposit-type" associations may not change the interest rate fixed for passbook accounts during a distribution period.

II. *Amended regulations.* Federal "deposit-type" associations may increase the interest rate on passbook accounts during a distribution period.

III. *Reason for change.* To provide additional flexibility to Federal associations in connection with passbook accounts.

The Federal Home Loan Bank Board considers it desirable to amend § 545.1-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-1) and to revoke § 555.8(e) thereof (12 CFR 555.8(e)) in order to permit

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Federal associations to increase the rate of return announced for a distribution period for regular (passbook) accounts as described below.

New paragraph (h) of § 545.1–1 provides that during any distribution period a Federal association, pursuant to a resolution of its board of directors, may increase the rate of return anounced for such period for regular accounts. Federal deposit-type associations (i.e., Federal associations which have adopted the charter provision in § 545.1–3(a)) may have monthly, quarterly or semiannual distribution periods and have been required to fix a rate of return for such period for regular accounts during the month preceding such period. New § 545.1–1(h) permits Federal associations (both deposit-type and share-type, i.e., a nondeposit association) to increase the announced rate of return during the distribution period. Further, new § 545.1–1 (h) permits such increased rate of return to be paid for all or any portion of such distribution period.

For example, if a Federal association having a quarterly distribution period for its regular accounts announces the rate of return for the first calendar quarter at 5 percent, new § 545.1–1(h) would allow the association to increase that rate to 5¼ percent in February. The higher rate could be made applicable to all or any portion of the 3 month period.

New § 545.1–1(h) provides that an increased rate of return shall not exceed the applicable maximum rate of return for regular accounts in the Board's rate control regulations (12 CFR Part 526). Also, new § 545.1–1(h) reflects the contractual nature of the deposit relationship between a deposit association and its savings account holders by providing that a deposit association shall not reduce the rate of return announced for a distribution period for regular accounts, except to conform with the rate control provisions of § 526.2(b).

In connection with adding new § 545.1–1(h), the Board also revokes § 555.8(e), a Board Ruling that Federal asociations were not allowed to pay different rates on the same class of account during a single distribution period.

Accordingly, the Board hereby amends § 545.1–1 by adding a new paragraph (h) at the end thereof to read as set forth below, and amends § 555.8 by revoking paragraph (e) thereof, effective January 27, 1975.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b), and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

1. Paragraph (h) is added to § 545.1–1 to read as follows:

§ 545.1–1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * *

(h) *Change of rate of return.* During any distribution period a Federal association, pursuant to a resolution of its board of directors, may increase the rate of return announced for such period for regular accounts issued pursuant to this Part. Any such increased rate of return may be paid for all or any portion of such distribution period. Such increased rate of return shall not exceed the applicable maximum rate of return prescribed in Part 526 of this chapter for regular accounts. During a distribution period, a Federal association which has adopted the charter provision referred to in § 545.1–3(a) (a deposit association) shall not reduce the rate of return announced for such period for regular accounts unless a reduction in rate during such period is required in order to conform with the limitations on rate of return prescribed in Part 526. As used in this paragraph (h) the terms "announced" and "regular account" shall have the same meanings as in § 526.1 of this chapter.

§ 555.8 [Amended]

2. Paragraph (e) of § 555.8 is revoked, effective January 27, 1975.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–2356 Filed 1–24–75;8:45 am]

Title 16—Commercial Practices

[Docket No. C–2558]

PART 13—PROHIBITED TRADE PRACTICES

Hercules, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* § 13.170–46 Insecticidal or repellent; § 13.195 *Safety;* 13.195–60 Product; § 13.205 *Scientific or other relevant facts.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 17.1740 *Scientific or other relevant facts.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1890 *Safety;* § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hercules, Incorporated, Wilmington, Del., Docket C–2558, Oct. 4, 1974]

In the Matter of Hercules Incorporated, a Corporation

Consent order requiring a Wilmington, Del., formulator and distributor of manufacturing grade insecticides, among other things to cease claiming that its agricultural insecticides are absolutely safe to use or absolutely safe to man or the environment. Further, respondent must place in all promotional material expressing or implying safety claims about agricultural insecticides, a statement reminding users that all pesticides are harmful if misused, and that they should only be used as directed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered,* That respondent, Hercules Incorporated, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of any insecticide product with precautionary labeling which contains any active insecticidal ingredient(s) presently marketed by respondent or currently being field tested by respondent and which is intended for use by custom applicators and commercial growers to protect animals or food, forage, field or fiber crops by virtue of the capacity of its active ingredient(s) to kill insects (sometimes referred to hereinafter as "such products"), do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising, by other promotional material, or by sales representatives' oral statements, that such products are absolutely or unqualifiedly safe, non-toxic or free of hazard for any use registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (hereinafter FIFRA) or any other approved use based upon evidence filed in connection with registration under FIFRA.

B. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are qualifiedly safe, non-toxic or free of hazard for any use registered under FIFRA or any other approved use based upon evidence filed in connection with registration under FIFRA; *provided however,* That factual statements about such products regarding any use registered under FIFRA, any other approved use based upon evidence filed under FIFRA, the level of hazard or toxicity to products or species treated in accordance with such use(s) or residues resulting from such use(s) shall not be prohibited if:

[1] Copies of the complaint and decision and order filed with the original document.

(1) Respondent prominently and in close conjunction thereto, includes a statement (except in broadcast advertisements not more than 30 seconds in length) denoting the existence of any specific caution or category thereof, other than directions for use (e.g., "Do not apply within 7 days of harvest"), which (a) appears on respondent's label or labeling for such products; or, (b) in the absence of relevant cautions on respondent's product labels or labeling, regarding such factual statements, are identified by the Environmental Protection Agency in its "EPA Compendium of Registered Pesticides" or any published supplement thereto; including but not limited to limitations on application due to regional or climatic variations; restrictions on subsequent use of treated crops, animals, or lands; and limitations due to consequent injury of specific species, e.g., crop(s), animal(s), fish, bird(s), or beneficial insect(s); where such specific caution is relevant and material and without notice of which said factual statements would be untrue or misleading; and

(2) At the time of such representations, 1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or 2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(3) Such factual statements do not use the word "safe," or any form thereof.

C. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are relatively or comparatively safe, less toxic or freer of hazard, for any use registered under FIFRA, or any other approved use based upon evidence filed in connection with registration under FIFRA; *Provided however,* That comparative factual statements about such products regarding any use registered under FIFRA, any other approved use based upon evidence filed under FIFRA, the level of hazard or toxicity to products or species treated in accordance with such use(s), or residues resulting from such use(s) shall not be prohibited if:

(1) Such factual statements compare the promoted insecticide with a specifically identifiable insecticide product, product form, or product group; and

(2) Respondent prominently and in close conjunction thereto, includes a statement (except in broadcast advertisements not more than 30 seconds in length) denoting the existence of any specific caution or category thereof, other than directions for use (e.g., "Do not apply within 7 days of harvest"), which (a) appears on respondent's label or labeling for such products, or, (b) in the absence of relevant cautions on respondent's product labels or labeling, regarding such factual statements, are identified by the Environmental Protection Agency in its "EPA Compendium of Registered Pesticides" or any published supplement thereto; including but not limited to limitations on application due to regional or climatic variations; restrictions on subsequent use of treated crops, animals, or lands; and limitations due to consequent injury of specific species, e.g., crop(s), animal(s), fish, bird(s), or beneficial insect(s), where such specific caution is relevant and material and without notice of which said factual statements would be untrue or misleading; and

(3) At the time of such representations, 1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or 2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Such factual statements do not use the word "safe," or any form thereof.

II. With respect to representations not covered by the provisions of Section I of this Order, *it is ordered,* That Hercules Incorporated, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products, do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, or by sales representatives' oral statements, that such products are absolutely safe, non-toxic or free of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment.

B. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are qualifiedly safe, non-toxic or free of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment, *Provided however,* That factual statements which (i) describe physical, chemical, biological or toxicological characteristics of the promoted insecticide, or (ii) discuss the aforesaid characteristics and their effects on the environment, human beings, warm-blooded animals, fish, birds, or beneficial insects shall not be prohibited if:

(1) The label or labeling for such product(s) contains no relevant and required general or specific warning or caution regarding such characteristics or any effect caused by such characteristics; provided nothing in this subsection shall prohibit:

(a) The dissemination of instructions for the proper use of such product(s), or

(b) Factual statements which reproduce or discuss the substance of or reason(s) for any statement, warning or caution or direction for use found on the label or labeling of the promoted product(s) and are consistent with such statements, warnings, cautions, or directions for use, and

(2) Such factual statements are true and not misleading under normal circumstances and conditions under which the product could be expected to be used, *Provided further,* If circumstances and conditions of normal use exist in which said factual statements are untrue or misleading, respondent must describe, prominently and in close conjunction with said factual statements, specific circumstances and conditions for use in which said factual statements are true and not misleading; and

(3) At the time of such representations, 1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or 2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Respondent discloses, prominently and in close conjunction with any such factual statements concerning human safety (except in broadcast advertisements not more than 30 seconds in length), any toxicological characteristics relating to human safety which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(5) Respondent discloses, prominently and in close conjunction with any other such factual statements (except in broadcast advertisements not more than 30 seconds in length), any hazardous collateral effects which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(6) Such factual statements do not use the word "safe," or any form thereof.

C. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are relatively or comparatively more safe, less toxic or freer of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment than any other insecticide product(s); *Provided however,* That comparative factual statements which (i) describe physical, chemical, biological or toxicological characteristics of the promoted insecticide or (ii) discuss the aforesaid characteristics and

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their effect on the environment, human beings, warm-blooded animals, fish, birds, or beneficial insects shall not be prohibited if:

(1) Such factual statements compare the promoted insecticide with a specifically identifiable insecticide product, product form, or product group; and

(2) Such factual statements are true and not misleading under normal circumstances and conditions under which the product could be expected to be used, *Provided further*, if circumstances and conditions of normal use exist in which said factual statements are untrue or misleading, respondent must describe, prominently and in close conjunction with said factual statements, specific circumstances and conditions of use in which said factual statements are true and not misleading; and

(3) At the time of such representations, 1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or 2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Respondent discloses, prominently and in close conjunction with any such factual statements concerning human safety (except in broadcast advertisements no more than 30 seconds in length), any toxicological characteristics relating to human safety in regard to which the promoted product is the more toxic and which are relevant and material and without the disclosure which said factual statements would be untrue or misleading; and

(5) Respondent discloses, prominently and in close conjunction with any other such factual statement (except in broadcast advertisements not more than 30 seconds in length), any hazardous collateral effects in regard to which the promoted product is more hazardous and which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(6) Such factual statements do not use the word "safe," or any form thereof.

D. Representing, directly or by implication, by print or broadcast advertising or other promotional material, that Toxaphene insecticide, or any product containing Toxaphene insecticide:

(1) Is "soft," or

(2) Is "non-persistent," "non-mobile" and/or will "not magnify biologically"; *Provided however*, That the use of such terms shall not be prohibited if:

(a) Accompanied by statements, which clearly and conspicously and in close conjunction with such terms, fully and accurately explain such terms and the specific context within which such terms are used, and that context reflects a normal circumstance or condition in which the product could be expected to be used; and

(b) Accompanied by statements which set forth all relevant and material adverse effects on the environment known to result from the uses of such product which are suggested by the claims for the product; and

(c) Statements concerning such terms are substantiated by competent scientific tests or other objective material which provide a reasonable basis for the representations made, and the substantiation materials are either (i) available for public inspection, or (ii) otherwise available to the Federal Trade Commission to determine compliance with this Order; and

(d) Statements concerning such terms include no conclusory representations, either directly or indirectly or by implication, suggesting that the product is unqualifiedly safe, non-toxic or free of hazard.

III. *It is further ordered*, That respondent, Hercules Incorporated, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from making any representations, directly or by implication, orally or in writing, or omitting any representations, concerning any such product, which contradict, are inconsistent with, or detract from the effectiveness of any warning, caution or direction for use required to be set forth on the label or labeling of such product. If the representations, directly or by implication, made by respondent, or the omission of representations by respondent, are in accord with the provisions of Sections I, II and IV of this Order, they shall be considered as being in compliance with this Section of the Order.

IV. *It is further ordered*, That respondent, Hercules Incorporated, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from disseminating or causing the dissemination of:

A. Any print advertising or print promotional material which contains claims covered by Sections I or II for any such product unless it clearly and conspicuously includes in such print advertisement or print promotional material the following statement:

STOP! ALL PESTICIDES CAN BE HARMFUL TO HEALTH AND THE ENVIRONMENT IF MISUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED.

B. Any broadcast advertisement more than 30 seconds in length for any such product which contains claims covered by Sections I or II unless it clearly and conspicuously includes the following statement:

ALL PESTICIDES CAN BE HARMFUL TO HEALTH AND THE ENVIRONMENT IF MISUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED.

C. Any broadcast advertisement not more than 30 seconds in length for any such product which contains claims covered by Sections I or II unless it clearly and conspicuously includes the following statement:

ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED.

Provided, That in television advertisements no more than 10 seconds in length which contain no direct representations concerning product safety, the requirements of the term "clearly and conspicuously" shall in all cases be met by including the above statement in the video portion of the advertisement.

V. *It is further ordered*, That the provisions of this Order shall apply to all advertising (or advertising claims) prepared by respondent, whether or not such advertising is placed or paid for by respondent alone, or by respondent in conjunction with another under a cooperative advertising plan, or otherwise; *Provided, however*, That Sections I, II, III, and IV of this Order shall not apply to any advertising prepared by the customers of respondent, whether or not respondent makes payment in whole or in part for such advertising under any cooperative advertising plan, or otherwise. Nothing in this Section V shall be construed to extend any provision of this Order beyond the specific terms thereof.

Respondent shall, nevertheless, condition all future payments to customers of insecticide products covered by this Order, made in connection with any cooperative advertising plan in which respondent participates, upon said customers' certification to respondent that they have complied with the standards set forth in Section IV of this Order.

VI. Nothing in this Order shall be construed to apply to scientific articles published in recognized scientific or agricultural journals or government publications, or reprints thereof, or representations (other than print advertising or other promotional material) before public or governmental forums such as public hearings, scientific meetings, or to governmental agencies, agents, or employees responsible for the regulation or dissemination of information concerning insecticide products covered by this Order.

VII. *It is further ordered*, That nothing in this Order shall prohibit the dissemination of product labels (as defined by Section 2(p)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended), or reproductions thereof.

VIII. *It is further ordered*, That this Order shall become effective as to broadcast and print advertisements and other promotional material upon service and as to oral representations by sales representatives two months thereafter, except that Sections I.B., I.C., II.B., II.C. AND III of this Order shall become effective at such time as and to the extent that a Trade Regulation Rule covering the advertising and promotion of products subject to this Order, and containing terms at least as onerous as this Order, becomes final and effective. *Provided*, That at all times subsequent to the date this Order is served, claims which would be governed by Sections I.B., I.C., II.B., or II.C., if said sections were in effect, shall be deemed to be "claims covered by Sections I or II" for purposes of Section IV of this Order.

IX. *It is further ordered*, That should the Federal Trade Commission promulgate a Trade Regulation Rule or Industry Guide governing the advertising or promotion of products subject to this Order, then any pertinent less comprehensive or less restrictive provisions of such Rule or Guide shall automatically replace any comparable provisions set forth herein which are effective on the date that such Rule or Guide becomes effective.

X. *It is further ordered*, That the respondent forthwith distribute a copy of this Order to each of its operating divisions engaged in the manufacture, sale, advertising, promotion or distribution of products subject to this Order, and to all present and future employees of respondent responsible for the advertising, promotion, distribution or sale of such products, and to all parties participating in respondent's cooperative advertising programs for such products.

XI. *It is further ordered*, That the respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of this Order.

XII. *It is further ordered*, That respondent corporation shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order, except that such report shall in the case of Sections I.B., I.C., II.B., II.C. and III be filed within sixty (60) days after their becoming effective against respondent corporation.

The Decision and Order was issued by the Commission, October 4, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2318 Filed 1-24-75;8:45 am]

[Docket No. C-2562]

PART 13—PROHIBITED TRADE PRACTICES

McCollum Ford Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, McCollum Ford Sales, Inc., et al. Spokane, Wash., Docket C-2562, Oct. 7, 1974.]

In the Matter of McCollum Ford Sales, Inc., a Corporation, and H. D. Richardson and Robert D. Sackmaster, Individually and as Officers of Said Corporation

Consent order requiring a Spokane, Wash., seller, lessor and distributor of new and used automobiles and automotive accessories, among other things to cease making any claims as to the fuel consumption or economy of operation or ownership of any vehicle without a reasonable basis for such claim consisting of tests or surveys using statistically valid methodology and having such results available at places of retail sales in a language understandable to the average consumer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered*, That respondents McCollum Ford Sales, Inc., a corporation, its successors and assigns, and its officers, and H. D. Richardson and Robert D. Sackmaster, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or lease, sale, lease, or distribution of motor vehicles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, as to the fuel consumption or economy of operation or ownership of any vehicle or type of vehicle, unless:

A. The representation reflects the average consumer's customary or usual driving experience with the vehicles referred to;

B. At the time the representation is made, respondents:

1. Have a reasonable basis for such representation, consisting of tests or surveys using statistically valid methodology, and

2. Have made available to the general public, at the point of retail sale, copies of a brief but comprehensive statement of the results and methodology of such tests or surveys, in terms understandable to the average consumer;

C. In immediate conjunction with the representation, respondents clearly and conspicuously disclose:

1. The year, make, and model of each vehicle or type of vehicle referred to or used as a basis of comparison, and

2. Where and how the test or survey results and methodology may be obtained; and

D. Respondents retain copies of all sales promotional materials which contain such representations, including newspaper advertisements and radio and television scripts, for a period of three years after use of such materials; and retain for a like period all records made pursuant to this order.

II. *It is further ordered*, That the corporate respondent shall forthwith distribute a copy of this order to each of its officers, agents, representatives or employees who are engaged in the preparation or placement of advertisements.

III. *It is further ordered*, That the corporate respondent notify the Commission at least thirty days prior to any proposed change in said respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

IV. *It is further ordered*, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment, and of their affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include their current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

V. *It is further ordered*, That the respondents shall within sixty days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, October 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2319 Filed 1-24-75;8:45 am]

[Docket No. C-2555]

PART 13—PROHIBITED TRADE PRACTICES

Miami Menstogs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements;* 13.73-90 Textile Fiber Products Identification Act. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* 13.1590-70 Textile Fiber Products Identification Act; § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material

[1] Copies of the complaint and decision and order filed with the original document.

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disclosure: § 13.1845 *Composition;* 13.1845—70 Textile Fiber Products Identification Act: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Miami Menstogs, Inc., et al., Hialeah, Fla., Docket C–2555, Oct. 3, 1974]

In the Matter of Miami Menstogs, Inc., a Corporation, and Henry Young, Individually and as an Officer of Said Corporation

Consent order requiring a Hialeah, Fla., manufacturer of men's sport shirts, among other things to cease misbranding its textile fiber products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

* * * * *

It is ordered, That respondents Miami Menstogs, Inc., a corporation, its successors and assigns, and Henry Young, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to separately set forth the required information as to fiber content in such a manner as to show the fiber content of the separate sections of textile fiber products containing two or more sections which are of different fiber composition where such form of marking is necessary to avoid deception as required by Rule 25(b) of the Rules and Regulations promulgated under authority of the Textile Fiber Products Identification Act.

4. Setting forth information required under Section 4(a) of the Textile Fiber Products Identification Act and Rule 5 (a) promulgated thereunder in abbreviated form on labels affixed to textile products.

B. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents as required by Section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Rules and Regulations promulgated thereunder.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, Miami Menstogs, Inc., such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, October 3, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–2320 Filed 1–24–75;8:45 am]

[Docket No. C–2571]

PART 13—PROHIBITED TRADE PRACTICES

Northwest Marine Industries, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.180 *Quantity.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–45 Maintain records; 13.533–45(k) Records, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Northwest Marine Industries, Inc., Seattle, Wash., Docket C–2571, Oct. 8, 1974]

In the Matter of Northwest Marine Industries, Inc., a Corporation

Consent order requiring a Seattle, Wash., trade association promoting the interests of member firms in the marine industry, including manufacturers and distributors of boats, marine engines, marine accessories, etc., among other things to cease misrepresenting the availability of fuel for recreational boating without substantiating material providing a reasonable basis for such claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Northwest Marine Industries, Inc., its successors and assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of marine equipment, including but not limited to power boats, boat trailers, marine engines, marine hardware and accessories, etc. in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing orally, in writing, visually or otherwise, directly or by implication, that any general or specific quantity of fuel for recreational boating is, or will be, available, unless at the time of such representation, said respondent has a reasonable basis for such representation which shall consist of quantitative data based on a statistically valid sample, or competent scientific or economic data or other appropriate substantiating material.

It is further ordered, That respondent shall, at all times subsequent to the effective date of this order, maintain complete records relative to the manner and form of its compliance with this order during the immediately preceding two-year period. Such records shall include all advertising, promotional literature, the basis for all application advertising claims, correspondence with persons who formulate or place advertising, and other pertinent documents, and shall be made available for inspection and photocopying by authorized representatives of the Federal Trade Commission upon reasonable notice at respondent's place of business or other properly designated location.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each operating division, to all present and future personnel of respondent engaged in the preparation, creation or placing of advertising, and to all present and future agencies engaged in the preparation, creation or placing of advertising on behalf of respondent; and that respondent secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondent notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

Decision and order issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–2321 Filed 1–24–75;8:45 am]

[Docket No. 8899]

PART 13—PROHIBITED TRADE PRACTICES

Sterling Drug, Inc., et al.

Subpart—Advertising Falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170–10 Antiseptic, germicidal; 13.170–52 Medicinal, therapeutic, healthful, etc.; 13.170–70 Preventive or protective; § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sterling Drug, Inc., et al., New York, N.Y., Docket 8899, Oct. 1, 1974]

In the Matter of Sterling Drug, Inc., a Corporation, and SSC&B, Inc., a Corporation

Consent order requiring a New York City manufacturer of household disinfectants and its New York City advertising agency, among other things to cease making disease-prevention claims for its Lysol Brand products or any other household disinfectants.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered,* That respondents Sterling Drug, a corporation, and SSC&B Inc., a corporation, their successors and assigns and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of Lysol Brand Products or any household disinfectant product, shall forthwith cease and desist from representing, directly or by implication, that:

A. Environmental surfaces play a significant role in the transmission of viruses or bacteria associated with influenza, colds, or streptococcal throat infection;

B. Use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of influenza, colds, or streptococcal throat infection;

C. Use of any household disinfectant product kills airborne viruses or bacteria associated with influenza, colds, streptococcal throat infection, or other upper respiratory disease, *Provided,* That nothing in this subparagraph shall be construed to otherwise restrain demonstrations of aerosol products as room deodorizers or air fresheners;

D. Use of any household disinfectant product kills germs associated with disease(s), unless such representation expressly mentions the name(s) of the disease(s); the representation is true; and respondent(s) making such representation has(have) competent and reliable scientific evidence that such use reduces the incidence or prevents the spread of the named disease(s); or

E. Use of any household disinfectant product kills viruses or bacteria associated with influenza, colds, streptococcal infection, staphylococcal infection, or other upper respiratory diseases unless the advertisement is which such representation appears clearly and conspicuously discloses that there is no evidence that the product portrayed will protect the family against flu or strep throat, *Provided,* That nothing in this subparagraph shall be construed to apply to a representation that Lysol Brand Disinfectants kill bacteria which cause streptococcal or staphylococcal skin infections.

II. *It is further ordered,* That nothing herein contained shall be construed to require any alteration of, or deletion from, the labeling of any of Sterling's household disinfectant products of legends, claims or information heretofore specifically accepted by the Environmental Protection Agency or its predecessor agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended 7 U.S.C. section 135 et seq.

III. *It is further ordered,* That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents forthwith distribute a copy of this order to each of its operating divisions or subsidiaries involved in the advertising, promotion, distribution or sale of Lysol Brand Disinfectants.

It is further ordered, That each respondent shall, within sixty (60) days and at the end of six (6) months after the effective date of this order, file with the Commission a report, in writing, signed by respondents, setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission, October 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–2322 Filed 1–24–75;8:45 am]

[Docket No. C–2560]

PART 13—PROHIBITED TRADE PRACTICES

Timothy, Lynn, Daniel, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Timothy, Lynn, Daniel, Inc., et al., Houston, Tex., Docket C–2560, Oct. 7, 1974]

In the Matter of Timothy, Lynn, Daniel, Inc., a Corporation, Trading and Doing Business as Laufman's and Timothy Gallagher Individually and as an Officer of Said Corporation

Consent order requiring a Houston, Tex., retailer of jewelry and other merchandise, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Timothy, Lynn, Daniel, Inc., a corporation, trading and doing business as Laufman's, or under any other name or names, its successors and assigns, and its officers, and Timothy Gallagher, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate, subsidiary, division or other device in connection with any extension of consumer credit as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 12 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the terms required by § 226.7(b) and (c) clearly, conspicuously and in meaningful sequence in accordance with § 226.6(a) of Regulation Z.

2. Failing to disclose the term "finance charge" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

3. Failing to disclose the term "annual percentage rate" more conspicuously than other required terminology as required by § 226.6(a) of Regulation Z.

4. Failing to disclose the outstanding balance in the account at the beginning

[1] Copies of the Complaint and decision and order filed with the original document.

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of the billing cycle, using the term "previous balance", as required by § 226.7 (b) (1) of Regulation Z.

5. Failing to employ the term "payments" to describe the amounts credited to the account during the billing cycle for payments, as required by § 226.7(b) (3) of Regulation Z.

6. Failing to disclose the amount of any finance charge, using the term "finance charge", debited to the account during the billing cycle, as required by § 226.7(b) (4) of Regulation Z.

7. Failing to disclose each periodic rate, using the term "periodic rate" (or "rates") that may be used to compute the finance charge (whether or not applied during the billing cycle), as required by § 226.7(b) (5) of Regulation Z.

8. When a finance charge is imposed during the billing cycle, failing to disclose the annual percentage rate or rates determined under § 226.5(a) of Regulation Z using the term "annual percentage rate" (or "rates"), as required by § 226.7(b) (6) of Regulation Z.

9. Failing to disclose the balance on which the finance charge was computed, and the statement of how that balance was determined, as required by § 226.7 (b) (8) of Regulation Z.

10. Failing to disclose the term "new balance" to describe the outstanding balance in the account on the closing date of the billing cycle, as required by § 226.7(b) (9) of Regulation Z.

11. Failing to employ a statement accompanying the term "new balance" indicating the date by which, or the period, if any, within which payment must be made to avoid additional finance charges, as required by § 226.7(b) (9) of Regulation Z.

12. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered. That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commisison, October 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2323 Filed 1-24-75;8:45 am]

[Docket C-2563]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Camp Chevrolet, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Camp Chevrolet, Inc., et al., Spokane, Wash., Docket C-2563, Oct. 7, 1974]

In the Matter of Camp Chevrolet, Inc., a Corporation, and Jerry W. Camp, Individually and as an Officer of Said Corporation

Consent order requiring a Spokane, Wash., seller, lessor and distributor of new and used automobiles and automotive accessories, among other things, to cease making any claims as to the fuel consumption or economy of operation or ownership of any vehicle without a reasonable basis for such claim consisting of tests or surveys using statistically valid methodology and having such results available at places of retail sales in a language understandable to the average consumer.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered* That respondents Camp Chevrolet, Inc., a corporation, its successors and assigns, and its officers, and Jerry W. Camp, individually and as an officer of said corporation, and respondent's agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale or lease, sale, lease, or distribution of motor vehicles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly, or by implication, as to the fuel consumption or economy of operation or ownership of any vehicle or type of vehicle, unless:

A. The representation reflects the average consumer's customary or usual driving experience with the vehicles referred to;

B. At the time the representation is made, respondents:

1. have a reasonable basis for such representation, consisting of tests or surveys using statistically valid methodology, and

2. have made available to the general public, at the point of retail sale, copies of a brief but comprehensive statement of the results and methodology of such tests or surveys, in terms understandable to the average consumer;

C. In immediate conjunction with the representation, respondents clearly and conspicuously disclose:

1. the year, make, and model of each vehicle or type of vehicle referred to or used as a basis of comparison, and

2. where and how the test or survey results and methodology may be obtained; and

D. Respondents retain copies of all sales promotional materials which contain such representations, including newspaper advertisements and radio and television scripts, for a period of three years after use of such materials; and retain for a like period all records made pursuant to this order.

II. *It is further ordered* That the corporate respondent shall forthwith distribute a copy of this order to each of its officers, agents, representatives or employees who are engaged in the preparation or placement of advertisements.

III. *It is further ordered* That the corporate respondent notify the Commission at least thirty days prior to any proposed change in said respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

IV. *It is further ordered* That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of his affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

V. *It is further ordered* That the respondents herein shall within sixty days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

The Decision and Order was issued by the Commission, October 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2314 Filed 1-24-75;8:45 am]

[Docket No. C-2561]

PART 13—PROHIBITED TRADE PRACTICES

Commercial Automotive Service, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Commercial Automotive Service, Inc., et al. Seattle, Wash., Docket C-2561, Oct. 7, 1974]

In the Matter of Commercial Automotive Service, Inc., a corporation doing business as Frank Hawkins Buick Co., and S. M. Rood, individually and as an officer of said corporation

Consent order requiring a Seattle, Wash., seller, lessor and distributor of new and used automobiles, automotive accessories and household appliances, among other things to cease making any claims as to the lifespan, maintenance costs, or fuel consumption of any vehicle without a competent and reliable basis, in the form of tests or surveys, substantiating such claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered*, That respondents Commercial Automative Service, Inc., a corporation doing business as Frank Hawkins Buick Co., or under any other name, its successors and assigns, and its officers, and S. M. Rood, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or lease, sale, lease, or distribution of motor vehicles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in writing, orally, visually, or in any other manner, directly or by implication, which refers to the lifespan, maintenance cost, or fuel consumption of any vehicle or type of vehicle, unless:

A. The representation reflects the average consumer's customary or usual driving experience with the vehicles referred to;

B. At the time the representation is made, respondents:

1. Have a reasonable basis for such representation, consisting of competent and reliable tests or surveys which substantiate the representation, and

2. Have made available to the general public, at the point of retail sale, copies of a brief but comprehensive statement of the results and methodology of such tests or surveys, in terms understandable to the average consumer;

C. In immediate conjunction with the representation, respondents clearly and conspicuously disclose:

1. Where and how the test or survey results and methodology may be obtained.

2. The year, make, and model of each vehicle or type of vehicle referred to or used as a basis of comparison, and

3. If any lifespan representation is made, exactly how the term "life," or any similar term, is defined; and

D. Respondents retain copies of all sales promotional materials which contain such representations, including newspaper advertisements and radio and television scripts, for a period of three years after use of such materials; and retain for a like period all records made pursuant to this order.

II. *It is further ordered*, That the corporate respondent shall forthwith distribute a copy of this order to each of its officers, agents, representatives or employees who are engaged in the preparation or placement of advertisements.

III. *It is further ordered*, That the corporate respondent notify the Commission at least thirty days prior to any proposed change in said respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

IV. *It is further ordered*, That the individual respondent named herein promptly notify the Commission if he discontinues his present business or employment and affiliates with another business or employment engaged in the sale, lease or distribution of motor vehicles. Such notice shall include respondent's current business address and a statement the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

V. *It is further ordered*, That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission, October 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2315 Filed 1-24-75;8:45 am]

[1] Copies of the Complaint & decision and order filed with the original document.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket Nos. R-240; Order 280(a)]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Applications by Pipeline Companies; Clarifying Order and Amendment

JANUARY 20, 1975.

On November 27, 1963, the Commission issued Order No. 274 to implement Executive Order 11095 of February 26, 1963 [28 FR 1859, February 29, 1963] regarding national emergency plans and preparedness programs in the natural gas and electric power industries by amending, among other sections, § 157.22 of the regulations under the Natural Gas Act.

On March 31, 1964, the Commission issued order No. 280 which also amended § 157.22 of the regulations in order to include sales in the coverage. In so doing, the last sentence of § 157.22(a) was inadvertently left off. This error has caused latter parts of the section to be ambiguous.

We are, therefore, amending this section to return it to the form intended by Orders No. 274 and No. 280.

The Commission finds:

(1) The notice public procedure and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendment here adopted.

(2) In view of the purpose, intent and effect of the amendment herein ordered, good cause exists for making it effective upon issuance of this order.

(3) The revision as herein adopted is necessary and appropriate for the administration of the Federal Power Act, the Natural Gas Act, Executive Order 11095, and Commission Orders 274 and 280.

The Commission:

Acting pursuant to the authority granted by the Natural Gas Act, is amended, particularly sections 7, 15, and 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 84; 76 Stat. 72; 15 U.S.C. 7170, 717d, 717f, 7170) orders:

(A) Paragraph (a) §157.22 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 157.22 Exemption of temporary acts and operation.

(a) Public interest does not require the issuance of a certificate for the construction and operation of facilities or the sale of natural gas necessary to assure maintenance of adequate natural gas service where interruption or serious curtailment of service exists or is threatened because of failure of facilities or failure or curtailment of supply or

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unusual and unexpected demand on such facilities or supply, and where such acts and operations are limited to a single period of not more than sixty days or in the event a national emergency has been declared by the President, for six months or such further period as the Commission may, by order, allow.

* * * * *

(Secs. 4, 5, 15, 52 Stat. 822, 823, 829; 56 Stat. 83, 84, 76 Stat. 72 (15 U.S.C. 717C, 717d, 717n))

(B) These amendments shall be effective upon issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2286 Filed 1-24-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

Policy

This will amend the regulations of the Federal Highway Administration by revising § 712.103(r) of 23 CFR Part 712, Subpart A. Subpart A was published in the FEDERAL REGISTER on August 16, 1974 (39 FR 29590). Section 712.103(r) is amended to conform the regulations to a legislative amendment contained in section 112 of the Federal-Aid Highway Amendments of 1974 which amended section 323, "Donations", of Title 23 of the United States Code. This regulation codifies a similar revision made to paragraph 4(r) of Federal Highway Program Manual (FHPM) Volume 7, Chapter 2, Section 1.

The purpose of the revision is to permit the acceptance of donations of property without the necessity of making a formal appraisal of property and tender of an offer as long as an owner has been fully informed of his right to receive just compensation for his property. Prior to the amendment of the statute on donations, the law and the regulations had required appraisal and the tender of an offer even though the land was to be donated.

Section 712.103(r) is hereby revised to read as follows:

§ 712.103 Policies.

* * * * *

(r) *Donations.* Nothing in this regulation shall be construed to prevent a person whose real property is being acquired for a federally aided highway project from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, after such person has been fully informed of his right to receive just compensation for the acquisition of his property.

This revision will take effect immediately.

Issued on: January 20, 1975.

NORBERT T. TIEMANN, *Federal Highway Administrator.*

[FR Doc.75-2326 Filed 1-24-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Correction

Part 1910 of Title 29 of the Code of Federal Regulations was republished in its entirety on June 27, 1974 (39 FR 23502), in order to incorporate all changes made in the occupational safety and health standards up to June 3, 1974, and thereby to improve their usefulness and facilitate their enforcement.

When the standards were republished, Table H-12 of § 1910.106(d)(2)(iii) was inadvertently omitted. The purpose of this amendment is to correct the error of omission in the text of the standard.

Since the correction makes no change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under either section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553.

Accordingly, pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657), in Secretary of Labor's Order No. 12-71 (36 FR 8754), and in 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended by adding, in § 1910.106(d)(2)(iii), Table H-12 as follows:

TABLE H-12.—*Maximum allowable size of containers and portable tanks*

Container type	Flammable liquids			Combustible liquids	
	Class IA	Class IB	Class IC	Class II	Class III
Glass or approved plastic	1 pt.	1 qt.	1 gal.	1 gal.	1 gal.
Metal (other than DOT drums)	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Metal drums (DOT specifications)	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

NOTE.—Container exemptions: (a) Medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of § 1910.106(c)(2)(i) and (ii).

This amendment is effective January 27, 1975.

(Secs. 6, 8, Pub. L. 91-596, 84 Stat. 1598, 1600 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), 29 CFR Part 1911)

Signed at Washington, D.C., this 21st day of January, 1975.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.75-2361 Filed 1-24-75;8:45 am]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Mechanical Power Presses; Corrections

In FR Doc. 74-28092, beginning at 39 FR 41841 in the issue dated Tuesday, December 3, 1974, there were a number of typographical errors. Accordingly, FR Doc. 74-28092 is corrected as follows:

1. On page 41845, column 1, second full paragraph, eighth line, in the preamble by changing "disclosure" to "die closure."

2. On page 41845, column 2, fourth line, in the preamble by changing "fromula" to "formula."

3. On page 41845, column 3, first full paragraph, fifth line, in the preamble by changing "operator's" to "operators'."

4. On page 41846, column 1, second line, in the preamble by inserting the word "Development" after the word "Standards."

5. On page 41846, column 2, first full paragraph, fourth line, in the preamble by changing "Safeaty" to "Safety."

§ 1910.217 [Amended]

6. In § 1910.217(b)(14)(ii) (page 41846, column 3, fourth full paragraph, first line), by replacing the word "which" with the words "such that it."

7. In § 1910.217(c)(3)(viii)(a) (page 41847, column 3, fifth full paragraph, sixth line), by changing "operators" to "operators' controls."

Signed at Washington, D.C., this 13th day of January, 1975.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.75-2358 Filed 1-24-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-452]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arizona	Coconino	Flagstaff, city of	Jan. 15, 1975. Emergency	June 28, 1974		
California	San Bernardino	Colton, city of	do	June 7, 1974		
Do	Imperial	Imperial, city of	do	Feb. 1, 1974		
Florida	Broward	Deerfield Beach, city of	Jan. 6, 1975. Suspension. Withdrawn.	Nov. 10, 1972		
Maine	Hancock	Ellsworth, city of	Jan. 15, 1975. Emergency	July 19, 1974		
Michigan	Chippewa	Sault Ste. Marie, city of	do	June 28, 1974		
Montana	Missoula	Unincorporated areas	do	Aug. 30, 1974		
New York	Steuben	Cohocton, village of	do	Oct. 18, 1974		
Do	Orange	Warwick, village of	do	Mar. 29, 1974		
Do	Cortland	Homer, town of	do	Sept. 20, 1974		
Ohio	Hancock	Findlay, city of	do	Jan. 23, 1974		
Oregon	Malheur	Vale, city of	do	Nov. 30, 1973		
Do	Harney	Unincorporated areas	do			
Do	Morrow	Lexington, town of	do	Sept. 5, 1974		
Pennsylvania	Washington	West Brownsville, borough of.	Jan. 6, 1975. Suspension. Withdrawn.	Apr. 27, 1973		
Do	Beaver	Franklin, township of	Jan. 15, 1975. Emergency	June 28, 1974		
Tennessee	Tipton	Covington, town of	do	Jan. 23, 1974		
Texas	Johnson	Cleburne, city of	Jan. 6, 1975. Suspension withdrawn.	July 13, 1972		
Do	Galveston	Galveston, city of	do	May 26, 1970 and May 8, 1971		
Washington	Yakima	Sunnyside, city of	Jan. 15, 1975. Emergency	Aug. 2, 1974		
West Virginia	Logan	Unincorporated areas	Jan. 6, 1975. Suspension withdrawn.	Apr. 8, 1972		
Do	do	Logan, city of	do	July 16, 1971		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: January 7, 1975.

J. ROBERT HUNTER, *Acting Federal Insurance Administrator.*

[FR Doc.75-2008 Filed 1-24-75;8:45 am]

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[Docket No. FI-451]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Apache	Springerville, town of	Jan. 16, 1975, Emergency	May 24, 1974		
California	Los Angeles	Bellflower, city of	do	June 28, 1974		
Do	Sonoma	Santa Rosa, city of	do	July 26, 1974		
Florida	Washington	Chipley, city of	do	do		
Illinois	La Salle	La Salle, city of	do	Mar. 22, 1974		
Iowa	Harrison	Logan, town of	do	Apr. 12, 1974		
Kansas	Reno	Nickerson, city of	do	Mar. 8, 1974		
Kentucky	Hopkins	Earlington, city of	do	May 17, 1974		
Louisiana	Lafayette Parish	Youngsville, town of	do	Apr. 5, 1974		
Michigan	Berrien	Niles, city of	do	May 31, 1974		
Do	Oakland	Oak Park, city of	do			
New Jersey	Hunterdon	Tewksbury, township of	do	June 28, 1974		
New York	Ulster	Saugerties, town of	do	May 31, 1974		
Do	Onondaga	Solvay, village of	do			
Do	Saratoga	Waterford, village of	do	Mar. 29, 1974		
North Carolina	Alamance	Unincorporated areas	do			
Ohio	Montgomery	Germantown, village of	do	June 28, 1974		
Do	Putnam	Olandorf, village of	do	May 17, 1974		
Oklahoma	Oklahoma	Midwest City, city of	do			
Oregon	Malheur	Nyssa, city of	do	Nov. 30, 1973		
Pennsylvania	York	Peach Bottom, township of	do	Nov. 8, 1974		
Texas	Nacogdoches	Nacogdoches, city of	do	June 28, 1974		
Utah	Piute	Junction, town of	do			
Do	Utah	Provo City, city of	do	Feb. 15, 1974		
Wisconsin	Marathon	Brokaw, village of	do	Dec. 17, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: January 9, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2007 Filed 1-24-75;8:45 am]

[Docket No. FI-453]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Ashley	Wilmot, city of	Jan. 14, 1975, Emergency	Mar. 15, 1974		
Connecticut	Hartford	Berlin, town of	do	Aug. 16, 1974		
Do	do	Hartland, town of	do	June 28, 1974		
Illinois	Jackson	Carbondale, city of	do	May 3, 1974		
Do	Champaign	Unincorporated areas	do			
Do	Du Page	Elmhurst, city of	do	May 3, 1974		
Do	St. Clair	Fairview Heights, city of	do			
Do	Cook	Palos Park, village of	do	Mar. 15, 1974		
Iowa	Van Buren	Keosauqua, town of	do	Jan. 16, 1974		
Kentucky	Harlan	Lynch, city of	do	May 10, 1974		
Louisiana	Washington Parish	Franklinton, town of	do	Nov. 9, 1973		
Nebraska	Custer	Sargent, city of	do	May 24, 1974		
Nevada	Clark	Henderson, city of	do	June 28, 1974		
New Jersey	Ocean	Plumsted, township of	do	do		
New York	Suffolk	Huntington Bay, village of	do			
Do	Nassau	Woodsburgh, village of	do	June 28, 1974		
Pennsylvania	Beaver	Ambridge, borough of	do	Feb. 22, 1974		
Do	Beaver	Baden, borough of	do	Mar. 22, 1974		
Do	Chester	Elk, township of	do	Nov. 15, 1974		
Texas	Kinney	Brackettville, city of	do	Mar. 1, 1974		
Do	Hidalgo	Hidalgo, town of	do	Feb. 1, 1974		
Virginia	Buckingham	Unincorporated areas	do	Nov. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: January 7, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2009 Filed 1-24-75;8:45 am]

[Docket No. FI-455]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Blount	Allgood, town of	H 010229 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Town Manager, Town of Allgood, Allgood, Ala. 35013.	Jan. 24, 1975.
Do	Dale	Pinckard, town of	H 010249 01 through H 010249 04	do	Town Manager, Town of Pinckard, Pinckard, Ala. 36371	Do.
Do	Pike	Troy, city of	H 010285 01 through H 010285 07	do	City Mayor, City of Troy, Troy, Ala. 36081.	Do.
Arizona	Coconino	Unincorporated areas.	H 040019 01 through H 040019 20	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7089, 718 West Glenrosa, Phoenix, Ariz. 85011.	Chairman, Coconino County Board of Supervisors, P.O. Box 1813, Flagstaff, Ariz. 86001.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Cleburne	Heber Springs, city of.	H 050040 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72204.	City Manager, City of Heber Springs, Heber Springs, Ark. 72543.	Do.
Do.	Randolph	Maynard, town of.	H 050205 01	Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Town Manager, Town of Maynard, Maynard, Ark. 72444.	Do.
California	Modoc	Unincorporated areas.	H 060192 01 through H 060192 11	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Chairman, Modoc County Board of Supervisors, County Courthouse, Alturas, Calif. 96101.	
Do.	Santa Clara	San Jose, city of.	H 060349 01 through H 060349 64	do.	Mayor, City Hall, 801 North 1st St., San Jose, Calif. 95110.	Do.
Do.	Fresno	Parlier, city of.	H 060454 01	do.	City Manager, City of Parlier, Parlier, Calif. 93648.	Do.
Colorado	Mesa	Fruita, town of.	H 080094 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Town Manager, Town of Fruita, Fruita, Colo. 81521.	Do.
Connecticut	New London	Lebanon, town of.	H 090155 01 through H 090155 05	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Manager, Town of Lebanon, Lebanon, Conn. 06249.	Do.
Do.	Windham	Danielson, borough of.	H 090169 01 through H 090169 02	do.	President, P.O. Box 726, Danielson, Conn. 06239.	Do.
Florida	Levy	Unincorporated areas.	H 120145 01 through H 120145 05	Department of Community Affairs, 2571 Executive Center Circle, East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Chairman of County Commissioners, County of Levy, Levy County, Fla. (No ZIP.)	Do.
Do.	Palm Beach	Boca Raton, city of.	H 120195 01 through H 120195 10	do.	Director of Engineering, Office of the City Clerk, Boca Raton City Hall, 201 West Palmetto Park Rd., Boca Raton, Fla. 33432.	Do.
Do.	Santa Rosa	Unincorporated areas.	H 120274 01 through H 120274 04	do.	Office of the Clerk of the Circuit Court, Santa Rosa County Courthouse, Milton, Fla. 32570.	Do.
Do.	St. Lucie	do.	H 120285 01 through H 120285 05	do.	County Engineer, St. Lucie County, P.O. Box 700, Fort Pierce, Fla. 33450.	Do.
Idaho	Jefferson	Roberts, city of.	H 160152 01	Department of Water Administration, State House—Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206—Statehouse, Boise, Idaho 83702.	City Manager, City of Roberts, Roberts, Idaho 83444.	Do.
Illinois	De Kalb	Somonauk, village of.	H 170190 01	Governor's Task Force on Flood Control, 300 North State St., Room 1010, Lisle, Ill. 60510. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	President of the Board, Village of Somonauk, Somonauk, Ill. 60552.	Do.
Do.	Hancock	Unincorporated areas.	H 170027 01 through H 170027 08	do.	County Manager, County of Hancock, Hancock, Ill. (No ZIP.)	Do.
Iowa	Sioux	Ireton, city of.	H 190211 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Manager, City of Ireton, Ireton, Iowa 51027.	Do.
Kansas	Harvey	Walton, city of.	H 200174 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, State House, Topeka, Kans. 66612.	City Manager, City of Walton, Walton, Kans. 67151.	Do.
Louisiana	Assumption	Unincorporated areas.	H 220017 01 through H 220017 02	State Department of Public Works, P.O. Box 44155, Capitol Station Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	President, Assumption Parish Police Jury, Police Jury Bldg., Napoleonville, La. 70390.	Do.
Maine	Aroostook	Portage Lake, town of.	H 230061 01 through H 230061 12	Bureau of Civil Emergency, Preparedness, State House, Augusta, Maine 04330.	First Selectman, Town Office, Portage, Maine 04768.	Do.
Do.	Oxford	Stow, town of.	H 230196 01 through H 230196 07	Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Manager, Town Hall, Town of Stow, Stow, Maine (No ZIP.)	Do.
Do.	Knox	St. George, town of.	H 230290 01 through H 230290 17	do.	Town Manager, Town Hall, Town of St. George, St. George, Maine 04857.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Kennebec	Benton, town of.	H 230233 01 through H 230233 03	do.	Town Manager, Town of Benton, Benton, Maine 04919.	Do.
Do.	do.	Oakland, town of.	H 230242 01 through H 230242 03	do.	Town Manager, Town of Oakland, Oakland, Maine 04963.	Do.
Do.	do.	Randolph, town of.	H 230244 01	do.	Town Manager, Town Hall, Town of Randolph, Randolph, Maine (No ZIP.)	Do.
Do.	Hancock	Amherst, town of.	H 230272 01 through H 230272 04	do.	Town Manager, Town of Amherst, Amherst, Maine (No ZIP.)	Do.
Do.	do.	Penobscot, town of.	H 230290 01 through H 230290 07	do.	Town Manager, Town of Penobscot, Penobscot, Maine 04476.	Do.
Do.	do.	Sedgwick, town of.	H 230291 01 through H 230291 03	do.	Town Manager, Town Hall, Town of Sedgwick, Sedgwick, Maine 04676.	Do.
Do.	do.	Sorrento, town of.	H 230292 01 through H 230292 02	do.	Town Manager, Town Hall, Town of Sorrento, Sorrento, Maine 04677.	Do.
Do.	do.	Trenton, town of.	H 230299 01 through H 230299 03	do.	Town Manager, Town Hall, Town of Trenton, Trenton, Maine (No ZIP.)	Do.
Do.	Washington	Baileyville, town of.	H 230304 01 through H 230304 04	do.	Town Chairman, Town of Baileyville, Baileyville, Maine (No ZIP).	Do.
Do.	Somerset	Jackman, town of.	H 230362 01 through H 230362 06	do.	Town Manager, Town of Jackman, Jackman, Maine 04945.	Do.
Do.	do.	Smithfield, town of.	H 230370 01 through H 230370 02	do.	Town Manager, Town Hall, Town of Smithfield, Smithfield, Maine 04978.	Do.
Do.	Penobscot	Eddington, town of.	H 230382 01 through H 230382 08	do.	Town Manager, Town of Eddington, Eddington, Maine 04428.	Do.
Do.	do.	Springfield, town of.	H 230400 01 through H 230400 12	do.	Town Manager, Town Hall, Town of Springfield, Springfield, Maine 04487.	Do.
Do.	do.	Winn, town of.	H 230404 01 through H 230404 06	do.	Town Manager, Town Hall, Town of Winn, Winn, Maine 04495.	Do.
Do.	Piscataquis	Shirley, town of.	H 230415 01 through H 230415 08	do.	Town Manager, Town Hall, Town of Shirley, Shirley, Maine 04485.	Do.
Do.	Washington	Trescott, township of.	H 230473 01 through H 230473 11	do.	Township Manager, Township Office Bldg., Township of Trescott, Trescott, Maine No Zip.	Do.
Do.	Penobscot	Kingman, township of.	H 230474 01 through H 230474 07	do.	Township Manager, Township of Kingman, Kingman, Maine 04451.	Do.
Maryland	Kent	Betterton, town of.	H 240095 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Town Manager, Town Hall, Town of Betterton, Betterton, Md. 21610.	Do.
Massachusetts	Bristol	Rehoboth, town of.	H 250062 01 through H 250062 09	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Hall, Peck Street, Rehoboth, Mass. 02769.	Do.
Do.	Franklin	Warwick, town of.	H 250130 01 through H 250130 10	do.	Chairman, Board of Selectmen, Town Hall, Warwick, Mass. 01378.	Do.
Michigan	Saginaw	Spaulding, township of.	H 260303 01 through H 260303 09	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Mayor, Township of Spaulding, 5176 East Rd., Saginaw, Mich. 48601.	Do.
Minnesota	Big Stone	Correll, city of.	H 270025 01	Division of Water, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Correll, Correll, Minn. 56227.	Do.
Do.	Crow Wing	Fort Ripley, city of.	H 270097 01	Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Manager, Fort Ripley City, Fort Ripley, Minn. 56449.	Do.
Do.	Hubbard	Unincorporated areas.	H 270195 01 through H 270195 10	do.	County Board of Supervisors, County of Hubbard, Hubbard, Minn. No ZIP.	Do.
Do.	Kittson	Donaldson, city of.	H 270225 01	do.	Mayor, City of Donaldson, Donaldson, Minn. 56720.	Do.
Do.	Pine	Denham, city of.	H 270346 01	do.	Mayor, City of Denham, Denham, Minn. 55728.	Do.
Do.	St. Louis	Hibbing, city of.	H 270557 01 through H 270557 08	do.	Chairman, City of Hibbing, Hibbing, Minn. 55746.	Do.
Do.	Ramsey	Roseville, city of.	H 270599 01 through H 270599 04	do.	City Manager, City of Roseville, Roseville, Minn. 55113.	Do.
Do.	Mower	Taopi, city of.	H 270604 01	do.	City Manager, City of Taopi, Taopi, Minn. 55977.	Do.
Do.	Hennepin	Loretta, city of.	H 270659 01	do.	City Manager, City of Loretta, Loretta, Minn. 55357.	Do.
Do.	McLeod	Silver Lake, city of.	H 270662 01	do.	City Manager, City of Silver Lake, Silver Lake, Minn. 55381.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Mississippi	Lincoln	Brookhaven, city of.	H 280007 01 through H 280007 03	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Office of the City Clerk, City Hall, Brookhaven, Miss. 39601.	Do.
Do	Hancock	Unincorporated areas.	H 285254 01 through H 285254 03	do	Chairman, Board of Supervisors Commission, Hancock County, Hancock County, Miss. (No Zip).	Do.
Missouri	Platte	Farley, city of	H 290292 01	Department of Natural Resources, Division of Program and Policy Development, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, P.O. Box 93, Farley, Mo. 64028.	Do.
Do	Monteau	Jamestown, city of.	H 290681 01	do	City Manager, City of Jamestown, Jamestown, Mo. 65046.	Do.
Do	Bates	Adrian, city of	H 290749 01	do	City Manager, City of Adrian, Adrian, Mo. 64720.	Do.
Montana	Golden Valley	Lavina, town of	H 300031 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Chairman, Board of County Commissioners, Golden Valley County, Ryegate, Mont. 59074.	Do.
Nebraska	Hall	Doniphan, village of.	H 310002 01	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 "L" St., Lincoln, Nebr. 68509.	Mayor, Village of Doniphan, Doniphan, Nebr. 68832.	Do.
New Hampshire	Coos	Carroll, town of	H 330030 01 through H 330030 07	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Selectman, Town of Carroll, Town Office, Twin Mountain, N.H. (No ZIP).	Do.
Do	Sullivan	Grantham, town of.	H 330158 01 through H 330158 02	do	Chairman, Board of Selectman, Town of Grantham, Grantham, N.H. 03753.	Do.
Do	Cheshire	Harrisville, town of.	H 330212 01 through H 330212 05	do	Chairman, Board of Selectman, Town of Harrisville, Harrisville, N.H. 03450.	Do.
Do	Cheshire	Jaffrey, town of	H 330215 01 through H 330215 09	do	Chairman, Board of Selectman, Town of Jaffrey, Jaffrey, N.H. 03452.	Do.
New Jersey	Ocean	Jackson, township of.	H 340275 01 through H 340275 25	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Administrators Office, Municipal Bldg., Rural Delivery No. 4, Box 62, Jackson, N.J. 08527.	Do.
Do	do	Lacey, township of.	H 340276 01 through H 340276 28	do	Lacey Township Municipal Bldg., 818 West Lacey Rd., Township of Lacey, Forked River, N.J. 08731.	Do.
Do	Sussex	Hampton, township of.	H 340331 01 through H 340331 04	do	Township Committee Chairman, Township of Hampton, Hampton, N.J. No ZIP.	Do.
New York	Chautauqua	Chautauqua, town of.	H 360071 01 through H 360071 06	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Manager, Town Hall, Town of Chautauqua, Chautauqua, N.Y. 14722.	Do.
Do	Allegany	Cuba, town of	H 360099 01 through H 360099 12	do	Mayor, Town of Cuba, Cuba, N.Y. 14727.	Do.
Do	Genessee	Stafford, town of	H 360118 01 through H 360118 08	do	Town Manager, Town Hall, Town of Stafford, Stafford, N.Y. 14143.	Do.
Do	St. Lawrence	Edwards, town of.	H 360176 01 through H 360176 04	do	Town Manager, Town Hall, Town of Edwards, Edwards, N.Y. 13635.	Do.
Do	do	Gouverneur, town of.	H 360175 01 through H 360178 18	do	Mayor, Town of Gouverneur, Gouverneur, N.Y. 13642.	Do.
Do	Schoharie	Jefferson, town of	H 360196 01 through H 360196 05	do	Town Manager, Town Hall, Town of Jefferson, Jefferson, N.Y. 12093.	Do.
Do	Steuben	Dansville, town of.	H 360209 01 through H 360209 13	do	Town Manager, Town Hall, Town of Dansville, Dansville, N.Y. No ZIP.	Do.
Do	Chautauqua	Ripley, town of	H 360372 01 through H 360372 07	do	Town Manager, Town Hall, Town of Ripley, Ripley, N.Y. 14775.	Do.
Do	Clinton	Clinton, town of	H 360380 01 through H 360380 17	do	Town Manager, Town Hall, Town of Clinton, Clinton, N.Y. No ZIP.	Do.
Do	Essex	Newcomb, town of.	H 360390 01 through H 360390 15	do	Town Manager, Town Hall, Town of Newcomb, Newcomb, N.Y. 12852.	Do.
Do	Hamilton	Inlet, town of	H 360404 01 through H 360404 05	do	Town Manager, Town Hall, Town of Inlet, Inlet, N.Y. 13360.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Lake Pleasant, town of.	H 361405 01 through H 361405 11	do	Town Manager, Town Hall, Town of Lake Pleasant, Lake Pleasant, N.Y. 121308.	Do.
Do	Washington	Hebron, town of	H 361443 01 through H 361443 14	do	Town Manager, Town Hall, Town of Hebron, Hebron, N.Y. No ZIP.	Do.
Do	Essex	Elizabethtown, village of.	H 361491 01	do	Village Manager, Village Hall, Village of Elizabethtown, Elizabethtown, N.Y. 12932.	Do.
Do	Genesee	Elba, village of	H 361499 01 through H 361499 02	do	Village Manager, Village Hall, Village of Elba, Elba, N.Y. 14058.	Do.
Do	Schoharie	Esperance, village of.	H 361542 01	do	Village Manager, Village Hall, Village of Esperance, Esperance, N.Y. 12066.	Do.
Do	Ulster	New Paltz, village of.	H 361544 01	do	Village Clerk, Village of New Paltz, New Paltz, N.Y. 12561.	Do.
Do	Suffolk	The Branch, village of.	H 361551 01	do	Village Manager, Village Hall, Village of The Branch, The Branch, N.Y. No ZIP.	Do.
North Dakota	Hettinger	Regent, city of	H 380198 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Manager, City of Regent, Regent, N. Dak. 58650.	Do.
Do	Wells	Harvey, city of	H 380231 01	do	City Manager, City of Harvey, Harvey, N. Dak. 58341.	Do.
Oklahoma	Garfield	North Enid, town of.	H 400425 01	Oklahoma Water Resources Board, 2241 Northwest 14th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Town Manager, Town of North Enid, North Enid, Okla. No ZIP.	Do.
Do	Oklahoma	Valley Brook, town of.	H 400445 01	do	Town Manager, Town of Valley Brook, Valley Brook, Okla. No ZIP.	Do.
Oregon	Grant	Dayville, city of	H 410076 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., NE., Salem, Oreg. 97310.	City Manager, City of Dayville, Dayville, Oreg. 97825.	Do.
Do	Marion	Unincorporated areas.	H 410154 01 through H 410154 21	do	Planning Administrator, Mid Willamette Valley Council of Government, County of Marion, Room 19, County Courthouse, Salem, Oreg. 97301.	Do.
Do	Morrow	do	H 410173 01 through H 410173 12	do	Morrow County Planning Office, Room 201, Morrow County Courthouse, Box 541, Heppner, Oreg. 97836.	Do.
Do	Washington	do	H 410238 01 through H 410238 22	do	Washington County Administration Bldg., 150 North 1st Ave., Hillsboro, Oreg. 97123.	Do.
Pennsylvania	Berks	Strausstown, borough of	H 420152 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Strausstown, Strausstown, Pa. 19559.	Do.
Do	Columbia	Orangeville, borough of.	H 420345 01 through H 420345 02	do	Mayor, Borough of Orangeville, Mill Street, Orangeville, Pa. 17859.	Do.
Do	Monroe	Mount Pocono, borough of.	H 420692 01 through H 420692 02	do	Mayor, Borough of Mount Pocono, Church Ave., Mt. Pocono, Pa. 18344.	Do.
Do	Montour	Derry, township of.	H 421135 01 through H 421135 06	do	Derry Township, 749 East Chocolate Ave., Hershey, Pa. 17033.	Do.
Do	Union	Buffalo, township of.	H 421237 01 through H 421237 10	do	Chairman, Board of Supervisors, Township of Buffalo, Rural Delivery No. 2, Lewisburg, Pa. 17837.	Do.
Do	Beaver	Darlington, borough of.	H 421319 01	do	Mayor, Borough of Darlington, Darlington, Pa. 16115.	Do.
Do	Bedford	Harrison, township of.	H 421338 01 through H 421338 13	do	Chairman, Board of Supervisors, Township of Harrison, Rural Delivery No. 1, Manns Choice, Pa. 15550.	Do.
Do	do	Snake Spring, township of.	H 421349 01 through H 421349 09	do	Chairman, Board of Supervisors, Township of Snake Spring, Rural Delivery No. 1, Everett, Pa. 15537.	Do.
Do	Berks	Alsace, township of.	H 421376 01 through H 421376 03	do	Chairman, Board of Supervisors, Township of Alsace, Rural Delivery No. 1, Temple, Pa. 19560.	Do.
Do	Blair	North Woodbury, township of.	H 421392 01 through H 421392 02	do	Chairman, Board of Supervisors, Township of North Woodbury, Rural Delivery No. 1, Martinsburg, Pa. 16662.	Do.
Do	Bradford	Orwell, township of.	H 421401 01 through H 421401 08	do	Chairman, Board of Supervisors, Township of Orwell, Rural Delivery No. 4, Wyalusing, Pa. 18853.	Do.
Do	Centre	Halfmoon, township of.	H 421463 01 through H 421463 02	do	Chairman, Board of Supervisors, Township of Halfmoon, Rural Delivery No. 1, Port Matilda, Pa. 16870.	Do.
Do	Chester	East Marlborough, township of.	H 421480 01 through H 421480 03	do	Chairman, Board of Supervisors, Township of East Marlborough, Unionville, Pa. 19375.	Do.
Do	Clearfield	Burnside, township of.	H 421518 01 through H 421518 15	do	Chairman, Board of Supervisors, Township of Burnside, Rural Delivery No. 2, Cherry Tree, Pa. 15724.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Dauphin	West Hanover, township of.	H 421600 01 through H 421600 02	do	Chairman, Board of Supervisors, Township of West Hanover, Rural Delivery No. 3, Harrisburg, Pa. 17112.	Do.
Do.	Delaware	Bethel, township of.	H 421606 01 through H 421606 03	do	Chairman, Board of Supervisors, Township of Bethel, P.O. Box 2137, Boothwyn, Pa. 19061.	Do.
Do.	Fayette	Georges, township of.	H 421626 01 through H 421626 12	do	Chairman, Board of Supervisors, Township of Georges, Rural Delivery No. 2, Box 167, Uniontown, Pa. 15401.	Do.
Do.	do	Wharton, township of.	H 421642 01 through H 421642 25	do	Chairman, Board of Supervisors, Township of Wharton, Farmington, Pa. 15437.	Do.
Do.	Forest	Green, township of.	H 421644 01 through H 421644 05	do	Chairman, Board of Supervisors, Township of Green, Rural Delivery No. 1, Tionesta, Pa. 16353.	Do.
Do.	Franklin	Metal, township of.	H 421653 01 through H 421653 13	do	Chairman, Board of Supervisors, Township of Metal, Fannettsburg, Pa. 17221.	Do.
Do.	Huntington	Brady, township of.	H 421684 01 through H 421684 11	do	Chairman, Board of Supervisors, Township of Brady, Mill Creek, Pa. 17060.	Do.
Do.	do	Tell, township of.	H 421702 01 through H 421702 11	do	Chairman, Board of Supervisors, Township of Tell, Blairs Mills, Pa. 17213.	Do.
Do.	Indiana	Cherryhill, township of.	H 421714 01 through H 421714 09	do	Chairman, Board of Supervisors, Township of Cherryhill, Penn Run, Pa. 15765.	Do.
Do.	do	East Wheatfield, township of.	H 421716 01 through H 421716 04	do	Chairman, Board of Supervisors, Township of East Wheatfield, Box 76, Armagh, Pa. 15920.	Do.
Do.	do	West Mahoning, township of.	H 421723 01 through H 421723 02	do	Chairman, Board of Supervisors, Township of West Mahoning, Rural Delivery No. 1, Smicksburg, Pa. 16256.	Do.
Do.	Jefferson	McCalmont, township of.	H 421731 01 through H 421731 06	do	Chairman, Board of Supervisors, Township of McCalmont, Box 258, Anita, Pa. 15711.	Do.
Do.	Juniata	Susquehanna, township of.	H 421746 01 through H 421746 06	do	Chairman, Board of Supervisors, Township of Susquehanna, Rural Delivery No. 1, Liverpool, Pa. 17045.	Do.
Do.	Lackawanna	Clifton, township of.	H 421751 01 through H 421751 09	do	Chairman, Board of Supervisors, Township of Clifton, Star Route, Gouldsboro, Pa. 18424.	Do.
Do.	do	South Abington, township of.	H 421758 01 through H 421758 06	do	Chairman, Board of Supervisors, Township of South Abington, 112 Hill St., Chinchilla, Pa. 18410.	Do.
Do.	Lawrence	Pulaski, township of.	H 421795 01 through H 421795 02	do	Chairman, Board of Supervisors, Township of Pulaski, Rural Delivery No. 3, New Castle, Pa. 16101.	Do.
Do.	do	Union, township of.	H 421801 01 through H 421801 04	do	Chairman, Board of Supervisors, Township of Union, 1910 Wilson Dr., New Castle, Pa. 16101.	Do.
Do.	Luzerne	Dorrance, township of.	H 421835 01 through H 421835 09	do	Dorrance Township, Municipal Bldg., Box 181 A, Rural Delivery No. 3, Mountain Top, Pa. 18707.	Do.
Do.	do	Pittston, township of.	H 421834 01 through H 421834 09	do	Chairman, Board of Supervisors, Township of Pittston, 174 East Railroad St., Pittston, Pa. 18640.	Do.
Do.	do	Ross, township of.	H 421835 01 through H 421835 06	do	Chairman, Board of Supervisors, Township of Ross, Rural Delivery No. 1, Sweet Valley, Pa. 18656.	Do.
Do.	McKean	Norwich, township of.	H 421859 01 through H 421859 07	do	Chairman, Board of Supervisors, Township of Norwich, Crosby, Pa. 16724.	Do.
Do.	Mercer	South Pymatuning, township of.	H 421876 01 through H 421876 07	do	Chairman, Board of Supervisors, Township of South Pymatuning, Rural Delivery No. 1, Sharpsville, Pa. 16150.	Do.
Do.	Monroe	Smithfield, township of.	H 421896 01 through H 421896 09	do	Chairman, Board of Supervisors, Township of Smithfield, Rural Delivery No. 3, East Stroudsburg, Pa. 18301.	Do.
Do.	Perry	Carroll, township of.	H 421940 01 through H 421940 04	do	Chairman, Board of Supervisors, Township of Carroll, Rural Delivery No. 1, Shermansdale, Pa. 17090.	Do.
Do.	do	Saville, township of.	H 421956 01 through H 421956 04	do	Chairman, Board of Supervisors, Township of Saville, Rural Delivery No. 1, Elliottsburg, Pa. 17024.	Do.
Do.	Potter	Sweden, township of.	H 421989 01 through H 421989 12	do	Chairman, Board of Supervisors, Township of Sweden, Rural Delivery No. 3, Coudersport, Pa. 16915.	Do.
Do.	Schuylkill	East Brunswick, township of.	H 422002 01 through H 422002 05	do	Chairman, Board of Supervisors, Township of East Brunswick, Rural Delivery No. 1, Orwigeburg, Pa. 17961.	Do.
Do.	Somerset	Jenner, township of.	H 422051 01 through H 422051 06	do	Chairman, Board of Supervisors, Township of Jenner, Rural Delivery No. 2, Boswell, Pa. 15531.	Do.
Do.	do	Somerset, township of.	H 422055 01 through H 422055 19	do	Chairman, Board of Supervisors, Township of Somerset, Rural Delivery No. 1, Friedens, Pa. 15541.	Do.
Do.	Sullivan	Elkland, township of.	H 422061 01 through H 422061 13	do	Chairman, Board of Supervisors, Township of Elkland, Rural Delivery No. 1, Forksville, Pa. 18616.	Do.
Do.	do	Shrewsbury, township of.	H 422066 01 through H 422066 16	do	Chairman, Board of Supervisors, Township of Shrewsbury, Rural Delivery No. 1, Muncy Valley, Pa. 17758.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Warren	Freehold, township of.	H 422121 01 through H 422121 04	do	Chairman, Board of Supervisors, Township of Freehold, Pittsfield, Pa. 16340.	Do.
Do.	do	Pine Grove, township of.	H 422124 01 through H 422124 04	do	Chairman, Board of Supervisors, Township of Pine Grove, Rural Delivery No. 2, Russell, Pa. 16345.	Do.
Do.	Cambria	Upper Yoder, township of.	H 422257 01 through H 422257 02	do	Chairman, Board of Supervisors, 541 Sell St., Township of Upper Yoder, Johnstown, Pa. 15905.	Do.
Do.	do	Allegheny, township of.	H 422265 01 through H 422265 10	do	Chairman, Board of Supervisors, Township of Allegheny, Rural Delivery No. 1, Loretto, Pa. 15940.	Do.
Do.	Armstrong	Hovey, township of.	H 422299 01	do	Chairman, Board of Supervisors, Township of Hovey, Rural Delivery No. 2, Parker, Pa. 16049.	Do.
Do.	do	Rural Valley, borough of.	H 422302 01 through H 422302 06	do	Mayor, Borough of Rural Valley, Rural Valley, Pa. 16249.	Do.
Do.	do	Sugar Creek, township of.	H 422303 01 through H 422303 08	do	Chairman, Board of Supervisors, Township of Sugar Creek, Rural Delivery No. 1, East Brady, Pa. 16028.	Do.
Do.	Beaver	Ohioville, borough of.	H 422324 01 through H 422324 07	do	Mayor, Borough of Ohioville, Rural Delivery No. 1, Industry, Pa. 15052.	Do.
Do.	Bradford	Le Raysville, borough of.	H 422334 01	do	Mayor, Borough of Le Raysville, Le Raysville, Pa. 16829.	Do.
Do.	Butler	Franklin, township of.	H 422350 01 through H 422350 04	do	Chairman, Board of Supervisors, Township of Franklin, Rural Delivery No. 5, Butler, Pa. 16001.	Do.
Do.	do	Harrisville, borough of.	H 422351 01	do	Mayor, Borough of Harrisville, Box 382, Harrisville, Pa. 16038.	Do.
Do.	do	Summit, township of.	H 422358 01 through H 422358 02	do	Chairman, Board of Supervisors, Township of Summit, Rural Delivery No. 3, Butler, Pa. 16001.	Do.
Do.	do	Venango, township of.	H 422359 01 through H 422359 02	do	Chairman, Board of Supervisors, Township of Venango, Rural Delivery No. 1, Hilliards, Pa. 16040.	Do.
Do.	Clarion	Beaver, township of.	H 422362 01 through H 422362 06	do	Chairman, Board of Supervisors, Township of Beaver, Star Route, Knox, Pa. 16232.	Do.
Do.	do	Licking, township of.	H 422368 01 through H 422368 04	do	Chairman, Board of Supervisors, Township of Licking, Rural Delivery No. 1, Parker, Pa. 16049.	Do.
Do.	do	Paint, township of.	H 422373 01 through H 422373 03	do	Chairman, Board of Supervisors, Township of Paint, Rural Delivery No. 1, Shippenville, Pa. 16254.	Do.
Do.	Crawford	Sadsbury, township of.	H 422396 01 through H 422396 08	do	Chairman, Board of Supervisors, Township of Sadsbury, Rural Delivery No. 1, Conneaut, Pa. 16316.	Do.
Do.	do	Townville, borough of.	H 422401 01	do	Mayor, Borough of Townville, Box E, Townville, Pa. 16360.	Do.
Do.	Delaware	Millbourne, borough of.	H 422408 01	do	Mayor, Borough of Millbourne, 35 Sellers Ave., Millbourne, Pa. 19082.	Do.
Do.	Erie	Elgin, borough of.	H 422411 01 through H 422411 03	do	Mayor, Borough of Elgin, R.F.D. No. 3, Corry, Pa. 16407.	Do.
Do.	do	Elk Creek, township of.	H 422412 01 through H 422412 10	do	Chairman, Board of Supervisors, Township of Elk Creek, Rural Delivery No. 2, Albion, Pa. 16401.	Do.
Do.	do	Waterford, township of.	H 422419 01 through H 422419 15	do	Chairman, Board of Supervisors, Township of Waterford, Rural Delivery No. 4, Bagdad Rd., Waterford, Pa. 16441.	Do.
Do.	Franklin	Warren, township of.	H 422427 01 through H 422427 09	do	Chairman, Board of Supervisors, Township of Warren, Rural Delivery No. 2, Hancock, Md. 21750.	Do.
Do.	Indiana	Glen Campbell, borough of.	H 422437 01 through H 422437 02	do	Mayor, Borough of Glen Campbell, Glen Campbell, Pa. 15742.	Do.
Do.	do	South Mahoning, township of.	H 422439 01 through H 422439 02	do	Chairman, Board of Supervisors, Township of South Mahoning, P.O. Box 154, Home, Pa. 15747.	Do.
Do.	Jefferson	Pine Creek, township of.	H 422445 01 through H 422445 11	do	Chairman, Board of Supervisors, Township of Pine Creek, Rural Delivery No. 1, Brockville, Pa. 15825.	Do.
Do.	do	Timblin, borough of.	H 422448 01 through H 422448 02	do	Mayor, Borough of Timblin, Box 263, Timblin, Pa. 15778.	Do.
Do.	Lawrence	Ellport, borough of.	H 422462 01	do	Mayor, Borough of Ellport, South Main St., Bessemer, Pa. 16112.	Do.
Do.	Mercer	New Lebanon, borough of.	H 422484 01 through H 422484 02	do	Mayor, Borough of New Lebanon, Rural Delivery No. 3, Sandy Lake, Pa. 16145.	Do.
Do.	do	West Salem, township of.	H 422490 01 through H 422490 10	do	Chairman, Board of Supervisors, Township of West Salem, 107 McCracken Rd., Greenville, Pa. 16125.	Do.
Do.	do	Worth, township of.	H 422492 01 through H 422492 06	do	Chairman, Board of Supervisors, Township of Worth, Rural Delivery No. 1, Jackson Center, Pa. 16133.	Do.
Do.	Snyder	West Beaver, township of.	H 422507 01 through H 422507 11	do	Chairman, Board of Supervisors, Township of West Beaver, Rural Delivery No. 2, McClure, Pa. 17841.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Somerset	Black, township of.	H 422510 01 through H 422510 07	do	Chairman, Board of Supervisors, Township of Black, Rural Delivery No. 1, Rockwood, Pa. 15557.	Do.
Do.	do	Lower Turkeyfoot, township of.	H 422517 01 through H 422517 04	do	Chairman, Board of Supervisors, Township of Lower Turkeyfoot, Rural Delivery No. 3, Confluence, Pa. 15424.	Do.
Do.	Sullivan	Eagles Mere, borough of.	H 422527 01 through H 422527 03	do	Mayor, Borough of Eagles Mere, Eagles Mere, Pa. 17731.	Do.
Do.	Venango	Jackson, township of.	H 422535 01 through H 422535 09	do	Chairman, Board of Supervisors, Township of Jackson, Rural Delivery No. 1, Cooperstown, Pa. 16317.	Do.
Do.	do	Oil Creek, township of.	H 422537 01 through H 422537 06	do	Chairman, Board of Supervisors, Township of Oil Creek, Rural Delivery No. 2, Pleasantville, Pa. 16341.	Do.
Do.	do	Pine Grove, township of.	H 422538 01 through H 422538 10	do	Chairman, Board of Supervisors, Township of Pine Grove, Rural Delivery No. 1, Venus, Pa. 16346.	Do.
Do.	do	Plum, township of.	H 422539 01 through H 422539 09	do	Chairman, Board of Supervisors, Township of Plum, Rural Delivery No. 1, Cooperstown, Pa. 16317.	Do.
Do.	do	Richland, township of.	H 422540 01 through H 422540 07	do	Chairman, Board of Supervisors, Township of Richland, Rural Delivery No. 1, Emlenton, Pa. 16373.	Do.
Do.	Warren	Sugar Grove, township of.	H 422549 01 through H 422549 04	do	Chairman, Board of Supervisors, Township of Sugar Grove, Rural Delivery No. 3, Sugar Grove, Pa. 16350.	Do.
Do.	Washington	Midway, borough of.	H 422558 01	do	Mayor, Borough of Midway, 406 Dickson St., Midway, Pa. 15060.	Do.
Do.	Huntingdon	Three Springs, borough of.	H 422576 01 through H 422576 02	do	Mayor, Borough of Three Springs, Three Springs, Pa. 17264.	Do.
Do.	Susquehanna	Forest Lake, township of.	H 422578 01 through H 422578 09	do	Chairman, Board of Supervisors, Township of Forest Lake, Rural Delivery No. 1, Friendsville, Pa. 18818.	Do.
Do.	do	Thompson, borough of.	H 422582 01 through H 422582 02	do	Mayor, Borough of Thompson, Jackson St., Thompson, Pa. 18465.	Do.
Do.	do	Uniondale, borough of.	H 422584 01 through H 422584 02	do	Mayor, Borough of Uniondale, Rural Delivery No. 2, Uniondale, Pa. 18470.	Do.
Do.	Lycoming	Limestone, township of.	H 422588 01 through H 422588 09	do	Chairman, Board of Supervisors, Township of Limestone, Rural Delivery No. 3, Williamsport, Pa. 17701.	Do.
Do.	do	Jordan, township of.	H 422596 01 through H 422596 07	do	Chairman, Board of Supervisors, Township of Jordan, Rural Delivery No. 4, Benton, Pa. 17814.	Do.
Do.	Butler	Fairview, township of.	H 422603 01 through H 422603 06	do	Chairman, Board of Supervisors, Township of Fairview, Box 323, Petrolia, Pa. 16050.	Do.
Rhode Island	Kent	West Greenwich, town of.	H 440037 01 through H 440037 04	Rhode Island State Wide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Mayor, Town of West Greenwich, West Greenwich, R.I. No ZIP.	Do.
South Carolina	Clarendon	Tubeville, town of.	H 450055 01	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033.	Town Manager, Town of Tubeville, Tubeville, S.C. 29162.	Do.
Do.	Kershaw	Elgin, town of.	H 450118 01	South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Town Manager, Town of Elgin, Elgin, S.C. 29045.	Do.
Do.	Newberry	Silverstreet, town of.	H 450155 01	do	Town Manager, Town of Silverstreet, Silverstreet, S.C. 29145.	Do.
Tennessee	Robertson	Cross Plains, town of.	H 470160 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219.	Mayor, Town of Cross Plains, Cross Plains, Tenn. 37049.	Do.
Do.	Crockett	Gadsden, town of.	H 470221 01	Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Town Manager, Town of Gadsden, Gadsden, Tenn. 38337.	Do.
Do.	Gibson	Troy, city of.	H 470226 01 through H 470226 02	do	City Manager, City of Troy, Troy, Tenn. No ZIP.	Do.
Texas	Collin and Denton.	Frisco, city of.	H 480134 01 through H 480134 18	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711.	Mayor, Box 177, Frisco, Tex. 75034.	Do.
Do.	Guadalupe	Unincorporated areas.	H 480266 01 through H 480266 07	Texas Insurance Department, 1110 San Jacinto St., Austin, Tex 78701.	Honorable Pat H. Baker, County Judge, Guadalupe County, Sequin, Tex. 78155.	Do.
Do.	Harris	Tomball, city of.	H 480315 01 through H 480315 05	do	Mayor, 401 West Market St., Tomball, Tex. 77375.	Do.
Do.	El Paso	Anthony, town of.	H 480804 01	do	Town of Anthony, 103 Main St., Anthony, Tex. 88021.	Do.
Utah	Box Elder	Elwood, town of.	H 490007 01 through H 490007 06	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114.	President, Elwood Town Board, Tremonton, Utah 84337.	Do.
Do.	Tooele	Stockton, town of.	H 490144 01	Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, Town of Stockton, Stockton, Utah 84069.	Do.
Do.	Wayne	Bicknell, town of.	H 490184 01	do	Mayor, Town of Bicknell, Bicknell, Utah 84715.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Vermont	Addison	Granville, town of.	H 500003 01 through H 500003 13	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Granville Board of Selectmen, Town of Granville, Granville, Vt. 05747.	Do.
Do.	do	Monkton, town of.	H 500167 01 through H 500167 04	Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Town Manager, Town of Monkton, Monkton, Vt. 05469.	Do.
Do.	Rutland	Sudbury, town of.	H 500269 01 through H 500269 02	do	Chairman, Sudbury, Board of Selectmen, Town of Sudbury, Sudbury, Vt. No ZIP.	Do.
Virginia	Lancaster	Unincorporated areas.	H 510084 01 through H 510084 15	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230.	Chairman Board of Supervisors, Lancaster County, Lancaster, Va. 22503.	Do.
Do.	Prince George	do	H 510204 01 through H 510204 22	Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mr. Richard E. Bain, County Administrator, Prince George Court House, Prince George, Va. 23875.	Do.
Do.	Patrick	do	H 510252 01 through H 510252 31	do	County Administrator, Patrick County Board of Supervisors, County of Patrick, P.O. Box 466, Stuart, Va. 41471.	Do.
Washington	Clallam	do	H 530021 01 through H 530021 14	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Director, Clallam County Department of Emergency Services, Clallam County Courthouse, Port Angeles, Wash. 98362.	Do.
Do.	Douglass	Rock Island, town of.	H 530039 01	do	Town Manager, Town of Rock Island, Rock Island, Wash. 98850.	Do.
Do.	Snohomish	Brier, city of.	H 530276 01	do	City Manager, City of Brier, Brier, Wash. 98036.	Do.
Do.	Clark	Ridgefield, town of.	H 530298 01	do	Town Manager, Town of Ridgefield, Ridgefield, Wash. 98642.	Do.
West Virginia	Braxton	Unincorporated areas.	H 540009 01 through H 540009 33	Office of Federal-State Relations, Room W 115, Capitol Bldg., Charleston, W. Va. 25305.	Braxton County Court, Braxton County, Sutton, W. Va. 26601.	Do.
Do.	Clay	do	H 540022 01 through H 540022 24	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Clay County Court, Clay County, Clay, W. Va. 25043.	Do.
Do.	Pocahontas	do	H 540156 01 through H 540156 62	do	County Court of Pocahontas County, Marlinton, W. Va. 24954.	Do.
Do.	Ritchie	Auburn, town of.	H 540262 01	do	Mayor, Town of Auburn, Auburn, W. Va. 26325.	Do.
Wisconsin	Green Lake	Unincorporated areas.	H 550165 01 through H 550165 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53708.	County Clerk, Green Lake County, Green Lake, Wis. 54941.	Do.
Wyoming	Sublette	Big Piney, town of.	H 560070 01 through H 560070 02	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82201.	Town Manager, Town of Big Piney, Big Piney, Wyo. 83113.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: January 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2179 Filed 1-24-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Albemarle Sound, N.C.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.54 governing the use and navigation of danger zones in Albemarle Sound, Pamlico Sound and adjacent waters in North Carolina is hereby amended with respect to the disestablishment of the target area designated in paragraph (a)(3), (a)(4) and (a)(5), effective January 27, 1975.

Since this revocation constitutes only an agency organizational or procedural matter, notice of proposed rulemaking and public procedures thereto are considered unnecessary. Accordingly, § 204.54 is hereby amended by revoking paragraphs (a) (3), (4) and (5) and revising paragraph (d)(1) as follows:

§ 204.54 Albemarle Sound, Pamlico Sound and adjacent waters, N.C.; danger zones for naval aircraft operations.

(a) • • •

(3) *North of Currituck Beach Light.* [Revoked]

(4) *South of Caffey Inlet Coast Guard Station.* [Revoked]

(5) *Southeast of Caffey Inlet Coast Guard Station.* [Revoked]

• • • • • • • • • • •

(d) *The regulations*—(1) *Target areas.* The area described in paragraph (1)(a) of this section will be used as a dive bombing target by naval aircraft. In peacetime, munitions will be limited to miniature bombs which contain only small explosive charges for producing smoke puffs to mark points of impact. All operations will be conducted during daylight hours, and the area will be open to navigation at night. No vessel shall enter this area during the hours of daylight without special permission from the enforcing agency. The area will be patrolled and vessels will be warned not to enter. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned vessels which have inadvertently entered the area shall immediately leave the area.

• • • • • • • • • • •

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(Sec. 7, 40 Stat. 266; 33 U.S.C. 1: Chapter XIX, 40 Stat. 892; 33 U.S.C. 3)

[Regs., January 6, 1975, 1522-01 Albemarle Sound, N.C.—DAEN-CWO-N]

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75-2351 Filed 1-24-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 317-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Arizona; Approval of Compliance Schedule

On September 27, 1974, there was published in the FEDERAL REGISTER (39 FR 34671) a notice of proposed rulemaking which proposed to approve a compliance schedule for the Flintkote Company, Nelson, Arizona. The schedule was submitted pursuant to 40 CFR 51.6 by the Governor of Arizona, through his designee, as a revision to the compliance schedule portion of the Arizona plan for the implementation of the National Ambient Air Quality Standards. EPA received no comments from the public on the proposed rulemaking.

The revision establishes a new date by which the individual air pollution source must comply with the applicable air-pollution control regulations specified in the table below. This date is indicated in the table under the heading "Final Compliance Date." The schedule includes incremental steps towards compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to Section 113 of the Clean Air Act, as amended (42 U.S.C. 1857c-8).

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally-enforceable when the final promulgation of the schedule becomes effective.

A copy of the complete Arizona State Implementation Plan, including this schedule, is available for public inspection at the addresses listed below:

Arizona Department of Health Services
State Health Building
1740 West Adams Street
Phoenix AZ 85007

Environmental Protection Agency, Region IX
Enforcement Division
100 California Street
San Francisco CA 94111

Environmental Protection Agency
Division of Stationary Source Enforcement
Room 3202, Waterside Mall
401 M Street, SW
Washington DC 20460

An evaluation report setting forth EPA's position on the schedule is also available at the office of EPA, Region IX.

The Administrator has determined that the compliance schedule for the Flintkote Company is consistent with the requirements of Section 110 of the Clean Air Act and 40 CFR Part 51. The schedule is therefore approved, pursuant to Section 110 of the Act and 40 CFR 51.8, as a revision to the compliance schedule portion of the approved Arizona State Implementation Plan. Accordingly, the amendment proposed in the FEDERAL REGISTER on September 27, 1974 is hereby adopted without change and is set forth below.

EPA finds that good cause exists to make this rulemaking immediately effective because the schedule is already in effect in Arizona under State law, the affected source is necessarily aware of the existence of the applicable schedule and of its increments, and EPA's approval of the schedule imposes no additional regulatory burdens. Therefore, for the reasons stated, this rulemaking is effective January 27, 1975.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5))

Dated January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart D—Arizona

1. Section 52.134(c) is amended by adding the following schedule to the table:

§ 52.134 Compliance schedules.

• • • • • •

(c) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Flintkote Co.	Nelson	7-1-3.1, 7-1-3.2, and 7-1-3.6.	Apr. 26, 1974	Immediately	Feb. 28, 1975

[FR Doc.75-2265 Filed 1-24-75;8:45 am]

[FRL 317-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Nevada; Approval of Compliance Schedules

On September 24, 1974, there was published in the FEDERAL REGISTER (39 FR 34303) a notice of proposed rulemaking which proposed to approve two compliance schedules submitted by the Governor of Nevada and through his designee, pursuant to 40 CFR 51.6, as revisions to the compliance schedule portion of the Nevada plan for the implementation of the National Ambient Air Quality Standards. It was proposed to delete U.S. Gypsum Corporation from the table of compliance schedules disapproved, 40 CFR 52.1482(c) (39 FR 14209), and to amend the table of compliance schedules approved, 40 CFR 52.1482(b) (39 FR 14209), by adding U.S. Gypsum Corporation and the Baroid Division of National Lead Industries, Inc. EPA received no comments from the public on the proposed rulemaking.

Each revision establishes a new date by which the individual air pollution source must comply with the applicable air pollution control regulations specified in the table below. This date is indicated in the table under the heading "Final Compliance Date." Each schedule includes incremental steps towards compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to Section 113 of the Clean Air Act, as amended (42 USC 1857c-8).

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally enforceable when the final promulgation of the schedule becomes effective.

A copy of the complete Nevada State Implementation Plan, including these schedules, is available for public inspection at the addresses listed below:

Washoe County District Health Department
Division of Environmental Protection
10 Kirman Avenue
Reno NV 89502

Nevada Environmental Commission
201 South Fall Street
Carson City NV 89701

Environmental Protection Agency, Region IX
Enforcement Division
100 California Street
San Francisco CA 94111

Environmental Protection Agency
Room 3202, Waterside Mall
401 M Street, SW
Washington DC 20460

An evaluation report setting forth EPA's position on each of the schedules is also available at the office of EPA, Region IX.

The Administrator has determined that the compliance schedules for U.S. Gypsum Corporation and the Baroid Division of National Lead Industries, Inc. are consistent with the requirements of Section 110 of the Clean Air Act and 40 CFR Part 51. The schedules are therefore approved, pursuant to Section 110 of the Act and 40 CFR 51.8, as revisions to the compliance schedule portion of the approved Nevada State Implementation Plan. Accordingly, the amendments proposed in the FEDERAL REGISTER on September 24, 1974 are hereby adopted without change and are set forth below.

EPA finds that good cause exists to make this rulemaking immediately effective because each schedule is already in effect in Nevada under State law, each affected source is necessarily aware of the existence of the applicable schedule and of its increments, and EPA's approval of the schedules imposes no additional regulatory burdens. Therefore, for the reasons stated, this rulemaking is effective January 27, 1975.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5))

Dated January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart DD—Nevada

1. In § 52.1482(b) the table is amended by adding the following schedules:

§ 52.1482 Compliance schedules.

• • • • • •

(b) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
U.S. Gypsum Corp.	Empire	Washoe Co. § 040.005, § 040.010, § 040.020.	Jan. 30, 1974	Immediately	May 30, 1975
Baroid Division National Lead Industries, Inc.	Battle Mountain.	Article 4	Jan. 27, 1973	do	Jan. 1, 1975

2. In § 52.1482(c) the table is revised to read as follows:

§ 52.1482 Compliance schedules.

• • • • • • •

(c) • • •

Source	Location	Regulation involved	Date of adoption
Jack N. Tedford, Inc.	Fallon	Not given	Aug. 14, 1972
Basic, Inc.	Gabbs	Article 4	Feb. 13, 1973
		Article 7	June 26, 1973
Duval Corp.	Battle Mountain	Article 5	Feb. 13, 1973
Mohave Generating Station, Southern California Edison Co.	Laughlin	Clark County, Section 16.	Jan. 11, 1973
		Section 26	July 17, 1973

[FR Doc.75-2269 Filed 1-24-75;8:45 am]

[FRL 318-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Commonwealth of Pennsylvania Implementation Plan; Administrator's Response to Exclusive Bus/Carpool Lane Study

Purpose. The purpose of this notice is to state the Administrator's response to the Commonwealth of Pennsylvania's Bus/Carpool lane study requested by him in two of the regulations promulgated on November 28, 1973 (38 FR 32884).

Background. Transportation Control Plans for the Pennsylvania portion of the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Regions (AQCR) were submitted on April 15, 1973 by the Commonwealth of Pennsylvania, pursuant to section 110 of the Clean Air Act. The strategies included improved mass transit and emission inspection programs. Although portions of these plans were approvable, neither plan could be approved in its entirety. Therefore, on June 15, 1973, the Administrator issued an approval/disapproval notice containing his evaluation of the Commonwealth of Pennsylvania's plan. This notice was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 36559).

On July 3, 1973, the Administrator published a proposed Transportation Control Plan for the Pennsylvania portion of the Metropolitan Philadelphia and the Southwest Pennsylvania Air Quality Control Regions (38 FR 37793). The proposals were largely based on the material submitted by the Commonwealth of Pennsylvania. Public hearings were held on July 30 and 31, 1973 in Pittsburgh and on July 23, 24 and September 14, 1973 in Philadelphia.

Some portions of these submissions made in April were approved in a FEDERAL REGISTER notice that appeared on November 28, 1973. In this same notice, EPA promulgated other measures which, to the maximum extent possible, reflected the preferences of the Commonwealth of Pennsylvania. Two of these regulations dealt with the establishment of suburban corridor exclusive bus/carpool lanes and a third regulation dealt with associated parking restrictions.

Sections 52.2048 and 52.2050 required that the Commonwealth of Pennsylvania, by November 1, 1974, submit to the Administrator detailed analyses of specific route locations considered within the required corridors mentioned in these sections. Further, the studies had to designate the most practicable route for each corridor, presenting advantages and disadvantages for the specific route. The Administrator is to approve the Commonwealth's selection of the most practicable routes or designate an alternative route on which bus/carpool lanes must be established.

In accordance with the November 28, 1973 FEDERAL REGISTER,

(a) Section 52.2048 required radial corridors to the Philadelphia Central Business District (CBD) from the following six suburban areas to be examined:

(1) King of Prussia.
(2) Chester.
(3) Paoli.
(4) Media.
(5) West Chester.
(6) Tacony.

(b) Section 52.2050 required a similar examination of radial corridors to the Pittsburgh CBD from the following nine suburban areas to be examined:

(1) Bellevue.
(2) Bethel Park.
(3) Clairton.
(4) The Greater Pittsburgh International Airport.
(5) McKeesport.
(6) McKees Rocks.
(7) Monroeville.
(8) North Braddock.
(9) Penn Hills.

In addition to studying the specified corridors, the Commonwealth was to examine the feasibility of establishing exclusive bus/carpool lanes on substitute alternate corridors if it was determined that any one of the original corridors was infeasible. Section 52.2051, a regulation limiting public parking related to the establishment of bus/carpool lanes, required that parking be prohibited on any particular street or highway where such parking would interfere with the use of aforementioned exclusive lanes.

Summary. In compliance with §§ 52.2048 and 52.2050, the Pennsylvania Department of Transportation submitted studies to the EPA Philadelphia Regional Office containing detailed analyses of the feasibility of bus/carpool lanes in the Pennsylvania portion of the Metropolitan Philadelphia AQCR and the Southwest Pennsylvania AQCR. The studies were received on October 31, 1974, and as amended November 26, 1974.

In accordance with the requirements set forth in the transportation control plans for Philadelphia and Pittsburgh, the Administrator is setting forth his response to the PennDOT study in the following comments:

(1) The Administrator compliments the Pennsylvania Department of Transportation on the timely submission of the bus/carpool lane study by the November 1, 1974 deadline.

(2) The Administrator takes this opportunity to restate EPA's strong commitment to exclusive bus and bus/carpool lanes as an effective transportation measure for achieving air quality and

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energy conservation goals. Successful implementation of express bus service (most notably the Shirley Highway service) demonstrates that substantial demand exists for fast, efficient transit options that can replace the auto for the work trip. Finally, EPA's commitment to exclusive lane express bus service is consistent with the policy objectives of the Federal Energy Administration and the Department of Transportation.

(3) On the basis of the six corridors studied in the Philadelphia area, the Administrator concludes that three appear suitable for bus/carpool lanes: I–95 north of the CBD, I–95 south of the CBD, and a portion of West Chester Pike. In the Pittsburgh area, the Administrator finds that one exclusive bus lane on a portion of West Liberty Avenue, one exclusive bus/carpool on-ramp at Stanwix Street, and one pair of exclusive bus/carpool lanes on a portion of the Parkway East appear suitable.

(4) The Administrator concludes that the Commonwealth of Pennsylvania should continue planning for the implementation of the above corridors and routes determined suitable by the Administrator in both the Metropolitan Philadelphia AQCR and the Southwest Pennsylvania AQCR. Accordingly, the Commonwealth should proceed with the necessary follow-up studies and interagency coordination in order to meet the deadline for submission of a compliance schedule. The deadline, originally February 1, 1975 (40 CFR 52.2048(e) and 52.2050(e)), is hereby extended to April 1, 1975, in order for each jurisdiction to have adequate time to submit the compliance schedules.

(5) The Administrator has several reservations, explained below, about the PennDOT conclusion concerning the infeasibility of all other bus/carpool lanes set forth in the FEDERAL REGISTER (38 FR 32884).

(6) The Administrator recognizes that the detailed PennDOT bus/carpool lane evaluation study was forced to address a number of complex issues in a very short time period. Due to this situation, all appropriate agencies and interested parties did not have the opportunity to contribute to the assessment of the potential bus/carpool lane corridors or to evaluate the findings of the final report. Consequently, a critical review of the assumptions and methodologies is warranted. The Administrator is thus calling for comment on the PennDOT study and invites the affected jurisdictions and agencies as well as the general public to review and discuss this study. Comments will be accepted in response to this request until February 15, 1975. The Administrator particularly solicits comments on the following:

(a) Have all alternative routes been adequately analyzed? Has the most practicable route in each corridor been selected as mandated in 38 FR, §§ 52.2048 and 52.2050?

(b) The economic, environmental, and energy benefits of diverting commuters from car to bus.

(c) The methodology used to predict express bus and carpool demand.

(d) The difficulties associated with implementing express bus/carpool lanes on all alternative routes and how these operational problems have been overcome where bus/carpool lanes have been successfully implemented.

(e) Discussion is also sought on routes determined both feasible and infeasible by the PennDOT study and on alternative practicable routes that may have been omitted from this report.

At the minimum, comment from the following key agencies should be obtained. Philadelphia: City of Philadelphia, Delaware Valley Regional Planning Commission, Southeastern Pennsylvania Transit Authority, Bucks, Chester, Delaware and Montgomery Counties. Pittsburgh: City of Pittsburgh, Allegheny County, Southwest Pennsylvania Regional Planning Commission, Port Authority of Allegheny County. Additional comment should be obtained from the State Department of Environmental Resources and the appropriate Federal Department of Transportation offices.

(7) Finally, the Administrator agrees with the PennDOT conclusion that additional specific transit and carpool measures also offer a promising potential for reducing areawide vehicle miles traveled (VMT). These measures which include provision of peripheral parking lots, expansion of radial bus and rail service, and provision of non-radial transit service could significantly improve public transportation, air quality, and energy conservation efforts. Therefore, the Administrator encourages the Commonwealth to include, in the Fiscal Year 1976 Unified Work Program for both regions, feasibility and preliminary engineering studies on the above measures.

Philadelphia Area. In accordance with §§ 52.2048 and 52.2051 (38 FR 32884) for the Pennsylvania portion of the Metropolitan Philadelphia AQCR, the Administrator designates the following routes: (1) exclusive bus/carpool lanes for West Chester Pike; (2) exclusive bus/carpool lanes for I–95, upon completion of the highway; (3) the commencement of a detailed analysis for establishing an exclusive bus/carpool lane on the Schuylkill Expressway (I–76) from the Roosevelt Boulevard (Route 1) Interchange to Vine Street Philadelphia.

1. *West Chester Pike.* The bus/carpool lanes on West Chester Pike will be located in the right-hand operating lanes of the highway from Township Line Road (Route 1) to 69th Street and will operate eastbound from 6:30 a.m. to 9:30 a.m. and westbound from 3:30 p.m. to 6:30 p.m. on or before January 1, 1976.

2. *Delaware Expressway (I–95).* The exclusive bus/carpool lanes on I–95 to serve the Tacony and Chester Corridors will be located in the medial lanes of Interstate 95 from the City of Chester to the Woodhaven Road Interchange and will operate in both directions between the hours of 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m. upon completion of that segment of the highway.

3. *Schuylkill Expressway (I–76).* The analysis to be performed for the Schuylkill Expressway segment of Interstate 76 from the Roosevelt Boulevard Interchange to Vine Street shall be comprehensive in nature and include the impact of the establishment of exclusive bus/carpool lanes on the Roosevelt Boulevard. This study shall be completed by the Pennsylvania Department of Transportation and shall demonstrate full cooperation from the City of Philadelphia for the section of the Roosevelt Boulevard up to and including Broad Street, and its impact upon the exclusive bus/carpool lane on the aforementioned section of the Schuylkill Expressway. The study shall be completed and forwarded to the Administrator on or before June 1, 1975. Should the study indicate the feasibility of such exclusive lanes, implementation is required on or before January 1, 1976.

Pittsburgh Area. In accordance with §§ 52.2050 and 52.2051 (38 FR 32884), the Administrator approves the following: (1) bus/carpool lanes for the Penn Lincoln Parkway East (I–76); (2) a bus/carpool ramp onto the Fort Pitt Bridge at Stanwix Street, and (3) an exclusive bus lane ramp from West Liberty Avenue into the existing trolley tunnel which parallels the Liberty Tunnel.

1. *Parkway East (I–76).* The bus/carpool lanes on the Parkway East will be located in the medial lanes of the highway from the Squirrel Hill Interchange to the Boulevard of the Allies Interchange, a distance of approximately 2.2 miles. The westbound lane will provide exclusive service for buses and carpools from 6:30 a.m. to 9:30 a.m.; the eastbound lane will provide exclusive service from 3:30 p.m. to 6:30 p.m.

2. *Stanwix Street On-Ramp.* The Stanwix Street ramp onto the Fort Pitt Bridge will be established for the exclusive use of buses and carpools from 3:30 p.m. to 6:30 p.m.

3. *West Liberty Avenue.* The exclusive bus lane on West Liberty Avenue will be located in the center of West Liberty Avenue from Cape May Avenue to the existing trolley ramp. The buses will utilize the existing trolley right-of-way of the ramp and the trolley tunnel and will traverse the Smithfield Street Bridge into the Pittsburgh CBD. The exclusive bus lane on West Liberty Avenue will be one-way north from 6:30 a.m. to 9:30 a.m. and one-way south from 3:30 p.m. to 6:30 p.m.

These bus and bus/carpool lanes for the Pittsburgh area shall be implemented by July 1, 1975.

Participation of Other Entities. The regulations require that the Commonwealth request the participation of a county or local jurisdiction, if the participation of that jurisdiction is necessary to the establishment of the lanes required by this notice. This requirement is extended to include the request for participation of any entity, such as the Port Authority of Allegheny County, the Southwest Pennsylvania Regional Planning Commission (SPRPC), the Southeast Pennsylvania Transportation Authority, or the Delaware Valley Regional Planning Commission (DVRPC), if necessary to the establishment of the lanes required by this notice. In accordance with § 52.2051 (38 FR 32884), legally adopted parking regulations must be submitted to the Administrator no later than 2 months after the Commonwealth requests participation of such entity in an exclusive lane program.

Submission of Compliance Schedules and Regulations. On or before April 1, 1975 the Commonwealth of Pennsylvania and such jurisdictions and entities as the Commonwealth has requested to participate must submit to the Administrator compliance schedules to show in detail the steps which each entity will take to establish the bus or bus/carpool lanes required by this notice and to enforce the limitations on their use.

No later than June 1, 1975 each governmental entity required by this notice to establish lanes shall submit to the Administrator all remaining legally adopted regulations sufficient to implement and enforce all of the requirements of this notice.

Other Strategies. In the study submitted by the Commonwealth and in subsequent discussions, at least three additional transportation strategies requiring further study were identified that would concurrently improve transportation service, reduce automotive emissions, and contribute to energy conservation. These were expansion of fringe parking facilities on radial bus and rail routes, acceleration of improvements to existing rail facilities and development of new passenger rail service, and examination of potential transit service for non-radial travel. However, in order to achieve the air quality standards at the earliest possible date, the Administrator necessarily places a higher priority on short-term transit improvements although the longer range improvements are certainly viewed as essential longer range strategies.

In the Philadelphia area the planning emphasis will be on fringe parking for radial rail lines with additional fringe parking for express bus service. Second, improvements to existing rail rights-of-way, rolling stocks, and service levels is complementary to the increased parking availability. Third, because of the continuing growth in non-CBD oriented travel, a need exists for development of transit programs to serve the expanding suburban and non-CBD employment concentrations.

In the Pittsburgh area, the planning emphasis will be on the assembling of fringe parking facilities to serve existing and future express bus service. Provision of new radial rail and other exclusive right-of-way transit service plus improvements to existing commuter rail lines through additional parking and expanded service will not be felt as quickly as the implementation of fringe parking for express bus service, but will have a more lasting impact. Finally, as in the Philadelphia area continuing growth in non-CBD oriented travel necessitates an improvement in transit service to serve the expanding suburban and non-CBD employment centers.

By this notice the Administrator requests that the Commonwealth of Pennsylvania recommend priority inclusion of these three study areas in the Unified Work Programs (UWP) of DVRPC and SPRPC for Fiscal Year 1976. As elements of the UWP, these areas should include a determination of their impact on air quality and energy consumption. According to Federal Highway Administration (FHWA) Air Quality Guidelines, the UWP's will be reviewed by both FHWA and EPA and a determination will be made as to the consistency of the transportation plan and program with the applicable state air quality implementation plan of which this notice is a part.

The Administrator further requests that the Commonwealth of Pennsylvania submit along with the Compliance Schedule due April 1, 1975 those elements of the Unified Work Programs that identify these three study areas.

Public information. Copies of the Commonwealth of Pennsylvania study prepared by the Pennsylvania Department of Transportation are available for inspection at the Freedom of Information Center, U.S. Environmental Protection Agency, Room W232, 401 M Street, SW., Washington, D.C. 20460 and at the EPA Region III Office, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Comments on the study should be submitted in triplicate to the Air and Hazardous Materials Division Director, EPA Region III Office, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. All comments received before February 15, 1975 will be considered.

Dated: January 20, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-2271 Filed 1-24-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4–3—PROCUREMENT BY NEGOTIATION

Form AD–744

This amendment involves matters relating to agency management and contracting. It is not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553 but is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy and embodies already existing Government-wide policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The table of contents, Part 4–3, § 4–3.605–1 is revised to read as follows:

§ 4–3.605–1 Department of Agriculture Form AD–744 Purchase Order/Invoice/Voucher

2. Section 4–3.605–1 is revised to read as follows:

§ 4–3.605–1 Department of Agriculture Form AD–744, Purchase Order/Invoice/Voucher.

(a) *Prescribed form.* The Department of Agriculture Form is prescribed for use by this Department. The form is to be used as a combination purchase order and vendor's invoice/voucher for making local, small commercial purchases of items and services for immediate delivery. The Form AD–744 will replace the Standard Form 44 for all such purchases. The Standard Form 44 may continue to be used for the functions listed in (b) below.

(b) *Restrictions on use.* The Form AD–744 shall not be used for any of the following:

(1) Purchases involving future delivery of the items purchased.

(2) As a confirming purchase order.

(3) As an order under a Blanket Purchase Arrangement.

(4) Purchases from GSA or other Government Agencies.

(5) Purchases for which the vendor is paid in cash or as a receipt for such purchase.

(6) Purchases which may be accomplished through an imprest fund transaction.

(c) *Availability.* Both Form AD–744 and SF–44 are stocked by the Central Supply Branch, Office of Operations. The forms are four part snap out sets bound in books of twenty-five sets.

Effective date: February 1, 1975.

(5 U.S.C. 301, 40 U.S.C. 486(c))

Done at Washington, D.C., this 21st day of January, 1975.

GEORGE C. KNAPP,
Deputy Director,
Office of Operations.

[FR Doc.75-2306 Filed 1-24-75;8:45 am]

PART 4–5—SPECIAL TYPES AND METHODS OF PROCUREMENT

Procurement From Federal Prison Industries and the Products of the Blind and Other Severely Handicapped

This amendment involves matters relating to agency management and contracting and while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553 is subject to the Secretary's Statement of Policy (36 FR 13804). The Amendment corrects or clarifies existing policy and embodies already existing Government-wide policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement that notice and other public procedures with respect to the imendment are impracticable and unnecessary.

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1. The Table of Contents of Part 4–5 is amended as follows:

a. The following Subpart is added:

Subpart 4–5.4—Procurement of Prison-Made Products

b. The following section is added to Subpart 4–5.4:

§ 4–5.408 Clearances

c. Subparts 4–5.51—Federal Prison Industries, and 4–5.56—National Industries for the Blind are deleted.

2. The following Subpart 4–5.4 is added to Part 4–5:

Subpart 4–5.4—Procurement of Prison-Made Products

§ 4–5.408 Clearances.

(a) Clearances are granted by Federal Prison Industries for limited periods. Decisions to request renewal of a clearance should be considered carefully to assure that the circumstances requiring clearance still exist.

(b) Supplies purchased from other sources as a result of clearances from Federal Prison Industries must be identical with the description of the supplies cleared in all material respects, e.g., material width, thickness, strength, performance characteristics, etc.

Subpart 4–5.51 [Deleted]

Subpart § 4–5.56 [Deleted]

3. Subparts 4–5.51 and 4–5.56 are deleted from Part 4–5.

Effective date. January 27, 1975.

(5 U.S.C. 301, 40 U.S.C. 486(c)).

Done at Washington, D.C., this 21st Day of January, 1975.

GEORGE C. KNAPP,
Acting Director,
Office of Operations.

[FR Doc.75-2307 Filed 1-24-75;8:45 am]

Transfer of Material

CROSS REFERENCE: For a document transferring material from 41 CFR Ch. 5 to 41 CFR Ch. 5A, see FR Doc. 75–2353, *infra.*

PART 5–60—CONTRACT APPEALS

Cancellation of Part

Correction

In FR Doc. 75–1703 appearing at page 3291 in the issue for Tuesday, January 21, 1975, and cross-referenced on the same page, Chapter 5 of Title 41 of the Code of Federal Regulations was cancelled in error. Paragraph 2. of FR Doc. 75–1703 should be corrected to show that only Part 5–60 of 41 CFR Chapter 5 is cancelled and should read as follows:

2. *Cancellation.* Part 5–60 of 41 CFR Chapter 5 is cancelled.

The cross reference appearing immediately above FR Doc. 75–1703 should be corrected accordingly.

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Specifications and Standards

This change to the General Services Administration Procurement Regulations (GSPR) updates and transfers material regarding specifications, standards, and purchase descriptions from Chapter 5, GSPR (41 CFR Ch. 5), to Chapter 5A, GSPR (41 CFR Ch. 5A), and updates related portions of Chapter 5A, GSPR (41 CFR Part 5A).

PART 5A–1—GENERAL

The table of contents for Part 5A–1 is amended to revise § 5A–1.305–70 and to add new entries as follows:

5A–1.305–2 Exceptions to mandatory use of Federal Specifications.
5A–1.305–3 Deviations from Federal Specifications.
5A–1.305–6 Military and departmental specifications.
5A–1.305–70 Processing waivers and deviations.
5A–1.307–6 Invitations for bids, "band name or equal" descriptions.

Subpart 5A–1.3—General Policies

§ 5A–1.305 [Amended]

1. Section 5A–1.305 is amended by deleting the text and retaining the number and captions as § 5A–1.305 *Specifications.*

2. Sections 5A–1.305–2, 5A–1.305–3 and 5A–1.305–6 are added as follows:

§ 5A–1.305–2 Exceptions to mandatory use of Federal specifications.

(a) Pursuant to § 1–1.305–2(f), when an Interim Federal Specification exists for a specific item which is also described in a Federal Specification, procuring activities shall use the Interim Federal Specification in lieu of the Federal Specification upon determination that the Interim Federal Specification is more suitable for the specific application. In the absence of a Federal Specification, an Interim Federal Specification, if any, shall be used.

(b) If a procuring activity finds that an Interim Federal Specification is not suitable for use, or that changes are desirable, the appropriate branch chief (or Division Director, FMA) in the Office of Standards and Quality Control shall be so notified. The reasons why the specification is considered unsuitable and any recommendations for changes shall be submitted on GSA Form 2967; Request for Specification and/or Purchase Description Action, in an original and one copy.

§ 5A–1.305–3 Deviations from Federal specifications.

Any deviation from the requirements in a Federal or Interim Federal Specification contemplated under § 1–1.305–3 shall be submitted to the appropriate branch chief (or Division Director, FMA) in the Office of Standards and Quality Control for approval prior to use in a solicitation or contract modification. The request shall include a statement describing the deviation, with justification therefor, and, when appropriate, a recommendation for revision or amendment to the specification. (For procedures applicable to the processing and approval of requests for waivers of specification requirements in connection with the acceptance of nonconforming supplies or services, see § 5A–14.206.)

§ 5A–1.305–6 Military and departmental specifications.

In the absence of a Federal or Interim Federal Specification, military and departmental specifications shall be considered. The contracting officer shall select the most appropriate specification with the advice and assistance of technical personnel.

3. Section 5A–1.305–50 is revised as follows:

§ 5A–1.305–50 Use and availability of specifications and standards.

(a) Formal specifications and standards shall be incorporated by reference in solicitations for offers. The reference shall fully identify the specification or standard by the series printed thereon, i.e. Federal, military, or departmental (e.g., Forest Service), followed by the number and date. (The specification number includes the revision indicator.) Amendments shall be separately identified, e.g., Federal Specification PPP–B–636G, dated February 17, 1972, and Interim Amendment 1, dated August 30, 1972.

(b) Canceled or superseded specifications or standards shall not be used.

(c) When formal specifications or standards are referenced in the solicitation for offers, the following clause (included in GSA Form 1424) shall be included in the solicitation:

COPIES OF GOVERNMENT SPECIFICATIONS AND STANDARDS

The Government specification(s) or standard(s), if any, applicable to each article is stated in the Solicitation for Offers in connection with the general description of the article. A single copy of the referenced Federal or Interim Federal Specification or Standard is available without charge from the General Services Administration Business Service Centers in Boston; New York; Atlanta; Chicago; Kansas City, MO; Ft. Worth; Denver; San Francisco; Los Angeles; and Seattle; or from Specification Sales, GSA, Bldg. 197, Washington Navy Yard, Washington, DC 20407. Additional copies may be purchased from the Specification Sales Office, Washington, DC. Military Specifications, Standards, and Qualified Products Lists may be obtained from Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. If other specifications or standards are applicable, the Solicitation for Offers will state where copies of such specifications may be obtained.

(d) In formally advertised procurements, when the contracting officer discovers prior to the time set for the opening of bids that a specification has been improperly cited (e.g., revision indicator not compatible with date) resulting in an ambiguity concerning the intended specification, the solicitation shall be amended in accordance with § 1–2.207. If the current version of a specification has not been cited (e.g., basic specification cited correctly, but latest interim amendment not shown), the solicitation shall be amended if such action will serve the Government's best interest.

(1) If such a discovery is made after bid opening, but prior to award, the bids should not be rejected and the solicitation canceled unless it is determined that cancellation is in the best interest of the Government. For example, cancellation may be in the best interest of the Government when the supplies to be furnished under the cited specification would differ significantly from the Government's current actual requirements or where bidders may have been misled as to the actual specification intended.

(2) When the discovery is not made until after award, the contractor shall be required to comply with the cited specification unless the supplies furnished thereunder would be unsatisfactory to the Government. In such case, the contract may be modified by mutual agreement or by change order, *provided, however,* That such modification would not change the design, construction, and cost, of the item to the extent that it would be unfair to deprive other suppliers of the opportunity to submit offers under the revised specification. If the contracting officer determines that it would be in the best interest of the Government to do so, the contract shall be cancelled and new offers solicited.

(e) In negotiated procurements, discoveries made either before the closing date for the receipt of proposals or after award, shall be handled in accordance with the procedure provided in § 5A–1.305–50(d) for discoveries made either before the time set for the opening of bids or after award, respectively. When discovery is made after the closing date for receipt of proposals but prior to award, and it is determined that award on the basis of the cited specification would not be in the best interest of the Government, negotiations on the basis of the specification which should have been cited in the request shall be conducted with offerors as provided in § 1–3.805–1(d), or the request shall be canceled.

4. Section 5A–1.305–70 is revised as follows:

§ 5A–1.305–70 Processing waivers and deviations.

(a) Section 101–26.100–2 of the Federal Property Management Regulations (FPMR) sets forth instructions to agencies regarding the submission of requests for waivers, and provides that such requests shall be submitted to the Commissioner, Federal Supply Service, for approval or disapproval. The Commissioner, FSS, has delegated to the Assistant Commissioner, Office of Standards and Quality Control (FM), the authority to approve or disapprove agency requests for waivers.

(b) In processing agency requests for waivers, the Office of Standards and Quality Control will coordinate with the Office of Procurement or the regional procuremnt division having procurement responsibility for the category of items involved, and any other interested FSS organizational element.

(c) A copy of the FSS letter in response to the agency request will be forwarded to the Customer Market Research Branch, FFMR. That activity will review waiver actions on a continuing basis and identify any items having substantial value and recurrent demand that should be included in the supply system.

(d) Normally, when an agency submits a request for a waiver it intends to purchase the proposed item through its own procurement office. Occasionally, an agency may submit a waiver request and at the same time (or subsequent to approval of the waiver) request FSS to make the procurement. When the agency submits a purchase request to FSS, the contracting officer shall determine if an item in the GSA supply system will fulfill the end-use purpose of the item requested to be procured and, if such an item is available in the GSA supply system, the agency should be contacted to determine whether it will satisfy the agency's needs. If the agency is unwilling to accept a GSA item as a substitute for the requested item, the procurement activity shall coordinate with the Office of Standards and Quality Control which will determine whether procurement of the proposed item is justified. If the purchase request is for a particular make, model, or brand of item, the justification submitted by the agency must meet the requirements of FPMR 101–26.105(b).

(e) With respect to maintenance, repair, and rehabilitation of equipment, FPMR 101–42.102–1(b) states that when an agency determines that services available from an existing term contract price schedule will not fill its required needs, a request to waive the requirement shall be submitted to the GSA regional FSS office administering the contract. Such request shall specify the quantities involved, describe the difference between the services required and those listed in the price schedule, and give reasons why the service will not meet requirements. Waivers are not required in the case of public exigencies.

5. Section 5A–1.306 is revised as follows:

§ 5A–1.306 Standards.

The provisions of §§ 5A–1.305–2 and 5A–1.305–3 relating to the mandatory use of Federal Specifications and the processing of requests for deviations from Federal Specifications are also applicable to Federal Standards.

6. Section 5A–1.307–1 is revised as follows:

§ 5A–1.307–1 Applicability.

(a) When it has been determined in accordance with § 1–1.307–1(b) that only a particular brand name product has features which are essential to the Government's requirements, the purchase description shall specify the brand name of the product without adding the words "or equal." In such cases, the procurement should be made by negotiation (see also paragraphs (1), (2), and (13) of § 1–3.210(a)).

(b) Repeated use of the same purchase description indicates that consideration should be given to developing a specification. In such cases, procurement activities shall prepare and forward an original and duplicate of GSA Form 2967, request for Specification and/or Purchase Description Action, to the Specification Management Staff, FMR. The recommendation should be supported by annual purchase statistics and any other pertinent data. The Office of Standards and Quality Control will obtain a detailed description of the item from the manufacturer(s) of products known to be acceptable and will coordinate with registered users to develop a specification when demand for the item warrants such action. A completed copy of GSA Form 2967 will be returned to the procurement activity originating the request.

7. Section 5A–1.307–4 is amended by revising paragraph (a) as follows:

§ 5A–1.307–4 Brand name products or equal.

(a) *Referencing of brand name products.* Brand name or equal purchase descriptions shall reference all brand name products known to be acceptable and of current manufacture. Where the use of a brand name or equal purchase description results in the purchase of an acceptable brand name product which was not referenced in the description (an "equal" product), a reference to that brand name product should be included in the purchase description for subsequent procurements. Where it is found that a referenced brand name product is no longer applicable, the reference thereto shall be deleted from the purchase description. Information regarding such additions and deletions coming to the attention of procurement personnel shall be immediately communicated to the appropriate Branch Chief (or Division Director, FMA) in the Office of Standards and Quality Control for formal revision of the purchase description.

• • • • • •

8. Section 5A–1.307–5 is amended by revising paragraph (b) as follows:

§ 5A–1.307–5 Limitations on use of "brand name or equal" purchase descriptions.

• • • • • •

(b) *Approval required.* A "brand name or equal" purchase description shall not be used unless it has been approved by the Office of Standards and Quality Control, with the following exceptions:

(1) Purchase descriptions applicable to Forest Service items shall be approved in accordance with § 5A–72.106–2.

(2) Purchase descriptions covering Veterans Administration items shall be approved by the Director, Supply Service, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

(3) Purchase descriptions applicable to (i) public exigency procurements of

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nonstock items, or (ii) other procurements valued at $5,000 or less, may be approved by the Director of the Procurement Division.

9. Section 5A–1.307–6 is added as follows:

§ 5A–1.307–6 Invitations for bids, "brand name or equal" descriptions.

The entries prescribed in § 1–1.307–6 shall be prominently inserted in the item listing after each item or component part of an end item to which a "brand name or equal" purchase description applies. In addition, because bidders frequently overlook the requirements of Clause 24 of GSA Form 1424, the following cautionary note shall be inserted in the item listing after each "brand name or equal" item (or component part), or at the bottom of each page listing several "brand name or equal" items, or in a manner which may be otherwise considered appropriate to direct the bidder's attention to this important clause of GSA Form 1424:

BIDDERS OFFERING OTHER THAN BRAND NAME ITEMS IDENTIFIED HEREIN SHOULD FURNISH WITH THEIR BIDS ADEQUATE INFORMATION TO ASSURE THAT DETERMINATION CAN BE MADE AS TO EQUALITY OF THE PRODUCT(S) OFFERED (SEE CLAUSE 24 OF GSA FORM 1424).

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to add the following new entry:

5A–16.950–2967 GSA Form 2967, Request for Specification and/or Purchase Description Action.

NOTE: A copy of the form illustrated in § 5A–16.950–2967 is filed with the original document.

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A–72.1—Procurement of Stock Items

1. Sections 5A–72.101 through 5A–72.103 are revised as follows:

§ 5A–72.101 General.

Stock items, excepting those available from Government sources of supply (see Subpart 5A–5.50), shall be procured in accordance with this subpart.

§ 5A–72.102 Specifications.

To facilitate procurement and inspection, and to maintain uniformity and established quality standards of stock items, only authorized stock item purchase descriptions as contained in GSA Form 419A, SIPD Data Transmittal Sheet, issued by the Office of Standards and Quality Control, or specifications/purchase descriptions prepared by the U.S. Forest Service and used by Region 8 to purchase special fire-control equipment and supplies, shall be used in describing stock items, except under the circumstances indicated in § 5A–72.103.

§ 5A–72.103 Exceptions to Use of Authorized Stock Item Purchase Descriptions.

(a) Procurement Division Directors may authorize exceptions from the requirement for use of item purchase descriptions (IPD) for stock items when the purchase value is $5,000 or less, provided the product(s) to be purchased are known to meet the applicable specifications or, if not known, are good quality off-the-shelf products. (For interim stock replenishments see § 5A–72.105–29.)

(b) When item purchase descriptions (IPD) specifying Level B packaging and/or packing requirements are used for direct delivery procurements, these requirements may be modified by the contracting officer. The consignee shall be contacted to determine if Level C commercial packing is adequate. If direct deliveries are made under existing contracts, the packaging and packing requirements specified in the contract need not be modified.

2. Section 5A–72.104 is amended by revising the introductory text and paragraph (a).

§ 5A–72.104 Uniform firm stock price policy requirements.

Firm issue prices are established for stock items on the basis of average cost prices being paid by all GSA offices procuring the items and are published in the GSA Supply Catalog. The following procurement price factors and procedures are to be observed by all Federal Supply Service purchasing officers:

(a) Where current prices shown in the current edition of the GSA Supply Catalog are substantially lower than prices being offered, purchasing officers shall request information from other GSA offices procuring the item as to the names of other suppliers, in an effort to locate more satisfactory sources of supply.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: January 2, 1975.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.75–2353 Filed 1–24–75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

CFR Correction

In 45 CFR (Parts 200–499), revised as of October 1, 1974, § 205.102 was inadvertently omitted from page 19. The text of this section reads as follows:

§ 205.102 Separation of services from assistance payments.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV or XVI of the Social Security Act must provide:

(1) For development of a plan for separation of services from assistance payments and for the establishment of a separated service system, which will accord with guidelines issued by the Social and Rehabilitation Service, and will be submitted no later than October 1, 1972, to the SRS Regional Commissioner for approval;

(2) For statewide operation of the approved separation plan no later than January 1, 1973; and

(3) For submittal of a progress report on the implementation of separation, no later than March 15, 1973.

(b) *Definitions.* (1) "Separation of services from assistance payments" means the administration and operation of the srevices function independently from the assistance payments function, with separate lines of authority for each function.

(i) In addition to the single State agency head, for both the services and the assistance payments functions, there may be a common head at the level of State supervision of local office operations and at the overall local administrative level.

(ii) There must be, at all levels, separate lines of authority and separate staff directly and exclusively responsible for services programs as distinguished from assistance payments programs. This includes all staff engaged in policy and program development supervision of local operation of service programs, and actual provision of services to clients.

(iii) There may be common or separate facilitating services at any State or local agency level, depending on the need.

(iv) In the case of a sparsely populated geographical area, upon justification by the State agency documenting a lack of administrative feasibility in assigning separate local staff for services and for assistance payments functions, the SRS Regional Commissioner may approve alternate arrangements, based upon criteria set forth in SRS guides, and designed to achieve the purposes of separation in such area to the maximum extent possible, and to provide reporting and cost allocation methods which will assure compliance with other Federal requirements and proper claims for Federal financial participation.

(2) The "services function" encompasses those activities included in the approved State plan and carried out by the agency, pursuant to Parts 220, 222, 223, and 226 of this chapter, in order to enable an individual or family, or groups of individuals or families, to overcome barriers to the achievement of their objectives and the goals of the public social services programs. It includes determination of eligibility for services of those individuals or families who are neither applicants for nor recipients of financial or medical assistance, and, under title IV–A, for those who can qualify under § 220.52(a)(3)(iii) or (iv) of this chapter.

(3) The "assistance payments function" encompasses all activities and payments for basic maintenance, i.e., furnishing the income to which an individual or family is entitled under the approved State plans for meeting day-to-day ongoing living costs and special needs. It includes the complete process of determining initial and continuing eligibility for financial and medical assistance and for commodities distribution or food stamps. It also includes maintaining the case in assistance payment or certification status.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19622; FCC 75–67]

PART 73—RADIO BROADCAST SERVICES

Prime Time Access Rule; Second Report and Order

In the matter of consideration of the operation of, and possible changes in, the prime time access rule, § 73.658(k) of the Commission's rules.

1. In this Second Report and Order, the Commission decides the form of the "prime time access rule" (§ 73.658(k) of the Commission's rules). The substance of the various provisions of the rule, to be effective in September 1975, is set forth in the next paragraph; it will be noted that it is similar to "PTAR I", the original rule adopted in 1970, except for certain exemptions which largely represent waivers regularly granted under that rule, new provisions as to use of feature film, and an exemption for network or off-network programming which is: (1) Programming designed for children; (2) public affairs programs; or (3) documentary programs. In paragraph 62, below, we discuss the future of the rule. Also, in paragraph 60, below, we set forth our view, that the public interest requires stations subject to the rule to devote a substantial proportion of prime time to programming of particular local significance.[1]

2. In substance, the provisions of the new rule, effective September 8, 1975, are as follows:

(a) Network-owned or affiliated stations in the 50 largest markets (in terms of prime time audience for all stations in the market) may present no more than three hours of network or off-network programs (including movies previously shown on a network) during the hours of prime time (7–11 p.m. E.T. and P.T., 6–10 p.m. C.T. and M.T.).

(b) Certain categories of network and off-network programming are not to be counted toward the three hour limitation; these are generally:

Network or off-network programs designed for children, public affairs programs or documentary programs.

Special news programs dealing with fast-braking news events, on-the-spot coverage of news events or other material related to this coverage, and political broadcasts by or on behalf of legally qualified candidates for public office.

Regular half-hour network news programs when immediately adjacent to a full hour of locally produced news or public affairs programming.

Runovers of live network coverage of sports events, where the event has been reasonably scheduled to conclude before prime time.

For stations in the Mountain and Pacific time zones, when network prime time programming consists of a sports or other live program broadcast simultaneously throughout the United States, these stations may schedule programming as though the live network broadcast occupies no more of their prime time than that of stations in the other time zones.

Broadcasts of international sports events (such as the Olympics), New York's Day college football games, or other network programming of a special nature (except other sports or motion pictures) when the network devotes all of its evening programming time, except for brief "fill" material, to the same programming.

(c) Another provision includes definitions of the terms "programs designed for children" and "documentary programs".

I. BACKGROUND AND DESCRIPTION OF COMMENTS.[2]

3. The prime time access rule, § 73.658(k) of the Commission's rules, was originally adopted in May 1970, and, with some modifications adopted later that year, went into effect October 1, 1971, as far as the basic restriction on prime-time network programming was concerned. The restriction on use of off-network and feature film material during the time cleared of network programs went into effect October 1, 1972.[3] This rule, "PTAR I", provides that stations (network-owned or network-affiliated) in the 50 largest U.S. television markets may not carry more than three hours of network programs each evening during the four prime time hours (7–11 p.m. E.T. and P.T., 6–10 p.m. C.T. and M.T.); and that the one hour thus cleared of network programs may not be filled with off-network material or feature films shown by a station in the market within the previous two years. The rule contains an exemption for network programs which are "special news programs dealing with fast-breaking news events, on-the-spot coverage of news events and political broadcasts by legally qualified candidates for public office." The May 1970 decision also contemplated waivers of the rule generally in two other types of situations, which have been granted since: (1) where stations carry a full hour of local news or local public affairs material immediately before prime time, and wish to carry a half-hour of network news at the beginning of prime time without its counting toward the permissible three hours;[4] and (2) sports runovers, where a network telecast of a sports event normally would conclude within the allotted time but possibly may not. This matter arises chiefly with late-afternoon sports events scheduled to last until 7 p.m. E.T., but also sometimes occurs with respect to evening sports events. While not specifically mentioned in the decision adopting the rule, there has also been in effect since 1971 a waiver for one-time network news and public affairs programs, those not part of a regular series. Waivers have been granted since early 1972 for particular off-network programs (Wild Kingdom, National Geographic, etc.). There have also been waivers to take into account time zone differences. In a few cases, where requested by individual stations, waivers have been granted to permit use of 3½ hours of network or off-network material in one evening if accompanied by a reduction in such material on a later night soon after.

4. While not required by the terms of the rule, two other developments have occurred. First as far as network origination of programs is concerned, the time cleared of network programs has been the first hour of prime time, or 7–8 p.m. E.T., Monday through Saturday. On Sunday, CBS and NBC have run from 7:30 to 10:30, leaving 7–7:30 and 10:30–11 as cleared time; ABC has alternated between that schedule and 8–11 p.m. Second, while the rule applies only to the top 50 markets, as a matter of business judgment, the networks decided not to present more prime time programming on affiliated stations below the top 50 markets. Therefore, the rule has led to an across-the-board reduction in network schedules, from 3½ hours on weekdays and 4 hours on Sunday before the rule (25 hours total) to 3 hours a night (21 hours total).[5]

5. Because of complaints about the rule's effects and the filing of three peti-

[1] We do not consider at this time, nor discuss further herein, the "anti-multiple exposure" rule proposed by Sandy Frank Program Sales, Inc., a syndicator, under which no more than one program of the same series could be broadcast each week during access time by a station subject to the rule. Such a rule, which if adopted would mean considerable change in the operation of many stations, is outside the scope of this proceeding.

[2] For a longer discussion of the background of this matter, see the January 1974 decision in Docket 19622, modifying the rule, pars. 4–25, 44 FCC 2d 1081, 1082–1092.

[3] See Report and Order in Docket 12782 (May 1970), 23 FCC 2d 382, and decision on reconsideration (August 1970) generally affirming but making some minor changes, 25 FCC 2d 318.

[4] This principle was extended in a few cases in 1973 to permit carriage of the ABC Reasoner Report program at 7 p.m. e.s.t. without counting toward the permissible three hours, where it is both preceded and followed by a half-hour local program, one of which is public affairs.

[5] ABC presented four hours of programming on Sundays in late 1970, but early in 1971 cut its Sunday programming back to three hours.

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tions seeking its repeal, the Commission instituted the present inquiry and rule-making proceeding, Docket 19622, on October 26, 1972. This was designed to explore the rule's operation and consider changes in, or repeal of, the rule. Comments in response to the Notice of Inquiry and of Proposed Rule Making[4] were filed early in 1973, and two days of oral argument was held in July 1973 (with additional written submissions). A total of 59 parties filed initial and/or reply comments or participated in oral argument, including independent producers, distributors and their association strongly supporting the rule; major film producers and other independent producers urging repeal; the three networks; labor organizations (opposing the rule); three "public" groups supporting the rule; station licensees on both sides; and various other parties.

6. On January 23, 1974, a Report and Order was issued, making certain changes in the rule to be effective in September 1974.[5] All restrictions were removed from Sundays and from the first half-hour of prime time (7–7:30 E.T., etc.). One of the remaining six 7:30–8 p.m. half-hours could be used for network or off-network material of certain types—children's specials, public affairs or documentary programming ("documentary" was defined to include programs which are educational and informational and non-fictionary, but not where the information is part of a contest among participants). Finally, feature films were barred entirely from access time periods. Following this decision, the networks made plans to use the additional time made available to them. All three networks planned to present four hours on Sundays; NBC planned one-hour shows on 44 Saturdays mostly of a news-magazine type; CBS planned 44 half-hour programs at 7:30 on Saturdays, generally children's programming; and ABC planned only 6 to 12 one-hour news documentaries or children's programs on Saturdays. Thus, under these plans, all of Sunday prime time would be occupied by network programs, and, on an annual basis, about half of the Saturday hour previously cleared.[6]

[4] Notice of Inquiry and Notice of Proposed Rule-Making in Docket 19622, FCC 72–957, adopted October 26 and released October 30, 1972, 37 FR 23349, 37 FCC 2d 900.

[5] Report and Order in Docket 19622, FCC 74–80, adopted January 23 and released February 6, 1974, 44 FCC 2d 1081.

[6] It appears that the expansion of network time by an hour each on Sundays would have resulted in six additional situation comedies (although the new programs would not necessarily have been all on Sundays since there was to be some rearrangement of schedules). As to NBC's planned use of an hour on most Saturdays, strong opposition to this was expressed by NBC affiliates in May, and it was not at all certain as of early June that this planned programming would have been presented had the rule remained in effect, or that affiliates generally would have cleared it if it had been carried on the network.

7. The National Association of Independent Television Producers and Distributors (NAITPD), one of the most vigorous proponents of the original rule, sought judicial review of this decision, appealing to the U.S. Court of Appeals for the Second Circuit which had affirmed the original rule in May 1971.[7] In connection with its appeal, NAITPD sought a stay of the changes for a year, or until September 1975, claiming that the period of 7–8 months allowed was too short a time for independent producers to adjust to "PTAR II". This stay request was denied by us and also by the Court, but the Court set an expedited schedule and on June 18, 1974, issued a decision. The decision (NAITPD et al v. FCC)[8] did not rule on the merits of our January changes or the contentions of the appellants on both sides (NAITPD et al. urging a return to the original rule, some major film producers and independent producers urging repeal). Rather, it held that the Commission had acted too precipitously in making the changes effective this fall, particularly since, when the original rule was adopted in May 1970, the networks were given some 16 months grace before the effective date in the fall of 1971. The Court enjoined us from putting the changes into effect before September 1975, and remanded the matter to us to determine what the effective date should be.

8. While the Court did not rule on the substance of the changes, it did indicate some areas where it believed further Commission inquiry would be appropriate. It is suggested that we get the views of public groups—consumer groups, minority groups, etc.—particularly concerning the effect of the rule on television advertising in prime time,[9] and the impact of the rule on programming for minorities. It was also suggested that playwrights and actors could offer views as to the effect of the rule on their professions. Aside from this broader input, the Court also expressed the desire for more definite statements concerning three matters: the argument that the rule works to increase, rather than diminish, network dominance; the effect of the rule on competition, as to which we were urged to get the views of the Justice Department; and the question of economic impact on Hollywood, the argument being that the rule, by reducing the amount of prime time available for network programs, has a serious impact on the U.S. program production industry and employment in it.

[7] Mt. Mansfield Television, Inc. v. FCC, 442 F. 2d 470 (C.A. 2, May 1971).

[8] National Association of Independent Television Producers and Distributors et al. v. FCC and U.S. 502 F. 2d 249 (U.S.C.A. 2, decided June 18, 1974).

[9] The Court noted the two sides of this question urged by opponents and proponents of the rule respectively: that the rule has increased the number of commercials in access time, and that this development is offset by increased opportunity for local advertisers.

9. In light of these Court observations, we issued on July 9, 1974, a Further Notice Inviting Comments in this proceeding (FCC 74–756, released July 17, 1974, 39 FR 26918). We invited comments from parties on the six points mentioned by the Court, and from consumer groups, minority groups, and the public on these points as well as concerning the rule generally. The question of the appropriate effective date was also raised. Shortly after issuance of the Further Notice, the Commission's Office of Network Study directed letters to numerous consumer and minority groups, as well as labor and guild organizations, specifically inviting their comments. Most of these responded, as did numerous other organizations.[10] Comments and reply comments in response to this Further Notice were due by September 20 and October 10, respectively (though a number of parties, particularly public groups, filed late).

10. *Description of comments in response to the Further Notice.* A total of 43 formal and informal initial comments were filed in response to the Further Notice. Of these, 17 were from public groups, all but one of them supporting the original rule and opposing the January PTAR II modifications. They also opposed waivers or any other relaxations, and also suggested additional regulatory requirements. The Department of Justice also supported the original rule. The Office of Telecommunications Policy (OTP) urged repeal of the rule entirely. Of 24 comments from private parties, 9 urged return to the original rule—NAITPD; ABC (although not viewing the PTAR II compromise as unsatisfactory); Westinghouse Broadcasting Company, Inc. (Westinghouse); Station Representatives Association (SRA); program suppliers Sandy Frank, Time-Life Films, Inc., and Viacom International, Inc.; and TV licensees Leake TV, Inc. (Little Rock and Tulsa), and Wometco Enterprises, Inc. (comments relating chiefly to Miami). Ten (10) comments from private parties urged repeal of the rule—three from six major film companies (Warner Bros. Television-United Artists-MGM Television, MCA Inc.-20th Century Fox, and Columbia Pictures Television); CBS; National Committee of Independent Television Producers (NCITP); Screen Actors Guild, Hollywood Film Council and Writers Guild of America (West) in joint comments; Authors League of America, Inc.; and licensees Metromedia, Inc. (Chiefly independent stations in New York, Washington, Los Angeles, etc.), KOOL Radio Television (KOOL–TV, Phoenix) and Newhouse Broadcasting Corp. (comments relating chiefly to Syracuse). NBC supported the PTAR II compromise. Four other parties took no position as to the basic rule. The

[10] The groups contacted by letter from whom no response was received (directly or through another affiliated organization) were the Consumers Federation of America, National Association for Better Broadcasting, Asian Americans for Fair Media, and the National Council of Senior Citizens.

latter were Motion Picture Association of America, Inc. (MPAA, urging repeal of the feature-film ban), Association of Independent Television Stations, Inc. (INTV, specifically taking no position because of a split among its members); the Wolper Organization, Inc. (urging further consideration of its proposal for an exemption for "educational value" programming); and Bill Burrud Productions, Inc. (seeking definition and clarification as to the status of off-foreign network material under the off-network restriction).

11. Fourteen reply comments were filed, including 9 by parties who had filed earlier comments, and five new parties. The new filings included Post-Newsweek Stations, Inc. (Washington, Miami, Hartford and Jacksonville), and four public groups—the American Civil Liberties Union (which had participated in the proceeding in 1973) and public groups in the St. Louis and San Francisco Bay areas and in Alabama. All of the new parties supported the original rule. The 5 comments from new parties are in large part not proper reply material, being original statements of position rather than an answer to something filed in initial comments. This is not entirely true of the ACLU and Post-Newsweek comments, and the other three are, for the purposes of this decision, cumulative of earlier material filed by public groups. The comments listed are considered herein.[12] Parties filing comments and reply comments are listed in Appendix B.[12a]

12. *Changes in position.* A few parties participating in the proceeding at this stage have changed position from their earlier views. INTV, the independent station association, and Metromedia, formerly strong supporters of PTAR I, now either take no position or urge repeal. Metromedia claims that the rule works to the detriment of independent stations because of more sophisticated techniques used by affiliated stations in selling access-period advertising. Leake TV's position supporting the rule (because of successful hour-long news operations on weekdays) is a reversal of its earlier stand. Post-Newsweek's support for the rule is to some extent a departure from its oral argument position supporting the basic network restriction, but urging repeal of the off-network limitation. NBC's position favoring PTAR II, and (in reply comments) vigorously opposing the majors' argument for repeal, is roughly the same as its oral argument position expressing support for the rule in the interest of certainty and an end to controversy. This position, however, is completely at odds with its original position, as one of the 1972 petitioners strongly urging repeal.[13] Otherwise, the parties have much the same positions as they had earlier. A detailed analysis of the comments mentioned appears in Appendix C.[14a]

[12] We do not consider herein, except to note the general position taken pro or con, material filed later than October 11, the due date for filing comments. This includes comments from the Office of Communication of the United Church of Christ (supporting the rule), some Urban League chapters filing informal comments to the same effect as Youngstown and Grand Rapids filings earlier, and supplemental material filed by Warner Bros. Television and other majors, and Sandy Frank.

[12a] Appendix B is filed with the original document.

II. Discussion and Conclusions

13. As stated at the outset, the Commission has decided to return to PTAR I, the original rule adopted in 1970, except for the codification of certain waiver practices which have grown up under it (sports runovers, network news following an hour of local news, time-zone differences, etc.), and except for network or off-network programming which is designed for children, public affairs or documentary programs, and different provisions as to feature films. Most paragraph references below are to Appendix C (C–3 etc.)

A. *Arguments of opponents of the rule.* 14. In evaluating the arguments of the majors and other opponents of the rule, it is important to bear in mind the rule's primary objectives: to lessen network dominance and free a portion of valuable prime time in which licensees of individual stations present programs in light of their own judgments as to what would be most responsive to the needs, interests and tastes of their communities. At the same time, the rule seeks to encourage alternative sources of programs not passing through the three-network funnel so that licensees would have more than a nominal choice of material. These are still valid objectives. It was also noted that this increased supply would be a concomitant benefit to independent stations; and "it may also be hoped that diversity of program ideas may be encouraged by removing the network funnel for this half-hour • • •". Thus, diversity of programming was a hope, rather than one of the primary objectives. It was emphasized that the Commission's intention is not to smooth the path for existing syndicators or encourage the production of any particular type of program; the "types and cost levels of programs which will develop must be the result of competition which will develop."[15]

15. As to the matter of network dominance, it is readily apparent that, as far as network control over station time is concerned, it is reduced by the requirement of cleared or access time, and that certain public advantages have resulted. These include, the local programming activities which have been stimulated, including those mentioned by the various minority and other citizens' groups filing herein (pars. C–3—C–5), and others such as those mentioned by Leake TV, Wometco in Miami, and Post-Newsweek stations (par. C–50), and others in Boston, Washington and other places. It may be that these programs in some cases would have been presented anyhow, and possibly at a reasonably desirable hour in prime or fringe time; but their presentation in high-audience hours is certainly facilitated by the rule, as Wometco, Urban League and the others point out. These showings afford tangible evidence of the benefits flowing from the rule.[16] The same applies to the presentation of syndicated programs which, in the licensees' judgment, have particular appeal to their stations' audiences, such as Lawrence Welk and Hee Haw after their cancellation on the networks. In sum, the rule in this respect has provided a significant public benefit, in freeing licensees to exercise their own programming judgments. Also of significance in this connection is the fact that affiliated stations are able to retain all of the revenues from access program time (less the amount they spend for programming, typically no more than 33 per cent according to earlier material herein)[17], compared to about 30 percent which they typically get from the networks for network time. Thus they have more money from which to support local programming efforts. We find it an important and valid consideration.

16. Also of considerable importance is the encouragement of a body of new syndicated programming, which independent stations may use as well as affiliated stations, by making prime time

[13] As to the other networks, ABC at all stages of this proceeding has been a strong supporter of the rule, although it states that it did not find the PTAR II compromise unacceptable to it. CBS urges ultimate repeal, as it has before, although it urges a delay before full repeal just as it did in oral argument (its position is now that PTAR II should be in effect for 1975–76, with full repeal effective in September 1976).

[14a] Appendix C is filed with the original document.

[15] See the May 1970 Report and Order in Docket 12782, pars. 23, 25–26, 23 FCC 2d 382, 395–397. The matter of local programming was also mentioned in a footnote as being in the public interest (23 FCC 2d 395, footnote 37).

[16] In the reply comments of Warner et al., it is claimed that the impetus to local programming cannot be used to justify the rule, since it was not essentially one of the reasons for its adoption. Three cases are cited in this connection: SEC v. Chenery Corp., 332 U.S. 194 (1947); Burlington Truck Lines v. U.S., 371 U.S. 156 (1962); and Columbia Broadcasting System, Inc. v. FCC, 454 F 2d 1018 (C.A.D.C. 1971). These cases do not support the concept claimed, since they deal with the extent to which a reviewing Court may consider matters not mentioned in the agency's decision but otherwise asserted, for example in its appellate brief or oral argument. In fact, the Chenery case cited (the second of these well-known decisions) basically stands for just the reverse. There, the Supreme Court affirmed an SEC decision which reached the same result as an earlier decision in the matter which the Court had reversed because it found it to be based on an invalid rationale. The Court approved the SEC's reaching the same result on further consideration for a different reason. It is clearly erroneous to claim that we cannot consider an obvious public-interest benefit from the rule even though it was not one of the main reasons for its adoption.

[17] See Report and Order in Docket 19622, January 1974, 44 FCC 2d 1081, 1111.

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available for its presentation. Such a body of programming has developed (see pars. C–29, C–49, C–55 and Appendix D).[37a] While the majors et al. urge that this is not of significance (being game shows, foreign imports or other network "retreads"), it is premature to make any final judgment at this time as to the character of this programming (assuming that such a judgment is ever appropriate). There has, of course, been a reduction in network programs, and thus no doubt in programs which could become off-network material; however, the later is rather speculative as to quantity, in view of the rather large number of current and recent network prime-time programs not lasting long enough to make a syndication package, and increased network use of movies, sports, etc. In any event, we conclude that it is definitely in the public interest to encourage the development of a body of new (not repeat) programs outside of the network process, and thus provide opportunity for the development of new program approaches and ideas.[38]

17. On balance, we conclude that the rule also has other benefits. These include the increased opportunity for nonnational advertisers as well as an optional outlet for national advertisers who may choose to use spot rather than network messages.[39] There is increased programming of a public service character presented by ABC as a result of its greater profitability under the rule (see par. C–50). Finally, there is the emergence of successful distributors who are able to finance their own and others' production of network and non-network programs, e.g., Worldvision and Viacom (see pars. C–28 and C–49(a)). As a result there is now an increased number of producers active in prime time. In light of the different views as to the present effect on independent stations, we do not attach significance at this time to the benefit to independent stations formerly claimed and still asserted by some parties.

18. *Diversity and other programming considerations.* We do not regard the various points urged by Warner et al., and other opponents as warranting repeal of the rule, or modification beyond that adopted herein. Of the 9 points mentioned by Warner (other than First Amendment arguments discussed below), the most significant are those relating to the character of access-period programming, since we must always keep foremost in mind the interest of the viewing public rather than the interests of private parties. We reject the argument concerning lack of diversity and quality, as a basis for action at this time beyond that taken herein, for a combination of reasons. First, we are persuaded that the rule has not yet been fully tested. An evaluation of its long-term potential cannot be made at this point, with respect to the kind of programming which is likely to develop with time and a more favorable climate. The uncertainties mentioned in par. C–49(b), have undoubtedly had a discouraging effect on investment in the development of programs other than those most easily produced and readily saleable. We note the failures mentioned by Warner, et al. (par. C–61); but it is arguable that a number of these resulted from various uncertainties, including the uncertainty as to the judicial affirmance of the rule until May 1971.[40] Also, we cannot agree with Warner, et al. that the first year afforded a test simply because, although the "off-network" and feature film restrictions were not in effect, only 23% of access time was occupied by such material. This, over 450 half-hours, when taken together with the amount of time then and now devoted to news and other long-established usages, could well have been a formidable obstacle, along with the other uncertainties just mentioned. Finally, we believe that the case for economic factors being an iron-clad, immutable obstacle to more elaborate programming efforts has not been made. See par. C–62, particularly NAITPD's filing, and the January 1974 decision herein, pars. 89–91,44 FCC 2d 1081, 1137–38. In sum, we do not think it is established that "nothing different is to be expected", given reasonable certainty as to the rule.

19. It is also to be noted that there is by no means a total lack of diversity, even though the emphasis is on game shows. There are a number of programs of other types, including animal shows and musical variety shows. Thus, the picture is not as monotonous as Warner's description might indicate, even looking at syndicated programming alone. See pars. C–51–52 and C–55, and Appendix D.

20. Perhaps more fundamental is the question of to what extent repeal or really substantial abridgement of the rule would be justified on the basis of a Commission evaluation of such matters. Action on a basis like this has the danger of reflecting the Commission's personal predilections and prejudices. A related question is, assuming such an inquiry is appropriate, what standards should be used, and whether they should be applied, in a sense, retroactively and without any public input into their formulation. For example, assuming that 65.6 percent of access entertainment time devoted to game shows is undesirable, what about 41.2 percent of network prime time devoted to crime-drama shows of various types? If we look at the concentration of game shows in certain markets such as Cincinnati or Albany, must we not look also at three network crime-drama shows opposite each other on Wednesdays at 10 p.m.?

21. We do regard it as important to provide greater opportunity for the presentation in access time of certain kinds of material which are to some extent inhibited by the rule. One of our objectives in so doing is to promote an increase in the range of fare available to the public at these times. Should the time come to review the rule again, it may well be that a continuing lack of diversity will be grounds for change; but we do not find it so now except as provided herein.

22. Warner et al. urge two other points concerning programming: the undesirability of use of foreign product, and underrepresentation in access programming of minority groups and women. As to the first, Warner claims that the rule discriminates against American producers and favors foreign producers, which is also urged by another producer, Bill Burrud. Our conclusions are basically the same as they were earlier; see January 1974 decision, pars. 98–99, 44 FCC 2d 1141. In light of the reduced role which foreign product plays in access programming this year as compared to earlier years under the rule, action to repeal or substantially abridge the rule on this basis is not warranted.[41] While it is regrettable that American producers face off-foreign-network competition, which comes in with a cost advantage, this is a situation which obtains elsewhere in our economy. As to the other point—alleged irrelevance of access-period programs from the standpoint of minority groups and women, and American social problems generally—this is much too speculative a matter to afford basis for action at this time, particularly in view of the impetus to local programming. See also pars. C–8 and C–42.

23. *Other arguments.* With respect to the argument concerning increased network dominance in the broad sense, the case for that proposition is not established in this proceeding. Network dominance is obviously reduced by the reduction in network prime time programming; and this reduction is only slightly lessened by the somewhat greater carriage of network programs during network prime time through decline in station preemptions and nonclearances. As indicated in par. C–22, station preemptions have generally been small in the past (nothing in the order of the amount of time involved in the rule), and they continue despite the clearance of time resulting from the rule;

[37a] Appendix D is filed with the original document.

[38] At the 1973 oral argument some NCITP members claimed that the networks exercise no creative control but are simply a conduit. Whether or not this is true with respect to the conception and actual production of a program, the networks obviously exercise a high degree of control in the real sense that they select the programs for network exhibition, according to their views of their needs at a particular time, and also control the continuation or cancellation of the program.

[39] We believe that this is not outweighed by programming (pars. C–11–12 and C–45–4). We note in this regard that most of the public groups did not express great concern about the commercial level of prime time access programming.

[40] See Report and Order in Docket 19622, 44 FCC 2d 1081, 1165, concerning Metromedia's Primus program.

[41] According to the majors' joint appendix, off-foreign network programming (the only foreign-produced material which probably should be considered in this connection) occupied 7.2 percent of access entertainment time in 1974–75, compared to 14.3 percent last year and 17.6 percent in 1972–73.

for ABC, the only data given, the decrease has been from 7.1 to 3.7 percent of U.S. TV homes for the average program. With respect to the role of network-owned stations in access program success (pars. C–23—C–26), while this is often quite important and sometimes vital, it is certainly not necessary for all programs. Some, including some of the most successful, have no owned-station exposure at all, and in other cases the sale to an O&O is on an individual basis, not representing any group purchase. The networks have a greater veto power over programs offered for network exhibition. As to the economic respects in which network control probably is increased, the relationships with national advertiser customers, and producer suppliers, the material set forth (pars. C–18, C–20–21) indicates that this increase in dominance is still an unresolved issue. As to relations with producers, the situation may well be an undesirable one, as indicated by the article noted in Appendix C; but it is not at all clear how much this results from the prime time access rule, or would be changed by repealing it.[42] If the number of unsold pilots is as great as Warner et al. claim, nearly 300, it does not appear that the expansion of network prime time by four hours a week per network would necessarily alter substantially the "leverage" situation. In any event, this particular situation is one which could be approached in other ways, such as the current Justice Department antitrust action (refiled December 10, 1974) or consideration of some restriction on network control and rental of production facilities. Moreover, as the proponents of the rule point out, both advertisers and producers have an alternative under the rule—access period programming—which they are free to use. For purposes of the prime time access rule, we conclude that network dominance is decreased, and that there is no warrant here for modifying it.

24. With respect to the impact on employment in the program production industry, on the basis of the facts presented herein (pars. C–33 and C–39–40 and related footnotes), we find nothing presented to us which could be considered relevant to our decision. What is claimed to be involved are some 3,570 fulltime jobs, with at least some of this loss attributed to the rule made up by increased station employment (up more than 1,000 at top-50-market affiliated stations from 1971 to 1973 according to ABC, and some of this is attributable to the rule). Additionally, there are gains in production of non-network programs as well as sales and similar activity. Bearing in mind also the uncertainties involved (such as the lack of comment from AFTRA, which represents many actors in taped shows), we conclude that it is not a relevant factor on the basis of what is before us.

[42] According to Daily Variety, December 3, 1974, conversations between CBS, NBC and their program suppliers are in progress on this subject. It would be improper to act to modify the rule on the basis of this situation when it is subject to change.

25. As to the more general subject of the well-being of Hollywood entities such as the major film companies and film producers (pars. C–38 and C–39), we do not find in these arguments reason to repeal or substantially abridge the rule. As has been pointed out many times, the problems of Hollywood are of long standing, having many causes, and it is unclear as to the extent the problems are attributable to the rule, or how much help repeal of the rule would afford. We agree with the proponents of the rule that it is not the responsibility of the Commission to return Hollywood companies to their buoyant health of pre-1948 days; and, as ABC points out, most of the majors are doing rather well and they always have the choice of producing for access time. It may be that the majors would benefit from repeal of the off-network restriction; but in our judgment that would clearly be inconsistent with the public interest in stimulating the development of new material, as well as having a tendency to reduce employment in program production even more. In sum, we do not find in these considerations anything of decisional significance in this proceeding.

26. The last argument in this area is the effect on creative persons—actors and playwrights referred to by the Court, and others such as producers, musicians, etc. (pars. C–36–37 and C–41). In this connection, there is an impact on the creative opportunities for some persons as the rule has operated so far, since there is less network programming of a dramatic or comedy nature which uses them, and very little from U.S. sources of the same type for access-period use. But in this respect, it is simply too early to evaluate the rule's long-term effect. Other categories of persons, such as musicians, may well have gained by virtue of the musical variety shows which occupy a certain amount of access time but which are almost totally absent from current network prime time. Playwrights appear not to be significantly affected by the rule one way or the other, since original drama has greatly diminished on network television over the years, and, as the Authors League points out, the rule has not resulted in any such material on stations. We do not find reason here to repeal the rule.

27. With respect to the last of the majors' points—the greater level of commercial activity in access-period programming—our views have been set forth in par. 17 and footnote 19 above.

B. *The Exemption for children's, public affairs and documentary programs; arguments of rule proponents.* 28. As mentioned above, we have decided to permit an exemption for "programs designed for children" and "public affairs programs or documentaries." The definition of children's programming is "programs primarily designed for children aged 2 through 12". The term documentary program is defined as "programs which are non-fictional and educational or informational, but not including programs where the information is used as part of a contest among participants in the program, and not including programs relating to the visual entertainment arts (stage, motion pictures or television) where more than 50% of the program is devoted to the presentation of entertainment material itself". It should be noted that the exemption is different from that in PTAR II in two respects: (1) it refers to "children's programming" without limiting it to children's "specials"; and (2) the definition of documentaries is designed to exclude (in addition to game shows) documentaries about the entertainment world more than half of which are devoted to showing entertainment material.[43]

29. We find that the prime time access rule has had the effect of inhibiting certain kinds of programming which we believe are entitled to special treatment so as to encourage their timely presentation in prime time. We believe that the importance of these kinds of programming outweighs any concern as to its source, whether locally produced, first-run syndicated, network or off-network, and that the public interest is better served by allowing children's programming, public affairs programs or documentaries to appear to some extent in cleared time regardless of their source, and that stations should not be prohibited from also presenting three hours of other network or off-network prime time programming. The viewing public has a right to these types of programming, and the prime time access rule, by its operation, has had the effect of limiting this right.

30. With respect to children's programs, it appears that a very small amount of such material is locally produced and carried in access time (programs in Boston and San Francisco were mentioned in the comments). A small number of syndicated programs (current or in earlier years under the rule) might also fall into this category, although we would not necessarily regard all programs so considered by some as falling within the scope of this exemption.[44] We have also recently granted waiver for a total of six off-network specials of this type. However, our concern here is with the numerous children's spe-

[43] This limitation on the exemption is designed to deal with a possible loophole—the presentation of substantial amounts of what is really regular entertainment programming in the form of a documentary concerning the entertainment industries. If a program of this sort is to be presented under the exemption, it must be at least 50 percent devoted to material other than the entertainment material itself.

[44] NAITPD in its January 1973 comments listed six syndicated programs as falling in the "children's" category—Black Beauty, Circus, Family Classics, Lassie, Mouse Factory and Story Theatre—with Wait Till Your Father Gets Home listed as Children's Variety. A number of these shows are no longer in production; the data in Appendix D shows only Family Classics and Mouse Factory carried in one market each, and Wait Till Your Father Gets Home in three. The newer Salty program, listed by some parties as a children's program, is carried in three markets, and Rainbow Sundae, a program produced by ABC-owned stations and described by ABC as a children's program, is carried in four markets.

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cial programs presented by the networks, generally starting at 8 p.m. E.T. or later under the network schedules which have resulted from the rule, as well as with the potential for regular programming significant in this area. As noted in our January 1974 decision herein (44 FCC 2d 1081, 1134) and in par. C–16, the Commission has received numerous complaints[30] from parents, educators and others interested in children's matters, and sometimes from the children themselves, to the effect that this starting time is simply too late in relation to children's bedtime (except, perhaps, on Saturday). As emphasized in the recent policy statement concerning children's television (Docket 19142, FCC 74–1174, released November 6, 1974, pars. 26–27), the Commission wishes to encourage licensees to meet the needs of children with a variety of programming, especially at a time other than Saturday or Sunday morning. In order to foster such material, and avoid the problem mentioned with network broadcasts, we conclude that an exemption to permit access-period presentation of such material (in addition to the usual three hours of network material) should be granted, with respect to both network and off-network programs. As mentioned, we are extending this to regular as well as special programs, since they may be equally beneficial to the public. For example, we note the waiver request filed by Children's Television Workshop late in 1972, seeking permission for a CTW-produced regular network series at 7:30. Action on this was held in abeyance pending overall consideration of the rule in this proceeding, and it was not renewed (apparently because no agreement was reached with ABC, the network involved). See Children's Television Workshop, 40 FCC 2d 76 (March 1973).

31. It is our expectation that networks and licensees will not abuse this exception to the rule, particularly in access-period use of network or off-network programs which, while having some appeal to children, were or are not primarily designed for them but for viewing by adults, or adults and children, and for presentation of normal commercial advertising addressed to adults. The programming permitted by the exemption is intended to be only that primarily designed for pre-school and elementary school children, ages 2 to 12, taking into account their immaturity and special needs.[31] Also, while the exemption is not limited to educational or informational material, an important purpose of it is to promote the presentation of such material, whose importance we have recently emphasized in our Children's Television Report and Policy Statement (Docket 19142, FCC 74–1174, released October 31, 1974 39 FR 39396, pars. 16, 17, 18 and 22).

32. With respect to public affairs programming, this is not available in significant amount in new syndicated material, although of course there is a substantial amount of such programming produced locally and presented in access time, one of the important benefits of the rule as already mentioned (see par. 15, above and pars. C–5 and C–50). As to the networks, there is a substantial amount of public affairs programming (and similar news documentary material) in prime time on all three networks, but no regularly scheduled material,[32] whereas before the rule both CBS and NBC had regular prime-time programs of this nature, and it is also noted that some such network programming occurs outside of prime time. We conclude, therefore, that the rule constitutes an inhibition on the networks' exercise of this highly important part of their activities, fulfillment of part of their journalistic function to advise and inform the public concerning matters of public importance, and that this added benefit outweighs the impingement on access time. This exemption is a codification and extension of the existing waiver for one-time network news and public affairs programs which has been in effect throughout the rule's history. That exemption has not been used to an inordinate extent by the networks, and, as discussed below, we assume that this exemption also will not be utilized to effectively undercut the basic rule.[33]

33. Documentaries as defined herein also, of course, includes other programs, such as National Geographic and Jacques Cousteau specials and the America series, both network and off-network programs. In our January 1974 decision we noted the value of these programs (usually produced independent of network control) to the public, as well as the difficulties involved in getting network prime time for programs such as National Geographic under the rule, or of producing them for distribution in syndication. See Report and Order, pars. 66–67, 84: 44 FCC 2d 1127–1128, 1134–1135. We are still of the same view.[34] It is also recognized that, particularly as to use of off-network material, the exemption includes half-hour animal series, such as Wild Kingdom and Animal World, as well as a series of one-hour off-network outdoor specials for which a waiver request is pending (from the producer of the World of Survival series). We conclude that the exemption should be broad enough to include such material. When it comes to the off-network restriction, this is not related to network dominance directly, but is simply a restraint on licensee freedom of choice, designed to preserve the potential of cleared time availability for new non-network material. We conclude that preservation of this restraint is not warranted, when it comes to barring a station from using programs such as Wild Kingdom or Animal World (which were independently produced) in cleared time, instead of another program of the same or different type. In sum, in view of the obvious informational value of documentary programs, the benefit to the public from facilitating the presentation thereof outweighs in importance what might be termed an increase in network dominance (to the extent these are network programs) and an incursion into the full availability of 3 hours a night of cleared time for other new material. Here, as with public affairs and programs designed for children, the public interest is on the side of the programs, and not their place of origin. If licensees are better able to serve the needs and interests of their viewing public by presenting network or off-network public affairs and documentary programs, or are better able to serve the needs and interests of children, then we should remove the obstacles to this service which exist under the prime time access rule. Permitting this additional material into the access period will also serve to increase the diversity of fare available.

34. We expect the networks, and licensees in their acceptance of network programs and use of off-network material, to keep such programming to the minimum consistent with their programming judgments as to what will best serve the interests of the public generally.[35] We continue to attach high importance to

[30] In January 1974 Report and Order herein (par. 83, 44 FCC 2d 1134) it was stated that one criticism of the rule is that it has resulted in the total or partial disappearance of public affairs and related documentary material from prime time. The reference was intended to be to regular programming of this sort, as made clear later in the document, par. 101 (44 FCC 2d 1141).

While there are some regular public affairs programs in the early evening, such as ABC's Reasoner Report on Saturday and CBS programs on Sunday, we believe the rule has had the effect of limiting prime time presentations of this type of programming.

[31] In the networks' regular prime time schedules starting in January 1975, it appears that only NBC's Disney program would come within this exemption.

[32] *See Waivers of the Prime Time Access Rule for 1974–75 Broadcast Year*, FCC 74–974 (September 1974, pars. 15–16, 31 R.R. 2d 409, 417).

[33] We note in this connection that while the Cousteau series is on ABC in prime time this year, there will be no National Geographic specials. Their absence (which has been the subject of numerous letters of complaint from the public) is probably not directly attributable to the rule itself (since such programs have been shown on networks during the previous three years) but relates rather to the timing of the Court's decision in relation to the 1974–75 season. However, this does illustrate the problems involved in contraction of network prime time.

[34] Thus, the stripping of off-network material on the theory that it is a program designed for children or a documentary program, would not be regarded as consistent with the spirit or objectives of the rule.

the rule as a limit on network dominance over station time, and as a means of opening up substantial amounts of prime time to sources of new non-network programming, be they producers and distributors for syndication, or local sources. We attach particular importance to the programming opportunities available on Saturday in the access time period. We do so because of the significance of existing local programming efforts in this time period, and the fact that this time offers the most significant opportunity for hour-long access programs. We caution networks to avoid any incursion into this period unless there are compelling public interest reasons for so doing. If there are extensive deviations from these precepts, the exemption may have to be re-visited.

35. In acting herein to permit an increase of network programming of certain types, we are only opening up an option for licensees to use such additional network material if, in light of their programming judgments as licensee-trustees meeting the needs, tastes, interests and problems of their coverage areas, they deem it appropriate to do so. Our purpose is to make available to licensees programming which, to some extent, was removed from prime time or caused to be run at a much later hour. There is intended no requirement, or even a suggestion, that such additional network programming should be carried in order for a licensee to carry out properly his programming obligations.[36]

36. *Arguments of proponents of the rule.* In light of the foregoing, we turn to the arguments advanced by the proponents of PTAR I, including the numerous citizens groups (pars. C–4—C–14) and NAITPD Frank, Westinghouse, ABC and other private parties (pars. C–49 and C–54—C–59 and NAITPD's Court brief). These arguments are addressed largely either to repeal of the rule or the more substantial modifications made in the PTAR II decision; but they apply pro tanto to the exemption discussed above. Some arguments, concerning the impropriety or illegality of preferred classes of programs, relate entirely to this exemption; these are discussed below as part of the First Amendment discussion. Others include: the importance of local programming efforts and the impact of any diminished access time on them; the objectives of the rule; the contentions that any additional network time works to increase network dominance and diminishes opportunities for alternative program sources and a healthy syndication industry; the success of the rule and advantages flowing from it (par. C–49); the potential harm done by the modifications in PTAR II, for example local programming and the chilling effect on the production of programs having to compete with the additional network or off-network material; the rule's shortcomings in practice are not chargeable to it but to stations or networks, and these shortcomings should be attacked by other ways consistent with the rule such as requiring the networks to advance their children's programming by giving up 10:30–11 instead of 7:30–8, making them carry adequate amounts of public affairs programming in their own time, questioning stations as to over-use of game shows or stripped programming, etc.; that weakening the rule affects the entire package adopted in 1970; and NAITPD's contention that under the Commission's approach and its waiver decisions, almost everything seems to be more important than preserving the rule.

37. The short answer to many of these objections is that it is not to be anticipated that these changes will have the untoward results claimed, so as to lessen significantly the advantages flowing from the rule. We do not expect that syndicated programming opportunities, for example the development of material such as dramatic or comedy programs, will be seriously affected by the minimal reduction in time. Similarly with local programming activities, there appears little reason to believe that they will be seriously affected, particularly taking into account the licensee's established obligation to present material of particular significance to his community. We find much too speculative NAITPD's argument that increased competitive pressure will force diminution of this kind of programming activity. It is apparent, in our judgment, that sufficient cleared time is left for local stations to garner the economic support necessary to present such local efforts. We appreciate the participation of the numerous public groups in this proceeding, and we respect their views; but we cannot accept the proposition (which is more or less explicit in the comments of some groups such as the Urban League, and implicit in others) that network programming has little to offer, so that we would not be justified in permitting its expansion if there is the slightest chance that the cause of localism in prime time television would be impeded. We have noted on many occasions over the years the value of national network programming, and the contribution it makes to American television.

38. Aside from the impact in terms of time, there is also the impact in terms of program type, of which NAITPD and others complain. The argument is based on the assumption that nothing can possibly compete with network or off-network programs of the same type, so that no one will attempt to produce new material of this nature. In this kind of situation, we have to consider what is really precluded. As far as we know, there has been very little syndicated public affairs programming, or documentaries like America or National Geographic, except for material from foreign sources. There are other half-hour animal shows. But in view of the extent to which these are also of foreign origin (e.g., Wild, Wild World of Animals) or are easily made largely from stock footage, it does not appear that there is a substantial impact in this respect.[37] As to children's programming, we conclude that the public interest in promoting this from whatever source, for reasons stated in our recent children's television decision outweighs any minimum incursion into the access period. In connection with public affairs and similar programs, we recognize the importance of encouraging a multiplicity of voices. But as mentioned, very few such voices have come forward other than at the local level, which we do not believe will be substantially affected. Bearing in mind the tremendous resources which the net works have for such programming, we conclude that the facilitation of such material from network sources outweighs the claimed disadvantage.

39. We have kept the exemptions narrow so as to avoid any undue incursion into the access period. There will continue to be excluded from access time those programs which make up the bulk of present and former network programming—entertainment programs such as drama, comedy and variety—thus leaving the field for the development of such material to eligible access-period sources.

40. We have considered the argument that we should take other approaches to meet what we consider the shortcomings of broadcasting under the rule—require the networks to run children's programs earlier (giving up the 10:30 time slot instead of 7:30), requiring them to run a certain amount of public affairs in their own time, questioning stations about over-use of game shows or stripping, etc., rather than by relaxing the rule and nullifying its benefits. The same kind of argument applied to off-network material—licensees should be required to run it at other times or, if early evening access time is so important, to run it then and preempt network programs later. We do not agree. We believe that these alternatives would involve the Commission too

[35] According to a May 29, 1974 Variety article concerning the intensive discussion at the NBC affiliates' meeting about affiliate carriage of the Saturday news documentary hour contemplated under PTAR II, an NBC official stated: "This gives you a chance to do what the commission (FCC) has asked you to do. If any station wishes to separate from the network, that's your decision. It is not a decision I would make." All that is involved in our decision here is giving licensees a "chance" to use this material, if their judgment as licensee-trustees so indicates.

NAITPD argues that "any regulation which permits the use of prime time for network or off-network material in fact ensures the use of prime time for such material * * *". This proposition is obviously not literally true. There has always been, and still is, pre-emption of network prime time material; and during the first year of the rule, when off-network material was permitted in access time, only 23% of such time was devoted to it.

[37] See Newsweek, December 9, 1974, pp. 119 and 121, concerning the making of animal programs.

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deeply in day-to-day programming and scheduling decisions.[3]

41. We do not find persuasive the argument that modification of the rule increases network dominance and returns time to the monopoly whose excesses led to the rule. As to the necessity of a full hour of cleared time for the adequate development and health of the industry, this was the conclusion of the 1970 Report and Order in Docket 12782, but the decision contains no particular discussion of the exact amount of cleared time, and there had been no study of the syndication market. We are still committed to the concept of a substantial access period. The limited modifications adopted at this time simply reflect a desire to mitigate certain undesirable effects which came about as a result of PTAR I. We call attention to the statement in the 1970 Report and Order that it was not our objective to smooth the path for existing syndicators, or to create for them a competition-free enclave (23 FCC 2d 397). Our action here is in line with those concepts. We conclude that the time reduction involved here is not sufficient to impair the opportunity for the growth of a reasonably healthy syndication industry, and that, even if it does represent some small impairment, this is outweighed by the benefit to the public of the resulting programming. As to the argument concerning the impact on the package of rules adopted in 1970 (prime time access, financial interests and syndication) there is nothing in our action here which affects the financial interest and syndication rules.

42. Warner Brothers and other opponents of the rule renew herein their arguments that the rule violates the First Amendment in a number of respects; see par. C–64. Some of these were considered and rejected by the U.S. Court of Appeals in its 1971 affirmance of the rule (Mount Mansfield Television, Inc. v. FCC, 442 F. 2d 470, C.A. 2, 1971) and need not be discussed here. There remain for consideration the contentions that experience shows the rule to be invalid because of the infringment on the public's right to diversity, and that the rule cannot be justified on the basis of its impetus to minority-group and other local programming activities because it is an over-broad restraint on the right to diversity. Finally, the contention is raised that it is illegal because the Commission is getting into the business of determining programming by setting up categories of preferred programs, as well as by earlier waiver policy. The latter contention is the same as that of proponents NAITPD et al., and is discussed below.

43. As to the first of these, our conclusion is the same as that already given with respect to the majors' arguments as a matter of policy, that the rule has not had a full test so that it can be determined what will ultimately result, and the other considerations mentioned in pars. 18–20, above. The same thing applies with respect to the lack of diversity, and we call attention to our observations in par. 15, above.

44. The proponents' arguments are mostly those contained in NAITPD's Court brief included in its comments herein. The elaborate argument in substance runs along the following lines: (1) the rule was adopted to further the public's First Amendment right to as much diverse programming as possible from the maximum number of diverse sources—"the widest possible dissemination of information from diverse and antagonistic sources" (Associated Press v. U.S., 326 U.S. 1, 20 (1945)); (2) the PTAR II amendments (including those involved here) violate that concept by returning time to the networks (either directly or through use of former network material), when these were the very monopolies whose excessive dominance led to the impairment of the public's right which the rule was designed to remedy, thus infringing the right; and (3) the returning of time, to the extent it involves preferred program categories, gets the Commission into the business of judgments as to what kinds of programs the public should see, a role completely contrary both to the Constitution and to the § 326 and other provisions of the regulatory framework set up in the Communications Act.

45. We point out that the Commission does not violate the First Amendment in interesting itself in the general program formats and the kinds of programs broadcast by licensees (Red Lion Broadcasting Co. v. FCC, 395 U.S. 367, 390 (1969)). It is also well recognized of course, that the inherent limitations in broadcast spectrum space make necessary restraints—restricting the speech of some so that others may speak—not elsewhere appropriate (Mt. Mansfield, supra).

46. As we see it, our adoption of the prime time access rule, and its modification herein, may be roughly described from a First Amendment standpoint as follows: the rule was designed to lessen the tendency of licensees which led them to carry network or off-network programming, in order that the voices of other persons might be heard. The rule was a restraint on licensees designed to reduce the impact of another restraint, that of the networks, by preventing licensees from choosing present or former network programs so that new program sources might arise and be heard by the public. Such new persons or sources have come forward, but by and large, as far as syndicated programming is concerned, they present mostly game shows. At the same time, other sorts of programming important to the public—those included in the exemptions herein—have been somewhat reduced in amount, or, in the case of children's programming, have not been available at the most appropriate time. Therefore, since it was the Commission's rule which has had this effect, we have an affirmative duty to relax our restraint to permit such programming to be made more readily available. We point out that the kinds of programs involved here are to a large extent those whose importance has been recognized in the Communications Act (§ 315) or by us recently in the children's programming proceeding.

47. We also regard as without merit NAITPD's attack on the legality of the exemptions. The exemptions have been drawn as narrowly as possible consistent with the interest of the public discussed above, to avoid any unwarranted incursion into cleared time. Thus, we have drawn the exemption so as to exclude the possibility of its being used for network game shows (since game shows are plentiful in access time), and to exclude the whole range of entertainment such as drama, comedy and variety, where there appears a potential for impact on the development and success of material which might otherwise develop for access use.

48. We do not believe that permitting the carriage of programs in the categories exempted raises any questions of a Constitutional nature. We state again that the purpose of these exemptions is to facilitate the carriage of programs which the rule has had the effect of limiting. If we did not believe that we had the authority to make these modifications, we would then give further consideration to the advisability of continuing the rule.

D. *Off-network and feature film restrictions.* 49. As noted in pars. C–67–68, some of the opponents of the rule urge that we should repeal the off-network and feature film restrictions of PTAR I, even if we leave the rule in effect otherwise. As to the off-network restriction, we find that repeal or relaxation is not warranted, except to the limited extent adopted herein and discussed above. It is readily apparent that elimination of this restriction would lead to a large-scale incursion into cleared time by use of off-network material, sharply reducing the availability of time to sources of new non-network material. While the off-network aspects of the rule do constitute a restraint which is not directly related to present network dominance, the drastic impact on our objective of encouraging the development of new material would obviously be completely disserved. While there are some results which might be considered anomalous (see par. C–64(b)), this is doubtless true in the short run of any regulation which imposes restrictions looking toward longer-term benefits. We are retaining

[3] We are also not adopting rules, suggested by some parties in this connection and others, which would provide for some of cleared time to be later in the evenings. We have decided to abandon the tie of cleared time to specific periods adopted in PTAR II, to return to the basic three-hour limitation, in the belief that any tighter limitation unduly reduces licensee freedom and flexibility, and gets the Commission too deeply into the details of station operation. As to the networks being required to give up the 10:30 time slot in order to run children's specials at 7:30, it is far from clear that an irregular schedule of this sort would serve the interest of access-period program producers, stations or the public. The Commission is concerned that such a trade off might have the effect of discouraging the early scheduling of children's programming.

the restriction except as indicated herein.

50. We have decided to modify prior provisions regarding the use of feature films in access time. Under the changes made here, we eliminate the restriction on movies which have been shown by a station in the same market within a two-year period. At the same time, however, the new rule bars any feature film which has ever appeared on a network from the access period. If a movie has never appeared on a network, it may now be presented during the access hour, regardless of when or whether it has ever appeared on a station in the same market. If it appeared on a network—whether or not made for television—it is barred. We believe that this will ease the administration of this portion of the rule for licensees, motion picture distributors, and the Commission. We also believe this to be an appropriate resolution of the two sides of the feature film question raised by the supporters and opponents of our total ban in PTAR II. The supporters of the ban (mainly Sandy Frank) stated that there were sufficient opportunities for feature films outside of the access period, and that use of theatrical features cuts down television production activity. The opponents argued that the ban was an unconstitutional restraint that would harm independent production of motion pictures. Our approach here will allow certain movies in, thus relieving to some extent this complaint. In addition, this provision is consistent with the goals of limiting network dominance, and encouraging new sources of programming. Feature films are thus treated exactly like any other programming. Upon further consideration, we have concluded that this approach is more in keeping with the basic purpose of the rule.

51. *Sports runovers.* In subparagraph (4) of new § 73.658(k), we are codifying the existing practice under the rule, of waiving sports runover time, where a football game, golf match, or other sports event is scheduled so that it normally would conclude before prime time, but lasts unexpectedly long and the telecast runs until after 7 p.m. E.T. In a much smaller number of cases, the problem is an evening event scheduled to occupy some but not all of the three permissible network hours. While the present situation is by no means entirely satisfactory, and some of the citizens' groups and other proponents of the rule urge us to preserve access time by requiring either a give-back or a roll-back by the networks in these cases, we are not persuaded that this is a serious enough problem to warrant a basically different approach. Certainly, there is not enough incidence of runovers to affect the potential market for syndicated programming. There are other problems, particularly the possible disruption of local programming activities, and NAITPD's claimed problems in connection with "making good" commercial positions in the access program lost because of the runover. We have no specific information as to these sufficient to warrant any basic change.

52. However, as far as professional football is concerned, there appears to have been a high incidence of runovers this fall, with some abuses—one network when the second game of a doubleheader concluded about 6:45, picking up a third game which lasted until nearly 7:15—and some use of time after 7 p.m. for post-game scoreboard or interview shows. We expect that in the future the networks will exercise a greater degree of care in their scheduling of sports events. Such events should be scheduled so that it would be expected that they would conclude prior to the access period in the absence of unusual occurrences such as overtime or delays due to weather.

53. *Network news following a full hour of local news.* The new rule (§ 73.658(k)(3)) codifies the existing waiver for a half-hour of regular network news if it is preceded by a full hour of local news or local public affairs programming. This waiver was envisaged in the decision adopting the rule, has been granted since the rule went into effect, and there is no substantial objection to its continuation. The rule does not include the extension of this concept to weekend scheduling arrangements involving ABC's Reasoner Report program (which a few licensees wish to delay until 7 p.m.) because that is exempt under (1) as a network public affairs program.

54. *Time zone differences.* The new rule (§ 73.658(k)(5)) also deals with time zone difference situations, codifying waivers granted in the past for situations such as NBC's Academy Awards and Miss America telecasts, where live simultaneous programming is involved. It provides that a network evening schedule which meets the requirements of the rule in the Eastern and Central time zones will also be held to comply with it in the Mountain and Central time zones. This concept, to deal with the problems presented by such broadcasts in the four time zones of the U.S., has not been the subject of substantial objection.

55. *Exemption for special network programming.* In new § 73.658(k)(6), we are adopting the same kind of exemption as in PTAR II, for what might be called the "Summer Olympic" situation, so called because of the 1972 denial of waiver to ABC to carry material concerning the Olympic games in access time in addition to its own network prime time, an action which aroused considerable protest from the public. This provides that where a network uses all of its prime time on an evening (or all except for brief incidental "fill" material for truly special programming), cleared time may be used for the same material. The exemption reads in terms of an international sports event such as the Olympic games, New Year's Day college football games (NBC's long-standing Rose Bowl-Orange Bowl telecasts), and any other special programming except other sports or movies. In comments early in 1973, NAITPD as well as all other commenting parties who discussed the subject expressed the view that some such accommodation should be made. While a few parties in the present stage of the proceeding oppose this kind of exemption, it appears that relaxation of the rule's provisions is warranted to include such unusual programming.

56. Special network news coverage and similar material. New § 73.658(k)(2) retains the exemption for special network news coverage and political broadcasts as adopted in PTAR I, with the slight expansions adopted in PTAR II to include material related to on-the-spot news coverage (e.g., previously filmed material) and political broadcasts on behalf of as well as by qualified candidates. We adhere to the conclusions reached in pars. 103–105 of the January Report and Order (44 FCC 2d 1142) in these connections. NAITPD expresses objection to the expansion to include related material, but in our judgment this is clearly warranted to lessen any impediment to the networks' proper exercise of their journalistic function.

F. *Other matters concerning the substance of the rule*—57. *Views of the Department of Justice and the Office of Telecommunications Policy (OTP).* The views of our two sister government agencies, the Justice Department and the OTP, are set forth elsewhere in pars. C1–2. It may be that the Department would disagree with our conclusion that PTAR I should be modified to permit additional opportunity for programming of certain types from network and off-network sources; if so, we must respectfully disagree, for reasons stated at length above concerning the importance of increased opportunity for the presentation of such material. As to OTP, we are, of course, reaching a decision largely contrary to its position urging repeal of the rule. As mentioned herein, we believe that it is premature to reach a conclusion at this point as to the programming which may ultimately develop under the rule for cleared time. For reasons discussed above, we must also disagree with OTP's suggestion that it is beyond our proper role to act to increase the opportunity for certain kinds of programs. Our views as to impact on Hollywood employment opportunity, and the welfare of the program production industry, have been set forth in pars. 23–24, above. We point out in this connection that OTP's March 1973 study included data only as to the first year of operation under the rule, 1971–72, a period when off-network material in cleared time was still permitted; and therefore it cannot be regarded as of great significance as to longer-term developments, particularly since it focussed almost entirely on production and employment in Hollywood and did not discuss employment gains in other syndicated or local programming efforts, gains in distribution and sales activity, etc.

58. *The rule and competition.* One of the questions raised by the Court in its June 1974 opinion was the rule in relation to the national policy favoring competition in broadcasting, as to which it particularly sought the views of the Department of Justice. We agree with the Department that it is probably too early to give a definitive answer to this question. The rule opens up substantial

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amounts of cleared time to additional, largely different, producers, and, while much of this time is occupied by the programs of a handful of producers (chiefly game-show entrepreneurs), the situation in this respect is not much different from that of network prime time, where the majors occupy about 55% of it with their material (about the same percentage as the access-period producers mentioned). While some producers who claim that they cannot use the access route may be foreclosed from reaching prime-time television, it is too early to say that this will be a permanent matter. The access-period option remains open to them, as well as affording increased opportunity for non-national advertisers as well as an option for national advertisers wishing to use spot rather than network messages. We do not consider the exclusion of off-network material from access time a significant anti-competitive consideration (even though to some extent it may work to the disadvantage of the majors and others), in view of the importance of affording full opportunity for the development of new material.

59. *Reasons for not re-adopting PTAR II.* We are not adopting four of the five rule changes contemplated by the PTAR II decision last January because we find on further consideration that a general increase in network programming, or opportunity for off-network programming on a general basis, is not warranted in light of the importance of the objectives of the rule. Therefore, we are not adopting the provisions removing restrictions from Sundays and from the first half-hour of prime time on other days. As to the latter, it appeared to us earlier that there is something to be said for increasing diversity by permitting off-network material in addition to the news and game shows which generally fill this period Monday–Friday. As a short-run proposition, this might be true. However, for the longer term, we conclude that this would have too much of an impact on the availability of cleared prime time for the development of new material, and that it might tend to increase the use of stripped game shows in the second half-hour of prime time. With respect to the specification of cleared time as the 7:30 half-hour, on further consideration we conclude that this is an unwarranted restriction on licensee flexibility in scheduling.

G. Other Matters: the Licensee's Duty with respect to locally significant material; the future of the rule; effective date. 60. As mentioned above, one of the really significant benefits from the rule is its impetus to the development of local programming efforts, and this is one of the principal reasons for retaining it in a form close to PTAR I. We expect that stations subject to the rule will devote an appropriate portion of "cleared time," or at least of total prime time to material particularly directed to the needs or problems of the station's community and area as disclosed in its regular efforts to ascertain community needs, including programming addressed to the special needs of minority groups. Such programming efforts are necessary if the benefit of the rule in stimulating locally meaningful programming is to be significantly achieved, as well as to carry out the licensee's obligation to serve the public interest. We point out, however, that programming of the significant character mentioned need not necessarily be all locally produced. Syndicated or network programming, where it deals with needs or problems common in substantial degree to many communities, may also make an important contribution.

61. *The future of the rule.* As noted above, the Department of Justice, as well as many of the private proponents of the rule, assert that a period of assured stability for the rule is highly important for realization of its potential for the development of new and varied programming. A five-year guarantee is urged by NAITPD, Frank, Westinghouse, et al.

62. The Commission, however, does not believe it appropriate to give the kind of absolute assurance sought, for a period such as five years, in view of the various uncertainties involved as to what will develop in the fairly near future. While we recognize the need for stability, we do not feel it appropriate for this Commission to bind itself or its successors in this manner.

63. *Effective date.* The matter of an effective date for the changes adopted herein is important, particularly since the only actual holding of the U.S. Court of Appeals last June was that we had erred in making the changes effective in the fall of 1974. As set forth in pars. C–72–73, many proponents of the rule claim that we cannot make any changes, reducing the amount of cleared time, effective for at least 16 months after this decision, the same amount of time given the networks in adopting the original rule in 1970.

64. We respectfully disagree. The changes adopted herein constitute less of an incursion into available access time (particularly in light of our admonition of network and licensee restraint) than would have occurred under PTAR II. We believe that the public interest dictates that the new modifications become effective at an early date because we feel that the rule as amended in this Report and Order will best serve the public interest. Finally, parties to this proceeding have been on notice as to the specific changes adopted in the rule since November 15, 1974, the date of our Public Notice concerning staff instructions in this matter. Therefore, we conclude that these changes can go into effect in September, 1975.

ORDER

65. In view of the foregoing, *It is ordered*, That, effective Monday, September 8, 1975, § 73.658(k) of the Commission's rules, the prime time access rule, is amended, as set forth below. Authority for the rules changes adopted herein is contained in sections 1, 2, 4(i), 301, 303 (b), (f), (g), (i), and (r), and 313 of the Communications Act of 1934, as amended.

66. *It is further ordered*, That this proceeding, Docket No. 19622, is terminated.

(Secs. 1, 2, 4(i), 301, 303 (b), (f), (g), (i), and (r), 313, 48 Stat. as amendde, 1064, 1066, 1081, 1082, 1087; (47 U.S.C. 151, 152, 154, 301, 303, 313)).

Adopted: January 16, 1975.

Released: January 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

Effective September 8, 1975, § 73.658 (k) of the Commission's rules, the prime time access rule, is revised to read as follows:

§ 73.658 Affiliation agreements and network program practices.

* * * * *

(k) Effective September 8, 1975, television stations owned by or affiliated with a national television network in the 50 largest television markets (see NOTE 1 to this paragraph) shall devote, during the four hours of prime time (7–11 p.m. E.T. and P.T., 6–10 p.m. C.T. and M.T.), no more than three hours to the presentation of programs from a national network, programs formerly on a national network (off-network programs) or feature films which have previously appeared on a network: *Provided, however,* That the following categories of programs need not be counted toward the three-hour limitation:

(1) Network or off-network programs designed for children, public affairs programs or documentary programs (see NOTE 2 to this paragraph for (definitions).

(2) Special news programs dealing with fast-breaking news events, on-the-spot coverage of news events or other material related to such coverage, and political broadcasts by or on behalf of legally qualified candidates for public office.

(3) Regular network news broadcasts up to a half hour, when immediately adjacent to a full hour of continuous locally produced news or locally produced public affairs programming.

(4) Runovers of live network broadcasts of sporting events, where the event has been reasonably scheduled to conclude before prime time or occupy only a certain amount of prime time, but the event has gone beyond its expected duration due to circumstances not reasonably foreseeable by the networks or under their control. This exemption does not apply to post-game material.

(5) In the case of stations in the Mountain and Pacific time zones, on evenings when network prime-time programming consists of a sports event or other program broadcast live and simultaneously throughout the contiguous 48 states, such stations may assume that the network's schedule that evening occupies no more of prime time in these time zones than it does in the Eastern and Central time zones.

(6) Network broadcasts of an international sports event (such as the Olympic Games), New Year's Day college football games, or any other network programming of a special nature other than motion pictures or other sports events, when the network devotes all of its time on the same evening to the same programming, except brief incidental fill material.

NOTE 1. The top 50 markets to which this paragraph applies on the 50 largest markets in terms of prime time audience for all stations in the market, as listed each year in the Arbitron publication Television Market Analysis. This publication is currently issued each November, and shortly thereafter the Commission will issue a list of markets to which the rule will apply for the year starting the following September.

NOTE 2. As used in this paragraph, the term "programs designed for children" means programs primarily designed for children aged 2 through 12. The term "documentary programs" means programs which are non-fictional and educational or informational, but not including programs where the information is used as part of a contest among participants in the program, and not including programs relating to the visual entertainment arts (stage, motion pictures or television) where more than 50% of the program is devoted to the presentation of entertainment material itself.

[FR Doc.75-2332 Filed 1-24-75;8:45 am]

* Commissioners Wiley, Chairman; Lee and Reid concurring and issuing statements; Commissioner Robinson dissenting and issuing a statement. Statements of Commissioners Wiley, Chairman; Lee, and Robinson are filed as part of the original document. Statement of Commissioner Reid to be released at a later date.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. No. 1209]

Grand Trunk Western Railroad Company Authorized To Operate Over Tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 20th day of January 1975.

It appearing, That, in order to cooperate in an area re-development plan the Grand Trunk Western Railroad Company (GTW) proposes to discontinue interchanging traffic with the Canadian National Railways (CN) via the use of a car ferry operated by the CN between Detroit, Michigan, and Windsor, Ontario, Canada, and to substitute therefor direct all-rail operations over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, (PC); that such operation by the GTW over the PC will enable the GTW to make available for redevelopment land presently required for railroad operation; that interchange between the GTW and the CN via the all-rail route described herein will be faster than via the present car ferry and will less frequently be subjected to interruption because of weather; that the GTW, in Finance Docket No. 27778 has requested authority from the Commission to operate over tracks of the PC between a point of connection between these companies in the vicinity of Bay City Jct., Yard, Detroit, Michigan and the point where tracks of the PC cross the international boundary between Detroit, Michigan, and Windsor, Ontario, Canada; that the Commission is of the opinion that operation by the GTW over the aforementioned trackage of the PC is necessary in the interest of the public and the commerce of the people, pending disposition of the application of the GTW in Finance Docket No. 27778; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1209 Service Order 1209.

(a) *Grand Trunk Western Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.* The Grand Trunk Western Railroad Company (GTW) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC), between a point of connection between these lines in the vicinity of Bay City Jct., Yard, Detroit, Michigan, and the point where the tracks of the PC cross the international boundary between Detroit, Michigan, and Windsor, Ontario, Canada.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the GTW over tracks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the GTW over the tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., January 24, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17 (2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2388 Filed 1-24-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Wheeler National Wildlife Refuge, Ala.

JANUARY 20, 1975.

The following special regulation is issued and is effective on March 1, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

With the exception of the display pool adjoining the observation building, the area immediately north of its dike, and along the headquarters shoreline, which are closed to all fishing throughout the year, the area is open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations. This regulation effective March 1, 1975, through June 15, 1975.

RAY R. VAUGHN,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-2355 Filed 1-24-75;8:45 am]

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective January 27, 1975.

§ 33.5 Special Regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kansas is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kansas and from the office of the Area Manager, U.S. Fish and Wildlife Service, 601 East 12th Street, Room 1748, Kansas City, Missouri 64106. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 1, 1975 to September 30, 1975, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

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The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1975.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

JANUARY 9, 1975.

[FR Doc.75-2354 Filed 1-24-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 335, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 17–23, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 335 (40 FR 2792). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become affective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 907.635 (Navel Orange Regulation 335; 40 FR 2792) are hereby revised to read as follows:

§ 907.635 Navel Orange Regulation 335.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 1,118,000 cartons;
(ii) District 2: 156,000 cartons;
(iii) District 3: 26,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 22, 1975.

CHARLES R. BADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-2300 Filed 1-24-75;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

PEAR COMMODITY COMMITTEE; REAPPORTIONMENT OF REPRESENTATION

This document reapportions the grower representation on the Pear Commodity Committee by amending the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100 et seq.) currently in effect pursuant to the applicable provisions of the amended marketing agreement and Marketing Order No. 917 (7 CFR Part 917), as amended, hereinafter referred to collectively as "the order." The order regulates the handling of fresh pears, plums, and peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The principal function of the committee is to analyze supply and demand conditions and recommend, to the Secretary of Agriculture, the seasonal grade, size, quality, maturity, or pack regulation of fresh shipments of California Bartlett pears. The committee also establishes marketing research and development projects and production research on pears.

The production area is geographically divided into six representation areas comprised of one or more Districts, as defined in the marketing order, for purposes of representation on the 12-member Pear Commodity Committee. The number of members from each representation area is based, insofar as practicable, upon the proportionate quantity of pears shipped from the respective representation areas during the preceding three fiscal years.

During the 1972–through–1974 shipping seasons the proportional increase in total shipments from representation area (b), as hereinafter designated, and the proportional decrease in total shipments from representation area (f) were such that the Pear Commodity Committee originated a proposal to reapportion membership from the two areas. Specifically, the committee believes that, on the foregoing basis, one membership from representation area (f) should be transferred to representation area (b). Such a transfer would result in a total of one member from representation area (f) and four members from representation area (b). Accordingly, the Control Committee, established under the order as the agency to administer the terms and conditions thereof, proposed amendment, as hereinafter set forth, of the rules and regulations.

Notice was published in the December 30, 1974, issue of the FEDERAL REGISTER (39 FR 45019) that the Department was giving consideration to the aforesaid proposal to amend the rules and regulations. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than January 17, 1975. No such material was received.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Control Committee, and other available information, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act. Therefore, said rules and regulations are hereby amended by adding a new § 917.121 reading as follows:

§ 917.121 Changes in nomination of Pear Commodity Committee members.

Nominations for membership on the Pear Commodity Committee shall be made by the growers of pears in the respective representation areas as follows:

(a) North Sacramento Valley District and the Central Sacramento Valley District one nominee.

(b) Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District four nominees.

(c) Placer-Colfax District one nominee.

(d) Lake District four nominees.

(e) Mendocino District and the North Bay District one nominee.

(f) El Dorado District and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Placer-Colfax District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, Mendocino District, and North Bay District one nominee.

Dated: January 22, 1975, to become effective February 28, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-2302 Filed 1-24-75;8:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Modification of Salable and Reserve Percentages for 1974–75 Crop Year

Notice was published in the December 17, 1974, issue of the FEDERAL REGISTER (39 FR 43634) regarding a proposal to modify the salable and reserve percentages, previously established for the 1974–75 crop year (§ 993.210; 39 FR 32733), from 82 and 18 percent to 90 and 10 percent, respectively. Modification of the percentages was favored by a 14 to 7 vote of the Prune Administrative Committee.

The proposal was pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice gave interested persons until January 3, 1975, to submit written data, views, or arguments with respect to the proposal. Six comments were received, all in opposition to the proposal.

The percentages currently effective were based on an early season estimate that California's 1974 production of dried prunes would be 155,000 natural condition tons, although it was recognized in the rulemaking establishing the current percentages that this production could be less because of adverse weather conditions during July 1974.

In November 1974, the Department's Crop Reporting Board estimated that production at 133,000 tons. The Committee's recommendation to modify the current percentages was based, in part, on that estimate. The Committee's report of its modified marketing policy also included an estimate that export trade demand for the 1974–75 crop year would approximate 37,000 tons, processed weight, 8,000 tons less than its original estimate. On January 13, 1975, the Crop Reporting Board increased its estimate to 138,000 tons.

Of the six written comments submitted pursuant to the notice, three opposed any modification of the current percentages, and three favored elimination of the reserve for the 1974–75 crop year—i.e., establish salable and reserve percentages of 100 percent and zero percent, respectively.

The reduction in the production estimate from 155,000 tons, on which the current percentages are based, to 138,000 tons, necessitates modification of these percentages. On the other hand, while the 138,000 ton estimate of production may not be of sufficient magnitude so as to be considered unduly burdensome, especially after deduction of an estimated 5,600 to 5,800 tons of trash and undersized prunes, the large carryout (over 54,000 tons) on July 31, 1974, from the substantial 1973 production results in a total supply in excess of that which can normally be marketed during a crop year. Thus, some volume regulation of prunes for the 1974–75 crop year should be continued to permit orderly marketing of the supply; e.g., to avoid making too many prunes available as salable prunes which could result in oversupplying domestic and export markets, thereby creating instability, while protecting against a short 1975 crop. On the basis of all information, currently available, the proposed percentages as published in the notice, are the best alternative to achieve this.

After consideration of all relevant matter presented, including that in the notice, the comments received pursuant to the notice, the recommendations of the Committee, and other available information it is found that to modify the salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

§ 993.210 [Amended]

Therefore, the previously established salable and reserve percentages for the 1974–75 crop year of 82 percent and 18 percent, respectively, as set forth in the first sentence of § 993.210 *Salable and reserve percentages for prunes and handler obligation for the 1974–75 crop year* (39 FR 32733) are hereby modified to read "90 percent" and "10 percent" respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provision of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all dried prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); (2) the current crop year began August 1, 1974, and the modified percentages will apply automatically to all such dried prunes received on or after that date; and (3) this action relieves restrictions on the handling of dried prunes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 21, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75-2382 Filed 1-24-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

MILK IN THE MIDDLE ATLANTIC AND CERTAIN OTHER MARKETING AREAS

Order Suspending a Certain Provision of the Orders

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the aforesaid marketing areas.

It is hereby found and determined that for the months of February and March 1975 the following provision in each of the above listed orders does not tend to effectuate the declared policy of the Act:

The word "second" in §§ 1004.50(a), 1001.61(a), 1002.50a(a), 1006.50(a), 1007.50(a), 1011.51(a), 1012.50(a), 1013.50(a), 1015.61(a), 1030.50(a), 1033.51(a), 1036.50(a), 1040.50(a), 1044.51(a), 1046.50(a), 1049.50(a), 1050.50(a), 1060.50(a), 1061.50(a), 1062.50(a), 1063.50(a), 1064.50(a), 1065.50(a), 1068.50(a), 1069.50(a), 1070.50(a), 1071.50(a), 1073.50(a), 1075.51(a), 1076.50(a), 1078.50(a), 1079.50(a), 1090.50(a), 1094.50(a), 1096.50(a), 1097.50(a), 1098.50(a), 1099.50(a), 1101.51(a), 1102.50(a), 1106.50(a), 1108.50(a), 1120.50(a), 1121.50(a), 1124.51(a), 1125.50(a), 1126.50(a), 1127.50(a), 1128.50(a), 1129.50(a), 1130.50(a), 1131.50(a), 1132.50(a), 1133.50(a), 1134.51(a), 1136.50(a), 1137.51(a), 1138.50(a), and 1139.50(a).

STATEMENT OF CONSIDERATION

This suspension will result in the Class I prices for February and March 1975 under each of the aforesaid orders being based on the basic formula price for the preceding month. Presently, Class I prices are based on the basic formula price for the second preceding month.

Class I prices under such orders are determined by adding a specified differential to the basic formula price, which is an average of prices paid for manufacturing grade milk in Minnesota and Wisconsin. Without suspension, the Class I price under each order for February and March 1975 would be that determined by adding the appropriate Class I differential to the December 1974 and January 1975 basic formula prices, respectively. Under the suspension, Class I prices for February 1975 will be based on the basic formula price for January.

The suspension will result in producers in all 61 Federal order markets receiving for February and March 1975 a Class I price that reflects more promptly any increase in manufacturing milk values resulting from the January 4 increase in the support price for manufacturing grade milk. Without the suspension, such higher values would not be reflected in Class I prices before March.

Although no provisions in the Red River Valley and Southern Illinois orders (Parts 1104 and 1032) are being suspended, Class I prices under these orders nevertheless will be affected through this action. The Red River Valley Class I

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is tied to the Class I price under the Oklahoma Metropolitan order. The Southern Illinois Class I price is based on the St. Louis-Ozarks Class I price.

It is essential to make this suspension effective immediately to carry out the intent of the Secretary of Agriculture in raising the support price for manufacturing milk. The higher support price was deemed necessary because farm milk prices had declined while costs remained at high levels. Without the price support action, farm milk prices would have dropped further in the coming months at a time when milk producers must feed greater quantities of grain and high-priced, commercially-prepared concentrate feeds. Under these circumstances it was anticipated that many producers would leave dairying and that the future production of milk and dairy products would decline.

The higher price support level can be expected to increase farm prices for both manufacturing grade milk and milk approved for fluid consumption. Without this suspension, however, the immediate impact of the price support action will be limited to milk used in manufactured products. This is because Class I prices are based on manufacturing milk values for the second preceding month. With one-third of the milk produced in the United States being priced as Class I milk under Federal orders, a very substantial part of the nation's milk production will not be immediately affected by the price support action unless the Class I price formulas of the orders are changed. This suspension will help carry out the intent of the price support action to increase farm milk prices on an immediate basis.

The suspension is based on a public hearing held January 20 in Washington, D.C. At the hearing, a substantial number of producer groups asked that emergency suspension action be taken to assure that the February and March Class I prices reflect any increased value in manufacturing milk resulting from the January 4 price support action. Although handlers opposed any change in the pricing formulas by suspension, they did indicate that Class I prices should reflect any increase in the M–W price resulting from the higher support price level. It was their position however, that handlers should have advance notification of any change in the pricing formulas for February that would result in Class I prices above those prevailing in January.

The Chief issue presented at the hearing is that of reflecting in Class I prices at the earliest possible time the price support action of the Secretary. The provisions for "advance" pricing impede this, thereby necessitating the suspension. Any delay in changing the orders could deprive producers of the price relief sought by the Secretary for dairy farmers in his price support action effective January 4. This suspension is the only means available to the Department to reflect the higher price support level in Class I prices on a timely basis.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the aforesaid marketing areas in that it is necessary to implement at the earliest opportunity the objectives of the United States Department of Agriculture in providing an increase in the support price for manufacturing milk effective January 4, 1975;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Producers requested this suspension at a public hearing held January 20, 1975.

Therefore, good cause exists for making this order effective February 1, 1975.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February and March 1975.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1975.

Signed at Washington, D.C., on: January 24, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–2529 Filed 1–24–75;9:28 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Definition of Eligible Firm

On November 29, 1974, FEA adopted the final rule for the allocation of old oil (39 FR 42246, December 4, 1974). The final rule invited interested persons to submit further comments by December 15, 1974, as to the definition of eligible firm set forth in the final rule. FEA received over 30 comments with respect to this matter. FEA has carefully considered these comments and is hereby adopting a revised definition of eligible firm which would be effective for entitlements issued for eligible product imports in December 1974 and subsequent months.

Current Definition of Eligible Firm. Section 211.62 generally defines eligible firm as a firm (including a refiner) that has received a fee free license to import an eligible product under 10 CFR 213.15, 213.32 or 213.34 (formerly sections 12, 28, and 30 of Oil Import Regulation I), or a firm that would otherwise qualify for such fee free license under § 213.15 or § 213.34 but for the fact that (a) the firm is not in the business of selling eligible products in PAD District I, (b) the firm had not received an allocation of No. 2 heating oil or No. 2–D diesel fuel in the allocation period beginning prior to January 1, 1973 or (c) the firm is a refiner and/or a petrochemical producer.

To qualify as an eligible firm under the current definition, a firm (including a refiner or a wholesale purchaser-consumer) must be the importer of eligible products (which, under the definition of importer in § 211.51, means the owner thereof at the first place of storage), and must have a deepwater terminal under its management and operational control or have a throughput agreement with the operator of a deepwater terminal. A deepwater terminal is defined under the regulations as a facility having 100,000 barrels or more of storage capacity and able to receive deliveries from a tanker rated 15,000 cargo deadweight tons, drawing not less than 25 feet of water. Throughput agreements are defined to include agreements which provide for delivery of the eligible products to a deepwater terminal by a person that owns the product at the time of delivery and that has the right to withdraw an identical quantity of such product on call from the terminal.

Revised Definiton of Eligible Firm. FEA believes that inclusion within the definition of eligible firm of marketers that have significant imports of residual fuel oil, No. 2 heating oil and 2–D diesel fuel is consistent with FEA's legislative mandate to protect the competitive viability of the independent marketing sector of the petroleum industry. Marketers which are now dependent upon imported product supplies must be allowed to participate in the old oil allocation program to remain competitive with those marketers with domestic suppliers.

FEA has determined that, while reference to the deepwater terminal or throughput agreement requirements imposed by §§ 213.15, 32 and 34 generally covers most significant importers, certain marketers that directly import large volumes of eligible products were excluded. On the basis of comments received and its own analysis of the market situation of product importers, FEA has concluded that the definition of eligible firm shall be revised to include those firms on inland waterways which perform import and marketing functions comparable to those performed by a deepwater terminal operator.

The revised definition adopted has been expanded to include as eligible firms those importers of No. 2 heating oil, No. 2–D diesel fuel and residual fuel oil which have inland waterway terminals with a storage capacity for the eligible product concerned of 150,000 barrels. These minimum storage requirements are designed to include those inland waterway terminals able to store a full shipment of an eligible product from a T–2 tanker or other vessel rated 15,000 cargo deadweight tons.

In addition, the reporting requirements for eligible firms have been amended to confirm that the eligible firm must certify, as to its import volumes of eligible products, that no other firm is reporting any portion of such volumes for purposes of the old oil allocation program. This certification is

presently included in the FEA form for eligible product imports.

Under § 211.66(j) reports from eligible firms setting forth their import volumes of eligible products are required to be filed by January 28, 1975 for December 1974 imports. The publication of this amendment will not afford adequate notice to enable all firms that are included within the revised definition to comply with the reporting requirements for December 1974 imports. Accordingly FEA hereby gives notice that it will accept the affidavits required by § 211.66(k) and the reports for December imports from firms newly included within the definition of eligible firm if such affidavits and reports are filed with FEA on or prior to February 3, 1975.

Finally, FEA realizes that the revised definition of eligible firm adopted hereby may continue to exclude certain importers, the inclusion of which would be consistent with the purposes of the Emergency Petroleum Allocation Act of 1973. Accordingly, FEA will further revise this definition to the extent it deems revisions necesary or appropriate to fulfill its statutory mandate.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 Code of Federal Regulations, is hereby amended as set forth below effective immediately.

Issued in Washington, D.C. January 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.62 is amended by revising the definition of "eligible firm" to read as follows:

§ 211.62 Definitions.

* * * * * * *

"Eligible firm" means, an importer (as defined in § 211.51) of eligible products that has received, as to the particular eligible product imported, an import allocation not subject to a license fee under 10 CFR §§ 213.15, 213.32 or 213.34, or a firm which would otherwise qualify for such an import allocation under § 213.15 or § 213.34 if (a) that firm were in the business in PAD District I of selling the eligible product concerned, (b) that firm had received an allocation of imports of No. 2 heating oil or No. 2–D diesel fuel in the allocation period beginning prior to January 1, 1973, or (c) that firm were not a refiner and/or a petrochemical producer. The term eligible firm shall also include an importer of an eligible product which owns and operates an inland terminal and which receives the eligible product concerned into that inland terminal by transportation along an inland waterway. An inland terminal for purposes of this definition means a facility which consists of bulk storage tanks having not less than 150,000 barrels of operational capacity, with respect to the particular eligible product imported, together with pumps and pipelines and which is used for storage, transfer and handling of that eligible product.

* * * * * * *

2. Section 211.66 is amended in paragraph (j) by redesignating paragraph (j) (2) as paragraph (j) (3) and by adding a new paragraph (j) (2) to read as follows:

§ 211.66 Reporting requirements.

* * * * * *

(j) * * *

(2) That no other firm has reported any portion of the volumes of eligible products reported by that eligible firm pursuant to subparagraph (1) of this paragraph (j) for purposes of receiving entitlements with respect to the import thereof.

* * * * * *

[FR Doc.75–2528 Filed 1–24–75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Chlordiazepoxide, Diazepam, Oxazepam, Chlorazepate, Flurazepam and Clonazepam in Schedule IV

On August 14, 1973, the Administrator of the Drug Enforcement Administration requested the Assistant Secretary for Health of the Department of Health, Education and Welfare to submit, in behalf of the Secretary of Health, Education and Welfare, a scientific and medical evaluation and recommendation that clordiazepoxide(Librium®) and diazepam(Valium®) be placed in Schedule IV of the Controlled Substances Act.

By a letter dated November 25, 1974, the Assistant Secretary for Health submitted the requested scientific and medical evaluation and recommendation concerning chlordiazepoxide and diazepam, and further submitted scientific and medical evaluations and other recommendations that oxazepam(Serax®), flurazepam(Dalmane®), and clonazepam(Clonopin®), which are other members of the benzodiazepine class of drugs, be similarly placed in Schedule IV.

In his November 25, 1974, letter, the Assistant Secretary re-submitted an earlier recommendation made by his office that clorazepate(Tranxene®), another member of the benzodiazepine class, be placed in Schedule IV.

The recommendation and evaluation, and the supporting documentation concerning chlorazepate were originally submitted on November 1, 1972, and February 7, 1973, respectively. However, control proceedings were not commenced at that time by the Bureau of Narcotics and Dangerous Drugs (BNDD, predecessor agency to DEA), because of pending proceedings involving Librium ® and Valium ®. The Assistant Secretary's letter of November 25, 1974, which requests that proceedings be initiated to control all the above-listed members of the benzodiazepine class of drugs, is set out as follows:

NOVEMBER 25, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration,
Washington, D.C.

DEAR MR. BARTELS: The Drug Enforcement Administration recommended that chlordiazepoxide (Librium) and diazepam(Valium) be controlled in Schedule IV of the Public Law 91-513 (the Controlled Substances Act) and requested in August 1973, that the Department of Health, Education, and Welfare (DHEW) review the scientific and medical aspects of this proposal. This review was postponed pending the establishment of the FDA Controlled Substances Advisory Committee and a complete review of the benzodiazepine class of drugs.

This recommendation has now been reviewed by the appropriate agencies within DHEW, and the FDA Controlled Substances Advisory Committee. We have concluded that Schedule IV controls for chlordiazepoxide and diazepam are appropriate and justifiable under the provisions of the CSA.

As noted above, the review of chlordiazepoxide and diazepam was expanded to include other members of the benzodiazepine class of drugs. As a result of this evaluation we also recommend that flurazepam (Dalmane) and oxazepam (Serax), both of which are marketed drugs, be controlled in Schedule IV and reaffirm our previously forwarded recommendation for similar controls on chlorazepate (Tranxene). In addition, data on clonazepam, an unmarketed investigative drug, were evaluated. We recommend that, should the New Drug Application for clonazepam be approved, it be controlled in Schedule IV at the time of marketing.

A summary of the basis for these recommendations is enclosed. Briefly, extensive documentation of the medical and scientific aspects of the dependence liability and potential for abuse of chlordiazepoxide and diazepam was developed during the several years of hearings held on the subject of control. These documents and findings, although developed under the criteria established by the Drug Abuse Control Amendments of 1965, constitute an ample basis for support of Schedule IV controls under the Controlled Substances Act of 1970. It is our best judgment, based on analysis of presently available data, that none of the other benzodiazepines (oxazepam, chlorazepate, flurazepam and clonazepam) possess a potential for abuse and a dependence liability which is significantly different from that of chlordiazepoxide and diazepam.

The quantum of evidence delineating the dependence liability or potential for abuse (and the consequent risk to public health) differs for each benzodiazepine. For example, specific testing to determine these factors has not, to our knowledge, been performed with clonazepam.

Yet its pharmacological profile strongly suggests that these factors would be the same as those for benzodiazepines on which testing and clinical experience have demonstrated a potential for abuse and dependence.

Reasonable predictions of this type, although they can never be made with absolute certainty, are not unusual in making scientific or medical judgment. This line of thought has been the basis of our "class-action" approach to the evaluation of drugs for control.

We have learned for example from experiences with methaqualone and phenmetrazine, that drugs have been marketed with a claim that they were not abusable. Subsequently, after marketing or after restrictions on similar drugs, such as the barbiturates and amphetamines, these become subject to serious and significant abuse. In retrospect we observed that the differences between their pharmacological profiles and those of related drugs were not as important as the similarities.

Appropriate members of FDA staff will be available to assist the Drug Enforcement Administration in evaluating aspects of this recommendation or will make available relevant information which you may need for the operational procedures at DEA. In particular, the Drug Abuse Staff of the Food and Drug Administration is in possession of several volumes of material which have been considered by the Controlled Substances Advisory Committee in making its evaluation. In order to facilitate this exchange of information FDA staff are authorized to transmit relevant materials directly to appropriate members of DEA Staff. Dr. Barrett Scoville, Director, Division of Neuropharmacological Drug Products will act as liaison for transmittal of information.

Sincerely yours,

CHARLES C. EDWARDS, M.D.,
Assistant Secretary for Health.

Upon receipt of this letter, the Drug Enforcement Administration undertook a review of the following: (1) Materials submitted to DEA by the Department of Health, Education and Welfare with the letter of November 25, 1974; (2) materials submitted to BNDD by the Department of Health, Education and Welfare on February 7, 1973, in support of its letter of November 1, 1972; (3) materials on file with the Food and Drug Administration, and the Drug Enforcement Administration; (4) published scientific and medical literature from the United States and other nations regarding this drug; (5) selected investigatory files compiled for law enforcement purposes by the Drug Enforcement Administration; and (6) the legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluations and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, chlordiazepoxide, diazepam, oxazepan, chlorazepate, flurazepam, and clonazepam have a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Chlordiazepoxide, diazepam, oxazepam, chlorazepate, and flurazepam have a currently accepted medical use in treatment in the United States.

3. Clonazepam will, upon the approval of New Drug Application by the FDA, have a currently accepted medical use in treatment in the United States.

4. Abuse of chlordiazepoxide, diazepam, oxazepam, chlorazepate, and clonazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator proposes that, upon approval of the New Drug Application for clonazepam by FDA, § 1308.14 of Title 21 of the Code of Federal Regulations (CFR) be amended to read:

§ 1308.14 Schedule IV.

* * * * *

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1)	Barbital	2145
(2)	Chloral betaine	2460
(3)	Chloral hydrate	2465
(4)	Chlorazepate	2768
(5)	Chlordiazepoxide	2744
(6)	Clonazepam	2737
(7)	Diazepam	2765
(8)	Ethchlorvynol	2540
(9)	Ethinamate	2545
(10)	Flurazepam	2767
(11)	Mebutamate	2800
(12)	Meprobamate	2820
(13)	Methohexital	2264
(14)	Methylphenobarbital	2250
(15)	Oxazepam	2835
(16)	Paraldehyde	2585
(17)	Petrichloral	2591
(18)	Phenobarbital	2285

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Department of Justice, Room 1130, 1405 Eye Street N.W., Washington, D.C. 20537, and must be received no later than March 28, 1975.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail that a hearing on these objections will be held as soon as the matter may be heard at the Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may, without a hearing, and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: January 22, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2363 Filed 1-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

These proposed amendments would provide a new two stage potency test to simultaneously evaluate the Eastern and the Western fractions of Encephalomyelitis Vaccine. This new test would replace the two tests currently being used for this product. This test has been developed as a cooperative endeavor between the Veterinary Services Laboratories and the biologics industry.

It is proposed to revise § 113.127(b) to read as follows:

§ 113.127 Encephalomyelitis Vaccine, Eastern and Western, Killed Virus.

* * * * *

(b) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency in accordance with the two stage test provided in this paragarph. The serological interpretations required in this test shall be made for the Eastern Type fraction and the Western Type fraction independent of each other except that a serial or subserial found unsatisfactory for either fraction shall not be released.

(1) For this test, a guinea pig dose shall be one-half the amount recommended on the label for a horse and shall be administered as recommended for a horse. Each of 10 healthy guinea pigs (vaccinates) shall be injected with two guinea pig doses with an interval of 14 to 21 days between doses. Two additional guinea pigs from the same source shall be held as controls.

(2) Fourteen to 21 days after the second injection, serum samples from each vaccinate and each control shall be tested by the plaque reduction serum neutralization test.

(3) If the control serum samples show a titer greater than 1:2 for either or both fractions, the test is inconclusive for that fraction or fractions, as the case may be, and may be repeated; *Provided,* That, if 4 or more of the vaccinate serum samples show a titer of less than 1:4 for the Eastern type fraction or less than 1:32 for the Western type fraction, the serial or subserial is unsatisfactory without further testing.

(4) If 2 or 3 of the vaccinate serum samples show a titer of less than 1:4 for the Eastern type fraction or less than 1:32 for the Western type fraction or both, the second stage may be used; *Provided,* That, if 1 or less such samples meet the titer requirements for one fraction in the first stage, such fraction need not be retested. Otherwise, the second stage shall be conducted in a manner identical to the first stage.

(5) If the second stage is used and 4 or more of the vaccinate serum samples show a titer of less than 1:4 for the Eastern type fraction or less than 1:32 for the Western type fraction, the serial or subserial is unsatisfactory.

(6) The results shall be evaluated according to the following table:

Cumulative totals

Stage	Vaccinates	Failures for acceptance	Failures for rejection
1	10	1 or less	4 or more.
2	20	3 or less	Do.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before February 28, 1975, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business. (7 CFR 1.27 (b)).

Done at Washington, D.C. this 22nd day of January, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-2303 Filed 1-24-75;8:45 am]

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P19]

LIVE SLAUGHTER CATTLE, LIVE HOGS, AND FROZEN PORK BELLIES

Proposed Limits on Position and Daily Trading

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) directs that, for the purpose of diminishing, elim-

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inating, or preventing excessive speculation in any commodity named in the Act, the Commodity Exchange Commission shall, from time to time, after due notice and opportunity for hearing, proclaim and fix such limits on the amount of daily trading which may be done, and positions which may be held, by any person under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market as the Commission finds are necessary for such purpose.

Notice is hereby given that it is proposed by the Commodity Exchange Authority that the Commodity Exchange Commission establish limits on (1) the maximum net long or net short positions in live slaughter cattle, live hogs, and frozen pork bellies, respectively, which any person may hold or control under contracts of sale for future delivery on or subject to the rules of any contract market, and (2) the maximum amount of live slaughter cattle, live hogs, and frozen pork bellies, respectively, which any person directly or indirectly may buy or sell under contracts of sale for future delivery on or subject to the rules of any contract market, on any one business day.

The proposed limits on any person's positions and daily trading would not apply to transactions and positions which are shown to be bona fide hedging transactions and positions as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93–463.

The Orders which the Commodity Exchange Authority proposes be issued by the Commodity Exchange Commission concerning limits on positions and daily trading in live slaughter cattle, live hogs, and frozen pork bellies are respectively as follows. It is proposed to add §§ 150.12, 150.13, and 150.14 to read as follows:

§ 150.12 Limits on position and daily trading in live slaughter cattle for future delivery.

The following limits on the amount of trading under contracts of sale of live slaughter cattle for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after [date to be inserted at time of issuance of order]:

(a) *Position limit.* The limit on the maximum net long or net short position any person may hold or control in live slaughter cattle on or subject to rules of any one contract market is 120,000 cwt. in any one future and 240,000 cwt. in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of live slaughter cattle which any person may buy, and the maximum amount which any one person may sell, on or subject to the rules of any one contract market during any one business day is 120,000 cwt. in any one future and 240,000 cwt. in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93–463.

(d) *Manipulations; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by or the trading were done by, a single individual.

§ 150.13 Limits on position and daily trading in live hogs for future delivery.

The following limits on the amount of trading under contracts of sale of live hogs for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after [date to be inserted at time of issuance of order]:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in live hogs on or subject to rules of any one contract market is 60,000 cwt. in any one future and 120,000 cwt. in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of live hogs which any person may buy, and the maximum amount which any one person may sell, on or subject to the rules of any one contract market during any one business day is 60,000 cwt. in any one future and 120,000 cwt. in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93–463.

(d) *Manipulations; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by or the trading were done by, a single individual.

§ 150.14 Limits on position and daily trading in frozen pork bellies for future delivery.

The following limits on the amount of trading under contracts of sale of frozen pork bellies for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after [date to be inserted at time of issuance of order]:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in frozen pork bellies on or subject to rules of any one contract market is 54,000 cwt. in any one future and 90,000 cwt .in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of frozen pork bellies which any person may buy, and the maximum amount which any one person may sell, on or subject to the rules of any one contract market during any one business day is 54,000 cwt. in any one future and 90,000 cwt. in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93–463.

(d) *Manipulations; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by or the trading were done by, a single individual.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before March 13, 1975.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to March 13, 1975.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: January 22, 1975.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.75-2305 Filed 1-24-75;8:45 am]

Commodity Credit Corporation

[7 CFR Parts 1421, 1446]

LOAN AND PURCHASE PROGRAM FOR 1975 CROP PEANUTS

Notice of Proposed Rulemaking

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations concerning a loan and purchase program for 1975 crop peanuts. This notice also provides that interested persons may submit to the office designated below written data, views and recommendations concerning the proposals not later than the date stated herein.

It is proposed that the general regulations governing 1974 and subsequent crop peanut warehouse storage loans (39 FR 25949—July 15, 1974) will continue in effect for the 1975 crop. New regulations to be issued will be a 1975 crop supplement to the general regulations. These regulations will include (1) loan and purchase rates by types of peanuts, (2) premiums and discounts, and (3) other operating provisions necessary to carry out the program.

Authority for such actions are sections 101, 401, and 403 of the Agricultural Act of 1949, as amended, (63 Stat. 1051, as amended; 7 USC 1441, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, (62 Stat. 1070, as amended (15 USC 714b, 714c)).

Section 101 of the Agricultural Act of 1949 directs the Secretary to make support available on peanuts to cooperators, if producers have not disapproved marketing quotas, at a level between 75 and 90 percent of the parity price, with the minimum permissible level of support within such range to be determined by the supply percentage.

Section 401 of that act requires that in determining the level of support in excess of the minimum level provided by law, consideration be given to the supply of the commodity in relation to the demand therefor, the levels of which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Section 403 of the act provides that appropriate adjustments may be made in the support level for differences in grade, type, quality, location and other factors. The average of any such adjustments shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year determined in accordance with the Agricultural Act of 1949, as amended.

Current program provisions regarding peanut warehouse storage loans may be found in regulations in Title 7, Part 1446 of the Code of Federal Regulations. Current program provisions regarding peanut farm storage loans may be found in regulations governing loans, purchases and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Prior to making any of the foregoing determinations, consideration will be given to data, views and recommendations which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be postmarked on or before February 28, 1975.

All written submissions made pursuant to this notice will be made available for inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 6741 South Building, 14th and Independence Avenue, SW., Washington, D.C. (7 CFR 1.27(b)).

Signed at Washington, D.C. on January 22, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-2381 Filed 1-24-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARDS COMPLETION PROJECT

Camphor, Chloroacetaldehyde, Alpha-Chloroacetophenone, Mesityl Oxide, 5-Methyl- 3-Heptanone, P-Nitroaniline, Ozone, Pival

ADVANCE NOTICE OF PROPOSED RULEMAKING

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all the toxic materials listed in Tables G–1, G–2, and G–3 of 20 CFR 1910.93, with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subjects of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.93 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, record-keeping, and sanitation and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA safety standards. The exposure limits listed in § 1910.93 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor invites public participation in the development of the proposed standards. Drafts of the technical content of proposed standards have been prepared for the following substances: Camphor, Chloroacetaldehyde, Alpha-Chloroacetophenone [Phenacyl Chloride], Mesityl oxide, 5-Methyl-3-Heptanone, P-Nitroaniline, Ozone, Pival [2-Pivalyl -1, 3-Indandione]. These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards.

Interested persons are invited to submit written data, views and arguments concerning these drafts or the program in general. Comments are requested concerning requirements of each section of the draft technical standards and alternatives to the provisions of each section. Information submitted in response to the Notice of Intent to Prepare an Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843) need not be resubmitted.

Communications should be submitted to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Room 260, 1726 M Street NW., Washington, D.C. 20210, postmarked no later than February 21, 1975. The communications will be available for public inspection and copying at the above location.

Copies of the draft technical standards on the above listed substances are available for inspection and copying, upon request, at the above address and at any of the following OSHA regional and area offices:

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REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)

U.S. Department of Labor
U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building—Suite 15220
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, N.E.—Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
32d Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street
Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue
Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building
Room 703
State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 426
55 Pleasant Street
Concord, New Hampshire 03301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 617B
450 Main Street
Hartford, Connecticut 06103

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse Building
436 Dwight Street
Room 501
Springfield, Massachusetts 01103

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street—Room 1405
New York, New York 10007

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 1435C
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
370 Old Country Road
Garden City, Long Island, New York 11530

U.S. Department of Labor
Occupational Safety and Health Administration
Condominium San Alberto Building
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Building
Room 4456—600 Arch Street
Philadelphia, Pennsylvania 19106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110–A
31 Hopkins Plaza—Charles Center
Baltimore, Maryland 21201

U.S. Department of Labor
Occupational Safety and Health Administration
Charleston National Plaza—Suite 1726
700 Virginia Street
Charleston, West Virigina 25301

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802, Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 8015
400 N. 8th Street, P.O. Box 10186
Richmond, Virginia 23240

U.S. Department of Labor
Occupational Safety and Health Administration
Building 10—Suite 33
La Vista Perimeter Park
Tucker, Georgia 30084

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building—Room 406
310 New Bern Avenue
Raleigh, North Carolina 27601

U.S. Department of Labor
Occupational Safety and Health Administration
Room 204—Bridge Building
3200 E. Oakland Park Boulevard
Fort Lauderdale, Florida 33308

U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203

U.S. Department of Labor
Occupational Safety and Health Administration
2809 Art Museum Drive
Art Museum Plaza—Suite 4
Jacksonville, Florida 32207

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall, 2047 Canyon Road
Birmingham, Alabama 35216

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 554–E—600 Federal Place
Louisville, Kentucky 40202

U.S. Department of Labor
Occupational Safety and Health Administration
Enterprise Building—Suite 204
6605 Abercorn Street
Savannah, Georgia 31405

U.S. Department of Labor
Occupational Safety and Health Administration
Commerce Building—Room 600
118 North Royal Street
Mobile, Alabama 36602

U.S. Department of Labor
Occupational Safety and Health Administration
Riverside Plaza Shopping Center
2720 Riverside Drive
Macon, Georgia 31204

U.S. Department of Labor
Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29201

U.S. Department of Labor
Occupational Safety and Health Administration
650 Cleveland Street
Room 44
Clearwater, Florida 33515

U.S. Department of Labor
Occupational Safety and Health Administration
57601—55 North Frontage Road East
Jackson, Mississippi 39211

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
10th Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

U.S. Department of Labor
Occupational Safety and Health Administration
360 S. Third Street—Room 109
Columbus, Ohio 43215

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
200 Bagley Avenue
Detroit, Michigan 48226

U.S. Department of Labor
Occupational Safety and Health Administration
110 South Fourth Street—Room 437
Minneapolis, Minnesota 55401

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 4028—Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 734 Federal Office Building
234 N. Summit Street
Toledo, Ohio 43604

U.S. Department of Labor
Occupational Safety and Health Administration
Room 2118
2320 La Branch Street
Houston, Texas 77004

U.S. Department of Labor
Occupational Safety and Health Administration
Adolphus Tower—Suite 1820
1412 Main Street
Dallas, Texas 75202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 421—Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

U.S. Department of Labor
Occupational Safety and Health Administration
546 Carondelet Street—Room 202
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration
Room 512—Petroleum Building
420 South Boulder
Tulsa, Oklahoma 74103

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526—Donaghey Building
103 East 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
1015 Jackson Keller Road—Room 122
San Antonio, Texas 78213

U.S. Department of Labor
Occupational Safety and Health Administration
Room 302—Federal Building
421 Gold Avenue, S.W.
P.O. Box 1428
Albuquerque, New Mexico 87103

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Boulevard, Room 554
St. Louis, Missouri 63101

U.S. Department of Labor
Occupational Safety and Health Administration
Petroleum Building
221 South Broadway Street—Suite 312
Wichita, Kansas 67202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 643
210 Walnut Street
Des Moines, Iowa 50309

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Harney and 16th Street
Room 803
Omaha, Nebraska 68102

U.S. Department of Labor
Occupational Safety and Health Administration
113 West 6th Street
North Platte, Nebraska 69101

U.S. Department of Labor
Occupational Safety and Health Administration
3527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525 Petroleum Building
2812 1st Avenue—North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
Court House Plaza Building—Room 406
300 North Dakota Avenue
Sioux Falls, South Dakota 57102

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office Building—Room 452
350 South Main Street
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
100 McAllister Street—Room 1706
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 318—Amerco Towers
2721 North Central Avenue
Phoenix, Arizona 85004

U.S. Department of Labor
Occupational Safety and Health Administration
333 Queen Street—Suite 505
Honolulu, Hawaii 96813

U.S. Department of Labor
Occupational Safety and Health Administration
1100 E. William Street
Suite 222
Carson City, Nevada 89701

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
121—107th Street, N.E.
Bellevue, Washington 98004

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 227
605 West 4th Avenue
Anchorage, Alaska 99501

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526 Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205

U.S. Department of Labor
Occupational Safety and Health Administration
228 Idaho Building
216 North 8th Street
Boise, Idaho 83702

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW
National Institute for Occupational Safety and Health
Room 10–A22
5600 Fishers Lane
Rockville, Maryland 20852

U.S. Department of HEW
National Institute for Occupational Safety and Health
1114 Commerce Street, Rm 1612
Dallas, Texas 75202

U.S. Department of HEW
National Institute for Occupational Safety and Health
P.O. Box 13716
Philadelphia, Pennsylvania 19108

U.S. Department of HEW
National Institute for Occupational Safety and Health
John F. Kennedy Federal Bldg.
Government Center
Boston, Massachusetts 02203

U.S. Department of HEW
National Institute for Occupational Safety and Health
26 Federal Plaza
New York, New York 10007

U.S. Department of HEW
National Institute for Occupational Safety and Health
601 East 12th Street
Kansas City, Missouri 64106

U.S. Department of HEW
National Institute for Ocupational Safety and Health
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202

U.S. Department of HEW
National Institute for Occupational Safety and Health
50 Seventh Street, N.E.
Atlanta, Georgia 30323

U.S. Department of HEW
National Institute for Occupational Safety and Health
Arcade Building
1321 Second Street
Seattle, Washington 98101

U.S. Department of HEW
National Institute for Occupational Safety and Health
254 Federal Office Building
50 Fulton Street
San Francisco, California 94102

U.S. Department of HEW
National Institute for Occupational Safety and Health
300 South Wacker Drive
Chicago, Illinois 60607

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29

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U.S.C. 655) and Secretary of Labor's Order No. 12–71 (36 FR 8754).

Signed at Washington, this 21st day of January, 1975.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.75–2362 Filed 1–24–75;8:45 am]

[29 CFR Part 1952]

APPROVED CALIFORNIA PLAN

Proposed Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this chapter. On May 1, 1973, a notice was published in the FEDERAL REGISTER concerning the approval of the California plan and of the adoption of Subpart K of Part 1952 containing the decision (38 FR 10717). On November 7, 1974, the State of California submitted supplements to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953) and a State initiated change (see Subpart E of 29 CFR Part 1953).

The decision approving the California plan incorporated assurances from the State that enabling legislation would be enacted within one (1) year of plan approval. That goal was met on October 23, 1973, following the enactment of Assembly Bill No. 150 authorizing complete implementation of the State plan (see 39 FR 14723). However, it was discerned by the State that there were certain errors and inconsistencies in the enabling legislation which needed to be rectified. Accordingly, Assembly Bill 3335 was enacted by the California Legislature and signed by the Governor on September 23, 1974. The legislation became effective on January 1, 1975. Among other things, the Bill revises the jurisdiction of the Bureau of Investigations in the Division of Industrial Safety to those investigations for accidents involving serious injury to five or more employees rather than for any serious injury as originally enacted, thus making it more consistent with section 5313 of the California Labor Code; extends citation and penalty provisions to recordkeeping violations; and clarifies the authority of the Occupational Safety and Health Appeals Board where an employer files an appeal but fails to appear at the hearing.

The second supplement involves the establishment of a Management Information System. The State has established a complete system for providing evaluation data required by the Assistant Secretary of Labor for Occupational Safety and Health on a timely basis. Copies of forms and instructions in current use in this system are included in the supplement.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street, N.W., Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, Room 9410, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; California Occupational Safety and Health Administration, 1006 4th Street, Third Floor, Sacramento, California 95814; California Occupational Safety and Health Administration, 455 Golden Gate Avenue, Room 2152, San Francisco, California 94102; and Division of Industrial Safety, 3460 Wilshire Boulevard, Los Angeles, California 90010.

3. *Public participation.* Interested persons are hereby given until February 26, 1975, in which to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements, by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart K of Part 1952 and initiate further appropriate proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1600, 1606 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C., this 21st day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–2360 Filed 1–24–75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 271]

FEDERAL OPEN MARKET COMMITTEE

Freedom of Information Act; Availability of Information; Proposed Fee Schedule

Pursuant to its authority under section (a)(4)(A) of the Freedom of Information Act (5 U.S.C. 552), the Federal Open Market Committee proposes to amend § 271.4 of its rules regarding availability of information. The purpose of the proposed amendments is to specify a uniform schedule of fees for services performed in response to requests for records under the Freedom of Information Act.

The present schedule of fees appears at § 271.4(c) of Part 271 of Title 12 of the Code of Federal Regulations.

The proposed amendments will set the cost of the duplication of available information at 10 cents per standard page. The cost for search time will be $10 per hour. Furthermore, the charge for the retrieval and production of information through computer and other information program systems will not exceed the direct and reasonable costs of such services. Detailed schedules of such costs will be available upon request from the Secretary of the Committee. These schedules are not included in this notice because of their detailed nature. Finally, any or all of the above charges may be reduced or waived where the Secretary of the Committee finds that the public interest will be benefited.

To aid in the consideration of this matter by the Committee, interested persons are invited to submit relevant data, views, comments, or argument. Any such material should be submitted in writing to the Secretary, Federal Open Market Committee, Washington, D.C. 20551, to be received not later than February 13, 1975.

The Committee's Rules Regarding Availability of Information (12 CFR § 271) are proposed to be revised as follows: Paragraph (c) is proposed to be amended by ending the last sentence with the word "difficulty" and striking the remaining language in that sentence, and a new paragraph (to be designated later) is proposed to be added as follows:

§ 271.4 Records available to the public on request.

* * * * *

Fee schedule. A person requesting access to or copies of particular records shall pay the costs of searching and copying such records at the rate of $10 per hour for searching and 10 cents per standard page for copying. With respect to information obtainable only by processing through a computer or other information systems program, a person requesting such information shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the information requested. Detailed schedules of such charges are available upon request from the Secretary of the Committee. Documents may be furnished without charge or at a reduced charge where the Secretary of the Committee or such person as he may designate determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

By order of the Federal Open Market Committee, January 21, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75–2295 Filed 1–24–75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 97 (Rev. 12)]

ASSISTANT COMMISSIONERS ET AL.

Closing Agreements Concerning Internal Revenue Tax Liability; Delegation Order

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121–1(a); Treasury Department Order No. 150–32, dated November 18, 1953; Treasury Department Order No. 150–36, dated August 17, 1954 (C.B. 1954–2, 733); and Treasury Department Order No. 150–83, dated August 21, 1973, subject to the transfer of authority covered in Treasury Department Order No. 221, dated June 6, 1972.

(1) The Assistant Commissioner (Technical) is hereby authorized in cases under his jurisdiction to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

(2) The Assistant Commissioner (Compliance) is hereby authorized in cases under his jurisdiction to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods. The Assistant Commissioner (Compliance) is also authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the performance of his functions as the competent authority in the administration of the operating provisions of the tax conventions of the United States.

(3) The Assistant Commissioner (Employee Plans and Exempt Organizations) is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts) in cases under his jurisdiction, that is, in respect of any transaction concerning employee plans or exempt organizations.

(4) Regional Commissioners; Assistant Regional Commissioners (Apellate); Assistant Regional Commissioners (Audit); District Directors; Director of International Operations; Chiefs and Assistant Chiefs of Appellate Branch Offices, are hereby authorized in cases under their jurisdiction (but excluding cases docketed before the United States Tax Court) to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

(5) Regional Commissioners; Assistant Regional Commissioners (Employee Plans and Exempt Organizations); and District Directors are hereby authorized in cases under their jurisdiction, that is, in respect of any transaction concerning employee plans or exempt organizations, (but excluding cases docketed before the United States Tax Court) to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts).

(6) Regional Commissioners; Assistant Regional Commissioners (Appellate) and (Employee Plans and Exempt Organizations); Chiefs and Assistant Chiefs of Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the United States Tax Court to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

(7) The Director of International Operations is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64–54, C.B. 1964–2, 1008, under Revenue Procedure 72–22, C.B. 1972–1, 747, and under Revenue Procedure 69–13, C.B. 1969–1, 402, and to enter into and approve a written agreement providing the treatment available under Revenue Procedure 65–17, C.B. 1965–1, 833.

(8) The authority delegated herein does not include the authority to set aside any closing agreement.

(9) Authority delegated in this Order may not be redelegated, except that the Assistant Commissioner (Technical) may redelegate the authority contained in paragraph 1 to the Deputy Assistant Commissioner (Technical) and to the Technical Advisors on the Staff of the Assistant Commissioner (Technical) for cases that do not involve precedent issues, the Assistant Commissioner (Compliance) may redelegate the authority contained in paragraph 2 of this Order to the Deputy Assistant Commissioner (Compliance), and the Assistant Commissioner (Employee Plans and Exempt Organizations) may redelegate the authority contained in paragraph 3 of this Order to the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) and to the Technical Advisors on the Staff of the Assistant Commissioner (Employee Plans and Exempt Organizations) for cases that do not involve precedent issues.

(10) Delegation Order No. 97 (Rev. 11) issued October 19, 1973, is hereby superseded.

Date of issue: January 16, 1975.

Effective date: January 16, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75–2384 Filed 1–28–75;8:45 am]

[Order No. 96 (Rev. 2)]

ASSISTANT COMMISSIONER (TECHNICAL) AND DEPUTY ASSISTANT COMMISSIONER (TECHNICAL)

Application of Rulings Without Retroactive Effect; Delegation of Authority

1. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805–1(b), the Assistant Commissioner (Technical) and the Deputy Assistant Commissioner (Technical) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Assistant Commissioner relating to the internal revenue laws shall be applied without retroactive effect, except with respect to:

a. Alcohol, tobacco, and firearms laws imposed under Subtitle E of the Internal Revenue Code.

b. Internal revenue laws specifically applicable to employee plans, exempt organizations (other than IRC 521, exemption of farmers' cooperatives from tax), and actuarial determinations.

2. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805–1(b), the Assistant Commissioner (Employee Plans and Exempt Organizations) and the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Assistant Commissioner relating to 1b. above, shall be applied without retroactive effect.

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3. This authority may not be redelegated.

4. This Order supersedes Delegation Order No. 96 (Rev. 1) issued August 31, 1972, which superseded Delegation Order No. 96, dated October 27, 1964.

Date of issue: January 15, 1975.

Effective date: January 15, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-2383 Filed 1-24-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

INTERIM STANDARD AIRBORNE DIGITAL COMPUTER (ISADC)

Project Briefing; Notice of Meeting

The Naval Air Systems Command is planning the procurement of an Interim Standard Airborne Digital Computer (ISADC) for use in Naval airborne weapon systems prior to the availability of the All Applications Digital Computer (AADC). The ISADC will be a militarized, modularly partitioned, simplex computer using presently available, off-the-shelf hardware and software.

An ISADC briefing will be held on February 4, 1975, at 8 a.m., at the Holiday Inn, National Airport, Arlington, Virginia. The purpose of the briefing is to acquaint private and Government sectors with the technical goals and the procurement strategy of the ISADC project, as presently formulated in a Preliminary Specification, Preliminary Deliverables, and Project Plan, and to solicit comments and constructive criticism from those in attendance. As space and time will be limited, it is requested that organizations limit their attendance to two persons per organization.

The ISADC has been identified by the Manager, Electronic Standardization for the Department of Defense, as a likely candidate for multisource "From-Fit-Function" procurement action.

The Preliminary Specification, Preliminary Deliverables List, and Project Plan are being distributed to all organizations listed on the Naval Air Systems Command Master Bidders List under the heading of Computer and Control Systems (Computers). Other parties desirous of participating in the ISADC briefings are requested to provide written request for the Preliminary Specification, Preliminary Deliverables List, and Project Plan to the address listed below by January 31, 1975. Requests should provide complete mail and telephone-contact information. Forward requests to the ISADC Project, Code 53313, Naval Air Systems Command, Washington, D.C. 20361. Telephone inquiries may be made to Mr. R. Entner, Mr. H. Mendenhall, or Mr. R. Balestra at (202) 692-6474, 692-6475, 692-6476, or 692-6477.

Dated January 17, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy
Acting Judge Advocate General.

[FR Doc.75-2282 Filed 1-24-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-8]

MAURICE W. ROSENBERG, M.D.

Revocation of Registration

On August 8, 1974, a hearing was held before Administrative Law Judge George A. Koutras on the issues raised by an Order to Show Cause directed to Maurice W. Rosenberg, M.D., as to why his DEA registration AR1435709 should not be revoked.

The Order to Show Cause was predicated on the April 15, 1974 conviction of Dr. Rosenberg in the United States District Court for the Central District of California on all twenty-seven counts of an indictment charging him with unlawful distribution of controlled substances in Schedules II, III and IV, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2(b). Dr. Rosenberg was sentenced to two years imprisonment on each of the twenty-seven counts to run concurrently and fined $20,000. Execution of the sentence of imprisonment was suspended and Dr. Rosenberg, who was 73 or 74 years of age at the time of sentencing, was placed on three years probation.

Title 21, United States Code, Section 824(a)(2) provides that a registration to manufacture, distribute or dispense controlled substances may be suspended or revoked on a finding that the registrant has been convicted of a felony relating to a controlled substance.

The Administrative Law Judge found as a matter of law that Dr. Rosenberg had been convicted of such a felony and the Administrator concurs in that finding as a matter of fact and as a matter of law.

The Administrative Law Judge also found as a matter of law that Dr. Rosenberg's conviction was sufficient to permit the Administrator to exercise his authority to suspend or revoke Dr. Rosenberg's registration although an appeal from that conviction was then pending. This finding of law is consistent with the position taken by administrative law judges in previous matters in which the issue of pending appeals was raised. See In the Matter of Leonard S. Cohen, 38 F.R. 9522, April 17, 1973; In the Matter of Dr. Carl Oslin Ramzy, 36 F.R. 24077, December 18, 1971. The Administrator concurs in this finding of law.

The Administrative Law Judge found as a matter of law that "there is substantial evidence on the record" for the Administrator to suspend or revoke Dr. Rosenberg's registration. The record is clear and the Administrator, therefore, concurs in that finding of law.

The Administrative Law Judge recommends to the Administrator that Dr. Rosenberg's registration be revoked as to two of the Schedule II drugs involved in his conviction and that his registration authorizing him to dispense all other drugs be suspended for twelve months. Before considering the recommendation, the Administrator believes it necessary to comment on the basis for that recommendation as set forth by the Administrative Law Judge under the heading "Discussion."

The Administrative Law Judge has correctly stated the Administrator's discretion to suspend or revoke a registration in the event of a drug related felony. He apparently believes that to aid in the exercise of that discretion the administrative hearing should consider, in part at least, whether the jury's verdict was correct on various counts of the indictment. Thus, under "Discussion," we find comments on whether Dr. Rosenberg's conviction "indicates conduct exceeding the scope of his legitimate professional medical practice." As to some of the counts, the Administrative Law Judge seems to have found that Dr. Rosenberg's conduct did exceed the scope of legitimate practice; as to others he "cannot conclude that no physician-patient relationship existed."

Insofar as these comments indicate a position that the Federal district court jury reached incorrect verdicts on some counts or that the Federal district court judge may even have erred in permitting some counts to reach the jury, the Administrator rejects the position. It cannot be the function of an administrative hearing to review the correctness of the verdict in a criminal case upon which an order to show cause is based. Neither an administrative law judge nor an Administrator is authorized to act as an appellate tribunal. The Administrator therefore finds, as a matter of law, that as to each of the twenty-seven counts on which Dr. Rosenberg was convicted every element of the offense charged has been proved beyond a reasonable doubt.

This is not to say that the character of the criminal conduct underlying the Order to Show Cause cannot be considered by the Administrator in the exercise of his discretionary authority. Obviously some crimes are worse than others. The Administrator finds little that is ameliorative in the Administrative Law Judge's comment that "aside from his criminal conviction there is nothing of record to suggest that he (Dr. Rosenberg) has otherwise run afoul of the law or that his practice of medicine has ever been called into question." The indictment in this case charges continuous criminal activity over a four month period which ended only with the doctor's arrest. The fact of no prior record is a frail reed with which to defend against such disregard of the public health and safety.

The Administrator does agree with the Administrative Law Judge that Dr. Rosenberg's medical service for many elderly patients over many years should be considered. It is clear from the testimony of these patients at the hearing that they trust Dr. Rosenberg; that they rely on him and that they express fear and anxiety over the possible curtailment of his ability to practice medicine. It is in the interests of these people that less than outright revocation of Dr. Rosenberg's registration can even be considered.

The Administrator cannot accept the recommendation that Dr. Rosenberg's registration be revoked as to two particular drugs in Schedule II. Such revocation in the case of a practitioner is impracticable since there is no way for a pharmacy to know that a doctor registered to prescribe in a particular schedule is unable to prescribe as to part of that schedule. The solution, which to the Administrator seems best to fit the total situation, would be to revoke Dr. Rosenberg's registration as to the most dangerous drugs and permit him to continue his registration for those of lesser danger. This action would relieve the doctor, who is after all 74 years of age, from the responsibility of any connection with those drugs most sought after by addicts and by traffickers. In the interest of Dr. Rosenberg's elderly patients, he should be permitted to dispense drugs in the lower schedules without a period of suspension.

Therefore, under the authority vested in the Attorney General by Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration, by Section 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator orders that the Certificate of Registration issued to Maurice W. Rosenberg, M.D. (DEA Registration AR1435709) be revoked and that upon proper application by Dr. Rosenberg, a new registration limited to Schedules III, IV and V be issued. The revocation of DEA Registration AR1435709 shall be effective on publication of this order in the FEDERAL REGISTER.

Dated: January 21, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2364 Filed 1-24-75;8:45 am]

KNOLL PHARMACEUTICAL CO.

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on November 27, 1974, Knoll Pharmaceutical Co., 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as an Importer of Morphine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Morphine in bulk may, on or before February 26, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW, Washington, D.C. 20537.

Dated: January 21, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2341 Filed 1-24-75;8:45 am]

KNOLL PHARMACEUTICAL CO.

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on November 27, 1974, Knoll Pharmaceutical Co., 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as an Importer of Hydrocodone, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Hydrocodone in bulk may, on or before February 26, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW, Washington, D.C. 20537.

Dated: January 21, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2342 Filed 1-24-75;8:45 am]

KNOLL PHARMACEUTICAL CO.

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on November 27, 1974, Knoll Pharmaceutical Company, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as an Importer of Codeine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Codeine in bulk may, on or before February 26, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: January 21, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2343 Filed 1-24-75;8:45 am]

KNOLL PHARMACEUTICAL CO.

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on November 27, 1974, Knoll Pharmaceutical Company, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as an Importer of Pethidine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Pethidine in bulk may, on or before February 26, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with partic-

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ularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: January 21, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-2344 Filed 1-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

BOIS FORTE INDIAN RESERVATION—NETT LAKE

Acceptance of Retrocession of Jurisdiction

JANUARY 15, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 11435 (33 FR 17339) and redelegated to the Commissioner of Indian Affairs by 230 DM 1, I hereby accept, as of 12:01 a.m. (e.s.t.) of the day following publication in the FEDERAL REGISTER of this notice, retrocession to the United States of all criminal jurisdiction exercised by the State of Minnesota over the Bois Forte Indian Reservation at Nett Lake as offered on August 20, 1973 by the Governor of Minnesota pursuant to the direction of the Minnesota Legislature.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-2105 Filed 1-22-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

Mr. Michael R. McKennirey
National Film Board of Canada
3155 Cote de Liesse Road
Montreal, Quebec, Canada

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
A co-operative film project on the status of the Whooping Crane, its history and present day research programs.

3. APPLICANT. (Give, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Michael R. McKennirey
National Film Board of Canada
3155 Cote de Liesse Rd.
Montreal, Quebec, Canada

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6' 1" WEIGHT: 170
DATE OF BIRTH: July 8, 1935
COLOR HAIR: Black COLOR EYES: Hazel
PHONE NUMBER WHERE EMPLOYED: 333-3377
SOCIAL SECURITY NUMBER:
OCCUPATION: Film Maker

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
National Film Board of Canada - a non-profit Government Film Agency.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
The Dept. of the Interior, U.S. Fisheries and Wildlife is co-sponsoring this project with the Canadian Wildlife Service and the Nat'l. Film Board.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
MONTREAL, QUEBEC, CANADA

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
The Aransas National Wildlife Refuge.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: Feb. 15/75

11. DURATION NEEDED: Two Weeks

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a) (1)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Michael R. McKennirey
DATE: December 15, 1974

Michael R. McKennirey

COOPERATIVE FILM PRODUCTION AND DISTRIBUTION PROJECT

by

UNITED STATES FISH AND WILDLIFE SERVICE
CANADIAN WILDLIFE SERVICE

and

NATIONAL FILM BOARD OF CANADA

[Agreement No. 14-16-0008-1148]

This agreement, made this 27th day of June 1974, is entered into by the (1) United States Fish and Wildlife Service, Department of the Interior, hereinafter referred to as the "U.S. Service", (2) Department of Environment of Canada, Canadian Wildlife Service, hereinafter referred to as the "Canadian Service", and (3) National Film Board of Canada, hereinafter referred to as the "Board".

Witnesseth that,

Whereas, the "U.S. Service" is authorized under Public Law 93-205 (87 Stat. 884) December 28, 1973, to enter into agreements with foreign countries to provide for the purpose of conservation of endangered species; and

Whereas, the whooping crane is an endangered species, and as of June 3, 1974, there was a wild flock of only 48 birds; and

Whereas, the production of a film on the entire life cycle of the whooping crane starting at the only remaining nesting area which is in Wood Buffalo National Park, Canada, and continuing as they migrate to their wintering ground at Aransas National Wildlife Refuge, United States of America, would be of benefit to the scientists and the public; and

Whereas, this project will be facilitated by a cooperative undertaking. The parties hereto mutually agree to cooperate in fulfilling the following project:

I. *Editorial Control.* 1. The "Board" will have editorial control over the "film" which it will complete by March 1, 1976.

2. The "U.S. Service" and the "Canadian Service" will have the right of approval of the film at rough cut, commentary cutting copy, and test print stages.

3. All titles and credits used in the film must be approved by all parties to this agreement.

II. *Prints.* 1. The "Board" will give to the "U.S. Service", one inter-negative and one print of the film. The "U.S. Service" may purchase from the "Board", at the "Board's" laboratory cost, additional inter-negatives as required to meet requirements for distribution in the United States of America.

2. The "Board" will retain and be responsible for all stock shots.

III. *Financial Contributions.* The total budget for production of the project is $197,000 and the contributions thereto will be paid as follows:

1. The "U.S. Service" shall pay a total of $50,000 to the Board for production of the film. Payment will be made according to the following schedule:

a. Approved story treatment: $17,500.
b. Completion of all photography: $17,500.
c. Interlock: $15,000.

2. The "Canadian Service", as of the date of this agreement has paid $70,000 for the production of this project.

3. The "Board" will contribute $77,000 to the production of the project during the term of the project. Any expenditure over $197,000 during the course of production will be borne by the "Board", unless such expenditures are the direct result of additional work requested by either the "U.S. Service" or the "Canadian Service" which was not part of the original project as outlined in the shooting schedule.

IV. *Logistic Support.* 1. In addition to the payment of $50,000, the "U.S. Service" will provide for normal logistic support at shooting sites on lands and facilities it administers where possible and consistent with routine operations after approval of such filming activities by the Office of Endangered Species and International Activities, Washington, D.C., U.S.A., and appropriate Regional Directors. The "Board" will provide the "U.S. Service" with shooting schedules 14 calendar days prior to actual visits by Board film crews to the United States so that logistic arrangements can be initiated. For the purpose of this agreement, "logistic support" includes such things as jeeps, blinds, regularly scheduled flights of helicopters or planes, and assistance by "U.S. Service" personnel.

2. The "U.S. Service" and the "Canadian Service" will also provide technical advice to the "Board" during the course of production of the project.

IV. *Distribution rights.* 1. The "U.S. Service" shall have the exclusive irrevocable right, license and privilege to distribute, exploit, utilize, and exhibit the film via any non-commercial methods or means in the United States, its territories and possessions, in perpetuity. The foregoing does not preclude the "U.S. Service" from considering entering into commercial arrangements for distribution or viewing of the film in the United States; however, any such commercial arrangement the "U.S. Service" might wish to make is subject to prior approval, in writing, by the "Board".

2. The "U.S. Service" warrants it will distribute only the entire film and not portions thereof or stock shots therefrom.

3. The "Board" shall have the exclusive irrevocable right, license, and privilege to distribute, exploit, utilize and exhibit the "film" via any methods or means throughout the World, except the United States of America, its territories and possessions, in perpetuity. The "Board" will distribute the "film" through its usual commercial and/or noncommercial means as it sees fit within any given territory in the World, except the United States of America, its territories and possessions.

4. The "Board" will have the exclusive irrevocable right, license, and privilege to distribute, exploit, utilize and exhibit the "stock shots" throughout the World, in perpetuity, for educational use at the current stock shot rates. Educational use for the purpose of this agreement is defined as follows: That use for the purpose of creating audio visual materials which will be used for educational, teaching, or instructional purposes in schools, colleges, universities, adult training, on-the-job training, etc. The audio visual materials so produced may be rented, loaned, given, or sold to the user. They may also be telecast on recognized educational television networks, stations or programs, or on a public affairs or news program. Educational use specifically does not mean the use of the "stock shots" for entertainment theatrical or television shows or programs, or for the purpose of producing commercials or advertisements which advertise or promote consumer or industrial products.

5. All or any revenue earned by the "U.S. Service" as a result of its distribution of the film shall be retained by the U.S. Government.

6. All or any revenue earned by the "Board" as a result of its distribution of the film shall be retained by the "Board."

7. Both the "U.S. Service" and the "Board" will report to each other within 30 days of January 1, each year after completion of the film, the number of prints distributed in their respective territories and the manner in which the prints were used; e.g., number sold, number rented, number exhibited on television, etc.

V. *Festivals—Competitions.* Both the "U.S. Service" and the "Board" have the right to enter the film in festivals or competitions within the territories where they have distribution rights.

VI. *Warranty.* The "Board", the "U.S. Service", and the "Canadian Service" warrant that they have full rights to enter into this Agreement and further represent and warrant that the project shall contain no material defamatory, libelous, or otherwise unlawful, and that the project shall in no way infringe in whole or in part any proprietary right, copyright, right of privacy or any other right of any person whomsoever.

VII. *Notice and delivery.* Notice to be given under this Agreement shall be given by mailing the notice by prepaid registered mail, addressed, in the case of notice to the "Board," to the National Film Board of Canada, at P.O. Box 6100, Montreal, Quebec H3C 3H5, Canada, and, in the case of notice to the "U.S. Service" to the United States Fish and Wildlife Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240; and in the case of the "Canadian Service," to the Department of Environment of Canada, Canadian Wildlife Service, Ottawa, Ontario K1A OH3, or at such other address as either party, respectively, in writing, designates for the purpose of giving notice to it. Deliveries under this Agreement shall be made at the address to which notices may be sent.

This Agreement is not valid unless signed by officials of the three parties with delegated authority to sign such agreements.

UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE
LELAND H. BARRINEAU,
Chief, Division of Contracting and General Services.
JUNE 27, 1974.

DEPT. OF ENVIRONMENT OF CANADA,
CANADIAN WILDLIFE SERVICE
A. G. LOUGHREY.
SEPTEMBER 30, 1974.

NATIONAL FILM BOARD OF CANADA,
ANTHONY VIELFAURE,
Director of Distribution.
SEPTEMBER 9, 1974.

R. VERRALL,
Director of Production.
SEPTEMBER 26, 1974.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: January 20, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-2227 Filed 1-24-75;8:45 am]

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COYOTE DAMAGE CONTROL: SHEEP AND GOATS

Report on Emergency Use of M–44 Devices Through October

Notice is hereby given on the emergency use of M–44 devices by the Department of Interior's operational predator damage control program, from inception and through the month of October. This is in compliance with the experimental use permit (No. 6704–EXP–6G) issued by the Environmental Protection Agency pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135–135K), and in accordance with 40 CFR, part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER notice of June 20, 1974 (39 FR 2216G).

Cumulative data for approval to use the M–44 device for June through October 1974 is as follows:

M–44 Emergency use approval—June 1 through Oct. 31, 1974

State	Number of counties	Number of ranches	Number of sheep and goats protected	Number of M–44's approved
Arizona	3	16	3,290	357
California	1	2	1,000	30
Idaho	2	2	2,278	35
Montana	21	39	27,485	1,167
Nevada	2	5	7,021	180
New Mexico	8	18	8,862	630
Oklahoma	6	6	1,441	117
Oregon	6	28	3,607	319
Texas	37	156	117,926	2,788
Utah	11	26	25,042	560
Wyoming	7	36	87,183	1,325
Total	107	334	236,015	7,508

One or more coyotes were taken with this device on approximately one-half of the emergency areas, but losses were not necessarily halted in each case. During this time period, 573 coyotes were taken by this device. Other species taken with the device during this period include 119 foxes, 6 feral dogs, 10 raccoons, 10 skunks, 14 opossums, and one calf.

All of the above use of M–44 devices as a supplemental tool to attempt to resolve coyote depredation on sheep and goats was conducted by trained Service personnel in accordance with the "Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M–44 Device for the Control of Depredating Canids," as it appears in the FEDERAL REGISTER, Volume 39, No. 120, Thursday, June 20, 1974.

Dated: January 21, 1975.

M. J. SPEAR,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.75–2284 Filed 1–24–75;8:45 am]

Geological Survey

SUBSEA PRODUCTION EQUIPMENT

Notice

By Notice in the FEDERAL REGISTER of July 10, 1973, (38 FR 18390), the Department of the Interior requested comments concerning several proposals to develop oil and gas resources on the Outer Continental Shelf offshore the States of Mississippi, Alabama, and Florida with a minimum of platforms visible above the waterline. This included an assessment of the state-of-the-art of subsea well completion techniques.

The Department now requests comments as to the current status of technology in subsea well completion techniques and subsea production systems. Comments are also requested as to the impacts that would result from requiring subsea completions as a condition to granting some OCS leases. Responses will be evaluated as part of an overall assessment of deepwater production technology. It is requested that respondents forecast developments in subsea technology and provide a time frame for their application. Comments should address all aspects of subsea operation, including the following:

1. Water depth capabilities, depths at which subsea systems are economical (vs bottom-founded platforms).
2. Cost of drilling, completing, and maintaining subsea wells.
3. Flowline connections and servicing.
4. Navigation for well location and re-entry.
5. Well maintenance and repairs.
6. Subsea separation and storage.
7. Diving limitations.

Comments should be forwarded to the Director, U.S. Geological Survey, National Center, Mail Stop 100, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before March 3, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

JANUARY 20, 1975.

[FR Doc.75–2324 Filed 1–24–75;8:45 am]

Office of the Secretary

COMMITTEE ON EMERGENCY PREPAREDNESS NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

The Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council will meet on February 7, 1975 at 10:00 a.m. at 1700 One Main Place, Dallas, Texas. The agenda includes the following items:

1. A request by the Assistant Secretary-Energy and Minerals, Department of the Interior, to the Chairman of the National Petroleum Council, dated December 20, 1974, that the Council extend the work of its Committee on Emergency Preparedness to develop additional information on the emergency petroleum security storage system recommended in the Committee's summary report of September 10, 1974.
2. A letter from the Assistant Secretary-Energy and Minerals, Department of the Interior, to the Chairman of the National Petroleum Council, dated December 31, 1974, outlining the major factors to be covered by the Committee on Emergency Preparedness in the development of additional information on the emergency petroleum security storage system requested on December 20, 1974.
3. Development of a schedule and an outline for preparation of a report in response to the request from the Assistant Secretary—Energy and Minerals, Department of the Interior.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343–7976.

Dated: January 23, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75–2531 Filed 1–24–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL RICE ADVISORY COMMITTEE

Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Rice Advisory Committee on February 11, 1975, beginning at 9 a.m., in Room 218–A, U.S. Department of Agriculture, Washington, D.C. 20250.

The purpose of the meeting is to consider the various aspects of producing and marketing rice, both in the U.S. and abroad. The meeting will be open to the public. Any member of the public may file a written statement with the Committee, before or within one week following the meeting.

The names of the members of the Committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Terrance G. Harman, Director, Cotton, Rice & Oilseeds Division, Room 5725–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C., on January 17, 1975.

TERRANCE G. HARMAN,
Executive Secretary, National Rice Advisory Committee.

[FR Doc.75–2304 Filed 1–24–75;8:45 am]

Economic Research Service

NATIONAL COTTON MARKETING STUDY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10 (a) (2) of Pub. L. 92–463, notice is hereby given of a meeting of the National Cotton Marketing Study Committee established by Secretary's Memo 1852. The Committee will meet at 1:30 p.m. on Wednesday, February 26, 1975, and 8:30 a.m. on Thursday, February 27, 1975 in the International Hotel at 3000 Canal Street, New Orleans, Louisiana.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee meeting includes a review of study group progress, discussion of problem areas, and development of a format for the final report.

The names of the appointees comprising the Committee, agenda and other information pertaining to the meeting may be obtained from Mr. Irving Starbird, Executive Secretary, Room 212, 500 12th Street, SW, Washington, DC. 20250 (202–447–8400).

AMOS D. JONES,
Chairman,
Economic Research Service.

[FR Doc.75–2380 Filed 1–24–75;8:45 am]

Soil Conservation Service

CHICOD CREEK WATERSHED PROJECT, NORTH CAROLINA

Notice of Availability of Final Environmental Impact Statement (Rev.)

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (revised) for the Chicod Creek Watershed Project, Pitt and Beaufort Counties, North Carolina, USDA–SCS–EIS–WS–(ADM)–72–27 (F)–NC. (Revised)

The EIS concerns a plan for reducing flooding and providing outlets for drainage for 10,000 acres of cropland and pastureland. The planned works of improvement include conservation land treatment supplemented by 66 miles of channel modification which consists of: (1) 30 miles of new channels with continuous flow through some seasons of the year, but little or no flow through other seasons; (2) 5 miles of new channels with flow only during periods of surface runoff; (3) 11 miles of enlargement of previously modified channels which have continuous flow through some seasons but little or no flow through other seasons; (4) 10 miles of previously modified channels with flows only during periods of surface runoff; (5) 10 miles of existing streams with perennial flow except during extreme drought. Also included are a 12.4 acre lake, 11 channel pools, two wetland preservation areas, 30 water control structures, and 10 sediment traps. Disturbed earth will be vegetated for sediment control and wildlife food and cover areas.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 27307, Raleigh, North Carolina 27611.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JANUARY 20, 1975.

[FR Doc.75–2312 Filed 1–24–75;8:45 am]

MARCOLA RC&D MEASURE, OREG.

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council of Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Marcola RC&D Measure, Lane County, Oregon.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James W. Mitchell, State Conservationist, Soil Conservation Service, USDA, 1218 SW. Washington Street, Portland, Oregon 97205, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The measure is a plan for flood prevention. The planned works of improvement include about 1,000 feet of interceptor diversions and 120 feet of 24-inch pipe, which will be installed to intercept flood water. This will be associated with, installation of 1,500 feet of 54-inch pipe, which will transport flood flows under the railroad, and the roadbed of Carson Street, the cleaning and slight enlargement of 1,500 feet of manmade channel around Marcola School, and the replacement of two culverts.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 1218 SW. Washington Street, Portland, Oregon 97205.

No administrative action on implementation of the proposal will be taken until February 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

VICTOR H. BARRY, JR.,
Deputy Administrator for Field Services, Soil Conservation Service.

JANUARY 17, 1975.

[FR Doc.75–2311 Filed 1–24–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

TEXAS TECH UNIVERSITY

Decisions on Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Docs. 74–22821 and 75–1286 appearing at pages 35586 and 2727 in the issues for Wednesday, October 2, 1974 and Wednesday, January 15, 1975, respectively, on pages 35587 and 2729, the docket number for the applications received from Texas Tech University should read as follows: "75–00098–33–46040".

PRESIDENT'S EXPORT COUNCIL

Open Meeting

A meeting of the President's Export Council will be held from 9:30 a.m. to 12:30 p.m. on Thursday, February 27, 1975, in Conference Room 4832 of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.

The Export Council was established by Executive Order 11753 of December 20, 1973 (38 FR 34983) to advise the President, the Council for International Economic Policy (CIEP), and the President's Interagency Committee for Export Expansion (PICEE), through the Secretary of Commerce, on export trade. The Council consists of 22 members who are all chief executive officers of major U.S. firms.

The purpose of this meeting will be to discuss the status of the Council's ongoing studies as well as other topics related to ways and means to increase U.S. export sales.

The public will be permitted to attend the meeting and approximately 20 seats will be available on a first-come, first-served basis. Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive Sec-

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retary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-2373).

Copies of minutes of the meeting will be available on request.

Any member of the public who wishes to file a written statement with the Committee may do so before or after the meeting.

Dated: January 22, 1975.

CHARLES W. HOSTLER,
Deputy Assistant Secretary for International Commerce.

[FR Doc.75-2404 Filed 1-24-75;8:45 am]

[File No. 22(71)-6]

KOMMANDETGESELLSCHAFT FUER TECHNISCHWIRTSCHAFTLICHE SYSTEME AND INDUSTRIE VERWALTUNGS UND BETRIEBSGESELLSCHAFT M.B.H.

Notice of Related Party Determinations

An Order dated March 27, 1974, was entered by the Office of Export Administration, Bureau of East-West Trade, Domestic and International Business Administration, Department of Commerce, against Wolfgang G. Prenosil and Apexa Deutschland G.m.b.H., Bauteile fuer Elektronik (Apexa), Egerstrasse 2, 6200 Wiesbaden, Federal Republic of Germany, indefinitely denying all privileges of participating, in any manner or capacity, in the exportation of U.S.-origin commodities or technical data. The Order was published in the FEDERAL REGISTER on March 27, 1974, at Page 11125.

Section 388.1(b) of the Export Administration Regulations provides, in pertinent part, that:

> Any order denying export privileges or excluding persons from practice before the Bureau of East-West Trade may be made applicable not only to persons named therein but also, to the extent necessary to prevent evasion, to other persons with whom such persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

By separate letters of March 27, 1974, Industrie Verwaltungs und Betriebsgesellschaft (hereinafter, IVB) and Kommandetgesellschaft fuer Technischwirtschaftliche Systeme (hereinafter, KTS), were notified by the Hearing Commissioner of the issuance of the above-referenced Denial Order of the same date. Those letters drew the attention of IVB and KTS to part III of the Denial Order which provides that:

> Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor, and to any person, firm, corporation, or business organization with which they or either of them now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or services connected therewith.

Based upon information received by the Bureau of East-West Trade to the effect that the denied party, Prenosil, had established, and was currently a partner in, IVB and KTS, those companies were informed in the above-referenced letters that, unless each company showed within 20 days that it had not been, or had wholly ceased to be, related to Prenosil, a related party determination would issue against it and it would become subject to the prohibitions of the Denial Order of March 27, 1974. No reply having been received from IVB or KTS, it has been determined, based upon the cited information, that they are related parties to Prenosil and are within the terms of § 388.1(b) of the Export Administration Regulations and Part III of the Denial Order issued against Prenosil, and are, therefore, subject to all prohibitions and restrictions of that Order.

The related parties, IVB and KTS, are notified that if either chooses to contend that the determination which is the subject of this Notice is not justified, either may make application to have the appropriate ruling reconsidered or terminated. Such application must be made to the Hearing Commissioner, Bureau of East-West Trade, Department of Commerce, Washington, D.C. 20230.

Dated: January 15, 1975.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.75-2350 Filed 1-24-75;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, February 26, 1975, from 9 a.m. to 5 p.m., and Thursday, February 27, 1975, from 8:30 a.m. to 12 Noon in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Agenda items are as follows:

1. Progress Report of the Sulfur Dioxide Control Technology Panel;
2. Plans for a Study of "Industrial Utilization of Federally Funded Energy R&D;"
3. Plans for a Study of Materials Shortages;
4. Technology Transfer in East-West Trade.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting. Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone (202) 967-5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

JANUARY 21, 1975.

[FR Doc.75-2318 Filed 1-24-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Applications for Certification of Certain Gas Detector Tube Units

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

Gas	Dates for submittal	Test standard
1. Styrene (C_8H_8)	Mar. 1 to Mar. 31, 1975.	100 ppm.
2. Ethane, 1,2-dichloro ($C_2H_4Cl_2$) ethylene dichloride.	Apr. 1 to Apr. 30, 1975.	50 ppm.
3. Hydrofluoric acid (HF) hydrogen fluoride.	May 1 to May 31, 1975.	3 ppm.

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Laboratory, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Dated: January 21, 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 75-2348 Filed 1-24-75;8:45 am]

Food and Drug Administration

TECHNICAL ELECTRONIC PRODUCT RADIATION SAFETY STANDARDS COMMITTEE

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the rechartering by the Secretary, Department of Health, Education, and Welfare of the Technical Electronic Product Radiation Safety Standards Committee for an additional period of 2 years beyond January 5, 1975.

Dated: January 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2329 Filed 1-24-75;8:45 am]

BOARD OF TEA EXPERTS

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; U.S.C. App. I), the Food and Drug Administration announces the rechartering by the Secretary, Department of Health, Education, and Welfare, of the Board of Tea Experts for an additional period of 2 years beyond January 5, 1975.

Dated: January 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2328 Filed 1-24-75;8:45 am]

PANEL ON REVIEW OF TOPICAL ANALGESICS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Panel on Review of Topical Analgesics including antirheumatic, otic, burn, and sunburn treatment and prevention drugs for an additional period of 2 years beyond December 27, 1974.

Authority for this committee will expire December 27, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2327 Filed 1-24-75;8:45 am]

Health Resources Administration

REGIONAL MEDICAL PROGRAMS NATIONAL ADVISORY COUNCIL

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Health Resources Administration announces the rechartering by the Secretary, DHEW, on December 26, 1974, of the following advisory council:

Council	Termination Date
National Advisory Council on Regional Medical Programs	Continuing.

Dated: January 9, 1975.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-2283 Filed 1-24-75;8:45 am]

Office of Education

STRENGTHENING DEVELOPING INSTITUTIONS; ADVANCED INSTITUTIONAL DEVELOPMENT PROGRAM

Notice of Closing Date for Applications

Notice is hereby given that pursuant to the authority contained in Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1054), the Commissioner of Education has decided to provide additional funding to selected "developing" institutions of higher education which received grants under the Advanced Institutional Development program in Fiscal Years 1973 and 1974, to enable such institutions to make greater progress in achieving both operational and fiscal stability and participation in the mainstream of American higher education. These awards will be made on a one-time only basis and will be made to those institutions whose progress in developing and implementing their final plan of operation has been deemed satisfactory.

Applications for grants will be evaluated on the basis of the criteria set forth in § 169.37 of the Title III regulations (45 CFR 169.37), and in selecting grantees under § 169.37, the Commissioner will give preferential consideration to those applications whose proposed activities are likely to best carry out one or more of the objectives listed in § 169.35 of the Title III regulations (45 CFR 169.35).

Eligible institutions desiring to receive additional funding must submit their applications to the U.S. Office of Education Application Control Center on or before March 17, 1975.

A. Application sent by mail. An Application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202. Attention: 13.454. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered applications. An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. Program information and forms. Information and application forms may be obtained from the Developing Institutions Program, U.S. Office of Education, Room 4921, 7th and D Streets SW., Washington, D.C. 20202.

(20 U.S.C. 1054)

(Catalog of Federal Domestic Assistance Number 13.454; Strengthening Developing Institutions)

Dated: January 20, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-2345 Filed 1-24-75;8:45 am]

Office of Human Development

TRANSPORTATION FOR THE ELDERLY

Hearing

The Commissioner on Aging transmitted a report to the Secretary of Health, Education, and Welfare, to the President, and to the Congress, on the State of the Art of Transportation for the Elderly on January 1, 1975. This report is required under Title IV, Section 412 of the 1973 Comprehensive Services Amendments to the Older Americans Act. The Act also requires that the Commissioner prepare and transmit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress, recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislative, administrative and other measures to provide solutions to the transportation problems of older Americans.

Issues raised in the report on the State of the Art of Transportation for the Elderly will be presented, and suggestions and recommendations for further action will be solicited from interested parties at four hearings to be conducted by the Commissioner on Aging in different parts of the country.

Major issues to be addressed at the hearings revolve around possible actions which could be taken at the Federal, State and community levels to improve transportation services for the elderly that make the most effective use of existing authorities and resources. Such issues include:

The coordination of special transportation systems;
Expanded use of existing public transportation resources;
Improved design of public transit vehicles;
Improved use of volunteerism and carpooling;
Overcoming barriers to the use of school buses for nonschool purposes;
Increased access to personal transportation.

Hearings will be held on the following dates and times at the places indicated:

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Date	Time	Place
Friday, Feb. 14, 1975.	9:00 a.m.	William Green, Jr., Federal Bldg., 600 Arch St., Room 3306, Philadelphia, Pa.
Thursday, Feb. 20, 1975.	9:00 a.m.	New Federal Bldg., 601 East 12th St., Room 140, Kansas City, Mo.
Saturday, Mar. 1, 1975.	10:00 a.m.	Sanford, N.C. (for address, contact Administration on Aging, in Washington, D.C.).
Monday, Mar. 3, 1975.	9:00 a.m.	Federal Office Bldg., 450 Golden Gate Ave., Room 13450, San Francisco, Calif.

All hearings will be open to the public.

Interested parties wishing to make statements at any of the hearings should contact Ms. Dolli Cutler, Office of Planning and Evaluation, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare, Room 4920, 400 6th Street SW., Washington, D.C. 20201. Telephone: (202) 245–0641.

Issued in Washington, D.C. on January 27, 1975.

ARTHUR S. FLEMING,
Commissioner on Aging,
Administration on Aging.

[FR Doc.75–2285 Filed 1–24–75;8:45 am]

Office of the Secretary

ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to me by the Secretary on April 4, 1973, I hereby redelegate to the Administrator, Health Resources Administration, the authority to perform the functions under section 225 of the Public Health Service, as amended, relating to the National Health Service Corps-PHS Scholarship Training Program, except for the designation of "other health-related specialists" under section 225(a).

This authority may be redelegated and supersedes any previous redelegations within the Public Health Service which are inconsistent with its provisions.

This delegation is effective immediately.

Dated: January 15, 1975.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.75–2347 Filed 1–24–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–248; FDAA–3007–EM]

ALABAMA

Notice of Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 18, 1975, the President declared an emergency as follows:

I have determined that the impact of tornadoes on the State of Alabama, beginning about January 10, 1975, is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93–288. I therefore declare that such an emergency exists in the State of Alabama. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas in the State of Alabama to have been adversely affected by this declared emergency:

The Counties of:
Jefferson
Lee
Macon
St. Clair
Shelby

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: January 20, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–2308 Filed 1–24–75;8:45 am]

[Docket No. NFD–247; FDAA 3006–EM]

MISSISSIPPI

Notice of Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 18, 1975, the President declared an emergency as follows:

I have determined that the impact of tornadoes on the State of Mississippi, occurring on January 10, 1975, is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93–288. I therefore declare that such an emergency exists in the State of Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas in the State of Mississippi to have been adversely affected by this declared emergency:

The Counties of:
Lincoln Pike

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: January 20, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–2309 Filed 1–24–75;8:45 am]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on February 14, 1975, at 9 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place NW., Washington, D.C. 20036.

The purpose of the meeting will be to meet with Dr. Eli Ginzberg, Chairman of the National Commission for Manpower Policy. Additionally, the Executive Director's report and a discussion of recruiting systems in the Army and Air Force by members of the staff will be presented to the Commissioners.

The meeting will be open to the public. Since meeting space is limited, interested persons wishing to attend should telephone (202) 254–7803 before close of business February 13, 1975.

Dated: January 21, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.)
Executive Director.

[FR Doc.75–2339 Filed 1–24–75;8:45 am]

MANPOWER REQUIREMENTS OF DEPARTMENT OF DEFENSE

Public Hearing

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Defense Manpower Commission will hold a public hearing on March 13, 1975, in the New Executive Office Building, Room 2010, 726 Jackson Place NW., Washington, D.C. 20036 from 9 a.m. to 4 p.m. so that representatives of public and private organizations and interested citizens can express their views on the issues which the Commission is required to address by its enabling legislation.

Pub. L. 93–155 directs the Commission to conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

The Commission is required to submit its final report to the Congress and to the President not more than twenty-four months after the appointment of the Commission, and shall cease to exist sixty days after the submission of its final report.

In carrying out its study and investigation, the Commission has been directed to give special consideration to:

(1) The effectiveness with which civilian and active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

(2) Whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

(3) The distribution of grades within each armed force and the requirements for advancement in grade;

(4) The cost effectiveness and manpower utilization of the United States Armed Forces as compared with the armed forces of other countries;

(5) Whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans;

(6) The methods and techniques used to attract and recruit personnel for the armed forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(7) The implications for the ability of the armed forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Public Law 92–129 and the implications for national policies of this change in the composition of the Armed forces; and

(8) Such other matters related to manpower as the Commission deems pertinent to the study and investigation.

Interested persons may make an oral presentation and/or submit a written statement for consideration by the Commission during the meeting.

The length and number of oral presentations to be made will depend on the number of requests received. Maximum time permitted per presentation will be fifteen (15) minutes.

Each person desiring to make an oral presentation or submit a written statement must notify the Commission and provide at least 10 copies of the presentation statement by March 6, 1975. The order of the presentations on the agenda will be determined by the order in which requests are received by the staff.

Statements should be limited to the mission of the Commission as outlined in Pub. L. 93–155, or other current issues regarding Department of Defense manpower.

Written material in furtherance of presentations will be accepted by the Commission at the time of the meeting and for four days thereafter.

Persons wishing to make presentations, or interested persons wishing to attend the public hearing as observers, must notify Mr. Rippa of the Commission staff (202/254–7803) by March 6, 1975. Copies of statements and other correspondence must be sent to: Defense Manpower Commission, 1111 18th Street, NW., Room 301, Washington, D.C. 20036, Attn: Hearing Management.

Dated: January 20, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.),
Executive Director.

[FR Doc.75–2340 Filed 1–24–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

INDIANA

[FRL 325–8]

PROGRAM FOR CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Notice of Approval

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Indiana's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92–500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program, except with respect to agencies and instrumentalities of the Federal Government. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On October 3, 1974, Indiana submitted a program for carrying out the NPDES. On November 26, 1974, EPA conducted a public hearing on the proposed approval in Indianapolis, Indiana. After a thorough review of the Indiana program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Otis R. Bowen in a letter dated January 1, 1975.

As of January 2, 1975, the Indiana NPDES permit program is being administered by the Indiana Stream Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206 (telephone (317) 633–4941). Mr. Oral H. Hert is the Technical Secretary of the Indiana Stream Pollution Control Board. The Indiana program is being administered in accordance with Indiana statutes and regulations and a Memorandum of Agreement between Indiana and the EPA Region V Office, 230 South Dearborn Street, Chicago, Illinois 60604 (telephone (312) 353–5250). All pertinent documents are available for inspection at the Indiana State agency and EPA Regional office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

ALAN G. KIRK,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.75–2273 Filed 1–24–75;8:45 am]

[OPP–32000/177; FRL 325–7]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before March 28, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information

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listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 28, 1975.

Dated: January 20, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–32000/177)

EPA File Symbol 8612–IN. B & G Co., PO Box 20372, Dallas TX 75220. B & G BGS 10 DUST INSECTICIDE. Active Ingredients: Carbaryl (1-Naphthyl Methylcarbamate) 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1324–T. Du-Rite Chem. Co., Inc., 3564 Bladensburg Rd., Brentwood MD 20722. TAHITIAN CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694–UE. Dymon, Inc., PO Box 6175, Kansas City KS 66106. X-IT SPOT WEED KILLER. Active Ingredients: Isooctylester of 2,4-dichlorophenoxyacetic acid 1.64%; Isooctylester of silvex [2-(2,4,5-trichlorophenoxy)] 0.54%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2124–764. W. R. Grace & Co., PO Box 277, Memphis TN 38101. WONDER GRO X-IT 14–4–4. Active Ingredients: N-butyl-N-ethyl-a,a,a,-trifluoro - 2,6-dinitro-p-toluidine 0.54%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 961–283. Lebanon Chem. Corp., PO Box 180, Lebanon PA 17042. GREEN VIEW EVER PREEN FOR EVERGREENS AND AZALEAS. Active Ingredients: Trifluralin (a,a,a - trifluoro-2-6-dinitro-N,N-dipropyl-6-toluidine) 0.74%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 618–75. Merck & Co., Merck Chem. Div., Rahway NJ 07065. FLOWABLE MERTECT 340–F FUNGICIDE. Active Ingredients: 2-(4-thiazolyl)-benzimidazole 42.28%. Method of Support: Label amendment 1 proceeds under 2(c); Label amendment 2 proceeds under 2(b) of interim policy.

EPA Reg. No. 618–74. Merck & Co., Merck Chem. Div., Rahway NJ 07065. MERTECT 360–WP FUNGICIDE. Active Ingredients: 2-(4-thiazolyl) benzimidazole 60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9556–EN. Ortex Products Inc., 560 Ferry St., Newark NJ 07105. ORTEX CONCENTRATED COPPER ALGAECIDE. Active Ingredients: Copper Sulphate Pentahydrate 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 99–104, Watkins Products, Inc., 150 Liberty St., Winona MN 55987. WATKINS GRAIN KEEP II. Active Ingredients: Propionic acid 99.6%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 984–AA. Whitmoyer Lab., Inc., 19 N. Railroad St., Myerstown PA 17067. WHITMOYER DEAD SURE. Active Ingredients: N-3-pyridylmethyl N'-p-nitrophenyl urea 2%. Method of Support: Application proceeds under 2(b) of interim policy.

[FR Doc.75-2270 Filed 1-24-75;8:45 am]

[FRL 320–5]

ENERGY RELATED SUSPENSION AUTHORITY

Report on Progress and Impact

Section 119(k)(2) of the Clean Air Act, as amended by the Energy Supply and Environmental Coordination Act of 1974, directs the Administrator to publish in the FEDERAL REGISTER at no less than 180 day intervals beginning January 1, 1975, certain reports and findings on the implementation of EPA's energy related suspension authority under section 119 of the Act. Specifically, the Administrator is directed to publish a concise summary of progress reports required to be filed by any person or source owner or operator to which the compliance date extension provisions of subsection 119(c) apply. Such reports are to include information on the status of compliance with requirements imposed by the Administrator under subsection 119(c). In addition, the Administrator is directed to publish up-to-date findings on the impact of section 119 upon applicable State implementation plans and upon ambient air quality.

As of January 1, 1975, no applications for compliance date extensions under subsection 119(c) had been received by the Administrator and no such extensions were granted. Therefore, no progress reports were required of or filed by any person or source owner or operator under subsection 119(c). In addition, no temporary suspensions or postponements under subsections 119(b) and 119(i) became effective before January 1, 1975. Section 119, therefore, had no impact on applicable State implementation plans or ambient air quality from the date of its enactment on June 22, 1974, up to January 1, 1975.

Date: January 17, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-2272 Filed 1-24-75;8:45 am]

[FRL 326–1]

SCIENTIFIC SEMINAR ON AUTOMOTIVE POLLUTANTS

Seminar

Notice is hereby given that a scientific seminar will be held at the Thomas Jefferson Memorial Auditorium, U.S. Department of Agriculture, South Building, 14th Street and Independence Avenue, Washington, D.C., on February 10, 11, and, if necessary, February 12, 1975, each day at 9 a.m.

The purpose of the seminar is to continue to assemble the most recent research knowledge on the health effects and atmospheric chemistry of air pollutants from automobiles by offering the scientific community and other interested persons the opportunity to present information through this forum.

Representatives of industry, environmental groups, government agencies, universities and private research institutions are invited to present and discuss research findings pertaining to the subject. The principal concern of the seminar will be NO_x because of recently developed information on this subject; however, the presentation of any new information related to CO, HC, or other automotive pollutants is also in order. Presentations should address the following agenda items: (1) health effects (experimental animal and human studies); and (2) atmospheric chemistry of NO_x including the relationship of NO_x to hydrocarbons and the formation of photochemical oxidants.

The meeting will be open to the public. Persons wishing to submit a paper, attend, or obtain further information should contact Dr. Herbert L. Wiser, Deputy Assistant Administrator for Environmental Sciences, Office of Research and Development (RD–682), Environmental Protection Agency, Washington, D.C. 20460. The telephone number is (202) 755–0655.

Persons failing to notify EPA by February 3, 1975 of their intent to give an oral presentation at the seminar shall not be entitled to give such a presentation except at the discretion of EPA. Such persons are not precluded, however, from submitting written statements for the record.

WILSON K. TALLEY,
Assistant Administrator for
Research and Development.

JANUARY 21, 1975.

[FR Doc.75-2274 Filed 1-24-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 737]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 20, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21010–CD–P–(3)–75, Advanced Radio Communications Company (new). C.P. for a new 2-way station to operate on 454.025, 454.050, and 454.250 MHz to be located at 5282 Lee Highway, Arlington, Virginia.

21011–CD–P–75, The Lincoln Telephone and Telegraph Company (new). C.P. for a new 2-way station to operate on 152.72 MHz to be located at 591 "D" St., David City, Nebraska.

21012–CD–P–75, Mobilphone-Paging Radio Corporation (KRS653). C.P. for additional facilities to operate on 152.24 MHz at Loc. #3: Rt. 165, 6.3 miles W. of Exeter, Rhode Island.

21013–CD–P–75, Mobilfone Corporation (KSV992). C.P. to change antenna system and relocate facilities operating on 158.70 MHz located at 120 South 6th Street, Minneapolis, Minnesota.

21014–CD–P–(2)–75, Kidd's Communications, Inc. (KMD349). C.P. to change antenna system and for additional facilities to operate on 35.58 MHz located at 215 East 18th Street, Bakersfield, California.

21015–CD–TC–(2)–75, Radio Dispatch Corporation. Consent to Transfer of Control from Radio Dispatch Corporation, Transferor, to Robert H. Stopher, Transferee. Stations: KSV928 and KMD992, Pomona, California.

21016–CD–P–75, General Communications Service (KOE257). C.P. to add antenna Loc. #3 to operate on 35.22 MHz located at Shaw Butte Mtn., 1.5 miles N. of Phoenix, Arizona.

21017–CD–P–75, Answer Iowa, Inc. (KWH325). C.P. to relocate facilities operating on 152.24 MHz to be located at 805 Brady Street, Davenport, Iowa.

21018–CD–P–75, Answer Iowa, Inc. (KAF642). C.P. to relocate facilities operating on 152.03 MHz to be located at 805 Brady Street, Davenport, Iowa.

21019–CD–P–75, Mobilefone Northwest (KFL 918). C.P. to relocate facilities, control, operating on 454.35 MHz located at 347 2nd Avenue, Walla Walla, Washington.

21020–CD–P–75, General Communications Service, Inc. (KLB562). C.P. to relocate standby facilities operating on 152.12 MHz located 1 mile W. of Andrews, Texas.

21021–CD–P–75, Radio Phone Communications, Inc. (new). C.P. for a new 1-way station to operate on 35.22 MHz to be located at 5232 Lee Highway, Arlington, Virginia.

21022–CD–P–75, Valcom, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Flanders Hill, 1 mile N. of Norwich, Vermont.

20853–CD–P–75, Tel-Illinois, Inc. (KWH304), Mt. Vernon, Illinois. Amend to add additional transmitter location for the 158.70 MHz facilities to be located at a site described as water tank adjacent to City Hall, Collinsville, Illinois. All other particulars to remain as reported on PN #732 dated December 16, 1974.

20854–CD–P–75, Tel-Illinois, Inc. (KUO565), Mt. Vernon, Illinois. Amend to add additional transmitter location for the 43.22 MHz facilities to be located at a site described as water tank adjacent to City Hall, Collinsville, Illinois. All other particulars to remain as reported on PN #732 dated December 16, 1974.

20900 – CD – P – (2) – 75, Tel-Missouri, Inc. (KRS636), St. Charles, Missouri. Amend to add additional transmitter location for the 158.70 MHz facilities to be located at Lindenwood College Campus, St. Charles, Missouri. All other particulars to remain as reported on PN 3733 dated December 23, 1974.

20901 – CD – P – (2) – 75, Tel - Missouri, Inc. (KDN396), Clayton, Missouri. Amend to add additional transmitter location for the 35.58 MHz facilities to be located at Lindenwood College Campus, St. Charles, Missouri. All other particulars to remain as reported on PN #733 dated December 23, 1974.

20937–CD–AL–75, Jennings B. Bacon dba Telephone Message Exchange. (KRS678). Amend to reflect that CP for station KUC918 is also included among the Assignments. KUC918, Baldy Hill, Washington. All other particulars to remain as reported on PN #735 dated January 6, 1975.

Corrections

Correction appearing on PN #735 dated January 6, 1975, should have listed file number as 21085–C2–P–(3)–74 instead of 21086–C2–P–(2)–74. All other particulars to remain as reported.

DPRS, Inc. t/a Zipcall. 20853–C2–P–(2)–74 (KTS212), 20855–C2–P–74 (KCB891), 21282–C2–P–74 (KCB890), and 20118–CD–P–(2)–75 (KCB890) have been made part of 20854–C2–P–(2)–74, all under call sign KCB890, in the area of Boston, Massachusetts. All other participants to remain as reported on PN's dated 4/29/74, 1/8/74, and 8/5/74.

INFORMATIVE

DOMESTIC PUBLIC LAND MOBILE SERVICE

On the Common Carrier Public Notice of January 13, 1975 (Report No. 736) applicants were advised that FCC Rules implementing the National Environmental Policy Act of 1969 would become effective January 20, 1975. Applicants are advised that all applications for construction permit are required to contain the following statement:

This application is -- is not -- a "major action" as defined by § 1.1305 of the Commission's Rules.

We request that this statement be made as Exhibit No. 1 to each application, until we can amend the forms. We realize that this may require renumbering of previously prepared exhibits (e.g., from No. 1 to No. 1A), but we believe that it will speed the initial processing if the processors know where to look for the statement.

Applications which would involve a major action must contain the environmental information specified by rule § 1.1311. In view of the late notification of this new requirement, applications received on or after January 20, 1975 will be given until February 10, 1975 to amend their applications with the above information. All applications received after February 10, 1975, and the aforementioned applications which have not been amended to include this information will be returned as defective pursuant to § 21.20 of the rules.

RURAL RADIO SERVICE

60243–CR–P/L–75, The Mountain States Telephone and Telegraph Company (new). C.P. for a new rural subscriber station to operate on 157.95 MHz to be located 18.5 miles East of Cheyenne, Wyoming.

60244–CR–P/L–75, The Mountain States Telephone and Telegraph Company (new). C.P. for a new rural subscriber station to operate on 157.80 MHz to be located 6 miles NE. of San Luis, Colorado.

60245–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new interoffice station to operate on 459.450 MHz to be located 336 miles North of Fairbanks, Pump Station #2, Alaska.

INFORMATIVE

RURAL RADIO SERVICE

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Applications which would involve a major action must contain the environmental information specified by rule § 1.1311. In view of the late notification of this new requirement, applications re-

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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ceived on or after January 20, 1975 will be given until February 10, 1975 to amend their applications with the above information. All applications received after February 10, 1975, and the aforementioned applications which have not been amended to include this information will be returned as defective pursuant to § 21.20 of the Rules.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2045–CF–P–75, CPI Satellite Telecommunications Inc. (WPE35), One Main Place, corner of Field & Main Streets, Dallas, Texas. Lat. 32°46'49" N., Long. 96°48'07" W. C.P. to add frequency 11465.0V MHz and 11225.0V MHz toward Cedar Hill, Texas, on azimuth 217°07'.

2046–CF–P–75, Same (new), 1.5 Miles Southwest of Cedar Hill, Texas. Lat. 32°34'42" N., Long. 96°58'56" W. C.P. for a new station on frequencies 11175.0V, 10935.0V toward Dallas, Texas on azimuth 37°00'.

2115–CF–P–75, Carter-Goeken, Inc. (new), 233 S. Wacker Drive, Chicago, Illinois. Lat. 41° 52'44" N., Long. 87°38'10" W. C.P. for a new station on 2177.0H MHz toward Grays Lake, Illinois, on azimuth 328°48'.

2116–CF–P–75, Same (new), 1.42 Miles from Grays Lake on 105° bearing, Grays Lake, Illinois. Lat. 42°20'22" N., Long. 88°00'45" W. C.P. for a new station on 2127.0H MHz toward Chicago, Illinois on azimuth 148° 32' and 2120.0H MHz toward Union Grove, Wisconsin, on azimuth 4°43'.

2117–CF–P–75, Same (new), 250 E. Wisconsin Avenue, Milwaukee, Wisconsin. Lat. 43° 03'15" N., Long. 87°54'30" W. C.P. for a new station on 2163.0V MHz toward Union Grove, Wisconsin, on azimuth 187°27'.

2118–CF–P–75, Same (new), 5.1 miles from Union Grove on 133° bearing, Union Grove, Wisconsin. Lat. 42°36'15" N., Long. 87°59'45" W. C.P. for a new station on 2179.0H MHz toward Grays Lake, Illinois, on azimuth 186°44' and 2113.0V MHz toward Milwaukee, Wisconsin, on azimuth 7°24'.

2267–CF–P–75, MCI Telecommunications Corporation (WOE57), 500 Griswold Street, (Guardian Bldg.), Detroit, Michigan. Lat. 42°19'47" N., Long. 83°02'46" W. C.P. to add point of communication on 11465.0V MHz toward Detroit Grand, Michigan on azimuth 330°41'.

2168, Same (new), 3044 W. Grand Blvd., Detroit, Michigan. Lat. 42°22'07" N., Long. 83°04'32" W. C.P. for a new station on frequency 11055.0V MHz toward Detroit, Michigan, on azimuth 150°40'.

2160–CF–MI–75, American Telephone and Telegraph Company (KIV70), 4.8 Miles East of Chatsworth, Georgia. Lat. 34°49' 12" N., Long. 84°41'16" W. Mod. of License to change polarization from vertical to horizontal on frequency 4010 MHz toward Adairsville, Georgia, on azimuth 201 degrees/03 minutes.

2263–CF–P–75, RCA Alaska Communications, Inc. (new), Franklin Bluff Camp, Alyeska pipeline construction site near Hill 981 247 miles North of Fairbanks, Alaska. Lat. 69° 43'04" N., Long. 148°42'02" W. C.P. for new station on frequency 2168.0H MHz toward Franklin Bluff, Alaska, on azimuth 45 degrees/15 minutes.

2264–CF–P–75, Same (WCF50), Franklin Bluff, remote repeater site at Hill 981 on Alyeska pipeline route, 362 miles North of Fairbanks, Alaska. Lat. 69°47'24" N., Long. 148°22'22" W. C.P. to add 2138.0H MHz toward Franklin Bluff Camp, Alaska, on azimuth 225 degrees/27 minutes.

2265–CF–P/ML–75, General Telephone and Telegraph Company of the Northwest, Inc. (KPJ99), 1109 Midway Blvd., Oak Harbor, Washington. Lat. 48°17'32" N., Long. 122° 38'35" W. C.P. and Mod. of License to add 5907.8H MHz toward Camano, Washington, on azimuth 135 degrees/54 minutes. Applicant requests authority to change from temporary fixed location to permanent, pursuant to section 21.707(2) of FCC rules.

2266–CF–P/ML–75, Same (KPJ97), Camano Island, 2.0 miles ENE of Camano, Washington. Lat. 48°13'21" N., Long. 122°29'38" W. C.P. and Mod. of License to add frequency 6189.8H MHz toward Oak Harbor, Washington, on azimuth 316 degrees/01 minute. Applicant requests authority to change from temporary fixed location to permanent, pursuant to section 21.707(2) of FCC rules.

2275–CF–P–75, Southern Bell Telephone and Telegraph Company (KTF60), 125 Reese Street, Athens, Georgia. Lat. 33°57'27" N., Long. 83°22'52" W. C.P. to change output power of frequencies 6197.2H, 6315.9H MHz, and to add frequency 6375.2H MHz toward Alcovy Mtn., Georgia, on azimuth 233 degrees/35 minutes.

2276–CF–P–75, Same (KIB39), Alcovy Mountain, 3.3 miles ENE. of Jersey, Georgia. Lat. 33°43'57" N., Long. 83°44'43" W. C.P. to replace transmitters and change output power on frequencies 5974.8H, 6034.2H, 6093.5H, and 6152.8H toward Rockdale, Georgia, on azimuth 242 degrees/05 minutes; add frequency 6123.1H MHz and change output power on frequencies 5945.2H and 6063.8H MHz toward Athens, Georgia, on azimuth 53 degrees/23 minutes.

2277–CF–P–75, Same (KJG94), Rockdale, approximately 3 miles SE. of Conyers, Georgia. Lat. 33°37'42" N., Long. 83°58'47" W. C.P. to replace transmitter on frequency 6285.2H MHz and to change output power on frequencies 6226.9H, 6345.5H, and 6404.8H MHz toward Alcovy Mtn., Georgia, on azimuth 61 degrees/57 minutes.

2280–CF–P–75, The Mountain States Telephone and Telegraph Company (KPH75), 10.1 miles East of Glendive, Montana. Lat. 47°07'05" N., Long. 104°28'35" W. C.P. to add frequency 2112.0V MHz toward a new point of communication at Rim Road, Mid-Rivers Co-op, Montana, on azimuth 364 degrees/39 minutes.

2281–CF–P–75, Continental Telephone Company of Texas (KLF30), South West corner Walnut and Church Streets, Hemphill, Texas. Lat. 31°20'23" N., Long. 93°50'56" W. C.P. to change frequency, power and emission, and replace transmitter from 6125V and 6375V MHz to 1225.0V and 1485.0V MHz toward Hurricane Hill, Texas, on corrected azimuth 178 degrees/02 minutes, and length of radio path 27.76 Km.

2282–CF–P–75, Same (KLF31), Newton, Texas. C.P. to change frequency, power and emission and replace transmitter from 6175V and 6415V MHz to 11565.0V and 11095.0V MHz toward Hurricane Hill, Texas, on corrected azimuth 343 degrees/27 minutes.

2283–CF–P–75, Same (KLF32), Hurricane Hill, Texas. Lat. 31°05'32" N., Long. 93°56'20" W. C.P. to change frequency, power and emission and replace transmitter from 6085V and 6285V MHz to 10855.0V and 11095.0V MHz toward Newton, Texas, on corrected azimuth 163 degrees/26 minutes and length of radio path 27.37 Km.; from 6015V and 6255V MHz to 10735.0V and 10975.0V MHz toward Hemphill, Texas, on corrected azimuth 358 degrees/02 minutes, and length of radio path 27.76 Km.

2112–CF–P–75, Eastern Microwave, Inc. (KEG91), 8 miles ESE. of Canisteo Mtn., New York. Lat. 42°12'16" N., Long. 77°29'20" W. C.P. to add new point of communication at Springwater, New York, on 6137.9H MHz and Alma Hill, New York, via power split.

2113–CF–P–75, Same (KEA27), 3.2 miles W. of Springwater, New York. Lat. 42°38'21" N., Long. 77°39'34" W. C.P. to add 6316.9V MHz toward Rochester, New York.

2040–CF–P–75, Same (KEA27). C.P. to change antenna system and to add 6226.9H MHz and 6256.5V MHz toward Rochester, New York, on azimuth 61°34'.

Correction

The following was erroneous omitted on Public Notice dated December 16, 1974.

1719–C1–P–75, Michigan Bell Telephone Company (KQH77), 10389 Hadley Rd., Atlas, Michigan. C.P. to add 4150V MHz toward Flint, Oxford, and Millington, Michigan.

1939–CF–MP–75, Taft Broadcasting Corporation. Correct call sign to read: WSM43.

Major amendments

1209–C1–P–74, Alabama Microwave, Inc. (KJJ57), Capshaw Mtn., Alabama. Lat. 34°49'05" N., Long. 86°44'16" W. Application amended to change frequency to 6197.2V MHz toward Rogersville, Alabama, on azimuth 273°29'.

1210–C1–P–74, Same (KJW67), Rogersville, Alabama. Lat. 34°50'36" N., Long. 87°16'30" W. Application amended to change frequency to 5945.2V MHz toward Florence, Alabama, on azimuth 264°41'. (NOTE: Waiver of 21.701(l) is requested by Alabama.)

[FR Doc.75-2334 Filed 1-24-75;8:45 am]

[Docket Nos. 20310; 20311; BP–19596; BR–19095]

LAKE COUNTY BROADCASTERS AND KBMR RADIO, INC.

Applications for Construction Permits; Consolidated Hearing

In re Applications of Lake County Broadcasters, a limited partnership, (Terry L. Kinne and Judy A. Kinne, General Partners), Polson, Montana; requests: 1050 kHz, 1 kW, D and KBMR Radio, Inc., Polson, Montana; requests: 1070 kHz, 1 kW, 25 kW–LS, DA–N, U for Construction Permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the two above-described applications for new standard broadcast stations at Polson, Montana. The applications must be designated for a consolidated hearing since operation as proposed would result in mutual overlap of 2 mV/m and 25 mV/m contours in contravention of section 73.37(a), and would result in three daytime aural services to Polson in contravention of § 73.37(e)(1)(ii).

2. According to the financial data submitted in its application, Lake County Broadcasters [Lake County] would require $58,034 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Lease payment on equipment	$7,814
Mortgage payments (land)	1,951
Mortgage payments (building)	2,750
Miscellaneous	6,450
Estimated interest on loan (at 10 percent)	2,500
Working capital (first-year)	36,569
Total	58,034

To meet this requirement, Lake County relies upon $15,000 in existing capital, and two loans from financial institutions—a $25,000 loan from Security State Bank, and a $20,000 loan from First Security Bank. Although the existing capital is well documented, the two bank loans are unacceptable for failure to comply with section III, paragraph 4(e), of FCC Form 301. Specifically, the letter of commitment from Security State Bank does not state the collateral required, nor does it specify the rate of interest. Further, the letter from First Security Bank does not contain language indicating a firm commitment to lend money, but rather is an offer to consider such a loan. In view of these deficiencies, the Commission cannot conclude that sufficient funds will be available to Lake County, as required, to meet the projected costs of construction and operation. Accordingly, an appropriate issue will be specified.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services 1 mV/m or greater in the case of FM in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. With respect to the application of Lake County Broadcasters:

(a) To determine the terms and conditions of the two putative bank loans and whether they are available to the applicant;

(b) Whether, in light of the evidence adduced in (a) above, whether Lake County Broadcasters is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

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6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 31, 1974.

Released: January 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2335 Filed 1-24-75;8:45 am]

[Docket Nos. 20317, 20318; File Nos. BPH–8565; BPH–8680]

KEN STEPHENS AND GULF STATES BROADCASTING CO., INC.

Applications for Construction Permits; Consolidated Hearing

In re Applications of Ken Stephens, Orange, Texas; requests: 106.1 mHz; Channel No.: 291; 100 kW(H&V); 909 feet and Gulf States Broadcasting Company, Inc., Orange, Texas; requests: 106.1 mHz; Channel No.: 291; 100 kW (H&V); 1,065 feet.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, section 0.281 of the rules, has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Orange, Texas.

2. Gulf States Broadcasting Company proposes Black-oriented programming while Ken Stephens proposes a "Beautiful Music" format. Accordingly, the relative need for these different types of programming will be considered under the standard comparative issue. Ward L. Jones, FCC 67–82 (1967). Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965).

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

5. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 14, 1975.

Released: January 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2336 Filed 1-24-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Special Committee No. 68, "Marine Radiotelephone Operator Education", Notice of 4th Meeting, Tuesday, February 18, 1975—9:30 a.m., Conference Room 847, 1919 M Street, NW, Washington, D.C.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Approval of submitted papers.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

A. Newell Garden, Chairman, SC–68, Raytheon Company, 141 Spring Street, Lexington, Massachusetts 02173, Phone: [617] 862–6600 (Ext. 414).

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service", Notice of 28th Meeting, Wednesday, February 19, 1975—9:00 a.m. (All-day meeting), Conference Room A205, 1229 20th Street, NW, Washington, D.C.

AGENDA

1. Call to Order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Approval of submitted papers.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

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H. B. Smith, Chairman, SC–65, ITT Mackay Marine, 441 U.S. Highway #1, Elizabeth, N.J. 07202, Phone: (201) 527–0600.

Special Committee No. 65, "Ship Radar", Notice of 35th Meeting, Wednesday, February 19, 1975—1:30 p.m., Conference Room 8210, 2025 M Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC–65 Summary Records.
4. Progress Report of Collision Avoidance Working Group.
5. Small Boat Radar Specifications.
6. Other business.
7. Establishment of next meeting date.

COLLISION AVOIDANCE WORKING GROUP

The Collision Avoidance Working Group will hold a meeting on Wednesday, February 19, 1975, beginning at 9:30 a.m., in Conference Room 8210, 2025 M Street, NW., Washington, D.C.

Irvin Hurwitz, Chairman, SC–65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632–7197.

RTCM Executive Committee, Notice of February meeting, Thursday, February 20, 1975—9:30 a.m., Conference Room 847, 1919 M Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of Minutes.
4. Committee Reports.
5. Status report on "Federal Advisory Committee Act".
6. Discussion on draft papers.
7. Assembly Meeting Report.
8. Reports on other meetings.
9. Summary reports and announcements.
10. New business.
11. Establishment of next meeting date.

To comply with the advance meeting notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room number given in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc. 75–2333 Filed 1–24–75;8:45 am]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9214–14 extends the scope of the conference agreement to cover intermodal shipments moving under a through bill of lading or otherwise; matters relating to per diem, free time and detention on carrier provided equipment; positioning of such equipment; interchange; receiving, handling, storage, delivery and consolidation; depots, yards and freight stations and such other matters as may be ancillary to such intermodal movements. It also provides that the Conference may agree with other conferences serving the same European ports in establishing rules, practices and charges relating to the inland movement of containers to and from member lines' terminals at those ports.

Dated: JANUARY 22, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2370 Filed 1–24–75;8:45 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 8210–28 extends the scope of the conference agreement to cover intermodal shipments moving under a through bill of lading or otherwise; matters relating to per diem, free time and detention on carrier provided equipment; positioning of such equipment; interchange; receiving, handling, storage, delivery and consolidation; depots, yards and freight stations and such other matters as may be ancillary to such intermodal movements. It also provides that the Conference may agree with other conferences serving the same European ports in establishing rules, practices and charges relating to the inland movement of containers to and from member lines' terminals at those ports.

Dated: January 22, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2369 Filed 1–24–75;8:45 am]

SCANDINAVIA BALTIC/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9982–4 extends the scope of the conference agreement to cover intermodal shipments moving under a through bill of lading or otherwise; matters relating to per diem, free time and detention on carrier provided equipment; positioning of such equipment; interchange; receiving, handling, storage, delivery and consolidation; depots, yards and freight stations and such other matters as may be ancillary to such intermodal movements. It also provides that the Conference may agree with other conferences serving the same European ports in establishing rules, practices and charges relating to the inland movement of containers to and from member lines' terminals at those ports.

Dated: January 22, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2368 Filed 1–24–75;8:45 am]

AMERICAN EXPORT LINES, INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC, 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

AMERICAN EXPORT LINES, INC., SEA-LAND SERVICE, INC., UNITED STATES LINES, INC.

Notice of Agreement Filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 10138–1, among the above-named carriers, is an agreement to modify their basic self-policing and discussion agreement applicable to U.S. military and government household goods to (1) expand the scope to include United States Gulf ports; (2) provide for agreement on rates, rules, equipment utilization and other matters of common concern; (3) modify the independent action clause to require 48 hours' notice; (4) provide for the filing and maintenance of a common tariff in lieu of individual tariffs; (5) extend the notice period for resignation from 30 to 90 days; and (6) provide for a majority vote for all actions except modifications to the Agreement.

Dated: January 21, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2367 Filed 1–24–75;8:45 am]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:
Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 7770–12 extends the scope of the conference agreement to cover intermodal shipments moving under a through bill of lading or otherwise; matters relating to per diem, free time and detention on carrier provided equipment; positioning of such equipment; interchange; receiving, handling, storage, delivery and consolidation; depots, yards and freight stations and such other matters as may be ancillary to such intermodal movements. It also provides that the Conference may agree with other conferences serving the same European ports in establishing rules, practices and charges relating to the inland movement of containers to and from member lines' terminals at those ports.

By Order of the Federal Maritime Commission.

Dated: January 22, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2371 Filed 1–24–75;8:45 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed; Modification

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 (U.S.C. 814).

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Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 7100–17 extends the scope of the conference agreement to cover intermodal shipments moving under a through bill of lading or otherwise; matters relating to per diem, free time and detention on carrier provided equipment; positioning of such equipment; interchange; receiving, handling, storage, delivery and consolidation; depots, yards and freight stations and such other matters as may be ancillary to such intermodal movements. It also provides that the Conference may agree with other conferences serving the same European ports in establishing rules, practices and charges relating to the inland movement of containers to and from member lines' terminals at those ports.

Dated: January 23, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2372 Filed 1-24-75;8:45 am]

NEW YORK SHIPPING ASSCCIATION, INC. AND INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL–CIO

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 6, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
C. P. Lambos, Counsel
New York Shipping Association, Inc.
Lorenz, Finn, Giardino & Lambos
25 Broadway
New York, New York 10004
and
Thomas W. Gleason, Counsel
International Longshoremen's Association, AFL-CIO
17 Battery Place
New York, New York 10004

Agreement No. T–3007–2, between the members of the New York Shipping Association, Inc. (NYSA) and the members of the International Longshoremen's Association, AFL-CIO (ILA), modifies the parties' basic tonnage assessment agreement (as heretofore amended) for the three-year period commencing October 1, 1974. The purpose of the amendment is to modify the assessment of newsprint so that newsprint shall be assessed (effective October 1, 1974, under Agreement No. T–3007) on an excepted cargo basis. Agreement No. T–3007–2 is a result of Agreement No. T–3055, between the ILA, NYSA, Daniels & Kennedy, Inc., and the Madden Corporation which, inter alia, provides for the settlement of certain issues raised by Agreement No. T–3007 under FMC Pocket No. 74–49 with respect to NYSA/ILA assessments against newsprint cargoes.

Dated: January 22, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2373 Filed 1-24-75;8:45 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed; Modification

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 5850–28 extends the scope of the conference agreement to cover intermodal shipments moving under a through bill of lading or otherwise; matters relating to per diem, free time and detention on carrier provided equipment; positioning of such equipment; interchange; receiving, handling, storage, delivery and consolidation; depots, yards and freight stations and such other matters as may be ancillary to such intermodal movements. It also provides that the Conference may agree with other conferences serving the same European ports in establishing rules, practices and charges relating to the inland movement of containers to and from member lines' terminals at those ports.

Dated: January 22, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2374 Filed 1-24-75;8:45 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed; Modification

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Modification of Agreement

Notice of Agreement Filed by:
Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 7670–12 extends the scope of the conference agreement to cover intermodal shipments moving under a through bill of lading or otherwise; matters relating to per diem, free time and detention on carrier provided equipment; positioning of such equipment; interchange; receiving, handling, storage, delivery and consolidation; depots, yards and freight stations and such other matters as may be ancillary to such intermodal movements. It also provides that the Conference may agree with other conferences serving the same European ports in establishing rules, practices and charges relating to the inland movement of containers to and from member lines' terminals at those ports.

Dated: January 22, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2375 Filed 1-24-75;8:45 am]

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL–CIO ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 6, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL–CIO
NEW YORK SHIPPING ASSOCIATION, INC.
DANIELS & KENNEDY, INC.
AND
THE MADDEN CORPORATION

Notice of Agreement Filed by:
Thomas W. Gleason, Counsel
International Longshoremen's Association, AFL–CIO
17 Battery Place
New York, New York 10004
and
C. P. Lambos, Counsel
New York Shipping Association, Inc.
Lorenz, Finn, Giardino & Lambos
25 Broadway
New York, New York 10004

Agreement No. T–3055, between the International Longshoremen's Association, AFL–CIO (ILA); the New York Shipping Association, Inc. (NYSA); and Daniels & Kennedy Inc. (D&K) and The Madden Corporation (Madden) (collectively as the "Newsprint Interests"), provides for the settlement of the parties' litigation in FMC Dockets Nos. 69–57, 73–34 and 74–49.

With respect to Docket No. 69–57, the parties settle their litigation without regard to the continuance of these proceedings by any other parties to the proceedings. The agreement also provides that the Newsprint Interests relinquish any and all claims which they presently or in the future may have to any monies or other relief which may be due them as a result of proceedings in Docket No. 69–57, et al. arising out of alleged overassessments against them under FMC Agreement No. T–2390 and the Newsprint Interests further agree that they will make no further such claims against NYSA, ILA or any NYSA–ILA fringe benefit fund before any tribunal, without regard to future events or actions in Docket No. 69–57, et al. The agreement further provides that D&K withdraw its complaint in Docket No. 69–57) and D&K dated with Docket No. 69–57) and D&K and Madden each withdraw as intervenors in Docket No. 69–57 and all other proceedings consolidated therewith, upon final Federal Maritime Commission approval of this agreement and FMC Agreement No. T–3007–2.

With respect to Dockets Nos. 73–74 and 74–49, the parties agree that all issues in these proceedings are fully and completely settled. The agreement provides that D&K relinquish any and all claims which it presently or in the future may have to any monies or other relief which may be due it as a result of these proceedings arising out of alleged overassessments against D&K under FMC Agreements Nos. T–2804 and T–3007. The agreement also provides that D&K agrees not to make any further such claims against NYSA, ILA or any NYSA–ILA fringe benefit fund before any tribunal, without regard to future events or actions in these proceedings. The agreement further provides that D&K withdraw as intervenor in these proceedings upon final Federal Maritime Commission approval of this agreement and FMC Agreement No. T–3007–2.

The agreement also provides that NYSA and ILA relinquish any and all claims which they separately or jointly, presently or in the future, may have against the Newsprint Interests for monies or other relief which may be due to them arising out of past or future assessments under FMC Agreements Nos. T–2390, T–2804 or T–3007, other than such assessments as may from time to time be due and owing from D&K under Agreement No. T–3007 as amended by Agreement No. T–3007–2. In this respect, NYSA and ILA agree to amend Agreement No. T–3007 to provide for the assessment of newsprint effective October 1, 1974–September 30, 1977, on the assessment basis presently applicable to newsprint.

Upon final unconditional Federal Maritime Commission approval of this agreement and Agreement No. T–3007–2, the agreement provides that the NYSA–ILA Contract Board will immediately submit to D&K a written statement setting forth the amount to be credited to

V40118 JAN 27 75 XUM

D&K for overassessments for October 1, 1974 through the date of such statement. D&K will not be required to pay any further assessments of any kind until such time as the credit so computed has been exhausted; thereafter D&K will be assessed at the excepted cargo rate in accordance with this agreement.

Dated: January 22, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2376 Filed 1-24-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION) Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01026---	Terkildsen & Olsen A/S: *Okene.*
01032---	Graig Shipping Company Ltd.: *Graigau.*
01064---	Reinauer Transportation Companies Inc.: *York River.*
01069---	Oglebay Norton Co.: *J. Burton Ayers, Wolverine.*
01252---	Aktieselskapet Havtor: *Havprins.*
01354---	H. E. Hansen-Tangen: *Sunares.*
01426---	Kuwait — Shipping Company (S.A.K.): *IBN Battotah.*
01758---	Chotin Transportation Inc.: *CH-1217, CH-1218, CH-1219, CH-1410, CH-1411, CH-1412.*
01819---	King Line Limited: *King George.*
01935---	Partnership between Steamship Company Svendborg Ltd. and Steamship Company of 1912 Ltd.: *Maersk Tracker.*
01986---	Aktiebolaget Transmarin: *Marianne.*
02032---	D.B. Deniz Nakliyati T.A.S.: *Erdemir, Erzurum.*
02282---	Park Steamships Ltd.: *Hyde Park.*
02358---	A/S Ganger Rolf-A/S Bonheur-A/S Borga den Norske Middelhavslinje A/S-A/S Jelolinjen: *Sea Bruse.*
02713---	T. L. James & Company Inc.: *BTD-2, BTD-11, BTD-29, BTD-39, BTD-51, BTD-54, BTD-100.*
02715---	Allied Towing Corporation: *Hot Oil No. 17.*
02917---	Arya National Shipping Lines S.A.: *Arya Kish, Arya Sun.*
02975---	Venture Shipping (Managers) Ltd.: *Evco Venture.*
02982---	The Shipping Corp. of India Ltd.: *Samrat Ashkok.*
03004---	Rederi Ab Soya: *Otello.*
03044---	Bouchard Transportation Co., Inc.: *B. No. 115.*
03180---	Branch Lines Limited: *Leon Simard.*
03301---	Prudential Lines, Inc.: *Lash Atlantico, Lash Espana, Lash Pacifico, Lash Turkiye, Santa Maria, Santa Mariana, Santa Magdalena, Santa Mercedes, Santa Ana, Santa Rita, Santa Barbara, Santa Clara, Santa Cruz, Santa Elena, Santa Isabel, Santa Lucia, Prudential Seafet, Prudential Oceanjet.*
03315---	Afran Transport Company: *Afran Jupiter, Afran Venus.*
03321---	Marunouchi Kisen Kabushiki Kaisha: *Spencer Maru.*
03389---	Shell Tankers B.V.: *Mytilus.*
03479---	Okada Shosen Kabushiki Kaisha: *Iwashiro Maru.*
03505---	Showa Yusen Kabushiki Kaisha: *Izumo Maru, Yamanashi Maru.*
03514---	Terukuni Kaiun Kaisha, Ltd.: *Ise Maru.*
03567---	A/S Eikland: *Skaubo.*
03601---	Etela-Suomen Laiva Oy: *Aippila.*
03696---	Smith Rice Company: *Barge 3.*
03918---	Mobil Shipping & Transportation Co.: *Mobil Producer.*
03926---	Harumi Senpaku K.K.: *Shinko Maru, Shinyo Maru.*
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Straat Colombo.*
04038---	Carboselder Societa di Navigazione S.P.A.: *Oceania.*
04104---	Parkhill Goodloe Co., Inc.: *Florida.*
04172---	Eklof Marine Corporation: *E23.*
04356---	Pacific Far East Line, Inc.: *Australia Bear.*
04623---	Seaspan International Ltd.: *Seaspan Commodore, Seaspan Sovereign.*
04934---	OKC Dredging Inc.: *Fritz Jahncke, Paul F. Jahncke, Pontchartrain, St. Landry, Vermillion, Lafayette, Cameron, Plaquemine, Lafourche, Livingston, Jefferson, St. John, St. Tammany, St. Bernard, Orleans, Tchefuncta, Marurpas, Jahncke 209, St. Helena, St. Martin, St. James, St. Mary, Iberia, St. Charles, Manchac, Congaree.*
04937---	Progress Shipping Company: *Sealord II.*
05342---	Northland Navigation Co., Ltd.: *Northland Transporter.*
05444---	Europa-Societa Generale d' Armamento S.P.A.: *Anita Monti.*
05500---	Petroleos Mexicanos: *Francisco J. Mugiga.*
05577---	Far Eastern Shipping Company: *Lenya Golikov, Bureyales.*
05580---	Kamchatka Shipping Company: *Konstantin Zankov.*
05770---	C.A. Venezolana de Navigacion: *Caroni.*
06546---	Occidental Petroleum Corporation: *RV-50, RV-51.*
06721---	Kooil Industrial Co., Ltd.: *O Dae Yang 301, O Dae Yang 302, O Dae Yang 303, O Dae Yang 305, Cinco Oceanos 152.*
06865---	Bewa Line A/S: *Mette Bewa.*
06952---	Far East Shipping Co., Ltd.: *Silver Seahawk, Kyokuyo Maru.*
07201---	Coast Marine Construction, Inc.: *ZB 100 A, ZB 108 A.*
07255---	Teh Tung Steamship Co., Ltd.: *Kai Ping.*
07290---	Hollywood Terminals, Inc.: *Hollywood 2003, Ellis 1256.*
07624---	Josef Roth-Reederei: *Franziska Kurz.*
08071---	Anglo Nordic Bulkship (Management) Limited: *Nordic Rover.*
08288---	Sumande Shipping Corporation (Liberia): *Janill.*
08530---	Prompt Shipping Corporation Ltd.: *Scotia Career, Baltic Career.*
06592---	The Thornhope Shipping Company Limited: *Sir Alexander Glenn.*
06833---	General Metals of Tacoma, Inc.: *Klamath, Wachusett, U.S.S. Shea.*
06868---	Weathers Towing, Inc.: *Peanut Hollinger.*
09057---	Ryan-Walsh Stevedoring Company, Inc.: *Captain Jim.*
09150---	J. S. K. Shipping Corporation Inc.: *Scheba.*
09179---	Seashine Navigation Corporation Limited: *Great Loyalty.*
09185---	Cylanco S.A.: *Punta del Este.*
09431---	Sierra Leone National Shipping Company Ltd.: *Ponpoli.*
09467---	Reederei Hans Beilken OHG: *Scol Independent.*
09504---	Anangel Confidence Compania Naviera S.A.: *Common Venture.*
09508---	Proesel Universal Marine Company Inc.: *Bierum.*
09515---	Ta Chi Navigation (Panama) Corp., S.A.: *Eurylochus.*
09552---	Aeron Marine Shipping Company: *Golden Dolphin, Golden Endeavor.*
09570---	Oak Company Ltd. of Liberia: *Avance.*
09585---	Okay Maritime Panama S.A.: *Okay Reefer.*
09600---	Tarsprings Shipping Company: *Tarpon Springs.*
09601---	Foster Shipping Co., Ltd.: *Otto, Friendship, Twin Ship.*
09630---	Vena Shipping Co., S.A.: *Diana.*
09633---	Rivermar Corporation: *RM-100, RM-101.*
09641---	Bulk Navigation S.A.: *Pearl Sea.*
09642---	Partrederiet for MS Atlantic Cinderella: *Atlantic Cinderella.*
09651---	Sacramento Transport, Inc.: *Ogden Sacramento.*
09664---	Elarca Sa of Liberia: *Trefalcon Logic.*
09675---	Premuda Societa di Navigazione per Azioni: *Premuda Bianca.*
09679---	Belaifa Shipping Company S.A.: *Mersinidi.*
09681---	Partenreederei M/S "Constantia": *Constantia.*
09682---	San Nikitas Maritime Corporation Panama: *Rose B.*
09686---	Astro Venturoso Compania Naviera S.A.: *Mariannina.*
09687---	Gladders Barge Line, Inc.: *Emily Gladders.*
09688---	Nimar Tankers S.A.: *Macedonian.*
09690---	Navieros de Yucatan, S.A.: *"T'Ho".*
09703---	Agencia Maritima Intermares Ltda.: *Brasil.*
09705---	Transmar, S.A.: *Stratus.*
09709---	Yamashita Unyu K.K.: *Kinzan Maru.*
09719---	Oswego Richmond Corporation: *Joyeid.*
09731---	Univenture Shipping Corp.: *Univenture No. 1.*
09742---	Lefkaritis Bros. Marine Letd.: *Petrolina 1.*
09743---	Colon World Shipping S.A.: *Brewster.*
09744---	Maritima de Campeche S.A.: *Superior.*
09745---	Quick-Tow, Inc.: *B-821, B-921, B-1120.*
09746---	Dranlama, Ltd.: *Caribbean Flower.*
09747---	Maravanzada Armadora, S.A.: *Chalkis.*
09748---	Spetses Shipping Corporation: *Lloyd Philadelphia.*
09749---	Perseus Shipping Corporation: *Lloyd New York.*
09752---	Grand Transport Inc.: *Grand Felicity.*
09753---	Elite, Inc.: *Fantasy L.*
09754---	Elmona, Inc.: *Maria G.L.*
09755---	Elmini Legend, Inc.: *Mini Legend.*
09756---	Elcarriers, Inc.: *Pantazis L.*
09757---	Sunrise Co., Ltd.: *Kalitopi L.*
09758---	Central Navigation Corporation: *Friendship L.*
09759---	Elmini Lymph, Inc.: *Mini Lymph.*
09761---	Elmini Loom, Inc.: *Mini Loom.*
09762---	G.A.T.P. Maritime Transport, Ltd.: *Out Islander.*
09783---	Atlas Maritime Company S.A.: *Saudi Glory.*
09764---	Rederiet for M.S. Thorvaldsen: *Thorvaldsen.*
09766---	Shing on Shipping Co., S.A.: *Shing On.*
09768---	Hasumsoon Shipping Co., Ltd., S.A. Panama: *Handsome.*
09770---	Siora Milia Shipping Co., Ltd.: *Emilia Loverdos.*
09771---	Heng Fu Tankers, Inc.: *Singapura Kedua, Singapura Timor.*
09773---	Devon Maritime Limited: *Irenes Challenge.*
09774---	Interessentskapet Wind Endeavour: *Wind Endeavour.*
09777---	South China Shipping Co., Ltd.: *Hwa Gek.*
09778---	Oswego Eloiseid Company Limited: *Eloiseid.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2377 Filed 1-24-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-44-2]

ALABAMA-TENNESSEE NATURAL GAS CO. (TVA)

Order Granting Extraordinary Relief and Setting Matter for Hearing

JANUARY 17, 1975.

On December 23, 1974, the Tennessee Valley Authority (TVA) filed in the above-captioned docket a petition for extraordinary relief pursuant to § 1.7 of the Commission's rules of practice and procedure and § 2.78 of the Commission's rules and regulations. TVA states that it is an agency of the Federal government charged with the statutory duty pursuant to the Tennessee Valley Act of 1933, 16 U.S.C. 831-831dd, to develop, produce, and sell fertilizer. In discharging these responsibilities it operates the National Fertilizer Development Center (Center), Muscle Shoals, Alabama.

TVA states that its production of ammonia fertilizer at the Center is totally dependent upon natural gas supplied by Alabama-Tennessee Natural Gas Company (Alabama-Tennessee). TVA was notified on December 16, 1974, by Alabama-Tennessee that its firm gas supply would be curtailed by 26 percent. This curtailment, according to TVA, will reduce in substantial amount its production of ammonia, which is used in the production of fertilizer. TVA avers that fertilizer production will suffer a decrease of approximately 46 tons per day as the result of projected curtailment. If curtailment extends through March 1975, TVA estimates that this fertilizer production loss translates into a food loss in grain sufficient to feed 15,000 persons for a year.

TVA has a contract with Alabama-Tennessee which provides for the delivery of 5,000 Mcf per day of firm gas and 1,500 Mcf per day of interruptible gas. Petitioner indicates that of the firm deliveries, 3,774 Mcf is utilized as process gas and 1,226 Mcf for fuel use in the production of ammonia. It is claimed that this fuel use is as critical to the maximum production of fertilizer as the process gas usage. Although alternate fuel facilities have not been installed for this purpose, TVA asserts that it is committed to converting to the use of No. 2 fuel oil in the near future. It is also stated that, with the exception of the ammonia plant, all heating functions at the Center are being operated through the use of alternate fuels.

Petitioner requests, then, that the Commission order Alabama-Tennessee to deliver the full firm contract volume on a temporary basis pending hearing on the permanent restoration of these volumes. It is also agreed that such temporary relief will be subject to any payback requirements as may be applicable. The urgent need for continued production of fertilizer at this time is a matter of public knowledge and a proper subject of judicial notice. For this reason and also because of the alleged effects of curtailment, we find it in the public interest to grant the relief requested, as conditioned hereinafter, prior to expiration of the period for intervention and comment.

In its answer to the instant petition, Alabama-Tennessee similarly states its support for the proposition that the firm delivery of 5,000 Mcf per day to TVA should be unimpaired. However, Alabama-Tennessee states that in order to enable it to make such deliveries, it is necessary that additional deliveries for TVA be made available by Alabama-Tennessee's sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee). Otherwise, so it is averred, deliveries could only be made available by the further curtailment of other customers' requirements in the Order No. 467-B Category 2 of the existing curtailment plan. Absent a filing by Alabama-Tennessee in compliance with Order No. 467-C, which would contain information concerning Alabama-Tennessee's alleged need for additional deliveries from Tennessee, which pipeline is itself curtailing, we deem it inappropriate to condition a grant of extraordinary relief to TVA as suggested. At the same time though, recognizing the essential need to preserve the integrity of residential and commercial customer requirements on the Alabama-Tennessee system, we will accord relief volumes herein the next lower priority status, i.e., the last to be curtailed before curtailing residential and commercial requirements. Relief herein, then, as ordered is not to jeopardize service to the residential and commercial market of the Alabama-Tennessee system.

The Commission finds: (1) Good cause exists to set for formal hearing the application for extraordinary relief.

(2) Based on the facts presented in the petition and judicial notice taken of the national fertilizer shortage, relief should be granted as requested on an interim basis pending hearing, and subject to a payback if later determined to be appropriate.

(3) The relief granted should not jeopardize service to residential and commercial customers.

The Commission orders. (A) The TVA application for extraordinary relief from curtailment requesting deliveries of 5,000 Mcf per day, inclusive of projected deliveries under curtailment, is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly, sections 4, 5, 15 and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing February 4, 1975, at 10:00 a.m. at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether or not extraordinary relief should be granted and on what terms and conditions.

(C) Petitioner TVA and all other parties shall file their testimony on or before January 24, 1975.

(D) Interim relief up to 5,000 Mcf per day is granted subject to the above-stated conditions.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2289 Filed 1-24-75;8:45 am]

[Docket No. CP73-164]

CITY OF HUNTINGBURG, INDIANA

Extension of Time

JANUARY 15, 1975.

On January 13, 1975, Staff Counsel filed a motion to extend the time for filing briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued November 25, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the time for filing briefs opposing exceptions in the above matter is extended to and including January 27, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2292 Filed 1-24-75;8:45 am]

[Docket No. E-9104]

NEVADA POWER CO.

Order Accepting for Filing, Suspending and Establishing Procedural Dates

JANUARY 17, 1975.

On November 12, 1974, the Nevada Power Company (Nevada) tendered for

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filing a proposed change in the energy charges under its RS–CPH rate to the California-Pacific Utilities Company (Cal–Pac) at Henderson, Nevada[1] and under its RS–CPN to Cal–Pac at Needles, California.[2] The filing was held to be deficient for filing by the Secretary and was subsequently completed on December 20, 1974, upon receipt of additional information and new revised rates.

Nevada contends that the November 12, 1974 proposed rates are designed to provide Nevada with an earned rate of return of 16.08 percent on its sales to Cal–Pac resulting in a 28.61 percent return on common equity. Nevada contends that for the period ending November 30, 1974, the December 20, 1974 proposed rates will result in increased revenues of $998,486, which is about 3 percent below the revenue level proposed in the November 12 filing.

In support of its request Nevada states that it has not been able to attract the capital it needs to supply the reasonably expected requirements of its customers. Nevada also states that this relief is urgently needed.

Notice of Nevada's November 12, 1974 filing was issued on November 21, 1974, with protests and petitions to intervene due on or before December 6, 1974. On December 6, 1974, a petition to intervene was filed by Cal-Pac. The petition requests that the proposed increase be suspended for the full statutory period and set for hearing pursuant to section 205 of the Federal Power Act. An untimely notice of intervention was filed by the Public Service Commission of Nevada on December 9, 1974.

Nevada's filings in this docket have requested that the filing date of its application should be November 12, 1974, the date it initially tendered the proposed changes. However, good cause has not been shown to waive the notice requirements of the Commission's regulations, and accordingly December 20, 1974, the date Nevada completed its application, shall be assigned the filing date for the proposed changes.

Our review of Nevada's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for four months and establish hearing procedures to determine the justness and reasonableness of Nevada's filing.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Nevada's revised rate schedule proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

The Commission orders. (A) Pending a hearing and a decision thereon, Nevada's proposed changes in its rates and charges, tendered on December 20, 1974, are accepted for filing, and suspended for four months, the use thereof deferred until May 20, 1975, subject to refund.

(B) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Ch. I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in Nevada's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on June 17, 1975, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, DC. 20426.

(C) On or before May 6, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be filed on or before May 20, 1975. Any rebuttal evidence by Nevada shall be served on or before June 3, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2291 Filed 1–24–75;8:45 am]

[1] Designation: Nevada Power Company, Supplement No. 8 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 6).

[2] Supplement No. 9 to Rate Schedule FPC No. 1 (Supersedes Supplement No. 7).

[Project No. 2426]

STATE OF CALIFORNIA

Extension of Time

JANUARY 17, 1975.

In the matter of State of California, Department of Water Resource and City of Los Angeles, Department of Water and Power (California Aqueduct).

On December 26, 1974, the State of California filed a motion to extend the time for filing comments to the Commission Staff's Draft Environmental Impact Statement issued on December 3, 1974 in the above-designated matter.

Notice is hereby given that the time for filing comments to the above Statement is extended to and including March 18, 1975.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2287 Filed 1–24–75;8:45 am]

[Docket No. RP74–41]

TEXAS EASTERN TRANSMISSION CORP.

Prehearing Conference Rescheduled

JANUARY 16, 1975.

On December 30, 1974, Texas Eastern Transmission Corporation filed a motion to advance the date of the Prehearing Conference fixed by order issued January 14, 1975, as most recently modified by notice issued December 19, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing Conference, January 20, 1975 (10:00 a.m. e.s.t.).
Service of Intervenor's Testimony [unchanged], January 20, 1975.
Service of Company Rebuttal [unchanged], February 28, 1975.
Hearing, At a time to be designated by Presiding Administrative Law Judge.

All parties have agreed to the service of a proposed settlement agreement by January 8, 1975, which will be submitted at the prehearing conference and that all initial comments to it will be filed at the same time. The remaining service dates and hearing will be for reserved issues.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2294 Filed 1–24–75;8:45 am]

[Docket No. RP74–39–11]

TEXAS EASTERN TRANSMISSION CORP. AND BOROUGH OF CHAMBERSBURG, PA.

Order Consolidating Proceedings and Permitting Intervention

JANUARY 17, 1975.

On October 21, 1974, the Borough of Chambersburg, Pennsylvania (Chambersburg) filed a supplemental petition for a declaratory order pursuant to § 1.7(c) of the Commission's rules of practice and procedure. Chambersburg requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) (1) to cease and desist from its present method of implementing its Demand Charge Adjustment (DCA) provisions[1] and (2) to implement its DCA in a manner which would lower Chambersburg's demand charges by reflecting the difference between Chambersburg's requirements and its actual takes.

Chambersburg purchases all of its gas from TETCO under the latter's DCQ–D Rate Schedule (Maximum Daily Quantity (MDQ): 5,279 Dth) and WS Rate Schedule (MDQ: 2653 Dth).

TETCO placed its DCA provisions into effect on July 1, 1974. They apply to all customers taking gas under a two-part rate schedule.

Sections 6.2 and 7.2 of TETCO's tariff are identical and provide for a demand charge reduction for DCQ and GS customers respectively. Both sections read as follows:

Secs. 6.2, 7.2 For Impairment of Deliveries. If Seller, for any reason other than the allowable delivery variation and the provisions of section 12.5 of the General Terms and Conditions, is unable to deliver during any one or more days in any month the quantity of natural gas Buyer required on such day or days up to the Maximum Daily Quantity then the total demand charge as otherwise computed hereunder shall be reduced by an amount which shall be equal to the sum of all such day's deficiencies multiplied by the Demand Charge Adjustment (Sheet No. 13) per Mcf for the applicable zone.

TETCO recoups the revenues lost through the demand charge adjustment by increasing its total commodity charges by an amount equal to the total of the reductions in demand charges. Both of these adjustments are made on a separate basis for each rate schedule and zone on TETCO's system.

In its supplemental petition Chambersburg claims that the method which TETCO uses to calculate demand charge adjustments is unjust and discriminatory. Chambersburg states that TETCO is violating the spirit of our order issued in this proceeding on August 26, 1974, in which we stated that the DCA provisions should ameliorate the situation in which a customer being curtailed at a rate higher than the system average also pays higher unit rates.

In its supplemental petition Chambersburg states that TETCO makes a demand charge adjustment only on those days that a customer takes 96 percent or more of its curtailed MDQ on the theory that if a customer takes this much gas then the customer needed its full MDQ. The demand charge adjustment is always calculated on the total Mcf difference between MDQ and curtailed MDQ. No attempt is made to determine the customer's actual requirements above its curtailed MDQ although TETCO's tariff states that a demand charge reduction is granted when Texas Eastern is unable "to deliver during any one or more days in any month the quantity of natural gas buyer requires on such day or days up to the Maximum Daily Quantity." Consequently on any day in which a customer takes less than 96 percent of its curtailed MDQ, it receives no demand charge reduction because TETCO holds that the requirements of that customer had, on that day, been met

Chambersburg states that since its Annual Quantity Entitlement (AQE) is based on a historical load factor of 88 percent it cannot purchase 96 percent of its curtailed MDQ on every day without overrunning its AQE and incurring a penalty.[3] Consequently, Chambersburg argues that the demand charge adjustment should be calculated in a manner which recognizes the requirements of a customer during the base period in order that Chambersburg, with one of the highest curtailment levels on the system, might receive a larger demand charge adjustment which would actually reflect Chambersburg's high curtailment.

Chambersburg suggests that a more equitable method for calculating the demand charge adjustment would be to use the Mcf difference between (a) a customer's actual present takes and (b) its requirements during the pro forma base year[3] used to establish AQE's.

It appears that the method used by TETCO may not fully meet the problem of customers who are curtailed heavily and who at the same time must pay higher unit costs for their gas. The problem was recognized in our Order of May 10, 1974, in these proceedings and the current tariff provisions were filed to ease this problem. It is necessary to determine the impact on all DCQ customers of an implementation of the demand charge adjustment in the manner suggested by Chambersburg. The Commission believes that Chambersburg's method would not be suited to the GS rate schedule since, by its nature, it is a lower load factor schedule.[4]

A record currently exists in Texas Eastern's ongoing curtailment case in Docket Nos. RP71–130 and RP72–58 on the method TETCO uses to calculate demand charge adjustments and on Chambersburg's proposed method. These proceedings shall therefore be consolidated with those in Docket Nos. RP71–130, et al. for purposes of hearing and decision. Texas Eastern shall be ordered to present additional evidence in that proceeding on the impact of using Chambersburg's method to calculate demand charge adjustments for all DCQ customers. The Presiding Administrative Law Judge shall be required to render an Interim Initial Decision regarding the issues raised in Chambersburg's petition as those issues affect Chambersburg and other customers of TETCO taking under the latter's DCQ Rate Schedule.

In order to develop an adequate record on which to base a decision, TETCO shall be required to furnish evidence on the impact for the period July 1, 1974 through August 31, 1975, on all DCQ customers of calculating demand charge adjustments using the difference between (a) a customer's actual[5] monthly takes and (b) its monthly requirements during the pro forma base year used to establish AQE's versus the current method utilized. The impact studies should show total dollars paid by each company by month under the DCQ rate schedule. The customers' monthly requirements during the pro forma base year may be computed with data presently available to TETCO.

Public notice of Chambersburg's supplemental petition was issued on November 6, 1974, with protests and petitions to intervene due by November 22, 1974. Petitions to intervene were received by the following parties:

Pottsville Gas Company, et al.
Equitable Gas Company
Algonquin Gas Transmission Company
Texas Eastern Transmission Corporation
Carnegie Natural Gas Company
Philadelphia Gas Works

The Commission finds. (1) Good cause exists to consolidate these proceedings with those in Docket Nos. RP71–130 and RP72–58 for the purposes of hearing and decision.

(2) Good cause exists to require TETCO to submit additional evidence in these proceedings as hereinafter ordered.

(3) Good cause exists to certify the issues presented in Chambersburg's petition to the Presiding Administrative Law Judge for initial decision.

(4) The participation in these proceedings of those parties who have petitioned to intervene may be in the public interest.

The Commission orders: (A) These proceedings are hereby consolidated with those in Docket Nos. RP71–130 and RP72–58 for the purposes of hearing and decision.

(B) Within one month of the date of the issue of this order, TETCO shall file evidence on the impact for the period July 1, 1974 through August 31, 1975, on the DCQ customers of (1) calculating demand charge adjustments using the dif-

[1] The relevant DCA provisions appear at sections 6.2 and 7.2 of TETCO's FPC Gas Tariff, Fourth Revised Volume No. 1.

[3] Of the 25 customers purchasing under the DCQ rate schedule, 21 have AQE's which are virtually 100 percent of their contract entitlements. Indiana Gas Company's AQE is 84 percent of its contract entitlement, National Gas and Oil Corporation, 95 percent, Chambersburg, 88 percent, and Pottsville Gas C mpany, 99 percent.

[3] The AQE's of the DCQ customers were fixed by taking the actual purchased volumes for the period September, 1970 through November, 1971 and estimated purchased volumes for December, 1971 through August, 1972, and then constructing the annual entitlement for a pro forma year on the basis of the highest monthly volume for each corresponding month.

[4] A customer taking gas under TETCO's GS Rate Schedule can take, on an annual basis, a volume equal to 270 times its MDQ. Thus, under its contract with TETCO, a GS customer's load factor cannot exceed 74% and may be significantly lower. A DCQ customer, on the other hand, could, under its contract with TETCO, take its MDQ 365 days a year and ultimately achieve a load factor of 100%.

[5] Monthly takes for January 1975 through August 1975 should be TETCO's best estimate of the volumes actually taken by its customers.

V40118 JAN27 75 XUM

ference between (a) a customer's actual monthly takes and (b) that customer's monthly requirements during the pro forma base year used to establish that customer's AQE and (2) calculating demand charge adjustments by the present method. In both of the studies (1) and (2) required above, TETCO should show total dollars paid by each company by month under the DCQ Rate Schedule.

(C) All parties including the Commission Staff wishing to file rebuttal evidence shall do so within two weeks of the date on which evidence is filed by TETCO.

(D) The Presiding Administrative Law Judge shall, within 45 days of the conclusion of cross examination on these issues, render an Interim Initial Decision on the issues raised by Chambersburg in its petition. In his Interim Initial Decision, the Presiding Administrative Law Judge shall rule with respect to all of TETCO's DCQ customers.

(E) The above-named petitioners are hereby permitted to become intervenors in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings and that each intervenor agrees to take the record as it now stands.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2290 Filed 1-24-75;8:45 am]

[Docket No. RP72-133, PGA75-1-A]

UNITED GAS PIPE LINE CO.

Order Accepting Proposed PGA Rate Increase for Filing and Permitting Intervention

JANUARY 17, 1975.

On December 18, 1974, United Gas Pipe Line Company (United) tendered for filing a Proposed Substitute Tariff Sheet[1] which would place into effect, as of January 1, 1975, a surcharge adjustment of 4.69¢/Mcf to the company's purchased gas costs. The tendered surcharge is designed to recover all Opinion No. 699 producer increases (excluding Opinion No. 699-H) incurred during the period June 21, 1974, through December 31, 1974. In support of its tendered filing, United sites our order of November 29, 1974 at United Gas Pipe Line Company, Docket No. RP75-22 in which we authorized United to include in its next PGA filing a surcharge computed by using the actual amount of unrecovered purchased gas costs included in its deferred account plus an estimated amount computed to provide for the recovery of all Opinion No. 699 producer increases incurred up to the effective date of its PGA increase. The proposed surcharge would recoup the balance of approximately $14.4 million in United's Unrecovered Purchased Gas Cost Account.

The subject filing includes rates above those included in United's PGA increase which we accepted for filing and suspended by order of December 31, 1974, at Docket No. RP72-133, PGA75-1. Our order of December 31, permitted United to file substitute sheets (to become effective January 1, 1975, as originally proposed, which would reflect that portion of its proposed increase that did not include costs associated with small producer and emergency purchases in excess of the levels prescribed in Opinion No. 699-H and all costs based upon producer rate changes which would not become effective by January 1, 1975.

Notice of United's proposed increase was issued with comments, protests, and petitions to intervene due on or before January 6,, 1975. Only Memphis Light, Gas and Water Division of the City of Memphis, Tennessee (Memphis) filed a petition to intervene. Memphis requests a five month suspension of United's tendered filing, alleging that United has not shown that the proposed increases in rates are just and reasonable. However, Memphis has set forth no claims, arguments or data in support of its allegation.

Our analysis of United's filing indicates that the revised tariff sheet complies with our order of November 29, 1974, at Docket No. RP75-22. It does not reflect small producer and emergency purchases in excess of the levels prescribed in Opinion No. 699, nor any based upon producer rate increases not in effect by January 1, 1975. We shall, therefore, accept United's proposed tariff sheet for filing and place it into effect without suspension, as of January 1, 1975.

The Commission finds. (1) Good cause exists to accept, without suspension, United's proposed Substitute Twentieth Revised Sheet No. 4, to its FPC Gas Tariff, First Revised Volume No. 1.

(2) Good cause exists to permit the intervention of the above-named intervenor, but to deny its request for a five month suspension of the proposed increase.

(3) Good cause exists to waive the notice requirements of our regulations to permit an effective date of January 1, 1975.

The Commission orders. (A) United's proposed Substitute Twentieth Revised Sheet No. 4, to its FPC Gas Tariff, First Revised Volume No. 1, tendered on December 18, 1974, is hereby accepted for filing and made effective as of January 1, 1975.

(B) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Memphis' request for a five month suspension of United's tendered tariff is denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2288 Filed 1-24-75;8:45 am]

[Docket No. CP75-112]

VILLAGE OF CIRCLE PINES, MINN., ET AL.

Order Setting Formal Hearing, Granting Intervention, and Establishing Procedures

JANUARY 20, 1975.

In the matter of Village of Circle Pines, Minnesota, and Hutchinson Utilities Commission, Applicants; and Northern Natural Gas Company, Respondent.

On October 1, 1974, the Village of Circle Pines, Minnesota (Circle Pines) and the Hutchinson Utilities Commission (Hutchinson) hereinafter jointly referred to as Applicants filed an application pursuant to section 7(a) of the Natural Gas Act for an order directing Northern Natural Gas Company (Northern) to consolidate the respective natural gas contract demand quantities of Applicants and deliver same to Circle Hutch Public Utility Board (Circle Hutch).

Circle Pines operates a municipal gas distribution system and purchases its entire supply of natural gas from Northern under Northern's CD Rate Schedule (Contract Demand: 873 Mcf per day) and PS Rate Schedule (Contract Demand: 50 Mcf per day) for resale within the community. Circle Pines has peak day requirements in excess of its peak-day contractual entitlement from Northern and as a result has had to purchase penalty gas in the past to meet its high priority load on peak days. Circle Pines has no peak shaving facility.

Hutchinson operates a municipal gas distribution system and purchases its entire supply of natural gas from Northern under Northern's CD Rate Schedule (Contract Demand: 5,200 Mcf per day) and WPS Rate Schedule (Contract Demand: 260 Mcf per day) for resale within the community. Hutchinson has a propane air peak shaving plant which at the present time has a capacity of 100 Mcf per hour but with the installation of air compressor would have a capacity of 150 Mcf per hour.

Pursuant to Section 471.59 of the Minnesota Statutes, Circle Pines and Hutchinson have entered into a "Joint and Cooperative Agreement" (Joint Agreement) establishing the Circle-Hutch Public Utility Board for the purpose of purchasing natural gas from Northern for resale within the respective communities. To effectuate this result, Circle Pines and Hutchinson are requesting authority to transfer their existing respective contract demands to the Utility Board which would execute the appropriate service agreements with Northern to replace the present service agreements between Northern and Circle Pines and Northern and Hutchinson.

Circle Pines and Hutchinson state that the primary purpose for the formation of the Utility Board, and hence this application to make it a viable entity, is to permit Hutchinson and Circle Pines to make use of the peak shaving facility which Hutchinson installed in 1972. Presently, only Hutchinson can use the peak shaving plant, which has a potential capacity greater than Hutchinson's requirements; but with the activation of the Utility Board, Circle Pines would indirectly benefit from the peak shaving plant by being able on peak days to increase its daily takes (above its existing contract demand, but well within the limits of the consolidation contract demand) while at the same time Hutchinson would increase the output of its peak shaving plant to make up for its reduced takes from the Utility Board. The end result would be that both Circle Pines and Hutchinson could meet their peak day requirements without burdening Northern or its customers. The alternative is for Circle Pines to build its own peak shaving plant, but this alternative was not found financially feasible by an independent consulting firm. The applicants submit that this is not in the public interest where the same beneficial result of protecting firm service to high priority customers can be achieved through the proposed Utility Board at no additional expense to applicants and with no substantive change in Northern's contractual obligations. Furthermore, applicants claim the enhanced use of Hutchinson's peak shaving facilities will not only justify the increase in capacity from 100 to 150 Mcf per hour, but also will assist Hutchinson in being able to pay for the existing facility over shorter period of time due to the fact that according to the Joint Agreement, Hutchinson will be appropriately reimbursed by Circle Pines for the increased use of the former's peak shaving plant.

On November 25, 1974, Northern filed an Answer and Objection to the application and request that an evidentiary hearing be held to resolve and clarify the questions raised by Northern as set forth below.

Northern objects to the application for the following reasons:

(a) The application fails to state what liability the Utility Board would assume in terms of being responsible for payment of bills for gas and what resources the Utility Board would have available to it for meeting such obligations if they are to be assumed.

(b) From an operating point of view, it is unclear as to who would be responsible for receiving curtailment orders and complying with the same.

(c) The application fails to disclose what volumes are expected to be delivered through the existing delivery points for Circle Pines and Hutchinson, assuming the application is approved. Therefore, Northern cannot make a determination as to the adequacies of its branch line and measuring station facilities.

(d) The Joint Agreement is unclear as to whether or not additional "government units" may be added to the agreement at a future date.

(e) Under the Powers of the Board, there are a number of options which, if exercised, may have an adverse impact on Northern's operations.

The answer filed by Northern raises issues that should be heard in an evidentiary proceeding. Accordingly, we will set this matter for hearing to ascertain whether or not the public interest requires the issuance of the certificate of public convenience and necessity.

A timely petition to intervene was filed on October 29, 1974, by Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

The Commission finds. (1) Good causes exists for the Commission to enter upon a hearing concerning Applicants' request for a certificate of public convenience and necessity and for establishing the procedure for that hearing, all as hereinafter ordered.

(2) Participation in this proceeding by Michigan Wisconsin may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held commencing March 4, 1975, at 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 concerning the public interest issues involved in the application for issuance of a certificate of public convenience and necessity filed by Applicants in this proceeding.

(B) On or before January 31, 1975, Applicants shall file their testimony and exhibits comprising its case-in-chief in support of their application, containing therein, inter alia, their response to the issues raised by Northern and a break down of their sales within the categories of priorities established by the Commission in its Order No. 467-B, 18 CFR 2.78 (a)(2) for the latest 12-month period and shall serve their case-in-chief upon all parties to this proceeding including Commission staff; answering testimony shall be filed and served upon all parties on or before February 14, 1975; rebuttal testimony shall be filed and served upon all parties on or before February 26, 1975; and at the hearing on March 4, 1975, cross-examination will commence on the testimony and exhibits which are proffered and accepted in evidence.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) Michigan-Wisconsin is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervener shall be limited to matters affecting its asserted rights and interest as specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order entered by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2293 Filed 1-24-75;8:45 am]

FEDERAL RESERVE SYSTEM

EQUITABLE BANCORPORATION

Order Approving Acquisition of Equiban Life Insurance Company

Equitable Bancorporation, Baltimore, Maryland, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Equiban Life Insurance Company ("Company"), Phoenix, Arizona, a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life insurance in connection with extensions of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 40614). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls five banks with aggregate deposits of approximately $1 billion representing about 14 percent of the total deposits in commercial banks in Maryland.[1] Company will be organized under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Maryland. Such insurance would be directly underwritten by an insurer qualified to underwrite in Maryland and would, thereafter, be assigned or ceded to Company under a reinsurance agreement.

Credit life insurance is generally made available by banks and other lenders and

[1] All deposit data are as of June 30, 1974.

[1] Substitute Twentieth Revised Sheet No. 4, to United's FPC Gas Tariff, First Revised Volume No. 1.

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is designed to insure repayment of a loan in the event of the death of a borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

To insure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an Applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates below those permitted under State law and provide increased policy limits for its credit insurance customers. Premium rates for credit life insurance written in connection with extensions of credit by Applicant's subsidiaries and underwritten by an independent insurance company are the maximum permitted under State law. Applicant would offer single decreasing term life insurance at a premium rate 7.1 percent below the statutory maximum and joint decreasing term life insurance at a rate 8.7 percent below the statutory maximum. Further, Applicant proposes to increase the liability limit for credit life insurance offered in connection with consumer loans made by Applicant's subsidiaries from $15,000 to $20,000.

The Board regards Applicant's proposed premium rates and increase in policy limit as procompetitive and in the public interest. Furthermore, there is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to authority delegated herein.

By order of the Board of Governors,* effective January 20, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-2297 Filed 1-24-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEES

Notice of Review and Renewal

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), a review was conducted as to the essentiality of all General Services Administration advisory committees which were in existence when the Act went into effect on January 5, 1973. Of 36 committees subject to this review, and after consultation with the Office of Management and Budget, it has been determined that continuation and rechartering of 26 of the committees is in the public interest in accordance with duties imposed on the agency by law. The remaining 10 committees have been terminated. Each of the following committees are being rechartered for a two-year period commencing January 5, 1975, without change in basic purpose:

Emergency Economic Stabilization Industry Advisory Committee for Food Retailing
Emergency Economic Stabilization Industry Advisory Committee for Food Service
Emergency Economic Stabilization Industry Advisory Committee for Lumber and Wood Products
Emergency Economic Stabilization Industry Advisory Committee for Retailing (Other than Food and Automobiles)
General Services Public Advisory Council
Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply
National Archives Advisory Council
National Health Resources Advisory Committee
National Public Advisory Panel on Architectural and Engineering Services
Program Advisory Committee
Regional Archives Advisory Councils (Regions 2, 3, 4, 7, and 9)
Regional Public Advisory Panels on Architectural and Engineering Services (10 regions)
Roosevelt Library Editorial Advisory Board

Dated: January 16, 1975.

LARRY F. ROUSH,
Acting Assistant Administrator.

[FR Doc.75-2352 Filed 1-24-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TEA-W-360]

SHAER SHOE CO., MANCHESTER, N.H.

Workers' Petition for a Determination Under Section 301(c)(2) of the Trade Expansion Act of 1962; Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Manchester, New Hampshire, plant of the Shaer Shoe Corp., Manchester, New Hampshire, the United States International Trade Commission, on January 21, 1975, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45, 700.55, and 700.70 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before February 6, 1975.

The petition filed in this case is available for inspection at the Office of the Secretary, United States International Trade Commission, 8th and E Streets, NW, Washington, DC., and at the New York City office of the International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: January 22, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-2378 Filed 1-24-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 22, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received: the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES TARIFF COMMISSION

Household Earthen Table and Kitchen Articles, on occasion, Importers, Evinger, S.K., 395-3648.
Household Earthen Table and Kitchen Articles, on occasion, Domestic manufacturers, Evinger, S.K., 395-3648.

U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement for Computer Operator, Computer Technician, on occasion, job applicants, Lowry, R.L., 395-3772.
Statement of Availability for Accountant Auditor—IRS Agent, DS-115, on occasion, job applicants, Caywood, D.P., 395-3443.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service: Producer Commitment of Grain to Local Cooperative Elevator and Commitment of Grain to Regional Grain Cooperatives, single-time, Farmers and local cooperative elevator managers, Lowry, R.L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Survey Document for Evaluation of State Agencies on Aging, OS-89.74-A, on occasion, directors of State agencies on aging, Reese, B.F., 395-5630.

DEPARTMENT OF LABOR

Manpower Administration: FSB and SUA—Monthly Activity Report and Characteristics of Claimants, MA5-141, MA5-141, MA5-142, monthly, State employment security offices, Human Resources Division, 395-3532.

DEPARTMENT OF THE TREASURY

Departmental and other: Contract Compliance—Workforce Analysis Report Form for Financial Institutions, on occasion, banks and financial agents, Sunderhauf, M.B., 395-4911.

REVISIONS

VETERANS ADMINISTRATION

Data on Property Securing Prior GI Loan, 26-6377, on occasion, veterans, Caywood, D.P., 395-3443.

DEPARTMENT OF DEFENSE

Department of the Air Force: aircraft-Missile Maintenance Production Compression Report, AFLC-222, weekly, Aircraft/Missile Maintenance contractors, Caywood, D.P., 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2479 Filed 1-24-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

MINORITY INSTITUTIONS SCIENCE IMPROVEMENT PANEL (MISIP)

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Minority Institutions Science Improvement Panel (MISIP) Subpanel to be held at 9 a.m. on February 13, and 14, 1975, in room 651, 1800 G Street, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Minority Institutions Science Improvement Panel.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemption of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Art Diaz, Program Manager, rm. 448, National Science Foundation, Washington, D.C. 20550, telephone 202/282-7760.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 20, 1975.

[FR Doc.75-2222 Filed 1-24-75;8:45 am]

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the International Decade of Ocean Exploration Proposal Review Panel to be held at 8:30 a.m. on February 13 and 14, 1975, in room 631, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Mr. Feenan Jennings, Head, International Decade of Ocean Exploration, Rm. 710, National Science Foundation, Washington, D.C. 20550, telephone 202/632-7356.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 21, 1975.

[FR Doc.75-2223 Filed 1-24-75;8:45 am]

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY

Notice of Determination to Establish

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of an Advisory Committee on Geothermal Energy as hereinafter identified, is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of committee.* Advisory Committee on Geothermal Energy.

2. *Purpose.* To advise the National Science Foundation on the status of social, legal, technological and institutional problems that inhibit the private sector from exploiting the Nation's vast reserves of geothermal energy; to suggest to the Foundation and other Federal agencies areas of research which will accelerate the private development of geothermal energy into electric and non-electric power; and, to inform NSF and other Federal agencies on the status of privately supported geothermal research and development.

3. *Effective date of establishment and duration.* The committee is established, effective 15 days after publication of this Notice and after filing of the charter with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The committee's duration shall be two years from the effective date.

4. *Membership.* The membership of the committee shall be fairly balanced in terms of the points of view represented and the committee's function. Membership will include, but not be restricted to the following segments of the private sector in order to be assured of a balanced representation among public interests and concerns.

a. Public and private utilities.
b. Resource exploration companies.
c. Resource supply companies.
d. State regulatory commissions.
e. Environmental protection associations.
f. Financial and legal institutions.
g. Consumer groups.

There will be no discrimination on the basis of race, color, national origin, religion or sex.

5. *Committee operation.* The committee will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act. The committee will elect its officers and designate the structure and composition of subcommittees and special panels. Committee meetings will be held bi-annually at a time and place to be determined by the National Science Foundation. Agenda for each meeting will be developed cooperatively between the Committee Chairman and NSF. Meetings will be structured in a manner which permits discussion of non-agenda items.

H. GUYFORD STEVER,
Director.

[FR Doc.75-2346 Filed 1-24-75;8:45 am]

*Voting for this action: Vice Chairman Holland, Wallich, and Coldwell. Absent and Mitchell and Governors Sheehan, Bucher, not voting: Chairman Burns.

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on February 11, 1975, at 10:00 a.m. in the 11th floor conference room, Shoreham Building, 806 15th Street, NW, Washington, DC.

The purpose of this meeting is for a general policy discussion. The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC. 20506, or call (202) 634–7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75–2385 Filed 1–24–75;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that closed meetings of the Visual Arts Advisory Panel to the National Endowment for the Arts will be held at 9:00—5:00 p.m. on February 12, 1975 in New York City; February 18, 19, 20, 1975 in the 13th floor conference room, Columbia Plaza, Washington, D.C.; February 25–28, 1975 in Washington, D.C.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these meetings, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b)(4), (5)), will not be open to the public.

Further information with reference to these meetings can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75–2386 Filed 1–24–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–502; STN 50–503]

WISCONSIN ELECTRIC POWER CO. ET AL.

Special Prehearing Conference

In the Matter of Wisconsin Electric Power Company; Wisconsin Power & Light Company; Wisconsin Public Service Corporation; Madison Gas and Electric Company. Please take notice, that pursuant to the Atomic Energy Commission's[1] Notice of Hearing on a joint application for construction permits for the Koshkonong Nuclear Plant, Units 1 and 2, dated October 21, 1974 (39 Fed. Reg. 38018), and in accordance with the Commission's rules of practice, a special prehearing conference will be held on February 14, 1975 in Madison, Wisconsin as more fully set forth below.

The cardinal objective of said conference will be to:

(a) Establish a clear and particularized identification of the issues with respect to petitions for intervention and petitions for participation under § 2.715(c);

(b) To consider the need for discovery and the time required for same;

(c) To establish a schedule for further actions in this proceeding; and

(d) To consider such other matters as may aid in the orderly disposition of this proceeding.

The Board will consider any stipulations from the parties regarding the matters in controversy or settlement of outstanding issues.

Members of the public are invited to attend this special prehearing conference as well as any subsequent prehearing conferences or evidentiary sessions called in this proceeding, but should be advised that this special prehearing conference will not receive any evidence nor will there be any opportunity for presentation of statements from members of the public. Members of the public who have requested opportunity to make limited appearance statements will be afforded the opportunity to do so on the initial day or days of the evidentiary hearing. Public notice of the evidentiary hearing will be given.

Wherefore it is ordered, That a special prehearing conference shall commence at 9:00 a.m. local time on February 14, 1975 at the U.S. Post Office and Courthouse, Courtroom No. 232, 215 Monona Avenue, Madison, Wisconsin 53701.

Dated at Bethesda, Maryland, this 22nd day of January 1975.

ATOMIC SAFETY AND LICENSING BOARD,
GLENN O. BRIGHT,
E. LEONARD CHEATUM,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75–2365 Filed 1–24–75;8:45 am]

[1] Successor agency as of January 19, 1975, is the Nuclear Regulatory Commission through the Energy Reorganization Act of 1974, Public Law 93–438, October 11, 1974.

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO. ET AL. (TROJAN NUCLEAR PLANT)

Order Extending Dates for Completion of Facility

In the matter of Portland General Electric Company, the City of Eugene, Oregon Pacific Power and Light Company (Trojan Nuclear Plant),

Portland General Electric Company, The City of Eugene, Oregon, acting by and through the Eugene Water and Electric Board, and the Pacific Power & Light Company are holders of Construction Permit No. CPPR–79 issued by the Atomic Energy Commission on February 8, 1971, for construction of the Trojan Nuclear Plant presently under construction in Columbia County, Oregon.

On December 24, 1974, Portland General Electric Company, on behalf of the City of Eugene, Pacific Power & Light Company and itself, submitted a request for an extension of the dates for the completion of the facility specified in CPPR–79 on the ground that construction has been delayed because of (1) strikes and work stoppages by organized labor, (2) low labor productivity, (3) manpower shortages, (4) late delivery of material and equipment, (5) and design changes.

As set forth in a Regulatory staff evaluation dated January 17, 1975, we have found that good cause exists for the granting of an extension, the period of time for which the extension was requested is reasonable, and no significant hazards consideration is presented.

It is hereby ordered, therefore, That the dates for completion of the facility specified in Construction Permit No. CPPR–79 are extended and that paragraph 2A of Construction Permit No. CPPR–79 is amended to read:

The earliest date for completion of the facility is July 1, 1975, and the latest date for completion of the facility is July 1, 1976.

Date of Issuance: January 17, 1975.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Light Water Reactors, Group 1, Directorate of Licensing.

[FR Doc.75–2276 Filed 1–24–75;8:45 am]

[Docket No. 50–305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR–43 issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensee) which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications by temporarily extending the current monthly surveillance period for the turbine governor and steam stop valves (Table T.S. 4.1–3, Item 10) by an additional 59 days.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 20, 1974, (2) Amendment No. 4 to License No. DPR–43, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 20th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.75–2277 Filed 1–24–75;8:45 am]

[Docket Nos. 50–524, 50–525, 50–526, and 50–527]

ALABAMA POWER CO. (ALAN R. BARTON NUCLEAR PLANT, UNITS 1, 2, 3, AND 4)

Prehearing Conference

Notice is hereby given that, pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permits" published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42707), and in accordance with § 2.751a of said Commission's rules of practice, 10 CFR Part 2, a special prehearing conference will be held in the above-captioned proceeding at 10 a.m. on February 6, 1975, at the Montgomery County Courthouse, 3rd Floor, 142 Washington Avenue, Montgomery, Alabama 36104.

This special prehearing conference will be held before the Atomic Safety and Licensing Board (the Board) established in the aforementioned Notice of Hearing and composed of Dr. Ernest O. Salo, Dr. Marvin M. Mann and Daniel M. Head, Chairman.

The application which is subject matter of this proceeding has been made by the Alabama Power Company for construction permits for four boiling water nuclear reactors designated as the Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4 (the facilities), each of which will be designed for operation at 3579 thermal megawatts with a net electrical output of approximately 1159 megawatts. The proposed facilities are to be located approximately 15 miles southeast of Clanton, along the west side of the Coosa River, in Chilton and Elmore Counties, Alabama.

This special prehearing conference shall deal with the following matters:

1. Identification of key issues;
2. Any steps necessary for further identification of the issues;
3. Outstanding petitions for intervention;
4. All pending motions;
5. The need for discovery, and the time required thereof;
6. Establishment of a schedule for further action; and
7. Such other matters as may aid in the orderly disposition of the proceeding.

At the special prehearing conference, the Board will entertain oral argument on the outstanding petitions to intervene. The Board will cover both the interest and the contentions positions of the petitions to intervene.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances pursuant to § 2.715 (a) of the Commission's rules of practice, 10 CFR Part 2, may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the respective parties and any petitioners for intervention are directed to confer in advance of this special prehearing conference, in such manner as they may deem appropriate, and report to the Board at said conference on any stipulations regarding interest and/or matters in controversy, and on any other mutually agreeable procedures to expedite this proceeding.

Issued at Bethesda, Maryland, this 17th day of January 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75–2280 Filed 1–24–75;8:45 am]

[Docket No. STN 50–497]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Rescheduling of Second Prehearing Conference

The Applicant, Offshore Power Systems, has requested that the Second Prehearing Conference currently scheduled for January 28, 1975 be postponed for approximately three weeks. The other parties to this proceeding and to the related proceeding of Public Service Electric and Gas Company (Atlantic Generating Station, Units 1 and 2), STN 50–477 and STN 50–478, have consented to this continuance.

Accordingly, please take notice that the Second Prehearing Conference in the above-identified proceeding is hereby continued from January 28, 1975 until 10 a.m. Tuesday, February 18, 1975. The Second Prehearing Conference will be held in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.

Issued at Bethesda, Maryland, this 17th day of January 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75–2279 Filed 1–24–75;8:45 am]

[Docket Nos. STN 50–477 and 50–478]

PUBLIC SERVICE ELECTRIC AND GAS CO. (ATLANTIC GENERATING STATION, UNITS 1 AND 2)

Rescheduling of Second Prehearing Conference

At the request of counsel for the Applicant in the related proceeding of Offshore Power Systems (Floating Nuclear Power Plants), STN 50–437, the Second Prehearing Conference in that proceeding has been continued from January 28, 1975 until February 18, 1975. Since the Second Prehearing Conference in this proceeding was to follow immediately after the Second Prehearing Conference in Offshore Power Systems, it also will be continued until February 18, 1975.

Accordingly, please take notice that the Second Prehearing Conference in the above-identified proceeding is hereby continued from January 28, 1975 until February 18, 1975. This prehearing conference will be held in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, and will begin immediately following the conclusion of the Second Prehearing Conference of the Offshore Power Systems case.

Issued at Bethesda, Maryland, this 17th day of January 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75–2278 Filed 1–24–75;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC73–1]

MAIL CLASSIFICATION SCHEDULE, 1973

Confirmation of Resumption of Hearing

JANUARY 21, 1975.

Notice is hereby given that the Chief Administrative Law Judge has confirmed

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January 27, 1975, as the date to resume hearings in the above-designated proceeding, before the Postal Rate Commission, Suite 500, 2000 L Street NW., Washington, D.C. 20268.

DAVID F. HARRIS,
Acting Secretary.

[FR Doc.75-2325 Filed 1-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings February 6 and 7, 1975 beginning at 9 a.m., at the offices of Capital Research and Management Co.: Investment Group Conference Room, 31st floor, Crocker Bank Plaza, 611 West Sixth Street, Los Angeles, California 90017.

The summarized agenda for the meeting is as follows:

1. Review of written comments received in response to the Committee's Preliminary Statement (Securities Exchange Act Release No. 11131, December 11, 1974).
2. Evaluation of oral presentations regarding the statement made at the Committee's previous meetings on January 9 and 10, 1975.
3. Preparation of final draft of the Preliminary Statement.
4. Consideration of possible topics for future Committee consideration.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: January 21, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

[FR Doc.75-2403 Filed 1-24-75;8:45 am]

[Rel. No. 18777; 70-5606]

AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of Common Stock by Holding Company

JANUARY 20, 1975.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

American Natural proposes to issue and sell between 1,700,000 and 2,000,000 shares of its authorized and unissued common stock, par value $10 per share. The company expects to negotiate the sale of the common stock and enter into an underwriting agreement providing for the purchase and resale of the common stock by a group of underwriters managed by Dillon, Read & Co. Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, and Salomon Brothers. The public offering price per share of the common stock will be a fixed price, determined by agreement between the underwriters and American Natural, and not higher than the last reported sale (regular way) or the last reported asked price of American Natural's common stock on the New York Stock Exchange immediately prior to such determination, whichever is higher, plus 50¢. The underwriting commission will be an amount per share also determined by agreement between the underwriters and American Natural and will not be in excess of an agreed percentage of the public offering price to be specified in the underwriting agreement. On January 16, 1975, the closing price of American Natural's common stock on the New York Stock Exchange was $36.50 per share. The competitive bidding requirements of Rule 50 are not applicable because of the temporary suspension thereof by the Commission with respect to common stock issues of registered holding companies (HCAR No. 18646 (November 7, 1974)).

American Natural proposes to apply the net proceeds from the sale of common stock to the repayment of bank loans outstanding at the date of sale. The bank loans were incurred in 1974 to provide funds for the purchase of common stock of its subsidiaries to aid them in financing their capital requirements. Additional funds required to repay the remaining bank loans outstanding will be generated internally or obtained from new short-term borrowings under the exemption provided in section 6(a) of the Act. At December 31, 1974, American Natural had $73,800,000 of bank loans outstanding of which $14,800,000 were due April 29, 1975, and $59,000,000 were due June 11, 1975.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid in connection with the proposed transaction are to be filed by amendment.

Notice is further given that any interested person may, not later than February 18, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2394 Filed 1-24-75;8:45 am]

[Rel. No. 18778; 70-5604]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Amendment of Charter and Solicitation of Proxies

JANUARY 21, 1975.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), Ninth and Louisiana Streets, Little Rock, Arkansas 72203, a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Under Arkansas' charter, authorized shares of preferred stock may be issued from time to time in one or more series having such distinctive serial designations and (within the limitations set forth in the charter) such variations as between series as the company's board of directors shall state and express in a resolution or resolutions providing for the issue of such series. In all other respects, however, the shares of each series of preferred stock have the same rank, are identical with each other, and have the preferences, limitations, and relative rights appertaining thereto set forth in the charter.

It is stated that Arkansas will require substantial additional funds during the next few years to finance its continuing construction program and that it expects to raise the major part of such funds through the issuance and sale of additional securities, including additional shares of preferred stock. While the exact nature and amount of each such security issue will depend upon the capital requirements of the company and market conditions existing at the time, Arkansas presently is considering the issuance and sale of additional shares of a new series of its preferred stock during 1975.

It is further stated that other electric utilities have under present market conditions been able to sell shares of preferred stock at favorable dividend rates (if at all) only with the benefit of sinking funds. Arkansas' charter presently does not permit the company to issue preferred stock containing a sinking fund provision.

In order to make it possible for Arkansas to issue shares of new series of its preferred stock with the benefit of a sinking fund and thus enable it to sell securities when it might not otherwise be able to do so on acceptable terms, the company proposes to amend its charter to add to the authority of the board of directors to divide the authorized but unissued shares of the company's preferred stock into series and to fix and determine the characteristics, as to which there may be variations between different series, the authority to include in the resolution creating any future series of the company's preferred stock such terms and the amount of sinking fund requirements for the purchase or redemption of shares of any such series as it deems advisable. The issuance of any additional shares of preferred stock and the terms and conditions thereof would be subject to the approval of this Commission.

Arkansas's board of directors has called a meeting of holders of its common and preferred stock to be held on April 17, 1975, to consider the proposed charter amendment. The company proposes to solicit proxies for use at said meeting. It is stated that under the applicable provisions of the Arkansas Business Corporation Act, as amended, and the company's charter, the adoption of the proposal to amend the charter will require (a) the affirmative vote of the holders of at least two-thirds of the total number of outstanding shares of the preferred stock and the common stock voting together, (b) the affirmative vote of the holders of at least two-thirds of the total number of outstanding shares of the preferred stock voting as a class separately from the holders of the common stock, (c) the affirmative vote of the holders of at least two-thirds of the total number of outstanding shares of the common stock present at the meeting in person or by proxy as a class separately from the holders of the preferred stock, and (d) the presence in person or by proxy of the holders of at least 50 percent of the total number of outstanding shares of the common stock.

Middle South holds 23,390,000 shares of Arkansas' common stock, constituting 100 percent of all outstanding shares of such stock, and 95.8 percent of all outstanding shares of all stock of the company. The company has been informed by Middle South that it intends to vote all shares of common stock of the company held by it in favor of the adoption of the proposal to amend the company's charter. Such vote would necessarily constitute the required vote specified in (a) and (c) of the preceding paragraph and satisfy the condition specified in (d) therein.

It is stated that the Arkansas Public Service Commission has jurisdiction over the proposed charter amendment and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $22,000, including legal fees of $8,500.

Notice is further given that any interested person may, not later than February 14, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2393 Filed 1-24-75;8:45 am]

BOSTON STOCK EXCHANGE

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

International Nickel Co. of Canada Limited — File No. 7-4713

Upon receipt of a request, on or before February 7, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HALLIS,
Acting Secretary.

[FR Doc.75-2402 Filed 1-24-75;8:45 am]

CINCINNATI STOCK EXCHANGE

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

International Nickel Co. of Canada, Ltd. — File No. 7-4716.

Upon receipt of a request, on or before February 7, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation; pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.75-2401 Filed 1-24-75;8:45 am]

V40118 JAN27 75 XUM

[Rel. No. 8646; 812-3715]

IVY FUND, INC. AND STANDISH, AYER & WOOD, INC.

Notice of Filing of Application

JANUARY 21, 1975.

Notice is hereby given that Ivy Fund, Inc., 441 Stuart Street, Boston, Massachusetts 02116 ("Fund"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), and Standish, Ayer & Wood, Inc. ("Standish, Ayer"), 50 Congress Street, Boston, Massachusetts 02109, a registered investment adviser (collectively referred to hereinafter as "Applicants"), filed an application on October 30, 1974 and amendments thereto on December 30, 1974 and January 16, 1975 for an order of the Commission, pursuant to section 2(a)(20) of the Act, declaring Standish, Ayer not to be within the intent of the definition of "investment adviser" as that term is used in the Act, or alternatively, for an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicants from the provisions of section 15(a) of the Act to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On September 25, 1974, the Fund's Board of Directors terminated the Fund's then existing investment advisory contract with Studley, Shupert & Co., Inc. ("Studley, Shupert"), effective October 31, 1974 and voted to employ Standish, Ayer to provide investment advisory services to the Fund commencing November 1, 1974. On October 18, 1974, after considering various requests and statements by Studley, Shupert, including its request that the appointment of Standish, Ayer be deferred pending a meeting of the Fund's shareholders, the Board of Directors of the Fund voted not to defer the appointment of Standish, Ayer, to approve an investment advisory contract (the "Contract") between the Fund and Standish, Ayer, and to call a special meeting of shareholders for the purpose of securing shareholder approval of the Contract.

The Contract approved by the Fund's Board of Directors provides that the Fund will pay to Standish, Ayer, for advisory services rendered during the period from November 1, 1974 to the date of the special meeting of shareholders (or to the end of the month in which such meeting is held if shareholders do not approve the Contract), the lesser of Standish, Ayer's costs of providing such services or a fee equal to ⅜ of 1 percent per annum of the first $15,000,000 of the Fund's average net assets in said period plus ¼ of 1 percent of the remaining average net assets, pro-rated for the period. The Contract further provides that, in the event the shareholders approve the Contract, the Fund will pay to Standish, Ayer the amount by which the aforesaid percentage fee for the period exceeds Standish, Ayer's costs, if such payment is specifically approved by shareholders and the order of the Commission requested herein is granted. The special meeting of shareholders of the Fund was originally scheduled for December 18, 1974, was rescheduled for January 30, 1975, and is presently scheduled for February 19, 1975.

Section 15(a) of the Act prohibits any person from serving or acting as investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company. Section 2(a)(20) of the Act, in pertinent part, defines the term "investment adviser" of an investment company to include any person who, pursuant to contract, regularly furnishes advice to an investment company with respect to the desirability of investing in, purchasing or selling securities, or is empowered to determine what securities shall be purchased or sold, but specifically excludes therefrom persons furnishing such advice through uniform publications, persons furnishing only statistical information, companies furnishing such services at cost to one or more investment companies, insurance companies, or other financial institutions, persons whose compensation must be approved by a court, and such other persons as the Commission may by rules and regulations or order determine not to be within the intent of the definition.

Applicants seek an order of the Commission, pursuant to section 2(a)(20) of the Act, declaring Standish, Ayer not to be within the intent of the definition of "investment adviser" as that term is used in the Act or, alternatively, an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicants from the provisions of section 15(a) of the Act to the extent necessary to permit the Fund:

(1) To employ Standish, Ayer as the Fund's investment adviser prior to approval by the Fund's shareholders of the Contract, and

(2) To pay retroactively to Standish, Ayer the amount by which the percentage fee specified in the Contract exceeds Standish, Ayer's costs if the Fund's shareholders approve the Contract and the retroactive payment.

The termination of Studley, Shupert and the appointment of Standish, Ayer as the Fund's investment adviser was unanimously recommended and supported by the Fund's disinterested directors. Applicants state that these actions were taken only after extensive consideration, evaluation and comparison of the capacity of Studley, Shupert to serve as the Fund's investment adviser and the capacity of Standish, Ayer and other potential advisers so to serve. This investigation began on June 20, 1974, following a Board of Directors meeting at which it was formally reported that Paul Fenton, Jr. was resigning as the Fund's President and would cease to be a full-time employee of Studley, Shupert, effective September 1, 1974, that Studley, Shupert had made certain changes in its organization, and that Fidelity Corporation of Virginia, Studley, Shupert's parent corporation, was experiencing financial difficulties.

The application states that these developments prompted the disinterested directors to meet following the Board of Directors meeting and discuss the Fund's performance, the failure of Studley, Shupert to provide requested reports on portfolio securities and Studley, Shupert's financial condition. It was the consensus of this meeting that the disinterested directors reconsider the relationship between the Fund and Studley, Shupert and that alternative sources of services be investigated.

The disinterested directors, during the following three months, interviewed investment advisory firms, conducted further discussions of the matter with Studley, Shupert and its parent, Fidelity Corporation, and with a prospective purchaser of Studley, Shupert, and in the end concluded that it was in the best interests of the Fund and its shareholders that Studley, Shupert be terminated as the Fund's investment adviser and that Standish, Ayer be so employed. It was the Board of Director's further conclusion that a deferral of the employment of Standish, Ayer beyond November 1, 1974 would not be in the best interests of the Fund and its shareholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 18, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-in-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 18, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advise as to whether a hearing is

ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2395 Filed 1-24-75;8:45 am]

MIDWEST STOCK EXCHANGE INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

International Nickel Co. of Canada Ltd---------- File No. 7-4712

Upon receipt of a request, on or before February 7, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Acting Secretary.*

[FR Doc.75-2399 Filed 1-24-75;8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 21, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

International Nickel Co. of Canada. File No. 7-4717

Upon receipt of a request, on or before February 7, 1975, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Acting Secretary.*

[FR Doc.75-2398 Filed 1-24-75;8:45 am]

[File No. 500-1]

SECURITY NATIONAL BANK OF HUNTINGTON, NEW YORK

Notice of Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Security National Bank of Huntington, New York being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:45 a.m. (e.s.t.) on January 20, 1975 through 10 a.m. (e.s.t.) on January 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Acting Secretary.*

[FR Doc.75-2400 Filed 1-24-75;8:45 am]

[File No. 81-167; File No. 3-4596]

FAMILY LIFE INSURANCE CO.

Notice of Application and Opportunity for Hearing

JANUARY 21, 1975.

Notice is hereby given that Family Life Insurance Company ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") that Applicant be granted an exemption from the provisions of section 15(d).

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to section 12 of the 1934 Act.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting or proxy solicitation provisions under sections 12, 13, and 14 and any officer, director or beneficial owner of more than 10 percent of the 12(g) registered equity securities of any issuer from the insider trading provisions of section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, and nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant is incorporated under the laws of Washington.

2. Prior to 1974 the Applicant had one class of equity securities registered under the Securities Act of 1933.

3. As a result of a merger on November 13, 1974, the Applicant became a wholly-owned subsidiary of Merrill Lynch & Co., Inc.

4. At this time the Applicant has only one shareholder, Merrill Lynch & Co., Inc.

In the absence of an exemption, Applicant would be subject to the provisions of section 15(d) relating to reports to be filed with the Commission by reason of the fact that the company had a public offering of its Common Stock in 1965, which offering was registered and became effective under the Securities Act of 1933.

Applicant argues that there would be no useful purpose served by the necessity of continued reports for the balance of the 1974 calendar year simply for the reason that from January 1, 1974 until November 13, 1974 (the time of the merger) the Applicant had over 300 stockholders of record.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than February 17, 1975 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will

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receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2397 Filed 1-24-75;8:45 am]

[File No. 81-166; File No. 3-4589]

HONEYWELL OVERSEAS FINANCE CO.

Notice of Application and Opportunity for Hearing

JANUARY 21, 1975.

Notice is hereby given that Honeywell Overseas Finance Company ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") that Applicant be granted an exemption from the provisions of section 13 of the 1934 Act.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commission") which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under sections 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1) Applicant is a Delaware corporation and wholly owned subsidiary of Honeywell, Inc. ("Honeywell") formed on January 30, 1968 for the principal purpose of obtaining funds to meet the capital requirements of Honeywell outside of the United States and Canada.

2) In February, 1968, Applicant issued $30 million, principal amount of 5 percent Guaranteed Convertible Debentures due 1983. (the "Debentures").

3) The debentures are unconditionally guaranteed as to payment of principal and interest by Honeywell, and are convertible into shares of Honeywell common stock at $103.25 per share.

4) Applicant states that the debentures were intended for sale to non-United States investors and were issued under conditions reasonably designed to prevent their distribution to United States nationals.

5) The debentures are listed on the New York Stock Exchange and are registered pursuant to section 12(b) of the 1934 Act.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 13 of the 1934 Act because the debentures are registered with both the New York Stock Exchange and the Securities and Exchange Commission.

Applicant argues that the exemption order requested by it is appropriate in view of the fact that none of the securities of the Applicant (other than debt securities) are or will be held by any person other than Honeywell, or a wholly-owned subsidiary of Honeywell; that since the debentures are guaranteed by and convertible into common shares of Honeywell, it is the reports of Honeywell filed pursuant to Section 13 of the 1934 Act and not those of Applicant in which reasonable investors would be primarily interested; and since the debentures were admitted to trading on the New York Stock Exchange, no transactions in the debentures on such Exchange have occurred.

For a more detailed statement of the information presented, all persons are referred to the application and amendments which are on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any person not later than February 17, 1975 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2396 Filed 1-24-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

REAL ESTATE CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1974)), for the transfer of control of Real Estate Capital Corporation (RECC), 111 West 40th Street, New York, New York 10018, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 02/02-0124.

RECC was licensed on December 27, 1961. Its present combined paid-in capital and surplus is $1,260,444 with 800 shares, issued and outstanding, held by Union Investing Corporation (Union). This proposed transfer of control is subject to, and contingent upon, the approval of SBA.

The applicant, Dominion Holdings, Inc. (formerly Disc Incorporated of America) with offices at 1845 Walnut Street, Philadelphia, Pennsylvania 19103, is purchasing from Union 100 percent of the issued and outstanding stock of the licensee and will relocate the principal office of the licensee at 9823 Central Avenue, Largo, Maryland 20870.

The proposed new officers and directors of the applicant are as follows:

William J. Levitt, Jr., Chairman of the Board and Director.
Bennett Blum, President and Director.
Edward C. Keyworth, Vice President, Secretary and Director.
Barry A. Ebert, Treasurer and Director.

The single largest stockholder in Dominion is Levitt Enterprises Incorporated, and Mr. William J. Levitt, Jr., is the only individual who owns more than 10 percent of Levitt Enterprises, Inc.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owner and management, and the probability of successful operations of RECC under their management and control, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any interested person may, not later than February 11, 1975, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to:

Deputy Associate Administrator for Investment
1441 L Street, NW
Washington, D.C. 20416

A copy of this Notice shall be published by the transferee in newspapers of general circulation in Largo, Maryland and Philadelphia, Pennsylvania.

Date: November 25, 1974.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.75-248 Filed 1-24-75;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

SHAER SHOE CORP.; MILFORD, MASSACHUSETTS PLANT

Certification of Eligibility of Workers to Apply for Adjustment Assistance

Under date of December 20, 1974, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-252) under Section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance filed by the Shoe Workers Association of Milford, Massachusetts on behalf of former workers of the Milford, Massachusetts plant of the Shaer Shoe Corp., Manchester, New Hampshire. In this report, the Commission found that articles like or directly competitive with footwear for women produced by the Milford, Massachusetts plant of the Shaer Shoe Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause the unemployment or underemployment of a significant number or proportion of the workers of the Milford, Massachusetts plant of the firm.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 40 FR 846-7; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with footwear for women produced by the Milford, Massachusetts plant of Shaer Shoe Corp. increased substantially. During the period 1970-1974, the plant's customers turned increasingly to imports. In an effort to compete with foreign producers during that period, the firm introduced style changes and initiated an economy program at the Milford plant which involved a substitution of vinyl uppers for leather uppers, the conversion of the majority of the workers from a piecework pay plan to an hourly pay plan and an extension of the workers' 1970 wage contract through 1974. Those efforts failed to lower production costs to a level that would permit the plant to effectively compete with imports. As a result, sales declined and the management was forced to reduce employment at the Milford plant. Unemployment and underemployment of a significant number or proportion of workers of the Milford plant began in July 1970 and continues. Production workers were phased out of employment after the plant ceased production in September 1974, but a small office staff is being maintained at the Milford facility. After due consideration I make the following certification:

All workers, hourly, piecework, and salaried, of the Milford, Massachusetts plant of the Shaer Shoe Corporation, Manchester, New Hampshire, who became or will become unemployed or underemployed after July 5, 1970 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 21st day of January 1975.

HERBERT N. BLACKMAN, *Associate Deputy Under Secretary for Trade and Adjustment Policy.*

[FR Doc.75-2359 Filed 1-24-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 682]

ASSIGNMENT OF HEARINGS

JANUARY 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after January 27, 1975.

MC 135070 Sub 4, Jay Lines, Inc., application dismissed.
MC 123194 Sub 6, Sprague, Inc., application dismissed.
MC-F-12343, National Machinery Haulers, Inc.—Purchase—Larry L. Fenner Transport, Inc. and MC 140504, National Machinery Haulers, Inc., now being assigned February 27, 1975 (2 days) at Omaha, Nebr., in Room 616, Union Pacific Plaza, 110 N. 14th St.
MC-C-7996, Film Transit, Inc., et al v. Cape Freight, Inc., now assigned March 10, 1975, at Chicago, Ill. is advanced to March 4, 1975, in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.
MC 116783, Sub 286, Carl Subler Trucking, Inc., application dismissed.
MC 138896 (Sub-No. 6), Ajax Transfer Company, now being assigned March 3, 1975 (1 week), at St. Paul, Minn., in a hearing room to be later designated.
MC 102567 Sub 176, McNair Transport, Inc., MC 102567 Sub 177, now assigned January 28, 1975, Dallas, Texas, is postponed indefinitely.
MC 112304 Sub 78, Ace Doran Hauling & Rigging Co., now assigned January 31, 1975, at Chicago, Ill. is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2389 Filed 1-24-75;8:45 am]

[Notice No. 9]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 21, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22254 (Sub-No. 79TA), filed January 16, 1975. Applicant: TRANS-AMERICAN VAN SERVICE, INC., P.O. Box 12608, Forth Worth, Tex. 76116. Applicant's representative: Theodore A. Coulter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sailboats*, in cartons, from the plantsite and facilities of Snark Products, Inc., 5816 Ward Court, Virginia Beach, Va. 23455, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Snark Products, Inc., 1 Riverside Plaza, North Bergen, N.J. 07047. Send protests to: James M. Malloy, Transportation Specialist, Room 9A27 Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 59223 (Sub-No. 8TA), filed January 16, 1975. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th Street, New York, N.Y. 10018. Applicant's representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and accessories*, upon hangers and in cartons, in mixed shipments of garments on hangers and in cartons, between points in that part of the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, the warehouses, stores and other facilities of R. H. Macy & Co., Inc., in the commercial zones of Albany, N.Y. and New Haven, Conn., for 180 days. Supporting shipper: R. H. Macy & Co., Inc., Herald Square, New York, N.Y. 10001, Edward A. Pierce, Manager of Sys-

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tems. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 88380 (Sub-No. 18TA), filed January 15, 1975. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: John L. Payne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, cooling, heating, and humidifying equipment*, destined to commercial job-site deliveries, from the plantsite and warehouses facilities of Lennox Industries Inc. at Fort Worth, Tex., to points in Arkansas, Oklahoma, and Louisiana, for 180 days. Supporting shipper: Lennox Industries, Inc., Hwy. 121 at Maxine, Fort Worth, Tex. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Bldg., 189 Taylor Street, Fort Worth, Tex. 76102.

No. MC 103051 (Sub-No. 336TA), filed January 15, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934–44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone slurry* (in bulk in tank vehicles), from Tate, Ga. to points in Virginia, for 180 days. Supporting shipper: A. B. Wood Chemical Company, 4012 Park Road, Charlotte, N.C. 28209. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A–422 U.S. Court House, Nashville, Tenn.

No. MC 106644 (Sub-No. 201TA), filed January 13, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., 127 Peachtree Street, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particleboard, and wood products* (except in bulk), from Bon Wier, Cleveland, and Silsbee, Tex., to points in the United States (except Alaska and Hawaii, and Texas), for 180 days. Supporting shipper: Kirby Lumber Corporation, P.O. Box 577, Silsbee, Tex. 77656. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 546, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 106674 (Sub-No. 150TA), filed January 15, 1975. Applicant: SCHILLI MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railroad ties, wooden mining materials, and lumber, treated or untreated*, from Sutton, West Virginia to all points in Illinois, Indiana, Michigan, Wisconsin, for 180 days. Supporting shipper: United Wood Preserving Co., Old Fair Grounds, Sutton, West Va. 26601. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne, Room 204, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 983TA), filed January 13, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distiller solubles*, in bulk, from Atchison, Kans. to Oskaloosa, Iowa. for 180 days. Supporting shipper: Supersweet Feeds, 1200 Multifoods Bldg., Minneapolis, Minn. 55403. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108393 (Sub-No. 86TA), filed January 13, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of Electrical and Gas Appliances and Equipment, Materials and Supplies*, used in the manufacture, distribution and repair of electrical and gas appliances, between St. Charles, Ill., and Clyde, Ohio, restricted to operations for the account of Whirlpool Corporation, for 180 days. Supporting shipper: Carl R. Anderson, Director of Corporate Traffic, Whirlpool Corporation, Benton Harbor, Miss. 49022. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill.

No. MC 111485 (Sub-No. 17TA), (amendment), filed December 19, 1974, published in the FEDERAL REGISTER issue of January 3, 1975, and republished as amended this issue. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, Ky. 42071. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Monumental stone*, from points in Elbert County, Ga., to points in Missouri, Illinois, that part of Indiana in and west of Elkhart, Kosciusko, Fulton, Miami, Cass, Carroll, Tippecanoe, Montgomery, Boone, Putnam, Morgan, Monroe, Greene, Martin, Dubois, and Spencer Counties, Ind., and that part of Kentucky west of the Tennessee River, and (2) *Monumental stone*, from points in Elbert, Wilkes, Oglethorpe, Madison, Hart, Pickens, and Dawson Counties, Ga., to points in that part of Kentucky west of the Tennessee River, for 180 days.

NOTE.—Applicant states that the purpose of this filing is to permit it to lawfully continue a service previously performed by tacking and subject to the rules promulgated in Gateway Elimination, 119 MCC 530 (1974), 49 CFR 1065.

Supporting shippers: There are approximately 37 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103. The purpose of this republication is to amend the description of the authority sought above.

No. MC 111729 (Sub-No. 484TA), filed December 5, 1974, published in the FEDERAL REGISTER issue of December 18, 1974, and republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media*, between Kalamazoo, Mich., on the one hand, and, on the other, Keokuk, Iowa, and points in Illinois, Indiana, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Parallex Corporation, 10528 Shaver Road, Kalamazoo, Mich. 49002. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—The purpose of this republication is to change the territorial description.

No. MC 111729 (Sub-No. 499TA), filed January 15, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material*, moving therewith (except motion picture film, used primarily for commercial theatre and television exhibition), between Dallas, Tex., on the one hand, and, on the other, points in New Mexico, for 90 days. Supporting shipper: Clear Photo Service, 220 Howell, Dallas, Tex. 75207. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 500TA), filed January 17, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whole human blood and blood derivatives*, from Buffalo, N.Y., to Cleveland, Ohio, for 90 days. Supporting shipper: Nuclear Endocrine Laboratories, 10605 Chester, Cleveland, Ohio. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113300 (Sub-No. 7TA), filed January 15, 1975. Applicant: WILLIAM T. HERRON, Route No. 3, Marietta, Ohio 54750. Applicant's representative: Paul F. Berry, Ninth Floor, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal* (in bulk), from points in Carter, Boyd, and Elliott Counties, Kentucky, to points in Washington County, Ohio, for 180 days. Supporting shippers: Brushey Creek Coal Company, Box 288, Sandy Hook, Ky. 41171. Att.: Jack Keck, Office Mgr. Buchannon Sales, P.O. Box 788, Buckhannon, W. Va. 26201. Att.: Carl Martin, Pres. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W.Va. 25301.

No. MC 113300 (Sub-No. 8TA), filed January 15, 1975. Applicant: WILLIAM T. HERRON, Route #3, Marietta, Ohio 45750. Applicant's representative: Paul F. Beery Co., Ninth Floor, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in bulk), from points in Randolph County, West Virginia, to points in Washington County, Ohio, for 180 days. Supporting shippers: M & O Coal Company, 20950 Centerridge Road, Cleveland, Ohio 44116, Att.: William Hughes, Vice Pres. La Rosa Fuel Company, Clarksburg, W. Va. 26301. Att.: James D. La Rosa, President. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 114725 (Sub-No. 69TA), filed January 14, 1975. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, from La-Platte, Nebraska to points in Iowa, Kansas, Missouri, and Minnesota, for 180 days. Supporting shipper: National By Products, Inc., Darrell Flint, Territory Supervisor, South Omaha Station, Box 7187, Omaha, Nebr. 78107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 127616 (Sub-No. 23TA), filed January 15, 1975. Applicant: SAVAGE TRUCKING COMPANY, INC., P.O. Box 27, Chester Depot, Vermont 05144. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut timber, frame buildings*, from Hartland, Vermont, to points in Delaware, Pennsylvania, Virginia, North Carolina, Kentucky, and West Virginia, for 180 days. Supporting shipper: Vermont Log Buildings, Inc., Hartland, Vermont. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State Street, Montpelier, Vermont. 05602.

No. MC 128273 (Sub-No. 168TA), filed January 15, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt Street, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size or weight require use of special transportation equipment), from Glover, Mo., to points in California, Florida, Georgia, Illinois, Indiana, Louisiana, Minnesota, Massachusetts, New Jersey, New York, Pennsylvania, Texas, West Virginia, and Wisconsin, for 180 days. Supporting shipper: American Smelting and Refining Company, Suite 2506, 720 Olive Street, St. Louis, Mo. 63101. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 134922 (Sub-No. 110TA), filed January 14, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber products*, (1) from Oakland, Calif., to Atlanta, Ga.; Columbus, Ohio; Dallas, Tex., and Flemington, N.J., (2) from Flemington, N.J., to Atlanta, Ga.; Columbus, Ohio; Wooster, Ohio; Oakland, Calif., and Dallas, Tex. (3) from Muscatine, Iowa to Atlanta, Ga., Columbus, Ohio; Dallas, Tex., Flemington, N.J., and Oakland, Calif., (4) from Findlay, Ohio to Atlanta, Ga., Dallas, Tex., Flemington, N.J., and Oakland, Calif. (5) from Borger, Tex., to Flemington, N.J., and Oakland, Calif. and (6) from Wooster, Ohio and Columbus, Ohio to Oakland, Calif., restricted against the transportation of commodities in bulk and those requiring special equipment, for 180 days. Supporting shipper: Oliver Tire and Rubber Co., 1200 65th Street, Oakland, Calif. 94608. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140479 (Sub-No. 1TA) (Correction), filed December 30, 1974, published in the FEDERAL REGISTER issue of January 13, 1975, and republished as corrected this issue. Applicant: JERRY L. FERRIL, doing business as LUMBER EXPRESS, Route 3, Box 422, Excelsior Springs, Mo. 64024. Applicant's representative: Donald J. Quinn, Suite 900–1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, between the site of Wickes Lumber, at or near Excelsior Springs, Mo., on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81; points in Iowa on and south of U.S. Highway I–80 and Ankeny, Iowa; and Omaha, Nebr., for 90 days. Supporting shipper: Donald J. Bassett, Assistant Manager, Wickes Lumber, Rural Route No. 1, Excelsior Springs, Mo. 64024. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 140536 (Sub-No. 1TA), filed January 15, 1975. Applicant: BARRETT MOTOR FREIGHT, INC., 1101 N.E. 66th Terrace, Gladstone, Mo. 64118. Applicant's representative: Donald J. Quinn, Suite 900–1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles*, in boxes or crates, from the American Honda Company warehouses, located at Carson, Compton, Gardena, and Long Beach, California; Baton Rouge, Louisiana; and Chicago, Ill., to Kansas City, Kansas, Missouri Commercial Zone, for 180 days. Supporting shippers: Northeast Honda, Kansas City, Mo., Chezik Honda, North Kansas City, Mo., Independence Honda, Independence, Mo., Midwest Cycle Company, Lenexa, Kans. Send protests to: Vernon V. Coble, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut, Kansas City, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2391 Filed 1-24-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

JANUARY 22, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested per-

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sons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before February 26, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 5470 (Sub-No. 89G), filed June 4, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys*, in dump vehicles, from West Elizabeth, Pa., to Pontiac, Mich. The purpose of this filing is to eliminate the gateways of Conneaut, Ohio, and Erie, Pa. (2) *ferro-alloys*, in dump vehicles, from Monaca, Pa., to Ecorse and Warren, Mich. The purpose of this filing is to eliminate the gateway of Vancoram, Ohio.

No. MC 5470 (Sub-No. 91G), filed June 4, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, from Ashtabula, Ohio, to points in Michigan. The purpose of this filing is to eliminate the gateway of Erie, Pa.

No. MC 20894 (Sub-No. 22G), filed June 4, 1974. Applicant: P. CALLAHAN, INC., 5240 Comly Street, Philadelphia, Pa. 19135. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, Pa., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateway of Souderton, Pa.

No. MC 34975 (Sub-No. 7G), filed June 4, 1974. Applicant: TREDWAYS EXPRESS, INC., 512 Myrtle Avenue, Boonton, N.J. 07005. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Atlantic and Camden Counties on and north of U.S. Highway 30, Burlington, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Sussex, and Warren Counties, N.J., on the one hand, and, on the other, Allentown, Bethlehem, Easton, and Philadelphia, Pa. The purpose of this filing is to eliminate the gateways of Union County (Berkeley Heights), N.J., or Newark, N.J., and points in the commercial zone of Newark.

No. MC 53908 (Sub-No. 1G), filed June 5, 1974. Applicant: E. B. LIBE, INC., 160 Broad Street, Phillipsburg, N.J. 08865. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel machinery*, from points in New York, New Jersey, and Pennsylvania within 100 miles of Phillipsburg, N.J., to points in Pennsylvania, New York, Virginia, Rhode Island, Tennessee, Maryland, Massachusetts, Connecticut, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Phillipsburg, N.J.

No. MC 59194 (Sub-No. 19G), filed June 4, 1974. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: J. Thomas Schneider, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in Bradford, Cameron, Elk, McKean, Potter, Tioga, Warren, and Lycoming Counties, Pa., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of Athens or Sayre, Pa.

No. MC 67200 (Sub-No. 42G), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *New furniture*, (1) between points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways at Boston and Turners Falls, Mass. (2) from points in New York, New Jersey, and Pennsylvania, within 100 miles of Columbus Circle, New York, N.Y., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateways at New York, N.Y., and Boston and Turners Falls, Mass. (3) from points in New York, New Jersey, and Pennsylvania, within 100 miles of Columbus Circle, New York, N.Y., to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway at New York, N.Y. (4) from points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island, to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateways at New York, N.Y., New Haven and West Haven, Conn., and Boston, Mass.

(5) From points in Massachusetts within 20 miles of Gardner, Mass., Leominster, Turners Falls, North Dartmouth, Boston, Mass., and points within 10 miles of the State House of Boston, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, restricted (a) against service from Turners Falls, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, and New Jersey, (b) against uncrated new furniture moving from North Dartmouth, Mass., to points in Connecticut, New Jersey, and Pennsylvania, and (c) against service from Boston, Mass., and points within 10 miles of the State House of Boston, Mass., to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York. The purpose of this filing is to eliminate the gateways at Leominster, Boston, and Turners Falls, Mass., Milford and New Haven, Conn., and New York, N.Y. (6) from points in New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Leominster, Turners Falls, and points in Massachusetts within 20 miles of Gardner, Mass., and Baldwinville and Gardner, Mass., and Boston and points within 10 miles of State House, Boston, Mass., to Baltimore, Md., Washington, D.C., Newport News and Richmond, Va., restricted (a) to new, upholstered furniture, uncrated, and (b) against service from Milford, Conn., from which carrier holds direct authority. The purpose of this filing is to eliminate the gateways at Boston and Leominster, Mass., New Britain, New Haven, and Hartford, Conn., and New York, N.Y. (7) from points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island, to points in Massachusetts. The purpose of this filing is to eliminate the gateway at Boston, Mass.

No. MC 105457 (Sub-No. 81G), filed June 4, 1974. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo, P.O. Box 10638, Charlotte, N.C. 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Virginia, on the one hand, and, on the other, points in Georgia, Russell County, Ala., and that part of South Carolina west of a line extending from the North Carolina–South Carolina State line along South Carolina Highway 49 to York, S.C., thence along U.S. Highway 321 to Ulmers, S.C., thence along U.S. Highway 301 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateways of Charlotte or Roanoke Rapids, N.C.

No. MC 107515 (Sub-No. 912G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Philadelphia, Pa., to points in Texas, Oklahoma, Iowa, Minnesota, West Virginia, Virginia, Kentucky, and Omaha, Nebr. The purpose of this filing is to eliminate the gateways of Richmond, Va., Florence, Ala., and/or Rocky Mount, N.C. (2) *edible meats*, from Philadelphia, Pa., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Richmond, Va., and/or Louisville, Ky. (3) *frozen foods*, from Philadelphia, Scranton, and New York, N.Y., and points in their respective commercial zone, to points in Virginia. The purpose of this filing is to eliminate the gateways of Richmond, Va., and/or Rocky Mount, N.C. (4) *fresh and cured meats*, from Philadelphia and Scranton, Pa., and New York, N.Y., and points in their respective commercial zones, to points in North Carolina, South Carolina and Virginia. The purpose of this filing is to eliminate the gateways of Richmond, Va., Atlanta, Ga., and/or Charlotte, N.C. (5) *frozen foods*, from New York, N.Y., and points in its commercial zone, to points in Virginia, West Virginia, Wisconsin, and Omaha, Nebr. The purpose of this filing is to eliminate the gateways of Richmond, Va., Rocky Mount, N.C., and/or Florence, Ala.

No. MC 113855 (Sub-No. 293G), filed June 4, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, *and related machinery, parts, and related contractors' materials and supplies* when the transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, (2) *Self-propelled articles*, each weighing 15,000 lbs. or more *and related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities to be transported on trailers, (3) *Road construction machinery*, (4) *Material handling equipment*, (5) *Agricultural machinery*, (6) *Construction, earth moving, excavating, loading, maintenance, logging and mining machinery, and equipment, tractors*, (not including truck tractors), and *pipe layers*, and (7) *Parts and attachments* for the commodities described in (3) through (6) above, between points in the United States (including Alaska, but excluding Hawaii). The purpose of this filing is to eliminate the gateways at Elgin, Ill., Scranton and Allentown, Pa., Davenport, Iowa, points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., points in Minnesota and Iowa within 25 miles of the Wisconsin-Iowa State line, points in Utah, North Dakota, Montana, Wyoming, and South Dakota.

No. MC 114868 (Sub-No. 3G), filed June 4, 1974. Applicant: HARRY EARL NEWLON, JR., doing business as NEWLON'S TRANSFER, 1511 North Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Maryland, Virginia, and the District of Columbia; and (2) between points Ohio, Illinois, Kentucky, Maryland, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Indiana, Maine, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway at Washington, D.C.

No. MC 117313 (Sub-No. 7G), filed June 4, 1974. Applicant: TRYON TRUCKING, INC., P.O. Box 68, Fairless Hills, Pa. 19030. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Tin plate, sheet metal, tinners' and roofers' supplies*, which because of size or weight, requires the use of special equipment, between points in Ohio, points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line near Millerton, Pa., and extending in a southerly direction through Williamsport, Pa., to the Pennsylvania-Maryland State line near West Manheim, Pa., to points in Delaware and the District of Columbia, on the one hand, and, on the other, points in New Jersey, Maryland, New York, and points in Pennsylvania east of a line beginning at the Pennsylvania-New York State line near Millerton, Pa., and extending in a southerly direction through Williamsport, Pa., to the Pennsylvania-Maryland State line near West Manheim, Pa., (2) *Iron and steel, sheet metal and tin plate*, which because of size or weight, requires the use of special equipment, between the plant site of the Bethlehem Steel Corporation at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, Pennsylvania, New York, Maryland, New Jersey, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa.

No. MC 125433 (Sub-No. 51G), filed June 4, 1974. Applicant: F–B TRUCK LINE COMPANY, a Corporation, 1891 West 2100 South, Salt Lake City, Utah 84119 Applicant's representative: David J. Lister, 1891 West 2100 South, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, construction materials, and equipment*, between points in California, on the one hand, and, on the other, points in Washington and that part of Oregon on and north of the 44th parallel; and (2) *Contractor's equipment, heavy machinery, and other commodities*, the transportation of which, because of size and weight, requires the use of special equipment, *and related machinery parts, equipment, and supplies*, when the transportation thereof is incidental to the transportation of heavy machinery and other commodities which by reason of size or weight require the use of special equipment, between points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, Shasta, and Lassen Counties, Calif. (excluding service to or from points in Siskiyou and Shasta Counties, Calif. located on U.S. Highway 99), on the one hand, and, on the other, points in Washington, Oregon north of the 44th parallel, Idaho north of the northern boundary of Idaho County, and that part of Montana on and west of a direct north and south line extending from the northwest corner of Wyoming to the boundary of the United States and Canada. The purpose of this filing is to eliminate the gateways at points in Idaho.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizng safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 6, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1936 (Sub-No. E11), filed May 30, 1974. Applicant: B&PP MOTOR EEXPRESS, INC., 720 Gross St., Pitts-

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burgh, Pa. 15224. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twilight zone commodities* as described in *National Automobile Transporters Association et al. v. Rowe Transfer & Storage Company, Inc.* 64 M.C.C. 229 (1955), and subsequent cases, between Newburgh, Poughkeepsie, and Firthcliffe, N.Y., on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 23 from the Michigan-Ohio State line to junction U.S. Highway 224, thence on and north of U.S. Highway 224 to Ellsworth, Ohio, and thence on and east of Ohio Highway 45 to Wellsville, Ohio, and that part of Medina County, Ohio, on and south of U.S. Highway 224. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 31462 (Sub-No. E22), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Mississippi River, thence along U.S. Highway 49 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., thence along U.S. Highway 270 to Hot Springs, Ark., thence along U.S. Highway 70 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E24), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Carolina, on the one hand, and, on the other, points in that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Interstate Highway 55 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) any point in Tennessee, and (3) any point in Georgia.

No. MC 31462 (Sub-No. E198), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, (2) any point in Missouri within 25 miles of Cairo, Ill., and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E212), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof, and (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E287), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of (1) any point in Illinois within 50 miles of Burlington, Iowa, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E288), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota, to points in Ohio. The purpose of this filing is to eliminate the gateways of (1) any point in Illinois within 50 miles of Burlington, Iowa, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E289), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota, to points in West Virginia. The purpose of this filing is to eliminate the gateway of (1) any point in Illinois within 50 miles of Burlington, Iowa, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E290), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota, to points in the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) any point in Illinois within 50 miles of Burlington, Iowa, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E291), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota to points in Virginia. The purpose of this filing is to eliminate the gateways of (1) any point in Illinois within 50 miles of Burlington, Iowa, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 61403 (Sub-No. E34), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 23, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in Tennessee on and east of U.S. Highway 85 to points in North Dakota on and east of U.S. Highway 85, and points in South Dakota, on and east of U.S. Highway 27 (Kingsport, Tenn., and Marshall, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct a highway description. The remainder of this letter-notice remains as previously published.

No. MC 61403 (Sub-No. E40) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 23, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site of Ashland Chemical Company, Division of Ashland Oil & Refining Co., at or near Mapleton, Ill., to points in Louisiana south of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 190 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Mississippi State line, and points in Texas on, east, and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 190 to Livingston, thence along U.S. Highway 59 to the International Boundary line between the United States and Mexico. Restricted against the transportation of (1) naval stores to DeQuincy, La., (2) caustic potash and caustic soda to points in Louisiana. The purpose of this filing is to eliminate the gateway of Sheffield, Ala. The purpose of this correction is to correct the "E" number, previously published as E140.

No. MC 95900 (Sub-No. E1), filed June 1, 1974. Applicant: A. E. WHITE MOVING & STORAGE CO., INC., 49–55 Front Street, East Rockaway, N.Y. 11518. Applicant's representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in New York, N.Y., Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, Pennsylvania, Massachusetts, New Hampshire, Virginia, Vermont, and District of Columbia; and (b) between points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and New York, N.Y., Nassau, Rockland, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in Ohio, Michigan, Florida, and Illinois. The purpose of this filing is to eliminate the gateway of those points in Nassau County, N.Y., which are in the New York, N.Y., commercial zone.

No. MC 105950 (Sub-No. E1), filed May 31, 1974. Applicant: BADER BROS. VAN LINES, INC., 475 Underhill Blvd., Syosset, L.I., N.Y. 11791. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Alabama, Georgia, North Carolina, and South Carolina, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (New York, N.Y.) *; (2) between points in Delaware, Maryland, New Jersey, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (New York, N.Y.) *; (3) between points in Florida, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Stamford, Conn.) *; and (4) between points in Pennsylvania, on the one hand, and, on the other, points in Rhode Island (New York, N.Y.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107403 (Sub-No. E295), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050, Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except gasoline, fuel oil, benzene, kerosene, and raw milk), in bulk, in tank vehicles, from points in Pennsylvania within 150 miles of Monongahela, Pa., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Johnsburg, Pa./Newark, N.J., and Clairton, Pa./Newark, N.J.

No. MC 107403 (Sub-No. E308), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except liquids, fly ash, salt, cement, plastic materials, and calcium chloride), in bulk, in tank vehicles, from points in Kentucky to points in Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire. The purpose of this filing is to eliminate the gateways of Painesville, Ohio, and Solvay, N.Y.

No. MC 109478 (Sub-No. E44), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except gasoline, fuel oil, benzene, kerosene, and raw milk), in bulk, in tank vehicles, from points in Pennsylvania within 150 miles of Monongahela, Pa., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Johnsburg, Pa./Newark, N.J., and Clairton, Pa./Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except liquids, fly ash, salt, cement, plastic materials, and calcium chloride), in bulk, in tank vehicles, from points in Kentucky to points in Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire. The purpose of this filing is to eliminate the gateways of Painesville, Ohio, and Solvay, N.Y.

No. MC 109478 (Sub-No. E44), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers* and parts therefor, from Lapel, Lawrenceburg, and Marion, Ind., and Strentor and Chicago, Ill., to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City and points in New Jersey within 25 miles thereof, and Swedesboro, N.J., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateways of Brocton, Westfield, LeRoy and points within 50 miles thereof, Chautauqua County, Erie County, Genesee County, and Monroe County, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E45), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers* and parts therefore, from Salem, N.J., to Lawton and Decatur, Mich., and Erie County, Pa. The purpose of this filing is to eliminate the gateways of Brocton and Westfield, N.Y.

No. MC 109478 (Sub-No. E46), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tin containers* and parts therefore, from points in New Jersey, Pennsylvania, and Baltimore, Md., to Erie and Chautauqua Counties, N.Y., and Erie County, Pa. The purpose of this filing is to eliminate the gateways of Brocton and Westfield, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E47), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers* and parts therefore, from Boston and Waban, Mass., to Erie County, Pa. The purpose of this filing is to eliminate the gateway of Brocton, N.Y.

No. MC 109478 (Sub-No. E48), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* and parts therefor, from the plant and warehouse sites of United Can Company, at or near Rossford, Ohio, to Fall River, Boston, New Bedford, and Taunton, Mass., Erie County, Pa., and Providence, R.I. The purpose of this filing is to eliminate the gateways of Brocton, Monroe County, Genesee County, N.Y.

No. MC 109478 (Sub-No. E49), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, other than glass or metal, and parts therefor, from points in Ohio to points in New York. The purpose of this filing is to eliminate the gateway of Erie County, Pa., and LeRoy, N.Y., and points within 50 miles thereof.

No. MC 109478 (Sub-No. E50), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, other than glass or metal and parts therefor, from Lapel, Lawrenceburg, and Marion, Ind., Streator and Chicago, Ill., to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City and points in New Jersey within 25 miles thereof, and Swedesboro, N.J., Providence, R.I., and points in New York. The purpose of this filing is to eliminate the gateway of Brocton, Westfield, LeRoy, and points within 50 miles thereof, Chautauqua

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County, Erie County, N.Y., and North East, Pa.

No. MC 109478 (Sub-No. E51), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, other than glass or metal, and parts therefor, from Salem, N.J., to Lawton and Decatur, Mich., and Erie County, Pa. The purpose of this filing is to eliminate the gateway of Brocton and Westfield, N.Y.

No. MC 109478 (Sub-No. E53), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* other than glass or metal and parts therefor, from Boston and Waban, Mass., to Erie County, Pa. The purpose of this filing is to eliminate the gateway of Brocton, N.Y.

No. MC 119988 (Sub-No. E57), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Idaho. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E58), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Utah. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 111545 (Sub-No. E66) (Correction) filed May 23, 1974, published in the FEDERAL REGISTER July 1, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in that part of Kentucky within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that portion of Virginia in, east, and south of Southampton, Sussex, Surry, James, City, and York Counties, Va. The purpose of this filing is to eliminate the gateway of any point in North Carolina within 175 miles of Chattanooga, Tenn.

No. MC 112668 (Sub-No. E1), filed May 15, 1974. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. 21048. Applicant's representative: Norman E. Shipley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Retsof, N.Y., to points in the District of Columbia, and points in Fauquier, Fairfax, Loudoun, and Prince William Counties, Va., and points in Jefferson County W. Va. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 113459 (Sub-No. E17), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; (3) *Machinery, equipment, materials, and supplies* incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing and picking up of pipe in connection with main or trunk pipelines); (4) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (5) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 24 to its junction with Illinois Highway 103, thence along Illinois Highway 103 to its junction with Illinois Highway 125, thence along Illinois Highway 125 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Illinois Highway 47, thence along Illinois Highway 47 to its junction with Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Utah; between points in that part of Illinois on and south of U.S. Highway 24, on the one hand, and, on the other, points in that part of Utah on and south of U.S. Highway 40; and between points in that part of Illinois on, south, and east of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to its junction with Illinois Highway 2, thence along Illinois Highway 2 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Utah on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to its junction with U.S. Highway 189, thence along U.S. Highway 189 to its junction with Utah Highway 80, thence along Utah Highway 80 to its junction with Utah Highway 73, thence along Utah Highway 73 to its junction with Utah Highway 36, thence along Utah Highway 36 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Utah-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 113459 (Sub-No. E72), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing and picking up of pipe in connection with main or trunk pipelines); (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled,

(c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in that part of Kansas on and south of a line beginning at the Kansas-Colorado State line end extending along Kansas Highway 96 to its junction with U.S. Highway 56, thence along U.S. Highway 56 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to its junction with Illinois Highway 47, thence along Illinois Highway 47 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 113459 (Sub-No. E73), filed May 31, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 61 to its junction with Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Louisiana on and north of Interstate Highway 20. Restriction: The operations authorized in (1) above are restricted against the transportation of agricultural machinery and agricultural tractors, and the operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113459 (Sub-No. E74), filed May 31, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; between points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with U.S. Highway 377, thence along U.S. Highway 377 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with U.S. Highway 57, thence along U.S. Highway 57 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line. Restriction: The operations authorized in (1) and (2) above are restricted against the transportation of agricultural machinery and agricultural tractors, and the operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113678 (Sub-No. E30), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned meats, canned meat products, and canned meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Northwest Packing Company at Portland, Oreg.; (a) to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia (Lexington, Nebr.)*; (b) to points in Alabama, Mississippi, Florida, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia (Denver, Colo.)*; and (c) to points in Oklahoma (Greeley, Colo.)*; (2) *Canned goods*, from the plant site of Northwest Packing Company, at Portland, Oreg., (a) to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia (Lexington, Nebr.)*; (b) to points in Alabama, Mississippi, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia (Denver, Colo.)*; and (c) to points in Oklahoma (Greeley, Colo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E69), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission (except commodities in bulk, in tank vehicles), from Los Angeles, San Diego, and San Francisco, Calif., to points in Maine, New Hampshire, Vermont, Ohio, and Michigan. The purpose of this filing is to eliminate the gateways of Denver, Colo., and Rapid City, N. Dak.

No. MC 113678 (Sub-No. E70), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as defined by the Commission (except commodities in bulk, in tank vehicles, and hides), from Greeley, Colo., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of York, Nebr.

No. MC 113678 (Sub-No. E73), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr., to points in Washington, Oregon, and Idaho. Restricted to the transportation of shipments originating at the facilities of Platte Valley Foods, Inc., at Wahoo, Nebr. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113678 (Sub-No. E81), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Los Angeles, San Diego, and San Francisco, Calif., to points in Maine, New Hampshire, Vermont, Ohio, and Michigan. The purpose of this filing is to eliminate the gateway of Rapid City, S. Dak.

No. MC 113678 (Sub-No. E95), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen preserved vegetables*, from the facilities of Food Processors, Inc., at Wilson, N.C., to points in Colorado, Idaho, Nebraska, Nevada, North Dakota, South Dakota, Oregon, Utah, Montana, Washington, and Wyoming. Restriction: The authority granted herein is restricted to traffic originating at the above-specified plant site and warehouse facilities. The pur-

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pose of this filing is to eliminate the gateway of Ames, Iowa.

No. MC 114211 (Sub-No. E398), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling), from points in Nebraska to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 159, thence along Texas Highway 159 to junction Texas Highway 36, thence along Texas Highway 36 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to McAllen, Tex., with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E25), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products), and *fittings* and *accessories* therefor, when moving with such pipe, the transportation of which because of size or weight, requires special equipment, from points in that part of Nebraska on and north west of a line beginning at the Iowa-Nebraska State line, thence along Nebraska Highway 2 to junction U.S. Highway 73/75, thence along U.S. Highway 73/75 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Louisiana on and south of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 80 to the Louisiana-Mississippi State line and to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Ohio, West Virginia, Virginia, Delaware, Maryland, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, with no transportation for compensation on return, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E426), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* of the commodities described above in mixed loads with such commodities, from points in Iowa to points in that part of North Dakota on and north of a line beginning at the Minnesota-North Dakota State line, thence along Interstate Highway 94 to the North Dakota-Montana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., Commercial Zone located in the State of Minnesota.

No. MC 114211 (Sub-No. E427), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts thereof*, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along Illinois Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line to points in that part of Kansas on and west of a line beginning at the Kansas-Colorado State line, thence along Kansas Highway 96 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction Kansas Highway 270, thence along Kansas Highway 270 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 25, thence along Kansas Highway 25 to the Kansas-Oklahoma State line and to points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 20, to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 21, thence along Nebraska Highway 21 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Wyoming State line, and to points in that part of South Dakota on and west of a line beginning at the South Dakota-North Dakota State line, thence along South Dakota Highway 45 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 47, thence along South Dakota Highway 47, to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line, and to points in that part of Louisiana on and west of a line beginning at the Arkansas-Louisiana State line, thence along Louisiana Highway 33, to junction Louisiana Highway 143, thence along Louisiana Highway 143 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 15 thence along Louisiana Highway 15 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line, and to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 283, to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to the Oklahoma-Texas State line, and to points in Montana, Colorado, Texas, and New Mexico, with no transportation for compensation except as otherwise authorized restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 114211 (Sub-No. E429), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight require the use of special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Minnesota to points in that part of Arizona on and south of a line beginning at the California-Arizona State line, thence along Interstate Highway 10 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Arizona Highway 71, thence along Arizona Highway 71 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line, and to points in that part of New Mexico on and south of a line beginning at the New Mexico-Arizona State line, thence along Interstate Highway 40 to junction U.S. Highway 85, thence along

U.S. Highway 85 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line, and to points in that part of California on and south of a line beginning at Oceanside, Calif., thence along California Highway 76 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 71, thence along California Highway 71 to junction California Highway 74, thence along California Highway 74 to junction California Highway 111, thence along California Highway 111 to junction Interstate Highway 10, thence along Interstate Highway 10 to the California-Arizona State line, with no transportation for compensation on return except as otherwise authorized.

No. MC 114211 (Sub-No. E430), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight require the use of special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Minnesota to points in that part of Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 62 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to the Louisiana-Arkansas State line and to points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 167 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 128, thence along Louisiana Highway 128 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Hauma, La., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Independence, Kans., Claremore, Okla.

No. MC 114211 (Sub-No. E431), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts thereof*, except commodities requiring special equipment, from the plants, warehouse sites, and storage facilities of the Sperry Rand Corp., New Holland Division, located at Belleville, Mountville, and New Holland, Pa., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of points in South Dakota and Nassau, Minn.

No. MC 114211 (Sub-No. E433), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements, and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling), from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to McAllen, Tex., with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E434), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* thereof, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 47 to junction Nebraska Highway 137, thence along Nebraska Highway 137 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to points in that part of Texas on and southeast of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E435), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling), from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 47 to junction Nebraska Highway 137, thence along Nebraska Highway 137 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to points in that part of Texas on and southeast of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line,

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with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E436), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 47 to junction Nebraska Highway 137, thence along Nebraska Highway 137 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line to points in that part of Texas on and southeast of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E437), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 83 to the Nebraska-Kansas State line to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to McAllen, Tex., with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E438), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 83 to the Nebraska-Kansas State line to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to McAllen, Tex., with no transportation for compensation on return except as otherwise authorized restricted against movement to oilfield locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E440), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from points in that part of Nebraska on and northwest of a line beginning at the Iowa-Nebraska State line, thence along Nebraska Highway 92 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line to points in Indiana. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 119702 (Sub-No. E1), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils, gasoline, kerosene, and asphalt*, in bulk, in tank vehicles, from Hartford, Roxana, and Wood River, Ill., to points in Illinois north of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 119702 (Sub-No. E2), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients* which are petroleum products, in bulk, from the facilities of the Illinois Road Contractors, Inc., in Pike County, Ill., to those points in Indiana on and east of U.S. Highway 31, and points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of the facilities of United States Steel Corp., Chemical Division, at or near Tilton, Ill.

No. MC 119702 (Sub-No. E4), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such petroleum products as are acids, chemicals, fertilizer, and fertilizer ingredients* (except cryogenic liquids), in bulk, in tank vehicles, from the facilities of Illinois Road Contractors, Inc., in Pike County, Ill., to points in that part of Iowa on and north of U.S. Highway 20, to points in the Upper Peninsula of Michigan, and points in South Dakota, Minnesota, and Wisconsin (the facilities of Apple River Chemical Co., Division of St. Paul Ammonia Products, Inc., at or near East Dubuque, Ill.) *; and (2) *Such petroleum products as are acids, chemicals, fertilizer, and fertilizer ingredients* (except cryogenic liquids), in bulk, in tank vehicles, from the facilities of Illinois Road Contractors, Inc., in Pike County, Ill., to points in Iowa, Kansas, Minnesota, Nebraska, South Dakota, and Wisconsin (the facilities of Apple River Chemical Co., Division of St. Paul Ammonia Products, Inc., at or near Niota, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119702 (Sub-No. E5), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* which are petroleum products, in bulk, in tank vehicles, from the facilities of Illinois Road Contractors, Inc., in Pike County, Ill., to points in Michigan and Wisconsin (except anhydrous ammonia, from such plant site to points in Wisconsin). The purpose of this filing is to eliminate the gateway of the facilities of Agrico Chemical Co., near Pekin, Ill.

No. MC 119934 (Sub-No. E5), filed May 12, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Phosphoric acid*, in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Iowa, Minnesota, and Wisconsin, restricted against transporting the site of any glass manufacturing plant. The purpose of this filing is to eliminate the gateway of the plant site of National Phosphate Corporation at or near Marseilles, Ill. (B) *Chemicals* (except soda ash and petroleum derivative chemicals as defined by the Commission), in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of Central Chemical Co., Division of Wilson & Co., Inc., near Elwood, Ill. (C) *Phosphoric acid and dry phosphates*, in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Maryland, New Jersey, New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Fernald, Ohio.

No. MC 119988 (Sub-No. E52), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to that part of New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 380 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E53), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to Washington, D.C. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E55), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E56), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Oregon. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E59), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to Washington, D.C. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 123407 (Sub-No. E176), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials*, and *accessories*, used in the installation of Composition board and *ceiling tile* (except lumber and commodities in bulk, chemicals, and commodities which because of size or weight require the use of special equipment), from Brookville, Ind., to the Counties of Jeff Davis, Culberson, Hudspeth, and El Paso, Tex., points in New Mexico except the Counties of Eddy, Lea, Chaves, Roosevelt, and Curry, and points in Colorado. The purpose of this filing is to eliminate the gateway of that part of the Commercial Zone of Dubuque, Iowa, in Illinois.

No. MC 123407 (Sub-No. E178), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials*, and *accessories* used in the installation of the commodities above (except lumber and commodities in bulk), from the facilities of Abitibi Corporation at Roaring River, N.C., to points in Montana and the Counties of Teton, Park, Big Horn, Hot Springs, Washakie, Sheridan, Johnson, Campbell, and Crook, Wyo. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E180), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *materials* and *accessories* used in the installation of the commodities in (1) above, (except lumber and commodities in bulk), and (3) *ceiling tile*, from points in Illinois except Moline, East Moline, and Rock Island and the Counties of Hancock, Adams, and Pike to the Counties of Lincoln, Flathead, Sanders, Lake, Glacier, Pondera, Toole, Liberty, and Hill, Mont. The purpose of this filing is to eliminate the gateways of Warren, Ill., and L'Anse, Mich.

No. MC 123407 (Sub-No. E182), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *materials* and *accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from Lakeville, Minn., to points in Maine, Vermont, New Hampshire, Massachusetts, and Connecticut. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E183), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials*, and *accessories* used in the installation of composition board (except lumber and commodities in bulk), from Natchez, Miss., to the Counties of Lincoln, Sanders, Flathead, Glacier, Pondera, Toole, Liberty, Hill, Blaine, Phillips, Valley and Daniels, Mont. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E184), filed January 2, 1975. Applicant: SAWYER

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TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except lumber and commodities in bulk), from Charleston, S.C., to points in Montana and the counties of Teton, Park, Big Horn, Sheridan, Johnson, Campbell, Brook, and Weston, Wyo. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E185), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials* and *accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from Florence, Ky., to points in Montana. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E186), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, and accessories* used in the installation of composition board (except lumber and commodities in bulk), from Henry County, Tenn., to the counties of Lincoln, Sanders, Flathead, Lake, Glacier, Mineral, Missoula, Ravalli, Granite, Deer Lodge, Silver Bow, Jefferson, Powell, Broadwater, Lewis and Clark, Teton, Pondera, Toole, Liberty, Chouteau, Hill, Cascade, Judith Basin, Meagher, Wheatland, Fergus, Blaine, Phillips, Petroleum, Garfield, Valley, Daniels, Roosevelt, McCone, and Sheridan, Mont. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E187), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by water vehicle, over irregular routes, transporting: *Composition board* (except lumber and commodities in bulk), from the facilities of Georgia-Pacific Corporation at Taylorsville, Miss., to the counties of Lincoln, Sanders, Mineral, Ravalli, Granite, Deer Lodge, Powell, Lewis and Clark, Missoula, Lake, Flathead, Glacier, Teton, Pondera, Toole, Cascade, Chouteau, Liberty, Hill, Judith Basin, Fergus, Blaine, Phillips, Petroleum, Valley, Garfield, McCone, Daniels, Roosevelt, Dawson, Richland, and Sheridan, Mont. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E188), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except lumber and commodities in bulk), from Orangeburg, S.C., to points in Montana and the counties of Park, Big Horn, Hot Springs, Washakee, Sheridan, Johnson, Campbell, Crook, and Weston, Wyo. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E189), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from Warren, Ill., to the counties of Lincoln, Sanders, Flathead, Lake, Glacier, Pondera, Titon, Toole, Liberty, Hill, Chouteau, and Blaine, Mont. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E190), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from Superior, Wis., to points in West Virginia, Maryland, Delaware, New Jersey, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas, New Mexico, and Colorado. The purpose of this filing is to eliminate the gateway of that part of Dubuque, Iowa, commercial zone, which is in Illinois.

No. MC 123407 (Sub-No. E191), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk, lumber, chemicals, and commodities which because of size or weight require the use of special equipment), from Chicago and Wilmington, Ill., to points in Virginia, West Virginia, North Carolina, Kentucky in and east of the counties of Meade, Hardin, Hart, Edmonson, Warren, and Allen, and Tennessee in and east of the counties of Sumner, Davidson, Rutherford, Marshall, and Lincoln. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E192), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, and accessories* used in the installation of composition board, and *ceiling tube* (except lumber, commodities in bulk, iron and steel, and commodities which because of their size or weight require the use of special equipment), from the facilities of Certain-Teed Products Corporation in Scott County, Minn., to points in Connecticut, Massachusetts, New Hampshire, and Delaware. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E193), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, and *Materials and accessories* used in the installation of composition board (except lumber and commodities in bulk), from the facilities of National Gypsum Company at Mobile, Ala., to points in Montana except the Counties of Beaverhead, Madison, Gallatin, Park, Sweet Grass, Stillwater, Carbon, Big Horn, Treasure, Rosebud, Custer, Powder River, Fallon, and Carter. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E194), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except lumber and commodities in bulk) from Charleston, S.C., to points in Colorado except the Counties of Power, Baca and Las Animas. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E195), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except lumber and commodities in bulk), from Orangeburg, S.C., to points in Colorado except the Counties of Baca, Powers, Otero, and Las Animas. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E196), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above, (except lumber and commodities in bulk), and (3) *Ceiling tile*, from International Falls, Minn., to points in West Virginia, Maryland, Delaware, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of that part of the commercial zone of Dubuque, Iowa, within Illinois.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

■

Effluent Guidelines and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 326-2]

PART 422—PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On February 20, 1974, EPA promulgated a regulation adding Part 422 to Chapter 40 of the Code of Federal Regulations (39 FR 6580). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the phosphate manufacturing point source category. The regulation set forth below will amend 40 CFR Part 422, Phosphate Manufacturing Point Source Category, by adding thereto effluent limitations and guidelines for existing sources for the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) pursuant to sections 301, 304(b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

(a) *Legal authority.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) of the phosphate manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) *Summary and basis of proposed effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources*—(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) of the phosphate manufacturing point source category.

(i) *Categorization.* Although the phosphate compounds of highest purity are made from phosphorus derived acid, a substantial demand developed for products of adequate quality for many uses, but cheaper than the furnace acid derived materials. Major products in this area are calcium phosphates for animal feed, defluorinated phosphoric acid, and sodium phosphates. The industry supplies this demand through defluorination of phosphate rock, and defluorination of phosphoric acid. The sodium phosphates demand is supplied by products derived from the purification of wet process phosphoric acid derived from calcined rock.

Within this group of chemicals, the defluorination of phosphate rock is carried out by heating phosphate rock (with phosphoric acid, silica, and/or various

other reagents), which distinguishes the category sharply from the remaining products derived through the defluorination of liquid phosphoric acid. The most favorable water balance within the segment is held by this defluorinated rock process. Substantial evaporation occurs as a result of stack washing to control fluoride emission. The water used for stack washing picks up substantial fluorine pollution, much the same as the scrubber water in fertilizer phosphate manufacture or in the manufacture of elemental phosphorus.

Water is collected from the defluorination of phosphoric acid. This is water driven from the acid, aided by air streams and/or vacuum. This water contains the fluoride contaminant common to phosphoric acid production. This water also contains some of the wet phosphoric acid raw material and some of the defluorinated product. Spray carry-over contaminates the condensate, particularly where some types of barometric condensers are used.

Sodium phosphates are produced from conventional wet process phosphoric acid derived from calcined rock. The calcining temperature is high enough to destroy organic components that impart objectionable color, but not high enough to defluorinate the rock. The production of sodium phosphates is associated with waste water problems similar to the fertilizer phosphate problems. The conversion of rock to acid is by the usual process. The purification steps conducted in phosphate salt manufacture require blowdown of process water with fluorine, sulphate, and phosphate waste water components, as well as other salts and solids.

Most of the fluoride in the raw product acid is crystallized out as sodium silicofluoride byproduct, whereas the fluorides removed in the defluorination of phosphate rock, and in the defluorination of phosphoric acid appear in the waste water.

As a result of these considerations, and of other factors considered in the study, three subcategories have been established for the other non-fertilizer phosphate chemicals segment of the Phosphate Manufacturing Point Source Category: Subpart D—The Defluorinated Phosphate Rock Subcategory. Subpart E—The Defluorinated Phosphoric Acid Subcategory. Subpart F—the Sodium Phosphate Subcategory.

(ii) *Waste characteristics.* Conventional fertilizer plant wet phosphoric acid is used as a treatment reagent in the defluorination of phosphate rock, and as the principal raw material for the production of defluorinated phosphoric acid, and of sodium phosphates. All three subcategories of this segment, accordingly, must deal with the same waste water problems dealt with in wet phosphoric acid production. These include large amounts of sulfuric acid derived from stack or tail gas scrubbing, filtration, solids washing and acid manufacturing operations. These also include huge quantities of solid wastes originating as suspended solids during manufacturing operations. These wastes include sizeable quantities of gypsum and debris from acid treatment of rock.

Stack washing is required in the manufacture of defluorinated rock to control air contamination by sulfur dioxide and fluorides. This results in a large quantity of waste water, made acidic by sulfurous acid. The purification processes imposed on both phosphate rock and phosphoric acid to reduce product fluoride inexorably results in increased waste water fluoride. Waste product phosphoric acid, likewise, appears in waste water as a major pollutant.

Stack washing operations lead to pickup of much heat by the process waste water. In addition, large quantities of noncontract cooling water are used. These streams must be constantly monitored for leaks, and dealt with as contaminated process waste water when leaks occur, or when spray problems carry raw material, reagent or product into the cooling water.

The sodium phosphates manufacturing processes develop a number of salt wastes, which accumulate from salting out and evaporating processes. Process water accumulating in the system acquires a build-up concentration of miscellaneous impurities; these must be discharged from the system constantly to protect product purity. This provides a stream bearing some fluoride and a considerable amount of phosphate and suspended solids contaminants. Solid wastes are separated by precipitation steps utilized in the manufacturing processes. Some arsenic is present in the raw product acid. Sulfide precipitation is applied as a manufacturing step to make certain that an objectionable level of arsenic does not appear in the phosphate products. The sediment from this operation is accumulated in a landfill. Officials responsible for non-point source pollution in the area of a facility must be apprised of the potential ground water pollution hazard and/or a potential hazard from the solid deposit. Large quantities of cooling water are utilized, resulting in much heat accumulation in the waste water.

Polyphosphates are formed by the severe heat and dehydration processes applied in the defluorination of both rock and acid, and are among the sodium phosphates products. These compounds, not encountered in wet phosphoric acid production, do appear among the waste water components of this industrial segment.

Radium 226 is present in most raw rocks at highly objectionable levels. This contaminant is soluble in the acidic waste water recirculating in the cooling water ponds of most manufacturing facilities; however, radium-226 is mainly associated with the suspended solids and solid debris of phosphate manufacture. It is not discharged in treated effluent at a significant level. Officials responsible for non-point source pollution in the area of a facility must be apprised of the potential ground water pollution hazard, and/or potential hazards in the solids deposits.

(iii) *Origin of waste water pollutants.* The dominant source of contaminated waste water in the defluorination of rock originates from stack washing. This waste water stream is rich in fluoride, sulfate, phosphates, acidic substances, suspended solids and heat. Other sources of waste water contamination are leaks and spills and suspended solids from purifying raw water in the water supply plant.

Condensate from the concentration process is the major source of waste water from acid defluorination. This stream picks up raw material and product spray, the fluoride removed from the raw acid, and much heat. Minor sources of contamination are spills, pump seal leaks, and suspended solids from the water supply facilities.

Salts accumulating from salting out processes, solids separating from precipitation processes, and blowdown of contaminated water from the purification system are representative of waste water contaminants that are an integral part of the manufacturing process for sodium phosphates production. The other major sources of waste water contamination in the industry are pump and seal leaks, and spills. Leaks and spills can be controlled by diligent management and should not contribute significantly to the raw waste water load.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technogoly, processes, operating methods or other alternatives.

The factors and contaminants in nonfertilizer phosphate chemical process effluent streams have for the most part been well identified and well known for many years. As a consequence, considerable effort has been expended to correct for and minimize the majority of those which are particularly detrimental to natural water receiving bodies. Much of this work has been directed at correcting the source of the contamination by an in-process improvement rather than an end-of-pipe type of treatment. A large part of the motivation for such improvement has been economics, that is, improved operating efficiency and costs. Such improvements are just plain good business and justify capital expenditure required to achieve them.

The major contaminants that must be dealt with are mainly the same as those encountered in the Phosphate Subcategory of the Basic Fertilizers Segment of the Fertilizer Manufacturing Point Source Category. These major contaminants are fluorides, phosphates, and sulfuric acid. The recirculation, sedimentation and cooling pond has been established as a vital point of the waste water treatment system. The major waste water anions, fluoride, phosphate and sulfate, are precipitated by the calcium, iron and aluminum accumulating

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in the lagoon. Much calcium, iron and aluminum are derived from the acid treatment of rock. The calcium, iron and aluminum components concentrate as a result of stack scrubbing and evaporation processes. The major anionic pollutants are precipitated from the pond water when conditions are favorable.

Plants in the arid regions, with a favorable rainfall-evaporation ratio, have no waste water discharge to navigable waters. Much water is lost as steam in stack washing operations. Most plants, faced with the need to treat effluent, develop water conservation and reuse programs that drastically reduce the amount that must be discharged. When discharge becomes essential, lime is effective for removing the major pollutants, acid, radium-226, fluoride and phosphate. Calcium sulfate, calcium fluoride, calcium phosphate, iron phosphate and aluminum phosphate are the major end products of treatment and remain as solid wastes.

Special precautions are essential to assure pond reliability so that dam failure does not lead to massive contamination of surface waters, and that pond leakage does not contaminate valuable ground water. These factors are covered in the Development Document.

Radium-226 is present in high amounts in the sediment of the pond, and in solution in the acidic water of the pond. This pollutant is regarded as highly objectionable. Fortunately, radium-226 can be regulated by control of seepage and by effective lime clarification.

Some plants producing defluorinated rock and some producing defluorinated acid are able to manage the waste water recycle pond so that no discharge occurs to navigable waters. It is recognized that discharges are required in times of excessive rainfall; overflow is permitted, for best practicable treatment, of rainfall in excess of the heaviest expected 24 hour rain in a 10 year period. Overflow is permitted for the best available technology economically achievable and for new sources when rainfall exceeds the heaviest 24 hour rainfall expected in 25 years. Lime treatment must be carried out in periods when rainfall exceeds evaporation.

The discharges allowed from the sodium phosphates subcategory are based on the technology developments of lime treatment and technical knowledge of the treatment process. A lagoon for wet phosphoric acid waste is available at the sodium phosphate plant. This does not have a discharge to navigable waters and can be called upon to handle difficult waste water streams which would cause violations if discharged through the effluent clarifier system.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper santiary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* Detailed costs for construction and operation of the contaminated water lagoons and for treatment of pond water were obtained from facilities of the fertilizer phosphates industry. The same systems are utilized to treat fertilizer phosphate waste water and waste water from the non-fertilizer segment of the phosphate industry. Land cost is a vital factor and varies tremendously (by a factor of 10) from area to area. The contractor determined a pond capital cost of $13,983 per acre for a single acre with a 10 ft. high dike. A contaminated pond water treatment system for a 1000 ton/d plant was determined to have an investment of $349,000, with $26,222 interest, $34,960 depreciation, and $13,990 operation and maintenance cost. Energy cost was $0.05 per 1,000 gallons treated. Raw materials costs are $2.10 per 1,000 gallons treated, and total overall cost is $2.60 per 1,000 gallons treated. The above costs are on a 1971 basis.

Production practices in the industry recycle waste water streams in a manner that has made impractical the determination of raw waste loads for the fertilizer phosphate and the non-fertilizer phosphate segments. The fertilizer phosphate segment has the largest raw load, by a factor of 5 to 10, and therefore must be assigned a major portion of waste treatment costs.

Several plants producing defluorinated products are operating with no discharge of process waste water. Phosphate plants faced with the requirement to treat waste water have utilized water reuse and conservation measures to drastically reduce the discharge volume. High lime cost forces this action.

An economic study, conducted after making some well founded estimates and assumptions, provides a detailed breakdown of capital investment and treatment costs. These details are assembled in the Part II Draft Report on Economic Analyses of Proposed Effluent Guidelines for the Non-Fertilizer Phosphate Manufacturing Industry, September, 1974.

(vi) *Energy requirements and non-water quality environmental impacts.* Air pollution by fluorine, sulfur dioxide and radon-222 must be regarded as chronic air pollution problems of phosphate manufacture. Stack scrubbing has become standard practice for control of air pollution. The contaminated water pond supplies the large volume of water and high cooling capacity. The pond is an indispensable part of both air and water pollution control. Defluorination is essential for all subcategories of the non-fertilizer phosphates; the typical air pollution problems of phosphate manufacture prevail if not controlled by stack and tail gas scrubbing procedures.

Many solids residues are left as solid wastes. For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal may require special precautions. In order to ensure long-term protection of public health and the environment, special preparations and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants such as fluoride and radium-226 to either ground or surface water. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g., liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

Comprehensive studies of air pollution and radiological chemical problems have not been carried out for phosphate manufacturing. EPA groups are currently initiating studies.

Energy requirements for waste water treatment are relatively small in this segment of the industry. No significant energy use will be required for application of best available technology economically achievable.

(vii) *Economic impact analysis.* While all of the defluorinated rock plants (DFP) and eight of the eleven defluorinated phosphoric acid plants have been treatment in place, some adverse impacts are anticipated in both the defluorinated acid and sodium phosphates subcategories under best practicable control technology currently available (BPCTCA) guidelines. Large capital expenditures will be required for the three acid plants without basic treatment facilities. Consequently, there is high probability that one of these plants will close due to BPCTCA regulations. In addition, two other small producers are thought to have negative cash flows under existing conditions (1973). Although one of these plants has no treatment in place, it is expected that both plants will close for economic reasons unrelated to pollution control. The sodium phosphates wet process plant may also be impacted as it may not be able to increase its prices enough to cover incremental annual pollution control costs.

Prices of DFP and defluorinated acid may rise by 3.5 to 4.0 percent because of pollution control costs and rising demand for dicalcium phosphate. Sodium tripolyphosphate (STPP) could rise by 1.5 to 2.0 percent. However, this price boost will not be the result of pollution abatement costs for the wet process plant, but rather because of raw material price increases to furnace acid process STPP producers.

The three expected closures in the acid subcategory account for approximately seven percent of segment capacity. Planned construction of merchant-grade phosphoric acid plants should prevent shortage of most phosphate materials. But tight supplies of defluorinated acid could exist if no new defluorination facilities are brought on line.

The threatened STPP plant represents 12 percent of STPP production. Existing capacity should be sufficient to offset any reduction in output of STPP.

The four potential closures in the DFP and STPP subcategories could result in a loss of up to 60 jobs. Some of these workers should find employment within the associated fertilizer plants.

Best available technology economically achievable (BATEA) annual and investment costs are small and should not result in any additional impacts.

Industry growth should not be affected by BPCTCA, BATEA or New Source Performance Standards (NSPS) guidelines. NSPS would not appear to be a critical factor in decisions to construct new plants. Most plants constructed in recent years have already incorporated treatment facilities.

No significant community effects or balance of payment effects are anticipated as a result of the 1977 or 1983 guidelines.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Other Non-Fertilizer Phosphate Chemicals Segment of the Phosphate Manufacturing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose. (See EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports is available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the phosphate manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) The Fertilizer Institute; (4) Manufacturing Chemists Association; (5) Puerto Rico Land Association; (6) Soap and Detergent Association; (7) The American Society of Mechanical Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) The Conservation Foundation; (10) Environmental Defense Fund, Inc.; (11) Natural Resources Defense Council; (12) The American Society of Civil Engineers; (13) Water Pollution Control Federation; (14) National Wildlife Federation, and (15) Izaak Walton League of America.

The following responded with comments: United States Water Resources Council, Delaware River Basin Commission, New York State Department of Environmental Conservation, Division of Pure Waters, The Fertilizer Institute, Olin, Manufacturing Chemists Association, and Minnesota Pollution Control Agency. Each of the comments received was carefully reviewed and evaluated.

The primary issues raised in the development of the proposed effluent limitations and guidelines and standards of performance, and the treatment of these issues herein are as follows:

(1) A common criticism was that the excess of rainfall over evaporation in some locations would preclude the establishment of a limitation at "no discharge of process waste water." The proposed regulations have been modified to permit discharge of lime neutralized and clarified effluent during unfavorable rainfall-evaporation periods.

(2) The criticism was made that the definition "within the impoundment" should include not only the pond surface but be extended to include the outer slopes of the dams and the drainage ditch area around the dams. After discussion with representatives of industry, a definition was formulated to treat run-off collected from the outer slopes of the dike and from the seepage collection ditch of existent ponds as being "within the impoundment." For all impoundments or new source impoundments constructed on or after the date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process water which may be discharged shall mean the water surface area within the impoundment at maximum capacity. Section VII of the Development Document explains how underdrain systems and relief wells eliminate the need to include the outer slope.

(3) A number of commenters pointed out that some State effluent standards and some water quality standards would be violated by the proposed limitations for fluoride and phosphate. When this happens, the more stringent standard will be enforced.

(4) The comment was made that some arsenic and cadmium stream standards could not be met by the proposed guidelines. When this circumstance arises, the stream standard will be enforced.

(5) Concern was expressed that adequate attention be directed to bottom lining that will prevent contamination of ground water. Considerably more technical information has been added to the Development Document on the control of seepage.

(6) One commenter pointed out that more calcium may be required to get optimum reduction of fluoride and phosphate. This possibility has been recognized and explained in the section of the Development Document dealing with the technology of treatment.

(7) One commenter pointed out that the contractor's proposed pH treatment levels would not give adequate precipitation of phosphate.

Phosphate can be adequately removed by lime addition to pH 6.0 to 9.0, with efficient sedimentation, under the conditions prevalent in recirculating and reuse ponds at most phosphate manufacturing facilities. The Development Document supplies information on pond conditions that create precipitation problems and how to deal with these problems.

(8) The suggestion was made that one day standards, as well as 30 consecutive day standards, be added. This change has been made.

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(9) The comment was made that certain sites lack the ground area required for lagoons. It is the judgment of the EPA staff and its advisors that the recirculation and reuse lagoon is an indispensable part of a wet phosphoric acid production facility. The waste water from this segment of phosphate manufacture, likewise, requires the recirculation lagoon for practicable disposal of some waste water streams. Some type of recirculation system is possible for most locations.

(10) The comment was made that the term "spills and leaks" suggested poor housekeeping on the part of the manufacturer. It is clearly noted in the Development Document that most of these to a certain extent are avoidable occurrences in the manufacturing process. Most of the waste water pollution resultant from these occurrences can be minimized by diligent maintenance of equipment, isolation and reuse, and other good manufacturing and waste water management procedures. This source is commonly the cause of serious pollution and must be controlled. Many of the leaks and spills in this industry can be directed to the gyp pond for recycle or treatment.

(11) The comment was made that phosphate should be regulated on the basis of phosphate available as a plant nutrient instead of total phosphorus. The distinction of available from unavailable phosphorus has some unresolved analytical factors that would make an extremely difficult control problem. The distinction is not essential. The only effluent discharge permitted is clarified effluent. The phosphate present in clarified effluent is mostly soluble, and therefore available as a plant nutrient.

(12) One comment was to the point that test wells for ground water pollution monitoring would be prohibitively expensive. Test wells are in use and are not reported to be excessively costly. This is discussed in Section VII of the Development Document.

(13) A comment has been made to the need for neutralization of gypsum pond water for the purpose of limiting Radium-226. Uranium occurs naturally in phosphate rock, especially that from Florida, and Radium-226 is a particularly dangerous decay product of Uranium.

Sufficient data are not available to form an adequate basis for the specific limitation of Radium-226 in this regulation.

Additional information is currently being developed by the Agency. Appropriate steps may be taken at a future date to reflect such new information in these effluent standards.

(14) A comment has been raised concerning need for a cadmium limitation. Additional information is solicited concerning the need, the technology for removal and the achievable limits.

(15) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR Part 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to insure their proper disposal. Additionally, State and local guidelines and regulations should be considered wherever applicable.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in Natural Resources Defense Council v Train et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than January 8, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments on or before February 26, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulation.

In consideration of the foregoing, 40 CFR Part 422 is hereby amended by adding Subparts D, E, and F, as set forth below.

Dated January 16, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart D—Defluorinated Phosphate Rock Subcategory

Sec.

422.40 Applicability; description of the defluorinated phosphate rock subcategory.
422.41 Specialized definitions.
422.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
422.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart E—Defluorinated Phosphoric Acid Subcategory

422.50 Applicability; description of the defluorinated phosphoric acid subcategory.
422.51 Specialized definitions.
422.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
422.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart F—Sodium Phosphates Subcategory

422.60 Applicability; description of the sodium phosphates subcategory.
422.61 Specialized definitions.
422.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
422.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart D—Defluorinated Phosphate Rock Subcategory

§ 422.40 Applicability; description of the defluorinated phosphate rock subcategory.

The provisions of this subpart are applicable to discharges resulting from the defluorination of phosphate rock by application of high temperature treatment along with wet process phosphoric acid, silica and other reagents.

§ 422.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the area of the inside and outside slopes of the impoundment dam and the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments or new source impoundments constructed on or after the date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area at normal operating level of the pond created by the impoundment for storage of process waste water. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. Normal operating level shall be the average level of the pond during the preceding calendar month.

§ 422.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, contructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
	(Metric units, mg/l)	
Total phosphorus (as P).	70	35
Fluoride	30	15
TSS	50	25
pH	Within the range 6.0 to 9.0.	

§ 422.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units, mg/l)		
Total phosphorus (as P).	70	35
Fluoride	30	15
TSS	50	25
pH	Within the range 6.0 to 9.0.	

Subpart E—Defluorinated Phosphoric Acid Subcategory

§ 422.50 Applicability; description of the defluorinated phosphoric acid subcategory.

The provisions of this subpart are applicable to discharges resulting from the defluorination of phosphoric acid. Wet process phosphoric acid is dehydrated by application of heat and other processing aids such as vacuum and air stripping. The acid is concentrated up to 70–73 percent P_2O_5 in the defluorination process.

§ 422.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the area of the inside and outside slopes of the impoundment dam and the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments or new source impoundments constructed on or after the date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area at normal operating level of the pond created by the impoundment for storage of process waste water. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. Normal operating level shall be the average level of the pond during the preceding calendar month.

§ 422.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units, mg/l)		
Total phosphorus (as P).	70	35
Fluoride	30	15
TSS	50	25
pH	Within the range 6.0 to 9.0.	

§ 422.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units mg/l)		
Total phosphorus (as P).	70	35
Fluoride	30	15
TSS	50	25
pH	Within the range 6.0 to 9.0.	

Subpart F—Sodium Phosphates Subcategory

§ 422.60 Applicability; description of the sodium phosphates subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of purified sodium phosphates from wet process phosphoric acid.

§ 422.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 422.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units, kg/kkg of product)		
TSS	0.50	0.25
Total phosphorus (as P).	0.80	0.40
Fluoride	0.30	0.15
pH	Within the range 6.0 to 9.0.	
(English units, lb/1000 lb of product)		
TSS	0.50	0.25
Total phosphorus (as P).	0.80	0.40
Fluoride	0.30	0.15
pH	Within the range 6.0 to 9.0.	

§ 422.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units, kg/kkg of product)		
TSS	0.35	0.18
Total phosphorus (as P).	0.56	0.28
Fluoride	0.21	0.11
pH	Within the range 6.0 to 9.0.	
(English units, lb/1000 lb of product)		
TSS	0.35	0.18
Total phosphorus (as P).	0.56	0.28
Fluoride	0.21	0.11
pH	Within the range 6.0 to 9.0.	

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 422]

[FRL 326-3]

PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

Proposed Performance and Pretreatment Standards

Notice is hereby given that standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On February 20, 1974, EPA promulgated a regulation adding Part 422 to Chapter 40 of the Code of Federal Regulations (39 FR 6580). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the phosphate manufacturing point source category. The regulation proposed below will amend 40 CFR Part 422, Phosphate Manufacturing Point Source Category, by adding §§ 422.44, 422.45 and 422.46 to the defluorinated phosphate rock subcategory (Subpart D), §§ 422.54, 422.55 and 422.56 to the defluorinated phosphoric acid subcategory (Subpart E) and §§ 422.64, 422.65 and 422.66 to the sodium phosphates subcategory (Subpart F) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rulemaking EPA is promulgating interim final regulations which establish the above listed subparts.

(a) *Legal Authority.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624), a list of 27 point source categories, including the phosphate manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) of the phosphate manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 422.46, 422.56, and 422.66, proposed below, provide pretreatment standards for new sources within the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) of the phosphate manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 422.44, 422.54 and 422.64 proposed below provide pretreatment standards for existing sources within the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) of the phosphate manufacturing point source category.

(b) *Summary and Basis of Proposed Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the defluorinated phosphate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F), which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 422.44, .54 and .64 of the regulation proposed below are intended to implement that portion of section 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the other Non-Fertilizer Phosphate Chemicals Segment of the Phosphate Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the defluorinated phospate rock subcategory (Subpart D), the defluorinated phosphoric acid subcategory (Subpart E) and the sodium phosphates subcategory (Subpart F) being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before February 26, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: January 16, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 422—PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

Subpart D—Defluorinated Phosphate Rock Subcategory

* * * * *

Sec.
422.44 Pretreatment standard for existing sources.
422.45 Standards of performance for new sources.
422.46 Pretreatment standard for new sources.

Subpart E—Defluorinated Phosphoric Acid Subcategory

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Sec.
422.54 Pretreatment standard for existing sources.
422.55 Standards of performance for new sources.
422.56 Pretreatment standard for new sources.

Subpart F—Sodium Phosphates Subcategory

* * * * *

422.64 Pretreatment standard for existing sources.
422.65 Standards of performance for new sources.
422.66 Pretreatment standard for new sources.

Part 422 is amended as follows:

Subpart D is amended by adding §§ 422.44, 422.45 and 422.46 as follows:

§ 422.44 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the defluorinated phosphate rock subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart:

(a) The volume of waste water that may be discharged is established by § 422.42.

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) mg/l of effluent discharged		
BOD_5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	70	35.
Fluoride	30	15.

§ 422.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged form a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Pollutant or pollutant property	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units, mg/l)		
Total phosphorus (as P)	70	35
Fluoride	30	15
TSS	50	25
pH	Within the range 6.0 to 9.0.	

§ 422.46 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the defluorinated phosphate rock subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment

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works by a new source subject to the provisions of this subpart:

(a) The volume of waste water that may be discharged is established by § 422.42.

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) mg/l of effluent discharged		
BOD5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	70	35.
Fluoride	30	15.

Subpart E is amended by adding §§ 422.54, 422.55 and 422.56 as follows:

§ 422.54 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the defluorinated phosphoric acid subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart:

(a) The volume of waste water that may be discharged is established by § 422.52.

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) mg/l of effluent discharged		
BOD5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	70	35.
Fluoride	30	15.

§ 422.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25-year, 24-hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Pollutant or pollutant property	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units, mg/l)		
Total phosphorus (as P)	70	35
Fluoride	30	15.
TSS	50	25
pH	Within the range 6.0 to 9.0.	

§ 422.56 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the defluorinated phosphoric acid subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

(a) The volume of waste water that may be discharged is established by § 422.42.

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) mg/l of effluent discharged		
BOD5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	70	35.
Fluoride	30	15.

Subpart F is amended by adding §§ 422.64, 422.65 and 422.66 as follows:

§ 422.64 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the sodium phosphates subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	0.80	0.40.
Fluoride	0.30	0.15.
(English units) lb/1000 lb of product		
BOD5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	0.80	0.40.
Fluoride	0.30	0.15.

§ 422.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units, kg/kkg of product)		
TSS	0.35	0.18
Total phosphorus (as P)	0.56	0.28
Fluoride	0.21	0.11
pH	Within the range 6.0 to 9.0.	
(English units, lb/1000 lb of product)		
TSS	0.35	0.18
Total phosphorus (as P)	0.56	0.28
Fluoride	0.21	0.11
pH	Within the range 6.0 to 9.0.	

§ 422.66 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the sodium phosphates subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	0.80	0.40.
Fluoride	0.30	0.15.
(English units) lb/1000 lb of product		
BOD5	No limitation	No limitation.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
Total phosphorus	0.80	0.40.
Fluoride	0.30	0.15.

[FR Doc.75-2264 Filed 1-24-75;8:45 am]

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

- -

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences; ☐ preamble did not contain a clear and concise explanation of the document's purpose; ☐ other (explain) _____

_____

_____

II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

_____

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III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

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federal register

TUESDAY, JANUARY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 19

Pages 4115–4243

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presidential documents

Title 3—The President

PROCLAMATION 4342

National MIA Awareness Day

By the President of the United States of America

A Proclamation

January 27, 1975, marks the second anniversary of the signing of the Paris Agreement ending United States combat involvement in Vietnam. Although the Agreement contains specific obligations on accounting for the missing and the return of the remains of the dead, the communist authorities have failed either to provide this information or to follow through on the return of the remains of our dead. Over 2400 Americans are still unaccounted for—some 900 of them still listed as missing, the remainder declared dead with their bodies never recovered. The families of these men continue to live with the anguish of uncertainty about the ultimate fate of these loved ones.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Monday, January 27, 1975, as National MIA Awareness Day, dedicated to the many Americans who remain missing or unaccounted for in Indochina, and to their families. I call upon all Americans to join in voicing once again the clear, continuing commitment of the American people and their Government to seek the fullest possible accounting for Americans missing in Southeast Asia and the return of the remains of those who died.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75–2730 Filed 1–27–75;10:09 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 26, Amdt. 2]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

This amendment lowers the minimum size requirement for shipments of grapefruit grown in the Lower Rio Grande Valley to 3$^{1}/_{16}$ inches for fruit grading at least U.S. No. 1, effective January 27, 1975. This requirement is designed to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

Grapefruit Regulation 26, as amended (39 FR 36851; 39257) requires all grapefruit shipments to be at least 3$^{7}/_{8}$ inches in diameter and at least U.S. No. 2 grade until February 24, 1975, when such minimum size would be lowered to 3$^{5}/_{8}$ inches. The amendment would lower the minimum size requirement to 3$^{7}/_{8}$ inches in diameter on January 27, 1975, for fruit grading at least U.S. No. 1. Such amendment would make additional supplies of fruit available at a time when supplies are diminishing. The crop this season is short and the demand for grapefruit 3$^{7}/_{8}$ inches in diameter now exceeds the supply. The release of fruit 3$^{7}/_{8}$ inches in diameter and larger grading at least U.S. No. 1 would make additional supplies of satisfactory fruit available. Because of the light fruit set this season it is not practicable to ring pick the fruit; thus, all of the fruit on the trees is being picked at once. The processing outlet is the normal outlet for fruit not suitable for fresh shipment, and currently this outlet is not attractive because of low juice prices.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit.

Order. The provisions of paragraph (a)(2) of § 906.355 Grapefruit Regulation 26 (39 FR 36851; 39257) are amended to read as follows:

§ 906.355 Grapefruit Regulation 26.

(a) *Order.* (1) • • •

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3$^{7}/_{8}$ inches: *Provided,* That during the period January 27 through February 23, 1975, any handler may handle grapefruit of any variety smaller than pack size 96 (minimum diameter 3$^{7}/_{8}$ inches) providing such grapefruit grades at least U.S. No. 1 and is not smaller than pack size 112 (minimum diameter 3$^{5}/_{8}$ inches); and *Provided further,* That during the period February 24 through November 2, 1975, any handler may handle grapefruit of any variety smaller than pack size 96 (minimum diameter 3$^{7}/_{8}$ inches) providing such grapefruit is not smaller than pack size 112 (minimum diameter 3$^{5}/_{8}$ inches).

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 23, 1975, to become effective January 27, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.75-2507 Filed 1-27-75;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Increases in Expenses for the 1974–75 Season

This document authorizes an increase of $15,431 in the Control Committee expenses during the 1974–75 fiscal period (March 1, 1974, through February 28, 1975) under Marketing Order No. 917. Said increase changes the annual committee budget from $809,827 to $825,258 with no change in the related rate of assessment on handlers of the regulated fruits.

On December 27, 1974, notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 44763) regarding proposed amendment of the committee expenses for the period March 1, 1974, through February 28, 1975, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), which regulate the handling of fresh pears, plums, and peaches grown in California. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons 21 days to submit written data, views, or arguments pertaining to the proposal. None were submitted.

After consideration of all relevant matter presented, including the proposal set forth in said notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order) *It is hereby ordered,* That the provisions of paragraph (a) of § 917.212 Expenses and rate of assessment (39 FR 28277; 39 FR 30477) be amended to read as follows:

§ 917.212 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1974, through February 28, 1975, will amount to $825,258.

• • • • • •

It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the Control Committee has incurred expenses in excess of those previously thought likely to be incurred, (2) it is essential that the determination of expenses, as specified herein, be issued immediately so that said committee can meet its obligations and perform its duties and functions during the current fiscal period in accordance with the provisions of said marketing agreement and order, and (3) the increase in expenses, as set forth herein, will not result in an increase in the rate of assessment for handlers as heretofore fixed by the Secretary (39 FR 28277; 39 FR 30477).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 23, 1975.

CHARLER R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-2508 Filed 1-27-75;8:45 am]

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CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.5]

PART 1832—EMERGENCY LOANS

Subpart E—Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Pub. L. 93–237

Section 1832.87 (g) and (i) of Subpart E of Part 1832, Title 7, Code of Federal Regulations (39 FR 7569) are amended. Section 1832.87(g) is amended to correct a reference to other Farmers Home Administration (FmHA) regulations. Section 1832.87(i) is deleted thereby removing the prohibition against making Emergency loans to refinance or pay off debts owed to the FmHA. The removal of this prohibition against making Emergency (EM) loans to refinance or pay off debts owed to FmHA is being published without general notice of proposed rulemaking in order to permit immediate implementation of certain benefits to farmers and ranchers who have had losses from natural disasters, but who are FmHA borrowers. These benefits are now available to EM loan applicants who are borrowers of other lenders. Failure to implement this change immediately would cause a hardship for certain applicants for Emergency loans.

Interested persons are invited to submit written comments, suggestions, or objections regarding this revision to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250 on or before February 27, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Since these rules are needed immediately to assist natural disaster victims, this revision and deletion shall remain in effect until amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

In § 1832.87 paragraph (g) is amended and paragraph (i) deleted to read as follows:

§ 1832.87 Loan limitations.

• • • • •

(g) To flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or farm service buildings and the contents therein, in areas where "National Flood Insurance" is available, except as authorized in Part 1806, Subpart B, of this chapter.

• • • • • •

(i) (Deleted)

• • • • • •

(U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment and deletion are effective January 28, 1975.

Dated: January 13, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-2437 Filed 1-27-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-1244]

PART 543—INCORPORATION, ORGANIZATION AND CONVERSION

Corporate Title of Federal Associations

DECEMBER 5, 1974.

The following summary of the amendment adopted by this Resolution is provided for the readers' convenience and is subject to the full description in the preamble as well as the specific provisions in the regulation.

I. *Present Regulation.* A. The corporate title of a Federal association must include the words "Federal Savings and Loan Association".

B. The words "Federal Savings and Loan Association" must be preceded by a descriptive word or words, such as "First", and may be followed by words indicating location.

C. If a corporate title includes the name of a State, then the title must also include the name of the place in which the association's home office is located, unless:

1. The association's offices are located in various areas of the State, and

2. The Board determines that there is a clear need for the association to use the State name without reference to its home office location.

II. *Amended Regulation.* A. The corporate title of a Federal association must still contain the words "Federal Savings and Loan Association", and these words must be preceded by descriptive words and may be followed by words indicating location.

B. The amendment makes clear that a Federal association may not use a State name as a prefix in its corporate title without a showing of clear need even though the suffix of its title refers to the home office location. For example, an association will not be permitted to call itself Maryland Federal Savings and Loan Association of Gaithersburg without showing a clear need to do so.

III. *Reason for Amendment.* A. The amendment clarifies the present regulation.

B. This clarification reflects the existing Board interpretation of the regulation.

IV. *Applicability of Amendment.* A. The amendment applies only with respect to applications for Federal charters and to applications for change of corporate title.

The Federal Home Loan Bank Board considers it necessary to amend Part 543 (12 CFR Part 543) to clarify § 543.1 thereof, captioned "Corporate title" Section 543.1 provides that the corporate title of a Federal association must include the words "Federal Savings and Loan Association". Section 543.1 further provides that the words "Federal Savings and Loan Association" shall be preceded by a suitable descriptive word or words (such as "First") and may be followed by words indicating location (such as "of Gaithersburg, Maryland"). If a Federal association's corporate title includes the name of a State, the title must also include the name of the place in the State at which the association's home office is located. However, an association may use a corporate title including the name of a State without referring to the place in which such association's home office is located (1) if such association's offices are located in various areas of the State (or a portion of the State if the corporate title refers to such portion) and (2) if the Board determines that such association has a clear need to use the name of the State without reference to its home office location.

Section 543.1 is amended to make clear that a Federal association may not use a State name as a prefix in its corporate title without a showing of clear need even though the suffix of its title refers to the home office location. Thus, the name "Maryland Federal Savings and Loan Association of Gaithersburg" will not be permitted without a showing of clear need. However, the name "Gaithersburg Federal Savings and Loan Association of Maryland" will be permitted without such a showing. The Board has followed the policy codified by this amendment for some time because of the confusion which can result from a name such as "Maryland Savings and Loan Association of Gaithersburg" if the association drops the suffix "of Gaithersburg" in its advertisements. This amendment will only affect applications for Federal charters and applications by existing Federal associations to change their corporate title.

Accordingly, the Federal Home Loan Bank Board hereby amends § 543.1 to read as set forth below, effective March 1, 1975.

Since the above-described amendment is a codification of existing Board policy and is entirely prospective in application, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

§ 543.1 Corporate title.

The full corporate title of each Federal association shall include the words "Federal Savings and Loan Association," which shall be preceded by a suitable descriptive word or words and may be followed by the words "of ----------", indicating location. The words following "Federal Savings and Loan Association" may include the name of a State if the corporate title also includes the name of the place in the State at which the home office is located. The name of a State may also be included in any part of the corporate title if the offices of the association are located in various areas of the State (or portion of the State in case the corporate title refers to such portion) so as to create a clear need, in the Board's judgment, for the association to use the name of the State (or such portion of the State).

(Sec. 5, 48 Stat., 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-2450 Filed 1-27-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 13]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business; Correction

In Revision 13 of Part 121, Chapter I, Title 13 of the Code of Federal Regulations, published in the FEDERAL REGISTER on December 24, 1974 (39 FR 44423), some lines were inadvertently left out in two of the definitions of small business.

One omission was in the definition of small business for assistance by small business investment companies or development companies (§ 121.3–11).

The other omission was in the definition of small business for the purpose of Government leases of uranium prospecting or mining rights (§ 121.3–14).

1. Section 121.3–11 should read as follows:

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is one which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $7.5 million, does not have net worth in excess of $2.5 million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

2. Section 121.3–14 should read as follows:

§ 121.3–14 Definition of small business for the purpose of Government leases of uranium prospecting or mining rights.

In the submission of a bid or proposal for a Government lease of uranium prospecting or mining rights, a concern whose number of employees does not exceed 100 persons may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular lease involved.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001–59.018)

Dated: January 15, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-2485 Filed 1-27-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14129; Amdt. 39–2080]

PART 39—AIRWORTHINESS DIRECTIVES

Chromalloy Model RLB–6 Series Rescue Locator Beacons Installed in Emergency Equipment

Pursuant to the authority delegated to me by the Administrator, an amendment to AD 74–24–07 (39 FR 40939), Amendment 39–2021, was adopted on November 15, 1974, and made effective immediately as to known U.S. operators of aircraft covered by that AD. That AD is applicable to certain Chromalloy Model RLB–6 Series rescue locator beacons installed in emergency equipment such as life rafts and slide-raft combinations. The amendment was issued to clarify the AD's applicability, to reflect the FAA approval of Chromalloy battery pack, P/N P4–01–0044, as a replacement for installation under the AD, and to make it clear that the provision in the AD permitting the installation of an FAA approved portable type emergency locator transmitter is an interim measure pending the installation of approved replacement beacons or battery packs.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the amendment effective immediately as to the known U.S. operators of aircraft covered by AD 74–24–07 by individual telegrams dated November 15, 1974.

These conditions still exist and the amendment to AD 74–24–07 (39 FR 40939), Amdt. 39–2021, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. The AD, as amended, is set forth herein in its entirety.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

CHROMALLOY. Applies to Chromalloy Model RLB–6 Series rescue locator beacons incorporating battery packs, P/N A3–01–0175, installed in emergency equipment (including, but not limited to, slide-raft combinations and life rafts)

Compliance required as indicated unless already accomplished:

(a) On or before December 2, 1974, remove from service all Chromalloy Model RLB–6 Series rescue locator beacons or the battery packs incorporated in those units.

(b) Contrary provisions of §§ 121.339, 121.353, and 135.163 of the Federal Aviation Regulations notwithstanding, Part 121 and 135 operators of aircraft, equipped with life rafts or slide-raft combinations incorporating Chromalloy Model RLB–6 Series rescue locator beacons may, after removal of such beacons or their battery packs pursuant to paragraph (A), continue to operate the aircraft—

(1) After replacing the battery pack with Chromalloy battery packs, P/N P4–01–0044, marked "FAA approved for use only as a replacement battery under AD 74–24–07.";

(2) After replacing the affected beacons with FAA approved replacement beacons; or

(3) Pending compliance with subparagraphs (1) or (2) of this paragraph, after installing in the aircraft an FAA approved portable type emergency locator transmitter that is accessible to the flight crew. (Note: Chromalloy Model RLB–6 Series rescue locator beacons that incorporate battery packs, P/N P4–01–0044, meet the performance requirements of TSO–C91 except their "low operating temperature" is +29 degrees F).

This amendment is effective January 28, 1975 as to all persons except those persons to whom it was made immediately effective by the telegram, dated November 15, 1974, which contained this amendment.

Issued in Washington, D.C. on January 17, 1975.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.75-2410 Filed 1-27-75;8:45 am]

[Airspace Docket No. 73–WA–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Miami, Florida Terminal Control Area

On June 12, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 20616) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Group I Terminal Control Area (TCA) for Miami, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Four comments were received and were given due consideration.

Two comments received in response to the notice raised objections. The Florida Department of Transportation recommended raising the floor of the TCA to 4,000 feet over North Perry, Opa Locka, Opa Locka West and New Tamiami Airports. They also stated that Area "F"

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should have a base of 1,000 feet instead of 500 feet to allow reasonable seaplane operations, aerial advertising, and helicopter flights enough latitude to remain clear of persons and property except for takeoff and landing. The National Pilots Association agreed with the proposal with the exception of the lowering of the airspace south of the Biscayne Bay VORTAC 270° radial and 090° radial to 3,000 feet. They requested that the base of this airspace be left at 5,000 feet to allow more freedom for the Tamiami Airport pilots and stated that a higher base was essential to the Miami Glider Port.

Two comments supported the modification of the Miami TCA, one from the Dade County Aviation Department and one from the Air Transport Association.

In response to the objections received to the proposal, the airspace designated Area "F" will have a base of 1,000 feet MSL instead of the 500 foot ceiling proposed in the Notice.

The area south of the Biscayne Bay VORTAC 270° and 090° radials was proposed in the Notice to be lowered from 5,000 feet MSL to 3,000 feet MSL. Due to comments received about the proposed lowering of this floor, the portion of this floor that is west of U.S. Highway 1 will not be lowered from its present 5,000 foot base.

It is considered impractical to use a higher en route altitude than 3,000 feet for aircraft operating between the Miami and Ft. Lauderdale-Hollywood International Airports because of the short distance involved. To have these aircraft continue to operate below the TCA floor does not provide the desired level of protection. Another factor is that aircraft operating beneath TCA floors should be able to expect a greater degree of segregation from the turbine-powered aircraft. Even though an aircraft would not be able to overfly the airport traffic areas at Opa Locka and North Perry Airports, authorization could be obtained from ATC to operate within these areas.

The lowering of the floor to 3,000 feet over Opa Locka West Airport is required to contain aircraft executing the VOR Runway 12 Straight-In Approach within the TCA. The crossing altitude over the VOR for this approach is 3,000 feet.

In consideration of the foregoing, § 71.401(a) (40 FR 640) of the Federal Aviation Regulations is amended effective 0901 G.m.t., March 27, 1975, by amending the description of the Miami Group I Terminal Control Area to read as follows:

MIAMI, FLA., TERMINAL CONTROL AREA

Primary Airport.—Miami International Airport (Lat. 25°47'34'' N., Long. 80°17'10'' W.).

BOUNDARIES

Area A

That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC (Lat. 25°57'47'' N., Long. 80°27'39'' W.) 130° radial and north of Lat. 25°52'02'' N. (Northwest 103rd Street/49th Street in the City of Hialeah), and within and underlying Area F described hereinafter.

Area B.

That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC 130° radial and north of Lat. 25°52'02'' N., that airspace south of the Biscayne Bay VORTAC (Lat. 25°40'17'' N., Long. 80°10'40'' W.) 090° and 270° radials, Area A previously described, and within and underlying Areas C and F described hereinafter.

Area C

That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within an area bounded on the northeast by a 5-statute mile radius arc of the New Tamiami Airport (Lat. 25°38'51'' N., Long. 80°25'59'' W.), on the south by the Biscayne Bay VORTAC 270° radial, and on the southwest by a 10-mile radius arc of the Miami International Airport.

Area D

That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Miami International Airport, excluding that airspace beyond a 15-mile radius of Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Miami VORTAC 090° radial, and extending clockwise from the Miami VORTAC 150° radial to the Biscayne Bay VORTAC 270° radial, Areas A, B, and C previously described, and within and underlying Area F and G described hereinafter.

Area E

That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15-mile and 20-mile radii of the Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Biscayne Bay VORTAC 331° radial.

Area F

That airspace extending upward from but not including 1,000 feet MSL to and including 7,000 feet MSL bounded on the east by a 6-mile radius arc of the Miami International Airport, and on the west by the west shoreline of Biscayne Bay.

Area G

That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL south of the Biscayne Bay VORTAC 270° radial, north and east of the 15-mile radius arc of the Miami International Airport and west of U.S. Route 1.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 22, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2411 Filed 1-27-75;8:45 am]

[Airspace Docket No. 74-SW-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Lake Providence, La., transition area.

On December 9, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 42920) stating the Federal Aviation Administration proposed to designate a transition area at Lake Providence, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

LAKE PROVIDENCE, LA.

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of Byerley Airport, Lake Providence, La. (latitude 32°49'45'' N., longitude 91°11'00'' W.); and within 3.5 miles each side of the 355° bearing from the Lake Providence NDB (latitude 32°51'36'' N., longitude 91°11'33'' W.), extending from the 5-mile-radius to 11.5 statute miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Fort Worth, Tex., on January 16, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-2412 Filed 1-27-75;8:45 am]

[Airspace Docket No. 74-SW-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Carthage, Tex.

On November 29, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 41540) stating the Federal Aviation Administration proposed to designate the Carthage, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. We received only one objection, which was from the Air Transport Association of America. They objected to the proposal on the basis that it would have a significant impact on IFR operations being conducted at the Gregg County Airport. We have reviewed their objection and understand their concern for Texas International Air Lines and its 14 scheduled daily operations at the Gregg County Airport. We do not feel that the volume of traffic utilizing the Panola County approach will have a significant effect, if any, on Texas International's operations.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

CARTHAGE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Panola County Airport (latitude 32°10' 21'' N., longitude 94°17'51'' W.) and within 3 miles each side of the Gregg County VORTAC (latitude 32°25'03.3'' N., longitude 94° 45'10.5'' W.) 122° radial, extending from the 5-mile radius area to 25 miles southeast of the Gregg County VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on January 13, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-2413 Filed 1-27-75;8:45 am]

[Airspace Docket No. 74-SO-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On December 6, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 42697) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-454 from Monroeville, Ala., to Brookley, Ala., and change the 6-mile route width of V-20S between Mobile, Ala., and Monroeville, Ala., to a normal 8-mile route width.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows:

1. In V-20 "Monroeville, including a 6-mile wide S alternate via INT Mobile 063° and Monroeville 216° radials;" is deleted and "Monroeville, including a S alternate via INT Mobile 063° and Monroeville 216° radials;" is substituted therefor.
2. In V-454 "From Monroeville, Ala.," is deleted and "From Brookley, Ala.; Monroeville, Ala.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 21, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2414 Filed 1-27-75;8:45 am]

[Airspace Docket No. 73-SO-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Amendment to Transition Area; Correction

On January 8, 1975, FR Doc. No. 75-660 was published in the FEDERAL REGISTER (40 FR 1507), amending Part 71 of the Federal Aviation Regulations by altering the Charleston, S.C., transition area.

In the amendment, reference is made to the 280° bearing from Johns Island RBN, and a typographical error exists in the description change. Subsequent to publication of the rule, the final approach bearing was changed to 278°. It is necessary to amend the FR Doc. to change the final approach bearing and correct the error. Since these amendments are editorial and/or minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. No. 75-660 is amended as follows:

Lines one, two and three of the description change are deleted and " • • • long. 80°00'00'' W.) • • • " is deleted and " • • • long. 80°00'00'' W.); within 3 miles each side of the 278° bearing • • • " is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 17, 1975.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.75-2415 Filed 1-27-75;8:45 am]

[Airspace Docket No. 73-SO-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Amendment to Transition Area; Correction

On January 8, 1975, FR Doc. No. 75-661 was published in the FEDERAL REGISTER (40 FR 1508), amending Part 71 of the Federal Aviation Regulations by designating the Moncks Corner, S.C., transition area.

In the description, the latitude for Moncks Corner RBN was cited as "33°11'35'' N." Subsequent to publication of the rule, the latitude was refined to "33°11'16'' N." It is necessary to amend the FR Doc. to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. No. 75-661 is amended as follows:

In line six of the description " • • • latitude 33°11'35'' N • • • " is deleted and " • • • latitude 33°11'16'' N • • • " is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 17, 1975.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.75-2416 Filed 1-27-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2580]

PART 13—PROHIBITED TRADE PRACTICES

Lynnwood Freezer Meats, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections;* 13.15-70 Financing activities; § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1417 *Financing activities.*—Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Lynnwood Freezer Meats, Inc., et al., Lynnwood, Wash., Docket C-2580, Oct. 22, 1974]

In the Matter of Lynnwood Freezer Meats, Inc. a Corporation, and James G. Hill, Individually and as an Officer of Said Corporation

Consent order requiring a Lynnwood, Wash., retailer of meat and meat products, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondents Lynnwood Freezer Meats, Inc., a corporation, and its officers, and James G. Hill, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer

[1] Copies of the complaint and decision and order filed with the original document.

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credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. The deferred payment price.

2. Representing in any such advertisement, directly or by implication, that a specific amount of credit or installment amount can be arranged unless respondents usually and customarily arrange or make available credit amounts or installments for that period or in that amount, as required by § 226.10(a) (1) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission October 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2468 Filed 1-27-75;8:45 am]

[Docket C-2576]

PART 13—PROHIBITED TRADE PRACTICES

Oden Distributing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13125 *Limited offers or supply;* § 13.155 *Prices;* 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–95 Terms and conditions; § 13.157 *Prize contests;* § 13.160 *Promotional sales plans;* § 13.205 *Scientific or other relevant facts.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation;* § 13.1705 *Prize contests;* § 13.1740 *Scientific or other relevant facts.* —Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1823 *Terms and conditions.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 Free goods; § 13.1985 *Individual's special selection or situation;* § 13.2027 *Prize contests;* § 13.2063 *Scientific or other relevant facts.* Subpart—using contest schemes unfairly: § 13.2270 Using contest schemes unfairly.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Oden Distributing Co., Inc., et al., Omaha, Neb., Docket C–2576, Oct. 16, 1974]

In the Matter of Oden Distributing Co., Inc., a Corporation, and Donald W. Oden, Individually and as an Officer of Said Corporation

Consent order requiring an Omaha, Neb., retailer of sewing machines and other products, among other things to cease using deceptive contests and false pricing claims to sell sewing machines and other products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That Oden Distributing Co., Inc., a corporation, its successors and assigns, and its officers, and Donald W. Oden, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, and sale of sewing machines and other products and services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing, that recipients of any advertising or promotional material were selected on the basis of analytical or scientific sampling techniques, or by use of marketing studies, or by use of any other device unless such device or method was, in fact, employed as stated.

2. Failing to maintain records and data which are open to the inspection of the Federal Trade Commission and which evidence the method used and other relevant information in support of such representations of the type dealt with in Paragraph 1 above.

3. Representing, directly or by implication, orally or in writing, that any price is the respondents' regular price for any article of merchandise or service unless said amount is the price at which such merchandise or service has been sold or offered for sale by respondents for a reasonably substantial period of time in the recent, regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

4. Representing, directly or by implication, orally or in writing, that a purchaser of respondents' merchandise or services will receive a "free" sewing machine or any other "free" merchandise, service, prize or award unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, services, gifts, prizes or awards are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in each advertisement or offer.

5. Representing, directly or by implication, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of advertised merchandise or services, when in fact, the cost of such merchandise or service is regularly included in the selling price of the advertised merchandise or service.

6. Representing, directly or by implication, orally or in writing, that a "free" offer is being made in connection with the introduction of new merchandise or services offered for sale at a specified price unless the respondents expect, in good faith, to discontinue the offer after a limited time and commence selling such merchandise or service, separately, at the same price at which it was sold with a "free" offer.

7. Representing, directly or by implication, orally or in writing, that merchandise or service is being offered "free" with the sale of merchandise or service which is usually sold at a price arrived at through bargaining, rather than at a regular price, or where there may be a regular price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

8. Representing, directly or by implication, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three (3) such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondents' sale in that area of the product or service in the amount, size or quality promoted with the "free" offer shall not exceed fifty percent (50 percent) of the total volume of its sales of the product or service, in the same amount, size or quality, in the area.

9. Representing, directly or by implication, orally or in writing, that a product or service is being offered as a "gift", "without charge", "bonus" or by other words or terms which tend to convey the impression to the consuming public that the article of merchandise or service is free, when the use of the term "free" in relation thereto is prohibited by the provisions of this order.

10. Representing, directly or by implication, orally or in writing, that by purchasing any merchandise or service:

a. Customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

b. Customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise or service in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise or service at the compared price or some higher price.

c. Customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise or service, unless substantial sales of like grade and quality are being made in the trade area at the compared price or higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise or service of like grade and quality.

11. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sales claims and other similar representations as set forth in Paragraph 10 of this order are based and (b) from which the validity of any savings claims, sales claims and similar representations can be determined.

12. Representing, directly or by implication, that respondents conduct contests, unless such contests are actually conducted and advertisements or notices concerning said contests fully, clearly, and conspicuously disclose each and every of the following delineated items:

a. The total number of prizes which will be awarded in each prize category.

b. The nature of the prizes together with their value, which value must be stated as the value at which the identical or substantially similar item was sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business.

c. The approximate numerical odds of winning each such prize; *Provided, however,* That in a promotional device in which the odds cannot be determined with reasonable accuracy, respondents shall clearly and conspicuously disclose the approximate number of individuals to whom the promotional device is being disseminated if such fact may be reasonably determined.

d. All terms, conditions and obligations with which individuals will be asked to or must comply with in order to obtain a prize.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all of their present and future personnel engaged in the offering for sale, or sale of memberships, services, or any other products or services, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, October 16, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2469 Filed 1-27-75;8:45 am]

[Docket C–2556]

PART 13—PROHIBITED TRADE PRACTICES

Sol Sportswear, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements;* 13.73–90 Textile Fiber Products Identification Act. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or misabeling: § 13.1185 *Composition;* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* 13.1590–70 Textile Fiber Products Identification Act; § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Sol Sportswear, Inc., et al., Miami, Fla., Docket C–2556, Oct. 3, 1974]

In the Matter of Sol Sportswear, Inc., a Corporation, and Solomon Brum, Individually and as an Officer of Said Corporation

Consent order requiring a Miami, Fla., manufacturer of textile fiber products, including wearing apparel in the form of men's and boy's shirts, among other things to cease misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Sol Sportswear, Inc., a corporation, its successors and assigns, and its officers, and Solomon Brum, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in

[1] Copies of the complaint and decision and order filed with the original document.

[1] Copies of the complaint and decision and order filed with the original document.

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connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the importation into the United States of any textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported of any textile fiber product which has been advertised for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported after shipment in commerce of any textile fiber product whether in its original state or contained in any other textile fiber product, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by:

a. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein;

b. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act;

c. Using a fiber trademark on labels affixed to textile fiber products without the generic name of the fiber in immediate conjunction therewith on the said label;

d. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, October 3, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2470 Filed 1-27-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMODITY EXCHANGE AUTHORITY

Authority and Functions of Region Offices and Regional Directors

Pursuant to the authority of the Administrator, Commodity Exchange Authority, appearing at 7 CFR 2.7 and 2.52, § 140.2 of Title 17, Code of Federal Regulations, is revised to read as follows:

§ 140.2 Region Offices—Regional Directors.

Each of the Region offices described herein functions as set forth below under the direction of a Regional Director, who is delegated authority and responsibility for the enforcement of the Commodity Exchange Act and administration of the programs of the Authority in the particular Region, except authorities reserved to the Assistant Secretary for Marketing and Consumer Services in 7 CFR 2.52(b).

(a) The Central Region office is located at Room A-1, Board of Trade Building, 141 West Jackson Boulevard, Chicago, IL 60604, with a sub-office at Room 510, Grain Exchange Building, Fourth Street and Fourth Avenue South, Minneapolis, MN 55415, and is responsible for enforcement of the Commodity Exchange Act and administration of the programs of the Agency in the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. The office is responsible for the supervision of trading on the Chicago Board of Trade, the Chicago Mercantile Exchange, the Mid-America Commodity Exchange and the Minneapolis Grain Exchange.

(b) The Western Region office is located at Room 356, Board of Trade Building, 4800 Main Street, Kansas City, MO 64112, with a sub-office at Room 400, 550 Kearny Street, San Francisco, CA 94108, and is responsible for enforcement of the Commodity Exchange Act and administration of the programs of the Agency in the States of Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The office is responsible for the supervision of trading on the Board of Trade of Kansas City, Mo., Inc., and the Pacific Commodities Exchange, Inc.

(c) The Eastern Region office is located at Room 2101, 61 Broadway, New York, NY 10006, and is responsible for enforcement of the Commodity Exchange Act and administration of the programs of the Agency in the States of Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The office is responsible for the supervision of trading on the Citrus Associates of the New York Cotton Exchange, Inc., the New York Cotton Exchange, The New York Mercantile Exchange, and the Wool Associates of the New York Cotton Exchange, Inc.

The purpose of this amendment is to clarify the organizational structure of the Region offices and the authority of the Regional Directors. All actions heretofore taken by the Region offices and the Regional Directors in their respective Regions in connection with the enforcement of the Commodity Exchange Act and administration of the programs of the Authority are hereby specifically ratified and confirmed.

This amendment also reflects certain changes in contract market names and designations, and Region boundaries.

This revision shall be effective January 31, 1975.

(37 FR 28463 et seq., and authority therefor cited therein, 7 CFR 2.7, 2.17(c), 2.52)

Done at Washington, D.C., this 23rd day of January, 1975.

ALEX C. CALDWELL,
Administrator.

[FR Doc.75-2511 Filed 1-27-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-21]

PART 171—FINES, PENALTIES, AND FORFEITURES

Voluntary Disclosures

Correction

In FR Doc. 75-1401, appearing in the issue of Thursday, January 16, 1975, on page 2797, the effective date at the end of the document on page 2798 should be changed to read "January 16, 1975."

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-454]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Fayette	Unincorporated areas.	H 010219 01 through H 010219 02	Alabama Development Office, State Office of State Planning, Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Fayette County Commissioners Court, Courthouse, Fayette, Ala. 35555.	Jan. 10, 1974.
Do	Barbour	Blue Springs, town of.	H 010224 01	do	Town Manager, Town of Blue Springs, Blue Springs, Ala.	Do.
Do	do	Louisville, town of.	H 010225 01 through H 010225 02	do	Town Manager, Town of Louisville, Louisville, Ala. 36048.	Do.
Do	Coffee	Kinston, town of.	H 010237 01 through H 010237 02	do	Town Manager, Town of Kinston, Kinston, Ala. 36453.	Do.
Do	Covington	Carolina, town of.	H 010240 01	do	Town Manager, Town of Carolina, Carolina, Ala.	Do.
Do	do	Babble, town of.	H 010242 01	do	Town Manager, Town of Babbie, Babbie, Ala.	Do.
Do	do	Red Level, town of.	H 010243 01	do	Town Manager, Town of Red Level, Red Level, Ala. 36474.	Do.
Do	Dale	Midland City, town of.	H 010248 01 through H 010248 02	do	Town Manager, Town of Midland City, Midland City, Ala. 36350.	Do.
Do	Henry	Newville, town of.	H 010260 01 through H 010260 02	do	Town Manager, Town of Newville, Newville, Ala. 36353.	Do.
Do	Marengo	Thomaston, town of.	H 010273 01 through H 010273 02	do	Town Manager, Town of Thomaston, Thomaston, Ala. 36783.	Do.
Do	Shelby	Helena, town of.	H 010294 01	do	Town Manager, Town of Helena, Helena, Ala. 35080.	Do.
Do	Walker	Parrish, town of.	H 010298 01	do	Town Manager, Town of Parrish, Parrish, Ala. 35580.	Do.
Arizona	Mohave	Unincorporated areas.	H 040058 01 through H 040058 31	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7008, 718 West Glenrosa, Phoenix, Ariz. 85011.	Mohave County Planning and Zoning Commission, County of Mohave, 301 West Beale St., Kingman, Ariz. 86401.	Do.
Do	Pinal	do	H 040077 01 through H 040077 21	do	Chairman, Pinal Co. Board of Supervisors, P.O. Box 827, Florence, Ariz. 85232.	Do.
Arkansas	Woodruff	Patterson, town of.	H 050274 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Town Manager, Town of Patterson, Patterson, Ark. 72123.	Do.
Do	Craighead	Caraway, town of.	H 050311 01	do	Town Manager, Town of Caraway, Caraway, Ark. 72419.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Lonoke	Carlisle, city of	H 050312 01	do	City Mayor, City of Carlisle, Carlisle, Ark. 72024.	Do.
Do.	Johnson	Coal Hill, city of	H 050315 01	do	City Manager, City of Coal Hill, Coal Hill, Ark. 72832.	Do.
Do.	Carroll	Eureka Springs, city of.	H 050322 01 through H 050322 02	do	City Manager, City of Eureka Springs, Eureka Springs, Ark.	Do.
Do.	Yell	Ola, city of	H 050357 01	do	City Manager, City of Ola, Ola, Ark. 72853.	Do.
California	Inyo	Unincorporated areas.	H 060073 01 through H 060073 14	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Chairman, Inyo County Board of Supervisors, County of Inyo, County Courthouse, Independence, Calif. 93522.	Do.
Do.	Lake	do	H 060090 01 through H 060090 40	do	Lake County Flood Control and Water Conservation District, 255 North Forbes St., 3d Floor Courthouse, Lakeport, Calif. 95453.	Do.
Do.	Orange	do	H 060212 01 through H 060212 32	do	Orange Flood Control District, Engineering Bldg., 400 Civic Center Drive West, Santa Ana, Calif. 92702.	Do.
Do.	Sacramento	do	H 060262 01 through H 060262 25	do	County Administrator Bldg., 827 7th St., Room 305, Sacramento, Calif. 95814.	Do.
Do.	do	Sacramento, city of.	H 060266 01 through H 060266 33	do	City Hall, 915 I St., Sacramento, Calif. 95814.	Do.
Do.	Amador	Sutter Creek, city of.	H 060458 01	do	City Manager, City of Sutter Creek, Sutter Creek, Calif. 95685.	Do.
Do.	San Mateo	South San Francisco, city of.	H 060062 01 through H 060062 11	do	City Manager, c/o Office of the Clerk, City of South San Francisco, 400 Grand Ave., South San Francisco, Calif. 94070.	Do.
Connecticut	Windham	Hampton, town of.	H 090170 01 through H 090170 08	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Manager, Town of Hampton, Hampton, Conn. 06247.	Do.
Do.	do	Canterbury, town of.	H 090183 01 through H 090183 15	do	Town Manager, Town of Canterbury, Canterbury, Conn. 06331.	Do.
Florida	Flagler	Unincorporated areas.	H 120083 01 through H 120083 06	Department of Community Affairs, 2571 Executive Center Circle, East Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, the Capitol, Tallahassee, Fla. 32304.	Mayor, City Hall, Flagler Beach, Fla. 32036.	Do.
Do.	Putnam	do	H 120272 01 through H 120272 03	do	Putnam Co. Codes Administrator's Office, 514 St. Johns Ave., Palatka, Fla. 32077.	Do.
Do.	Seminole	Winter Springs, city of.	H 120295 01 through H 120295 03	do	City Engineer, City of Winter Springs, Winter Springs, Fla. 32707.	Do.
Do.	Taylor	Unincorporated areas.	H 120302 01 through H 120302 12	do	Chairman, County of Taylor, Taylor County Board of Commissioners, County Courthouse, Perry, Fla. 32347.	Do.
Georgia	Toombs	Vidalia, city of	H 130232 01 through H 130232 08	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Manager, City of Vidalia, Vidalia, Ga. 30474.	Do.
Idaho	Benewah	Unincorporated areas.	H 160014 01 through H 160014 12	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Benewah County Commissioners, Courthouse, St. Maries, Idaho 83861.	Do.
Do.	Cassia	Albion, town of	H 160042 01	do	Town Manager, Town of Albion, Albion, Idaho.	Do.
Illinois	Calhoun	Unincorporated areas.	H 170018 01 through H 170018 04	Governor's Task Force on Flood Control, 300 North State St., Room 1010, Lisle, Ill. 60510. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Calhoun County Court House, Hardin, Ill.	Do.
Do.	Lee	Unincorporated areas.	H 170413 01 through H 170413 06	do	Chairman, Lee County Board, County Courthouse, Dixon, Ill. 61021.	Do.
Do.	McLean	Chenoa, city of	H 170492 01	do	Mayor, City of Chenoa, Chenoa, Ill. 61726.	Do.
Do.	Menard	Unincorporated areas.	H 170505 01 through H 170505 02	do	County Chairman, County of Menard, Menard County, Ill.	Do.
Do.	Winnebago	do	H 170720 01 through H 170720 04	do	City-County Planning Commission, 425 East State St., Room 800, Rockford, Ill. 61104.	Do.
Indiana	Cass	do	H 180022 01 through H 180022 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	County Chairman, County of Cass, Cass County, Ind.	Do.
Do.	Lake	Whiting, city of	H 180313 01	do	Mayor, 1421 Fischrupp Ave., Whiting, Ind. 46394.	Do.
Iowa	Crawford	Westside, town of	H 190102 01 through H 190102 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, Town of Westside, City Hall, Westside, Iowa 51467.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Hardin	Union, town of	H 190142 01	do	Mayor and Town Council, Town of Union, Town Hall, Union, Iowa 50258.	Do.
Kansas	Barton	Pawnee Rock, city of.	H 200021 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City of Pawnee Rock, Pawnee Rock, Kans. 67567.	Do.
Do.	Bourbon	Fulton, city of	H 200024 01	do	Mayor, City of Fulton, Fulton, Kans. 66738.	Do.
Do.	Chase	Elmdale, city of	H 200042 01	do	Mayor, City of Elmdale, Elmdale, Kans. 66850.	Do.
Do.	Greenwood	Virgil, city of	H 200122 01 through H 200122 05	do	Mayor, City Hall, Virgil, Kans. 66870.	Do.
Kentucky	Pike	Coal Run, city of	H 210263 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Mayor, City of Coal Run, Coal Run, Ky. 41501.	Do.
Do.	Jefferson	West Buechel, city of.	H 210264 01	do	Jefferson County Judge, City of West Buechel, Fiscal Court Bldg., Louisville, Ky. 40202.	Do.
Louisiana	Avoyelles Parish	Unincorporated areas.	H 220019 01 through H 220019 09	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Secretary of the Police Jury, Avoyelles Parish Courthouse, Markville, La. 71351.	Do.
Do.	Rapides Parish	do	H 220145 01 through H 220145 38	do	Building Inspector, Rapides Parish Courthouse, 700 Murry St., Rapides Parish, Alexandria, La. 71301.	Do.
Do.	Washington Parish.	do	H 220230 01 through H 220230 16	do	Parish Manager, Parish of Washington, Washington Parish, La. 70589.	Do.
Do.	Avoyelles Parish	Mansura, town of	H 220255 01 through H 220255 02	do	Town Manager, Town of Mansura, Mansura, La. 71350.	Do.
Do.	Lafourche Parish	Lockport, town of	H 220254 01	do	Mayor, Town Hall, Town of Lockport, Lockport, La. 70374.	Do.
Do.	East Feliciana Parish.	Jackson, town of	H 220333 01 through H 220333 04	do	Town Manager, Town of Jackson, Jackson, La. 70748.	Do.
Maine	Aroostook	Haynesville, town of.	H 230020 01 through H 230020 06	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Selectmen, Town of Haynesville, Haynesville, Maine 04446.	Do.
Do.	Aroostook	Stockholm, town of.	H 230035 01 through H 230035 12	do	First Selectman, Town Office, Stockholm, Maine 04783.	Do.
Do.	Piscataquis	Milo, town of	H 230177 01 through H 230177 11	do	Town Manager, Town of Milo, Milo, Maine 04463.	Do.
Do.	Cumberland	Windham, town of.	H 230189 01 through H 230189 14	do	Town Manager, Town of Windham, Windham, Maine.	Do.
Do.	York	Limerick, town of.	H 230194 01 through H 230194 05	do	Town Manager, Town of Limerick, Limerick, Maine 04048.	Do.
Do.	Waldo	Frankfort, town of.	H 230254 01	do	Town Manager, Town of Frankfort, Frankfort, Maine 04338.	Do.
Do.	do	Thorndike, town of.	H 230268 01 through H 230268 06	do	Town Manager, Town of Thorndike, Thorndike, Maine 04361.	Do.
Do.	Washington	Dennysville, town of.	H 230312 01 through H 230312 05	do	Town Manager, Town of Dennysville, Dennysville, Maine 04628.	Do.
Do.	Franklin	Avon, town of	H 230345 01 through H 230345 12	do	Town Manager, Town of Avon, Avon, Maine.	Do.
Do.	do	Madrid, town of	H 230350 01 through H 230350 11	do	Town Manager, Town of Madrid, Madrid, Maine.	Do.
Do.	Penobscot	Hermon, town of	H 230389 01 through H 230389 02	do	Town Manager, Town of Hermon, Hermon, Maine.	Do.
Do.	Piscataquis	Wellington, town of.	H 230416 01 through H 230416 12	do	Town Manager, Town of Wellington, Wellington, Maine 04999.	Do.
Maryland	Dorchester	Unincorporated areas.	H 240026 01 through H 240026 54	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 305 West Preston St., Baltimore, Md. 21601.	Dorchester County Planning Office, County of Dorchester, Box 307, Cambridge, Md. 21613.	Do.
Michigan	Wayne	Allen Park, city of.	H 260217A 01 through H 260217A 04	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, Mich. 111 North Hosmer St., Lansing, 48913.	City Engineer, City Hall, City of Allen Park, 6746 Allen Rd., Allen Park, Mich. 48101.	Do.
Do.	Van Buren	Bangor, township of.	H 260210 01 through H 260210 12	do	Bangor Public Works, Township of Bangor, Bangor, Mich. 49053.	Do.
Do.	Wayne	Melvindale, city of.	H 260310 01	do	City Manager, City of Melvindale, Melvindale, Mich. 48454.	Do.
Minnesota	Murray	Avoca, city of	H 270552 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Mayor, City of Avoca, Avoca, Minn. 36114.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Redwood	Vesta, city of	H 270000 01	do	City Manager, City of Vesta, Vesta, Minn. 56292.	Do.
Do	Hennepin	Osseo, city of	H 270058 01	do	City Manager, City of Osseo, Osseo, Minn.	Do.
Do	Wright	Maple Lake, city of.	H 270067 01 through H 270067 02	do	City Manager, City of Maple Lake, Maple Lake, Minn. 55358.	Do.
Mississippi	Tallahatchie	Glendora, city of	H 280210 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Town Hall, City of Glendora, Glendora, Miss. 38928.	Do.
Do	Tunica	Unincorporated areas.	H 280236 01 through H 280236 02	do	Planning Assistance Branch, Community Area Planning Division, County of Tunica, P.O. Box 217, Tunica, Miss. 38676.	Do.
Missouri	Barry	Washburn, city of	H 290024 01	Department of Natural Resources, Division of Program and Policy Development, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City of Washburn, Washburn, Mo. 65772.	Do.
Do	Chariton	Sumner, city of	H 290076 01	do	Mayor, City Building, Sumner, Mo. 64681.	Do.
Do	Clark	Revere, village of	H 290083 01	do	Mayor, Village of Revere, Revere, Mo. 63465.	Do.
Do	Taney	Rockaway Beach, village of.	H 290438 01	do	Mayor, City of Clerk Office, Rockaway Beach, Mo. 65740.	Do.
Do	Newton	Wentworth, village of	H 290483 01	do	Mayor, City Hall, Wentworth, Mo. 64873.	Do.
Do	do	Ritchey, village of.	H 290485 01	do	Chairman, Village of Ritchey, Board of Trustees of Redings Mill, Joplin, Mo. 64801.	Do.
Montana	Toole	Sunburst, town of	H 300127 01 through H 300127 03	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Town Manager, Town of Sunburst, Sunburst, Mont. 59482.	Do.
Nebraska	Arthur	Arthur, village of	H 310006 01	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Arthur, Arthur, Nebr. 69121.	Do.
Do	Garden	Lewellen, village of.	H 310007 01	do	Mayor, Village of Lewellen, Lewellen, Nebr. 69147.	Do.
Do	Lincoln	Hershey, village of.	H 310142 01	do	Mayor, Village of Hershey, Hershey, Nebr. 69143.	Do.
Do	Merrick	Silver Creek, village of.	H 310150 01	do	Village Board, Village of Silver Creek, Silver Creek, Nebr. 68663.	Do.
Do	Boone	Cedar Rapids, village of.	H 310258 01	do	Village Manager, Village of Cedar Rapids, Cedar Rapids, Nebr. 68627.	Do.
Do	Steward	Staplehurst, village of.	H 310322 01	do	Village Board, Village of Staplehurst, Staplehurst, Nebr. 68430.	Do.
Do	Greeley	Spalding, village of.	H 310398 01	do	Village Board, Village of Spalding, Spalding, Nebr. 68665.	Do.
New Hampshire	Grafton	Orange, town of	H 330109 01 through H 330109 03	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hamsphire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Planning Board, Orange, N.H.	Do.
Do	do	Waterville Valley, town of.	H 330077 01 through H 330077 10	do	Chairman, Board of Selectmen, Waterville Valley, N.H. 03223.	Do.
Do	Hillsborough	Sharon, town of	H 330192 01 through H 330192 04	do	Town Manager, Town of Sharon, Sharon, N.H.	Do.
Do	Coos	Stewartstown, town of.	H 330194 01 through H 330194 14	do	Town Manager, Town of Stewartstown, Stewartstown, N.H.	Do.
New York	Chenango	Bainbridge, town of.	H 360058 01 through H 360058 63	New York State Department of Environmental Conservation, Division of Resources Management Services Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Manager, Town of Bainbridge, Bainbridge, N.Y. 13733.	Do.
Do	Franklin	Harrietstown, town of.	H 361124 01 through H 361124 23	do	Town Manager, Town of Harrietstown, Harrietstown, N.Y.	Do.
Do	Genesee	Darien, town of	H 361140 01 through H 361140 06	do	Town Manager, Town of Darien, Darien, N.Y. 14040.	Do.
Do	St. Lawrence	DeKalb, town of	H 361174 01 through H 361174 06	do	Town Manager, Town of DeKalb, DeKalb, N.Y. 13630.	Do.
Do	St. Lawrence	Fine, town of	H 361177 01 through H 361177 13	do	Town Manager, Town of Fine, Fine, N.Y. 13639.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Steuben	Cameron, town of.	H 361208 01 through H 361208 04	do	Town Manager, Town of Cameron, Cameron, N.Y. 14819.	Do.
Do	Clinton	Black Brook, town of.	H 361309 01 through H 361309 29	do	Town Manager, Town of Black Brook, Black Brook, N.Y.	Do.
Do	Otsego	Milford, village of	H 361352 01	do	Mayor, Village of Milford, City Hall, Milford, N.Y. 13807.	Do.
Do	Chemung	Erin, town of	H 361374 01 through H 361374 06	do	Town Manager, Town of Erin, Erin, N.Y. 14838.	Do.
Do	Livingston	Caledonia, town of.	H 361411 01 through H 361411 12	do	Mayor, Caledonia, N.Y. 14423	Do.
Do	Otsego	Exeter, town of	H 361418 01 through H 361418 09	do	Town Manager, Town of Exeter, Exeter, N.Y.	Do.
Do	do	Roseboom, town of.	H 361421 01 through H 361421 03	do	Mayor, Town of Roseboom, Roseboom, N.Y. 13450.	Do.
Do	Livingston	Leicester, village of.	H 361456 01	do	Village Manager, Village of Leicester, Leicester, N.Y. 14481.	Do.
Do	do	Lima, village of	H 361457 01	do	Village Manager, Village of Lima, Lima, N.Y. 14485.	Do.
Do	do	Livonia, village of.	H 361458 01	do	Village Manager, Village of Livonia, Livonia, N.Y. 14488.	Do.
Do	St. Lawrence	Hermon, village of.	H 361464 01	do	Village Manager, Village of Hermon, Hermon, N.Y. 13652.	Do.
Do	do	Richville, village of.	H 361467 01	do	Mayor, Village of Richville, Richville, N.Y. 13681.	Do.
Do	Tompkins	Trumansburg, village of.	H 361470 01	do	Mayor, Village of Trumansburg, Trumansburg, N.Y. 14886.	Do.
Do	Fulton	Northville, village of.	H 361484 01	do	Mayor, Village of Northville, City Building, Northville, N.Y. 12134.	Do.
Do	Ulster	Pine Hill, village of.	H 361547 01	do	Town Supervisor, City Hall, Village of Pine Hill, Pine Hill, N.Y. 12465.	Do.
Do	Wayne	Red Creek, village of.	H 361548 01	do	Mayor, Village of Red Creek, Red Creek, N.Y. 13143.	Do.
Do	Schoharie	Sharon Spring, village of.	H 361549 01	do	Mayor, Village of Sharon Spring, Sharon Spring, N.Y. 13459.	Do.
Do	Onondaga	Tully, village of	H 361552 01	do	Mayor, Village of Tully, Tully, N.Y. 13159.	Do.
North Carolina	Henderson	Unincorporated areas.	H 370125 01 through H 370125 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	County Manager, County of Henderson, Henderson County, N.C.	Do.
Do	Rutherford	do	H 370217 01 through H 370217 05	do	County Manager, County of Rutherford, Rutherford County, N.C.	Do.
Do	Watauga	do	H 370251 01 through H 370251 05	do	County Manager, County of Watauga, Watauga County, N.C.	Do.
North Dakota	Grand Forks	Manvel, city of	H 380037 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Manvel, Manvel, N. Dak. 58256.	Do.
Do	McHenry	Karlsruhe, city of	H 380048 01	do	Mayor, City of Karlsruhe, Karlsruhe, N. Dak. 58744.	Do.
Do	Nelson	Michigan, city of	H 380076 01	do	Mayor, City of Michigan, Michigan, N. Dak. 58259.	Do.
Do	Sargent	Ruthland, city of	H 380200 01	do	Mayor, City of Ruthland, Ruthland, N. Dak. 58067.	Do.
Do	Barnes and Cass	Tower City, city of.	H 380210 01	do	City Manager, City of Tower City, Tower City, N. Dak. 58071.	Do.
Do	Towner	Cando, city of	H 380217 01	do	City Manager, City of Cando, Cando, N. Dak. 58324.	Do.
Do	Sargent	Forman, city of	H 380228 01	do	City Manager, City of Forman, Forman, N. Dak. 58032.	Do.
Do	do	Gwinmer, city of.	H 380229 01	do	City Manager, City of Gwimmer, Gwimmer, N. Dak. 58040.	Do.
Ohio	Gallia	Crown City, village of.	H 390187 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich Street, Columbus, Ohio 43215.	Mayor, Village of Crown City, Crown City, Ohio 45623.	Do.
Do	Hamilton	Mariemont, village of.	H 390226A 01	do	Mayor, Town of Mariemont, 6907 Wooster Park, Cincinnati, Ohio 45227.	Feb. 8, 1974. Jan. 10, 1975.
Do	Jackson	Unincorporated areas.	H 390290 01 through H 390290 04	do	Mayor, County of Jackson, Memorial Bldg., Jackson, Ohio 45640.	Do.
Do	Medina	do	H 390378 01 through H 390378 07	do	Mayor, County of Medina, City Hall, 132 North Elmwood, Medina, Ohio 44256.	Do.
Do	Miami	do	H 390398 01 through H 390398 10	do	Miami County Commissioners, County of Miami, Court House, Troy, Ohio 45373.	Do.
Do	Morgan	do	H 390420 01 through H 390420 04	do	County Manager, County of Morgan, Morgan County, Ohio.	Do.
Do	Noble	do	H 390428 01 through H 390428 07	do	Noble County Commissioners, County of Noble, Court House, Caldwell, Ohio 43724.	Do.
Do	Greene	Cedarville, village of.	H 390607 01	do	Village Manager, Village of Cedarville, Cedarville, Ohio 45314.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lawrence	Chesapeake, village of.	H 390008 01	do	Village Manager, Village of Chesapeake, Chesapeake, Ohio 45619.	Do.
Do	Cuyahoga	Walton Hills, village of.	H 390036 01 through H 390036 04	do	Village Manager, Village of Walton, Walton Hills, Ohio.	Do.
Oklahoma	Choctaw	Fort Towson, town of.	H 400039 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Chairman, City Council, Town of Fort Towson, Fort Towson, Okla. 74735.	Do.
Do	McCurtain	Wright City, town of.	H 400109 01	do	Chairman of Council, City Hall, Wright City, Okla. 73766.	Do.
Do	Muskogee	Webbers Falls, town of.	H 400131 01	do	President, Board of Trustees, Town of Webbers Falls, Webbers Falls, Okla. 74470.	Do.
Do	Osage	Burbank, town of.	H 400149 01	do	Mayor, Town of Burbank, Burbank, Okla. 74633.	Do.
Do	Washita	Corn, town of	H 400225 01	do	Mayor, Town of Corn, Corn, Okla. 73021.	Do.
Do	Comanche	Sterling, town of	H 400414 01	do	Mayor, Town Hall, Town of Sterling, Sterling, Okla. 73557.	Do.
Oregon	Clackamas	Barlow, city of	H 410043 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., Northeast, Salem, Oreg. 97310.	Mayor, City Hall, City of Barlow, Barlow, Oreg. 97003.	Do.
Do	Columbia	Prescott, city of	H 410037 01	do	Mayor, City Hall, City of Prescott, Prescott, Oreg.	Do.
Do	Clackamas, Multnomah, and Washington.	Portland, city of	H 410183 01 through H 410183 35	do	City of Portland Planning Commission, City of Portland, 474 Southeast Main St., Portland, Oreg. 97204.	Do.
Do	Douglas	Oakland, city of	H 410271 01	do	City Mayor, City of Oakland, Oakland, Oreg. 73452.	Do.
Pennsylvania	Huntingdon	Broad Top City, borough of.	H 420483 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Broad Top City, Broad Top City, Pa. 16621.	Do.
Do	Berks	Upper Tulpehocken, township of.	H 421120 01 through H 421120 07	do	Chairman, Board of Supervisors, Township of Upper Tulpehocken, Rural Delivery No. 1, Bernville, Pa. 19506.	Do.
Do	Adams	Freedom, township of.	H 421251 01 through H 421251 05	do	Chairman, Board of Supervisors, Township of Freedom, Rural Delivery No. 2, Fairfield, Pa. 17320.	Do.
Do	Bedford	Schellsburg, borough of.	H 421329 01	do	Mayor, Borough of Schellsburg, Schellsburg, Pa. 15559.	Do.
Do	do	Monroe, township of.	H 421347 01 through H 421347 12	do	Chairman, Board of Supervisors, Township of Monroe, Star Route 4, Everett, Pa. 15537.	Do.
Do	Erie	Girard, township of.	H 421363 01 through H 421363 11	do	Chairman, Board of Supervisors, Township of Girard, Rural Delivery No. 1, Allegheny Ave., Lake City, Pa. 16423.	Do.
Do	Blair	Snyder, township of.	H 421383 01 through H 421383 04	do	Chairman, Board of Supervisors, Township of Snyder, Rural Delivery No. 4, Box 104, Tyrone, Pa. 16686.	Do.
Do	Cambria	Blacklick, township of.	H 421435 01 through H 421435 09	do	Chairman, Board of Supervisors, Township of Blacklick, Rural Delivery No. 1, Strongstown, Pa. 15667.	Do.
Do	Chester	Wallace, township of.	H 421493 01 through H 421493 02	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Wallace, Glen Moore, Pa. 19343.	Do.
Do	Crawford	Linesville, borough of.	H 421560 01 through H 421560 02	do	Mayor, Borough of Linesville, 128 Erie St., Linesville, Pa. 16424.	Do.
Do	Elk	Highland, township of.	H 421609 01 through H 421609 21	do	Chairman, Board of Supervisors, Township of Highland, James City, Pa. 16734.	Do.
Do	Huntingdon	Carbon, township of.	H 421685 01 through H 421685 02	do	Chairman, Board of Supervisors, Township of Carbon, Rural Delivery No. 1, Saxton, Pa. 16678.	Do.
Do	do	Oneida, township of.	H 421697 01 through H 421697 06	do	Chairman, Board of Supervisors, Township of Oneida, Rural Delivery No. 2, Huntingdon, Pa. 16652.	Do.
Do	Juniata	Monroe, township of.	H 421744 01 through H 421744 07	do	Chairman, Board of Supervisors, Township of Monroe, Richfield, Pa. 17086.	Do.
Do	Lackawanna	Benton, township of.	H 421749 01 through H 421749 09	do	Chairman, Board of Supervisors, Township of Benton, Rural Delivery No. 2, Factoryville, Pa. 18419.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lawrence	Perry, township of.	H 421796 01 through H 421796 06	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Perry, Potersville, Pa. 16051.	Do.
Do	Lehigh	Weisenberg, township of.	H 421817 01 through H 421817 04	do	Chairman, Board of Supervisors, Township of Weisenberg, R.F.D. 1, Breinigsville, Pa. 18031.	Do.
Do	Mercer	Jefferson	H 421869 01 through H 421869 08	do	Chairman, Board of Supervisors, Township of Jefferson, Rural Delivery No. 2, Sharpsville, Pa. 16150.	Do.
Do	Mifflin	Armagh, township of.	H 421879 01 through H 421879 25	do	Chairman, Board of Supervisors, Township of Armagh, Milroy, Pa. 17063.	Do.
Do	Montour	Liberty, township of.	H 421921 01 through H 421921 11	do	Chairman, Board of Supervisors, Township of Liberty, Rural Delivery No. 1, Danville, Pa. 17821.	Do.
Do	Potter	Ulysses, township of.	H 421991 01 through H 421991 17	do	Chairman, Board of Supervisors, Township of Ulysses, Rural Delivery No. 1, Ulysses, Pa. 16948.	Do.
Do	Schuylkill	Norwegian, township of.	H 422015 01 through H 422015 03	do	Chairman, Board of Supervisors, Township of Norwegian, Walnut St., Marlin, Pa. 17951.	Do.
Do	do	South Manheim, township of.	H 422022 01 through H 422022 08	do	Chairman, Board of Supervisors, Township of South Manheim, Rural Delivery No. 1, Auburn, Pa. 17922.	Do.
Do	do	West Brunswick, township of.	H 422028 01 through H 422028 12	do	Chairman, Board of Supervisors, Township of West Brunswick, Rural Delivery No. 1, Orwigsburg, Pa. 17961.	Do.
Do	Snyder	Middle Creek, township of.	H 422037 01 through H 422037 02	do	Chairman, Board of Supervisors, Township of Middle Creek, Kreamer, Pa. 17833.	Do.
Do	Susquehanna	Montrose, borough of.	H 422070 01 through H 422070 02	do	Mayor, Borough of Montrose, One Chestnut St., Montrose, Pa. 18801.	Do.
Do	do	Choconut, township of.	H 422076 01 through H 422076 02	do	Chairman, Board of Supervisors, Township of Choconut, Rural Delivery No. 1, Friendsville, Pa. 18818.	Do.
Do	do	Silver Lake, township of.	H 422091 01 through H 422091 03	do	Chairman, Board of Supervisors, Township of Silver Lake, Brackney, Pa. 18812.	Do.
Do	do	Springville, township of.	H 422092 01 through H 422092 08	do	Chairman, Board of Supervisors, Township of Springville, Rural Delivery No. 1, Springville, Pa. 18844.	Do.
Do	Venango	President, township of.	H 422112 01 through H 422112 04	do	Chairman, Board of Supervisors, Township of President, Ilenrys Bend, Star Route, Oil City, Pa. 16301.	Do.
Do	do	Rockland, township of.	H 422113 01 through H 422113 17	do	Chairman, Board of Supervisors, Township of Rockland, Kennerdell, Pa. 16374.	Do.
Do	Warren	Elk, township of	H 422119 01 through H 422119 04	do	Chairman, Board of Supervisors, Township of Elk, Rural Delivery No. 1, Russell, Pa. 16345.	Do.
Do	Washington	Peters, township of.	H 422152 01 through H 422152 07	do	Chairman, Board of Supervisors, 124 Holly Dr., McMurray, Pa. 15317.	Do.
Do	Wayne	Berlin, township of.	H 422158 01 through H 422158 13	do	Chairman, Board of Supervisors, Township of Berlin, Rural Delivery No. 4, Honesdale, Pa. 18431.	Do.
Do	York	Heidelberg, township of.	H 422221 01 through H 422221 09	do	Chairman, Board of Supervisors, Township of Heidelberg, Rural Delivery No. 3, Spring Grove, Pa. 17362.	Do.
Do	Beaver	Marion, township of.	H 422249 01 through H 422249 04	do	Board of Supervisors, Township of Marion, Rural Delivery No. 1, Fombeli, Pa. 16123.	Do.
Do	Armstrong	Perry, township of.	H 422301 01 through H 422301 03	do	Chairman, Board of Supervisors, Township of Perry, Rural Delivery No. 2, Parker, Pa. 16049.	Do.
Do	do	West Franklin, township of.	H 422304 01 through H 422304 12	do	Chairman, Board of Supervisors, Township of West Franklin, Rural Delivery No. 2, Worthington, Pa. 16262.	Do.
Do	Beaver	South Beaver, township of.	H 422329 01 through H 422329 04	do	Chairman, Board of Supervisors, Township of South Beaver, Rural Delivery No. 1, Darlington, Pa. 16115.	Do.
Do	Blair	Huston, township of.	H 422332 01 through H 422332 04	do	Chairman, Board of Supervisors, Township of Huston, Rural Delivery No. 2, Martinsburg, Pa. 16662.	Do.
Do	Bucks and Montgomery.	Telford, borough of.	H 422339 01 through H 422339 02	do	Mayor, Borough of Telford, 314 North Main St., Telford, Pa. 18969.	Do.
Do	Butler	Cherry, township of.	H 422342 01 through H 422342 02	do	Chairman, Board of Supervisors, Township of Cherry, Rural Delivery No. 4, Slippery Rock, Pa. 16057.	Do.
Do	do	Clearfield, township of.	H 422344 01 through H 422344 02	do	Chairman, Board of Supervisors, Township of Clearfield, Rural Delivery No. 1, Fenelton, Pa. 16034.	Do.
Do	do	Clinton, township of.	H 422345 01 through H 422345 02	do	Chairman, Board of Supervisors, Township of Clinton, Rural Delivery No. 1, Saxonburg, Pa. 16056.	Do.
Do	do	Eau Claire, borough of.	H 422348 01 through H 422348 02	do	Mayor, Borough of Eau Claire, Box 61, Eau Claire, Pa. 16030.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Mercer, township of.	H 422352 01 through H 422352 02	do	Chairman, Board of Supervisors, Township of Mercer, Rural Delivery No. 3, Slippery Rock, Pa. 16057.	Do.
Do	do	Muddy Creek, township of.	H 422353 01 through H 422353 04	do	Chairman, Board of Supervisors, Township of Muddy Creek, Rural Delivery No. 1, Portersville, Pa. 16051.	Do.
Do	do	Oakland, township of.	H 422354 01 through H 422354 02	do	Chairman, Board of Supervisors, 530 Chicora Rd., Butler, Pa. 16001.	Do.
Do	do	Portersville, borough of.	H 422355 01 through H 422355 02	do	Mayor, Borough of Portersville, Portersville, Pa. 16051.	Do.
Do	Clarion	Ashland, township of.	H 422361 01 through H 422361 02	do	Chairman, Board of Supervisors, Township of Ashland, Rural Delivery No. 1, Cranberry, Pa. 16319.	Do.
Do	do	Madison, township of.	H 422370 01 through H 422370 03	do	Chairman, Board of Supervisors, Township of Madison, Rural Delivery No. 1, Rimersburg, Pa. 16248.	Do.
Do	do	Salem, township of.	H 422376 01 through H 422376 02	do	Chairman, Board of Supervisors, Township of Salem, Rural Delivery No. 2, Knox, Pa. 16232.	Do.
Do	Crawford	Conneant, township of.	H 422387 01 through H 422387 12	do	Chairman, Board of Supervisors, Township of Conneaut, Rural Delivery No. 2, Linesville, Pa. 16424.	Do.
Do	do	Cussewago, township of.	H 422388 01 through H 422388 11	do	Chairman, Board of Supervisors, Township of Cussewago, Route 3, Saegertown, Pa. 16433.	Do.
Do	do	East Fallowfield, township of.	H 422389 01 through H 422389 08	do	Chairman, Board of Supervisors, Township of East Fallowfield, Atlantic, Pa. 16111.	Do.
Do	do	Randolph, township of.	H 422363 01 through H 422363 12	do	Chairman, Board of Supervisors, Township of Randolph, Rural Delivery No. 2, Guys Mills, Pa. 16327.	Do.
Do	do	Rockdale, township of.	H 422394 01 through H 422394 10	do	Chairman, Board of Supervisors, Township of Rockdale, Rural Delivery No. 3, Cambridge Springs, Pa. 16403.	Do.
Do	do	Summit, township of.	H 422400 01 through H 422400 08	do	Chairman, Board of Supervisors, Township of Summit, Rural Delivery No. 3, Conneaut Lake, Pa. 16316.	Do.
Do	Cumberland	Newburg, borough of.	H 422405 01	do	Mayor, Borough of Newburg, Newburg, Pa. 17240.	Do.
Do	Erie	LeBoeuf, township of.	H 422415 01 through H 422415 09	do	Chairman, Board of Supervisors, Township of LeBoeuf, Rural Delivery No. 2.	Do.
Do	Greene	Dunkard, township of.	H 422431 01 through H 422431 03	do	Chairman, Board of Supervisors, Township of Dunkard, Davistown, Pa. 15326.	Do.
Do	do	Gilmore, township of.	H 422433 01 through H 422433 02	do	Chairman, Board of Supervisors, Township of Gilmore, Pine Bank, Pa. 15354.	Do.
Do	do	Perry, township of.	H 422434 01 through H 422434 04	do	Chairman, Board of Supervisors, Township of Perry, Mt. Morris, Pa. 15349.	Do.
Do	Indiana	North Mahoning, township of.	H 422438 01 through H 422438 04	do	Chairman, Board of Supervisors, Township of North Mahoning, Rural Delivery No. 1, Smicksburg, Pa. 16256.	Do.
Do	Jefferson	Perry, township of.	H 422444 01 through H 422444 12	do	Chairman, Board of Supervisors, Township of Perry, Valier, Pa. 15780.	Do.
Do	Juniata	Tuscarora, township of.	H 422452 01 through H 422452 04	do	Chairman, Board of Supervisors, Township of Tuscarora, Rural Delivery No. 1, East Waterford, Pa. 17021.	Do.
Do	Lackawanna	Covington, township of.	H 422455 01 through H 422455 09	do	Chairman, Board of Supervisors, Township of Covington, Rural Delivery No. 3, Moscow, Pa. 18444.	Do.
Do	do	Greenfield, township of.	H 422456 01 through H 422456 07	do	Chairman, Board of Supervisors, Township of Greenfield, Rural Delivery, Jermyn, Pa. 18433.	Do.
Do	Lawrence	Little Beaver, township of.	H 422464 01 through H 422464 02	do	Chairman, Board of Supervisors, Township of Little Beaver, Rural Delivery No. 1, New Galilee, Pa. 16141.	Do.
Do	Mercer	Deer Creek, township of.	H 422476 01 through H 422476 06	do	Chairman, Board of Supervisors, Township of Deer Creek, Rural Delivery No. 3, Cochranton, Pa. 16314.	Do.
Do	Pike	Milford, township of.	H 422499 01 through H 422499 06	do	Chairman, Board of Supervisors, Township of Milford, Milford, Pa. 18337.	Do.
Do	Somerset	Brothers Valley, township of.	H 422511 01 through H 422511 10	do	Chairman, Board of Supervisors, Township of Brothers Valley, Rural Delivery No. 1, Berlin, Pa. 15530.	Do.
Do	do	Larimer, township of.	H 422515 01 through H 422515 02	do	Chairman, Board of Supervisors, Township of Larimer, Rural Delivery No. 4, Meyersdale, Pa. 15552.	Do.
Do	do	Lincoln, township of.	H 422516 01 through H 422516 04	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Lincoln, Somerset, Pa. 15501.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Venango	Cherrytree, township of.	H 422530 01 through H 422530 12	do	Chairman, Board of Supervisors, Township of Cherrytree, Rural Delivery No. 3, Titusville, Pa. 16354.	Do.
Do	Warren	Watson, township of.	H 422551 01 through H 422551 04	do	Chairman, Board of Supervisors, Township of Watson, Rural Delivery No. 1, Tidioute, Pa. 16351.	Do.
Do	Washington	Hanover, township of.	H 422555 01 through H 422555 06	do	Chairman, Board of Supervisors, Township of Hanover, Rural Delivery No. 1, Burgettstown, Pa. 15021.	Do.
Do	do	Jefferson, township of.	H 422557 01 through H 422557 04	do	Chairman, Board of Supervisors, Rural Delivery No. 4, Township of Jefferson, Burgettstown, Pa. 15021.	Do.
Do	do	North Bethlehem, township of.	H 422560 01 through H 422560 04	do	Chairman, Board of Supervisors, Township of North Bethlehem, Scenery Hill, Pa. 15360.	Do.
Do	Huntingdon	Walker, township of.	H 422577 01 through H 422577 06	do	Chairman, Board of Supervisors, Township of Walker, Rural Delivery No. 1, Huntingdon, Pa. 16652.	Do.
Do	Cambria	Elder, township of.	H 422592 01 through H 422592 06	do	Chairman, Board of Supervisors, Township of Elder, Rural Delivery Box 121, Hastings, Pa. 16646.	Do.
Do	do	Franklin, borough of.	H 422593 01	do	Mayor, Borough of Franklin, 160 Main Street, Conemaugh, Pa. 15909.	Do.
Do	do	Chest, township of.	H 422604 01 through H 422604 04	do	Chairman, Board of Supervisors, Township of Chest, Rural Delivery, Patton, Pa. 16668.	Do.
South Carolina	Colleton	Williams, town of.	H 450059 01	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Commission, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town of Williams, Williams, S.C. 29493.	Do. Do.
South Dakota	Hughes	Blunt, town of.	H 460039 01	South Dakota Planning Agency, Office of Executive Management, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Town Manager, Town of Blunt, Blunt, S. Dak. 57522.	Do. Do.
Tennessee	Carroll	Bruceton, town of.	H 470218 01 through H 470218 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Town Manager, Town of Bruceton, Tenn. 38317.	Do.
Do	Crockett	Bells, town of.	H 470220 01	do	Town Manager, Town of Bells, Bells, Tenn. 38006.	Do.
Texas	Bexar	Leon Valley, city of.	H 480042A 01 through H 480042A 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Hall, Leon Valley, 6400 El Verde Rd., San Antonio, Tex. 78238.	Oct. 12, 1972. Jan. 10, 1975.
Do	Dallas	Dallas, city of.	H 480171 01 through H 480171 07	do	Dallas County Department of Public Works, 412 Record Bldg., Dallas, Tex. 75202.	Do.
Do	Lipscomb	Darrouzett, town of.	H 480445 01	do	Mayor, Town of Darrouzett, Darrouzett, Tex. 79124.	Do.
Do	Smith	Tyler, city of.	H 480571 01 through H 480571 18	do	Mr. Ed L. Wagoner, City Manager, City of Tyler, P.O. Box 2039, Tyler, Tex. 75701.	Do.
Do	Bell	Unincorporated areas.	H 480706 01 through H 480706 02	do	County Manager, County of Bell, Bell County, Tex.	Do.
Do	Collins	Fairview, town of.	H 481069 01 through H 481069 04	do	County Judge, County Court House, Collin County Commissioners Court, McKinney, Tex. 75069.	Do.
Utah	Sevier	Annabella, town of.	H 490122 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Town President, Town of Annabella, Annabella, Utah 84711.	Do.
Do	do	Elsinore, town of.	H 490125 01	do	Town President, Town Hall, Elsinore, Utah 84724.	Do.
Do	do	Joseph, town of.	H 490127 01	do	Town President, Town of Joseph, Joseph, Utah 84739.	Do.
Do	Utah	Unincorporated areas.	H 495517 01 through H 495517 02	do	County Surveyor, County of Utah, City and County Building, Provo, Utah 84601.	Do.
Vermont	Franklin	Fairfield, town of.	H 500053 01 through H 500053 10	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Fairfield Board of Selectmen, c/o Town Clerk, Town of Fairfield, Fairfield, Vt. 05455.	Do.
Do	Windsor	Plymouth, town of.	H 500151 01 through H 500151 04	do	Chairman, Plymouth Board of Selectmen, Town of Plymouth, Plymouth, Vt. 05056.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Bennington	Peru, town of.	H 500181 01 through H 500181 14	do	Chairman, Board of Selectmen, Town of Peru, Peru, Vt. 05152.	Do.
Do.	Caledonia	Newark, town of.	H 500190 01 through H 500190 04	do	Mayor, Town of Newark, Town Hall, Newark, Vt.	Do.
Do.	Franklin	St. Albans, town of.	H 500219 01 through H 500219 04	do	Mayor, Town of St. Albans, Municipal Building, St. Albans, Vt. 05478.	Do.
Do.	Grand Isle	North Hero, town of.	H 500225 01 through H 500225 05	do	Chairman, Board of Selectmen, Town of North Hero, North Hero, Vt. 05474.	Do.
Do.	Orleans	Albany, town of.	H 500243 01 through H 500243 04	do	Chairman, Albany Board of Selectmen, Town of Albany, Albany, Vt. 05820.	Do.
Do.	Rutland	Mount Tabor, town of.	H 500262 01 through H 500262 03	do	Chairman, Mt. Tabor Board of Selectmen, Town of Mt. Tabor, Mount Tabor, Vt.	Do.
Do.	do	Wells, town of.	H 500271 01 through H 500271 02	do	Chairman, Board of Selectmen, Town of Wells, Town Hall, Wells, Vt. 05774.	Do.
Do.	Windham	North Westminster, village of.	H 500385 01	do	Chairman, Westminster Board of Selectmen, Village of North Westminster, Westminster, Vt. 05158.	Do.
Virginia	Chesterfield	Unincorporated areas.	H 510035 01 through H 510035 173	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Planning Director, Planning Department, County of Chesterfield, Chesterfield County Court House, Chesterfield, Va. 23822.	Do.
Do.	Prince William	do	H 510119 01 through H 510119 24	do	Department of Public Works, Prince William County, 9253 Lee Ave., Manassas, Va. 22110.	Do.
Do.	Shenandoah	Toms Brook, town of.	H 510233 01	do	Mayor, Town Hall, Town of Toms Brook, Toms Brook, Va. 22660.	Do.
Do.	Prince Edward	Unincorporated areas.	H 510239 01 through H 510239 25	do	County Administrator, Prince Edward County, Richmond, Va. 23249.	Do.
Washington	Chelan	do	H 530015 01 through H 530015 07	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Chelan County Regional Planning Council, 411 Washington St., Wenatchee, Wash. 98801.	Do.
Do.	Grant	Wilson Creek, town of.	H 530056 01	do	City Council, Town of Wilson Creek, Wilson Creek, Wash. 98860.	Do.
Do.	Lincoln	Reardan, town of.	H 530112 01	do	Mayor, Town Hall, Town of Reardan, Reardan, Wash. 99209.	Do.
West Virginia	Grant	Unincorporated areas.	H 540035 01 through H 540035 34	Office of Federal-State Relations, Room W 115, Capitol Building, Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Chairman, Grant County Planning Commission, Grant County Court House, County of Grant, Petersburg, W. Va. 26847.	Do.
Do.	McDowell	do	H 540114 01 through H 540114 34	do	Mayor, McDowell County Court, County of McDowell, Welch, W. Va. 24801.	Do.
Do.	Wayne	Wayne, town of.	H 540231 01 through H 540231 03	do	County Court of Wayne County, Town of Wayne, Wayne, W. Va. 25570.	Do.
Do.	Braxton	Gassaway, town of.	H 540237 01 through H 540237 02	do	Mayor, Town of Gassaway, Gassaway, W. Va. 26624.	Do.
Do.	Randolph	Mill Creek, town of.	H 540266 01	do	Mayor, Town of Mill Creek, Mill Creek, W. Va. 26280.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 7, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–2010 Filed 1–27–75;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Cape Hatteras National Seashore, North Carolina; Fishing Regulations

A proposal was published at 39 FR 43728 of the FEDERAL REGISTER of December 18, 1974, to amend paragraph (c) of § 7.58 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to establish restrictions on the commercial fishing use of designated portions of the seashore beaches to balance the commercial and recreational use of the fishing resource and provide for greater public safety.

Interested persons were given 15 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment.

A number of comments were received that endorsed the proposal as published. Other responses objected to the proposal on the basis of its limited scope with respect to area and specific time closures, interference with traditional rights, and general need for such a regulation. Following complete evaluation of the comments and objectives, it was concluded that the proposed amendment should be adopted as published on December 18, 1974.

It is the policy of the Department of the Interior whenever practicable to provide the full 30-day period following publication and the effective date of the rule. However, since the fishing season is already underway at the seashore, and a further delay in implementation of the rule could lead to confrontations between commercial and sport-fishing groups over the fishery resource, and endanger the public safety, this amendment will become effective February 12, 1975.

(5 U.S.C. 553; 16 U.S.C. 3)

The heading of § 7.58 is revised and paragraph (c) of § 7.58 is amended by the addition of paragraph (6) as follows:

• • • • • •

§ 7.58 Cape Hatteras National Seashore Recreational Area; hunting.

(c) Fishing • • •

(6) Sport-fishing Zone. A zone is established for the protection and enhancement of recreational sport-fishing commencing at Beach Access Ramp No. 22 and continuing south and west along the ocean shore, including Cape Point (Cape Hatteras), to Beach Access Ramp No. 30. Within this zone commercial fishing, as specified in the Act of August 17, 1937 (50 Stat. 669), is permitted, except between the hours of 12:01 a.m. on Saturday to 11:59 p.m. on Sunday from October 1 through April 30, commercial fishermen are not permitted to haul seines or nets onto the beach within the Zone.

• • • • • •

RUSSELL E. DICKENSON,
Deputy Director,
National Park Service.

[FR Doc.75–2600 Filed 1–27–75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS' ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director

Section 2.85 is revised to read as follows:

§ 2.85 Chief benefits director and/or assistant director for insurance authorized to make any determinations required under § 9.22 of this chapter relative to Servicemen's Group Life Insurance and Veterans' Group Life Insurance.

This delegation of authority is identical to § 9.22(d) of this chapter.

Approved: January 22, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75–2525 Filed 1–27–75;8:45 am]

PART 9—SERVICEMEN'S GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Creation of 5-Year Nonrenewable Term Plan of Insurance

Part 9 of Title 38, Code of Federal Regulations is revised to implement the provisions of Pub. L. 93–289 (88 Stat. 165) relating to Servicemen's Group Life Insurance and Veterans' Group Life Insurance. This act made many changes in the Servicemen's Group Life Insurance. The principal changes are as follows:

(1) It increased the amount of coverage to $20,000;

(2) It extended full-time coverage to qualified members of the Ready Reserve;

(3) It extended full-time coverage to members of the Retired Reserve and those individuals eligible for the Retired Reserve;

(4) It created a new 5-year nonrenewable term plan of insurance for those individuals separated from active duty on and after August 1, 1974, and made the same insurance available to those individuals separated from active duty not more than 4 years prior to August 1, 1974.

Compliance with the provisions of § 1.12, Title 38, Code of Federal Regulations requiring public participation in regulatory development is not recommended in this instance. Before the Administrator and the primary insurer, Prudential Insurance Company of America, can enter into other than a temporary agreement to carry out the provisions of Pub. L. 93–289, it is necessary that the Veterans Administration first promulgate implementing regulations. It is desirable that this can be done as soon as possible so that the Administrator and the insurer can enter into the necessary contract at the earliest possible date. For these reasons I believe it would be impractical and contrary to the public interest to give the usual preliminary 30-day notice and comment period.

Part 9 of Title 38 is revised to read as follows:

Sec.
9.1 Definitions.
9.2 Effective date.
9.3 Applications.
9.4 Amount of insurance.
9.5 Coverage.
9.6 Waiver or reduction of coverage.
9.7 Extension of coverage based on disability.
9.8 Restoration of coverage.
9.10 Deductions from pay.
9.12 Payment for extra hazards.
9.14 Group life insurance fund.
9.16 Beneficiaries and options.
9.17 Taxation and exemption.
9.18 Payment of proceeds.
9.20 Assignments.
9.22 Administrative decisions.
9.24 Termination of coverage.
9.26 Conversion privilege.
9.27 Health standards.
9.28 Criteria for reinsurers and converters.
9.30 Reinsurance formula.
9.32 Actions on the policy.
9.34 Forfeiture.
9.36 Veterans' Group Life Insurance.

AUTHORITY: The provisions of this Part 9 issued under 72 Stat. 1114, 79 Stat. 880, 84 Stat. 326, 88 Stat. 165; 38 U.S.C. 210, Subchapter III, Chapter 19)

§ 9.1 Definitions.

(a) The term "member" means (1) A person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade, or as a cadet or midshipman at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, or the U.S. Coast Guard Academy;

(2) A person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which he or she may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code;

(3) A person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement pay or has not yet reached 61 years of age and has completed at least 20 years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code;

(4) A member, cadet, or midshipman of the Reserve Officers Training Corps

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while attending field training or practice cruises; and

(5) A person whose coverage is extended after termination of duty under § 9.5(a) or under § 9.7(a) or (b).

(b) The term "active duty" means (1) Full-time duty in the Armed Forces, other than active duty for training;

(2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(3) Full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration;

(4) Full-time duty as a cadet or midshipman at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, or the U.S. Coast Guard Academy.

(c) The term "Armed Forces" means the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard and the Reserves thereof.

(d) The term "active duty for training" means (1) Full-time duty in the Armed Forces performed by Reserves for training purposes;

(2) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

(3) Full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

(4) In the case of members of the Army National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(e) The term "inactive duty training" means (1) Duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

(2) In the case of a member of the Army National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(f) The terms "active duty for training" and "inactive duty training" do not include duty performed as a temporary member of the Coast Guard Reserve, and the term "inactive duty training" does not include (1) work or study performed in connection with correspondence courses; or (2) attendance at an educational institution in an inactive status.

(g) The term "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, including in each instance the corresponding Reserve and Reserve Officers Training Corps, if any, and in the case of the Army, including the Army National Guard and in the case of the Air Force, the Air National Guard. Also included are the commissioned corps of the Public Health Service and its Reserve Corps and the commissioned corps of the National Oceanic and Atmospheric Administration.

(h) The term "policy" means Group Policy No. G-32000, effective September 29, 1965, purchased pursuant to subchapter III of chapter 19, title 38, United States Code, from the insurer, which was executed and attested on December 30, 1965, and amended on May 24, 1974.

(i) The term "insurer" means the commercial life insurance company or companies selected under 38 U.S.C. 766 to provide insurance coverage specified in the policy.

(j) The term "administrative office" means the Office of Servicemen's Group Life Insurance located at 212 Washington Street, Newark, NJ 07102, which is the administrative office established pursuant to 38 U.S.C. 766(b) by the insurer.

(k) The term "reinsurer" means any life insurance company, meeting established criteria as set forth in § 9.28 which reinsures a portion of the total amount of insurance covered by the policy and issues individual life insurance policies in accordance with § 9.26.

(l) The term "converter" means any life insurance company, meeting criteria set forth in § 9.28 which issues individual life insurance policies in accordance with § 9.26.

(m) The term "coverage" means Servicemen's Group Life Insurance or Veterans' Group Life Insurance payable upon death occurring while the member is insured under the policy.

(n) The term "termination of duty" means (1) In the case of active duty or active duty for training being performed under a call or order that does not specify a period of less than 31 days-discharge, release or separation from such duty.

(2) In the case of other duty—the member's release from his or her obligation to perform any duty in his or her uniformed service (active duty, or active duty for training or inactive duty training) whether arising from limitations included in a contract of enlistment or similar form of obligation or arising from resignation, retirement or other voluntary action by which the obligation to perform such duty ceases.

(o) The term "waive" or "waiver" means an election in writing signed by a member and received by the uniformed service not to be insured under the policy.

(p) The term "break in service" means the situation(s) in which: (1) A member terminates duty or obligation to perform duty in one service and enters on duty or assumes the obligation to perform duty in another uniformed service, regardless of the length of time intervening.

(2) A member reenters on duty or resumes an obligation to perform duty as a Reserve in the same uniformed service and 1 calendar day or more has elapsed following termination of the prior period of duty or obligation to perform duty.

(q) The term "disability" means any type of injury or disease whether mental or physical.

(r) The term "total disability" means any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation. Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the total loss of hearing of both ears, or the organic loss of speech shall be deemed to be total disability. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, through the normal organs of speech if such loss is caused by organic changes in such organs. Where such loss exists, the fact that some speech can be produced through the use of an artificial appliance or other organs of the body will be disregarded.

(s) The following definitions of the terms widow, widower, child and parent for Servicemen's Group Life Insurance or Veterans' Group Life Insurance purposes apply only to such insurance on the life of an insured member who dies on or after December 15, 1971.

(1) The term "widow" or "widower" means a person who is the lawful spouse of the insured member at the time of his or her death.

(2) The term "child" means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (i) he acknowledged the child in writing signed by him; or (ii) he has been judicially ordered to contribute to the child's support; or (iii) he has been, before his death, judicially decreed to be the father of such child; or (iv) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child, or (v) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(3) The term "parent" means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (i) he acknowledged paternity of the child in writing signed by him before the child's death; or (ii) he has been judicially ordered to contribute to the child's support; or (iii) he has been judicially decreed to be the father of such child; or (iv) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing the claimant was the informant and was named as father of the child; or (v) proof of paternity is established from service department or other public records, such as school, or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his or her minority, or consented to his or her adoption may be recognized as a parent for the purpose of the Servicemen's Group Life Insurance or Veterans' Group Life Insurance program. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt by the Office of Servicemen's Group Life Insurance of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence.

§ 9.2 Effective date.

(a) The effective date of Servicemen's Group Life Insurance coverage for each member then on active duty, active duty for training, or inactive duty training is May 24, 1974. The date is controlled by the local standard time of the member's then physical location.

(b) The effective date of Servicemen's Group Life Insurance coverage for each member entering on active duty, active duty for training, or inactive duty training after May 24, 1974, is the first day of such duty unless the member has elected in writing not to be covered.

(c) The effective date of Servicemen's Group Life Insurance coverage for members assigned to, or who upon application would be eligible for assignment to the Retired Reserve of a uniformed service, who have not received the first increment of retirement pay, or have not reached 61 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, shall be the date the initial premium, or acceptable application, if required, is mailed or otherwise delivered to the administrative office. The coverage will not be effective in any event prior to the 121st day after the member's separation or release from assignment in the Ready Reserves or if coverage is extended because of total disability, 1 year after such separation or release, or the end of the total disability whichever is the earlier date.

(d) The effective date of Veterans' Group Life Insurance will be as follows:

(1) For those members separated or released on or after August 1, 1974, from a period of active duty or active duty for training under a call or order which does not specify a period of less than 31 days, the 121st day after such separation or release provided the initial premium is mailed or otherwise delivered to the administrative office on or before the 120th day after separation or release for such duty. If coverage is extended because of total disability under § 9.7, the effective date will be 1 year after the date of such separation or release or the end of the total disability, whichever is the earlier date.

(2) For the members separated or released from a period of active duty or active duty for training under a call or order that specifies a period of less than 31 days, or a period of inactive duty for training and during such period of duty suffered an injury or disability which renders them uninsurable at standard premium rates, the coverage will be effective the 121st day after such separation or release provided the initial premium and proof of disability is submitted before the 120th day after such release or separation.

(3) For those members separated or released from a period of duty prior to August 1, 1974, which gave the member a conversion privilege, the coverage will be effective the date the initial premium, application and proof of good health is mailed or otherwise submitted to the administrative office.

(4) The effective date for Servicemen's Group Life Insurance and Veterans' Group Life Insurance in all cases not covered by paragraph (d) (1) or (2) of this section shall be the date an acceptable application and premium are submitted or otherwise mailed to the administrative office.

§ 9.3 Applications.

(a) Members who met the requirements for full-time coverage under § 9.1 (a) (3), as of May 24, 1974, are eligible to be insured for Servicemen's Group Life Insurance upon payment of the initial premium to the administrative office provided such premium is submitted prior to June 1, 1975. On and after June 1, 1975, the member is eligible for coverage provided an application, evidence of insurability and the initial premium is submitted to the administrtaive office prior to June 1, 1976.

(b) Members who have full-time coverage under § 9.1(a) (2) and qualify for coverage under § 9.1(a) (3) may continue such coverage after separation or release from this reserve obligation upon payment of the initial premium within 120 days after such release to the administrative office. If coverage is continued under § 9.7(a) the initial premium should be submitted withi n1 year after such release. Any member who is not entitled to full-time coverage under § 9.1(a) (2) but qualifies for coverage under § 9.1(a) (3) after May 24, 1974, is eligible for such coverage provided the initial premium is submitted to the administrative office within 120 days after becoming so qualified. If the initial premium is not submitted within the time limits set forth in this paragraph, the coverage may be granted provided an application, evidence of insurability and the initial premium are submitted within 1 year after the member's Servicemen's Group Life Insurance coverage is terminated or he or she qualifies for such coverage.

(c) A member separated or released from active duty or active duty for training under a call or order which did not specify a period of less than 31 days is eligible to be granted Veterans' Group Life Insurance in an amount not to exceed his or her Servicemen's Group Life Insurance provided the initial premium is submitted to the administrative office within 120 days of such separation or release, or 1 year if the requirements of § 9.7 are met. If the initial premium is not submitted within the time limits set forth in this paragraph, the member may be granted Veterans' Group Life Insurance provided an application, the initial premium and evidence of insurability is submitted within 1 year after the member's Servicemen's Group Life Insurance coverage is terminated.

(d) A member who, while performing active duty or active duty for training under a call or order specifying a period of less than 31 days, or inactive duty for training scheduled in advance by competent authority including travel directly to or from any such duty, suffers an injury or disability or aggravation of a preexisting disability or injury that renders the member uninsurable at standard premium rates, may be granted Veterans' Group Life Insurance provided the initial premium and proof of such injury or disability is submitted to the administrative office within 120 days after such training is terminated.

§ 9.4 Amount of insurance.

Effective May 24, 1974, Servicemen's Group Life Insurance is issued in the amount of $20,000 unless the insured member elects in writing (a) not to be insured or (b) to be insured in the amount of $15,000, $10,000, or $5,000. The $20,000 coverage does not apply to those members separated or released prior to May 24, 1974, except for those members eligible for coverage under § 9.1(a) (3).

§ 9.5 Coverage.

(a) *Full-time coverage.* For a member performing active duty or active duty for training under a call or order which does not specify a period of less than 31 days, or a member who meets the requirements of § 9.1(a) (2) or (3), coverage is effective during the period of such duty or status, and except for those members who qualify under § 9.1(a) (3), for 120 days following separation or release from such duty, or up to 1 year if the requirements of § 9.7(a) are met.

(b) *Part-time coverage.* (1) For a member who does not qualify for full-time coverage performing active duty or active duty for training under a call or order that specifies a period of less than 31 days, coverage is in effect from the first day of such duty through midnight local time of the last day of such duty; and, if the member is disabled, coverage may be extended for 120 days under § 9.7(b).

(2) For a member who does not qualify for full-time coverage performing inactive duty training, coverage is in effect from the beginning of the scheduled training period through the end of the scheduled training period; and, if the member is disabled, coverage may be extended for 120 days under § 9.7(b).

(3) A member not eligible for full-time coverage who, when authorized or required by competent authority, assumes an obligation to perform (for less than 31 days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority and who is rendered uninsurable at standard premium rates according to good health standards approved by the Administrator, or dies within 120 days thereafter, from a disability, or aggravation of a preexisting disability, incurred by the member while proceeding directly to or returning directly from such active

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duty, active duty for training, or inactive duty training, as the case may be, shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be; and to have been insured at the time such disability was incurred or aggravated, and if death occurs within 120 days thereafter as a result of such disability, to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not the member was rendered uninsurable or died within 120 days thereafter from a disability incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he or she was scheduled to arrive for, or on which he or she ceased to perform such duty, the method of travel employed, his or her itinerary, the manner in which the travel was performed, and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of 38 U.S.C. 767(b), the burden of proof shall be on the claimant.

(c) *Arrest or confinement.* Arrest or confinement of a member covered under paragraph (a) of this section by military or civil authority does not terminate coverage, except as specified in § 9.24(a).

(d) *Members in missing status.* With respect to an individual carried in a missing status by a uniformed service and found to have died while in such missing status, the date of the member's death for purposes of coverage and the amount thereof shall be established as follows:

(1) If the member was in a missing status on September 29, 1965, and is determined to have died by the uniformed service prior to June 25, 1970, the date of death shall be that date determined by the Secretary concerned for ending the crediting of pay and allowances as provided in 37 U.S.C. 555.

(2) If a member was in a missing status on June 25, 1970, and is determined to have died, the date of death shall be that date determined by the Secretary concerned for ending the crediting of pay and allowances as provided in 37 U.S.C. 555.

(3) Insurance in force on the date of death as determined under paragraph (d) (1) and (2) of this section shall not be payable to a beneficiary who as a result of the member's death received a gratuity payment under Pub. L. 89-214 (79 Stat. 880) unless such beneficiary agrees to refund the amount of the gratuity received.

§ 9.6 Waiver or reduction of coverage.

(a) A member may waive his or her right to group coverage or elect to reduce the amount of insurance from $20,000 to $15,000, $10,000 or $5,000 by filing a written notice with his or her uniformed service. In any case where a member's uniformed service receives a waiver or reduction prior to the date any group coverage would become effective, no insurance shall be placed in effect on the lives of those members who waive coverage and those who elect reduced coverage shall be insured for only $15,000, $10,000 or $5,000 as the case may be, from the date coverage becomes effective. A member who is paying premiums directly to the administrative office may reduce his or her coverage by notifying that office.

(b) Full-time coverage, § 9.5(a), in effect before a waiver or reduction is filed will terminate or be reduced at midnight of the last day of the month such notice is received by a member's uniformed service. Where a waiver or reduction is filed for full-time coverage, it is effective for the entire period of active duty or active duty for training and for any period of time after termination of duty during which the coverage is or would be extended. If, following termination of duty, the member reenters duty (in the same or another uniformed service) the waiver or reduction will not apply to the subsequent period of duty. In the case of the member paying premiums direct to the administrative office, the waiver or reduction will be effective as of the end of the premium month for which the last full premium was paid.

(c) Part-time coverage, § 9.5(b) (1) or (2), will terminate or be reduced at the end of the last day of the period of duty then being performed if the member is on active duty or active duty for training when the waiver or reduction is filed; at the end of the period of inactive duty training then being performed if the member is on inactive duty training when the waiver or reduction is filed; or on the date the waiver or reduction is received by his or her uniformed service if the member is not on active duty, active duty for training; or inactive duty training on the date the waiver or reduction is filed.

(1) When a member insured under part-time coverage, § 9.5(b) (1) or (2), waives his or her right to group coverage or elects a reduced amount of insurance, such waiver or election, unless changed, is effective throughout the period of the member's continuous reserve obligation in the same uniformed service. If, following termination of duty, the member reenters duty or resumes the obligation to perform duty (in the same or another uniformed service), the waiver or reduction will not apply to the subsequent period of duty or obligation.

(2) If a reservist insured under part-time coverage, § 9.5(b) (1) or (2), is called or ordered to active duty or active duty for training under a call or order that does not specify a period of less than 31 days and is separated or released from such duty and then resumes his or her reserve obligation, any waiver or election of reduced coverage made while eligible for part-time coverage, unless changed, shall be effective throughout the entire period of part-time coverage, the active duty or active duty for training period and 120 days thereafter and the period of immediately resumed reserve obligation.

(3) If a member, other than a member referred to in paragraph (c) (2) of this section, upon termination of duty qualifying him or her for full-time coverage under § 9.5(a) assumes an obligation to perform duty as a reservist, any waiver or election previously made by the member shall not apply to coverage arising from his or her reservist obligation. Furthermore, during the 120 days following termination of such duty the full-time coverage shall not be reduced by any waiver or election made by a member as a reservist.

§ 9.7 Extension of coverage based on disability.

(a) (1) Coverage of any member of the uniformed services on active duty or active duty for training on or after June 25, 1970, under a call or order to duty that does not specify a period of less than 31 days, or a member as defined under § 9.1(a) (2) on or after May 24, 1974, who is totally disabled at separation or release from such duty shall continue for 1 year after the date of separation or release from such duty, or until and including the date the insured ceases to be totally disabled, whichever is the earlier date, without further premium payments, but in no event shall such coverage cease prior to the expiration of 120 days after such separation or release. If a member insured under the provisions of law in effect prior to June 25, 1970, was separated or released from duty on or after February 25, 1970, but before June 25, 1970, and was totally disabled on the date of separation or release from such duty and such total disability continues beyond the 120-day period after separation or release the amount of coverage in effect at the time of separation or release from duty continues for 1 year after the date of separation or release from duty or until and including the date the member ceases to be totally disabled, whichever is earlier.

(2) If a member whose coverage is extended under paragraph (a) (1) of this section converts the group insurance (§ 9.26) to an individual policy which is effective before he or she ceases to be totally disabled or before the end of 1 year following termination of duty, whichever is earlier, and dies while group insurance would be in effect, except for such conversion, the group insurance will be payable, provided the individual policy is surrendered for a return of premiums and without further claim. When there is no such surrender, any amount of group insurance in excess of the amount of the individual policy will be payable.

(b) Coverage of any member on active duty, or active duty for training under a call or order to duty that specifies a period of less than 31 days, or on inactive duty training on or after May 24, 1974, who, while so covered, incurs a disability or aggravation of a preexisting disability, is extended to death if the member dies within 120 days thereafter as the result of such disability, or for 120 days following the end of the duty period during which the disability was incurred or aggravated if such disability renders the member uninsurable at standard premium rates under good health standards referred to in § 9.27.

§ 9.8 Restoration of coverage.

(a) Coverage is automatically restored without evidence of good health when subsequent to termination of all duty in his or her uniformed service, a member reenters on duty (in the same or another uniformed service) even when there is no break in service.

(b) Coverage that has been terminated under § 9.24 because of (1) absence without leave, (2) confinement by civil authorities under a sentence adjudged by a civilian court, or (3) confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowance shall be automatically revived, together with any beneficiary designation for such insurance as of the date the member is restored to active duty with pay or active duty for training with pay.

(c) Subject to approval by the insurer, coverage is restored in the amount applied for ($20,000, $15,000, $10,000 or $5,000) effective the date of receipt of application with evidence of good health by the uniformed service:

(1) For a member who previously waived the rights to be covered or elected to be covered for only $15,000, $10,000 or $5,000; or

(2) For a member who forfeited the right to be covered for one of the offenses listed in § 9.34 but who was restored to duty under conditions which, in effect, result in a remission of sentence.

§ 9.10 Deductions from pay.

(a) During any period in which a member on active duty or active duty for training under a call or order to such duty that does not specify a period of less than 31 days, or a member who qualifies for coverage under § 9.1(a) (2), is insured under a policy of insurance purchased under 38 U.S.C. 766 there shall be deducted each month from his or her basic or other pay until separation or release from such duty an amount (which shall be the same for all such members) determined as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

(b) During any fiscal year, or portion thereof, that a member is on active duty or active duty for training under a call or order to such duty that specifies a period of less than 31 days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority and is insured under a policy of insurance purchased by the Administrator under 38 U.S.C. 766, the Secretary concerned shall collect from him or her (by deduction from pay or otherwise) an amount (which shall be the same for all such members) determined as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

(c) Any amount not deducted from the basic or other pay of an insured member, or collected from him or her by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount or fiscal year amount to be charged for insurance may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his or her basic or other pay, or otherwise collected from him or her by the Secretary concerned, to cover the cost of the insurance granted.

(d) Premiums for coverage granted to members who qualify under § 9.1(a) (3) (Retired Reservists) and Veterans' Group Life Insurance are payable directly to the administrative office by the individual insureds.

§ 9.12 Payment for extra hazards.

For each month for which any member is insured under Group Policy No. G-32000 there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator and certified to the Secretary concerned to be the cost of such insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by insured members and former members of the uniformed services above what their mortality would have been under peacetime conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience.

§ 9.14 Group life insurance fund.

(a) All amounts deducted from the pay of insured members or otherwise paid and all contributions to cover extra hazard costs made from appropriations of the Departments of Defense; Commerce; Health, Education and Welfare; and Transportation; together with any income derived from dividends or premium rate or extra hazard cost adjustment received from the insurer will be credited directly to a revolving fund in the Treasury of the United States, known as the Servicemen's Group Life Insurance Fund. All premium payments and extra hazard cost contributions on the policy and the administrative cost to the Veterans Administration will be paid directly from such fund.

(b) Administrative cost to the Veterans Administration properly allocable to Servicemen's Group Life Insurance and Veterans' Group Life Insurance will be determined from time to time and the amount representing such cost will be transferred from the Servicemen's Group Life Insurance Fund to the appropriation "General Operating Expenses", Veterans Administration.

§ 9.16 Beneficiaries and options.

(a) A member may designate any person, firm, corporation or legal entity (including the estate of the member), individually or as trustee, as beneficiary.

(b) Any designation of beneficiary or election of optional settlement made by any member insured under Servicemen's Group Life Insurance for full-time coverage or part-time coverage will remain in effect, until properly changed by the member or automatically canceled, under the following rules:

(1) If the insurance terminates following separation or release from all duty in a uniformed service.

(2) If the member enters on duty in another uniformed service.

(3) If the member reenters on duty in the same uniformed service more than 1 calendar day after separation or release from all duty in that uniformed service.

(c) If the member acquires Veterans' Group Life Insurance effective on the day following termination of his or her Servicemen's Group Life Insurance, any beneficiary designation in effect from the Servicemen's Group Life Insurance shall be considered a designation of beneficiary for Veterans' Group Life Insurance but not for more than 60 days after the effective date of the Veterans' Group Life Insurance, unless at the end of the 60-day period, the insured is incompetent in which event such designation may continue in force until the disability is removed but not for more than 5 years after the effective date of such insurance.

(d) Any designation or change of beneficiary or election of optional settlement will take effect only if it is in writing, signed by the insured and received prior to the death of the insured by his or her uniformed service or if executed during a period of coverage following separation or release from duty under § 9.5(a) or § 9.7(a) or (b), or for coverage under § 9.1(a) (3) or Veterans' Group Life Insurance by the administrative office.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary.

(f) No change or cancellation of beneficiary or election of optional settlement in a last will or testament, or in any other document shall have any force or effect unless such change is received by the appropriate office as provided in paragraph (d) of this section.

(g) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his or her uniformed service in effect on May 24, 1974, will be effective with respect to the increased amount of insurance authorized on May 24, 1974, by Pub. L. 93-289 (88 Stat. 165) and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore

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to the amount of insurance theretofore in effect.

(h) In any case in which a member separated or released from all obligation to perform duty in a uniformed service reenters on duty after a break in service while covered during the period of protection afforded under §(9.5(a) or § 9.7 (a) or (b) after termination of duty and waives coverage or elects coverage in the amount of $15,000, $10,000 or $5,000, an existing designation of beneficiary or election of optional settlement is not canceled with respect to any amount of insurance not replaced upon such reentry on duty.

(i) The insurance proceeds will be paid to the person or persons surviving the insured member in the following order of precedence:

(1) To the beneficiary or beneficiaries designated (see paragraph (d) of this section).

(2) If there be no such beneficiary, to the widow or widower. Notwithstanding the provisions of any other law, payment of matured Servicemen's Group Life Insurance or Veterans' Group Life Insurance benefits may be made directly to a minor widow or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer;

(3) If none of the above, to the child or children and descendants of deceased children by representation;

(4) If none of the above, to the parents or the survivor of them;

(5) If none of the above, to the executor or administrator of the estate of the insured; or

(6) If none of the above, to other next of kin in accordance with the laws of the State wherein the insured member was domiciled at date of death.

(j) The insured member may elect in writing that settlement of the insurance proceeds be made either in a lump sum or in 36 equal monthly installments. If no election is made or the member elects that payment be made in a lump sum, the beneficiary may elect at the time of the member's death either mode of settlement. An election to be effective must be received before the member's death by the appropriate office as specified in paragraph (d) of this section.

§ 9.17 Taxation and exemption.

Section 770(g), title 38, United States Code provides that payment of benefits due or to become due under Servicemen's Group Life Insurance or Veterans' Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (a) collection of amounts not deducted from the member's pay, or collected from the member by the Secretary concerned under 38 U.S.C. 769(a), (b) levy under subchapter D, chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (c) the taxation of any property purchased in part or wholly out of such payments.

§ 9.18 Payment of proceeds.

(a) Group life insurance benefits will be paid upon receipt of satisfactory proof of death and a valid claim by the Office of Servicemen's Group Life Insurance.

(b) If a person, otherwise entitled to payment of the insurance proceeds, does not make claim therefor within 1 year following the death of the insured, or if payment to such person within such period is prohibited by Federal law or regulation, payment may be made in the order of precedence as set forth in § 9.16(i), as if the person had predeceased the insured. Payment to such person is a bar to recovery by another person.

(c) If, within 2 years after the death of the member, no claim has been made by any person entitled and neither the Veterans Administration nor the Office of Servicemen's Group Life Insurance has received any notice that such a claim will be made, payment may be made to any claimant that may be equitably entitled thereto as determined by the Veterans Administration; and such payment will be a bar to recovery by another person.

(d) If, within 4 years after the death of the member, no payment has been made, and no claim by any person entitled is pending, the amount payable will escheat to the credit of the Servicemen's Group Life Insurance Fund.

(e) If, at the death of the insured member, there survives more than one designated beneficiary, the shares of which had not been specified by the member, such beneficiaries will share equally. All rights and interests of any designated beneficiary are automatically terminated when he or she predeceases the member; and what would otherwise have been the share of the deceased beneficiary will, in the absence of a contrary specification by the member in his or her written designation, be distributed equally among the surviving beneficiaries, or paid in whole to the last such survivor. If there is no surviving designated beneficiary, proceeds will be paid in order of precedence set forth in § 9.16(i).

(f) If proceeds are to be paid in installments, the first installment will be payable as of the date of death. The amount of each installment will be computed so as to include interest on the unpaid balance at the then effective rate.

(g) If, following the death of an insured member who has designated both principal and contingent beneficiaries and elected to have payment made in 36 equal monthly installments, the principal beneficiary dies before all 36 installments have been paid, the remaining installments will be paid as they fall due to the contingent beneficiary. At the death of such a contingent beneficiary, and in other instances of a beneficiary's death, where there is no contingent beneficiary, the value of any unpaid installments, discounted to the date of his or her death at the same rate used for inclusion of interest in the computation of installments will be paid, without further accrual of interest, in one sum to the estate of the beneficiary or contingent beneficiary last receiving payment.

(h) In instances where payment in installments is made at the election of the beneficiary, upon his or her request, the value of such installments as remain unpaid will be discounted to the date of payment at the same rate used for inclusion of interest in the computation of installments and paid to him or her in one sum.

§ 9.20 Assignments.

Servicemen's Group Life Insurance, Veterans' Group Life Insurance and benefits thereunder are not assignable.

§ 9.22 Administrative decisions.

(a) Determinations of the Veterans Administration are conclusive under the policy with respect to the following:

(1) The status of any person being within the term "member" and whether or not he or she is covered at any point of time under the policy including "traveltime" under § 9.5(b)(3) and death within 120 days thereafter from a disability incurred or aggravated while on duty under § 9.7(b).

(2) The fact and date of a member's termination of active duty, or active duty for training, and the fact, date and hours of a member's performance of inactive duty training.

(3) The fact and dates with respect to a member's absence without leave, confinement by civilian authorities under a sentence adjudged by a civil court, or confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances.

(4) The operation of the forfeiture provision provided in 38 U.S.C. 773 and § 9.34 with respect to any member.

(5) The existence of total disability or insurability at standard premium rates under § 9.7(a) and (b).

(b) When a determination is required on a claim that a member who waived coverage, or whose coverage was forfeited for one of the offenses listed in § 9.34 was in fact insured, or that a member who elected to be insured in the amount of $5,000, $10,000 or $15,000 was insured for $10,000, $15,000 or $20,000, as the case may be, and there is no record of an application to be insured or to increase the amount of insurance as required by § 9.8(c);

(1) The person making the claim will be required to submit all evidence available concerning the member's actions and intentions with respect to Servicemen's Group Life Insurance or Veterans' Group Life Insurance.

(2) Request will be made to the member's uniformed service and any other likely source of information considered necessary, for whatever evidence in the form of copies of payroll or personnel records, statements of persons having knowledge of the facts, etc., is essential to a decision in the matter.

Based on the evidence obtained, a formal determination will be made as to whether the member involved is deemed to have applied to be insured, or to be insured for $20,000, $15,000 or $10,000 in lieu of $5,000 or no insurance. The determination will include a finding as to the member's health status for insurance purposes based on the evidence available.

(c) In making the determination required under paragraph (b) of this section, the following will be considered:

(1) The possibility that due to widespread geographic distribution, inadequate means of communication and the nature of the group insurance program, members may not be adequately and accurately informed, especially in time of war or military emergency, about the detailed requirements for obtaining insurance protection.

(2) Payroll deductions made without objection by a member, following waiver or termination of coverage, representing premiums for insurance or additional insurance, may, by virtue of continuity or the circumstances surrounding their initiation, be indicative that the member did apply. Such deductions without a formal application of record may be considered as evidence that the member's application was not in proper form or misplaced. They may also be considered as evidence that an application was not made solely because of erroneous or incomplete counseling or absence of counseling on the part of the responsible personnel of the uniformed service.

(d) Questions for determination under this section as well as those involving coverage of groups and classes of members and other questions are properly referable to the Assistant Director for Insurance. Authority to make any determinations required under this section is delegated to the Chief Benefits Director and/or Assistant Director for Insurance.

§ 9.24 Termination of coverage.

(a) The coverage of a member who is serving on active duty, or active duty for training under a call or order that does not specify a period of less than 31 days is terminated at the end of the 31st day of absence without leave; confinement by civilian authorities under sentence adjudged by a civilian court; or confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances.

(1) A member who, on May 24, 1974, has been so absent or confined for more than 31 days is not covered until and unless he or she is restored to active duty or active duty for training with pay.

(2) The coverage of a member who, on May 24, 1974, has been so absent or confined for less than 31 days terminates at the end of the 31st day of such continuous absence or confinement.

(b) If a member eligible to be insured under full-time coverage, § 9.5(a), on the first day of eligibility, waives in writing all or any part of the insurance, the amount of coverage so waived terminates immediately upon receipt of such written waiver by his or her uniformed service.

(c) In the case of a member insured under full-time coverage, § 9.5(a), who after the first day of eligibility waives in writing all or any part of the insurance, such waiver shall be effective at the end of the last day of the month in which the written waiver is received by his or her uniformed service.

(d) In the case of a member insured under part-time coverage, § 9.5(b)(1) or (2), who waives in writing all or any part of the insurance, such waiver shall be effective as follows:

(1) If such written waiver is submitted to the member's uniformed service at a time of reporting for, or while performing active duty or active duty for training under a call or order to duty specifying a period of less than 31 days; or at the time of reporting for or while performing inactive duty training, the coverage so waived shall terminate at the end of such period of active duty, active duty for training or inactive duty training including travel time while returning directly from such duty.

(2) If such written waiver is submitted to his or her uniformed service by a member at a time other than when reporting for, or performing, active duty or active duty for training under a call or order to duty specifying a period of less than 31 days or inactive duty training, such waived coverage terminates immediately upon receipt by the uniformed service of the member's written waiver.

(e) Coverage of any member, unless continued beyond termination of duty under § 9.5(a) or 9.7 (a) or (b) ceases upon termination of duty.

(f) In the case of a member whose coverage is forfeited under 38 U.S.C. 773, § 9.34, coverage terminates at the end of the day preceding the day on which the act or omission forming the basis for such forfeiture occurred.

(g) In the event of discontinuance of the group policy, coverage terminates at the end of the day preceding the date of the discontinuance of the policy except for those members who are insured under § 9.1(a)(3) or Veterans' Group Life Insurance in which event coverage terminates at the expiration of the day preceding the anniversary of the effective date of such insurance which first occurs, 90 days or more after the discontinuance of the group policy.

§ 9.26 Conversion privilege.

(a) Effective August 1, 1974, an insured member has the right to convert the group coverage to Veterans' Group Life Insurance as follows:

(1) With respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than 31 days, effective the 121st day after separation or release from such duty, or if such insurance is in effect as the result of total disability under § 9.7(a) at the end of such total disability or the 1-year period, whichever occurs earlier.

(2) With respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than 31 days, and a member insured during inactive duty training scheduled in advance by competent authority there shall be no right of conversion unless the insurance is continued in force under § 9.7(b) for 120 days following a period of such duty, as the result of a disability incurred or aggravated during such a period of duty, in which event the insurance may be converted effective the day after the end of such 120-day period.

(3) No medical examination may be required of a member insured under full-time coverage, § 9.5(a), who applies for conversion within 120 days of termination of duty. Medical examinations and evidence of qualifying health conditions may be required in any case where a former member alleges that coverage is continued under § 9.7(a) or (b).

(b) At the termination of Veterans' Group Life Insurance, a member has the right to convert the group coverage to an individual policy of life insurance without disability or other supplementary benefits with one of the eligible participating life insurance companies as follows:

(1) The individual policy to which a member converts must be on a plan currently written by the company selected by the member, except term insurance, in an amount which does not exceed the amount of the member's group coverage at time application for conversion is made, and which does not provide for the payment of any sum less than the face value of the individual policy or for the payment of an additional amount of premiums if the member engages in the military service of the United States. The premium for such individual policy shall be the premium, as determined by the company issuing the policy, applicable to the class of risk (other than health conditions and military service) to which the member belongs and to the form and amount of the individual policy at the member's attained age at date of issue.

(2) Term insurance as excluded by paragraph (b)(1) of this section is any policy which does not provide for cash values. Otherwise, reinsurers or converters who are group insurers may follow their usual group conversion practices in processing conversions. Other reinsurers or converters should refer questions as to the acceptability of any plan to the insurer for resolution on a consistent basis.

(3) Term riders providing level or decreasing insurance for which an additional premium is charged may be attached to an eligible basic conversion policy, but the rider will be excluded from the conversion pool agreement under the policy. Such a rider may in no way affect basic conversion privileges.

(c) The insurer will establish a conversion pool in cooperation with the reinsurers and converters in accordance with the terms of the policy. Its purpose will be to provide for the determination and maintenance of appropriate charges arising from excess mortality under individual conversion policies issued in accordance with this section and

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provide for the appropriate distribution of the risk of loss due to such excess mortality among the reinsurers and converters.

(d) A member of the Ready Reserve, § 9.1(a)(2), who is insured at the time of his or her separation or release from such status and is eligible to continue his or her Servicemen's Group Life Insurance, (§ 9.1(a)(3)) may in lieu of continuing such group coverage, convert it to an individual policy in accordance with paragraph (b) of this section. Such conversion must be made within 120 days after such separation or release or within 1 year if the requirements of § 9.7(a) are met.

§ 9.27 Health standards.

(a) For the purpose of determining if a member who incurred a disability or aggravated a preexisting disability during a period of active duty or active duty for training under a call or order to duty specifying a period of less than 31 days or during a period of inactive duty was rendered uninsurable at standard premium rates, the underwriting criteria used by the insurer in determining good health for persons applying to it for life insurance in amounts not exceeding $20,000 will be used.

(b) For all other purposes of determining if a member meets the necessary health requirements except paragraph (a) of this section, the underwriting criteria used by the insurer in determining good health for group life insurance purposes will be used.

§ 9.28 Criteria for reinsurers and converters.

The following criteria will control eligibility for reinsuring and converting companies:

(a) The company must be a legal reserve life insurance company as classified by the insurance supervisory authorities of the State of domicile. Qualified fraternal organizations are included.

(b) The company must have been in the life insurance business for a continuous period of 5 years prior to October 1, 1965, or the December 31 preceding any redeterminations of the allocations. In the event of a merger, the 5-year requirement may be satisfied by either the surviving company or by one of the absorbed companies. Upon joint application by a subsidiary of a participating company, together with the parent company, the 5-year requirement may be waived provided such parent company owns more than 50 percent of the outstanding stock of the subsidiary and has been a legal reserve life insurance company for a period of 10 years or more.

(c) The company must be licensed to engage in life insurance in at least one State of the United States or the District of Columbia.

(d) The company will not be one:

(1) Certified by the Department of Defense as being under suspension for cause for purpose of allotment or on-base solicitation privileges.

(2) That solicits life insurance applications as conversion or other replacement of Servicemen's Group Life Insurance or Veterans' Group Life Insurance coverage in jurisdictions in which it is not licensed.

(3) That fails to take effective action to correct an improper practice followed by it or its agents within 30 days after written receipt of notice issued by the insurer or the Assistant Director for Insurance. Improper practice includes:

(i) The use for solicitation purposes of lists of names and addresses of former members without obtaining reasonable assurance that such lists have not been obtained contrary to regulations of the Department of Defense or other uniformed service;

(ii) Failure to reveal sources and copies of mailing lists upon proper request or to otherwise cooperate in an authorized investigation of a reported improper practice;

(iii) The use of written or oral representations which may mislead the person addressed as to the true role of the company or its representatives as one of the participating companies;

(iv) The use of written or oral representations which may mislead a person addressed as to rights, privileges, coverage, premiums, or similar matters under Servicemen's Group Life Insurance, Veterans' Group Life Insurance, or any policy issued or proposed to be issued as a conversion or other replacement coverage;

(v) Violation of regulations of a uniformed service concerning solicitation of life insurance.

(vi) The use of written or oral references to Servicemen's Group Life Insurance, Veterans' Group Life Insurance or conversions of Servicemen's Group Life Insurance or Veterans' Group Life Insurance in connection with the attempted sale of an insurance policy which would not be, in fact, a conversion policy or a policy issued in lieu of a conversion, if those references might lead a person addressed to believe there is a connection between the policy being sold and coverage under Servicemen's Group Life Insurance, Veterans' Group Life Insurance or a conversion of it.

(e) Each reinsuring and converting company must agree to issue conversion policies to any qualified applicant regardless of race, color, religion, sex, or national origin, under terms and conditions established by the primary insurer.

§ 9.30 Reinsurance formula.

The allocation of insurance to the insurer and each reinsuring company will be based upon the sum of paragraphs (a) and (b) of this section following:

(a) One-half of the exact, or a reasonable estimate of the volume of the company's life insurance in force, at some time between June 30, 1965, and November 15, 1965, on active-duty personnel of the U.S. Armed Forces, paid for by service allotments. The volume of insurance on active-duty personnel written through the medium of Service Membership Associations on an allotment basis is to be included.

(b) An amount of the remaining balance of the total life insurance in force under the policy in proportion to the company's total life insurance in force in the United States on December 31, 1964 where:

The first $100 million in force is counted in full,

The second $100 million in force is counted at 75 percent,

The third $100 million in force is counted at 50 percent,

The fourth $100 million in force is counted at 25 percent,

And any amount above $400 million in force is counted at 5 percent.

(c) The allocation will be redetermined at the beginning of each policy year for the primary insurer and the companies then reinsuring, with the portion as set forth in paragraph (b) of this section based upon the corresponding in force (excluding the Servicemen's Group Life Insurance in force) as of the preceding December 31.

(d) Any life insurance company, which is not initially participating in reinsurance or conversions, but satisfies the criteria set forth in § 9.28, may subsequently apply to the primary insurer to reinsure and convert, or to convert only. The participation of such company will be effective as of the beginning of the policy year following the date on which application is approved by the insurer.

§ 9.32 Actions on the policy.

Servicemen's Group Life Insurance and Veterans' Group Life Insurance will be payable in accordance with the group policy purchased by the Veterans Administration. The Assistant Director for Insurance will furnish the name and address of the insuring company upon written request of a member of the uniformed services or his or her beneficiary. Actions at law or in equity to recover on the policy, in which there is not alleged any breach of any obligation undertaken by the United States, should be brought against the insurer.

§ 9.34 Forfeiture.

(a) Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to Servicemen's Group Life Insurance.

(b) No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except inflicted by an enemy of the United States.

§ 9.36 Veterans' Group Life Insurance.

Veterans' Group Life Insurance shall be issued under the following rules:

(a) The insurance shall be issued in the amount of $5,000 $10,000, $15,000 or $20,000. No person may carry a combined amount of Servicemen's Group Life Insurance and Veterans' Group Life Insurance in excess of $20,000 at any one time.

(b) The insurance shall:

(1) Provide protection against death;

(2) Be issued on a non-renewable 5-year term basis;

(3) Have no cash, loan, paid-up or extended values;

(4) Except or otherwise provided, lapse for nonpayment of premiums.

(c) Any person insured under Veterans' Group Life Insurance who again becomes insured under Servicemen's Group Life Insurance may within 60 days after becoming so insured convert any or all of his or her Veterans' Group Life Insurance to an individual policy of insurance in accordance with § 9.26.

(d) Any person whose Servicemen's Group Life Insurance was continued in force after his or her termination of duty or discharge from service prior to August 1, 1974 and whose coverage terminated less than 4 years prior to August 1, 1974, shall be eligible for Veterans' Group Life Insurance under the following terms:

(1) An application together with the initial premium must be submitted to the administrative office prior to August 2, 1975.

(2) The applicant must be in good health and furnish evidence of such.

(3) Any disability rated as service-connected by the Veterans Administration will be waived for the purpose of determining good health.

(4) The insurance will be issued in an amount not to exceed the amount of Servicemen's Group Life Insurance the applicant had at the time of separation or discharge less any amount converted to an individual policy.

(5) The insurance will be issued for a period of 5 years less the time elapsing between the termination of the applicant's Servicemen's Group Life Insurance and August 1, 1974.

(6) At the termination of the Veterans' Group Life Insurance the insured may convert the group policy to an individual policy under the terms of § 9.26.

Effective Date: This Part 9 is effective May 24, 1974.

Approved: January 22, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-2526 Filed 1-27-75;8:45 am]

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a)(2) and (3), 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations to reduce the maximum allowable interest rate on new loans. Technical amendments are also made to §§ 36.4502 and 36.4503(a), Title 38 of the Code of Federal Regulations in light of the enactment of the Veterans Housing Act of 1974 (Pub. L. 93-569, 88 Stat. 1863), effective December 31, 1974. Finally, a minor editorial revision is made to § 36.4501(n) to reflect agency policy of using precise terms denoting gender.

Sections 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations are being amended to reduce the maximum interest rate on new guaranteed, insured and direct loans from 9 to 8½ percent. Section 36.4212(a)(2) and (3), Title 38 of the Code of Federal Regulations, relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended, except for that portion of § 36.4212(a)(3) relating to loans that do not exceed $2,500, to reduce the maximum interest rate from 9 to 8½ percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

The formulae for computing the charge to entitlement for direct loans contained in §§ 36.4502 and 36.4503(a) of Title 38 of the Code of Federal Regulations, are amended to conform to section 4 of the Veterans Housing Act of 1974.

Compliance with the provision of § 1.12 of this chapter is waived in this instance because failure to do so would delay the effective date of the amendments for a period in excess of 40 days and deprive veteran-purchasers of the benefit of the interest rate reductions and increased home loan guaranty benefits during that time.

1. In § 36.4212, paragraph (a) introduction, (2) and (3) is amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to January 21, 1975.

. . . . . .

(2) 8½ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8½ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

. . . . . .

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 8½ per centum per annum, effective January 21, 1975, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8½ per centum per annum on the unpaid principal balance.

. . . . . .

3. In § 36.4501, paragraph (n) is revised to read as follows:

§ 36.4501 Definitions.

. . . . . .

(n) "Veterans Administration" means the Administrator of Veterans' Affairs, or any employee of the Veterans Administration authorized to act in the Administrator's stead.

. . . . . .

4. Section 36.4502 is revised to read as follows:

§ 36.4502 Use of guaranty entitlement.

The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after December 31, 1974, shall be charged with an amount which bears the same ratio to $17,500 as the amount of the loan bears to $25,000. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date, or the date on which an increased maximum is established pursuant to section 1811(d) for the area in which the loan security is located, shall be the amount which would have been charged had the loan been closed subsequent to such date.

5. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503. Amount and amortization.

(a) The original principal amount of any loan made on or after December 31, 1974, shall not exceed an amount which bears the same ratio to $25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8½ percent per annum.

. . . . . .

These VA Regulations are effective January 21, 1975.

Approved: January 20, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-2524 Filed 1-27-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CONTRACT OFFICE IDENTIFICATION CODES

Amendment to Chapter

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to provide a complete and current listing of Departmental contracting offices and of the codes used to identify

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contracts and other procurement instruments issued by these offices.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

Appendix B is amended to read as follows:

APPENDIX B—CONTRACTING OFFICE IDENTIFICATION CODES

Contracting office identification codes are for use in conjunction with the HEW Contract Information System and are prescribed by § 3-50.201(d) of this chapter.

100
Chief, Procurement & Contracts Section, OS
Room 1741, HEW North
330 Independence Ave. SW.
Washington, D.C. 20201

101
Regional Contracting Officer
Office of the Regional Director, DHEW
1321 Second Ave.
Seattle, Washington 98101

102
Regional Contracting Officer
Office of Facilities Engineering, DHEW
1321 Second Ave.
Seattle, Washington 98101

103
Director, Office of Facilities Eng'g and Prop. Mgmt.
Room 3025, HEW North
330 Independence Ave. SW.
Washington, D.C. 20201

104
Contracting Officer
Office of Facilities Engineering, DHEW
P.O. Box 12233
Research Triangle Park, North Carolina 27707

110
Regional Contracting Officer
Office of the Regional Director, DHEW
J.F.K. Federal Office Bldg.
Boston, Massachusetts 02203

111
Regional Contracting Officer
Office of Facilities Engineering, DHEW
J.F.K. Federal Office Bldg.
Boston, Massachusetts 02203

120
Regional Contracting Officer
Office of the Regional Director, DHEW
26 Federal Plaza, Room 1351
New York, New York 10007

121
Regional Contracting Officer
Office of Facilities Engineering, DHEW
26 Federal Plaza, Room 3309
New York, New York 10007

130
Regional Contracting Officer
Office of the Regional Director, DHEW
3535 Market Street
Philadelphia, Penn. 19101

131
Regional Contracting Officer
Office of Facilities Engineering, DHEW
3535 Market Street
Philadelphia, Penn. 19101

140
Regional Contracting Officer
Office of the Regional Director, DHEW
50 Seventh Street NE., Room 426
Atlanta, Georgia 30323

141
Regional Contracting Officer
Office of Facilities Engineering, DHEW
50 Seventh Street NE., Room 426
Atlanta, Georgia 30323

150
Regional Contracting Officer
Office of the Regional Director, DHEW
300 South Wacker Dr., 32nd Floor
Chicago, Illinois 60606

151
Regional Contracting Officer
Office of Facilities Engineering, DHEW
300 South Wacker Dr., 33rd Floor
Chicago, Illinois 60606

160
Regional Contracting Officer
Office of the Regional Director, Rm. 1025
1114 Commerce Street
Dallas, Texas 75202

161
Regional Contracting Officer
Office of Facilities Engineering, DHEW
1114 Commerce Street
Dallas, Texas 75202

170
Regional Contracting Officer
Office of the Regional Director, DHEW
601 East 12th Street
Kansas City, Missouri 64106

171
Regional Contracting Officer
Office of Facilities Engineering, DHEW
601 East 12th Street
Kansas City, Missouri 64106

180
Regional Contracting Officer
Office of the Regional Director, DHEW
1961 Stout Street, Fed. Bldg.
Denver, Colorado 80202

181
Regional Contracting Officer
Office of Facilities Engineering, DHEW
1961 Stout Street, Fed. Bldg.
Denver, Colorado 80202

190
Regional Contracting Officer
Office of the Regional Director, DHEW
50 Fulton Street
San Francisco, California 94102

191
Regional Contracting Officer
Office of Facilities Engineering, DHEW
50 Fulton Street
San Francisco, California 94102

200
Director, Procurement & Materiel Mgmt. Office
Center for Disease Control
Atlanta, Ga. 30333

210
Chief, Procurement Branch
Nat'l Inst. for Occupational Safety and Health
5600 Fisher's Lane, Room 3-44
Rockville, Md. 20852

211
Chief, Procurement Branch
Nat'l Inst. for Occupational Safety and Health
P.O. Box 2548
Cincinnati, Ohio 45201

212
Administrative Officer, ACOSH
Nat'l Inst. for Occupational Safety and Health
944 Chestnut Ridge Road, Room 37
Morgantown, W. Va. 26505

220
Director, Div. of Grants & Contracts
Food & Drug Administration
5600 Fisher's Lane
Rockville, Md. 20852

221
Chief, Supply Management Branch
Food & Drug Admin.
5600 Fisher's Lane, HFA 260
Rockville, Md. 20852

222
Director, Contracts & Procurement Office
Nat'l Center for Toxicological Research
Jefferson, Arkansas 72079

223
Chief, Negotiated Contracts Branch
Food & Drug Administration
5600 Fisher's Lane
Rockville, Maryland 20852

230
Chief, Contract Operations Branch, DGPM
Health Resources Admin.
5600 Fisher's Lane, Room 10-49
Rockville, Md. 20852

231
Chief, Contracts Office
Bureau of Health Resources Development, HRA
Building 31, Room 5B-50, NIH
Bethesda, Md. 20014

240
Chief, Contract Operations Branch
Health Services Admin.
Rockville, Md.

241
Contracting Officer
Aberdeen Area Indian Health Service
Citizens Building, Room 410
Aberdeen, South Dakota 57401

242
Chief, Admin. Services Branch
Indian Health Service, HSA
500 Gold Avenue, Room 4005
Albuquerque, New Mexico 87101

243
Alaska Area Native Health Service
Box 7-741 (A-PC)
Anchorage, Alaska 99510

244
Chief, Admin. Services Branch
Indian Health Services, HSA
P.O. Box 2143
Billings, Montana 59103

245
Chief, Admin. Services Branch
Indian Health Service, HRA
P.O. Box G
Window Rock, Arizona 86515

246
Chief, Admin. Services Branch
Indian Health Service
388 Old Post Office & Courthouse Bldg.
Oklahoma City, Oklahoma 73102

247
Chief, Admin. Services Branch
Phoenix Area Indian Health Service
801 E. Indian School Rd.
Phoenix, Arizona 85014

248
Chief, Admin. Services Branch
Portland Area Indian Health Service
921 S.W. Washington St. Room 220
Portland, Oregon 97205

249
Procurement Officer
DHEW, PHS, HSA, IHS, ORD
P.O. Box 11340
Tucson, Arizona 85734

250
Director, Supply Division
Fed. Health Program Services
Health Services Admin.
Baltimore, Md.

251
Chief, Office of Grants Administration
Public Health Service
JFK Federal Building
Boston, Mass. 02203

252
Procurement Officer
U.S. Public Health Service Hospital
4400 Avenue N
Galveston, Texas 77550

253
General Services Officer
U.S. Public Health Service Hospital
210 State Street
New Orleans, La. 70118

254
Supply Management Officer
U.S. Public Health Service Hospital
6500 Hampton Blvd.
Norfolk, Virginia 23508

255
Regional Health Administrator Region IX
Office of Management Support
50 Fulton Street
San Francisco, California 94102

256
General Services Officer
U.S. Public Health Service Hospital
1131 14th Ave. South
Seattle, Washington 98114

257
U.S. Public Health Service Hospital
Fed. Health Program Services, HSA
Bay St. & Vanderbilt Ave.
Staten Island, N.Y. 10304

258
Contracting Officer
U.S. Public Health Service Hospital
Health Services Administration
Carville, Louisiana 70721

259
Contracting Officer
U.S. Public Health Service Hospital
15th Ave. & Lake Street
San Francisco, California 94118

260
Chief, Research Contracts Branch
Office of Contracts & Grants, NIH
9000 Rockville Pike, Bldg. 31, Rm 1B34
Bethesda, Md. 20014

261
Chief, Research Contracts Branch
National Cancer Institute
9000 Rockville Pike, Bldg. 31, Rm. 10A20
Bethesda, Md. 20014

262
General Supply Officer
U.S. Public Health Service Hospital
77 Warren Street
Boston, Masachusetts 02135

265
Chief, Contracts Management Section
Nat'l Inst. of Neurological Disease and Stroke
9000 Rockville Pike, Bldg. 31, Rm. 8A34
Bethesda, Md. 20014

266
Chief, Contracts Management Branch
Nat'l Institute of Allergy and Infectious Diseases
9000 Rockville Pike, Bldg. 31, Rm. 1B40
Bethesda, Md. 20014

267
Chief, Contracts Office
Nat'l Institute of Arthritis, Metabolism & Digestive Disease
9000 Rockville Pike, Bldg. 31, Rm. 2B19
Bethesda, Md. 20014

268
Chief, Contracts Operations Branch
Nat'l Heart & Lung Institute
5333 Westbard Avenue, Room 5A11
Bethesda, Md. 20014

271
Chief, Contracts Management Branch
Nat'l Institute on Drug Abuse, ADAMHA
11400 Rockville Pike, Room 209
Rockville, Maryland 20852

274
Director, Procurement & Materiel Mgmt. Office
Nat'l Institute of Dental Research
5333 Westbard Ave. Westwood Bldg., Rm. 551
Bethesda, Md. 20014

275
Chief, Contracts Management Section
Nat'l Inst. of Child Health and Human Development
Landow Building, Room C-619
Bethesda, Md. 20014

276
Chief, Office of Contracts Management
National Library of Medicine
8600 Rockville Pike
Bethesda, Md. 20014

277
Chief, Division of General Services
Alcohol, Drug Abuse, and Mental Health Administration
5600 Fisher's Lane, Room 6-105
Rockville, Maryland 20852

278
Chief, Grants & Contracts Management Branch
Nat'l Institute of Mental Health
5600 Fisher's Lane
Rockville, Maryland 20852

279
Chief, Procurement Section
Warehouse Annex
St. Elizabeth's Hospital
Washington, D.C. 20032

280
Supply Management
NIDA Addiction Research Center
P.O. Box 12390, Lestown Pike
Lexington, Kentucky 40511

281
Chief, Contract Management Branch
Nat'l Inst. of Alcohol Abuse and Alcoholism
5600 Fisher's Lane, Room 16C21
Rockville, Md. 20852

282
Director, Division of Materiel Mgmt.
Admin. Services Center, PHS
5600 Fisher's Lane, Room 3B26
Rockville, Md. 20852

283
Dir., Div. Grants & Contracts Mgmt.
OAM, ADAMHA
Parklawn Bldg., Room 13C20
5600 Fisher's Lane
Rockville, Maryland 20852

284
Contracting Officer
Public Health Service
Supply Services Center
Perry Point, Maryland

285
Contracting Officer
United Southeastern Tribes
Indian Health Service
Sarasota, Florida

291
Regional Contracting Officer
Public Health Service, DHEW
J.F.K. Federal Office Bldg.
Boston, Massachusetts 02203

292
Regional Contracting Officer
Public Health Service, DHEW
26 Federal Plaza, Room 3304
New York, New York 10007

293
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AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

Effective Date: This amendment shall be effective on January 28, 1975.

Dated: January 21, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-2513 Filed 1-27-75;8:45 am]

CHAPTER 9—NUCLEAR REGULATORY COMMISSION

PART 9-7—CONTRACT CLAUSES

PART 9-16—PROCUREMENT FORMS

Standard Clauses and Contract Forms

These revisions to the AECPR's are being made to make the Safety and Health Clause mandatory as to text and to provide an alternative clause for non-GOCO contracts where the NRC elects not to assert its statutory authority to prescribe general occupational safety and health standards.

1. In Part 9-7, the Table of Contents is revised as follows:

Subpart 9-7.50 Use of Standard Clauses

• • • • •

9-7.5004-12 Safety and Health.

• • • • •

9-7.5006-47 [Reserved]

• • • • •

AUTHORITY: Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9-7.50 Use of Standard Clauses

2. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5004-12, [Reserved], is revised as follows:

§ 9-7.5004-12 Safety and Health.

(a) The clause set forth herein shall be included in all contracts and subcontracts for, and be made applicable to, work to be performed at a government-owned contractor-operated (GOCO) facility where the Nuclear Regulatory Commission has elected to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees.

SAFETY AND HEALTH

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the safety and health of employees and of members of the public and shall comply with all applicable safety and health regulations and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said regulations or requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

(b) The clause set forth herein shall be included in those contracts or subcontracts for, and be made applicable to, work to be performed at a facility where the Nuclear Regulatory Commission does not elect to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees, but does need to enforce radiological safety and health standards pursuant to provisions of the contract or subcontract rather than by reliance upon Nuclear Regulatory Commission licensing requirements (including agreements with states under section 274 of the Atomic Energy Act).

RADIATION PROTECTION AND NUCLEAR CRITICALITY

The contractor shall take all reasonable precautions in the performance of work under this contract to protect the safety and health of employees and of members of the public against the hazards of ionizing radiation and radioactive materials and shall comply with all applicable radiation protection and nuclear criticality safety standards and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said standards and requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

Subpart 9-7.5 Use of Standard Clauses

§ 9-7.5006-47 [Reserved]

3. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5006-47, Safety, health, and fire protection, is deleted and reserved as follows:

Subpart 9-16.4 Forms for Advertised Construction Contracts

4. In Subpart 9-16.4, Forms for Advertised Construction Contracts, § 9-16.404-50, NRC authorized additions to Standard Form 19, paragraph (b)(1) is revised as follows:

§ 9-16.404-50 NRC authorized additions to Standard Form 19.

• • • • •

(b) • • •

(1) Safety and health (§ 9-7.5004-12).

• • • • •

5. In Subpart 9-16.4, Forms for Advertised Construction Contracts, § 9-16.404-52, NRC additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition), paragraph (a)(23) is revised as follows:

§ 9-16.404-52 NRC additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition).

(a) • • •

23. Safety and health (§ 9-7.5004-12).

• • • • • •

Subpart 9-16.7 Forms for Negotiated Architect-Engineer Contracts

6. In Subpart 9-16.7, Forms for Negotiated Architect-Engineer Contracts, § 9-16.703-50, Terms, conditions, and provisions, paragraph 22 is revised as follows:

§ 9-16.703-50 Terms, conditions, and provisions.

• • • • • •

22. Safety and health (§ 9-7.5004-12).

• • • • • •

Subpart 9-16.50 Contract Outlines

7. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-4, Outline of a cost-plus-a-fixed-fee-construction contract, Article XVI is revised as follows:

§ 9-16.5002-4 Outline of a cost-plus-a-fixed-fee-construction contract.

• • • • • •

Article XVI—*Safety and health.* Insert contract clause set forth in § 9-7.5004-12.

• • • • • •

8. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-5, Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article XVII is revised as follows:

§ 9-16.5002-5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

• • • • • •

Article XVII—*Safety and health.* Insert contract clause set forth in § 9-7.5004-12.

• • • • • •

9. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-9, Outline of cost-type contract for research and development with educational institutions, Article B-17 is revised as follows:

§ 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions.

• • • • • •

Article B-17 *Safety and Health.*
If applicable, include one or both of the clauses set forth in § 9-7.5004-12.

• • • • • •

Effective date. This amendment is effective January 28, 1975.

Dated at Germantown, Maryland this 17th day of January 1975.

For the Nuclear Regulatory Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.75-2425 Filed 1-27-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19848; RM-2089]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, Monte Rio, California

By the Commission: 1. The Commission has before it the notice of proposed rule making in this proceeding and the filings in response to it.

2. At issue is a proposed first assignment, of a Class A channel, at Monte Rio, California. In issuing the notice we observed that Channel 249A could be assigned without affecting other assignments. Although we noted that the proposal would bring a first FM service to a part of the area it would serve, we stated that it was not necessary to determine exactly the number who would receive such service, as even the opponent Redwood Empire Stereocasters ("Redwood") acknowledged that there would be some first service. We did ask for more data, however, on the need for an assignment to Monte Rio (or to another community in the vicinity). These were points raised in an opposition pleading that had been filed by Redwood, the licensee of an FM station at Santa Rosa, California, approximately 20 miles away.

3. At the time we issued the notice, we lacked a local map depicting the Monte Rio area and lacked sufficient information about the economy of the area. The points are related, as Monte Rio was a small enough community in 1970 that it was not separately enumerated by the Census Bureau, and thus presumably had a population under 1,000. Petitioner, Communications Associates ("C.A.") estimated a population of 1,200 and Redwood[1] in its opposition a population of 900. C.A. argued that there was no reason to be concerned that this might be too low a figure because Monte Rio is in the Russian River tourist area and benefits from the influx of tourists. Information on this point and on the business activity in the area, earlier lacking, has been supplied in response to the notice.

4. While it is true that Monte Rio is indeed small, it is located in an area which appears to be a significant tourist center. To judge it based on the permanent population alone is to ignore reality. In parallel cases we have made assignments to small communities in order to bring sufficient service to those tourist areas. There seems to be no question that this area is not now adequately served. Such signals as are received emanate from rather distant stations. Since there is a heavy influx of tourists which has been shown to extend over much of the year, there is no reason to question further the need for an assignment to Monte Rio or its environs or the ability of the area to support a station.

5. There remains the question of where to assign the channel, and on this point we need to consider the coverage which a station in this area would provide. Monte Rio is centrally located and assigning the channel there would bring a first FM service to a significant area. While there is nothing to demonstrate that the assignment must be made to Monte Rio rather than another community in the area, there is equally little to suggest that another choice would be preferable. This being the case, we shall follow C.A.'s urgings and assign the channel to Monte Rio, to bring it a first local outlet and a first FM service to much of the Russian River area.

6. Accordingly, pursuant to authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended to read as follows as concerns Monte Rio, California effective March 7, 1975.

City	*Channel No.*
Monte Rio, Calif.	249A

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: January 15, 1975.

Released: January 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-2452 Filed 1-27-75;8:45 am]

[Docket No. 19975; RM-2137]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Jeffersontown, Kentucky

By the Commission: 1. The Commission has before it for consideration the proposal to assign Channel 269A to Jeffersontown, Kentucky, as a first FM assignment upon which notice of proposed rule making was released herein on March 20, 1974 (39 FR 11111), in response to a petition of Charles N. Cutler, a prospective applicant for the proposed assignment. Supporting comments were filed by the petitioner in which he affirms his intention to apply for use of Channel 269A if assigned to Jeffersontown, and if authorized, to construct the station promptly. No opposing or other formal comments on the proposal were received. Two letters received from Billy R. Evans, Manager, WQXE Radio, Elizabethtown, Kentucky, and from Peter C. L. Boyce, New Albany, Indiana, also advise of their interest in applying for the proposed Jeffersontown FM assignment.

[1] Redwood objected to the C.A. proposal but did not subsequently file comments in opposition to the proposal in the Notice.

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2. Jeffersontown (population, 9,701) is located in Jefferson County (population, 695,055), approximately eight miles east of Louisville, Kentucky (population, 261,472), also located in Jefferson County. Jefferson County is a part of the Louisville (Ky.-Ind.) Urbanized Area (population, 739,369) and of the Louisville (Ky.-Ind.) Standard Metropolitan Statistical Area (SMSA), of which Louisville is the central city.[1] The Louisville SMSA, the 39th ranking SMSA in size, according to 1973 Census reports, had a 1973 population of 867,330.[2]

3. While Jeffersontown has no local broadcast outlet or FM channel assigned, it receives an abundance of aural broadcast service from the 21 AM and FM stations serving the Louisville SMSA and Urbanized Area. These stations include the 15 Louisville stations (eight AM, five of which are unlimited time operations, five FM stations, three of which are Class B stations, and two noncommercial educational FM stations); the Class A FM station at St. Matthews, Kentucky (population 13,152), which is within the corporate limits of Louisville; the two daytime-only AM stations and the noncommercial educational FM station at New Albany, Indiana (population 38,402), located in Floyd County across the Ohio River from Louisville, and the Class IV AM station and Class B FM station in the neighboring Indiana community of Jeffersonville (population 20,008) in Clark County.

4. In both his petition and comments on the Jeffersontown Channel 269A proposal, Cutler urges that Jeffersontown is large and important enough to warrant a first FM assignment for a first local broadcast outlet of its own. The supporting showing provided in his petition, which has already been adequately discussed in the Notice, is directed to showing that Jeffersontown is a fast growing community;[3] that it "has a life of its own" and "is not a close-in suburb of Louisville", despite its proximity; that Jeffersontown, an incorporated city, has its own government (mayor-council), with full range of municipal services, and its own school system, post office, banks, stores, shopping centers and churches upon which Jeffersontown residents rely for services, shopping and local information; and that it is unrealistic to expect the Louisville broadcast stations to meet the local broadcast needs of Jeffersontown in any meaningful way in view of the distance between the two cities, as well as the many suburbs located closer to Louisville than Jeffersontown.

5. Analysis of the petitioner's showing as to the technical feasibility of a Jeffersontown Channel 269A assignment, indicates that the proposed assignment would require no changes in existing assignments and would conform with mileage separation requirements provided that the transmitting antenna for a Jeffersontown Channel 269A station is located at least five miles east of Jeffersontown to meet the required 15-mile spacing from FM Station WLRS (Ch. 272A) at Louisville.

6. The petitioner's preclusion study indicates that a Jeffersontown Channel 269A assignment would foreclose possible future assignments only on Channel 269A in a very limited area east of Jeffersontown. As the Notice pointed out, this precluded area contains three other communities (all in Kentucky) with populations of over 2,000 persons without FM assignments where Channel 269A could alternatively be assigned if not assigned to Jeffersontown. These communities include Eminence (population, 2,225), the largest city in Henry County (population, 10,910), located about 30 miles northeast of Louisville, which has AM Station WSTL, a daytime-only operation, for a local outlet; Mt. Washington (population, 2,020), located in Bullitt County (population, 26,090), about 16 miles southeast of Louisville, which has no broadcast outlet; and Shelbyville (population, 4,182), the seat of Shelby County (population, 18,999), located about 25 miles east of Louisville, which has a daytime-only AM station (WCND) for a local outlet. While the petitioner's petition and comments do not indicate whether any FM channel or channels other than Channel 269A would be available for assignment to these three communities, even though such information was called for in the Notice, an independent staff study indicates that there is no other FM channel available which could be assigned to any of them without disturbing an existing assignment or assignments.

7. The petitioner contends that section 307(b) of the Communications Act, which requires a fair, efficient, and equitable distribution of radio service, dictates that Jeffersontown be preferred over Shelbyville and Eminence for the requested Channel 269A assignment since they each have an AM (daytime-only) station for a local outlet whereas Jeffersontown has none and they are both smaller in population than Jeffersontown. As for Mt. Washington, which also is smaller than Jeffersontown and has no local broadcast outlet, the petitioner submits that it would be idle to provide it with an FM assignment in view of its size without some assurance that there was active interest in applying for an FM assignment to serve the community and in the absence of any indicated basis for assuming that the community would provide a sufficient economic base to support an FM station.

8. Upon consideration, we have decided that Jeffersontown warrants the requested Channel 269A assignment. While Jeffersontown is located in the Louisville SMSA and Louisville Urbanized Area and receives considerable aural service from the Louisville and other stations located therein, we do not believe that a community of its size (population, 9,701) should be barred from having an FM assignment and an opportunity for a local broadcast outlet of its own because of this consideration if the assignment would serve a valid need and demand there for a first local broadcast service. The petitioner's showing convinces us that an FM assignment to Jeffersontown would. Since it also appears that Jeffersontown is the largest community without a local broadcast service or FM assignment in the area where a Channel 269A assignment would be technically feasible, we believe that the public interest and the objectives of section 307(b) of the Act are served by assigning Channel 269A to Jeffersontown, Kentucky.

9. Accordingly, in view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That, effective March 7, 1975, the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, is amended, as concerns Jeffersontown, Kentucky, to read as follows:

City	Channel No.
Jeffersontown, Ky	269A

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 15, 1975.

Released: January 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-2453 Filed 1-27-75;8:45 am]

[1] Population figures given are from the 1970 U.S. Census unless otherwise indicated.

[2] The Louisville SMSA consists of Jefferson County and Bullitt (pop., 26,090) and Oldham (pop., 14,687) counties in Kentucky and Clark (pop., 75,876) and Floyd (pop., 55,622) counties in Indiana. Prior to 1973, Bullitt and Oldham counties were not a part of the Louisville SMSA.

[3] Jeffersontown had a 182.7 percent increase in population over the 1960–1970 period (from 3,431 to 9,701). Over the same ten-year period, Louisville had a 7.5 percent decline in population (from 390,639 to 361,472) and Jefferson County as a whole had a 13.8 percent population increase (from 610,947 to 695,056).

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32153 (Sub-No. 5)]

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Accounting for Accumulated Depreciation on Improvements to Leased Property

By notice of proposed rulemaking served August 3, 1973, and published in the FEDERAL REGISTER on August 8, 1973 (39 FR 21436) this Commission announced that it had under consideration a revision to the Uniform System of Accounts for Railroad Companies. This proposed revision relates to accounting for depreciation accumulated on improvements made by the lessee to leased property where such improvements are properly includible in asset Account 732, "Improvements on Leased Property."

Under the present system of accounts, Account 785, "Accrued Depreciation; Leased Property," includes depreciation accumulated on both property leased from others, and any improvements subsequently made by the lessee to this leased property. Account 785 is classified on the balance sheet as a liability. Actually, only the portion of the account relating to depreciation accrued on leased property, not the improvements represents the lessee's liability for unsettled amounts due the lessor.

The intent of this proceeding is to segregate accumulated depreciation applicable to improvements made on leased property and transfer it to the asset side of the balance sheet as a contra (or reduction) account for the related investment in improvements to leased property. By placing the depreciation with related assets balance sheet presentation is improved. This treatment is consistent with that accorded other depreciable property (carrier and noncarrier) and with generally accepted accounting principles as pronounced in Accounting Principles Board Opinion No. 12, "Omnibus Opinion—1967," on classification and disclosure of depreciable assets. The amount transferred from account 785 for past accruals and the future annual accruals for depreciation on the improvements would be included in new account 733, "Accrued Depreciation; Improvements on Leased Property." Account 785 would then include only the lessee's unsettled liability to the lessor and be renamed "Accrued Liability; Leased Property."

The notice of proposed rulemaking provided that any person desiring to participate could do so by filing written statements of fact, views, and arguments within a prescribed time. Comments were received from four railroads and one industry association. All respondents either expressly supported or did not disagree in principle with the accounting theory behind initiation of this proposal. However, there were exceptions taken which centered on the practical problems to be encountered on implementing the change. The comments are summarized below.

The Association of American Railroads (AAR) and the Southern Railway System strongly support the proposal as a further step to align the Uniform System of Accounts with generally accepted accounting principles. AAR points out that the proposed revised text of Account 785 does not specify the accounting for retirement of nondepreciable leased property, and suggests such a reference be incorporated.

Louisville & Nashville Railroad Company (L&N), while agreeing in concept with the proposal, objects to the retitling of Account 785 from "Accrued Depreciation; Leased Property," to "Accrued Liability; Leased Property," arguing that the account does not, in fact, represent the lessee's liability to the lessor in some lease agreements. The carrier would prefer calling the account "Accumulated Depreciation; Leased Property" and reclassifying the account in the balance sheet under the caption "Reserves."

L & N further states that it would be extremely difficult to segregate depreciation bases and related depreciation on leased property still in service and the improvements made to that property. Also, L & N indicates that it would be difficult to identify property retired in the past through Account 732.

Penn Central Transportation Company (PCTC) and Reading Company (Reading), both debtors in reorganization proceedings under section 77 of the Bankruptcy Act, likewise cite impracticability as the reason for their opposition. They further state that any figure arrived at for proposed Account 733, "Accured Depreciation; Improvements on Leased Property," would at best be inexact and arbitrary. Reading also asserts that additional personnel would be required which would strain the debtor's already weak cash position.

The principal objection voiced by the respondents centers on the practical problems of identifying that portion of Account 785 which is applicable to improvements made on leased property. Three respondents (L&N, PCTC, and Reading), while agreeing with the accounting theory behind this change, expressed reservations on this aspect. We realize that implementation of this change will inherently involve research into property records in order to isolate property held under lease from others, and the subsequent additions to and retirements of that property.

For those carriers which anticipate problems in segregating the components of Account 785, the Bureau of Accounts of this Commission can provide assistance. The basic information needed is:

1. The ledger value by primary account of the lessers, property that is under lease to the lessee.

2. The ledger value by primary account of the gross improvements, a portion of which may have been included in Account 732 of the lessee, of additions to and retirements from the account since the Federal inventory date by year.

The analysis of the activity in these accounts will yield the appropriate ratio for each primary account which in turn can be applied to the balances in Account 732 to determine accrued depreciation on the property. The information needed for this program should be readily available from the property records required to be maintained by the carriers.

AAR's suggestion to amend the text of proposed Account 785 to cover accounting for retirements of non-depreciable leased property has merit. However, we believe the text is clear where it refers to including the liability for property retired in this account. Therefore, no further changes are considered necessary.

L & N has stated that it believes Account 785 should not be renamed "Accrued Liability; Leased Property" because in their judgment such accrued depreciation applicable to a lessor's property does not represent a liability to a lessor. We disagree with the carrier's contention. The account is designed to contain amounts due lessors where settlement is not made on a current basis. The amounts may be accrued based on depreciation but nonetheless represent obligation to the lessor for use of the property.

The modification of the accounting regulations as proposed in this Report has the objective of improving balance sheet presentation. We believe the changes as contained in the Appendix accomplish this by (1) associating accumulated depreciation on improvements to leased property with the related asset, and (2) permitting the liability account to reflect only unsettled amounts due lessors.

We find that Part 1201 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the Appendix to this Report; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Part I of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the National Transportation Policy; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 9th day of January, 1975.

Consideration having been given to the matters involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Part 1201 of Title 49 of The Code of Federal Regulations be, and it is hereby revised to read as shown in the Appendix to the above mentioned report.

It is further ordered, That the prescribed amendments shall be effective January 1, 1975.

And it is further ordered, That service of this order shall be made on all railroads; and to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation; and that notice of this Order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 20)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

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LIST OF GENERAL BALANCE SHEET ACCOUNTS

1. After Line Item "732 Improvements on Leased Property" the following is added:

733 Accrued Depreciation; Improvements on Leased Property.

2. Line Item "785 Accrued Depreciation: Leased Property" is amended to read:

785 Accrued Liability: Leased Property.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

3. Paragraph (a) of instruction 5-4 is amended by changing the reference in the third sentence from 'Account 785, "Accrued Depreciation; Leased Property"' to 'Account 785, "Accrued Liability; Leased Property."'

GENERAL BALANCE SHEET ACCOUNTS

4. After the text of Account 732, "Improvements on Leased Property," the following new account number, title and text are added:

733 Accrued Depreciation; Improvements on Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts for depreciation accrued on improvements to leased property, the cost of which is included in account 732, "Improvements on leased property."

(b) The service value of each unit of property retired (and also of each minor item, less than a unit, retired and not replaced) for which this depreciation reserve has been established shall be charged to this account.

(c) Instructions for depreciation accounts, rates of depreciation, and records to be maintained as contained in instruction 5 for owned property shall also apply to improvements on leased property.

5. The title and text of Account 785, "Accrued Depreciation; Leased Property," are amended to read as follows:

785 Accrued Liability; Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued liability on leased road and equipment when settlement between the accounting carrier and the lessor is not made currently. Amounts recorded herein shall include unsettled rent, based on depreciation or other factors, and liability for property retired.

(b) This account shall be divided to show the liability to (1) affiliated companies (See Definition (4), and (2) others.

6. Account 799 "Form of General Balance Sheet Statement" is amended as follows:

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732 . . .
733 Accrued Depreciation; Improvements on Leased Property.
784 . . .
785 Accrued Liability; Leased Property.
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[FR Doc.75-2519 Filed 1-27-75;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Pemoline in Schedule IV

On November 1, 1974, the Administrator of the Drug Enforcement Administration issued notice of a proposed rulemaking that § 1308.14 of Title 21 of the Code of Federal Regulations (CFR) be amended to include pemoline (Cylert) in Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966). This notice was published in the FEDERAL REGISTER on Thursday, November 7, 1974 (39 FR 39451), and provided that all interested persons may submit comments, objections and requests for a hearing on the matter no later than December 9, 1974.

The notice further provided that if objections submitted do not present reasonable grounds, the proposed rulemaking shall be finalized and no hearing shall be held, and the party submitting such objections will be so notified by registered mail.

A Motion, dated November 15, 1974, requesting an additional thirty days within which to comment, object or request a hearing on the proposed rulemaking, was filed by Ciba-Geigy Corporation and was received by the Administrator on November 18, 1974. On November 27, 1974, the Administrator granted this Motion and extended the comment period to January 9, 1975, upon the condition that no further extensions would be permitted. Ciba-Geigy was notified of this action by a letter dated November 27, 1974.

On January 9, 1975, Ciba-Geigy filed a letter, dated January 8, 1975, with the Hearing Clerk, Office of the Administrative Law Judge, DEA, objecting to the notice of proposed rulemaking concerning pemoline and requesting a hearing on the matter. The letter was reviewed by the Administrator, who has determined that it fails to present reasonable grounds for the proposed rulemaking concerning pemoline not to be finalized. Ciba-Geigy has been notified of this action by a letter dated January 27, 1975.

No other objections or requests for a hearing having been received, and based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, pemoline has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Pemoline will, upon the approval of New Drug Application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of pemoline may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator orders that, upon approval of the New Drug Application for Cylert by FDA, § 1308.14 of Title 21 of the Code of Federal Regulations (CFR) be amended to read:

§ 1308.14 Schedule IV.

. . . . . .

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

. . . . . .

(3) Pemoline (including organometallic complexes and chelates thereof)	1530

. . . . . .

The issuing of a letter approving the New Drug Application for pemoline, by FDA, has occurred simultaneously with the issuing of this order, which is effective on January 28, 1975.

Dated: January 27, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2722 Filed 1-27-75;8:48 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[21 CFR Part 9]

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Proposed Rulemaking

Notice is given that the Comptroller of the Currency, pursuant to the authority contained in section 1(j) of Pub. L. 87-722, 76 Stat. 668, 12 U.S.C. 92a, and R.S. 5240, as amended, 12 U.S.C. 481, is considering the adoption of revisions of and additions to Part 9 relating to the fiduciary powers of national banks.

The proposed amendment will authorize national banks collectively to invest on a short-term basis, funds held as a fiduciary, to the extent not prohibited by law, in the variable amount note of a single borrower, provided the borrower is not a bank or bank holding company or an affiliate or subsidiary thereof. The proposed amendment gives specific regulatory authority for the employment of an investment device long used in the fiduciary industry and previously approved by the Comptroller of the Currency pursuant to § 9.18(c)(5) of Part 9. However, banks, bank holding companies and their affiliates will no longer be able to borrow trust funds from national banks in this manner.

Persons desiring to comment on the proposed amendment should do so in writing no later than March 31, 1975. Comments should be addressed to Dean E. Miller, Deputy Comptroller for Trusts, The Office of the Comptroller of the Currency, The Administrator of National Banks, Washington, D.C. 20219.

Part 9 of 12 CFR would be amended by redesignating subparagraph (c)(2) of § 9.18 as subdivision (c)(2)(i), by adding a semi-colon and the word "or" in lieu of the period at the end thereof, and by adding a new subdivision (c)(2)(ii). Changes in the text would be as follows:

§ 9.18 Collective investment.

. . . . . .

(c) . . .

(2)(i) In a single real estate loan, a direct obligation of the United States, or an obligation fully guaranteed by the United States, or in a single fixed amount security, obligation or other property, either real, personal or mixed, of a single issuer; or

(ii) On a short-term basis in a variable amount note of a single borrower of prime credit, other than a bank or bank holding company or affiliate or subsidiary of a bank or bank holding company: *Provided*: That the bank owns no participation in the loan or obligation and has no interest in any investment therein except in its capacity as fiduciary.

. . . . . .

Dated: January 21, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-2487 Filed 1-27-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Revision of Free and Restricted Percentages for the 1974-75 Fiscal Year

Notice is given of a proposal to revise the free and restricted percentages applicable to filberts grown in Oregon and Washington for the 1974-75 fiscal year, beginning August 1, 1974. Free and restricted percentages of 61 percent and 39 percent, respectively, were established on November 29, 1974 (39 FR 41510). It is proposed that these percentages be revised to 65 percent and 35 percent, respectively.

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The revised percentages would be established in accordance with § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Aricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Filbert Control Board, at a November 12, 1974, meeting estimated the total production of filberts for 1974 at 7,000 tons, of which 6,164 tons would be merchantable and the free and restricted percentages currently effective were established on the basis of those estimates. The Board, at a January 16, 1975, meeting revised its estimate of total production downward to 6,500 tons, of which an estimated 5,720 tons would be merchantable. The Board also increased its previous estimate of carryover not subject to regulation on August 1, 1974, from 1,629 tons to 1,695 tons. The downward revision in the production estimate makes necessary an increase in the free percentage in order to make available the same quantity of inshell filberts as were made available by the percentages established on November 29, 1974.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than February 14, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The revised percentages are based upon the following estimates for the 1974-75 fiscal year:

Inshell supply:

		Tons
(1)	Total production	6,500
(2)	Less substandard, etc	780
(3)	Total merchantable production	5,720
(4)	Carryover Aug. 1, 1974, subject to regulation	306
(5)	Total merchantable supply (item 3 plus item 4)	6,026

Inshell requirements:

(6)	Trade demand	5,200
(7)	Carryover July 31, 1975	400
(8)	Total	5,600
(9)	Less carryover Aug. 1, 1974, not subject to regulation	1,695
(10)	Inshell requirements	3,905

Percentages:

(11)	Free percentage (item 10 divided by item 5)	65
(12)	Restricted percentage (100 percent minus 65 percent)	35

The proposal is to revise § 982.224 (39 FR 41510) to read as follows:

§ 982.224 Free and restricted percentages for merchantable filberts during the 1974-75 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1974:

Free percentage	65
Restricted percentage	35

Dated: January 23, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-2436 Filed 1-27-75;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[43 CFR Part 52c]

MINORITY BIOMEDICAL SUPPORT PROGRAM

Notice of Proposed Rule Making

Correction

In FR Doc. 74-30283 appearing at page 45042 in the issue of Monday, December 30, 1974, the last line in the first complete paragraph in the second column now reading, "adopted effective on December 30, 1974." should read, "adopted effective upon publication in the FEDERAL REGISTER."

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36]

[Docket No. 13243; Notice No. 74-39]

NOISE STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES

Proposed Regulations Submitted to the FAA by the Environmental Protection Agency

Correction

In FR Doc. 74-30538 appearing at page 1061 in the issue of Monday, January 6, 1975 the signature on page 1069 reading "Charles R. Foot" should read "Charles R. Foster."

[14 CFR Part 71]

[Airspace Docket No. 74-RM-15]

FEDERAL AIRWAY

Proposed Alteration; Withdrawal

On October 31, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 38390) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a north alternate to VOR Federal Airway V-200 between Meeker, Colo., and Kremmling, Colo.

Subsequent to the publication of the notice, it was determined by a flight inspection that the proposed north alternate airway would require an unduly high minimum en route altitude. For this reason, notice is hereby given that the proposal contained in Airspace Docket No. 74-RM-15 (39 FR 38390) is withdrawn.

This withdrawal of the notice of proposed rule making, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 21, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2417 Filed 1-27-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-1]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Rugby, No. Dak. transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before February 27, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

A new approach procedure has been established utilizing the 314° T (303° M) bearing of the Rugby non-Federal NDB for procedure turn and final approach course to runway 11 at Rugby Municipal Airport. An additional 1,200-foot transition area is required to provide controlled airspace protection for a portion of the procedure turn area.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (40 FR 441) the description of the Rugby, No. Dak. 1,200-foot transition area is amended by adding:

RUGBY, NO. DAK.

"• • • and within 9.5 miles south and 4.5 miles north of the 314° T bearing from the Rugby, No. Dak. NDB, extending from the NDB to 18.5 miles northwest of the NDB."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on January 27, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-2420 Filed 1-27-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at West Woodward, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 27, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

WEST WOODWARD, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Woodward, Okla., Airport (latitude 36°26'12" N., longitude 99°31'30" W.), and within 5 miles either side of the Gage VORTAC 072°T (062°M) radial; extending from the 7-mile-radius area southwest to Gage VORTAC; excluding the Gage, Okla., control zone and transition area.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the West Woodward, Okla., Airport.

Concurrently with this action, the West Woodward, Okla., Airport will be changed from VFR to IFR status.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, TX., on January 16, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-2419 Filed 1-27-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-54]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Monee, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received within on or before February 27, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Sanger Airport, Monee, Illinois. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Monee, Illinois.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

MONEE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five mile radius of Sanger Airport (Latitude 41°22'39" N., Longitude 87°41'03" W.); within one and one-half miles either side of the 039° radial of the Peotone VORTAC extending from the five mile radius area to the VORTAC, excluding that portion that overlies the Chicago, Illinois transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on January 9, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-2421 Filed 1-27-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NE-56]

VOR FEDERAL AIRWAY

Proposed Alteration and Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter and extend V-130 from Norwich, Conn., via Martha's Vineyard, Mass., to Hyannis, Mass.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before February 27, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-130 from Norwich, Conn., direct to Martha's Vineyard, Mass., direct to Hyannis, Mass. If designated, the additional route would enhance the control of air traffic to and from the Cape and Island areas.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 21, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2418 Filed 1-27-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-10; Notice 13]

AIR BRAKE SYSTEMS

Construction Vehicles

This notice proposes an amendment of Standard No. 121, Air brake systems, 49 CFR 571.121, that would exempt a small category of oversize and construction vehicles from the applicability of the standard. This proposal expands the criteria for this specialized vehicle category in response to comments on an earlier exemption proposal (39 FR 40168, November 14, 1974).

The earlier proposal would have established permanent exemption from Standard No. 121 for any vehicle that has an overall width of 108 inches or more, or is equipped with an axle of 29,000 pounds gross axle weight rating (GAWR) or more, or two or more front steerable axles of 16,000 pounds GAWR or more, or any front steerable drive axle driven through a gear reduction contained within the wheel. The manufacturers of these specialized vehicles commented favorably on the proposal but pointed out some elements of the criteria which inadequately describe the vehicle category in question. As noted in the earlier proposal, the NHTSA tentatively determined that the specialized configuration of this small category makes compliance with the standard so difficult and expensive that an exemption from the standard is justified. It was also noted that the vehicle function in these cases generally results in restricted operation on the highway (e.g., at low speed, in permit operation, or during daylight hours) and that as a result vehicle exposure on the highway is limited.

It is apparent from the comments that the overwidth, 29,000-pound-GAWR, and gear-reduction criteria do not adequately describe the full range of these specialized vehicles. Bucyrus-Erie Company and Rockwell International Corporation stressed that vehicles with rear steerable drive axles or articulated steering, as well as those with front steerable drive axles, fall within this category. American-Coleman Company indicated that reliance on planetary-type design (as an indicator of low maximum speed) discriminated against some low-speed specialized vehicles which do not utilize gear reduction contained within the wheel. American-Coleman suggested that a better criterion to describe these vehicles would be their lack of passenger- or cargo-carrying capacity.

The NHTSA concludes that the category should be some-what enlarged to encompass the slow-moving vehicles which do not have a cargo- or passenger-carrying function. To accomplish this, the NHTSA would establish a combination criterion of vehicle configuration and maximum attainable speed. The combination is necessary so that any vehicles capable of maximum highway speeds would remain subject to the standard. An additional category for vehicles whose maximum attainable speed is 33 mph would be created to exempt construction and road maintenance vehicles which do not have all-wheel drive or planetary gear reduction but have the same specialized application.

Mack Trucks, Incorporated, suggested that the 29,000-pound axle criterion be reduced to 24,000 pounds, because all states require vehicle permits to operate

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a vehicle with any GAWR in excess of 24,000 pounds. The NHTSA believes that its new proposal to exempt slow-moving and other heavy vehicles already deals adequately with the 24,000- to 29,000-pound GAWR axle category. In addition it has come to the attention of the NHTSA that some manufacturers are considering changing the ratings of their axles from 23,000 lbs to 24,000 lbs in order to avoid the requirements of the standard.

American-Coleman also requested that the 108-inch exemption be expanded to exclude vehicles in excess of 96 inches. The NHTSA notes, however, that many vehicles which use highways regularly exceed 96 inches and would be excluded under this suggestion. For this reason, this request is denied.

In a related matter, General Motors objected to modification of the definition of "overall width" from that presently in use in Standard No. 108, Lamps, reflective devices, and associated equipment. The NHTSA agrees that the present definition has not created interpretative difficulty and concludes that the newly-proposed definition offers no significant advantages. Accordingly, the proposal is withdrawn. In view of the general use of "overall width" as a term in several standards, the NHTSA instead proposes that the present definition be relocated in § 571.3, Definitions, of Part 571. The term would become "overall vehicle width" to distinguish it from the term "overall width" as defined in Standard No. 104, Windshield wiping and washing systems.

In conclusion, it is noted that the new criteria overlap somewhat with the earlier criteria proposed. The older criteria would remain in the standard so that the determination of whether a vehicle is subject to the standard can, in most cases, be made on the basis of axle type without having to determine the vehicle's maximum attainable speed.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

1. S3. would be amended to read:

§ 571.121 Standard No. 121; Air Brake Systems (Effective Sept. 1, 1974).

* * * * * *

S3. *Application.* This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to a fire fighting vehicle manufactured before September 1, 1975, or a heavy hauler trailer manufactured before September 1, 1976, or to any vehicle manufactured before September 1, 1976, that has a gross axle weight rating (GAWR) for any axle of 24,000 pounds or more, or to any vehicle which, in combination with another vehicle, constitutes a part of an "auto transporter" as defined in S4. In addition, the standard does not apply to any vehicle with at least one of the following characteristics: (1) an overall width of 108 inches or more, (2) a speed attainable in 2 miles of not more than 33 mph, (3) a speed attainable in 2 miles of not more than 45 mph, all-wheel drive, and no cargo- or passenger-carrying capacity, (4) an axle that has a GAWR of 29,000 pounds or more, (5) two or more front steerable axles with a GAWR of 16,000 pounds or more for each axle; or (6) a steerable drive axle driven through gear reduction contained within the wheel.

2. S4. would be amended by the addition of a new definition following "Auto transporter" to read:

* * * * *

"Speed attainable in 2 miles" means the speed attainable by accelerating at maximum rate from a standing start for 2 miles on a level surface.

* * * * *

3. Section 571.3 of Part 571 would be amended by addition of a new definition following "Outboard designated seating position" to read:

§ 571.3 Definitions.

* * * * *

"Overall vehicle width" means the nominal design dimension of the widest part of the vehicle, exclusive of signal lamps, marker lamps, outside rearview mirrors, flexible fender extensions, and mud flaps, determined with doors and windows closed and the wheels in the straight-ahead position.

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: February 15, 1975.

Proposed effective date: March 1, 1975.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51, and 49 CFR 501.8)

Issued on January 23, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-2486 Filed 1-23-75;8:37 am]

COMMISSION ON CIVIL RIGHTS

[45 CFR Part 704]

FREEDOM OF INFORMATION

Proposed Revision of Fees

Pursuant to Pub. L. 93-502, enacted November 21, 1974, notice is hereby given of a proposed amendment to the Commission on Civil Rights (hereinafter referred to as Commission) regulations which establish the fees to be charged for retrieval and reproduction of records requested by members of the public. The proposed amendment would revise the fees schedule to conform to the criteria set forth in section 552(a)(4) of Title V, United States Code, as amended by Pub. L. 93-502.

Interested persons may comment upon the proposed amendment by submitting written data, views and arguments to the General Counsel, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Washington, D.C., 20425. All comments received by Friday, February 17, 1975, will be considered prior to the final action by the Commission on the proposed fees schedule. This short period for the receipt of comments is necessitated by the fact that the statutory amendment which the proposed amendment to the regulations is intended to implement are due to become effective on February 19, 1975, and the fact that the regulations as adopted must be distributed to the eight regional offices of the Commission. The Commission will consider comments received after the February 17, 1975, deadline to the extent practical in connection with amendments to the regulations in the future.

Accordingly, the Commission proposes the following amendment: In 45 CFR Part 704 § 704.1(e) is revised to read as follows:

§ 704.1 Material available pursuant to 5 U.S.C. 552.

(e) *Schedule of Fees:* (1) Photocopy reproductions from all types of copying processes, each reproduction image—$.03.

(2) Standard searching, per hour (minimum charge one-quarter hours)—$4.09.

(3) Searching requiring particular training or skills not required of clerical personnel, per hour (minimum one-half hour)—$8.88.

(4) The above search fee is not applicable to computerized record search: In situations involving the use of computers to locate and extract the requested information charges will be based only on the direct cost to the agency, including labor, material and computer time.

Dated at Washington, D.C., January 23, 1975.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.75-2527 Filed 1-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 327-4]

PENNSYLVANIA IMPLEMENTATION PLAN

Proposed Revision

On May 28, 1974, the Commonwealth of Pennsylvania submitted to the Regional Administrator amendments to the Pennsylvania State Implementation Plan for the attainment and maintenance of air quality standards. The proposed amendment consists of revisions of Chapter 141, "Fuel Usage and Emergency Variances." The major provisions of this amendment consist of:

1. Extending the authority of the State Department of Environmental Resources to issue fuel usage and emergency variances, for one year, or up until May 1, 1975.

2. Extending the time period for variances from "up to 120 days" to "up to 180 days."

3. Providing for a minimum authorized 10 day notice for a public hearing on fuel usage variances, but providing for a full 30 day notice period whenever possible.

The proposed amendment to the Pennsylvania Implementation Plan was publicly advertised and a hearing was held on April 26, 1974 in Harrisburg, Pennsylvania in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The public is invited to submit comments on whether the proposed amendment should be approved or disapproved as required by section 110 of the Clean Air Act and 40 CFR Part 51. Only comments received by February 27, 1975, will be considered. The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirements of section 110 (a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51.

Copies of the proposed amendment are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the Office of the Pennsylvania Department of Environmental Resources, Third and Locust Streets, Harrisburg, Pennsylvania, 17120; and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C., 20460. All comments should be directed to Howard Heim, Acting Chief, Air Planning Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106. (AH004 PA)

(42 U.S.C. 1857 c-5)

Dated: January 16, 1975.

DANIEL SNYDER III,
Regional Administrator.

[FR Doc.75-2502 Filed 1-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 0]

[Docket No. 20326]

FREEDOM OF INFORMATION ACT

Notice of Proposed Rule Making

By the Commission: 1. Pursuant to recent amendments to the Freedom of Information Act (Pub. L. 93-502, November 21, 1974, 5 U.S.C. 552), we are hereby inviting comment on a schedule of fees to cover the direct costs of search and duplication of records requested under the Act. Fees relating to the duplication of records are dealt with in §§ 0.465 and 0.467 of the rules and regulations, 47 CFR 0.465 and 0.467. No change in those provisions is being proposed, but comment on the existing provisions may be submitted.

2. Fees covering the costs of searching for records are contained in proposed § 0.466. Comment on the proposed rule or on alternatives favored by those commenting is invited.

3. Interested persons may file comments on the existing and proposed rules on or before February 5, 1975. Reply comments may not be filed. Comments are available for inspection in the Commission's Broadcast and Dockets Reference Room at its headquarters in Washington, D.C. All relevant and timely comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account relevant information in addition to the specific comments invited by this Notice. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments shall be furnished the Commission.

Adopted: January 15, 1975.

Released: January 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.466 is added, to read as follows:

§ 0.466 Search fee.

(a) Subject to the provisions of this section, a fee of $5.00 per hours, and for any fraction of an hour, is charged for recovery of the direct costs of searching for records requested under § 0.460 or § 0.461[1] Sections 0.465 and 0.467 deal with charges for providing copies of records made available for inspection.

(b) No search fee will be charged if—

(1) The records are not located;

(2) The records are located but are not made available for inspection;

(3) The search does not exceed one hour in duration.

(c) The search fee will be waived or reduced by the General Counsel, upon a showing that waiver of reduction is in the public interest because furnishing the information is primarily of benefit to the general public.

(d) The fee charged will not exceed an amount based on the time normally required to locate records of the kind requested. (For example, the person making the request will not be charged for the extra time required to locate records which have been misplaced or misfiled.)

(e) In most cases, the request for inspection shall specify the maximum search fee that the person making the request is prepared to pay. See § 0.460 (d) and (e) and § 0.461(b).[1] If the specified maximum is reached before all of the records have been located, the search will be terminated and the person making the request will be so notified.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Fee Unit, Financial Management Division, Office of Executive Director, or as otherwise directed by the Commission.

(h) Evidence of payment shall be presented to the custodian of the records before the records are made available for inspection.

(i) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(j) Record searches will not be undertaken on the request of any person who has incurred but has not paid charges for producing records.

[FR Doc.75-2451 Filed 1-27-75;8:45 am]

[1] A new § 0.460 and a revised § 0.461 are being written. Section 0.460 will deal with requests for inspection of records which are routinely available for public inspection and will require a written request, with a statement of the maximum search fee the requester is prepared to pay, where it appears that there will be an appreciable delay in locating the records, as where a large number of documents is requested. Section 0.461 will deal with requests for records which are not routinely available for inspection, and will require that all such requests be in writing and that they specify a maximum fee.

FEDERAL MEDIATION AND CONCILIATION SERVICE

[29 CFR Part 1401]

PUBLIC INFORMATION

Procedures and Cost for Obtaining Information

Pursuant to the Freedom of Information Act, 5 U.S.C., 552, as amended November 21, 1974 (Pub. L. 93-502), which requires each agency to establish procedures applicable to disclosure of public information, it is proposed to amend Chapter XII of Title 29 of the Code of Federal Regulations by amending Part 1401 to read as set forth below.

This amended Part 1401 contains the Federal Mediation and Conciliation Service's rules concerning the availability of items of information relating to the

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agency or within its custody, and establishes the procedures and costs for obtaining information.

Interested persons are invited to submit comments, data or arguments until February 14, 1975 to: The Office of the General Counsel, Federal Mediation and Conciliation Service, 14th and Constitution Avenue, NW., Washington, D.C. 20427.

W. J. USERY, JR.,
National Director.

The proposed amended Part 1401 reads as follows:

PART 1401—PUBLIC INFORMATION

Subpart A—Information or Testimony in Response to Subpoenas

Sec.
1401.1 Purpose and scope.
1401.2 Production of records or testimony by FMCS employees.
1401.3 Procedure in the event of a demand for production disclosure or testimony.

Subpart B—Production or Disclosure of Information

Sec.
1401.20 Purpose and scope.
1401.21 Information policy.
1401.22 Partial disclosure of records.
1401.23 Preparation of new records.
1401.24 Notices of dispute are disclosable.
1401.30 Applicability of procedures.
1401.31 Filing a request for records.
1401.32 Description of information requested.
1401.33 Logging of written requests.
1401.34 Time for processing requests.
1401.35 Appeals from denials of request.
1401.36 Fees—duplication cost and search.
1401.37 Annual report.

AUTHORITY: Sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172; Pub. L. 90–23, 81 Stat. 54–56 as amended by Pub. L. 93–502, 88 Stat. 1561–1565 (5 U.S.C. 552).

Subpart A—Information in Response to Subpoenas

§ 1401.1 Purpose and scope.

This subpart contains the regulations of the Service concerning procedures to be followed when a subpoena, order, or other demand of a court or other authority is issued for the production or disclosure of (a) any material contained in the files of the Service; (b) any information relating to material contained in the files of the Service; or (c) any information or material acquired by any person as a part of the performance of his official duties or because of his official status, while such person was an employee of the Service.

§ 1401.2 Production of records or testimony by FMCS employees.

(a) Public policy and the successful effectuation of the Federal Mediation and Conciliation Service's mission require that commissioners and employees maintain a reputation for impartiality and integrity. Labor and management or other interested parties participating in mediation efforts must have the assurance and confidence that information disclosed to commissioners and other employees of the Service will not subsequently be divulged, voluntarily or because of compulsion, unless authorized by the Director of the Service.

(b) No officer, employee, or other person officially connected in any capacity with the Service, currently or formerly, shall, in response to a subpoena, subpoena duces tecum, or other judicial or administrative order, produce any material contained in the files of the Service, disclose any information acquired as part of the performance of his official duties or because of his official status, or testify on behalf of any party to any matter pending in any judicial, arbitral or administrative proceeding, without the prior approval of the Director.

§ 1401.3 Procedure in the event of a demand for production, disclosure or testimony.

(a) Any request for records of the Service, whether it be by letter, by subpoena duces tecum or by any other written demand, shall be handled pursuant to the procedures established in Subpart B. of this part, and shall comply with the rules governing public disclosure.

(b) Whenever any subpoena or subpoena duces tecum calling for production of records or testimony as described above shall have been served upon any officer, employee or other person as noted in § 1401.2(b), he will, unless notified otherwise appear in answer thereto, and unless otherwise expressly directed by the Director, respectfully decline to produce or present such records or to give such testimony, by reason of the prohibitions of this section, and shall state that the production of the record(s) involved will be handled by the procedures established in this part.

Subpart B—Production or Disclosure of Information

§ 1401.20 Purpose and scope.

This subpart contains the regulations of the Federal Mediation and Conciliation Service providing for public access to information from records of the Service. These regulations implement the Freedom of Information Act, 5 U.S.C. 552, as amended by Pub. L. 93–502, and the policy of the FMCS to disseminate information on matters of interest to the public and to disclose to members of the public on request such information contained in records in its custody insofar as is compatible with the discharge of its responsibilities and the principle of confidentiality of dispute resolution by third party neutrals, consistent with applicable law.

§ 1401.21 Information policy.

(a) Except for matters specifically excluded by subsection 552(b) of Title 5, United States Code, or other applicable statute, all documents and records maintained by this agency or within the custody thereof shall be available to the public upon request filed in accordance with these regulations. To the extent permitted by other laws, the Service also will make available records which it is authorized to withhold under 5 U.S.C. 552(b) whenever it determines that such disclosure is in the public interest.

(b) Any document released for inspection under the provisions of this part may be manually copied by the requesting party. The Service shall provide facilities for copying such documents at reasonable times during normal working hours so long as it does not interfere with the efficient operation of the agency.

(c) The Service will also publish and maintain a current index, revised quarterly, providing identifying information for the public as to statements of policy and interpretation adopted by the agency and still in force but not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect a member of the public. The Service will also maintain on file all material published by the Service in the FEDERAL REGISTER and currently in effect.

(d) Records or documents prepared by the Service for routine public distribution, e.g., pamphlets, speeches, and educational or training materials, shall be furnished free of charge upon request to the Office of Information, Federal Mediation and Conciliation Service, 14th Street and Constitution Avenue, NW., Washington, D.C. 20427, as long as the supply lasts. The provisions of § 1401.36 shall not be applicable to such requests except when the supply of such material is exhausted and it is necessary to reproduce individual copies upon specific request.

(e) All existing FMCS records are subject to routine destruction according to standard record retention schedules.

§ 1401.22 Partial disclosure of records.

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the remaining record will be disclosed unless the two are so inextricably intertwined that it is not feasible to separate them or release of the disclosable information would compromise or impinge upon the nondisclosable portion of the record.

§ 1401.23 Preparation of new records.

(a) The Freedom of Information Act and the provisions of this part apply only to existing records that are reasonably described in a request filed with the Federal Mediation and Conciliation Service pursuant to the procedures established in §§ 1401.31–1401.34.

(b) The Director may, in his discretion, prepare new records in order to respond to a request for information when he concludes that it is in the public interest and promotes the objectives of the Labor-Management Relations Act, 1947, as amended.

§ 1401.24 Notices of dispute are disclosable.

Written notices of disputes received by the Service pursuant to sections 8(d)(3), 8(d)(A) and 8(d)(B) of the Labor-Management Relations Act, 1947, as amended,

are not exempt from disclosure. Parties at interest have the right to receive certified copies of any such notice of dispute upon written request to the regional director of the region in which the notice is filed.

§ 1401.30 Applicability of procedures.

Requests for inspection or copying of information from records in the custody of the FMCS which are reasonably identifiable and available under the provisions of this part shall be made and acted upon as provided in the following sections of this subpart. The prescribed procedure shall be followed in all cases where access is sought to official records pursuant to the provisions of the Freedom of Information Act, except with respect to records for which a less formal disclosure procedure is provided specifically in this part.

§ 1401.31 Filing a request for records.

(a) Any person who desires to inspect or copy any record covered by this part shall submit a written request to that effect to the appropriate office of FMCS which has custody of the record. Standard forms for making a request are not required.

(1) If the records are kept in Washington, D.C., the request shall be directed to the Director of the office, as specified in paragraph (b).

(2) If the records are kept in a field office, the request shall be directed to the office of the regional Director of the region within which the field office maintains custody of such records, as specified in paragraph (c).

(3) If the person making the request does not know where the record is located, he may direct his request to the Director of Administration, FMCS, listed in paragraph (b), below.

(b) The Washington, D.C. offices of FMCS referred to in paragraph (a)(1) of this section, located at 14th Street and Constitution Avenue, NW., Washington, D.C., 20427, are as follows:

(1) Office of the National Director (202) 961–3501.
(2) Office of the General Counsel (202) 961–3714.
(3) Office of Mediation Services (202) 961–3505.
(4) Office of Arbitration Services (202) 961–3513.
(5) Office of Administration (202) 961–3566.
(6) Office of Technical Services (202) 961–3553.
(7) Office of Information (202) 961–3518.

(c) The regional Directors' office referred to in paragraph (a)(2) of this section are:

Region 1—Room 2937, Federal Building, 26 Federal Plaza, New York, N.Y. 10007; (212) 264–1000.
Region 2—Room 401, Mail Building, Fourth and Chestnut Streets, Philadelphia, Pa. 19106; (215) 597–7680.
Region 3—Suite 400, 1422 West Peachtree Street, NW., Atlanta, Ga. 30309; (404) 526–2473.
Region 4—Room 1525, Superior Building, 815 Superior Avenue, NE., Cleveland, Ohio 44114; (216) 522–4800.
Region 5—Room 1402, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, Ill. 60604; (312) 353–7350.
Region 6—Room 3266, Federal Building, 1520 Market Street, St. Louis, Mo. 63103; (314) 622–4591.
Region 7—Room 13471, New Federal Office Building, 450 Golden Gate Avenue, P.O. Box 36007, San Francisco, Calif. 94102; (415) 556–4670.

§ 1401.32 Description of information requested.

(a) Each request should reasonably describe the records being sought, in a way that they can be identified and located. A request should include all pertinent details that will help identify the records sought.

(b) If the description is insufficient, the officer processing the request will so notify the person making the request and indicate the additional information needed. Every reasonable effort shall be made to assist in the identification and location of the records sought.

§ 1401.33 Logging of written requests.

(a) All requests for records should be clearly and prominently identified as a request for information under the Freedom of Information Act, and if submitted by mail or otherwise submitted in an envelope or other cover, should be clearly and prominently identified as such on the envelope or other cover.

(b) Upon receipt of a request for records, the officer processing the request shall enter it in a public log. The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to § 1401.34 (b) and (d), the date(s) any records are subsequently furnished, the number of staff hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

§ 1401.34 Time for processing requests.

(a) All time limitations established pursuant to this section shall begin as of the time at which a request for records is logged in by the officer processing the request pursuant to § 1401.33(b). An oral request for records shall not begin any time requirement. A written request for records sent to an office of FMCS other than the one having authority to grant or deny access to the records shall be redirected immediately to the appropriate officer for processing, and the time shall begin upon its being logged in there in accordance with § 1401.33(b).

(b) The officer passing upon the request for records shall, within ten (10) working days following receipt of the request, respond in writing to the requester, determining whether, or the extent to which, the agency shall comply with the request.

(1) If all of the records requested have been located and a final determination has been made with respect to disclosure of all of the records requested, the response shall so state.

(2) If all of the records have not been located or a final determination has not been made with respect to disclosure of all the records requested, the response shall state the extent to which the records involved shall be disclosed pursuant to the rules established in this part.

(3) If the request is expected to involve an assessed fee in excess of $50.00, the response shall specify or estimate the fee involved and shall require prepayment before the records are made available.

(4) Whenever possible, the response relating to a request for records that involves a fee of less than $50.00, shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the agency.

(c) In the following circumstances, the time for passing upon the request may be extended for up to an additional 10 working days by written notice to the person making the request, setting forth the reasons for such extension and the time within which a determination is expected to be made:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(d) If any request for records is denied in whole or in part, the response required by paragraph (b) of this section shall notify the requester of the denial. Such denial shall specify the reason therefor and also advise that the denial may be appealed to the Office of Deputy National Director of the agency as specified in § 1401.35.

§ 1401.35 Appeals from denials of request.

(a) Whenever any request for records is denied, a written appeal may be filed with the Deputy National Director, FMCS, Washington, D.C. 20427, within 30 days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial. The appeal shall state the grounds for appeal, including any supporting statements or arguments.

(b) Final action on the appeal shall be taken within 20 working days from the time of receipt of the appeal. Where novel and complicated questions have been raised or unusual difficulties have been encountered, the Deputy National Director may extend the time for final

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action up to an additional 10 days, depending upon whether there had been an extension pursuant to subsection 1401.34(c) at the initial stage. In such cases, the applicant shall be notified in writing of the reasons for the extension of time and the approximate date on which a final response will be forthcoming.

(c) If on appeal the denial of the request for records is upheld in whole or in part, the Deputy National Director shall notify the applicant of the reasons therefor, and shall advise the requester of the provisions for judicial review under 5 U.S.C. 552(a)(4) and (6).

§ 1401.36 Fees—duplication cost and search.

(a) Unless waived in accordance with paragraph (d) of this section, the following schedule of fees shall be imposed for the production and copying of any record pursuant to this part.

(1) *Copy of records.* Twenty ($0.20) cents per copy per page.

(2) *Clerical searches.* $1.25 for each one-quarter hour or fraction thereof spent in excess of the first quarter-hour in searching for or producing a requested record, including time spent copying any record.

(3) *Nonclerical searches.* $3.50 for each one-quarter hour spent by professional or managerial personnel searching for or producing a requested record, including time spent copying any record.

(4) *Certification or authentication of records.* $2.00 per certification or authentication.

(5) *Forwarding material to destination.* Postage, insurance, and special fees will be charged on an actual cost basis.

(b) Rule of construction: In providing the foregoing fee schedule pursuant to the provisions of 5 U.S.C. 552(a)(3), it is the intent of this section to apply 29 U.S.C. 9(b) and the user charge statute (31 U.S.C. 483(a)) to cover those situations where the agency is performing for a requester services which are not required under the Freedom of Information Act.

(c) No fee shall be charged if a record requested is not found or for any record that is totally exempt from disclosure.

(d) The officer processing the request for records may, in his discretion, waive or reduce fees otherwise applicable under paragraph (a) of this section for services in producing and copying record information under the following circumstances:

(1) Where inability to pay is demonstrated and it is clear that a significant public interest would be served by providing the service free of charge.

(2) Where it is in the public interest because furnishing the information can be considered primarily as benefiting the general public.

(3) In making a determination of the broad public interest involved, the officer shall weigh the agency resources involved against the likely benefit to the public.

(e) Payment of fees: Payment shall be made by check or money order payable to "Federal Mediation and Conciliation Service," and shall be sent to the Director of the Office of Administration, FMCS, 14th and Constitution Avenue NW., Washington, D.C. 20427.

§ 1401.37 Annual report.

(a) The Office of the National Director shall annually, within 60 days following the close of each calendar year, prepare a report covering each of the categories of records to be maintained in accordance with 5 U.S.C. 552(d) for such calendar year and shall forthwith submit the same to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress.

Signed at Washington, D.C. this 22d day of January 1975.

W. J. USERY, JR.,
National Director.

[FR Doc.75-2441 Filed 1-27-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

TREATMENT OF TRADE SECRETS AND CONFIDENTIAL OR PRIVILEGED COMMERCIAL OR FINANCIAL INFORMATION

Proposed Criteria; Extension of Time for Comments

On November 22, 1974, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (39 FR 40960) a proposed amendment of § 2.790, "Public inspections, exemptions, requests for withholding," of 10 CFR Part 2, rules of practice concerning disclosure of "proprietary information".

Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments by January 21, 1975. In response to requests from EBASCO Services, Inc., General Electric Company, and Westinghouse Electric Corporation—Power Systems, the Nuclear Regulatory Commission has extended the comment period to February 20, 1975. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 23rd day of January 1975.

For the Nuclear Regulatory Commission.

JAMES R. LINDSAY,
Acting Assistant Secretary of the Commission.

[FR Doc.75-2569 Filed 1-27-75;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS

Miscellaneous Amendments

Notice is hereby given that the Saint Lawrence Seaway Development Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.), acting jointly with the St. Lawrence Seaway Authority of Canada, proposes to amend Subpart A-Seaway Regulations of 33 CFR Part 401.

The Seaway Regulations and Rules were published initially in the FEDERAL REGISTER on July 1, 1958 (23 FR 5011-5013), to give users of the waterway essential information and directions for transiting. Each year, the regulations and rules have been reviewed and amended, using the experience gained from past navigation seasons in proposing necessary changes. The last major revision of the regulations and rules was published in the FEDERAL REGISTER on March 22, 1974 (39 FR 10899) when the regulations and rules were consolidated into one set of regulations to eliminate repetition of the regulations in the rules and vice versa, and for clarity.

The proposed amendments are as follows:

§ 401.9 [Amended]

In § 401.9(b)(2), it is proposed to delete reference to the frequency 156.45 MHz. Due to reallocation of frequency use, this frequency is now used for public correspondence and cannot be used for marine traffic control. This is also the reason for proposing deletion of the words "156.45 MHz (Channel 9)—Working (Canadian Stations other than Lakes Ontario and Erie)" in § 401.61; for changing the three references to "Ch. 9" in § 401.63 to read "Ch. 11"; for deleting 156.45 in Schedule I, The St. Lawrence Seaway Application for Vessel Pre-Clearance under Radiotelephone Equipment; and in Schedule III, Call In Table, for changing all references to "Ch. 9" to read "Ch. 11".

§ 401.43 [Amended]

In the table following § 401.43, Mooring table, it is proposed to add "Iroquois" as a separate heading over Iroquois Lock since Iroquois Lock is part of the Iroquois Canal, not the Wiley Dondero Canal.

§ 401.61 [Amended]

In § 401.61, Assigned frequencies, it is proposed to add "Sector 3" between "Canadian Stations" and "Lake Ontario" in the description of frequency 156.55 MHz (Channel 11) to more clearly identify the area in which Channel 11 is used.

§ 401.63 [Amended]

In the table following § 401.63, Radio procedure, the call in channel for Seaway Clayton and Seaway Sodus should be changed to "Ch. 13" to reflect a change in traffic control responsibilities. This change is being made to provide continuity of traffic control procedures throughout the Seaway system. This also necessitates changing Schedule III by deleting references to "Call Ch. 16 Work Ch. 13" and replacing them with "Ch. 13".

§ 401.81 [Amended]

In § 401.81(a), Reporting an accident, it is proposed to delete the words "that might affect its ability to transit safely and expeditiously," in order to require

a uniform reporting of accidents on the Seaway without depending on whether or not the Master considers his vessel's ability to transit is affected.

In the Schedule I, The St. Lawrence Seaway Application for Vessel Pre-Clearance, the word "Seaway" should be added between "a" and "Transit" in the first line of the extract of paragraph 75(3) for clarity.

In Schedule II, opposite "Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Is.", it is proposed to change the speed in Column III to read "11 (9.5 knots)" since studies have indicated the desirability of a lower speed under any circumstances in this area.

In Schedule III, it is proposed to number each C.I.P. and Check Point for easier reference. Additionally, under Downbound Vessels, Message Content for C.I.P. 10-Entering Sector 2, items 3, 4, and 5 should be deleted since they were erroneously included in the last revision.

Interested parties may submit written data, views, or arguments in regard to the proposed amendments to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 (Attention: General Counsel). Comments received not later than February 28, 1975 will be considered. All comments received will be available for examination by interested parties at the office of the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended, and Sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 F.R. 21943)).

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.75-2483 Filed 1-27-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[No. 99.1.3]

CHIEF, EXCESS PROPERTY DIVISION, ET AL.

Redelegation of Authority Regarding Excess Property

A. Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1, dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby redelegate to certain officers the following authority:

1. To the Chief, Excess Property Division, and to the Chiefs, A.I.D. field offices of the Excess Property Division: So much of the function contained in section 608(a) of the Foreign Assistance Act of 1961, as amended (the Act), as consists of acquiring, storing, renovating, rehabilitating, packing, crating, handling, transporting, and other acts related thereto of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, or other property, in advance of known requirements. The exercise of this function is subject to such limitations as to the funds made available and as to the furnishing of such property as are contained in section 608(a) of the Act.

2. To the Chief, Operations Branch: To maintain stock record accountability for and financial inventory controls over property acquired by the Agency for International Development pursuant to section 608(a) of the Act.

3. With respect to the reconditioning by a contractor listed in the General Services Administration regional term contract price schedules or the Department of the Army national maintenance contracts of property acquired by the Agency for International Development pursuant to section 608(a) of the Act:

a. To the Chief, Excess Property Division, and to the Chief, Field Service Branch:

(1) To execute purchase orders for services and supplies for reconditioning and spare parts support required in relation to an item being reconditioned.

(2) To approve the contractor's invoices for direct payment to the contractor.

b. To the Chiefs, A.I.D. field offices of the Excess Property Division: To inspect and accept each item completed by the contractor.

4. To the Chief, Excess Property Division: To execute purchase orders for small purchases as defined in section 1-3.600 of the Federal Procurement Regulations for services and supplies required to carry on the operations of the excess property program.

5. To the Chief, Excess Property Division, and to the Chiefs, A.I.D. field offices of the Excess Property Division: To make the determinations prescribed under section 607(b) of the Act.

B. The authorities herein redelegated to the officers named above may not be redelegated further by those officers, but may be exercised by persons authorized by them to perform the functions of their office in an "Acting" capacity.

C. The authorities herein redelegated are to be exercised in accordance with the Federal Property Management Regulations promulgated by the General Services Administration and with the policies, regulations, and procedures promulgated within the Agency for International Development.

D. Actions within the scope of this redelegation hertofore taken by the officials designated herein are hereby ratified and confirmed.

E. Redelegation of Authority No. 99.1.3, dated August 19, 1974 (39 FR 31333), is hereby revoked.

F. This redelegation of authority shall be effective immediately.

Dated: January 21, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.75-2478 Filed 1-27-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Notice of Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Commissioner's Advisory Group will be held on February 25 and 26, 1975, beginning at 10 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members, there will be time for statements by non-members. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 2009, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-2516 Filed 1-27-75;8:45 am]

Office of the Secretary

[Dept. Circular, Public Debt Series—No. 4-75]

TREASURY BONDS OF 1995-2000

Dated and Bearing Interest From February 18, 1975; Due February 15, 2000

JANUARY 23, 1975.

I. INVITATION FOR TENDERS

Redeemable at the option of the United States at par and accrued interest on and after February 15, 1995.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $750,000,000, or thereabouts, of bonds of the United States, designated Treasury Bonds of 1995-2000. The interest rate for the bonds will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these bonds may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., e.s.t., Thursday, January 30, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 5¾ percent Treasury Notes of Series A-1975 and 5⅞ percent Treasury Notes of Series E-1975, maturing February 15, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

2. Deferred payment for 50 percent of the amount of bonds allotted may be made as provided in Section IV hereof. Delivery of bearer bonds will be made on February 18, 1975, except that delivery of that portion of the bonds on which payment is deferred will be made on March 3, 1975.

II. DESCRIPTION OF BONDS

1. The bonds will be dated February 18, 1975, and will bear interest from that date, payable on a semiannual basis on August 15, 1975, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 2000, but may be redeemed at the option of the United States on and after February 15, 1995, in whole or in part, at par and accrued interest on any interest

day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds; and the transfer of registered bonds will be permitted.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., e.s.t., Thursday, January 30, 1975. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in Section I which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the bonds. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $750,000,000 of bonds offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 1:30 p.m., e.s.t., Thursday, January 30, 1975.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before February 18, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, except that a bidder may elect to defer payment for not more than 50 percent of the amount of bonds allotted until March 3, 1975. Payment must be in cash, notes referred to in Section I (interest coupons dated February 15, 1975, should be detached), in other funds immediately available to the Treasury by February 18, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Tuesday, February 11, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, February 10, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Accrued interest from February 18 to March 3, 1975, will be charged on the face amount of bonds on which payment is deferred, at the coupon yield established for the bonds. Where partial payment for bonds allotted is to be deferred, delivery of 5 percent of the total par amount of bonds allotted, adjusted to the next higher $1,000, will be withheld from all bidders required to submit a 5 percent payment with tenders, until payment for the total amount allotted has been completed. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the bonds allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Bonds of 1995-2000 in the name

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of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secreatry of the Treasury for coupon Treasury Bonds of 1995–2000 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-2623 Filed 1-24-75;10:21 am]

[Dept. Circular, Public Debt Series—No. 3-75]

TREASURY NOTES OF SERIES C–1981

Dated and Bearing Interest From February 18, 1975; Due February 15, 1981

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,750,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series C–1981. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., e.s.t., Wednesday, January 29, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 5¾ percent Treasury Notes of Series A–1975 and 5⅞ percent Treasury Notes of Series E–1975, maturing February 15, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated February 18, 1975, and will bear interest from that date, payable on a semiannual basis on August 15, 1975, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1981, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., e.s.t., Wednesday, January 29, 1975. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,750,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.s.t., Wednesday, January 29, 1975.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before Tuesday, February 18, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, securities referred to in Section I (interest coupons dated February 15, 1975, should be detached), in other funds immediately available to the Treasury by February 18, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such bank or at the Treasury no later than: (1) Tuesday, February 11, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Monday, February 10, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series C–1981 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series C–1981 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-2622 Filed 1-24-75;10:21 am]

[Dept. Circular, Public Debt Series—No. 2-75]

TREASURY NOTES OF SERIES D–1978

Dated and Bearing Interest From February 18, 1975; Due May 15, 1978

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $3,000,000,000, or there abouts, of notes of the United States, designated Treasury Notes of Series D–1978. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., e.s.t., Tuesday, January 28, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 5¾ percent Treasury Notes of Series A–1975 and 5⅞ percent Treasury Notes of Series E–1975, maturing February 15, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated February 18, 1975, and will bear interest from that date, payable on a semiannual basis on November 15, 1975, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., e.s.t., Tuesday, January 28, 1975. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average

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accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $3,000,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.s.t., Tuesday, January 28, 1975.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before February 18, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, securities referred to in Section I (interest coupons dated February 15, 1975, should be detached), in other funds immediately available to the Treasury by February 18, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Tuesday, February 11, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, February 10, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with maturing securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series D–1978 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series D–1978 to be delivered to ----------." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-2580 Filed 1-24-75;10:21 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE SYSTEMS COMMAND ELECTRONIC SYSTEMS DIVISION ADVISORY GROUP

Closed Meeting

JANUARY 22, 1975.

The Air Force Systems Command Electronic Systems Division Advisory Group meeting will be held at Headquarters, Electronic Systems Division, Command Management Center, Building 1606, Hanscom Air Force Base, Massachusetts. The dates and times are as follows:

February 27, 1975—8 a.m.–4 p.m.
February 28, 1975—8 a.m.–12 p.m.

The meeting will be closed to the public. The agenda will consist of classified briefings and discussions on matters listed in 5 U.S.C. 552(b) (1) and (4) concerning ongoing and planned military electronics programs under the cognizance of the Electronic Systems Division.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4648.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-2458 Filed 1-27-75;8:45 am]

LANGLEY AIR FORCE BASE, VIRGINIA

Draft Environmental Statement; Justification for Late Notice of Public Hearing

JANUARY 23, 1975.

In 40 FR 3224, January 20, 1975, an informal public hearing was announced for January 29, 1975, concerning the draft environmental statement on a proposal to beddown F–15 fighter jets at Langley Air Force Base, Virginia.

Since notice of availability of the environmental statement was published in the FEDERAL REGISTER (40 FR 2467, January 13, 1975) and copies were made available in the locality affected, the late notice of the public hearing is considered reasonable under 44 U.S.C. 1508 and further delay in the date of the hearing would serve no useful purpose.

For further information, contact Colonel James E. Mathews, Staff Judge Advocate, 4500th Air Base Wing, Langley Air Force Base, Virginia 23665, 804–764–3276.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-2457 Filed 1-27-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Cancellation of Meeting

JANUARY 23, 1975.

The meeting (as published in 40 FR 2456, January 13, 1975) in Marietta, Georgia, on January 28–29, 1975, concerning the proposed modification to stretch the C–141 has been cancelled until further notice.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-2456 Filed 1-27-75;8:45 am]

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that a closed meeting of the DIA Scientific Advisory Committee will be held at the Pentagon on:

Wednesday & Thursday, 19–20 March 1975

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in section 552(b), Title 5 of the U.S. Code, therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 23, 1975.

[FR Doc.75-2431 Filed 1-27-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74–26]

BURTON K. WEISER

Hearing

Notice is hereby given that on October 25, 1974, the Drug Enforcement Administration, Department of Justice, issued to Burton K. Weiser, D.O., Philadelphia, Pennsylvania, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AW5508354, issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order was received by Dr. Weiser, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on March 10, 1975, in Room 1210, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: January 22, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2494 Filed 1-27-75;8:45 am]

[Docket No. 74–25]

CALVIN J. MAESTRO, M.D.

Hearing

Notice is hereby given that on November 19, 1974, the Drug Enforcement Administration, Department of Justice, issued to Calvin J. Maestro, M.D., Las Vegas, Nevada, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AM4321319, issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by Dr. Maestro, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on February 28, 1975, in the U.S. Court of Claims Hearing Room, Room 8549, 300 North Los Angeles Street, Los Angeles, California.

Dated: January 22, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2496 Filed 1-27-75;8:45 am]

[Docket No. 74–14]

DANIEL EDWARD MacLEAN

Hearing

Notice is hereby given that on October 30, 1974, the Drug Enforcement Administration, Department of Justice, issued to Daniel Edward MacLean, Los Angeles, California, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the Application for Registration under the Controlled Substances Act of 1970, of the Respondent executed on September 18, 1973, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said Order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on February 26, 1975, in the U.S. Court of Claims Hearing Room, Room 8549, 300 North Los Angeles Street, Los Angeles, California.

Dated: January 22, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2495 Filed 1-27-75;8:45 am]

[Docket No. 74–28]

YORK PHARMACY, INC.

Hearing

Notice is hereby given that on October 16, 1974, the Drug Enforcement Administration, Department of Justice, issued to York Pharmacy, Inc., Honolulu, Hawaii, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AY1080910, issued to it pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by York Pharmacy, and written request for a hearing having been filed with the Drug Enforcement Administration. Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on March 4, 1975, in the U.S. Court of Claims Hearing Room, Room 8549, 300 North Los Angeles Street, Los Angeles, California.

Dated: January 22, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-2493 Filed 1-27-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Number A 510]

ARIZONA

Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Reclamation Application A 510, for withdrawal and reservation of lands for implementation and construction of an irrigation system known as the Dixie Project, was published as FEDERAL REGISTER Document No. 67–106, 40 FR 95 in the issue of January 6, 1967. The applicant agency has cancelled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2091.2–5, such lands, at 10 a.m. on January 31, 1975, will be relieved of the segregative effect of the abovementioned application. However, the lands herein involved are included in Multiple Use Classification A 1351 for the West Hurricane-Virgin Resource Area and will remain segregated as provided in that classification.

Dated: January 20, 1975.

EDWARD F. SPANG,
State Director (Acting).

[FR Doc.75-2474 Filed 1-27-75;8:45 am]

[INT FES 75–10]

FORT MOHAVE LANDS, NEVADA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental statement for a proposed transfer of 9,000 acres of national resource lands to the Division of Colorado River Resources, representing the State of Nevada. The lands are located in Clark County, Nevada.

The environmental statement considers the impact of the transfer of these Federal lands to the State of Nevada and their subsequent development.

Copies are available for inspection at the following locations:

Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nevada 89502.
Las Vegas District Office, 301 East Stewart, Las Vegas, Nevada 89101.
Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.
Public Library, Las Vegas, Nevada.

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Public Library, Reno, Nevada.
State Library, Carson City, Nevada.

A limited number of copies of the statement are also available to the public, interested agencies, and groups at the Bureau of Land Management addresses listed above for the District, State, and Washington Offices.

Dated: January 23, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-2504 Filed 1-27-75;8:45 am]

Geological Survey

GENERAL ENVIRONMENTAL PROTECTION

Proposed Geothermal Resources Operational Order No. 4

Notice is hereby given that pursuant to 30 CFR 270.11, and in accordance with 30 CFR 270.41 et al., the Chief, Conservation Division, Geological Survey, proposes to approve GRO Order No. 4 for geothermal operations conducted in the Central and Western Regions as set forth below.

The purpose of proposed GRO Order No. 4 is to provide requirements to geothermal operators for general environmental protection measures.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, with a copy to the Area Geothermal Supervisor, 345 Middlefield Road, Menlo Park, California 94025, on or before March 1, 1975.

W. A. RADLINSKI,
Acting Director.

GEOTHERMAL RESOURCES OPERATIONAL ORDER No. 4

GENERAL ENVIRONMENTAL PROTECTION REQUIREMENTS

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.41, 270.42, 270.43 and 270.44. The lessee shall comply with the provisions of this Order. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. References in this Order to approvals, determinations or requirements are to those given or made by the Area Geothermal Supervisor (Supervisor) or his delegated representative.

Protection of the environment includes the lessee's responsibility to assure that exploration and development operations will be conducted with the maximum protection of the environment; that disturbed lands will be rehabilitated; that precautions will be taken to protect the public health and safety; and, that the lessee shall fully comply with the spirit and objectives of the National Environmental Policy Act of 1969, other Federal environmental legislation and supporting Executive Orders.

Prevention and mitigation of environmental impacts from geothermal-related activity shall be accomplished through enforcement of applicable Federal, State and local standards, and the application of existing technology. The occurrence of unacceptable environmental impacts which cannot be corrected shall be construed as grounds for suspension of operations as deemed necessary by the Supervisor.

Monitoring of all potential environmental impacts may be conducted by the use of aerial surveys, inspections, periodic sampling, continuous recordings or by such other means or methods as deemed necessary or appropriate by the Supervisor. Due to the natural environmental differences among geothermal areas, the extent and frequency of such monitoring activities will be determined by the Supervisor on an individual basis. The lessee shall be responsible for the monitoring of readily identifiable localized environmental impacts associated with specific activities that are under the control of the lessee. In the event the Supervisor determines that the degree and adequacy of existing environmental protection regulations in certain areas are insufficient, the Supervisor may establish additional and more stringent requirements by issuance of subsequent Orders or modifying existing Orders.

The lessee, in accordance with the requirements of 30 CFR 270.76, shall file in duplicate with the Supervisor, on or before March 1 of each year, an annual report of compliance with environmental protection requirements.

1. *Aesthetics.* The lessee shall reduce visual impact where feasible by the careful selection of sites for operations and facilities on the leased lands. The design and construction of facilities shall be conducted in a manner such that the facilities will blend into the natural environmental setting of the area by the appropriate use of landscaping, vegetation, compatible color schemes and minimum profiles. Native plants or compatible vegetation shall be used, where possible, for landscaping and revegetation.

2. *Land Use and Restoration.* The lessee's operating plans shall be designed so that operations will result in the least disturbance of soil, streams, and native vegetation and such plans shall provide for the restoration and revegetation of all disturbed lands in a manner approved by the Supervisor and the appropriate land management agency. Land restoration shall include preparation and seeding with prescribed wildlife food and plant cover or improved and acceptable substitutes thereof which equal or enhance the food values for indigenous wildlife species and domesticated animals.

The lessee shall maintain the leased lands in a safe and workmanlike manner at all times and remove or store all supplies and scrap in an orderly fashion.

The lessee's operations under a geothermal lease shall not unreasonably interfere with or endanger operations under any lease, license, claim, permit or other authorized use on the same lands.

3. *Public Access.* The public shall have free and unrestricted access to geothermal leased lands, excepting however, where restrictions are necessary to protect public health and safety or where such public access would unduly interfere with the lessee's operations or the security thereof. The lessee shall provide warning signs, fencing, flag men, barricades or other safety measures deemed necessary by the Supervisor, to protect the public, wildlife and livestock from hazardous geothermal or related activities.

4. *Recreation.* The lessee shall be restricted from drilling and other operations in close proximity to established recreation sites and access routes thereto. If the natural setting provides adequate shielding of visual and aesthetic impacts, then the Supervisor at his discretion, with the consent of the land management agency, may allow the lessee to conduct operations near such recreation areas and access routes, provided however, that no operations shall be conducted within a buffer zone of 200 feet around established recreational areas. Recreational values shall be adequately protected by the lessee through planning and designing of site development to minimize the aesthetic degradation of the particular recreation area.

5. *Erosion Control.* The lessee's operations shall be conducted in a manner such that there is minimum disturbance to natural drainage. The lessee shall provide adequate erosion and drainage control to prevent silts from disturbed sites entering water courses for soil and natural conservation protection.

Mitigating measures to lessen environmental damage shall include reseeding of disturbed soils, chemical stabilization, and dust and erosion control on well sites, roads and construction areas.

6. *Biota.* The lessee shall employ such measures as are deemed necessary by the Supervisor to protect fish and wildlife and their habitat including, but not limited to, the installation of wildlife watering devices where roads, well sites, or other developments created by the lessee alter natural springs.

The Supervisor at his discretion may request and use the expertise of Federal and State agencies and others as appropriate for advice and assistance in protecting fish and wildlife resources and values. Fish and wildlife population surveillance may be conducted by an appropriate government agency to detect significant adverse trends for the Supervisor's guidance as a basis for requiring necessary corrective actions.

7. *Cultural Resources Preservation.* The lessee shall exercise due diligence in the conduct of his operations to protect and preserve significant archaeological, historical, cultural, paleontological and unique geologic sites. The lessee shall not disturb any known cemetery or burial ground of any group or culture.

Unknown sites uncovered by the lessee shall be immediately reported to the Supervisor and operations on the particular site shall cease until said site can be assessed for its archaeological value and preservation.

The necessary controls and stipulations for the protection and preservation of archaeological and historical sites determined by a qualified archaeologist to have a significant value shall be issued on an individual basis by the Supervisor as warranted.

The preservation, restoration, maintenance and nomination of all resources to the National Register of Historic Places shall be in accordance with the provisions of Executive Order 11593 (36 FR 8921) entitled "Protection and Enhancement of the Cultural Environment."

8. *Subsidence Detection.* In the event subsidence or seismic activity results from the production of geothermal resources, as determined by monitoring activities by the lessee or a governmental body, the lessee shall take such mitigating actions as required by the lease terms or by the Supervisor.

Monitoring of the land surface prior to and during geothermal resources production can be helpful in a determination of the general stability of the leased lands particularly in certain geothermal areas such as the Imperial Valley in California which is currently undergoing subsidence from natural causes wholly unrelated to the production of geothermal resources. Production data, pressures, reinjection rates and volumes shall be accurately recorded and filed monthly with the Supervisor as provided in 30 CFR 270.37.

Remedial action for the prevention of subsidence or seismicity—based upon the Supervisor's assessment of the significance of the problem—may entail reduction in production rates, suspension of production, or an escalation of reinjection of waste or other fluids.

A. *Surveys.* All required surveys shall be second order or better and shall be conducted under the direct supervision of a registered civil engineer or licensed land surveyor using equipment acceptable by the National Ocean Survey for second order surveys. All such work shall be coordinated with the county surveyor of the county in which the surveys and bench marks are to be established. Level lines and networks shall be tied to existing regional networks, where available, and resurveyed annually.

Adjusted survey data shall be filed with the Supervisor within 60 days after leveling is completed. The lessee of a commercially productive geothermal well or wells shall participate in any proposed or developed cooperative County-State subsidence detection program. All survey data filed with the Supervisor shall become part of the public domain.

B. *Bench Marks.* One or more wellsite bench marks shall be required at each completed well, prior to prolonged production, and said bench marks shall be located in a manner such that there is a minimal probability of destruction or damage to said bench marks. Wellsite bench marks shall be tied to existing regional networks. Additional bench marks between the wellsites and the regional network shall be at half-mile intervals or as otherwise specified by the Supervisor.

Acceptable bench marks include, but are not limited to, a brass rod driven to refusal or 9 metres (about 30 feet) and fitted with an acceptable brass plate, and a permanent structure with an installed acceptable brass plate.

C. *Reservoir Data.* Initial reservoir pressure and static equilibrium reservoir temperature shall be reported to the Supervisor in duplicate on Well Completion or Recompletion Report (Form 9–330C) for all completed wells within 30 days after the completion of measurements or tests conducted for the purpose of obtaining such data. Initial production test data including steam-water ratio, surface pressure and temperature, and quality and quantity of well effluent shall also be filed with the Supervisor on Form 9–330C within 30 days after a well is completed.

D. *Seismic Monitoring.* The installation of seismographs or other like instruments in producing geothermal areas for the purpose of monitoring potential seismic activity may be initiated from time to time by appropriate public agencies. The lessee and the appropriate public agency should take care not to unreasonably interfere with or endanger each other's respective operations. The Supervisor shall coordinate such monitoring programs between the appropriate public agency conducting the program and the lessee.

9. *Pollution and Waste Disposal.* The lessee shall comply with all applicable Federal and State standards with respect to the control of all forms of air, land, water and noise pollution, including the control of erosion and the disposal of liquid, solid and gaseous wastes. The Supervisor may, at his discretion, establish additional and more stringent standards and, if he does so, the lessee shall comply with those standards. Plans for disposal of well effluents must be approved by the Supervisor before action is taken under them. Immediate corrective action shall be taken in all cases where pollution has occurred.

The lessee shall remove or dispose of all waste including human waste, trash, refuse and extraction and processing waste generated in connection with the lessee's operations in a manner acceptable to the Supervisor.

The lessee shall provide safeguards to minimize potential accidental fires and shall instruct field personnel in fire prevention methods. The lessee shall maintain fire-fighting equipment in working order at strategic locations on the leased lands.

A. *Pollution Prevention.* In the conduct of all geothermal operations, the lessee shall not contaminate any natural waters, adversely affect the environment or materially damage the aesthetic values of the leased or adjacent property.

(1) *Liquid Disposal.* Liquid well effluent or the liquid residue thereof containing substances, including heat, which may be harmful or injurious in any manner shall be reinjected into the geothermal resources zone or such other formation as is approved by the Supervisor.

Drilling fluids shall be disposed of at approved disposal sites or in such other manner as approved by the Supervisor.

(2) *Solid Waste Disposal.* Drill cuttings, sand, precipitates and other solids shall be disposed of as directed by the Supervisor either on location or at other approved disposal sites. Mud and chemical containers and other solid waste materials shall be disposed of in specified places.

(3) *Gas Disposal.* Noncondensible gases such as carbon dioxide, ammonia and hydrogen sulfide may be vented or ejected into the atmosphere, provided however, that the volume and the measured concentration of such vented gas or gases shall not violate Federal, State or local air pollution standards.

(4) *Pits and Sumps.* Pits and sumps shall be lined with impervious material and purged of environmentally harmful chemicals and precipitates before back-filling. In no event shall the contents of a pit or sump be allowed to contaminate streams, lakes and ground waters or adversely affect the natural environment of the area or damage the aesthetic values of the property. When no longer used or useful, pits and sumps shall be back-filled and the premises restored to a near natural state or an improvement thereon as prescribed by the Supervisor.

(5) *Production Facilities Maintenance.* Production facilities shall be operated and maintained at all times in a manner necessary to prevent pollution. The lessee's field personnel shall be instructed in the proper maintenance and operations of production facilities for the prevention of pollution.

B. *Inspections and Reports.* Lessees shall comply with the following pollution inspection and reporting requirements.

(1) *Pollution Inspections.* Drilling and production facilities shall be inspected daily by the lessee. Appropriate preventative maintenance shall be performed as necessary to prevent failures and malfunctions which could lead to pollution. Suspended wells, completed nonproducing (idle) wells and areas or fields not under production shall be inspected at intervals as prescribed by the Supervisor. Necessary repairs or maintenance shall be made as required.

(2) *Pollution Reports.* All minor leakage or spills in violation of Federal, State or local pollution standards shall be reported orally within 24 hours to the appropriate Geothermal District Supervisor, and shall be followed within 10 days thereof by a written report stating the cause and corrective action taken.

All substantial spills or leakage of pollutants and those of any size or quantity which cannot be immediately controlled or any significant effect on the environment created by the lessee's operations shall be reported orally within 24 hours to the Supervisor. The lessee shall then submit a written report, within 30 days, stating the cause and the corrective action taken.

Emissions into the atmosphere of noncondensible or toxic gases such as hydrogen sulfide and ammonia shall be reported as hereinabove required for minor or substantial leakage.

C. *Injection.* The use of any subsurface formation, including the geothermal resources zone, for well effluent disposal, the residue thereof or for the injection of fluids for other purposes such as subsidence prevention, shall not be permitted until the lessee has submitted a plan of injection covering the proposed injection project and has subsequently received the Supervisor's written approval thereof.

(1) *Plan of Injection.* The plan of injection shall include the quantity, quality and source of the proposed injection fluid; the means and method by which the fluid is to be injected; a structure map contoured on the intended injection zone; and cross-sections showing producing well locations and the proposed injection well location(s). A copy of the lessee's plan of injection shall be submitted to adjacent lessees if required.

(2) *Injection Report.* The lessee shall file in duplicate with the Supervisor a Monthly Water Injection Report on a form prescribed by and available from the Supervisor. The subject report shall be filed on or before the last day of the month following the month for which the report is filed.

(3) *Inspection.* Injection wells and facilities shall be inspected at intervals as prescribed by the Supervisor to ascertain that all injected fluids are confined to the approved injection zone. A spinner survey, a radioactive tracer survey and a cement bond log may be required on each injection well within 30 days after injection begins. The lessee shall furnish to the Supervisor two legible exact copies of any and all such surveys and logs. In the event of a casing failure, inadequate annular cement or other mechanical failure, the lessee shall without unreasonable delay repair, suspend or abandon the well.

(4) *New Wells.* The drilling of new injection wells in accordance with an approved plan of injection shall be in conformance with the provisions of GRO Order No. 2. An Application for Permit to Drill, Form 9–331C, shall be filed in triplicate for each injection well.

(5) *Conversions.* The conversion of an existing well to an injection well in accordance with or modification of an approved plan of injection shall be in conformance with the requirements of GRO Order No. 2. The lessee shall demonstrate to the satisfaction of the Supervisor by appropriate testing and logging that the well is mechanically sound and suitable for injection purposes. A Sundry Notice, Form 9–331, shall be filed in triplicate for each conversion.

10. *Water Quality.* The primary responsibility for water quality and pollution control has been delegated to the States where such States have standards approved by the Environmental Protection Agency. Such States must meet basic Federal requirements prohibiting the deterioration of waters whose existing quality is higher than established water quality standards. The lessee shall comply with the State water quality control organization's requirements in such States as have federally approved standards. The Supervisor, at his discretion, may establish additional and more stringent standards and, if so, the lessee shall comply with such standards.

The lessee shall file, in duplicate, water analysis reports with the Supervisor. Such analyses shall include a determination of arsenates, borates, radioactive content and radioactivity of the produced fluids. In the

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event that a health hazard exists, the Supervisor shall issue an Order requiring appropriate health and safety precautions and periodic monitoring. Such Order shall require the suspension of production if radioactivity is present and cannot be held to an acceptable level.

11. *Noise Abatement.* The lessee shall minimize noise during exploration, development and production activities. The method and degree of noise abatement shall be as approved by the Supervisor.

The lessee shall conduct noise level measurements during exploration, development and production operations to determine the potential objectionability to nearby residents as well as the potential health and safety danger due to noise emissions.

Noise level measurements and accompanying data shall be filed with the Supervisor. Such data shall provide the basis for operational and noise control decisions by the Supervisor and shall be based on an assessment of the noise with respect to established local, State or Federal criteria including adjustments for the area involved and the time of day of the noise occurrence.

The lessee shall comply with Federal occupational noise exposure levels applicable to geothermal activity under the Occupational Safety and Health Act of 1970 as set forth in 29 CFR 1910.95 incorporated herein by reference or with State standards for protection of personnel where such State standards are more restrictive than Federal standards.

A. *Noise Measurement Conditions.* Outdoor measurements shall be made at least 10 feet from structures, facilities or other sound reflecting sources and from 3 to 4 feet above ground level. Extreme weather conditions, electrical interference and unusual background noise levels shall be avoided or given due consideration when measuring sound levels.

B. *Noise Measurements.* The lessee shall monitor and measure noise levels using an octave band noise analyzer with an A-weighted frequency response or a standard sound level meter that conforms to the requirements set forth in USA Standard Specifications for General Purpose Sound Level Meters USASI S1.4–1961 or the latest approved revision thereof. Bandpass filters shall conform to the requirements of USASI S1.11–1966. The lessee shall measure noise level frequency distribution as required by the Supervisor. Sound levels shall be measured in conformance with the USA Standard-Method for the Physical Measurement of Sound USASI S1.2–1962.

C. *Noise Criteria.* In the absence of more restrictive criteria as may be established in this paragraph, the lessee shall not exceed a noise level of 65 dB(A) for all geothermal-related activity including but not limited to exploration, development or production operations as measured at the lease boundary line or one-half mile from the source, whichever is greater, using the A-weighted network of a standard Sound Level Meter. Provided, however, that the permissible noise level may be exceeded, with the Supervisor's approval, under emergency conditions or if written permission is obtained by the lessee from all parties affected by the noise which is in excess of 65 dB(A).

D. *Noise Assessment.* The lessee shall be responsible for taking such noise level measurements as are deemed necessary by and in the presence of the Supervisor. The background noise level shall serve as the criterion for the rating and assessment, by the Supervisor, of the objectionableness of noise emission from a particular source. The background or ambient noise is defined hereby as the minimum sound level at the relevant place and time in the absence of the source noise and shall include consideration for the type of land use, the season and the time of day.

E. *Attenuation.* To attenuate objectionable noise, the lessee shall utilize properly designed muffling devices as required by the Supervisor.

F. *Relationships.* Reference levels and relationships for noise measurements shall be as follows:

(1) Reference sound pressure for airborne sounds shall be 20 MN/m² (20 micronewtons per square metre).

(2) Reference power shall be 10^{-12} watts.

(3) Sound levels shall be measured using a standard Sound Level Meter with an "A" frequency response characteristic (weighting network).

(4) Sound level meter controls shall be set for as uniform a frequency response as possible when measuring sound pressure levels.

(5) Octave band noise levels shall be reported in equivalent A-weighted levels.

B. *Record of Sound Measurements.* A record of sound level measurements shall be filed in duplicate with the Supervisor and shall include the following data:

(1) Date and time.

(2) Name of observer.

(3) Description of primary noise source emitter under test.

(4) Kind of operation and operating conditions.

(5) Description of secondary noise sources including location, type and kind of operation.

(6) Type and serial numbers on all microphones, sound level meters and octave band analyzers used. Length and type of microphone cables.

(7) Position of observer.

(8) Direction of arrival of sound with respect to microphone orientation.

(9) Approximate temperature of microphone.

(10) Results of maintenance and calibration tests.

(11) Weighting network and meter speed used.

(12) Measured overall response and band levels at each microphone position and extent of meter fluctuation.

(13) Background overall response and band levels at each microphone position with primary noise source not operating.

(14) Cable and microphone corrections.

(15) Any other pertinent data such as personnel exposed directly and indirectly, time pattern of the exposure, attempts at noise control and personnel protection.

Effective: ----------

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-2435 Filed 1-27-75;8:45 am]

GRASS CREEK, WYOMING

Known Leasing Area (Coal)

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 243 Departmental Manual No. 1, and Secretary's Order No. 2948, Federal lands within the State of Wyoming have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage are as follows:

(50) WYOMING

Grass Creek (Wyoming) Known Leasing Area (Coal); September 27, 1974; 1,360 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

Dated: January 20, 1975.

V. E. MCKELVEY,
Director.

[FR Doc.75-2481 Filed 1-27-75;8:45 am]

SYSTEM DESIGN ANALYSIS

Intention To Develop an OCS Order and Standard; Correction

In reference to the earlier notice entitled "Notice of Intention to Develop an OCS Order and Standard Concerning Systems Design Analysis" published in the FEDERAL REGISTER (40FR2597), the third paragraph should be changed to read as follows:

The required data submittal from the operator to the U.S. Geological Survey will be a synopsis in the form of a matrix of the analysis which has been performed. The purpose of this matrix is to rank the criticality of those devices, the failure of which could result in environmental pollution, fires, explosions, personnel injury, or loss of life. It is anticipated that the format and content of the matrix will be established by the accompanying Standard. The synopsis will be submitted to the Geological Survey as early as possible in the equipment design phase, thus allowing necessary time for Geological Survey review and approval prior to the final design review of the equipment by the operating company.

HENRY W. COULTER,
Acting Director.

[FR Doc.75-2475 Filed 1-27-75;8:45 am]

VALE HOT SPRINGS, OREGON

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1G, the following described lands are hereby defined as an addition to the known geothermal resources areas:

(37) OREGON

VALE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA WILLAMETTE MERIDIAN, OREGON

T. 20 S., R. 45 E.,
SECS. 2, 3, 10, 11.

The area described aggregates 2,523 acres, more or less.

Dated: January 22, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-2482 Filed 1-27-75;8:45 am]

National Park Service

[Order No. 1]

ADMINISTRATIVE OFFICER, ET AL., BUFFALO NATIONAL RIVER, HARRISON, ARKANSAS

Delegation of Authority

Sec. 1 *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Sec. 2 *Supervisory Park Ranger.* Supervisory Park Ranger may issue purchase orders not in excess of $1,000 for supplies or equipment in accordance with applicable regulations and statutory authority and subject to availability of appropriated funds.

Sec. 3 *Facility Manager.* The Facility Manager may issue purchase orders not in excess of $1,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77, 38 FR 7478, dtd. March 22, 1973, as amended. Southwest Region Order No. 5, 37 FR 7722, as amended)

DONALD M. SPALDING,
Superintendent, Buffalo National River.

[FR Doc.75-2429 Filed 1-27-75;8:45 am]

[Order No. 3]

ADMINISTRATIVE OFFICER, ET AL., GETTYSBURG NATIONAL MILITARY PARK, PENNSYLVANIA

Delegation of Authority

Section 1. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts not in excess of $25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any area administered by Gettysburg National Military Park.

Section 2. *Administrative Technician.* The Administrative Technician may issue purchase orders not in excess of $2,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Technician in behalf of any area administered by Gettysburg National Military Park.

Section 3. *Revocation.* This order supersedes Order No. 2 dated May 12, 1972 and published in 37 FR 11735 on June 13, 1972, as amended.

(National Park Service Order No. 77, (38 FR 7478) as amended; Mid-Atlantic Region Order No. (39 FR 3664)

Dated: October 11, 1974.

JOHN R. EARNST,
Superintendent, Gettysburg National Military Park.

[FR Doc.75-2430 Filed 1-27-75;8:45 am]

Bureau of Reclamation

[INT FES 75-11]

HUNTINGTON CANYON GENERATING STATION, UTAH

Availabilty of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Reclamation, Department of the Interior, in cooperation with the Forest Service, Department of Agriculture, has prepared a final environmental statement concerning the construction of a second 415–MW coal-fired generating unit at the Utah Power and Light Company's Huntington Canyon Generating Station, near Price, Utah, and construction of a 345–KV, 75-mile-long transmission line from the station to Sigurd, Utah. The purpose of the proposed second unit is to satisfy power demands expected to develop in the near future and to maintain power reserves at a level sufficient to avoid interruption of service.

A draft environmental statement on the proposed action (INT DES 74–51) was filed with the Council on Environmental Quality and released to the public on May 1, 1975. A public hearing on the draft environmental statement was held in Salt Lake City, Utah, on June 18, 1974. Comments received at the public hearing and by mail are included and answered in the final environmental statement.

Copies of the final environmental statement are available for inspection at the following locations:

Office of Assistant to the Commissioner-Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343–4991.

Division of Engineering Support, Technical Services and Publications Branch, Bureau of Reclamation, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234–3007.

Office of the Regional Director, Bureau of Reclamation, 125 S. State Street, Salt Lake City, Utah 84111, Telephone (801) 524–5409.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: January 23, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-2505 Filed 1-27-75;8:45 am]

Office of the Secretary

[INT FES 75-9]

LIVESTOCK GRAZING MANAGEMENT FOR NATIONAL RESOURCE LANDS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for livestock grazing management.

The Statement addresses itself to the livestock grazing management program on lands administered by the Bureau of Land Management. It discusses the environmental impacts of livestock grazing and considers alternative levels of management.

Copies are available for inspection at the following locations:

Alaska State Office: 555 Cordova Street, Anchorage, Alaska 99501.

Arizona State Office: Federal Building, Room 3022, Phoenix, Arizona 85025.

California State Office: 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Colorado State Office: 1600 Broadway, Room 700, Denver, Colorado 80202.

Idaho State Office: Federal Building, Room 398, 550 West Fort Street, Boise, Idaho 83702.

Montana State Office: (N. Dak., S. Dak.) Federal Building, 316 North 26th Street, Billings, Montana 59101.

Nevada State Office: (Federal Building, 300 Booth Street, Reno, Nevada 89502.

New Mexico State Office: Federal Building, P.O. Box 1449, Santa Fe, New Mexico 87501.

Oregon State Office: (Washington) 729 Northeast Oregon Street, P.O. Box 2965, Portland, Oregon 97208.

Utah State Office: Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

Wyoming State Office: (Nebr., Kansas) 2120 Capitol Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Washington, D.C.: Office of Public Affairs, Room 5625, Interior Building, Washington, D.C. 20240.

For All Other States: Eastern States Office: Robin Building, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

Copies may be obtained by writing the Director (130), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

Dated: January 22, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-2508 Filed 1-27-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL ADVISORY COMMITTEE ON GRAINS—WHEAT, FEED GRAINS AND SOYBEANS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the meeting of the National Advisory Committee on Grains—Wheat, Feed Grains and Soybeans. This meeting will be held on

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February 12–13, 1975. The session will commence with a joint meeting of the Grain and Cotton Advisory Committees in Room 218–A of the Administration Building, United States Department of Agriculture at 9 a.m., February 12, 1975. Following the joint meeting, the Grain Advisory Committee will meet to discuss the current domestic and foreign supply-demand situation and the 1975 supply outlook. The committee sessions will be open to the public. Any member of the public may file a written statement with the committee before or within one week following the meeting.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from: Kenneth T. Benjamin, Director, Grain Division, ASCS, South Building, Room 5741, Washington, D.C., Telephone: 202–44–77954.

Signed at Washington, D.C., on January 23, 1975.

KENNETH T. BENJAMIN,
Executive Secretary, National Advisory Committee on Grains.

[FR Doc.75–2509 Filed 1–27–75;8:45 am]

NATIONAL COTTON ADVISORY COMMITTEE

Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Cotton Advisory Committee on February 12–13, 1975, beginning at 9 a.m., on February 12, in Room 218–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

The purpose of the meeting is to consider the various aspects of the cotton situation including the production, marketing and consumption of cotton, both in the U.S. and abroad, as well as cotton programs and the outlook ahead. The meeting will be open to the public. Any member of the public may file a written statement with the Committee, before or within one week following the meeting.

The names of the members of the Committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Terrance G. Harman, Director, Cotton, Rice & Oilseeds Division, Room 5725–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Signed at Washington, D.C. on January 23, 1975.

TERRANCE G. HARMAN,
Executive Secretary, National Cotton Advisory Committee.

[FR Doc.75–2510 Filed 1–27–75;8:45 am]

Forest Service

SUPERIOR NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a Land-for-Land Exchange Proposed by Inland Steel Company in the Superior National Forest, USDA–FS–FES–(Adm)–74–44.

The environmental statement concerns a proposed land exchange between Inland Steel Company and the United States.

This final environmental statement was transmitted to CEQ on January 22, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
Superior National Forest
Federal Building
Duluth, Minnesota 55801

USDA, Forest Service
Virginia Ranger District
Virginia, Minnesota 55792

USDA, Forest Service
Aurora Ranger District
Aurora, Minnesota 55705

A limited number of single copies are available upon request to Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ Guidelines.

R. MAX PETERSON,
Deputy Chief for Programs and Legislation.

JANUARY 22, 1975.

[FR Doc.75–2439 Filed 1–27–75;8:45 am]

UMPQUA NATIONAL FOREST, OREGON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the management of Dumont, Quartz and Last Creek Roadless Areas, Umpqua National Forest, Oregon. USDA–FS–R–6–DES–(Adm)–75–06.

The environmental statement concerns a proposal for management direction of three roadless areas within the Umpqua National Forest, Douglas County, State of Oregon.

This draft environmental statement was transmitted to CEQ on January 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Umpqua National Forest
Federal Office Building
Roseburg, Oregon 97470

A limited number of single copies are available upon request to Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470. Comments must be received by March 21, 1975, in order to be considered in the preparation of the final environmental statement.

R. MAX PETERSON,
Deputy Chief, Forest Service.

JANUARY 22, 1975.

[FR Doc.75–2438 Filed 1–27–75;8:45 am]

Office of the Secretary

FEED GRAIN DONATIONS

Cheyenne River Indian Lands in South Dakota

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Cheyenne River Indian Lands in South Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These lands are reservations or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commoidty Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on January 23, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75–2512 Filed 1–27–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Meeting

The Advisory Committee on East-West Trade will meet from 9:30 a.m. to 12:30 p.m. on March 14, 1975, in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. (Public entrance to the building is on 14th Street between Constitution Avenue and E Street, NW.)

The Committee was established in February 1974 to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to facilitate and coordinate the expansion of two-way trade with countries having centrally planned economies.

The agenda for the meeting is:

(1) Review of order-ranking of industry problems.

(2) Review of comments on Contracts study.

(3) Review of trade promotion activities and comments on possible publication.

(4) Overview of export control activities.

(5) Review of items submitted by the public.

The meeting will be open to public observation; and within the limits of time available a period will be set aside for oral comments or questions by the public which do not exceed 5 minutes. More extensive questions or comments should be submitted in writing before March 10. Other public statements regarding committee affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of the minutes will be available on request 15 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Robert Frothingham, III, Liaison Officer, Trade Development Assistance Division, Office of East-West Trade Development, Bureau of East-West Trade, Domestic and International Business Administration, Room 4818, Main Commerce Building, telephone: 202/967–3353.

Dated: January 20, 1975.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary for East-West Trade.

[FR Doc.75–2426 Filed 1–27–75;8:45 am]

EVANSTON HOSPITAL, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER. Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00292–00–46040. Applicant: Evanston Hospital, 2650 Ridge Avenue, Evanston, IL 60201. Article: Universal Camera. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for investigation of tissue changes in various human diseases and experimental animals, e.g., kidney, lung, and tumors. In addition, the article will be used in the training of pathology residents. Application received by Commissioner of Customs: December 31, 1974.

Docket number: 75–00293–33–43780. Applicant: The University of Texas System Cancer Center, 6723 Bertner Drive, Houston, Texas 77025. Article: Cervitron-II, Intrauterine Applicator, Vaginal Applicator and ^{137}Cesium Sources. Manufacturer: Nuclear Engineering and Equipment, S.A., Switzerland. Intended use of article: The article will be used to investigate the physical and biological properties of the high energy radiations produced in research to develop the articles for use in radiation therapy for cancer patients. The article will also be used to teach medical physicists, dosimetrists, and residents in radiotherapy. Application received by Commissioner of Customs: December 31, 1974.

Docket number: 75–00294–00–46040. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Field Emission Gun. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used to provide a necessary and essential improvement in both intensity and coherence of illumination for an existing electron microscope being used for the following: (1) Investigation of the loss of resolution and the loss of image quality and due to processes of radiation damage that occur in the electron bean, for biological specimens (sic), (2) High resolution microscopy of single atoms, and (3) Routine biological electron microscopy of thin sectioned material, negatively stained material, etc. Application received by Commissioner of Customs: December 31, 1974.

Docket number: 75–00296–75–77000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, PO Box 999. Article: Fast Neutron Spectrometer, Model LC–7 and Preamplified Ortec Model 120–3F and accessories. Manufacturer: Technion Research & Development Foundation, Ltd., Israel. Intended use of article: The article is intended to be used to measure the energy spectra of neutrons emitted from certain fission products called delayed-neutron emitters. Application received by Commissioner of Customs: December 31, 1974.

Docket number: 75–00297–33–46500. Applicant: University of Tennessee, Department of Ornamental Horticulture, PO Box 1071, Knoxville, Tennessee 37901. Article: Ultramicrotome, Modei LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for research on the tunica-corpus structure of shoot apical meristems, the origin of leaf primordia from the apical dome; primary tissue differentiation resulting from apical meristem activity; and the transformation of shoot apices from vegetative to reproductive structures. The article will be used to section shoot apex samples embedded in epoxy plastic, in precise planes longitudinal to the growth axis, for observation of cellular ultrastructure in the electron microscope and histogenic organization in the light microscope. The article will also be used to train students interested in ultramicrotomy of plant tissues in the use of the article on an individual basis. Application received by Commissioner of Customs: December 31, 1974.

Docket number: 75–00298–98–41200. Applicant: Syracuse University Purchasing Department, Skytop Offices, Syracuse, New York 13210. Article: Reflex Klystron. Manufacturer: Varian of Canada Ltd., Canada. Intended use of article: The article is intended to be used to permit extending the magnetic field and temperature domain in research in which electron spin resonance will be induced in silicon at cryogenic temperatures and at magnetic field of approximately 70 KOe. Other semiconductors, such as germanium, III–V and II–VI compound semiconductors, will also be similarly investigated. Application received by Commissioner of Customs: December 31, 1974.

Docket number: 75–00299–99–90000. Applicant: University of Mississippi Medical Center, 2500 North State Street, Jackson, Mississippi 39216. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to demonstrate and analyze certain physical properties of normal cerebral tissues and a wide variety of pathological lesions involving the brain and related structures without patient hazard or

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even discomfort. The article will also be used to teach technologists and physicians how to make the computerized radiological images now possible. It will be used to teach Radiologists, Neurologists, Neurosurgery (SIC) and other physicians, as well as medical students how to interpret these images. Finally, it will be used to teach these professionals how to integrate the knowledge gained into current medical practice with the object of decreasing patient morbidity and mortality, and to increase the quality of medical care. Application received by Commissioner of Customs: December 31, 1974.

Docket number: 75–00300–33–46500. Applicant: University of California at San Diego, Department of Biology, P.O. Box 109. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to carry out experiments on the behavior of plasma membranes and membranes of various organelles in regard to such phenomena as the immune response, pino- and phagocytosis, secretion, ion pumping, and the movement of proteins within and across membranes. In addition, the modification of these phenomena under the influence of various chemicals will be studied. Application received by Commissioner of Customs: December 31, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–2455 Filed 1–27–75;8:45 am]

National Oceanic and Atmospheric Administration

FLIPPER'S SEA SCHOOL

Issuance of a Permit To Take Marine Mammals

On October 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 35828), that an application had been filed with the National Marine Fisheries Service by Flipper's Sea School, Marathon Shores, Florida Keys, Florida 33052 for a permit to take eleven (11) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on January 13, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service, issued a permit to take six bottlenosed dolphins to Flipper's Sea School subject to certain conditions set forth therein. The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: January 13, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75–2444 Filed 1–27–75;8:45 am]

INSTITUTE OF MARINE SCIENCE

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the regulations governing the taking and importing of marine mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to Robert Elsner, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99701 on July 3, 1974, is modified in the following manner:

Of the one hundred-ten (110) animals to be taken by killing, as authorized by the Permit, thirty (30) may be captured, held in captivity and subsequently killed in the course of the research activities described in the application and supplementary documentation.

This modification is effective January 28, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: January 20, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75–2442 Filed 1–27–75;8:45 am]

LINCOLN PARK ZOOLOGICAL GARDENS

Issuance of Permit for Marine Mammals

On October 21, 1974, notice was published in the FEDERAL REGISTER (39 FR 37409) that an application had been filed with the National Marine Fisheries Service by the Lincoln Park Zoological Gardens, Chicago, Illinois 60614, for a permit to take seven California sea lions (*Zalophus californianus*) and two Pacific harbor seals (*Phoca vitulina richardii*) for the purpose of public display.

Notice is hereby given that, on January 14, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to the Lincoln Park Zoological Gardens, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 14, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75–2447 Filed 1–27–75;8:45 am]

LITTLE ROCK ZOO

Issuance of Permit to Take Marine Mammals

On September 17, 1974, notice was published in the FEDERAL REGISTER (39 FR 33386), that an application had been filed with the National Marine Fisheries Service by the Little Rock Zoo, Little Rock, Arkansas 72201, for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on January 15, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to the Little Rock Zoo, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Southwest Region 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 15, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75–2445 Filed 1–27–75;8:45 am]

ST. LOUIS ZOOLOGICAL PARK

Issuance of a Permit To Take Marine Mammals

On October 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 35830) that an application had been filed with the National Marine Fisheries Service by the St. Louis Zoological Park, Forest Park, St. Louis Missouri, 63110 for a public display permit to take three California sea lions (*Zalophus californianus*).

Notice is hereby given that on January 17, 1975, and as authorized by the

provisions of the Marine Mammal Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service, issued a permit for the above mentioned taking to the St. Louis Zoological Park, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida, 33702, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 17, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75–2443 Filed 1–27–75;8:45 am]

THEATER OF THE SEA, INC.

Issuance of a Permit for Marine Mammals

On September 17, 1974, notice was published in the FEDERAL REGISTER (39 FR 33386), that an application had been filed with the National Marine Fisheries Service by Theater of the Sea, Inc., P.O. Box 407, Islamorada, Florida 33036, for a Permit to take 3 Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that, on January 15, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit authorizing the above mentioned taking to Theater of the Sea, Inc. subject to certain conditions set forth therein. This Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and in the Office of the Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: January 15, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75–2446 Filed 1–27–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–713; NDA 6–198, etc.]

GILLETTE MEDICAL EVALUATION LABORATORIES, ET AL.

New Drug Applications; Notice of Withdrawal of Approval

In this notice the Food and Drug Administration is withdrawing approval of seventeen new drug applications, effective February 7, 1975.

The holders of the new drug applications listed herein have not submitted annual reports of experience with the drugs as required and have advised the Food and Drug Administration that the new drugs involved were never marketed or marketing has been discontinued. The applicants have requested withdrawal of approval of the new drug applications, and waive their opportunity for a hearing.

NDA No.	Drug	Firm
6–198	Gillette Lather/ Brushless Shave Cream with hexachlorophene.	Gillette Medical Evaluation Laboratory, 1413 Research Blvd., Rockville, Md. 20850.
6–331	Tagathen Tablets (chlorothen citrate).	Lederle Laboratories, a Division of American Cyanamid Co., Pearl River, N.Y. 10965.
6–520	Novocain Solution, 20% (procaine HCl).	Winthrop Laboratories, 90 Park Ave., New York, N.Y. 10016.
7–099	Boyle A–H Tablets (pyrilamine maleate).	Boyle & Co., 6330 Chalet Dr., Los Angeles, Calif. 90022.
7–171	Pyranisamine Maleate Tablets, 25 mg.	Invenex Pharmaceuticals, Division of the Mogul Corp. (Ohio), P.O. Box 122, Grand Island, N.Y. 14072.
7–193	Antihistamine Coated Tablets (pyranisamine maleate).	KV Pharmaceutical Co., 2503 South Hanley Rd., St. Louis, Mo. 63144.
7–652	Bena-Fedrin (ephedrine with diphenhydramine).	Parke, Davis & Co., Joseph Campan at the River, Detroit, Mich. 48232.
8–208	Statomin Tablets (pyrilamine maleate).	Bowman Pharmaceuticals, Inc., 119 Schroyer Ave. SW., Canton, Ohio 44702.
9–870	Nysacetol Tablets, 5 gr. (acetaminophen).	USV Pharmaceutical Corp., 1 Scarsdale Rd., Tuckahoe, N.Y. 10707.
11–150	Atropolygyl (ophthalmic solution).	Almay, Inc., Apex, N.C. 27502.
11–395	Reflexol Cough Medicine (sugar syrup).	International Playtex Corp., Division of Rapid American Corp., 888 7th Ave., New York, N.Y. 10019.
11–396	Reflexol Cough Medicine (sugar free).	Do.
11–696	Aristocort Topical Creams, 0.1 percent and 0.025 percent (triamcinolone acetonide).	Lederle Laboratories.
12–367	Aristoderm Foam	Do.
12–604	Aristocort Cream, 0.5 percent.	Do.
13–408	TPM Silicone Rubber Compound.	R. P. Monaghan, D.D.S., P.O. Box 247, Overton, Tex. 75684.
16–285	Potassium Chloride Enteric Coated Tablets.	Stanley Drug Products, Inc., Division of Sperti Drug Products, Inc., P.O. Box 3108, Portland, Oreg. 97208.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended; 21 U.S.C. 355(e)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121), approval of the new drug applications listed above, and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and § 310.300 or § 310.302 (e) and (f) of the new drug regulations (21 CFR 310.300 and 310.302(e) and (f)).

This order shall become effective on February 7, 1975.

Dated: January 17, 1975.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.75–2330 Filed 1–27–75;8:45 am]

[GRASP 5G0048]

TRANSFRESH CORP.

Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0048) has been filed by Transfresh Corp., P.O. Box 1788, Salinas, CA 93901, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that TECTROL gas atmospheres containing carbon dioxide, oxygen, nitrogen, and up to 10 percent carbon monoxide are generally recognized as safe (GRAS) for the shelf life extension of red meats and poultry.

Preliminary review of this petition by the Food and Drug Administration indicates that it may not meet the GRAS criteria (21 CFR 121.3) published in the FEDERAL REGISTER of June 25, 1971 (36 FR 12093), and as proposed for amendment in the FEDERAL REGISTER of September 23, 1974 (39 FR 34194).

Interested persons may, on or before March 31, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 16, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75–2432 Filed 1–27–75;8:45 am]

Office of the Secretary

HEALTH RESOURCES ADMINISTRATION

Designation of Health Service Areas

Pursuant to the requirements of section 1511(b)(1) of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974, Pub. L. 93–641, notice is hereby given that the Governors of the 50 States and the Commonwealth of Puerto Rico, and the Mayor of the District of Columbia have been notified by

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letter of January 21, 1975, of the initiation of proceedings to establish health service areas throughout the United States in accordance with section 1511 of the PHS Act. No notice has been sent to the Governors or other Chief Executive Officers of the Virgin Islands, Guam, the Trust Territory of the Pacific Islands and American Samoa since section 1536 of the Act provides that no health service areas shall be established within them.

The notices sent to the Governors and the Mayor include the criteria and procedures to be used in the designation of health service areas. Except for the HEW Regional Office and the name of its Regional Director, and the listing of certain agencies within each State that are required to be consulted on the designation of health service areas pursuant to section 1511(b)(2) of the Act, all such letters are identical.

A copy of the notification letter, a list of addresses, and a list of the specific agencies with which consultation is required in each State (as required by law and contained in the letter of notification) are shown in the Appendix. Further guidelines to be provided the Governors are available at each HEW Regional Office.

Dated: January 13, 1975.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: January 21, 1975.

CASPAR W. WEINBERGER,
Secretary.

APPENDIX

JANUARY 21, 1975.

DEAR GOVERNOR ----------: Pub. L. 93-641, the National Health Planning and Resources Development Act of 1974, was signed into law by President Ford on January 4, 1975. A copy of the Conference Report which contains the Act, is enclosed; and certain of its major provisions are summarized below.

This new Act calls for the establishment of State health planning and development agencies and local Health Systems Agencies (HSAs). In addition to providing Federal grant funds for the support and operation of State and local planning and development agencies, it includes a new program for health facilities construction and modernization and authorizes funds in HSAs for developing health resources in implementing their plans. The new program would replace the Comprehensive Health Planning, Regional Medical Programs, and the Hill-Burton Facilities Construction authorities.

The network of HSAs to be established and supported under this Act will be responsible for areawide health planning and development throughout the country in health service areas designated by you and the other Governors. Each HSA is required to prepare a health systems plan and an annual implementation plan; to provide technical and financial assistance for the development of health resources which implement the plans; to review proposed Federal health project grants; to assist States in review of health services and facilities needs; and, to coordinate with appropriate planning and regulatory entities for the purpose of improving the health of the area's residents, increasing accessibility, acceptability, continuity, and quality of health services in the area, restraining increases in the costs of providing health services and preventing unnecessary duplication of health resources.

Prior to the establishment of HSAs, the law requires that health service areas be designated throughout the United States. Once these are designated, but only then, will the HSAs be established.

By this letter I am requesting you, in accordance with Section 1511 of the PHS Act, to submit to (name), the Regional Director, HEW Region ____, in (city), within 120 days of enactment, that is by May 3, 1975, at the latest, health service area designations for your State which in your judgment meet the requirements for such areas as set forth in the Act.

These requirements are in summary as follows:

(1) The area shall be a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources to provide all necessary health services for residents of the area;

(2) To the extent practicable, each area must include at least one center for the provision of highly specialized health services;

(3) Each area must have a population of not less than 500,000 or more than 3 million, except that an area may be less than 500,000 if the area comprises an entire State which has a population of less than 500,000 or more than 3 million if the area includes a standard metropolitan statistical area with a greater population.

The Act also permits the area to be less than 500,000 to a minimum of 200,000 under "unusual circumstances" and below 200,000 in "highly unusual circumstances," both as determined by the Secretary. In making such determinations the Secretary will take into consideration, among other pertinent factors: (a) low population density over a large area, (b) rate of population growth in recent years; (c) major geographic barriers or natural isolation; and, (d) health services utilization and referral patterns;

(4) The area boundaries must, to the maximum extent feasible, be appropriately coordinated with those of Professional Standards Review Organization (PSROs), existing regional planning areas, and State planning and administrative areas;

(5) Furthermore, the boundaries of a health service area shall be established so that in the planning and development of health services to be offered within the health service area, any economic or geographic barrier to the receipt of such services in nonmetropolitan areas is taken into account. Determinations of boundaries are to reflect the differences in health planning and health services development needs between nonmetropolitan and metropolitan areas;

(6) Each standard metropolitan statistical area must be entirely within the boundaries of a single health service area. This requirement can be waived where each Governor determines, with the approval of the Secretary, that in order to meet the other requirements summarized above, a health service area may contain only part of the standard metropolitan statistical area.

Where appropriate, you may designate proposed health service areas that are located both in State and an adjoining State or States in cooperation with the Governors of those adjoining States.

The Act further requires that in developing proposed health service areas you consult with and solicit the views of your State CHP agency and each existing areawide CHP agency and Regional Medical Program in your State, in addition to the chief executive officer or agency of each of your State's political subdivisions. (A list of the CHP agencies and RMPs serving your State is enclosed.) Any comments received from these entities with respect to such designations are to be submitted to the Secretary together with the proposed boundary designations.

The Act provides that I must designate as health service areas those areas now served by agencies funded under section 314(b) if they meet all of the requirements listed above unless you determine that other areas are more appropriate for the effective planning and development of health resources.

Finally, the Act provides that no areas are to be designated for States which have no county or municipal public health institution or department and which have prior to the date of the enactment of this law maintained a health planning system which complies with the purposes of Title XV of the Public Health Service Act as amended.

Your proposed health service areas will be reviewed pursuant to the procedures set forth in Section 1511 of the Act. Proposed designations submitted by you and other Governors will generally receive my approval if they meet the explicit requirements of the Act as summarized above.

If any proposed boundaries do not meet such requirements, the Act requires me, after consultation with the affected Governors, to revise such boundaries. Further, if there are areas in the United States which are not included within the boundaries of proposed health service areas as submitted by you and the other Governors, the Act requires that I revise such boundaries as necessary to meet the statutory requirement for the establishment of health service areas throughout the United States.

Section 1511(b)(3)(A) of the Act requires my designation of health service areas to be accomplished within 210 days of enactment of this law. This designation will be made by publication of a notice in the FEDERAL REGISTER, and you will be notified promptly.

Because of the exigencies of time, it is important that you notify the aforementioned HEW Regional Director at your earliest convenience and not later than February 5, the name of the State official or staff person to whom you have assigned working responsibility for carrying out this area designation process on your behalf. The HEW Regional Office in turn will immediately forward to that person additional details, more specific guidelines, and instructions with respect to that process, including the format for submitting proposed health service area designations and the procedures for reviewing proposed designations.

I fully appreciate the enormous task placed upon you and your staff through the enactment of this important legislation and seek your cooperation in completing the initial step in its implementation, designation of health service areas, within the legislatively prescribed period. You have my assurance that the Regional Director, the Regional Health Administrator, and their staff are ready to work with you in implementing this provision of the National Health Planning and Resources Development Act of 1974.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

GOVERNORS OF STATES

Honorable George C. Wallace
Governor of Alabama
Montgomery, Alabama 36104

Honorable Jay S. Hammond
Governor of Alaska
Juneau, Alaska 99801

Honorable Raul Castro
Governor of Arizona
Phoenix, Arizona 85007

Honorable David Pryor
Governor of Arkansas
Little Rock, Arkansas 72201

Honorable Edmund G. Brown, Jr.
Governor of California
Sacramento, California 95814

Honorable Richard Lamm
Governor of Colorado
Denver, Colorado 80203

Honorable Ella Grasso
Governor of Connecticut
Hartford, Connecticut 06115

Honorable Sherman W. Tribbitt
Governor of Delaware
Dover, Delaware 19901

Honorable Reubin O.D. Askew
Governor of Florida
Tallahassee, Florida 32304

Honorable George Busbee
Governor of Georgia
Atlanta, Georgia 30334

Honorable George R. Ariyoshi
Governor of Hawaii
Honolulu, Hawaii 96813

Honorable Cecil D. Andrus
Governor of Idaho
Boise, Idaho 83701

Honorable Dan Walker
Governor of Illinois
Springfield, Illinois 62706

Honorable Otis R. Bowen
Governor of Indiana
Indianapolis, Indiana 46204

Honorable Robert D. Ray
Governor of Iowa
Des Moines, Iowa 50319

Honorable Robert F. Bennett
Governor of Kansas
Topeka, Kansas 66612

Honorable Julian M. Carroll
Governor of Kentucky
Frankfort, Kentucky 40601

Honorable Edwin W. Edwards
Governor of Louisiana
Baton Rouge, Louisiana 70804

Honorable James Longley
Governor of Maine
Augusta, Maine 04330

Honorable Marvin Mandel
Governor of Maryland
Annapolis, Maryland 21404

Honorable Michael Dukakis
Governor of Massachusetts
Boston, Massachusetts 02133

Honorable William Milliken
Governor of Michigan
Lansing, Michigan 48903

Honorable Wendell R. Anderson
Governor of Minnesota
St. Paul, Minnesota 55155

Honorable William L. Waller
Governor of Mississippi
Jackson, Mississippi 39205

Honorable Christopher S. Bond
Governor of Missouri
Jefferson City, Missouri 65101

Honorable Thomas L. Judge
Governor of Montana
Helena, Montana 59601

Honorable J. James Exon
Governor of Nebraska
Lincoln, Nebraska 68509

Honorable Donald M. O'Callaghan
Governor of Nevada
Carson City, Nevada 89701

Honorable Meldrim Thomson, Jr.
Governor of New Hampshire
Concord, New Hampshire 03301

Honorable Brendan T. Byrne
Governor of New Jersey
Trenton, New Jersey 08625

Honorable Jerry Apodaca
Governor of New Mexico
Santa Fe, New Mexico 87501

Honorable Hugh L. Carey
Governor of New York
Albany, New York 12224

Honorable James E. Holshouser, Jr.
Governor of North Carolina
Raleigh, North Carolina 27611

Honorable Arthur A. Link
Governor of North Dakota
Bismarck, North Dakota 58501

Honorable James Rhodes
Governor of Ohio
Columbus, Ohio 43215

Honorable David Boren
Governor of Oklahoma
Oklahoma City, Oklahoma 73105

Honorable Robert Straub
Governor of Oregon
Salem, Oregon 97310

Honorable Milton J. Shapp
Governor of Pennsylvania
Harrisburg, Pennsylvania 17120

Honorable Philip W. Noel
Governor of Rhode Island
Providence, Rhode Island 02903

Honorable James Edwards
Governor of South Carolina
Columbia, South Carolina 29211

Honorable Richard F. Kneip
Governor of South Dakota
Pierre, South Dakota 57501

Honorable Ray Blanton
Governor of Tennessee
Nashville, Tennessee 37219

Honorable Dolph Briscoe
Governor of Texas
Austin, Texas 78711

Honorable Calvin L. Rampton
Governor of Utah
Salt Lake City, Utah 84114

Honorable Thomas P. Salmon
Governor of Vermont
Montpelier, Vermont 05602

Honorable Mills E. Godwin, Jr.
Governor of Virginia
Richmond, Virginia 23219

Honorable Daniel J. Evans
Governor of Washington
Olympia, Washington 98501

Honorable Arch A. Moore, Jr.
Governor of West Virginia
Charleston, West Virginia 25305

Honorable Patrick J. Lucey
Governor of Wisconsin
Madison, Wisconsin 53702

Honorable Ed Herschler
Governor of Wyoming
Cheyenne, Wyoming 82001

Honorable Rafael Hernández-Colón
Governor of Puerto Rico
San Juan, Puerto Rico 00902

Honorable Walter Washington
Mayor of the District of Columbia
Washington, D.C. 20004

COMPREHENSIVE HEALTH PLANNING AGENCIES

ALASKA

State CHP Director
Office of Comprehensive Health Plng.
Dept. of Health and Social Services
Pouch H
Juneau, Alaska 99801

Executive Director
Greater Anchorage Area CHP Council
1135 W. 8th Avenue, Suite 9
Anchorage, Alaska 99501

ALABAMA

State CHP Director
Health Planning Administrator
CHP Administration
State Department of Public Health
State Office Building
Montgomery, Alabama 36104

Executive Director
Community Service Council, Inc.
2201 Highland Avenue
Birmingham, Alabama 35205

Director
Southwest Alabama Health Planning Council
P. O. Box 4533
248 Cox Street
Mobile, Alabama 36604

Administrator
E. Central Ala. Areawide Health Planning Council
Montgomery Regional Med. Foundation, Inc.
P.O. Box 11292
Massey Hall, 3rd Floor
Huntington College
Montgomery, Alabama 36111

ARIZONA

State CHP Director
Arizona Dept. of Health Services
1740 W. Adams
Phoenix, Arizona 85007

Executive Director
CHP Council of Maricopa County
1820 W. Washington
Phoenix, Arizona 85007

Executive Director
Health Planning Council, Inc.
630 N. Craycroft Rd., Suite 121
Tucson, Arizona 85711

Project Director
Navajo CHP Agency
P.O. Box 643
Window Rock, Arizona 85615

ARKANSAS

State CHP Director
Arkansas CHP Program
Department of Planning
400 Train Station Square
Victory at Markham
Little Rock, Arkansas 72201

Director of Health Planning
White River Planning and Development District, Inc.
Health Planning Division
P.O. Box 1010, 929 Broad
Batesville, Arkansas 72501

Director of Health Planning
Western Arkansas Planning and Development District, Inc.
510 N. Greenwood Avenue
Fort Smith, Arkansas 72901

Director of Health Planning
Northwest Arkansas Economic Development District, Inc.
P.O. Box 668—Hudson Bldg.
Harrison, Arkansas 72601

Director of Health Planning
West Central Arkansas Planning and Development District, Inc.
P.O. Box 1558
Hot Springs, Arkansas 71901

Director of Health Planning
East Arkansas Planning and Development District, Inc.
P.O. Box 1403, 706 S. Main St.
Jonesboro, Arkansas 72401

Director of Health Planning
Central Arkansas Planning and Development District, Inc.
5111 JFK Boulevard
3 Arlington Building
Little Rock, Arkansas 72116

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Director of Health Planning
Southwest Arkansas Planning and Development District, Inc.
Municipal Bldg.—P.O. Box 767
Magnolia, Arkansas 71753.

Director of Health Planning
Southeast Arkansas Economic Development District, Inc.
P.O. Box 6806, 1106 Poplar St.
Pine Bluff, Arkansas 71601.

CALIFORNIA

State CHP Director
State CHP Program
Department of Health
744 P Street
Sacramento, California 95814

Executive Director
Superior California CHP Assn.
584 Rio Lindo Road
Chico, California 95926

Executive Director
NorCoa Health
P.O. Box 126
730 Fifth St., Suite L
Eureka, California 95501

Executive Director
CHP Assn. of Central Calif.
1616 W. Shaw Ave., Suite B–6
Fresno, California 93705

Executive Director
CHP Council of Los Angeles
1930 Wilshire Blvd., Suite 1000
Los Angeles, California 90057

Executive Director
Golden Empire Regional CHP, Inc.
1401 21st St., Suite 203
Sacramento, California 95814

Executive Director
Mid-Coast CHP Association
P.O. Box 1068
Salinas, California 93901

Executive Director
CHP Inland Counties Council
606 E. Mill St., Suite 100
San Bernardino, California 92408

Executive Director
Orange County Health Plng. Council
202 Fashion Lane
Suite 219
Tustin, California 92680

Executive Director
Channel Counties CHP Council
226 E. Canon Perdido, Suite F
P.O. Box 644
Santa Barbara, California 93102

Executive Director
CHP Assn. of San Diego, Imperial and Riverside Counties
3211 Jefferson Street
San Diego, California 92110

Executive Director
Bay Area CHP Council
425 Battery Street, Third Floor
San Francisco, California 94111

Executive Director
North San Joaquin CHP Association
510 East Magnolia Street
Stockton, California 95202

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State CHP Director
Div. of Comprehensive Health Planning
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220

Executive Director
San Luis Valley CHP
Box 123 Adams State College
Alamosa, Colorado 81102

Executive Director
CHP Organization
Denver Regional Council of Governments
1776 S. Jackson St., Suite 200
Denver, Colorado 80210

Executive Director
Southwest Colorado CHP Council, Inc.
P.O. Box 618—1911 N. Main Avenue
Durango, Colorado 81301

Health Planner
North Central CHP Assn., Inc.
1217 East Elizabeth
Ft. Collins, Colorado 80521

Health Planner
Region VI CHP Association
P.O. Box 679
La Junta, Colorado 81050

Executive Director
Big County CHP Council, Inc.
P.O. Box 1604
Montrose City Hall
Montrose, Colorado 81401

CONNECTICUT

State CHP Director
Health Planning Division
Commission of Hosp. and Hlth. Care
340 Capitol Avenue
Hartford, Connecticut 06106

Executive Director
CHP Council of Eastern Fairfield Cty.
181 Middle Street
Bridgeport, Connecticut 06604

Executive Director
Mid-State Connecticut River Estuary CHP
120 Washington St., Rms. 26 & 27
Middletown, Connecticut 06457

Executive Director
South Central Connecticut CHP, Inc.
345 Whitney Avenue
New Haven, Connecticut 06511

Executive Director
Central Naugatuck Valley Health and Mental Health Council, Inc.
20 East Main Street
Waterbury, Connecticut 06702

Executive Director
Health Planning Council, Inc.
97 Elm Street
Hartford, Connecticut 06106

DELAWARE

State CHP Director
Dept. of Health & Social Services
Div. of Planning, Research & Evaluation
Jesse S. Cooper Building
Dover, Delaware 19901

Executive Director
Health Planning Council, Inc.
2501 Silverside Road, Suite 5
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DISTRICT OF COLUMBIA

State CHP Director
Comprehensive Health Planning
Dept. of Human Resources
614 H Street, NW., Room 707
Washington, D.C. 20004

FLORIDA

State CHP Director
Bureau of CHP
Division of Planning and Evaluation
Department of Health and Rehabilitative Services
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Jacksonville, Fla. 32204

Executive Director
Northwest Florida CHP Council, Inc.
P.O. Box 12942—605 Charter Bank Tower
220 West Garden St.
Pensacola, Florida 32576

Executive Director
West Central Florida CHP Council, Inc.
3550 S. Tamiami Trail
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Sarasota, Florida 33579

Program Director
CHP Council of the Big Bend Area of Florida, Inc.
Suite 236, Taylor Bldg., Koger Exec. Center
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Executive Director
Palm Beach County Health Planning Council, Inc.
324 Datura Street, Suite 101
West Palm Beach, Florida 33401

GEORGIA

State CHP Director
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16 Executive Park Drive, N.E.
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Executive Director
Atlanta Regional Commission
Dept. of Hlth & Social Svcs Plng.
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Equitable Bldg.
Atlanta, Georgia 30303

Director
Coastal Area CHP Council
Coastal Area Planning and Devel. Commission
City Hall, P.O. Box 1316
Brunswick, Georgia 31520

Director
Tri-Area CHP Agency
Southwest Georgia Planning and Development Commission
P.O. Box 346
Camilla, Georgia 31730

HAWAII

State CHP Director
Comprehensive Health Planning
State Department of Health
Kinau Hale, P.O. Box 3378
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Project Officer
Big Island CHP Council
District Health Office
Hawaii State Dept. of Health
P.O. Box 916
Hilo, Hawaii 96720

Project Officer
Windward Oahu CHP Council
o/o Hlth. & Community Svcs. Council
200 N. Vineyard Blvd. Room 602
Honolulu, Hawaii 96817

Project Officer
Kauai CHP Council
District Health Office
Hawaii State Dept. of Health
P.O. Box 85
Hanapepe, Kauai, Hawaii 96716

Project Officer Tri-Isle CHP Council
District Health Office
Hawaii State Dept. of Health
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IDAHO

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Comprehensive Health Planning Agency
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Statehouse
Boise, Idaho 83720

Director
Treasure Valley CHP Agency, Inc.
1090 Federal Way
Boise, Idaho 83707

Executive Director
CHP Council of Spokane County, Inc.
206 B.O.F. Bldg., 933 W. 3rd Ave.
Spokane, Washington 99204

ILLINOIS

State CHP
Comprehensive State Health Planning Agency
525 W. Jefferson Street
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Executive Director
Operation Health, Inc.
Box 161
Geneva, Illinois 60134

Executive Director
Comprehensive Health Planning of Southern Illinois
903 S. Elizabeth Street
Carbondale, Illinois 62901

Executive Director
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Wausau, Wisconsin 54401

WYOMING

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Wyoming Dept. of Health and Social Services
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[FR Doc.75-2515 Filed 1-27-75; 8:45 am]

HEALTH RESOURCES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority Amendments

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1456, January 9, 1974), is amended in Section 7-B Organization and Functions as follows:

Change the title Bureau of Health Services Research (7C00) to read National Center for Health Services Research (7C00).

Notice is hereby given that the National Center for Health Services Research and the National Center for Health Statistics are statutorily established by Title I of the Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (Pub. L. 93-353). These two National Centers are located within the Health Resources Administration of the Public Health Service as bureau-level organizations.

Dated: January 21, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-2440 Filed 1-27-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-103; Notice No. 73-10A]

HAZARD INFORMATION SYSTEM AND MISCELLANEOUS PROPOSALS

Public Hearing

On December 10, 1974, Notice 73-10A (39 FR 43091) under Docket HM-103 was published in the FEDERAL REGISTER (1) proposing a "Hazardous Materials Manifest;" (2) proposing adoption of all or part of the draft revision to Compressed Gas Association's Pamphlet C-7 dated July 1974; and (3) announcing a public hearing to receive comments on any proposals made under Docket HM-103. It was stated in the Notice that additional information and the location of the hearing would be announced in the Federal Register during the last week of January 1975.

The hearing will convene at 9:30 a.m. on February 11, 1975 in room 300 of Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue, SW., Washington, D.C.

At least 20 persons have indicated their desire to make oral presentations at the hearing; therefore, it is scheduled for two days, February 11, and 12, 1975. The order of presentation (determined by date of notification) will be as follows:

A representative of—

1. National Fertilizer Solutions Assoc.
2. American Trucking Associations, Inc.
3. Nuclear Regulatory Commission.
4. Distilled Spirits Council of the United States, Inc.
5. E. I. Du Pont De Nemours & Company.
6. National Paint and Coatings Assoc.
7. Manufacturing Chemists Association.
8. Stauffer Chemical Company.
9. American Petroleum Institute.
10. Monsanto Company.
11. Chemical Specialties Manufacturers Association, Inc.
12. Union Carbide Corporation.
13. Council for Safe Transportation of Hazardous Articles.
14. Diamond Shamrock Chemical Company.
15. Association of American Railroads.
16. Reichhold Chemicals, Inc.
17. Quickway Staput, Inc.
18. PPG Industries, Inc.
19. National Transportation Safety Board.
20. Air Products & Chemicals, Inc.

The Board's representative in charge of the hearing may adjust the order of presentations and agree to hear the presentations of others upon request.

Issued in Washington, D.C. on January 23, 1975.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.75-2497 Filed 1-27-75;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Committee Renewal

Notice is hereby given in accordance with paragraph 7(a) of Office of Management and Budget Circular No. A-63, Revised, dated March 27, 1974, as amended by Transmittal Memorandum No. 1, that the General Advisory Committee on Arms Control and Disarmament has been renewed effective January 5, 1975.

Dated: January 22, 1975.

FRED C. IKLE,
Director.

[FR Doc.75-2433 Filed 1-27-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26878; Docket 25864]

AYHAN KAYMAK V. SATURN AIRWAYS, INC., ET AL.

Postponement of Hearing

Notice is hereby given that, at the request of the Bureau of Enforcement, in which the other parties have concurred, the hearing in the above-captioned cases (40 FR 2251, January 10, 1975) has been postponed to permit the Bureau to prepare an offer of settlement, reached in principle by the parties, and to submit the offer to the Board. Although the request was for a postponement of "approximately one month," the hearing has been postponed indefinitely.

The Bureau is to act promptly to advise the Judge if the offer is not formalized; or, if submitted, of the decision of the Board; and, at that time, is to request that the cases be rescheduled for hearing if a hearing is required.

Dated at Washington, D.C., January 22, 1975.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.75-2490 Filed 1-27-75;8:45 am]

[Docket 25280; Agreement C.A.B. 24900, Agreement C.A.B. 24901; Order 75-1-94]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Commodity Rates

Issued under delegated authority January 23, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements name additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated January 14, 1975.

CAB agreement	Specific commodity Item No.	Description and rate
24900	4746	Oil Drilling Machinery, 329 cents per kg., minimum weight 200 kgs., 227 cents per kg., minimum weight 500 kgs., 222 cents per kg., minimum weight 1,000 kgs., from Houston/Dallas to Saigon/Bangkok.
24901	1407	Floral and Nursery Stock and Seeds, N.E.S., Excluding cut flowers, 106 cents per kg., minimum weight 1,000 kgs., from Copenhagen to New York.

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Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That: Agreement C.A.B. 24900 and Agreement C.A.B. 24901 are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2489 Filed 1-27-75;8:45 a.m.]

[Docket No. 25280; Order 75-1-46]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Correction

In FR Doc. 75-1522 appearing at page 2866 in the issue of Thursday, January 16, 1975, the third, fourth and fifth lines of footnote 13 on page 2867 should read as follows.

"Periodicals, Floral Products and Seafood," Order 72-11-78, November 20, 1972, the Board stated, "Because of their inherently".

[Docket 24314]

NORDAIR LTEE.—NORDAIR LTD., HAMILTON—PITTSBURGH RENEWAL APPLICATION

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 24, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 13, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., January 21, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-2491 Filed 1-27-75;8:45 am]

SHULMAN AIR FREIGHT, INC.

Application for Tariff Filing Authority Pick-up and Delivery Zone

JANUARY 21, 1975.

In accordance with Part 222 (14 CFR Part 222) of the Board's economic regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 27419, from Shulman Air Freight, Inc., 20 Olney Avenue, Cherry Hill, New Jersey 08002, for authority to provide pick-up and delivery service between all points in the United States for hazardous materials.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application by February 12, 1975. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2492 Filed 1-27-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARKANSAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on February 15, 1975, in the Hotel Sam Peck, Persian Room, 625 Capitol Avenue, Little Rock, Arkansas 72201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting are SWRO activities, Economic Recession Project, ERA project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 23, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[F.R. Doc.75-2448 Filed 1-27-75;8:45 a.m.]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on February 28, 1975, at the John Marshall Hotel, 5th and Franklin Streets, Richmond, Virginia 23220.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to plan 1975 SAC activities and recharter the Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 23, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-2449 Filed 1-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 327-6]

CIBA-GEIGY CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1575) has been filed by CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, proposing establishment of a tolerance for negligible residues of the herbicide profluralin (*N*-(cyclopropylmethyl)-trifluoro-2, 6-dinitro-*N*-propyl-*p*-toluidine) in or on the raw agricultural commodity group seed and pod vegetables (dry and succulent) and their fodder and forage at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using an electron capture detector.

Dated: January 23, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-2500 Filed 1-27-75;8:45 am]

[FRL 327-1; OPP-180026B]

DEPARTMENT OF AGRICULTURE

Specific Exemption for Control of Oriental Fruit Fly

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the U.S. Department of Agriculture (hereafter referred to as the "Applicant") to use a toxicant, viscid bait consisting of 88 percent methyl eugenol, 5 percent Naled and 7 percent Thixcin E; a toxicant bait consisting of 4 parts Staley's No. 7 protein bait and 1 part Malathion; and a Diazinon (50 percent wettable powder) spray in a program to eradicate small populations of the oriental fruit fly in recently established infestations located in San Diego County and the municipalities of San Diego, La Jolla, and Los Angeles, California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

All interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room 347, East Tower, Washington, D.C. 20460. The statements contained in the application are briefly summarized below.

Background. According to the Applicant, the oriental fruit fly (*Dacus dorsalis* H.) is one of the most destructive pests of fruits and vegetables; it attacks over 150 crop species, including apricots, pears, avocados, figs, peaches, peppers, and tomatoes, as well as ornamental plants. The Applicant feels that this insect thus poses a serious economic threat to the fruit and vegetable industries in the United States. The Applicant states that the oriental fruit fly has been detected in California numerous times in the last 13 years, but eradication has always been possible in the past by male annihilation techniques. The current infestation of this pest is more extensive and complex than previous infestations; therefore, additional supplemental control measures are needed. The Applicant has exercised its prerogative in availing itself of a crisis exemption and so notified the Administrator on September 24, 1974. On October 7, 1974, the Applicant promulgated a quarantine for a portion of San Diego County to impede the dispersal of the oriental fruit fly. Finally, in accordance with § 166.8 of 40 CFR Part 166, the Applicant subsequently requested a specific exemption, since treatment pursuant to the crisis exemption was to continue for more than a total of 15 (fifteen) days. The Applicant further requested that approval of the specific exemption include treatment to any area of the United States where the pest may be detected.

Conclusion. In light of the above information, the Applicant has been granted a specific exemption to use during calendar year 1975 the pesticides listed above for control of the oriental fruit fly in recently established infestations in San Diego, La Jolla, and Los Angeles. This specific exemption is subject to the provisions listed in the application initially submitted by the Applicant on March 1, 1974, and amended on June 13, September 30, and October 29, 1974, with the following additional provisions:

(1) The pesticide treatments shall be limited to the California infestation delineated above.

(2) The amounts of pesticides to be used in the control program will be 5, 100, and 500 pounds of actual diazinon, naled, and malathion, respectively.

It should be noted that if the Administrator, EPA, determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: January 21, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-2409 Filed 1-27-75;8:45 am]

[FRL 327-7; OPP-32000/178, 179, and 180]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before March 31, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of this data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 31, 1975.

Dated: January 22, 1975.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/178)

EPA File Symbol 9067-O. Aspen Industries, Inc., PO Box 177, Route 218 Lake Rd., Tully Ny 13159. TAREK SUPER SHOCK. Active Ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5011-RUU. Aire-Mate, A Div. of Carmel Chemical Corp., 525 Park, Westfield IN 46074. AIRE-MATE BACTERIOSTATIC DETERGENT SUPER CONCENTRATE. Active Ingredients: Monoethanolamine Dodecylbenzene Sulfonate 53.00%; Isopropyl Alcohol 10.50%; Ortho-benzyl-para-chlorophenol 7.50%; Tetrasodium Ethylene Diamine Tetraacetate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35348-R. Portion-Pac Chemical Corp., 360 E. Grand Ave., Chicago IL 60610. PORTION-PAC FORMULA 904 GERMICIDAL DETERGENT. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; N-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Sesquicarbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1016-70. Union Carbide Corp., Agricultural Prod., PO Box 1906, Salinas CA 93901. UNION CARBIDE SEVIN 4 OIL CARBARYL INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 49.0%; Petroleum oils 46.25%. Method of Support: Application proceeds under 2(b) of interim policy.

APPLICATIONS RECEIVED (OPP-32000/179)

EPA File Symbol 9630-A. Mooney Chemicals, Inc., 2301 Scranton Rd., Cleveland OH 44113. 8% ZINC NAP-ALL. Active Ingredients: Zinc Naphthenate (Zinc as metal 8%) 63%; Mineral Spirits 37%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10765-U. Nadco, Inc., 335 Murfreesboro Rd., Nashville TN 37210. AQUA-CIDE COMPOSITION. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2217-AGR. PBI-Gordon Corp., 300 S. Third St., Kansas City KS 66118. GORDON'S GREEN-RENE TURF FUNGICIDE. Active Ingredients: 4,5-Dichloro - N-(2-chlorophenyl)-1,3,5-triazin-2-amine 50%. Method of Support: Application proceeds under 2(c) of interim policy.

V40119 JAN28 75 XUM

EPA File Symbol 18185–G. Petway Prod. Corp., 350 Fifth Ave., New York NY 10001. PETWAY FLEA & TICK SPRAY FOR DOGS. Active Ingredients: Pyrethrins 0.060%; Piperonyl Butoxide, Technical 0.480%; Petroleum Distillate 0.636%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18185–U. Petway Prod. Corp., 350 Fifth Ave., New York NY 10001. PETWAY FLEA & LICE SPRAY FOR CATS. Active Ingredients: Pyrethrins 0.060%; Piperonyl Butoxide, Technical 0.480%; Petroleum distillate 0.636%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3367–TA. Reily Chemical Co., 450 Mandeville St., New Orleans LA 70117. TOTAL 200. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11715–UE. Speer Products, Inc., 105 S. Parkway West, PO Box 9383, Memphis TN 38109. SPEER ROSE & FLOWER SPRAY. Active Ingredients: Pyrethrins 0.020%; N-octyl bicycloheptene dicarboximide 0.300%; Rotenone 0.100%; Other Cube Resins 0.200%; Methoxychlor Technical 0.300%; Dichlone (2,3-Dichloro-1,4-Naphthoquinone) 0.120%; 2-(1-Methylheptyl) - 4,6 - dinitrophenol crotonate 0.113%; Other related nitrophenols chiefly 1 - methylheptyl-4,6-dinitrophenol 0.012%; Petroleum distillate 0.115%. Method of Support: Application proceeds under 2(c) of interim policy.

APPLICATIONS RECEIVED (OPP–32000/180)

EPA File Symbol 34896–G. Old South Sales Co., PO Box 33, Andalusia AL 36920. DEAD READY RAT & MOUSE BAIT. Active Ingredients: Warfarin (3-Alpha-Acetonylbenzyl) - 4 - Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34956–R. Royal Chemical Corp., 3032 Fleetbrook, Memphis TN 38116. ROYAL ALGAE-RID. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34956–E. Royal Chemical Corp., 3032 Fleetbrook, Memphis TN 38116. ROYAL TOWERCIDE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11715–UU. Speer Products, Inc., PO Box 9383, 105 S. Parkway W., Memphis TN 38109. SPEER INDUSTRIAL PRESSURIZED SPRAY. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Distillate 5.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11715–UG. Speer Products, Inc., PO Box 9383, 105 S. Parkway W., Memphis TN 38109. SPEER ONE-SHOT HI-PRESSURE INSECTICIDE FOGGER. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, Technical 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 11.83%. Method of Support: Application proceeds under 2(c) of interim policy.

[FR Doc. 75–2501 Filed 1–27–75;8:45 am]

[FRL 326–8]

ROCKAWAY TOWNSQUARE SHOPPING CENTER

Approval and Promulgation of Implementation Plan; Withdrawal of Opportunity for Public Comment on Indirect Source Application

On December 19, 1974 (39 FR 43870) the Regional Administrator for the Region II office of the Environmental Protection Agency (EPA) published preliminary approval of and offered opportunity for public comment on application for an indirect source permit by the developers of the proposed Rockaway Townsquare Shopping Center in Rockaway Township, Morris County, New Jersey. The public comment period was to extend for thirty days from the date of publication of the notice.

On December 30, 1974 (39 FR 45014) the Administrator of EPA published in the FEDERAL REGISTER a notice postponing until further notice, and at least until July 1, 1975, the effective date of the Indirect Source regulation. As a result of this action, the opportunity for public comment on both the application and the EPA preliminary decision is hereby withdrawn.

Dated: January 22, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75–2405 Filed 1–27–75;8:45 am]

[FRL 327–3]

STATE OF VIRGINIA

Discharge of Pollutants to Navigable Waters

The Commonwealth of Virginia has submitted a request for approval of its state program for control of discharges of pollutants pursuant to section 402 of the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251–1376 (1973 Supp.) (referred to herein as the "Act"). The Commonwealth of Virginia is proposing that the Virginia State Water Control Board, 2111 North Hamilton Street, Richmond, Virginia (telephone (804) 770–1411), operate this program for control of discharges into navigable waters of the Commonwealth in compliance with the Act.

A public hearing to consider Virginia's request was held on December 16, 1974, in the Colony House Executive Motor Inn, Richmond, Virginia. Notice of the Richmond hearing appeared in the Federal Register on November 19, 1974. An informal, follow-up public meeting was held at EPA Offices in the District of Columbia, 401 M Street SW., on January 15, 1975.

At the January 15 public meeting EPA announced that the period for submission of written comments would be extended for an additional 30 days. In a letter dated January 16, 1975, Mr. Russell E. Train, Administrator of the Environmental Protection Agency, advised Governor Mills Godwin of Virginia that EPA would delay final decision on the Virginia program pending (1) finalization by Virginia of permit program Regulation Number 6, (2) execution by Virginia and EPA's Region III Office of a final memorandum of agreement detailing federal-State procedures for coordination of permit review and issuance, and (3) receipt and consideration of public comments received during the 30-day period following the January 15, 1975, public hearing.

All interested persons wishing to comment upon the Commonwealth's request or its program submission are invited to submit written comments either in person or by mail, to the Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (telephone (215) 597–9800).

All comments received by February 14, 1975, will be considered by the Environmental Protection Agency in taking final action on Virginia's request for state program approval.

The Virginia request and program description have been and will continue to be available for inspection by the public at the Virginia State Water Control Board or at the United States Environmental Protection Agency, Region III Office, at the previously mentioned addresses.

Please bring the foregoing to the attention of persons who you know would be interested.

Dated: January 23, 1975.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.75–2503 Filed 1–27–75;8:45 am]

[FRL 326–7; Dockets No. 336 et al.]

VELSICOL CHEMICAL CORP.

Pesticide Products Containing Heptachlor or Chlordane; Objections and Request for Hearing

Notice is hereby given, pursuant to § 164.8 of the rules of practice (40 CFR 164.8) issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq., 1973 Supp.), that objections and requests for a hearing were filed by Velsicol Chemical Corporation, the sole manufacturer of the pesticides heptachlor and chlordane, 54 other registrants and 3 representatives of users thereof in connection with the Administrator's notice of intent to cancel registrations of pesticide products containing heptachlor and chlordane, dated November 18, 1974 (39 FR 41298). These proceedings have been consolidated for hearing.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

JANUARY 22, 1975.

[FR Doc.75–2406 Filed 1–27–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20010, File No. BRCT–10; Docket No. 20011, File No. BPCT–4540]

CBS INC. (WCAU–TV); FIRST DELAWARE VALLEY CITIZENS TELEVISION, INC.

Construction Permit for New Television Broadcast Station

By the Review Board: 1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order, 39 FR 15158, published May 1, 1974. Now before the Review Board is a third motion to enlarge issues, filed October 23, 1974, by CBS Inc. (CBS) Philadelphia, Pennsylvania, requesting the addition of a Rule 1.65 issue against First Delaware Valley Citizens Television, Inc. (First Delaware) Philadelphia, Pennsylvania.[1]

2. CBS bases its request on the alleged failure of First Delaware to amend its application to report (1) that Donald G. Barnhouse will be the General Manager of the station if First Delaware's application is granted;[2] and (2) that Mrs. Marjorie Duckrey, a director and two percent shareholder of First Delaware, has been a member of the Board of Trustees [Directors] of the Philadelphia Tribune, a bi-weekly Philadelphia newspaper, since June, 1973.[3] Petitioner contends that both of these interests are of such a nature as to fall within the reporting requirements of § 1.65 of the Commission's rules, citing Lamar Life Broadcasting Co., 26 FCC 2d 940, 20 RR 2d 1014 (1970), and United Television Co., Inc., 33 FCC 2d 424, 23 RR 2d 644 (1972) in support. In its comments, the Broadcast Bureau supports addition of a comparative Rule 1.65 issue, absent a compelling explanation by the applicant for its failure to report these matters.

3. First Delaware opposes the motion on both procedural and substantive grounds. First, it argues that the petition is not timely filed because CBS has been aware of First Delaware's integration proposal since the deposition session of June 27, 1974, and was advised of the action taken at the August 22, 1974 stockholders' meeting at the August 28, 1974 deposition session.[4] Furthermore, First Delaware argues, good cause has not been shown for the delay. Moreover, First Delaware contends that CBS has failed to support its motion with affidavits of persons having knowledge of the facts as required by § 1.229(c) of the Commission's rules. On the merits, First Delaware asserts that the failure to report the business interest of Mrs. Duckrey was unintentional and, in any event, is not of sufficient magnitude to warrant an evidentiary inquiry because Mrs. Duckrey has no ownership interest in the newspaper and devotes little time to it; First Delaware cites H & H Broadcasting Co., 43 FCC 2d 245, 28 RR 2d 817 (1973) and Payne of Virginia, Inc., 28 FCC 2d 66, 21 RR 2d 535 (1971) in support. First Delaware next asserts that there is no requirement that an applicant set forth its integration proposal in its application; this information, it asserts, will be submitted at the hearing. Therefore, according to First Delaware, its decision to propose Barnhouse as its General Manager need not have been reported. In reply, CBS argues that, contrary to First Delaware's assertion of undue delay, it filed its motion concerning Mr. Barnhouse in a timely fashion since it did not receive the minutes of the stockholders' meeting adopting the integration proposal until September 17, 1974, and Mr. Barnhouse did not testify that he would be the General Manager until October 11, 1974.[5] Furthermore, CBS reasserts its contention that the information concerning Barnhouse's position as General Manager of the station and Mrs. Duckrey's membership on the Board of Trustees of the Tribune should have been reported to the Commission.[6]

4. The Review Board is of the view that the failure to report the position of Mr. Barnhouse as General Manager of the station and the interest of Mrs. Duckrey dating from 1973 in a newspaper in the proposed city of license raise questions of noncompliance with § 1.65 of the Commission's rules.[7] Contrary to First Delaware's assertions, the application requires that an applicant "state the name(s) and position of the person(s) who determines the day-to-day programming, makes decisions, and directs the operation of the station covered by this application and whether he is employed full-time in the operation of the station." FCC Form 301, section IV–B, Question 21; cf. Lorain Community Broadcasting Co., 13 FCC 2d 106, 13 RR 2d 382 (1968). The choice of Mr. Barnhouse as First Delaware's prospective General Manager rendered the information contained in its application no longer substantially accurate and therefore it should have been promptly reported. Also we do not agree with the applicant's argument that Mrs. Duckrey's membership on the Tribune's Board of Trustees is insignificant. See Lake Erie Broadcasting Co., 34 FCC 2d 354, 24 RR 2d 64 (1972). The application also specifically requires the disclosure of this information. See FCC Form 301, Section 11, Table II. We believe these failures are of sufficient significance to warrant an evidentiary inquiry.[8] However, it also appears that there was no intention to conceal these facts or deceive the Commission in view of the disclosure of these matters by the applicant in its deposition testimony before the Commission. Therefore, the issue will be added on a comparative basis only. See WPIX, Inc., 38 FCC 2d 661, 26 RR 2d 37 (1972) and cases cited therein.

5. *Accordingly, it is ordered,* That the petition for leave to file a supplement to the opposition to CBS Inc.'s third motion to enlarge issues, filed November 20, 1974, by First Delaware Valley Citizens Television, Inc., is denied; and

6. *It is further ordered,* That the third motion to enlarge issues, filed October 23, 1974, by CBS Inc., is granted to the extent indicated below, and is denied in all other respects; and the issues in this proceeding are enlarged to include the following issue:

To determine whether First Delaware Valley Citizens Television, Inc. has failed to comply with Commission Rule 1.65 by its failure to report information regarding its proposed General Manager and the business interests of one of its principals and, if so, the effect thereof upon the applicant's comparative qualifications to be a Commission licensee.

Adopted: January 13, 1975.

Released: January 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–2454 Filed 1–27–75;8:45 am]

[1] Also before the Board are the following related pleadings: (a) Broadcast Bureau's comments, filed November 6, 1974; (b) opposition, filed November 7, 1974, by First Delaware; (c) reply, filed November 15, 1974, by CBS; (d) petition for leave to file a supplement to (b), filed November 20, 1974, by First Delaware; and (e) comments to (d), filed November 27, 1974, by CBS.

[2] CBS notes that the First Delaware application states that: "the day-to-day programming and policy decisions of the station will be made by the station's General Manager and Program Director, neither of whom have been selected as yet."

[3] Petitioner supports its request by attaching an excerpt of the minutes of the August 22, 1974 First Delaware shareholders' meeting, which, it states, indicates that First Delaware made a "definite commitment" to offer the position of General Manager to Mr. Barnhouse. Petitioner also cites the deposition testimony of Mr. Barnhouse and Mrs. Duckrey, taken on October 11, 14, and 15, 1974, which, it states, support its claims.

[4] First Delaware also contends that CBS has had a copy of the pertinent minutes of the stockholders' meeting since September 17, 1974.

[5] CBS attaches to its reply the October 11, 1974 deposition of Barnhouse.

[6] In its petition for leave to file a supplement to its opposition, First Delaware submits a copy of a signed but unverified statement from Mrs. Duckrey, claiming that her failure to report her position on the Tribune's Board of Trustees was one of oversight and inadvertence and that she will resign the position if First Delaware is the successful applicant. This unauthorized, supplemental pleading does not contain new information but only the unnotarized statement of Mrs. Duckrey. In accordance with our usual practice, we will therefore deny it and dismiss the supplement contained therein and the comments responsive to it filed by CBS. In re Filing of Supplemental Pleadings Before the Review Board, 40 FCC

[7] Since it appears that the facts upon which the enlargement request is based were not entirely known to CBS until the October 11, 14, and 15 depositions of Mr. Barnhouse and Mrs. Duckrey, and the petition has been filed within a reasonable time after those dates, we believe that good cause for its acceptance has been shown. United Television Co., Inc., 33 FCC 2d 424, 23 RR 2d 644 (1972).

[8] The applicant's failure to amend in this case is, in our view, readily distinguishable from the situations in Payne of Virginia, Inc., and H & H Broadcasting Co., supra. In those cases, the applicant either voluntarily amended its application or the associations in question dated back more than five years.

V40I19 JAN28 75 XUM

[Canadian List No. 336]

CANADIAN BROADCAST STATIONS

Notification List

DECEMBER 16, 1974.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		890 kHz							
CJCW (assignment of call letters).	Sussex, New Brunswick, N. 45°41'00", W. 65°31'29".	0.5D/0.25N	DA-2	*J*	III				
		1510 kHz							
(New) (present notification 1310 kHz, 10 kW, DA-2, N. 53°53'29", W. 111°30'00").	St. Paul, Alberta, N. 53°59'38", W. 111°15'18".	10	*DA-N*	U	III				E.I.O., 12-16-75.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2337 Filed 1-27-75;8:45 am]

[Canadian List No. 337]

CANADIAN BROADCAST STATIONS

Notification List

JANUARY 8, 1975.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		590 kHz							
(New)	St. Anthony, Newfoundland, N. 51°20'55", W. 55°35'33".	ID/0.25N	ND-168	U	IV	293	120	440-621	E.I.O. 1-8-76.
		1296 kHz							
CHRM (assignment of call letters).	Matane, Quebec, N. 48°48'01", W. 67°37'03".	10	DA-2	U	III				
		1400 kHz							
CKCB (PO 1400 kHz, 0.25 kW, ND, U).	Collingwood, Ontario, N. 44°28'54", W. 80°14'45".	*1D*/0.25N	ND-180	U	IV	120	120	281	
		1400 kHz							
CKRV (now in operation)	Drummondville, Quebec, N. 45°52'12", W. 72°30'48".	0.25D/0.1N	DA-1	U	IV				
		1410 kHz							
(New)	Port Hawkesbury, Nova Scotia, N. 45°41'02", W. 61°26'09".	10	DA-2	U	III				E.I.O. 1-8-76.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.75-2338 Filed 1-27-75;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMICAL BANK

Acquisition of Assets

Chemical Bank, New York, New York (total deposits $17.6 billion) a member State bank of the Federal Reserve System, has applied, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), for the Board's approval to acquire substantially all of the assets and assume substantially all of the liabilities of Security National Bank, Hempstead, New York ("Security") (total deposits $1.3 billion) and, as an incident thereto, to operate the present offices of Security as branches.

Published notice of the proposed aquisition of assets and assumption of liabilities and requests for reports on the competitive factors involved therein have been dispensed with as authorized by the Bank Merger Act.

The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks involved, and the convenience and needs of the communities to be served.

On the basis of the information before the Board, including information from the Comptroller of the Currency, the Board finds that an emergency situation exists so as to require that the Board act immediately pursuant to the provisions of the Bank Merger Act.

Such anticompetitive effects as will be attributable to consummation of the transaction will be clearly outweighed in the public interest by considerations relating to and involved in the emergency situation found to exist. From the record in the case, it does not appear that there are reasonable alternative acquisition possibilities available at this time. Accordingly, it is the Board's judgment that any disposition of the application other than approval would be inconsistent with the public interest, and the Board concludes that the proposed transaction should be approved on a basis that would not preclude immediate consummation of the proposal.

It is hereby ordered, On the basis of the record, that the application be and hereby is approved and that the acquisition of assets and assumption of liabilities and the establishment of the branch offices may be consummated immediately but in no event later than three months after the date of this Order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 19, 1975.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 75-2459 Filed 1-27-75; 8:45 am]

CHETOPA STATE BANCSHARES, INC.

Formation of Bank Holding Company

Chetopa State Bancshares, Inc., Coffeyville, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96 percent of the voting shares of Chetopa State Bank & Trust Co., Chetopa, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Chetopa State Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the Fox Insurance Agency, Chetopa, Kansas. Notice of the application was published on October 17, 1974, in The Chetopa Advance, a newspaper circulated in Chetopa, Kansas.

Applicant states that, through Fox Insurance Agency, it would engage in general insurance agency activities, including: the sale of auto, home-owners, life, disability, liability, credit life, credit disability, and fire insurance. Such activities will be conducted at offices in Chetopa, Kansas, a community having a population of less than 5,000 persons. Applicant states that such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 18, 1975.

Board of Governors of the Federal Reserve System, January 21, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2460 Filed 1-27-75;8:45 am]

COMMERCIAL NATIONAL CORP.

Bank Holding Company

Commercial National Corporation, Peoria, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Commercial National Bank of Peoria, Peoria, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 1975.

Board of Governors of the Federal Reserve System, January 21, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2461 Filed 1-27-75;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares), of the successor by merger to North Austin State Bank, Austin, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas, controls 22 banks[1] with aggregate deposits of approximately $3.2 billion, representing approximately 8.1 percent of the total deposits in commercial banks in the State.[2] Acquisition of Bank (deposits of $44.5 million) would increase Applicant's share of commercial bank deposits in Texas by less than 0.1 percent, and would have no appreciable effect upon the concentration of banking resources in Texas.

Bank, the seventh largest of seventeen banking organizations in the Austin banking market (approximated by Travis and Harp Counties), holds approximately 3 percent of total market deposits. Applicant has no subsidiary in the market and its nearest subsidiary bank is approximately 69 miles north of Bank. Thus, it appears that no existing competition would be eliminated as a result of consummation of the proposal. Moreover, ease of entry into the Austin market for other bank holding companies would not be significantly diminished by consummation of the present proposed acquisition. Although Applicant could enter the market de novo, the present proposal is considered to be a foothold acquisition. Accordingly, on the basis of the record, it is concluded that consummation of the proposed acquisition would not have significant adverse effects on existing or potential competition in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval particularly in view of Applicant's projected addition of $200,000 to the equity capital structure of Bank through retention of the capital of the interim bank. Affiliation with Applicant should enable Bank to expand and improve the banking services offered by it. Accordingly, these considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich, and Coldwell.

[1] In addition, Applicant indirectly controls interests of less than 25 per cent in two banks; Applicant has agreed to divest its minority interests in the two banks.

[2] All banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through December 31, 1974.

V40I19 JAN28 75 XUM

from the Board of Governors, effective January 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-2462 Filed 1-27-75;8:45 am]

F.N.B. CORP.

Formation of Bank Holding Company and Acquisition of Citizens Budget Co.—Youngstown

F.N.B. Corporation, Sharon, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Mercer County, Greenville, Pennsylvania ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of the Bank.

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire the successor by merger to Citizens Budget Co.—Youngstown, Youngstown, Ohio ("Citizens") and its subsidiaries.[1] Through Citizens and its subsidiaries, Applicant would engage in the following activities: making personal installment loans under the Ohio and Pennsylvania Small Loan Laws, purchasing installment sales finance contracts, making real estate loans under the Ohio Second Mortgage Act, and selling credit life and credit accident and health insurance and property damage insurance on collateral held in connection with extensions of credit made by its subsidiaries. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (9)(ii)(a)).

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 28506). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the purchase of Bank's stock. Bank (deposits of $95.1 million)[2] operates 11 of its 12 offices in the Sharon-Meadville banking market[3] and ranks second among area banks with almost 19 percent of deposits held by commercial banks in the market. Since the proposal, to the extent it contemplates the acquisition of shares of Bank, represents a corporate reorganization and since Applicant currently has no subsidiaries, consummation of the proposal would have no adverse effects on existing or potential competition. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will depend initially upon those of Bank, are considered satisfactory and consistent with approval. The debt that will be incurred by Applicant to capitalize the succesor by merger to Bank appears to be readily serviceable from the income to be derived from Bank without having an adverse effect on the financial condition of Bank. Accordingly, banking factors are regarded as being consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant also proposes to acquire 100 per cent of the outstanding shares of Citizens. Citizens (assets of $4.8 million as of March 31, 1974) is a consumer finance company headquartered in Youngstown, Ohio, and operates six offices variously located in Ohio and one in Pennsylvania.[4]

Citizens does not currently operate any offices in the Sharon-Meadville banking market. While it does maintain an office in the New Castle banking market[5] where Bank operates a branch office, the amount of actual competition between the office of Citizens and the branch of Bank is slight. The Board concludes that consummation of the proposed acquisition would not eliminate a significant amount of existing competition between Citizens and Bank. Nor does it appear likely that significant competition would develop between Citizens and Bank in the future in the absence of consummation of the proposed transaction, particularly in view of the fact that Bank may not lawfully establish banking offices in Ohio. While Applicant appears to have the resources and managerial capacity to enter markets served by Citizens through formation of a de novo consumer finance company, there already exist several consumer finance companies in the markets served by Citizens. Absent consummation of the proposed acquisition, it does not appear that Citizens has the resources to expand into the Sharon-Meadville banking market. Accordingly, the Board concludes that consummation of the proposed transaction would not have adverse effects on the development of competition in any market.

Affiliation with Applicant, by providing Citizens access to Applicant's financial resources, should enhance the competitive effectiveness of Citizens and enable Citizens to relax certain restrictive lending policies that its limited financial resources have caused Citizens to institute. There is no evidence in the record indicating that consummation of the proposed acquisition of the consumer finance and credit-related insurance activities would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that considerations under the standards of section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) of the Act favor approval of Applicant's proposals.

In addition to the above-mentioned activities engaged in by Citizens, Citizens presently controls Garden Tractors, Inc., DBA Marshall Gravely, Inc., a subsidiary acquired as a result of a default on a debt previously contracted which engages in the sale of garden tractors and other items for lawn and garden use and the repair of such products. Applicant does not seek Board approval for acquisition of this business. Citizens has placed its shares of Garden Tractors, Inc. in a nonaffiliated trust and has directed the trustee to sell the company no later than one year after consummation of the acquisition of Citizens by Applicant.

Accordingly, the application to acquire Citizens is approved for the reasons summarized above subject to: (1) Applicant's divestiture of Garden Tractors, Inc., as soon as possible but no later than one year from the date of consummation of the proposed acquisition of Citizens and (2) Applicant's submission to the Board of any proposal to issue or sell subordinated investment notes after May 5, 1975. The application to acquire Bank is also approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of Citizens shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to authority delegated hereby. The determination as to Applicant's consumer finance activities and credit-related insurance activities is subject to the conditions herein and those set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective January 20, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-2463 Filed 1-27-75;8:45 am]

[1] The company into which Citizens is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Citizens. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Citizens.

[2] Banking data are as of December 31, 1973.

[3] The Sharon-Meadville banking market includes all of Mercer County, Pennsylvania, except the eastern and southern tier oftownships, and includes the southern two-thirds of adjacent Crawford County, Pennsylvania.

[4] Citizens sells subordinated investment notes from two of its Ohio offices to small investors in order to augment its operating funds. As of March 31, 1974, Citizens' subordinated investment notes outstanding totaled $1.66 million. Citizens presently has an offering outstanding for $2 million in subordinated notes maturing in 4 years with interest at the rate of 8 percent per annum. The present authorization to sell such notes will expire on May 5, 1975. Subject to Board approval, Applicant expects to consummate the acquisition of Citizens on March 31, 1975. Upon consummation of the acquisition of Citizens by Applicant, Citizens would be affiliated with Bank, a member bank. On the basis of all the facts of record, the Board has determined that the sale of such notes by Citizens from the date of consummation of the acquisition until the expiration date of the authorization to sell such notes would not result in a violation of the Banking Act of 1933 (the Glass-Steagall Act) by reason of Citizens' affiliation with Bank. Approval of the acquisition of Citizens is conditioned upon submission to the Board by FNB of any proposal to issue or sell subordinated investment notes after May 5, 1975.

[5] The New Castle banking market is approximated by the boundaries of Lawrence County, Pennsylvania.

[6] Voting for this action: Vice Chairman Mitchell and Governore Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

FRONTIER BANCORPORATION OF DENVER, INC.

Formation of Bank Holding Company

Frontier Bancorporation of Denver, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 92.5 percent of the voting shares of Frontier Bank of Denver, Denver, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 21, 1975.

Board of Governors of the Federal Reserve System, January 21, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2465 Filed 1-27-75;8:45 am]

KAYCO INVESTMENT CORP.

Order Approving Acquisition of Bank

KAYCO Investment Corporation, Nevada, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 84.95 percent of the voting shares of The First National Bank of Golden City, Golden City, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls one bank with deposits of approximately $8.2 million, representing .06 percent of the total commercial bank deposits in Missouri. (All banking data are as of December 31, 1973.) The acquisition of Bank would increase Applicant's share of commercial bank deposits in Missouri by .03 percent; Applicant would become the smallest multi-bank holding company in the State. Consummation of the proposal would not have a significant effect on the level of concentration of banking resources within the State.

Bank ($5.8 million in deposits) ranks fifth out of six banking organizations located in the relevant banking market and holds about 11.7 per cent of the total commercial bank deposits therein.[1] Applicant's banking subsidiary, Perry State Bank, is located in Perry, Missouri, approximately 280 miles from Bank in northeastern Missouri. No competition exists between Bank and Applicant's subsidiary bank and, due to the distances separating them, there is little likelihood of any competition between them developing. Furthermore, the present proposal involves the transfer of the ownership of Bank from individuals to a corporation owned by the same individuals. The Board concludes, therefore, that consummation of the proposed acquisition would not have significantly adverse effects on existing or potential competition.

Considerations relating to the financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval of the application. The proposed affiliation of Bank with Applicant should enable Bank to expand and improve the banking services offered. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 75-2466 Filed 1-27-75;8:45 am]

F.S.B. PROPERTIES, INC.

Formation of Bank Holding Company

F.S.B. Properties, Inc., Quinton, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Farmers State Bank, Quinton, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 18, 1975.

Board of Governors of the Federal Reserve System, January 20, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2464 Filed 1-27-75;8:45 am]

SECURITY BANCORP., INC.

Acquisition of Bank

Security Bancorp., Inc., Southgate, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Security Bank of Novi, Novi, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 19, 1975.

[1] The relevant banking market is approximated by the southern half of Barton County, the western half of Dade County, plus the northern portion of Jasper County.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

V40N19 JAN28 75 XUM

Board of Governors of the Federal Reserve System, January 20, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2467 Filed 1-27-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 21, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 18, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for clearance of application requirements contained in Form AEC-2 and 10 CFR 40.31 pertaining to the issuance of licenses to receive, possess, use, transfer, deliver, import, or export source material; frequency of the requirement is on occasion; potential respondents are applicants for source material licenses; respondent burden is estimated to be eight-hours for a new application and one-hour for a renewal application, for a total of about 260 man-hours annually. Licenses are mandatory under 10 CFR 40.31.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2471 Filed 1-27-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 20, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL MARITIME COMMISSION

Request for extension with no change of Part 510 of Chapter IV; Title 46, CFR, and of the Application for a License as an Independent Ocean Freight Forwarder. The rules require that the application be submitted to provide the information necessary for the Commission to determine an applicant's eligibility to be licensed as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, as amended. This is a one-time application and the estimated burden is one-half hour per applicant. The rules also require that each licensee maintain records and book of accounts correctly and orderly for five years and make such records available upon request of any authorized representative of the Commission, and that copies of special arrangements or contracts be maintained and made available to Commission personnel and bona fide shippers upon reasonable request.

FEDERAL MARITIME COMMISSION

Request for extension with no change of self-policing reports as required by 46 CFR 528. Conferences and carriers subject to that Part, or any person to whom they have delegated the self-policing authority, must submit a self-policing report each January and July. The reports will show the nature of each complaint received during the preceding 6 months and the action taken on the complaint or on the volition of any person responsible for pricing, and the nature of any violations found and sanctions imposed. The respondent burden is estimated to be 2 man-hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2472 Filed 1-27-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 20, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 14, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for review and clearance of a new requirement entitled—Special Temporary Authority Rules in the Cable Television Service. In circumstances requiring the temporary use of cable television facilities for operations not authorized pursuant to a valid certificate of compliance, a cable television system may request special temporary authority to operate. The Commission may grant special temporary authority, upon a finding that the public interest would be served thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed (90) days. Requests for special temporary authority may be submitted informally by letter. A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or shall be accompanied by a statement of reasons for the delay in submitting such request. A grant of special temporary authority may be rescinded by the Commission at anytime upon a finding of facts which warrant such action. The Commission estimates it will receive 50 requests from Cable Television Operators in a one year period. Respondent burden is estimated at one man-hour per request.

INTERSTATE COMMERCE COMMISSION

Request for clearance of a new quarterly reporting plan to collect information from 71 Class I Railroads, except switching and terminal companies, respecting freight loss and damage claims that are based on losses caused by theft and pilferage of goods moving in interstate commerce. The reporting plan, Quarterly Report of Freight Loss and Damage Claims—Railroads, Form QL&D-R, was adopted following a rulemaking proceeding [Docket No. 35345 (Sub-No. 1)] conducted pursuant to section 553 of the Administrative Procedure Act. Reporting burden for carriers is estimated to average 64 man-hours per report. Reports are mandatory.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2473 Filed 1-27-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg., Temporary Reg. A-9; Supp. 2]

TRAVEL MODE FOR OFFICIAL GOVERNMENT TRAVEL

Mileage Allowances for Use of Privately Owned Conveyances

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation A-9.

2. *Effective date.* This regulation is effective January 26, 1975.

3. *Expiration date.* This regulation will remain in effect until superseded or incorporated, as appropriate, in the Federal Travel Regulations (FTR), 41 CFR 101-7.

4. *Extension of expiration date.* The expiration date in supplement 1 is canceled. This indefinite extension will provide additional time for the incorporation into the FTR of changes established in FPMR Temporary Regulation A-9 and other proposals being considered, and for the resolution of new legislative action to increase official travel and mileage allowances.

5. *Cancellation.* Supplement 1 to FPMR Temporary Regulation A-9 is canceled.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 24, 1975.

[FR Doc.75-2728 Filed 1-27-75;9:52 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR DEVELOPMENTAL BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Developmental Biology to be held at 9 a.m. on February 14 and 15, 1975, in room 511, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. James C. Kellett, Program Manager, Rm. 454, 5225 Wisconsin Avenue, Washington, D.C. 20550, telephone 202/282-7760.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 20, 1975.

[FR Doc.75-2225 Filed 1-27-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Graduate Fellowships Subpanel to be held from 9 a.m. to 5 p.m. on February 17-21, 1975, in room 628 of the Joseph Henry Building, 21st and Pennsylvania Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Graduate Fellowships program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Terence L. Porter, Program Management, Fellowships and Traineeships Section, Rm. 474, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550, telephone 202/282-7595.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 22, 1975.

[FR Doc.75-2427 Filed 1-27-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Instructional Scientific Equipment Program (ISEP) Subpanel to be held at 9 a.m. on February 13-15, 1975, at the Quality Inn, Pentagon City, Arlington, Virginia.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Instructional Scientific Equipment Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Terence L. Porter, Program Management, Fellowships and Traineeships Section, Rm. 474, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550, telephone 202/282-7595.

FRED K. MURAKAMI,
Committee Management Officer.

JANUARY 22, 1975.

[FR Doc.75-2427 Filed 1-27-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

JANUARY 22, 1975.

In addition to the portions of the ACRS meeting previously noticed as open to the public, the following portion of the ACRS meeting on February 3, 1975, in Room 1046, at 1717 H Street, NW., Washington, D.C., will be open to members of the public.

THURSDAY, FEBRUARY 6, 1975

4 p.m.-8:30 p.m.—GE Standard Safety Analysis Report.

The Committee will hear presentations by and hold discussions with representatives of the NCR Staff and the General Electric Company pertaining to the ACRS review of the GE Standard Safety Analysis Report. Portions of this session will be closed if required to discuss proprietary information related to the design, fabrication or operation of this standard plant. Closed portions will also be held if needed to discuss security arrangements for this type plant and for Committee deliberative sessions.

The topic previously scheduled for discussion (Atlantic Generating Station and Floating Nuclear Plant) at this time will be deferred to a subsequent ACRS meeting.

SATURDAY, FEBRUARY 8, 1975

9 a.m.-10:30 a.m.—Reactor Safety Study (WASH-1400).

The Committee will hear presentations by and hold discussions with representatives of the Boeing Nuclear Systems and with Dr. S. Saunders, Washington State University related to the Committee review of WASH-1400, Reactor Safety Study.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-2423 Filed 1-27-75;8:45 am]

V40I19 JAN28 75 XUM

[Docket Nos. 50-237; 50-249]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuances of amendments to Facility Operating Licenses Nos. DPR-19 and DPR-25 issued to the Commonwealth Edison Company (the licensee) for operation of the Dresden Nuclear Power Station Units 2 and 3, boiling water reactors located in Grundy County, Illinois, and currently authorized for operation at power levels up to 2527 MWt each.

The license amendments would revise the Technical Specifications for the facilities to incorporate appropriate requirements for flood protection equipment and to include a change to the performance requirements for the containment cooling service water pumps in accordance with the licensee's request dated November 4, 1974.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's regulations.

On or before February 27, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by February 27, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20545 and to John W. Rowe, Esquire, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, the attorney for the applicant.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applictaion for amendment dated November 4, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. As they become available, the Commission's related Safety Evaluation, license amendment and attachments may be inspected at the above locations. A copy of the license amendment and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 17th day of January, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.75-2275 Filed 1-27-75;8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT 3)

Prehearing Conference

Consolidated Edison Company of New York, Inc. filed a request on January 16, 1975 for a prehearing conference to be convened to consider procedures for the presentation of such data as needed to permit acceptance of a stipulation executed by all parties in settlement of all issues in the proceeding. During a telephone conversation with attorneys for the parties, the date of February 6, 1975 was determined to be convenient for such a prehearing conference.

Take notice, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a prehearing conference shall convene in this proceeding at 9:30 a.m. on Thursday, February 6, 1975 in the Regency Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, New York, to consider procedures that may be adopted for the presentation of data to permit acceptance of a stipulation signed by all parties in settlement of the issues presented for determination.

Issued: January 23, 1975 at Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-2499 Filed 1-27-75;8:45 am]

HARRISONVILLE TEST ANNEX

Trespassing on Commission Property

Notice is hereby given that the Nuclear Regulatory Commission pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 FR 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3 and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4 into or upon the Harrisonville Test Annex of the Nuclear Regulatory Commission, said site being a tract of land situated in section 25 and the NE ¼ of section 36, Township 46 North, Range 33 West of the Fifth Principal Meridian in Cass County, Missouri, more particularly described as follows:

Commencing at the northeast corner of section 36 of said township and range; thence south, along the east line of section 36, to the point of intersection of said east line with the south line of the north sixteen (16) acres, of the NE ¼ of section 36, said point being the point of beginning of the tract of land herein described; thence west, along the south line of said north sixteen (16) acres, to the west line of the NE ¼ of section 36; thence north, along the west line of said NE ¼ to the northwest corner thereof; thence continuing northerly along the west line of the SE ¼ of said section 25, 1830 feet; thence east, parallel to the south line of said section 25 a distance of 310 feet; thence south parallel to the east line of section 25, a distance of 635 feet; thence east parallel to the south line of section 25, approximately 2,290 feet, to the east line of section 25; thence south along the east line of section 25 and the east line of section 36, to the point of beginning, said tract of land containing 92.00 acres, more or less.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and penalties of 10 CFR 160.5 will be posted at all entrances of said site and at intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Germantown, Maryland, this 17th day of January, 1975.

ROBERT D. THORNE,
Acting General Manager.

[FR Doc.75-2424 Filed 1-27-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Provisional Operating License No. DPR-22 issued to Northern States Power Company (the licensee) which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant, Unit 1 located in Wright County, Minnesota. This amendment is effective as of its date of issuance.

The amendment permits deletion of those environmental monitoring requirements which have been shown by experience gained over the few years to be unnecessary or unproductive and increases sampling in areas shown to be productive. It also specifically requires monitoring of two additional media as stipulated by the licensee, the Minnesota Pollution Control Agency, and the AEC Regulatory Staff on October 23, 1974.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated November 1, 1973, (2) the aforementioned stipulation dated October 23, 1974, (3) Amendment No. 5 to License No. DPR-22, with any attachments, and (4) the letter to Northern States Power Company transmitting Amendment No. 5 and containing details relating to the Regulatory staff's review. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library of Minnesota, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A copy of items (3) and (4) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of January 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-2422 Filed 1-27-75;8:45 am]

[Docket Nos. STN 50-522 and STN 50-523]

PUGET SOUND POWER AND LIGHT CO.

Availability of NRC Draft Environmental Statement for Skagit Nuclear Power Project, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Skagit Nuclear Power Project Units 1 and 2 to be constructed by Puget Sound Power and Light Company in Skagit County, Washington is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington 98284. The Draft Statement is also being made available at the Office of the Governor, Office of Program Planning and Fiscal Management, Olympia, Washington 98504. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

The Applicant's Environmental Report, as supplemented, submitted by Puget Sound Power & Light Company is also available for public inspection at the above-designated location. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on December 20, 1974 (39 FR 44064).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by March 17, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland, this 22nd day of January 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-2498 Filed 1-27-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on 01/23/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Officer checks and deposits report to the Federal Reserve Bank of New York, MS-76 other (see SF-83), agencies and branches of foreign banks in N.Y., Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Bureau of the census: Additional questions to form SC-F198 and supplement to form SC-F198, SC-F198B and supplement single-time, selected households in San Bernardino County, Strasser, A., 395-3880.

Bureau of international commerce: U.S. Supplier Evaluation—Foreign Buyer Program DIB 4045P, on occasion, U.S. suppliers with exportable products, Evinger, S. K., 395-3648.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Uses of medicare and medicaid funds by teaching hospitals SSA-9766, single-time, administrators of hospitals, human resources division, 395-3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Monthly report on employment (payroll and hours) methods test, BLS 3058, single-time, non-farm business firms in Iowa, Oregon and Wisconsin, Strasser, A., 395-3880.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Institutional Characteristics of Colleges and Universities, 1975-76, OE 2300-1, annually, colleges and universities, Planchon, P., 395-3898.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2647 Filed 1-27-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1112]

ALABAMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January, because of

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the effects of a certain disaster, damage resulted to property located in the State of Alabama;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Jefferson, Lee, Macon, St. Clair, and Shelby Counties, and adjacent affected areas, suffered damage or destruction resulting from a tornado which occurred January 10, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 21, 1975. EIDL applications will not be accepted subsequent to October 20, 1975.

Dated: January 20, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-2476 Filed 1-27-75;8:45 am]

[License No. 01/01-0018]

MASSACHUSETTS CAPITAL CORP.

Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR 107.701(1974)) for the Transfer of Control of Massachusetts Capital Corporation (the Applicant), License No. 01/01-0018, 111 Devonshire Street, Boston, Massachusetts 02108, a Federal Licensee under the Small Business Investment Act of 1958, as amended, (Act).

The Applicant was licensed on June 12, 1961, with paid-in capital and paid-in surplus of $650,438. As of December 31, 1974, the Applicant had paid-in capital and paid-in surplus of $650,438. Kane Financial Corporation (Kane) owns 80 percent of the Applicant's outstanding Common Stock. CNA Financial Corporation (CNA) owns 100 percent of the capital stock of Kane. CBC Investments, Inc., (CBC) owns 10 percent of the Applicant's outstanding Common Stock. CBC is a wholly-owned subsidiary of Connecticut Bancshares Corporation. Certain officers and/or directors of Burley, Harkins and Funk, Inc., (BHF) own 10 percent of the Applicant's outstanding Common Stock. Pursuant to a Management Agreement dated November 23, 1973, the day to day activities of the Applicant are performed by Masscap Advisory Partners, a partnership between CBC and BHF.

Effective December 18, 1974, Loews Corporation (Loews), whose principal executive office is at 666 Fifth Avenue, New York, New York completed a related series of transactions involving the acquisition, as the result of a public tender offer, of an aggregate of 20,005,619 outstanding shares of the Common Stock and Series A Preferred Stock of CNA and the purchase from CNA, by subscription, of 3,703,704 shares of a newly authorized Series C. Preferred Stock. As a result of such purchases, Loews owns approximately 57 percent of the outstanding voting securities of CNA, of which approximately 48.1 percent was acquired as a result of the tender offer and 8.9 percent was acquired from CNA. The stock acquired under the tender offer constituted 52.8 percent of the stock outstanding before the issue of the Series C Preferred Stock. CNA continues to own 100 percent of the stock of Kane which continues to own 80 percent of the Applicant's capital stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed transferees and the probability of successful operation of the Applicant under their control and management in accordance with the Act and Regulations.

Notice is further given that any interested person may submit on or before February 7, 1975 their comments on the proposed transfer of control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A similar notice shall be published by the Applicant in a newspaper of general circulation in Boston, Massachusetts.

Dated: January 17, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-2484 Filed 1-27-75;8:45 am]

[Declaration of Disaster Loan Area 1111]

MISSISSIPPI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January, because of the effects of a certain disaster, damage resulted to property located in the State of Mississippi;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Hinds, Jasper, Lawrence, Lincoln, Madison, Pike, Rankin and Simpson Counties, and adjacent affected areas, suffered damage or destruction resulting from a tornado and accompanying high winds which occurred January 10, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, Petroleum Building—Room 690, 200 East Pascagoula, Jackson, Mississippi 39201.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 21, 1975. EIDL applications will not be accepted subsequent to October 20, 1975.

Dated: January 20, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-2477 Filed 1-27-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 683]

ASSIGNMENT OF HEARINGS

JANUARY 23, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I & S No. M-28009, Increased Fares, between New York, N.Y., and New Jersey, now assigned February 12, at New York, N.Y., is cancelled.

I & S No. 9012, Corn & Grain Sorghums, Midwest & Southwest to Pacific Ports, now assigned March 11, 1975, at Dallas, Texas, is cancelled.

MC-F-12239, Ruan Transport—Control—Arizona Tank Lines, Inc., now being assigned March 11, 1975 (4 days), at Phoenix, Ariz., in a hearing room to be designated later.

MC 128473 Subs. 5 and 18, Montana Express, Inc., now being assigned March 24, 1975 (2 days), at Billings, Mont., in a hearing room to be designated later.

MC 25869 Sub 124, Nolte Bros. Truck Line, Inc., MC 114273 Sub 176, Cedar Rapids Steel Transportation, Inc., MC 118060 Sub 5, Capitol Packing Co., and MC 138018 Sub 13 Refrigerated Foods, Inc., now being assigned March 17, 1975 (1 week), at Denver, Colo., in a hearing room to be designated later.

MC 56640 Sub 32, Delta Lines, Inc., now being assigned March 3, 1975 (2 weeks), at Carson City, Nev., in a hearing room to be later designated.

MC 115279 Sub 7, Click Messenger Service, now assigned February 24, 1975, at New York, N.Y., is postponed to March 3, 1975, at The Gateway Downtowner Motor Inn, Gateway Center, Raymond Blvd. and McCarter Highway, Newark, New Jersey.

MC 29886 Sub 314, Dallas and Mavis Forwarding Co., Inc., MC 105045 Sub 51, R. L. Jeffries Trucking Co., Inc., MC 112304 Sub 84, Ace Doran Hauling & Rigging Co., and MC 124947 Sub 27, Machinery Transports, Inc., now being assigned March 10, 1975 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 140098, D-X Trucking, Inc., application dismissed.

MC 52460 Sub 144, Ellex Transportation, Inc., now assigned January 30, 1975, at Dallas, Tex. is cancelled and application dismissed.

MC 133189 Sub 7, Vant Transfer, Inc., application dismissed.

MC-C-8461, Akers Motor Lines, Incorporated—Investigation and Revocation of Certificates, now being assigned March 6, 1975 (1 day), at Atlanta, Ga., in a hearing room to be designated later.

MC 106644 Sub 185, Superior Trucking Company, Inc., now being assigned March 7, 1975 (1 day), at Atlanta, Ga., in a hearing room to be designated later.

MC-C-7668, Georgia-Florida-Alabama Transportation Company and Bay Transportation, Inc.—Investigation and Revocation of Certificates, now being assigned March 10, 1975 (1 day), at Atlanta, Ga., in a hearing room to be designated later.

MC 111201 Sub 21, J. N. Zellner & Son Transfer Company, now being assigned March 11, 1975 (2 days), at Atlanta, Ga., in a hearing room to be designated later.

MC 139831 Sub 1, R. E. Strozier and R. H. Strozier DBA S & S Boat Repair, now being assigned March 13, 1975 (2 days), at Atlanta, Ga., in a hearing room to be designated later.

MC 126266 Sub 8, Dudley Boat & Trailer Transportation, Inc., Extension—Oregon and Washington, now being assigned March 3, 1975 (1 week), at Olympia, Washington, in a hearing room to be later designated.

MC 128981 Sub 7 and Sub 8, Land-Air Delivery, Inc., now assigned January 27, 1975, at Washington, D.C., is cancelled and application dismissed.

MC 128981 Sub 9, Land-Air Delivery, Inc., now assigned January 27, 1975, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2517 Filed 1-27-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 23, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 12, 1975.

FSA No. 42923[1]—*Industrial Sand to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-494), for interested rail carriers. Rates on sand, industrial, in carloads, as described in the application, between points in southern territory.

Grounds for relief—Revision of rate structure and rate relationship.

Tariff—Supplements 19 and 22 to Southern Freight Association, Agent, tariff 388-I, I.C.C. No. S-1188. Rates are published to become effective on February 28, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2520 Filed 1-27-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

JANUARY 23, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 29886 (Sub-No. 311G), filed June 4, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Such commodities* which because of size or weight require the use of special equipment or handling; (b) *Contractors' machinery and equipment;* and (c) *Self-propelled articles*, each weighing 15,000 lbs, or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between Wisconsin, on the one hand, and, on the other, points in Indiana and Michigan. (2)(a) *Such commodities* which because of size or weight require the use of special equipment or handling; and (b) *Self-propelled articles*, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Iowa and Missouri, on the one hand, and, on the other, points in Indiana, Michigan and Ohio. (3)(a) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts*, and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require the use of special equipment; and (b) *Self-propelled articles*, each weighing 15,000 lbs, or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in New York and Pennsylvania.

(4)(a) *Such commodities* which because of size or weight require the use of special equipment or handling; and (b) *Self-propelled articles*, each weighing 15,000 lbs., or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Ohio. (5)(a) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts*, and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require the use of special equipment; and (b) *Self-propelled articles*, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Indiana, on the one hand, and, on the other, points in Pennsylvania, New Jersey and Ohio. (6) *Self-propelled articles*, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, which because of size or weight require the use of special equipment or special handling and/or which are *contractors' machinery and equipment*, between points in Illinois, on the one hand, and, on the other, points in Ohio and Pennsylvania. The purpose of this filing is to eliminate the gateway between points in that part of Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Interstate Highway 96 to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion of U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line.

(7) *Heavy machinery* which because of size or weight requires special equipment or special handling, between points in Ohio on and north of U.S. Highway 30N and on the west of Interstate I-71, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway at Toledo,

[1] This amends the same application printed in FEDERAL REGISTER of January 9, 1975.

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Ohio. (8) (a) *Such commodities* which because of size or weight require the use of special equipment or handling; and (b) *Self-propelled articles*, each weighing 15,000 lbs. or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Pennsylvania, on the one hand, and, on the other, points in Connecticut and points in New York on and east of Highway I–81 to its intersection with New York Highway 57, then on and east of New York Highway 57 to Lake Ontario and between points in Pennsylvania on and east of U.S. Highway 15 on the one hand, and, points in New York, on the other. The purpose of this filing is to eliminate the gateway at Massachusetts. (9) *Machinery*, which because of size or weight requires special equipment for the transportation thereof, between points in Ohio, on and south of U.S. Highway 30N, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and New York, on and east of Highway I–81 to its intersection with New York Highway 57, thence on and east of New York Highway 57 to Lake Ontario. The purpose of this filing is to eliminate the Centre County, Pa. gateway and the Massachusetts gateway. (10) *Heavy machinery* which because of size or weight requires special equipment, between points in Indiana on and north of Indiana Highway 46, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate the Centre County, Pa. gateway and the Toledo, Ohio gateway.

(11) *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction and moving machinery*, which because of size or weight require the use of special equipment and/or which are self-propelled articles, weighing 15,000 pounds or more, and/or which are *contractors' equipment or machinery*, from points in Iowa, Wisconsin, and Michigan, points in Illinois on and north of Highway I–80, points in Indiana on and north of U.S. Highway 30, to points in the United States. The purpose of this filing is to eliminate the Benton Harbor, Mich. and Southwestern Michigan gateway, as described in (6) above.

(12) *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor), which are of such size or weight as to require special equipment and/or are self-propelled articles weighing 15,000 lbs. or more, and/or which are *contractors' equipment or machinery*, from points in Michigan, Iowa, Wisconsin, Illinois, Ohio, Pennsylvania, points in Indiana on and north of U.S. Highway 40, to points in the United States (except points in Alaska, Arkansas, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line and extending westward along U.S. Highway 30 to Mansfield, Ohio, thence along U.S. Highway 30N, to Delphos, Ohio, and thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the South Bend, Ind., and/or Southwestern Michigan gateways as described in No. (6).

(13) *Crawler tractors*, set up, with loading and grading attachments and *wheeled tractors* (other than truck tractors), and *utility trailers* designed for the transportation of crawler and wheeled tractors (other than truck tractors) which are also of such size or weight as to require special equipment and/or which are *contractors' equipment or machinery*, or which are *self-propelled articles* weighing 15,000 lbs. or more, from points in Michigan, Wisconsin, Iowa, Illinois, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Indiana on and north of U.S. Highway 40 to points in the United States except points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. The purpose of the filing is to eliminate the Churubusco, Ind., and/or the Southwestern, Michigan as described in (6) above and/or the gateway at points in that part of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line and points in that part of Pennsylvania on and west of U.S. Highway 219. (14) *Tractors* (other than truck tractors) which are *contractors' equipment or machinery* and/or which are *self-propelled articles* weighing 15,000 lbs. or more, or which are of such size or weight as to require special equipment, from points in Pennsylvania on and east of U.S. Highway 219, Ohio, Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, and New Jersey, to points in the United States (except Hawaii). The purpose of this filing is to eliminate the Batavia, N.Y., gateway.

(15) *Street sweepers*, which because of size or weight require special equipment and/or which are *contractor's equipment* and/or which are *self-propelled articles* weighing 15,000 lbs. or more, (a) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Michigan, Ohio, Indiana, Illinois and Wisconsin, to points in the United States. The purpose of this filing is to eliminate the South Bend, Ind., the Southwestern Michigan, as described in No. (6) and the western New York gateways, as described in No. (13). (b) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Michigan, Ohio and Indiana, to points in the United States. The purpose of this filing is to eliminate the Elgin, Ill., the Southwestern Michigan, as described in No. (6) and the Western New York Gateways, as described in No. (13).

No. MC 43670 (Sub-No. 6G), filed June 3, 1974. Applicant: DELCHER BROTHERS STORAGE COMPANY, a Corporation, 262 Riverside Avenue, Jacksonville, Fla. 32201. Applicant's representative: Sheldon Silverman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission: (1) Between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Alabama, Florida, and South Carolina. (2) Between points in Texas, on the one hand, and, on the other, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, District of Columbia, and points in Missouri, east of a line beginning at the intersection of Arkansas-Missouri State line and U.S. Highway 67, over U.S. Highway 67 to its intersection with Interstate Highway 55, thence over Interstate Highway 55 to its intersection with Interstate Highway 244, thence over Interstate Highway 244 to its intersection with Interstate Highway 70, thence over Interstate Highway 70 to the Missouri-Illinois State line, points in Mississippi south of Interstate Highway 20, and points in Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany Parishes, La. The purpose of this filing is to eliminate the gateway at Alabama. (3) Between points in Oklahoma, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Mississippi south of Interstate Highway 20, and points in Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany Parishes, La. The purpose of this filing is to eliminate the gateways at Florida. (4) Between points in Maine, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, and points in Missouri and Illinois south of U.S. Highway 36. The purpose of this filing is to eliminate the

gateways at Florida. (5) Between points in Michigan, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, points in Virginia east and south of a line extending from the North Carolina State line over Interstate Highway 85 to Petersburg, and thence over Interstate Highway 95 to Richmond, and thence over Virginia Highway 33 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateways at points in Florida and South Carolina. (6) Between points in Wisconsin, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, District of Columbia, points in Texas south of a line beginning at U.S. Highway 84 at the Texas-New Mexico State line, east to its intersection with U.S. Highway 70, east on U.S. Highway 70 to the Oklahoma-Texas State line, points in Tennessee east of Interstate Highway 65, points east of Interstate Highway 81 in Maryland, Pennsylvania, and New York beginning at Interstate Highway 81 at the Maryland-Virginia State line north to the St. Lawrence River. The purpose of this filing is to eliminate the gateways at points in Florida and South Carolina.

(7) Between points in Kansas, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, District of Columbia, points in Louisiana south of a line extending along U.S. Highway 190 from the Texas State line (near Merryville, La.) to its intersection with U.S. Highway 90 (near Slidell, La.) and thence along U.S. Highway 90 to the Mississippi State line, and points in Louisiana on and east of Interstate Highway 55, and north of a line extending along U.S. Highway 190 and 90 from the intersection of Interstate Highway 55 and U.S. Highway 190 along U.S. Highway 190 to its intersection with U.S. Highway 90, and thence along U.S. Highway 90 to the Mississippi State line, points in Mississippi south of Interstate Highway 20, and points in Tennessee east of Interstate Highway 65. The purpose of this filing is to eliminate the gateways at Florida and South Carolina. (8) Between points in Iowa, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Missouri, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, points in New York east of Interstate Highway 81, points in Pennsylvania east of Interstate Highway 81, points in Texas south of a line extending along U.S. Highway 90 from Del Rio to San Antonio and thence along Interstate Highway 10 to the Louisiana State line, points in Louisiana south of Interstate Highway 20, and points in Mississippi south of U.S. Highway 82. The purpose of this filing is to eliminate the gateways at points in Florida and South Carolina.

(9) Between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, District of Columbia, points in Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany Parishes, La., points in Mississippi south of U.S. Highway 84, points in Alabama on and south of a line extending along U.S. Highway 80 from the Mississippi State line to Montgomery and thence along Interstate Highway 85 to the Georgia State line, points in Georgia south of Interstate 85, points in Virginia east of Interstate Highway 81, points in Maryland east of Interstate Highway 81, and points in Pennsylvania east of Interstate Highway 81. The purpose of this filing is to eliminate the gateways at points in Florida.

No. MC 107403 (Sub-No. 903G), filed June 4, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (non-flammable), in bulk, in tank vehicles, from the plant site of Du Pont at Niagara Falls, N.Y., to points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J. (2) *Liquid chemicals* (non-flammable), from Buffalo, N.Y., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J. (3) *Liquid chemicals*, in bulk, in tank vehicles, from Baltimore, Md., to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Marcus Hook, Pa. (4) *Liquid plasticizers*, in bulk, in tank vehicles, from Chestertown, Md., to Farmville, Va. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (5) *Petroleum products*, except petro-chemicals, in bulk, in tank vehicles, from Petrolia, Pa., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Congo, W. Va. (6) *Liquid chemicals* (non-flammable), in bulk, in tank vehicles, from points in Massachusetts, to points in New York except those points in New York within 100 miles of Columbus Circle, N.Y. The purpose of this filing is to eliminate the gateway of Newark, N.J.

(7) *Plastic pellets*, in bulk, in tank vehicles, from Kobuta, Pa., to points in Connecticut. The purpose of this filing is to eliminate the gateways of Lewistown and Solvay, N.Y. (8) *Fuel oil*, in bulk, in tank vehicles, from Toledo, Ohio, to Waverly, W. Va. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. (9) *Lubricating oil*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Texas. The purpose of this filing is to eliminate the gateway of Good Hope, La. (10) *Liquid chemicals*, in bulk, in tank vehicles, from Toledo, Ohio, to Springfield, Va. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (11) *Formaldehyde*, in bulk, in tank vehicles, from Toledo, Ohio, to Belle, W. Va. The purpose of this filing is to eliminate the gateways of Coraopolis and Pittsburgh, Pa. (12) *Liquid chemicals*, in bulk, in tank vehicles, from Toledo, Ohio, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Point Pleasant, W. Va.

No. MC 117416 (Sub-No. 45G), filed June 4, 1974. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed foodstuffs* (except fresh or cured meats, dairy products, frozen commodities, or commodities in bulk), (1) from points in Indiana (except Franklin, Indianapolis, and New Albany), on, east, and south of a line beginning at the Kentucky-Indiana state line and extending north along Indiana Highway 135 to Indianapolis, thence north on U.S. Highway 31 to junction Indiana Highway 26, thence east along Indiana Highway 26 to the Indiana-Ohio state line, to points in Autauga, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Marshall, Morgan, Perry, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston Counties, Ala. The purpose of this filing is to eliminate the gateway of Tellico Plans, Tenn. (2) from Louisville, Ky., to points in Autauga, Bibb, Blount, Calhoun, Chilton, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Marshall, Morgan, Perry, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston Counties, Ala. The purpose of this filing is to eliminate the gateways of Jeffersonville, Ind., and Tellico Plains, Tenn.

No. MC 117574 (Sub-No. 240G), filed June 4, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine St. P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wood chips products*, Viz: *Wallboard, building board, insulation board, fireboard, pulpboard, and incidental materials and supplies* used in or in connection with the installation thereof, from Libson Falls, Maine, to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin. The purpose of

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this filing is to eliminate the gateway at Braxton County, W. Va.

(2) *Wood chip products, Fibreboard and fibreboard products, and accessories and supplies* used in the installation and erection thereof, (1) Between Bradford County, Pa., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Minnesota, Mississippi, South Carolina, and Tennessee, and (2) Between Braxton County, West Virginia, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway at Spring Hope, N.C.

(3) *Wood chip products,* Viz: *Composition board, and mineral fiber products, and materials, supplies, and accessories* used in the installation thereof, from Henry County, Tennessee, and Greenville, Mississippi, to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway at Braxton County, W. Va.

(4) *Building and Contractor's Materials* (except commodities which because of size or weight require the use of special equipment), between points in Pennsylvania, on the one hand, and, on the other, Martinsburg, W. Virginia; New York, New York; and points and places in Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Shrewsbury, Pa.

(5) *Building and Contractor's Materials;* Viz; *Wood Chip Products, Fibrewood and Fibrewood Products, and accessories and supplies* used on the installation and erection thereof, between Martinsburg, West Virginia; New York, New York; and points and places in Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and the District of Columbia, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway at Shrewsbury, Pa., Bradford County, Pa., and Braxton County, W. Va.

(6) *Wood Chip Products, Fibrewood and Fibrewood Products, and accessories and supplies* used in the installation thereof, from the points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin, to points in Ohio West of Ohio Highway 4, and to points in Indiana, Illinois, Michigan, Wisconsin, and Kentucky. The purpose of this filing is to eliminate the gateways at Braxton County, W. Va.; Bradford County, Pa., and Tyrone, Pa.

(7) *Construction Materials;* Viz: *Fibreboard and Fibrewood Products, and accessories and supplies* used in the erection and installation thereof, between points in Pennsylvania on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Bradford County, Pa. and Cpring Hope, N.C.

(8) *Buildings and Contractor's Materials;* Viz: *Fibrewood and Fibrewood Products, and accessories and supplies* used in the installation and erection thereof, between points in Maryland and Virginia, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateways at Shrewsbury, Pa., and Bradford County, Pa.

No. MC 116073 (Sub-No. 294G), filed June 4, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, transported on wheeled undercarriages, (1) from Guttenberg, Iowa, to points in Wisconsin, Minnesota, Nebraska, Wyoming, Montana, Idaho, Oregon, Washington, points in Illinois on and north of U.S. Highway 36, and points in Missouri on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Watertown, S. Dak.

(2) From Hutchinson and Newton, Kans., to points in Arizona, Nevada, Oklahoma, California, Texas, Louisiana, Arkansas, Missouri, Nebraska, Iowa, Minnesota, Wisconsin, and Illinois. The purpose of this filing is to eliminate the gateway of the plantsite of Champion Home Builders Co., near Berthoud, Colo.

(3) From Ironwood, Mich., to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of Skyline Corp. at or near New Ulm, Minn.

(4) From the plantsite of Skyline Corporation at or near New Ulm, Minn., to points in Nebraska, Kansas, Wisconsin, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, Utah, Nevada, California, and Arizona. The purpose of this filing is to eliminate the gateway of Marshfield, Wis.

(5) From Scottsbluff, York, and Omaha, Nebr., to points in the United States, including Alaska but excluding Hawaii. The purpose of this filing is to eliminate the gateway of the plantsite of Champion Home Builders Co. at Berthoud, Colo.

(6) From the plantsite of United Housing of New Mexico, Inc., near Hobbs, N. Mex., to points in the United States, including Alaska but excluding Hawaii. The purpose of this filing is to eliminate the gateway of the plantsite of Champion Home Builders Co. at Berthoud, Colo.

(7) From Morrisville, N.C., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of Sumner County, Tenn.

(8) From the plantsite of Housing by Vogue, Inc., which is a point of manufacture, located at or near Pembroke, N.C., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of Sumner County, Tenn.

(9) From points in Schuylkill County, Pa., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Michigan, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Morrisville, N.C.

No. MC 119531 (Sub-No. 155G), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 1835 West Main Street, Zanesville, Ohio 43701. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap, waste paper, machinery and supplies*, from Chattanooga and Knoxville, Tenn., to Rock Island, Ill.

(2) *Scrap paper or waste paper*, from Chattanooga and Knoxville, Tenn., to points in Indiana on and north of Interstate Highway 70, that part of Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois State Highway 125 to Rushville, Ill., thence along U.S. Highway 24 to the Illinois-Missouri State line, and points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, Mich., thence along U.S. Highway 23 to Bay City, Mich., thence along the shores of Saginaw Bay and Lake Huron to Port Huron, Mich.

(3) *Scrap paper, machinery and supplies* used in the manufacture of pulpboard, from Chattanooga and Knoxville, Tenn., to Chicago, Ill.

(4) *Machinery and supplies*, used in the manufacture of pulpboard, from points in Michigan on and west/and on and north of a line beginning at the Indiana-Michigan State line at U.S.

Highway 131 north to Michigan Highway 55, thence along Michigan Highway 55 via Tawas City, Mich., to Cincinnati, Ohio.

(5) *Boxes* (fiberboard or pulpboard), knocked down, from Anderson, Ind., to points in Kentucky on and east of a line beginning at the junction of U.S. Highway 42 and U.S. Highway 127 and extending along U.S. Highway 127 to Stanford, Ky., thence along U.S. Highway 27 to the Kentucky-Tennessee State line.

(6) *Pulpboard and pulpboard products*, from Cincinnati, Ohio, to points in Missouri.

(7) *Materials and supplies* used in the manufacture of pulpboard and pulpboard products, from points in West Virginia on and west of U.S. Highway 119 to Columbus, Ind., Chicago and Rock Island, Ill.

(8) *Machinery* used in the manufacture of pulpboard, from Chattanooga and Knoxville, Tenn., and points in Kentucky (on and east of a line beginning at Owensboro, Ky., and extending along U.S. Highway 231 to Bowling Green, Ky., thence along Interstate Highway 65 to the Kentucky-Tennessee State line), to Chicago, Ill.

(9) *Pulpboard, viz; boxboard, chipboard, strawboard, wood pulpboard, scrap and waste paper*, (a) from Huntington and Charleston, W. Va., to points in Indiana on and north of U.S. Highway 50; Missouri and points in Illinois on and north of Interstate Highway 70; and (b) from Huntington and Charleston, W. Va., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways at Circleville, Ohio, and Anderson and Columbus, Ind.

No. MC 119789 (Sub-No. 293G), filed May 27, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* from Columbus, Ohio, to points in Arizona, California, and Utah. The purpose of this filing is to eliminate the gateway of Thibodaux, La.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JANUARY 23, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 7, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 31462 (Sub-No. E80), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) points in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E81), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) points in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E82), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E83), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E84), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E85), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E86), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E87), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any

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point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E292), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota to points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) any point in Illinois within 50 miles of Burlington, Iowa; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E293), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota, to points in New York. The purpose of this filing is to eliminate the gateways of (1) any point in Illinois within 50 miles of Burlington, Iowa; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E298), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota, to points in Vermont. The purpose of this filing is to eliminate the gateway of (1) any point in Illinois within 50 miles of Burlington, Iowa, (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E299), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point within 50 miles thereof; (2) Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 31462 (Sub-No. E300), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Minnesota, on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 69 to Albert Lee, Minn., thence along U.S. Highway 65 to Minneapolis, Minn., thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Oklahoma on, south and east of a line beginning at the Kansas-Oklahoma State line, thence along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Oklahoma Texas State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E301), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Minnesota, on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 69 to Albert Lee, Minn., thence along U.S. Highway 65 to Minneapolis, Minn., thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Missouri on, south, and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 63 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 41, thence along Missouri Highway 41 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 50 miles of Burlington, Iowa and (2) any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E302), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to Mankato, Minn., thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction St. Cloud, Minn., thence along Minnesota Highway 371 to Brainard, Minn., thence along Minnesota Highway 210 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 62 to Brownfield, Tex., thence along U.S. Highway 82 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 50 miles of Burlington, Iowa; and (2) any point in Okmulgee County, Okla.

No. MC 61403 (Sub-No. E21), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (A) between points in Alabama, on, south, and west of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 85 to junction U.S. Highway 80, thence along U.S. Highway 80 to Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 5, thence along Alamaba Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 96, thence along Alabama Highway 96 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Virginia-Kentucky State line and extending along U.S .Highway 421 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line (Kingsport, Tenn.)*, (B) between points in Alabama, on the one hand, and, on the other,

points in Tennessee on and east of Tennessee Highway 70 (Kingsport, Tenn.)*, (C) between points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 85 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Michigan on and east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 115, thence along Michigan Highway 115 to Lake Michigan (Kingsport, Tenn.)*.

(D) Between points in Alabama on and west of a line beginning at the Gulf of Mexico and extending along Alabama Highway 163 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Alabama-Tennessee State line, on the one hand, and, on the other, points in North Carolina on and north of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 421 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean (Kingsport, Tenn.)*, (E) between points in Alabama which are both south of Interstate Highway 59 and north of U.S. Highway 84, on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 23 (Kingsport, Tenn.)*, and, (F) between points in Alabama south of U.S. Highway 84 on the one hand, and, on the other, points in Ohio on north and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to junction Ohio Highway 117, thence along Ohio Highway 117 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line (Kingsport, Tenn.)*, and (2) *Liquid chemicals*, in bulk, in tank vehicles, from Sheffield, Ala., and points within 15 miles thereof, to points in Wisconsin, Minnesota, Iowa, Kansas, Nebraska, North Dakota, and South Dakota (Kingsport, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E24), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kansas south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 160 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, to points in New Jersey, on and south of New Jersey Highway 33, Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, points in Pennsylvania on and south of U.S. Highway 202, and points in Delaware. The purpose of this filing is to eliminate the gateway of Charleston, W. Va., and Kingsport, Tenn.

No. MC 61403 (Sub-No. E27), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk in tank vehicles, (a) from points in Oklahoma on and west of U.S. Highway 75 to points in Maine (Kingsport, Tenn., and Charleston, W. Va.)*, (b) from points in Oklahoma on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 77 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont (Kingsport, Tenn., and Charleston, W. Va.)*, (c) from points in Oklahoma, except points within an area bounded by a line beginning at Perry Oklahoma, and extending along Interstate Highway 35 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Oklahoma Highway 48, thence along Oklahoma Highway 48 to junction U.S. Highway 64, thence along U.S. Highway 64 to points of beginning, to points in New Hampshire on east and south of U.S. Highway 202, and points in Massachusetts on and east of a line beginning at the Massachusetts-Rhode Island State line and extending along Massachusetts Highway 126 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 93, thence along Interstate Highway 93 to Massachusetts-New Hampshire State line (Kingsport, Tenn., and Charleston, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 103490 (Sub-No. E2), filed May 13, 1974. Applicant: PROVAN TRANSPORT, CORP., 210 Mill St., Newburgh, N.Y. 12550. Applicant's representative: Bert Collins, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, except bituminous asphalt products, in bulk, in tank vehicles, (a) from Albany, N.Y., to Fall River, Mass., and Hartford, New Haven, and Middletown, Conn., and (b) from Bayonne and Newark, N.J., to Brockton, Boston, Chelsea, Chicopee Falls, Chelmsford, Fall River, Lawrence, Salem, Marlboro, Northampton, Springfield, Worcester, and New Bedford, Mass., and Canaan, Middletown, Putnam, Torrington, and Waterbury, Conn. The purpose of this filing is to eliminate the gateway of points in Dutchess County, N.Y.

No. MC 113678 (Sub-No. E23), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Commerce St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juice concentrates*, from points in Florida, to points in Washington, Oregon, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113678 (Sub-No. E26), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish* (including shell fish) and *frozen agricultural commodities* (not including manufactured products thereof), as defined in Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities (presently authorized in certificates now issued to carrier) the transportation of which is not exempt from regulation, (a) from points in Massachusetts and Hempstead, and Long Island, N.Y., Jersey City and Maurice River, N.J., Rehoboth Beach and Dover, Del., Nanticoke, Crisfield, Bivalve, and Tilghman, Md., and Philadelphia, Pa., to points in Washington, Oregon, Idaho, and Montana. (points in Hall County, Nebr.)*. (b) from St. Louis, Mo., and Omaha, Nebr., to points in Washington, Oregon, and Montana (Denver, Colo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E29), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, (a) to points in Wisconsin and Missouri (Greeley, Colo.)*, (b) to points in Louisiana, Mississippi, Arkansas, Kentucky, Tennessee, and West Virginia (Denver, Colo.)*, (2) *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides),

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from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Rhode Island, Connecticut, Delaware, Virginia, and the District of Columbia (Lexington, Nebr.)*. Restriction: The authority granted in (1) and (2) above, is restricted to the transportation of traffic originating at the named origin facilities. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E33), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except fats and oils, blends and products thereof, and chemicals, in bulk, from the facilities of Carter Packing Co., at or near Buhl, Idaho, (a) to points in Alabama, Louisiana, Mississippi, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia. (Denver, Colo.)* (b) to points in Missouri and Oklahoma. (Greeley, Colo.)* (c) to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. (York, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E35), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen candy, frozen confectionery, and frozen confectionery products* (except commodities in bulk, in tank vehicles), from the facilities of Topps Chewing Gum, Ind., at or near Duryea, Pa., to points in Idaho, Nevada, North Dakota, Oregon, South Dakota, Utah, Montana, Washington, and Wyoming. Restricted to the transportation of shipments originating at the above named facilities. The purpose of this filing is to eliminate the gateway of Ames, Iowa.

No. MC 113678 (Sub-No. E56), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, preserved vegetables*, from the facilities of Food Processors, Inc., at Wilson, N.C., to points in Colorado, Idaho, Nebraska, Nevada, North Dakota, South Dakota, Oregon, Utah, Montana, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Ames, Iowa.

No. MC 113678 (Sub-No. E58), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods and berries*, from points in that part of Michigan on and west of a line beginning at Mackinaw City, Mich., and extending along Interstate Highway 75 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, to points in New Mexico (Denver, Colo.)*; and (2) Frozen fruits and berries, and frozen fruit juices, from points in that part of Michigan on and west of a line beginning at Mackinaw City, Mich., and extending along Interstate Highway 75 to Clare, Mich., and thence along U.S. Highway 27 to the Michigan-Indiana State line, to points in Washington, Oregon, and Idaho (Denver, Colo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E59), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, frozen meat products, and frozen meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Aurora Packing Company, at Aurora, Ill., to points in Idaho. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the above-named shipper's facilities. The purpose of this filing is to eliminate the gateway of points in Hall County, Nebr.

No. MC 113678 (Sub-No. E65), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Albuquerque, N. Mex., to points in Washington, Oregon, and Montana. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113678 (Sub-No. E80), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except fats and oils, blends and products thereof, and chemicals, in bulk, from the facilities of Carter Packing Co., at or near Buhl, Idaho, (a) to points in Alabama, Louisiana, Mississippi, Arkansas, Georgia, Kentucky, North Carolina, Tennessee, and West Virginia (Denver, Colo.)*, (b) to points in Missouri and Oklahoma (Greeley, Colo.)*, (c) to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia (York, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E82), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and frozen foods), from Waterloo, Penn Yan, Fairport, Red Creek, Egypt, Rushville, Lyons, Newark, Arcade, and Syracuse, N.Y., and Wellsboro, Pa., to points in Arizona, California, Nevada, and New Mexico (Denver, Colo.)*; (2) *Dairy products, chilled bakery products, and pizza pie ingredients* (except commodities in bulk and frozen foods), from the origin territory described in (1) above, to points in New Mexico (Denver, Colo.)*; (3) *Dairy products and vegetable food products* (except commodities in bulk and frozen foods), from the origin territory described in (1) above, to points in Arizona (points in Colorado east of the Continental Divide)*; and (4) *Pickles* (except frozen), from the origin territory described in (1) above, to points in Arizona, Utah, and Nebraska in and west of a line drawn from Harrison to Kimball, Nebr. (Denver, Colo.)*. Restriction: The operations authorized in (1), (2), (3), and (4) above, are restricted to the transportation of traffic originating at the facilities of the Borden Company, its subsidiaries and divisions, at the above-named origin points. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E88), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Albuquerque, N. Mex., to points in Washington, Oregon, and Montana. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113678 (Sub-No. E89), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Canned meats, canned meat products, and canned meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Northwest Packing Company, at Portland, Oreg., (a) to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia (Lexington, Nebr.)*; (b) to points in Alabama, Mississippi, Florida, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia (Denver, Colo.)*; and (c) to points in Oklahoma (Greeley, Colo.)*; and (2) *Canned goods*, from the facilities of Northwest Packing Company, at Portland, Oreg., (a) to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia (Lexington, Nebr.)*; (b) to points in Alabama, Mississippi, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia (Denver, Colo.)*; and (c) to points in Oklahoma (Greeley, Colo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E91), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, frozen meat products, and frozen meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Aurora Packing Co., at Aurora, Ill., to points in Idaho. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the above-named shipper's facilities. The purpose of this filing is to eliminate the gateway of points in Hall County, Nebr.

No. MC 113678 (Sub-No. E92), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits and berries*, from points in that part of Michigan on and west of a line beginning at Mackinaw City, Mich., and extending along Interstate Highway 75 to Clare, Mich., and thence along U.S. Highway 27 to the Michigan-Indiana State line, to points in New Mexico (Denver, Colo.)*; and (2) *Frozen fruits and berries, and frozen fruit juices*, from points in that part of Michigan on and west of a line beginning at Mackinaw City, Mich., and extending along Interstate Highway 75 to its junction with U.S. Highway 27, and thence along U.S. Highway 27 to the Michigan-Indiana State line, to points in Washington, Oregon, and Idaho (Denver, Colo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E93), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, (a) to points in Wisconsin and Missouri (Greeley, Colo.)*, and (b) to points in Louisiana, Mississippi, Arkansas, Kentucky, Tennessee, and West Virginia (Denver, Colo.)*; and (2) *Meats, meat products, and meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and except hides), from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Rhode Island, Connecticut, Delaware, Virginia, and the District of Columbia (Lexington, Nebr.)*. Restriction: The authorized granted in (1) and (2) above is restricted to the transportation of traffic originating at the named origin facilities. The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC 113678 (Sub-No. E97), filed May 10, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from the facilities of Plumrose, Inc., near Springfield, N.J., to points in New Mexico (Denver, Colo.)*; (2) *Cheese and packaged meats*, from the facilities of Plumrose, Inc., near Springfield, N.J., to points in Montana (Greeley, Colo.)*; (3) *Packaged meats*, from the facilities of Plumrose, Inc., near Springfield, N.J., (a) to points in California (Phoenix, Ariz.)*, (b) to points in Oregon and Washington (Teec Nos Pos, Ariz.)*; and (4) *Frozen packaged meats*, from the facilities of Plumrose, Inc., near Springfield, N.J., to points in Washington, Oregon, Idaho, and Montana (Hall County, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E100), filed May 19, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C or Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, from Greeley, Colo., to points in Illinois, and points in Iowa on and east of U.S. Highway 169, and to Sioux City, Iowa (Denver, Colo.)*. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 114211 (Sub-No. E254), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires special equipment, from points in North Dakota to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 351, thence along Texas Highway 351 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, Tex., with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E397), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof*, from points in Nebraska to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 159, thence along Texas Highway 159 to junction Texas Highway 36, thence along Texas Highway 36 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 281, thence along U.S. Highway 281 to McAllen, Tex., with no transportation for compensation on return except as otherwise authorized restricted against movements to oil field locations. The purpose

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of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 119789 (Sub-No. 203G), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line, thence along North Dakota Highway 49 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Dakota-Canada International Boundary line on the one hand, and, on the other, points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 81 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa, and Topeka, Kan.

No. MC 114211 (Sub-No. E441), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental tractors*, from points in that part of Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line, thence along Interstate Highway 94 to junction U.S. Highway 41, thence along U.S. Highway 41 to Milwaukee, Wis., to points in that part of Idaho on and west of a line beginning at the Wyoming-Idaho State line, thence along U.S. Highway 20 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State line, and to points in that part of Wyoming on and north of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 338 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line, and, to points in that part of Utah on and west of a line beginning at the Idaho-Utah State line, thence along U.S. Highway 91 to the Utah-Arizona State line, and to points in that part of Nevada on and north of a line beginning at the Arizona-Nevada State line, thence along U.S. Highway 91 to the Nevada-California State line, and to points in that part of California on and northwest of a line beginning at the Nevada-California State line, thence along U.S. Highway 66 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 86, thence along California Highway 86 to junction California Highway 78, thence along California Highway 78 to junction California Highway 79, thence along California Highway 79 to junction Interstate Highway 8, thence along Interstate Highway 8 to San Diego, Calif., and to points in Oregon, Washington, Montana, and North Dakota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Fargo, N. Dak.

No. MC 114211 (Sub-No. E442), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractor show displays and experimental farm tractors* between points in that part of Wisconsin on and south of a line begnning at the Iowa-Wisconsin State line, thence along U.S. Highway 151 to junction Interstate Highway 94, thence along Interstate Highway 94 to Milwaukee, Wis., on the one hand, and, on the other, points in that part of Iowa on and southwest of a line beginning at the Wisconsin-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Minnesota State line and points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 218 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Minnesota-Canada International Boundary line and to points in North Dakota.

No. MC 114211 (Sub-No. E444), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractor displays and experimental farm tractors* between points in that part of Wisconsin on and south of a line beginning at the Iowa-Wisconsin State line, thence along U.S. Highway 151 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan on the one hand, and, on the other, points in South Dakota, Nebraska, Colorado, Kansas, and points in that part of Iowa on and southwest of a line beginning at the Wisconsin-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Minnesota State line and points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 218 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Minnesota-Canada International Boundary line and to points in North Dakota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E448), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from that part of Minnesota on and east of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 14 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line to points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 14 to junction New York Highway 14/17, thence along U. New York Highway 14/17 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 34, thence along New York Highway 34 to Lake Ontario, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E450), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery*, and *contractors' equipment and supplies*, from points in that part of Minnesota on and southwest of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E451), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled sweepers*, from points in that part of Minnesota on and southwest of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E452), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from points in that part of Minnesota on and southwest of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in Connecticut and Massachusetts, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E453), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from a portion of Minnesota on and northwest of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Canada International Boundary line to points in Connecticut and Massachusetts with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E455), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 235, thence along Interstate Highway 235 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 8 to junction Wisconsin Highway 79, thence along Wisconsin Highway 79 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E456), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, between points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to the Missouri-Illinois State line and points in Minnesota and Iowa, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in the state of Kansas.

No. MC 114211 (Sub-No. E457), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors equipment and supplies*, from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 235, thence along Interstate Highway 235 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 8 to junction Wisconsin Highway 79, thence along Wisconsin Highway 79 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E458), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment), from points in that part of North Dakota on and east of a line beginning at the North Dakota-Canada International Boundary line to points in that part of Texas on and south of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 60 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Council Bluffs, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E460), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from Noyes, Minn., to points in Massachusetts and Connecticut, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E461), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420

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Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, each weighing 15,000 pounds or more, from points in Missouri to points in that part of North Dakota on and north of a line beginning at the North Dakota-Canada International Boundary line, thence along Interstate Highway 29 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along Idaho Highway 200 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Washington State line, and to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 2 to the Montana-Idaho State line, and to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 126, thence along Washington Highway 126 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, with no transportation for compensation on return except as otherwise authorized, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and points in Iowa.

No. MC 114211 (Sub-No. E463), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction Interstate Highway 29, thence along Interstate Highway 29 to the South Dakota-Iowa State line to points in Texas, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E464), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, require the use of special equipment), from points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction Interstate Highway 29, thence along Interstate Highway 29 to the South Dakota-Iowa State line, to points in Texas, with no transportation for compensation on return except as otherwise authorized restricted against movements to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E465), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from points in South Dakota to points in Indiana. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E466), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Minnesota to points in Texas, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E467), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements and parts thereof*, from Fort Dodge, Iowa, to points in Texas, Colorado, and points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Muskogee Turnpike, thence along Muskogee Turnpike to junction U.S. Highway 266, thence along U.S. Highway 266 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E468), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and northwest of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 15 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 396, thence along Iowa Highway 396 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line and to points in Indiana. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E469), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Nebraska to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Co. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Dubuque, Iowa.

No. MC 119988 (Sub-No. E64), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Texas, Colorado, and points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Muskogee Turnpike, thence along Muskogee Turnpike to junction U.S. Highway 266, thence along U.S. Highway 266 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E65), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E66), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Illinois. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E68), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E69), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Illinois. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E70), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Michigan. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 123407 (Sub-No. E204), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, Valparaisa, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (2) *Materials and accessories* used in the installation of the commodities in (1) above (except lumber and commodities in bulk), and (3) *Ceiling tile*, from Florence, Ky., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 206775 (Sub-No. E4), filed May 21, 1974. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: James McCurdy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, metal castings, and reinforcing rods*, between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Oklahoma, points in that part of Louisiana on and west of U.S. Highway 71 and on and north of Louisiana Highway 6, and points in that part of Arkansas on and south of U.S. Highway 67 and on and west of Arkansas Highway 35 and U.S. Highway 137. The purpose of this filing is to eliminate the gateway of Fort Worth, Tex., and those points within 250 miles of Forth Worth, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2523 Filed 1-27-75;8:45 am]

[Notice No. 223]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 17, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75428. By order entered 1-9-75, the Motor Carrier Board approved the transfer to Rogers Truck Line, Inc., Webster City, Iowa, of that portion of the operating rights set forth in Certificate No. MC 134134 (Sub-No. 1), issued April 15, 1970, to Mainliner Motor Express, Inc., Omaha, Nebr., authorizing the transportation of meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Sioux City, Iowa, to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Delaware, and West Virginia, restricted to shipments originating at Sioux City, Iowa, and destined to the named points of destination. Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-75569. By order of January 6, 1975, the Motor Carrier Board approved the transfer to Luck Trucking, Inc., Beaver Dam, Wis., of the operating rights in Permit No. MC 134692 issued June 15, 1971, to Gordon Luck and Glenn Luck, doing business as Luck Bros. Trucking, Beaver Dam, Wis., authorizing the transportation of food canning and food packaging machinery and amphibious all-terrain type motor vehicles from Randolph, Wis., to points in the

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United States; and materials, parts, and supplies used in the manufacture of said commodities from points in the United States to Randolph, Wis. Nancy J. Johnson, 4506 Regent St., Madison, Wis. 53705, attorney for applicants.

No. MC–FC–75571. By order of January 7, 1975, the Motor Carrier Board approved the transfer to Tri-Line Expressways, Ltd., doing business as Tri-Line Freight Systems, Calgary, Alberta, Canada, of the operating rights in Certificates No. MC 127062 (Sub-No. 3), and MC 127062 (Sub-No. 4), issued October 22, 1968, and October 18, 1969, to Karl Markus, doing business as Markus Trucking, Lethbridge, Alberta, Canada, authorizing the transportation of various commodities from and to specified points and areas in Montana, Colorado, Texas, Oklahoma, Kansas, Nebraska, South Dakota, and Wyoming. Edward T. Lyons, Jr., 1600 Lincoln Center Bldg., Denver, Colo. 80203, attorney for applicants.

No. MC–FC–75575. By order of January 6, 1975, the Motor Carrier Board approved the transfer to Hy's Livery Service, Inc., West Haven, Conn., of the operating rights in Certificate No. MC 136740 issued July 13, 1973, to Hyman Levine, doing business as Hy's Livery Service, West Haven, Conn., authorizing the transportation of passengers and their baggage, in special operations, in door-to-door service, between specified points in Connecticut, on the one hand, and, on the other, New York, N.Y., and Newark Airport, Newark, N.J. Ira H. Freedman, 377 Main St., West Haven, Conn 06516, attorney for applicants.

No. MC–FC–75602. By order entered 1–7–75, the Motor Carrier Board approved the transfer to Erwin G. Herbison, doing business as Herbison Livestock Trucking, Maiden Rock, Wis., of the operating rights set forth in Certificate No. MC 88286, issued December 24, 1974, to Richard Schrimpf, Maiden Rock, Wis., authorizing the transportation of livestock between specified points in Minnesota and Wisconsin; and general commodities, with the usual exceptions, from specified points in Minnesota, to specified points in Wisconsin. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, representative for applicants.

No. MC–FC–75605. By order entered 1–7–75, the Motor Carrier Board approved the transfer to DST Special Services, Inc., Clinton, Mich., of the operating rights set forth in Permit No. MC 136463, issued May 2, 1974, to DST Industries, Inc., Clinton, Mich., authorizing the transportation of prototype vehicles and modified production vehicles, not intended for sale to the public, between Dearborn and Romulus, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract, or contracts, with Ford Motor Company of Dearborn, Mich. S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2522 Filed 1–27–75;8:45 am]

[Notice No. 222]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 28, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75645. By application filed January 15, 1975, J. W. CROWLEY, DWAYNE CROWLEY, AND DONALD CROWLEY, doing business as J. W. CROWLEY AND SONS, Rural Route, Monticello, UT 84535, seeks temporary authority to lease the operating rights of PACIFIC INLAND TRANSPORTATION COMPANY, 15 South Broadway, Cortez, CO 81321, under section 210a(b). The transfer to J. W. CROWLEY, DWAYNE CROWLEY, AND DONALD CROWLEY, doing business as J. W. CROWLEY AND SONS, of the operating rights of PACIFIC INLAND TRANSPORTATION COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2521 Filed 1–27–75;8:45 am]

[EX PARTE NO. 305]

NATIONWIDE INCREASE OF TEN PERCENT IN FREIGHT RATES AND CHARGES, 1974

JANUARY 23, 1975.

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22nd day of January, 1975.

Upon consideration of the record in the above-entitled proceeding, including the orders of the Commission dated October 3, 1974, and December 17, 1974, the petitions of the Bessemer and Lake Erie Railroad Company and The Lake Terminal Railroad Company dated November 26, 1974, and of the reply thereto filed January 7, 1975, by the National Industrial Traffic League;

It appearing, that the order dated October 3, 1974, provided in part that any railroad respondents unable to use the full amount of the funds generated by the increase for deferred maintenance or delayed capital improvements, as defined by the Commission, may expend such funds for new and additional capital improvements providing advance approval is obtained from the Commission, Division 2;

It further appearing, that, pursuant to that order, petitioners submit that they have no delayed capital expenditures or deferred maintenance, as defined; that Bessemer and Lake Erie Railroad Company seeks permission to use funds generated by the Ex Parte No. 305 increase to contribute to its purchase of three locomotives and 846 hopper and gondola cars; and that The Lake Terminal Railroad Company seeks to use those funds to contribute to the purchase of 50 gondolas and two Euclid trucks;

It further appearing, that, in reply, the National Industrial Traffic League completely supports the Commission's objective herein, that is, the improvement of the nation's transportation system, and urges careful examination of the petitions such as those under consideration herein, to ensure this objective;

It further appearing, that Commission analysis of the petitions and of petitioners' initial and quarterly filings submitted pursuant to the orders in this proceeding shows that (1) petitioner Bessemer and Lake Erie Railroad Company has no deferred maintenance of roadway, and, that while its bad order ratio has increased from approximately 4 percent to 7.3 percent as of October 1, 1974, the proposed purchase of cars and locomotives would increase its fleet by 10 percent, and, consequently, would reduce this bad order ratio, and, perhaps, reduce the necessity of making heavy repairs on old equipment; and that petitioner's cash and short-term investment position is strong; and (2) petitioner The Lake Terminal Railroad Company has no slow order track and no deferred maintenance or delayed capital improvements;

And it further appearing, that petitioners have complied with the procedural requirements set forth in the above-cited orders; that the petitions meet the criteria established by the Commission for approval of the requested deviation from the requirements which condition the increase in rates in this proceeding; and that the proposed expenditures will further the development of an improved transportation network;

It is ordered, That the petitions of the Bessemer and Lake Erie Railroad Company and The Lake Terminal Railroad Company be, and they are hereby, granted, and that petitioners be, and they are hereby, permitted to transfer from Account 716, Capital and Other Reserve Funds, to Account 701, Cash, funds generated as a result of the Ex Parte No. 305 general increase.

This permission is conditioned upon carrier use of the revenue as proposed and will be monitored through the Commission's audit procedures.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2518 Filed 1–27–75;8:45 am]

[Notice No. 24]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated

Temporary authority application	Final action or certificate or permit	Date of action
Younger Bros., Inc.: MC–531 Sub-282	MC–531 Sub-268	Mar. 14, 1974
Younger Bros., Inc.: MC–531 Sub-280	MC–531 Sub-291	Do.
Carolina Freight Carrier Corp.: MC–2253 Sub-58	MC–2253 Sub-53	Mar. 26, 1974
Deaton, Inc.: MC–11207 Sub-329	MC–11207 Sub-332	Mar. 20, 1974
Frozen Food Delivery Service: MC–29861 Sub-3	MC–29861 Sub-4	Mar. 18, 1974
Fairchild General Freight, Inc.: MC–33919 Sub-6	MC–33919 Sub-4	Mar. 14, 1974
Wheatley Trucking, Inc.: MC–41951 Sub-14, 16	MC–41951 Sub-15	Do.
Schneider Transport, Inc.: MC–51146 Sub-228	MC–51146 Sub-247	Mar. 18, 1974
Central Express, Inc.: MC–66902 Sub-3	MC–66902 Sub-4	Mar. 19, 1974
Melton Truck Lines, Inc.: MC–100666 Sub-228	MC–100666 Sub-222	Mar. 27, 1974
Red Top Trucking Co., Inc.: MC–101474 Sub-19	MC–101474 Sub-21	Mar. 15, 1974
The Geo. A. Rheman Co., Inc.: MC–103191 Sub-39	MC–103191 Sub-38	Mar. 20, 1974
W. D. Smith Truck Line, Inc.: MC–103498 Sub-28	MC–103498 Sub-30	Mar. 18, 1974
Huston Truck Line, Inc.: MC–104523 Sub-54	MC–104523 Sub-55	Mar. 15, 1974
dba, Hughes Refrigerated Express: MC–105782 Sub-6	MC–105782 Sub-7	Mar. 25, 1974
Direct Transit Lines, Inc.: MC–106603 Sub-124	MC–106603 Sub-125	Mar. 27, 1974
Riggs Food Express, Inc.: MC–106920 Sub-48, 50	MC–106920 Sub-46	Mar. 18, 1974
Gilliland Transfer Co.: MC–107323 Sub-44	MC–107323 Sub-45	Mar. 20, 1974
Refrigerated Transport Co., Inc.: MC–107515 Sub-851	MC–107515 Sub-863	Do.
W. S. Hatch Co.: MC–109689 Sub-236	MC–109689 Sub-241	Mar. 15, 1974
Quickie Transport Co.: MC–112223 Sub-90	MC–112223 Sub-91	Mar. 22, 1974
Erickson Transport Corp.: MC–113908 Sub-240, 248	MC–113908 Sub-256	Mar. 21, 1974
Erickson Transport Corp.: MC–113908 Sub-260	MC–113908 Sub-278	Mar. 18, 1974
Delaware Express Co.: MC–114301 Sub-78	MC–114301 Sub-72	Mar. 19, 1974
Bankers Dispatch Corp.: MC–114533 Sub-265, 273	MC–114533 Sub-274	Mar. 21, 1974
Bankers Dispatch Corp.: MC–114533 Sub-271	MC–114533 Sub-278	Mar. 25, 1974
Senn Trucking Co.: MC–114552 Sub-74	MC–114552 Sub-75	Mar. 22, 1974
Charles O. Ingmire, Inc.: MC–115276 Sub-5	MC–115276 Sub-4	Mar. 1, 1974
Colonial Refrigerated Transportation, Inc.: MC–115841 Sub-417	MC–115841 Sub-386	Mar. 4, 1974
W. C. McQuaide, Inc.: MC–116290 Sub-14	MC–116290 Sub-13	Mar. 19, 1974
Asphalt Transport, Inc.: MC–117088 Sub-2	MC–117088 Sub-3	Mar. 26, 1974
Roberts Cartage, Inc.: MC–117160 Sub-4	MC–117160 Sub-5	Mar. 4, 1974
Motor Service Co., Inc.: MC–117565 Sub-76	MC–117565 Sub-73	Mar. 21, 1974
Container Transit, Inc.: MC–118989 Sub-85	MC–118989 Sub-87	Mar. 22, 1974
Container Transit, Inc.: 118989 Sub-92	MC–118989 Sub-92	Do.
Harold E. Trego, Inc.: MC–119180 Sub-9	MC–119180 Sub-8	Mar. 25, 1974
Interstate Highway Express, Inc.: MC–119815 Sub-13	MC–119815 Sub-14	Mar. 1, 1974
Diamond Transportation System, Inc.: MC–123048 Sub-187, 220	MC–123048 Sub-188	Mar. 5, 1974
Diamond Transportation System, Inc.: MC–123048 Sub-191, 211	MC–123048 Sub-177	Mar. 4, 1974
Diamond Transportation System, Inc.: MC–123048 Sub-195	MC–123048 Sub-203	Mar. 5, 1974
Diamond Transportation System, Inc.: MC–123048 Sub-234	MC–123048 Sub-230	Mar. 4, 1974
Diamond Transportation System, Inc.: MC–123048 Sub-236	MC–123048 Sub-209	Do.
Diamond Transportation System, Inc.: MC–123048 Sub-242	MC–123048 Sub-206	Do.
Diamond Transportation System, Inc.: MC–123048 Sub-247	MC–123048 Sub-207	Do.
Diamond Transportation System, Inc.: MC–123048 Sub-248	MC–123048 Sub-257	Mar. 21, 1974
Diamond Transportation System, Inc.: MC–123048 Sub-251	MC–123048 Sub-255	Mar. 20, 1974
M & M Tank Lines, Inc.: MC–123067 Sub-120	MC–123067 Sub-119	Mar. 15, 1974
Jack B. Kelley, Inc.: MC–123392 Sub-44	MC–123392 Sub-48	Mar. 25, 1974
W & L Motor Lines, Inc.: MC–123872 Sub-8	MC–123872	Mar. 6, 1974
Lou's Transport Co., Ltd.: MC–124793 Sub-1	MC–124793 Sub-2	Do.
Chet's Transport Inc.: MC–127337 Sub-8	MC–127337 Sub-9	Mar. 18, 1974
Rediehs Interstate, Inc.: MC–128270 Sub-7	MC–128270 Sub-5	Mar. 22, 1974
Gilmore Enterprises, Inc.: MC–129355 Sub-1	MC–129355 Sub-2	Mar. 25, 1974
Texas Continental Express, Inc.: MC–133095 Subs 20, 26, 31, 32, 35, 42, 43	MC–133095 Sub-25	Mar. 14, 1974
Allied Air Freight Corp.: MC–133259 Sub-3	MC–133259 Sub-4	Mar. 19, 1974
Berry Transport, Inc.: MC–133276 Sub-5	MC–133276 Sub-9	Mar. 1, 1974
Dudden Elevator, Inc.: MC–133436 Subs-8, 12	MC–133436 Subs-6, 10	Mar. 19, 1974
Lee's Trucking, Inc.: MC–133490 Sub-7	MC–133490 Sub-8	Mar. 27, 1974
Cecil Clarton: MC–133492 Sub-4	MC–133492 Sub-4	Mar. 28, 1974
Gene's Inc.: MC–133977 Sub-11	MC–133977 Sub-12	Mar. 14, 1974
dba, Beiue's Trucking: MC–134978 Sub-5	MC–134978 Sub-6	Mar. 6, 1974
Specialty Transport, Inc.: MC–134765 Sub-6	MC–134765 Sub-5	Mar. 28, 1974
John W. Smoot: MC–134875 Sub-1	MC–134875 Sub-2	Mar. 14, 1974
Commereial Cartage, Inc.: MC–135234 Sub-4	MC–135234 Sub-8	Mar. 19, 1974
Boyd Tank Lines, Inc.: MC–135889 Sub-4	MC–135889 Sub-5	Mar. 6, 1974
Reliable Moving & Storage, Inc.: MC–136096 Sub-2	MC–136096 Sub-3	Mar. 25, 1974
Merchants Home Delivery Service, Inc.: MC–136211 Sub-9	MC–136211 Sub-11	Mar. 19, 1974
George Bros. Inc.: MC–136246 Sub-2	MC–136246 Sub-3	Mar. 1, 1974
dba, R. P. Trucking: MC–136337 Sub-1	MC–136337 Sub-2	Do.
Dykstra Transport, Inc.: MC–136646 Sub-3	MC–136646 Sub-1	Do.
dba, Lee Contract Carriers: MC–136848 Sub-3	MC–136848 Sub-5	Mar. 21, 1974
Leon Arndt Trucking Leasing, Inc.: MC–136856 Sub-1	MC–136856 Sub-2	Mar. 19, 1974
BTA Trucking Co., Inc.: MC–136882 Sub-3	MC–136882 Sub-4	Mar. 27, 1974
L. P. Guay, Inc.: MC–136885 Sub-1	MC–136885 Sub-2	Mar. 25, 1974
Lenape Transportation Co. Inc.: MC–136916 Sub-2	MC–136916 Sub-3	Mar. 27, 1974
F. W. Caspersen: MC–138043	MC–138043 Sub-1	Do.
dba, Kemper Truck Line: MC–138075 Sub-1	MC–138075 Sub-3	Mar. 22, 1974
dba, Wolfe Trucking: MC–138080 Sub-1, 3	MC–138080 Sub-2	Do.
dba Tab Trucking Co.: MC–138136	MC–138136 Sub-1	Mar. 1, 1974
dba Dick Trayner & Sons Trucking: MC–138230 Sub-1	MC–138230 Sub-2	Mar. 21, 1974
James D. Wilcox: MC–138258	MC–138258 Sub-1	Mar. 18, 1974
Princeton Messenger Service, Inc.: MC–138525	MC–138525 Sub-1	Mar. 20, 1974
Wiley Sanders, Inc.: MC–138882	MC–138882 Sub-1	Do.
Yellow Van Movers, Inc.: MC–139015 Sub-1	MC–139015	Dec. 3, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2390 Filed 1–27–75;8:45 am]

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TUESDAY, JANUARY 28, 1975
WASHINGTON, D.C.
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PART II

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

■

CONTINUATION OF LOCAL RAIL SERVICE

Procedures and Requirements Regarding Applications and Disbursement

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Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket No. 3, Notice No. 2]

PART 255—ASSISTANCE TO STATES AND LOCAL AND REGIONAL TRANSPORTATION AUTHORITIES IN THE REGION FOR CONTINUATION OF LOCAL RAIL SERVICES UNDER SECTION 402 OF TITLE IV OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Procedures and Requirements Regarding Applications and Disbursement

Proposed procedures and requirements regarding the filing of applications for and disbursement of rail service continuation subsidies under section 402 of the Regional Rail Reorganization Act of 1973 ("Act") (45 U.S.C. § 701 et. seq.) were published in the FEDERAL REGISTER on April 5, 1974 (39 FR 12528). Section 402 of the Act establishes a transitional program, whereby the Secretary of Transportation ("Secretary") or his delegate, in accordance with the regulations issued by the Department of Transportation shall provide financial assistance to a State or a local or regional transportation authority in the northeast and midwest region of the United States for the continuation of local rail services.

Section 402 of the Act provides that a State in the region is eligible to receive assistance if:

1. The State has established a State Rail Plan for rail transportation and local rail services which is administered or coordinated by a designated State agency and such plan provides for the equitable distribution of such subsidies among State, local, and regional transportation authorities;

2. The State agency has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; employs or will employ, directly or indirectly, sufficient trained and qualified personnel; and maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

3. The State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under Title IV of the Act to the State; and

4. The State complies with the regulations of the Secretary issued under this section.

The section 402 assistance program under the Act is meant to facilitate the transition from the existing rail system in the region to a more efficient system. During this period of transition, interim assistance will enable States and localities to continue local rail services which are not designated for preservation in the Final System Plan, but should be continued at least on an interim basis due to the excessive cost of abandonment of these services in terms of lost jobs, energy shortages, and degradation of the environment.

To facilitate this transition, the Congress provided for basic entitlement funds and discretionary funds, under section 402 of the Act, as a source of assistance for the continuation of local rail services in the region. Basic entitlement funds are to be applied first to those eligible rail services to be discontinued as a result of the implementation of the Final System Plan and which the State determines should be continued.

In addition to meeting any deficiencies in the basic entitlement funds as provided in subsection 402(b)(1) of the Act, discretionary funds will be available for the following purposes:

1. To assist an eligible applicant to pay allowable planning costs expended in developing its State Rail Plan, provided that the Final System Plan is approved by the Congress and the State Rail Plan is approved by the Administrator and provided further that this assistance in the aggregate shall be limited to five percent of the total Federal funds otherwise provided to the State under section 402 of the Act. The Federal share of an applicant's allowable planning costs may not exceed 70 percent of these costs. An applicant may expend additional funds for planning other than its matching share.

2. To assist the States in providing rail service continuation subsidies to those rail services to be discontinued as a result of the implementation of the Final System Plan in instances where basic entitlement funds are used to the maximum extent available but are insufficient to provide for the continuation of these services;

3. To assist an eligible applicant in a State contiguous to a State in the region having a portion of its territory located in the region, which is not eligible for basic entitlement funds under subsection 402(b)(1) of the Act in providing rail service continuation subsidies;

4. To assist an eligible applicant in the acquisition and modernization of rail properties as provided in sections 402(b)(2) and 403 of the Act; and

5. To assist an eligible applicant in providing rail service continuation subsidies to the remaining rail services in the region which are eligible under section 255.3 of the regulations, other than those discontinued in response to the Final System Plan, and which have been identified in the State Rail Plan as candidates for subsidy, in instances where basic entitlement funds under subsection 402(b)(1) of the Act are insufficient to ensure continuation of these services.

In reviewing requests for discretionary funds, the Federal Railroad Administration ("FRA") will give consideration to this general set of priorities.

As previously noted, proposed procedures and requirements regarding the filing of applications for and disbursement of rail service continuation subsidies under section 402 of the Act were published in the FEDERAL REGISTER on April 5, 1974. Numerous persons, organizations, and governmental entities filed comments in response to this publication, and each comment was given due consideration by FRA. As a result of the comments received, and the passage of Pub. L. 93-488 (October 26, 1974) which amended the Act, several substantive changes are being made in the regulations.

The following issues were the subject of the comments: (1) Eligibility of rail services for Title IV assistance under the Act; (2) funding for State rail planning; (3) definitive criteria which FRA will apply in accepting or rejecting the State Rail Plan; (4) extension of the time period for the States to submit the State Rail Plan; (5) availability of data to the States which will be needed in the formulation of the State Rail Plan; (6) definitive criteria which will be used in awarding discretionary funds; (7) use of basic entitlement funds for acquisition and modernization; (8) eligibility for rail service continuation subsidies after receiving an acquisition or modernization loan or both; (9) standards for determining a designated State agency; (10) eligibility of a local or regional transportation authority to receive basic entitlement funds directly; (11) requirement that a local or regional transportation authority contribute at least a 30 percent matching share of the total program; (12) eligibility of the States of Wisconsin, Kentucky, and Missouri for basic entitlement funds; and (13) regulations for filing applications for assistance under section 403 of the Act. Each of these issues is discussed below.

There was objection to the requirement in the proposed regulations that only those local rail services proposed to be discontinued or abandoned under section 304 of the Act as a result of the adoption of the Final System Plan could be continued, acquired or modernized with section 402 assistance. The Congress has amended the Act in Pub. L. 93-488 to clarify the eligibility requirement under section 402 and § 255.3 of the regulations has been revised accordingly. The statutory amendment is as follows:

• • • Rail freight services eligible for rail service continuation subsidies pursuant to subsection (b) of • • • section [402] are—

(A) those rail services of railroads in reorganization in the region which the final system plan does not designate to be continued:

(B) those rail services in the region which have been at any time during the 5 year period prior to the date of enactment of this Act, or which are subsequent to the date of enactment of this Act, owned, leased, or operated by a State agency or a local or regional transportation authority or with respect to which a State, a political subdivision thereof, or a local or regional transportation authority has invested at any time during the 5 year period prior to the date of enactment of this Act, or invests subsequent to the date of enactment of this Act, substantial sums for improvement or maintenance of rail service; and

(C) those rail services in the region with respect to which the Commission issues a certificate of abandonment effective on or after the date of enactment of this Act.

Clarification was also sought as to whether costs incurred by a State in developing its State Rail Plan for rail transportation and local rail services would have to be borne exclusively by the State, or whether these costs were eligible for consideration as part of its share of a rail service continuation subsidy. FRA has concluded that a State may use a reasonable proportion of its Federal funds to assist in the development of the State Rail Plan, provided that the Final System Plan is approved by the Congress and the State Rail Plan is approved by the Administrator. This assistance in the aggregate shall be limited to five (5) percent of the total Federal funds otherwise provided to the State under section 402 of the Act. The Federal share of an applicant's allowable planning costs may not exceed 70 percent of these costs. An applicant may expend additional funds for planning other than its matching share.

Some States requested that FRA develop definitive criteria to be used in accepting or rejecting the State Rail Plan. The only criterion which FRA will employ in accepting or rejecting a State Rail Plan will be whether it complies with the requirements of the statute and regulations, as required under subsection 402(c) of the Act.

To assist the States in responding quickly to the Final System Plan, to facilitate a rapid review of a State Rail Plan by FRA, and to assess the States' total funding requirements, provision has been made in paragraph (b) of § 255.9 of the regulations for a two phase State planning process. Phase I and Phase II of the planning process will constitute the State Rail Plan.

Phase I of the State Rail Plan will be required to explain in detail how the State intends to conduct its assistance program. This shall include identification of the data to be acquired on the rail system in the State, the methodology to be used in determining which essential rail services should be continued, the criteria to be employed in ranking these services according to their service priority, and an explanation of the goals to be used in the development of the State Rail Plan. The States will be required to apply the Phase I methodology, criteria, and goals to Phase II of the State Rail Plan in response to and consistent with the Final System Plan.

In Phase II, the States shall identify:

1. The specific data utilized;

2. The specific services which should be continued as determined by the application of the Phase I methodology, criteria, and goals;

3. The order of funding priority of those services; and

4. The amount and form of the assistance required.

Another comment was that the requirement that a State submit its State Rail Plan to the Administrator within 45 days of the date of the submission of the Final System Plan to the Congress does not allow sufficient time for complete and comprehensive planning. FRA has modified this submission date in the regulations to afford the States additional time to develop the State Rail Plan. Paragraph (d) of § 255.9 of the regulations provides that Phase I of the State Rail Plan shall be submitted to the Administrator by May 15, 1975. Phase II of the State Rail Plan shall be submitted to the Administrator for approval within 30 days after the date of approval of the Final System Plan by the Congress. Approval of the State Rail Plan shall be evidenced by written notification to the State. Inasmuch as the States will have knowledge of the Final System Plan during the period the Congress is considering it, sufficient time is provided for completion of Phase II of the State Rail Plan. States encountering unusual difficulties in meeting this requirement may apply to the Administrator for a waiver under § 255.17 of the regulations. However, FRA believes that the actions of the United States Railway Association ("Association") in providing the States with the data necessary for the preparation of their State Rail Plans, and in otherwise aiding a State or a local or regional transportation authority in its planning efforts, as well as the assistance of the Rail Services Planning Office, will make the need for waiver the exception rather than the rule.

Many States urged that the regulations provide that all commercial and financial data relevant to the restructuring process be made available to a State, or a local or regional transportation authority, to assist them in formulating the State Rail Plan. They further urged that definite procedures be established to guarantee that the States receive data on a timely basis. The Association is currently receiving, compiling, and making available to the States data with respect to those services of the railroads in reorganization which may be threatened with discontinuance as a result of the implementation of the Final System Plan. The Association has indicated its willingness to work with the States in analyzing the services of the other railroads in the region which are candidates for assistance. Therefore, FRA does not believe it is necessary to promulgate regulations regarding data availability.

An issue raised by the comments but not addressed in the proposed rules is whether definitive criteria would be developed and employed with respect to the availability of discretionary funds. Discretionary funds under subsection 402(b)(2) of the Act will be available on the basis of the criteria discussed in paragraph (b) of § 255.7 of the regulations.

It was further submitted that a reading of sections 402 and 403 of the Act indicates that a State may utilize basic entitlement funds for acquisition and modernization. The FRA does not agree with this view. Only subsection 402(b)(2) of the Act specifically authorizes the Secretary to provide discretionary funds "for the purposes enumerated in section 403" which includes acquisition and modernization.

The States also inquired as to the meaning of the proviso in subsection 403(a) of the Act and its reference to section 402 of the Act, and whether an entire State would be barred from obtaining rail service continuation subsidies, if it obtained a loan for a particular rail service in the State. In Pub. L. 93-488, the Congress amended this proviso to clarify that a particular rail service for which an applicant receives a loan under section 403 of the Act is no longer eligible to receive a rail service continuation subsidy under section 402 of the Act.

Several comments expressed dissatisfaction with the manner in which the State agency has been or will be designated to administer or coordinate the State Rail Plan for rail transportation and local rail services. Citizen input to the designation or planning processes, or vigorous Federal controls, were sought to ensure that the designated State agency reflects the public interest. The Act, however, does not make any provision for FRA intervention into the designation process. Thus, FRA will accept the designation of a particular State agency if it determines that it meets the requirements under section 402(c) of the Act. In addition, paragraph (a) of § 255.9 of the regulations does require a State to provide an opportunity for public and private agencies, and other interested persons, to participate in the development of the State Rail Plan.

It was also contended that a reading of sections 402 and 403 of the Act made local or regional transportation authorities eligible to receive basic entitlement funds directly. FRA disagrees with this view because subsection 402(b)(1) of the Act provides that each State is entitled to receive these funds and does not make any reference to local or regional authorities. The only sections making local or regional authorities eligible to receive direct assistance are sections 402(b)(2) and 403 of the Act. However, local or regional transportation authorities may only be direct recipients of discretionary funds under section 402 of the Act if their projects are consistent with the State Rail Plan and they are eligible under paragraph (b) of § 255.5 of the regulations.

Similarly, it was argued that the matching share requirement under section 402 of the Act refers only to a State and not to a local or regional transportation authority. Comments cited subsection 402(a) of the Act, which refers only to Federal and State matching shares. This section, however, makes clear that with respect to basic entitlement funds the Federal share shall be 70 percent and the State share shall be 30 percent. With respect to discretionary funds, the State share shall be a minimum of 30 percent. Thus, the Federal share may not be more than 70 percent, but may be less with respect to the discretionary portion of the program. This ratio is also maintained with respect to section 403 assistance. Accordingly, FRA has concluded that it was the intent of Congress that the Federal share may not exceed 70

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percent of either the basic entitlement or the discretionary programs and that all participants in these programs must provide their matching shares. However, a State or a local or regional authority may obtain its matching share from shippers or other available sources.

It was further contended that the State of Wisconsin should be eligible for basic entitlement funds, in accordance with the definition of the term "region" under subsection 102(13) of the Act. However, FRA has concluded that only those States enumerated in subsection 102(13) of the Act as existing entirely within the region, including the District of Columbia, were intended to be eligible to receive basic entitlement funds. Wisconsin, together with the States of Missouri and Kentucky, remain eligible to apply for discretionary funds, provided they comply with the requirements of subsection 402(c) of the Act and with the regulations.

There was also a request that the final regulations include a provision implementing section 403 of the Act. Regulations for section 403 of the Act will be published separately.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding a new Part 255, to read as follows:

REGULATIONS GOVERNING APPLICATIONS AND DISBURSEMENTS

Sec.

255.1 Definitions.
255.3 Applicability.
255.5 Eligibility.
255.7 Rail Service Continuation Assistance.
255.9 Requirements for State Rail Plan for Rail Transportation and Local Rail Services.
255.11 Applications.
255.13 Disbursement of Rail Service Continuation Assistance.
255.15 Record, Audit, and Explanation.
255.17 Waivers and Modifications.

AUTHORITY: Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701 et. seq., The Department of Transportation Act, 49 U.S.C. 1651 et. seq.

REGULATIONS GOVERNING APPLICATIONS

§ 255.1 Definitions.

As used in this part—

(a) "Act" means the Regional Rail Reorganization Act of 1973, as amended.

(b) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or his or her delegate.

(c) "Applicant" means the designated State agency of a State in the region or a local or regional transportation authority in the region meeting the requirements of § 255.5.

(d) "Association" means the United States Railway Association.

(e) "Basic entitlement funds" means each State's share of the appropriated sums allocated to the States as provided in subsections 402(b)(1) and 402(l) of the Act for each fiscal year for the continuation of local rail services.

(f) "Commission" means the Interstate Commerce Commission.

(g) "Designated State agency" means the State agency designated in the State Rail Plan to administer or coordinate that plan as provided in subsection 402(c)(1) of the Act and paragraph (a) of § 255.5

(h) "Discretionary funds" means financial assistance, in addition to the basic entitlement funds, as provided by subsections 402(b)(2) and 402(l) of the Act.

(i) "Final System Plan" means the plan of reorganization for the restructure, rehabilitation, and modernization of railroads in reorganization prepared under section 206 and approved under section 208 of the Act.

(j) "Office" means the Rail Services Planning Office established in the Commission under subsection 205(a) of the Act.

(k) "Rail properties" means assets or rights owned, leased, or otherwise controlled by a railroad which are used or useful in rail transportation service; except that the term, when used in conjunction with the phrase "railroad leased, operated, or controlled by a railroad in reorganization," may not include assets or rights owned, leased, or otherwise controlled by a Class I railroad which is not wholly owned, operated, or leased by a railroad in reorganization but is controlled by a railroad in reorganization.

(l) "Railroad in reorganization" means a railroad which is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable or not subject to reorganization under section 207(b) of the Act. A bankruptcy proceeding includes a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding.

(m) "Rail service continuation subsidies" means subsidies calculated in accordance with the provisions of subsection 205(d)(3) of the Act to cover the costs of operating adequate and efficient rail service in the region, including where necessary, improvement and maintenance of tracks and related facilities.

(n) "Region" means the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia; the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in those jurisdictions (as determined by the Commission by order, set out in Appendix B).

(o) "State" means any State or the District of Columbia.

(p) "State in the region" means the States enumerated in subsection 102(13) of the Act.

§ 255.3 Applicability.

The provisions of this part are applicable to rail freight services as follows:

(a) Those rail services of railroads in reorganization in the region which the final system plan does not designate to be continued;

(b) Those rail services in the region which have been at any time during the 5 year period prior to the date of enactment of this Act, or which are subsequent to the date of enactment of this Act, owned, leased, or operated by a State agency or a local or regional transportation authority or with respect to which a State, a political subdivision thereof, or a local or regional transportation authority has invested at any time during the 5 year period prior to the date of enactment of this Act, or invests subsequent to the date of enactment of this Act, substantial sums for improvement or maintenance of rail service; and

(c) Those rail services in the region with respect to which the Commission issues a certificate of abandonment effective on or after the date of enactment of this Act.

§ 255.5 Eligibility.

(a) State in the Region. A State in the region is eligible to receive basic entitlement funds and discretionary funds if:

(1) The State has established a State Rail Plan for rail transportation and local rail services which meets the requirements of § 255.9 and which is administered or coordinated by a designated State agency, and such plan provides for the equitable distribution of such subsidies among State, local and regional transportation authorities;

(2) The State agency has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate and efficient local rail services; employs or will employ, directly or indirectly, sufficient trained and qualified personnel; and maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

(3) The State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this program to the State; and

(4) The State complies with the requirements of the Administrator prescribed in this part and with the terms and conditions included in the grant of assistance.

(b) Contiguous States. A State contiguous to a State in the region having a portion of its territory located in the region as determined by order of the Commission, is eligible to receive discretionary funds, provided that the approved State Rail Plan may be limited to that portion of the State which is within the region, and the designated State agency may be either a State agency if it meets the conditions of paragraph (a) of this section, or a local or regional transportation authority within the region if it meets the conditions of paragraph (c) of this section.

(c) Local or Regional Transportation Authority in the Region. A local or regional transportation authority in the region is eligible to receive discretionary funds if:

(1) Its application is consistent with an approved State Rail Plan;

(2) It provides assurances that it has adequate authority and administrative jurisdiction and fiscal controls consistent with those required by paragraphs (a)(2) and (3) of this section; and

(3) It complies with the regulations of the Administrator prescribed in this part and with terms and conditions included in the grant of assistance.

§ 255.7 Rail Service Continuation Assistance.

(a) Basic Entitlement Funds. (1) Basic entitlement funds are to be allocated to each State in the region in the ratio which the total mileage in each State measured in point to point length (exclusive of yard tracks and sidings) bears to the total rail mileage in all the States in the region. The Administrator has determined that the total track mileage of all States in the region is 61,184 miles; that the total track mileage in each State in the region and their ratio to the total track mileage in the region is as follows:

State	State mileage	Percent of total miles in region	Percent of basic entitlement
Maine	1,666	2.7	3
New Hampshire	817	1.3	3
Vermont	766	1.3	3
Massachusetts	1,420	2.3	3
Connecticut	664	1.1	3
District of Columbia	30	0	3
Rhode Island	146	.2	3
New York	5,595	9.1	9.1
New Jersey	1,742	2.8	3
Pennsylvania	8,273	13.5	10
Delaware	291	.5	3
Maryland	1,110	1.8	3
Virginia	3,895	6.4	6.4
West Virginia	3,569	5.8	5.8
Ohio	7,894	12.8	10
Indiana	6,495	10.5	10
Michigan	6,159	10.1	10
Illinois	10,822	17.7	10

(2) The Federal share of the total cost of providing rail service continuation subsidies under subsection 402(b)(1) of the Act shall be 70 percent of that cost. The balance of such cost shall be provided by the State and the State share may not be augmented by any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-Federal share of a federally subsidized program with such funds.

(b) Discretionary Funds. (1) In addition to meeting deficiencies in the basic entitlement funds as provided in subsection 402(b)(1) of the Act, discretionary funds will be available for the following purposes:

(i) To assist an eligible applicant to pay allowable planning costs expended in developing its State Rail Plan, provided that the Final System Plan is approved by the Congress and the State Rail Plan is approved by the Administrator and provided further that this assistance in the aggregate shall be limited to five percent of the total Federal funds otherwise provided to the State under section 402 of the Act. The Federal share of an applicant's allowable planning costs may not exceed 70 percent of these costs. An applicant may expend additional funds for planning other than its matching share.

(ii) To assist the States in providing rail service continuation subsidies to those rail services to be discontinued as a result of the implementation of the Final System Plan in instances where basic entitlement funds are used to the maximum extent available but are insufficient to provide for the continuation of these services;

(iii) To assist an eligible applicant in a State contiguous to a State in the region, having a portion of its territory located in the region, which is not eligible for basic entitlement funds under subsection 402(b)(1) of the Act, in providing rail service continuation subsidies;

(iv) To assist an eligible applicant in the acquisition and modernization of rail properties as provided in sections 402(b)(2) and 403 of the Act;; and

(v) To assist an eligible applicant in providing rail service continuation subsidies to the remaining rail services in the region which are eligible under § 255.3, other than those discontinued in response to the Final System Plan, and which have been identified in the State Rail Plan as candidates for subsidy, in instances where basic entitlement funds under subsection 402(b)(1) of the Act are insufficient to ensure continuation of these services.

In reviewing requests for discretionary funds, the Administrator will give consideration to this general set of priorities.

(2) The Federal share of the total cost of accomplishing those purposes for which discretionary funds are provided shall not exceed 70 percent of that cost. The applicant shall provide the remainder of the cost. The applicant's share may not be augmented by any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-Federal share of a federally subsidized program with these funds.

(c) Term of Rail Service Continuation Subsidies. Rail Service continuation subsidies between a State or a local or regional transportation authority, and the Corporation or other responsible person (including a Government entity) may not exceed a term of two years.

(d) Return of excess funds. Basic entitlement funds which are not expended or committed by a State for rail service continuation subsidies as provided in subsection 402(b)(1) of the Act during the ensuing fiscal year shall be returned to the Administrator who may use these funds as provided in subsection 402(b)(2) of the Act.

(e) Ineligibility for subsidy after receipt of a section 403 loan. Any rail service for which a State or a local or regional transportation authority receives a loan under section 403 of the Act is no longer eligible for a rail service continuation subsidy under section 402 of the Act.

§ 255.9 Requirements for State Rail Plan for Rail Transportation and Local Rail Services.

(a) State planning process. Consistent with the purposes of the Act, the State Rail Plan required under § 255.5(a) shall be based upon a comprehensive and coordinated planning process for the provision of rail transportation services in the State, which are essential to meet the economic, environmental and energy needs of the citizens of that State, and to provide for the development of a coordinated and balanced transportation system within the State or the affected portion thereof. This plan shall be developed with opportunity for participation by public and private agencies having authority and responsibility for rail activity in the State and adjacent States where appropriate. Provision shall be made for affording interested persons, such as users of rail transportation, labor organizations, local governments, environmental groups and the public generally, timely opportunity to express their views in the development of the State Rail Plan. As part of the planning process, the designated State agency shall establish procedures whereby local and regional transportation authorities may review and comment on appropriate elements of the State Rail Plan.

(b) Contents of the State Rail Plan. The State Rail Plan for rail transportation and local rail services shall be submitted to the Administrator in two phases.

(1) As Phase I of the State Rail Plan, a State shall submit a design of the State planning process which is consistent with the purposes of the Act and shall include:

(i) An identification of the data to be acquired on the rail network and rail services in the State (see paragraph (b)(2)(iv) of 255.9), the sources of this data, and the methodology to be employed in data collection. In considering the scope of data collection activities and subsequent analysis, it is anticipated that time constraints and limitations of the state-of-the-art will require that the State provide a broad overview of all rail services in the State while concentrating most of its efforts on the services for which it expects to require assistance in the immediate future.

(ii) Methodology to be used in the planning process, including that to be used in selecting essential lines to be considered for assistance, and indicating consideration of the advisory criteria published by the Office under subsection 205(d)(4) of the Act.

(iii) Criteria for setting priorities for rail service to be considered for assistance. In determining which rail services will receive assistance, a State should give first consideration to eligible rail freight services to be discontinued as a result of implementation of the Final System Plan.

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(iv) An explanation of the goals or philosophical framework to be used in guiding the development of the State Rail Plan. Part of this explanation should be specifically devoted to the expectations of the State for the future of rail services which receive a subsidy subsequent to the expiration of the rail service continuation subsidy under the Act, including such considerations as likelihood of profitability, continued State or local subsidy, assistance under section 403 of the Act, substitution of alternate modes, and other long-term alternatives.

(v) Description of the methods by which the State will involve local and regional transportation authorities in its rail planning process, including its methods of providing for the equitable distribution of subsidies among State, local, and regional transportation authorities.

(vi) A management plan for the development of the State Rail Plan which shall include an identification of responsible individuals and a flow chart of activities with milestones.

(2) Phase II of the State Rail Plan shall:

(i) Contain general information with respect to the physical plant, traffic, and service characteristics of the existing rail system within the State;

(ii) Describe the planning process utilized in the development of the State Rail Plan, specifying the particulars as to data sources, assumptions, and special problems or conditions which may be essential to the understanding of the setting in which the State Rail Plan was developed;

(iii) Classify the rail system within the State into the following categories:

(A) Rail services in the Final System Plan;

(B) Rail services of railroads which are not railroads in reorganization which are continuing in operation;

(C) Rail services of railroads in reorganization which are not included in the Final System Plan;

(D) Rail services of railroads in reorganization for which a State does not wish to receive assistance; and

(E) Rail services for which a State wishes to receive assistance (subsidy, acquisition, or modernization) ranked in descending order of service priority as determined by the specific application of the methodology, criteria, and goals described in Phase I of the State Rail Plan and the relevant social, economic, environmental, and energy considerations, including an estimate of the amount of the Federal share of the assistance required for these services, designated as basic entitlement funds or discretionary funds;

(iv) Contain detailed and specific knowledge of the services for which assistance is requested, including: traffic density of the line; pertinent costs and revenues; a survey of the condition of the plant, equipment, and facilities; an economic and operational analysis of present and future rail freight service needs; the potential for moving rail traffic by alternate modes; the relative economic, social, and environmental costs and benefits involved in the use of alternate modes, including costs resulting from lost jobs, energy shortages, and the degradation of the environment; the competitive or other effects on or by profitable railroads; methods of achieving economies in the cost of rail system operations including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment; analysis of the potentials for rehabilitation and modernization of equipment, track, and other facilities; and an analysis of the effects of abandonment with respect to the transportation needs of the State;

(v) Include a statement of the long-term strategy that the State will apply to those rail services to receive assistance, including such considerations as: continuing subsidy; acquisition and modernization; termination; and the provision of substitute services; and

(vi) Include a statement for those services to be acquired which describes the conditions and requirements of these services, such as the rolling stock and the track improvements needed to provide minimum service.

(c) Adoption of State Rail Plan. An original and nine (9) copies of each Phase of the State Rail Plan, and any amendments thereto, shall be submitted with a certification by the Governor, or by his or her delegate, that the submission constitutes the State Rail Plan or portion thereof established by the State as provided in section 402(c)(1) of the Act.

(d) Submission and Review of State Rail Plan. Phase I shall be submitted by May 15, 1975, to the Administrator for review. Phase II shall be submitted to the Administrator for review within 30 days after the date of approval of the Final System Plan by Congress. To approve the State Rail Plan the Administrator must notify the State in writing. If the Administrator determines that the State Rail Plan is not in accordance with this part, he will notify the State setting forth his reasons for such determination, and afford the State an opportunity for a hearing and to amend its State Rail Plan to bring it into compliance with the Act and this part. Where hearings in accordance with subsection 402(h) of the Act are necessary, they shall be conducted on an expedited basis to afford the State maximum opportunity to submit an acceptable State Rail Plan on a timely basis.

(e) Review of amendments and modifications with respect to the State Rail Plan. State Rail Plans are to be reviewed and amended to reflect any changes which would affect the determinations and classifications made under paragraph (b)(2)(iii) of § 255.9. All such amendments shall be subject to the same review and approval procedures as the original State Rail Plan.

§ 255.11 Applications.

(a) Coordination and clearance. To ensure coordination with appropriate State agencies and to ensure that local and regional proposals are consistent with the State Rail Plan, applications for assistance shall be submitted by or under the coordination of the designated State agency. All applications for assistance, whether by the designated State agency or a local or regional transportation authority, shall be consistent with the approved State Rail Plan.

(b) Contents. Each application for assistance shall include:

(1) Full and correct name and principal business address of applicant;

(2) Name, title and address of the person to whom correspondence regarding the application should be addressed;

(3) Detailed description of the services for which assistance is sought, together with a map of those rail services, and certification as to their inclusion in the State Rail Plan;

(4) Evidence of review and coordination within the State in accordance with the applicable sections of the approved State Rail Plan as provided in paragraphs (a) and (b) of § 255.9;

(5) Estimate of the total amount of assistance required to continue each service and the Federal share of such assistance, designated as basic entitlement funds or discretionary funds. Where applicable, this amount shall be calculated utilizing the standards for determining "revenue attributable to the rail properties", "avoidable costs of providing service", and "reasonable return on the value", as established by the Office under subsection 205(d)(3) of the Act. (These standards are set out in §§ 1125.4, 1125.5, and 1125.7 of 49 CFR Part 1125.)

(6) Evidence of applicant's ability and intent to furnish its share of the total assistance;

(7) Description of the arrangements which the applicant has made for operation of the rail services to be subsidized including copies of the proposed operating agreements, leases or other compensation agreements under which the service is to be provided;

(8) Assurance by the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance is sought;

(9) Evidence that the applicant has established such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under Title IV of the Act;

(10) Evidence that the applicant has the statutory authority and administrative jurisdiction to develop, promote, supervise and support safe, adequate, and efficient rail services; that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion and development with provision for public participation; and that it has the statutory and other authority to perform its obligations under the Act and the regulations under this part;

(11) An opinion of the counsel for applicant showing that he or she is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(12) Certification that the applicant is in compliance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d et seq. ("Civil Rights Act"), and all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation ("Civil Rights Regulations"), and other pertinent directives, and that, in accordance with the Civil Rights Act, the Civil Rights Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives assistance from the Federal Railroad Administration, and the applicant will promptly take any measures necessary to effectuate this agreement; and

(13) Such other information as the Administrator may require.

(c) Execution and Filing of Application. (1) Each original application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant. Each person required to execute the application will execute a certificate in the form of Appendix A to this Part.

(2) Each original application and certificate, and nine copies thereof, shall be filed with the Federal Railroad Administrator, Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(d) Review and Approval of Applications. Applications for rail service continuation assistance are to be submitted to the Administrator for review and approval. In order for an application to be approved, the Administrator must notify the applicant in writing. If the Administrator disapproves all or part of an application, he will advise that applicant in writing of his reasons for such disapproval. These reasons may include insufficiency of the application, inconsistency with the approved State Rail Plan, or insufficiency in the amount of appropriated funds available to the Administrator. With respect to applications for discretionary funds, the Administrator shall determine whether sufficient appropriated funds are available for a particular service in view of the general set of priorities set forth in paragraph (b)(1) of § 255.7.

§ 255.13 Disbursement of Rail Service Continuation Assistance.

(a) Rail Service Continuation Subsidies. After receipt, review and approval of an application meeting the requirements of § 255.11, the Administrator will enter into a grant agreement with an applicant for the Federal share of the estimated amount of subsidy necessary to continue the service described in the application. The Federal share of this amount shall be payable pro rata at the end of each quarter of any fiscal year during the term of the grant agreement; provided that:

(1) After nine months from the date of the execution of the grant agreement, the estimate may be revised to reflect the actual revenues, costs, and rate of return over that period; and

(2) The final payment under the grant agreement shall only be made on the basis of an audit which has determined the actual revenues, costs, and rate of return over the entire term of the agreement;

Provided, however, That the amount of Federal assistance may not be increased unless the Administrator determines that the applicant has fulfilled its responsibilities for ensuring the proper and efficient administration of its subsidy program, the required State or local matching funds are available, and the necessary Federal funds are available.

(b) Rail Service Acquisition and Modernization Assistance. After receipt, review and approval of an application for acquisition or modernization assistance under 402(b)(2) of the Act which meets the requirements of § 255.11, the Administrator will enter into a grant agreement for the appropriate Federal share of the allowable costs of acquisition or modernization as determined by the Administrator. The terms of payment of the Federal share shall be set forth in the grant agreement.

§ 255.15 Record, Audit, and Examination.

(a) Each recipient of financial assistance under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after completion of the project or undertaking referred to in paragraph (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Administrator or the Comptroller General may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

§ 255.17 Waivers and Modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law, or make any additional requirements he deems necessary.

This notice is issued under the authority of 49 U.S.C. 1651 et. seq.

Issued in Washington, D.C. on January 22, 1975.

ASAPH H. HALL,
Deputy Administrator.

APPENDIX A—CERTIFICATE

The following is the form of the certificate to be made by each person signing an application.

---------- certifies that he is the
(Name of Person)
Chief Executive Officer of ----------,
(Name of Agency)
that he is authorized to sign and file with the Federal Railroad Administrator this application; that he has carefully examined all of the statements contained in the application relating to ----------; that
(Name of Agency)
he has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.

---------- ----------
(Date) (Signature)

Subscribed and sworn to before me the ---- day of ----------, 19--.

APPENDIX B

By order dated January 23, and supplemental order dated May 23, 1974, [Ex Parte No. 293, and Northeastern Railroad Investigation (Definition of the Midwest and Northeast Region)] the Commission has included, in addition to the jurisdictions specifically named, the following: (1) Points in Kentucky in the Louisville, Kentucky, Standard Metropolitan Statistical Area as used in the latest national census; (2) Points in Missouri in the St. Louis, Missouri, Standard Metropolitan Statistical Area as used in the latest national census; and (3) Kewaunee and Manitowoc, and the Port of Milwaukee, Wisconsin.

[FR Doc.75-2434 Filed 1-27-75;8:45 am]

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federal register

TUESDAY, JANUARY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 19

PART III

DEPARTMENT OF THE TREASURY

■

Fiscal Service

Bureau of the Public Debt

U. S. INDIVIDUAL RETIREMENT BONDS

Debt Circular

Public Debt Series 1-75

V40I19 JAN28 75 XUM

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 346—REGULATIONS GOVERNING UNITED STATES INDIVIDUAL RETIREMENT BONDS

The regulations in Department of the Treasury Circular, Public Debt Series No. 1-75 (31 CFR, Part 346), set forth below, are issued, effective January 1, 1975, under the authority of section 2002, the "Employee Retirement Income Security Act of 1974," P.L. 93-406, 93d Cong., 2d Sess., 88 Stat. 958; 31 U.S.C. 738a, 752, 754b, and 5 U.S.C. 301.

As this offer of United States Individual Retirement Bonds is being made pursuant to the provisions of the aforesaid Employee Retirement Income Security Act of 1974, and relates to the fiscal and tax policy of the United States, notice and public procedures thereon are unnecessary.

Dated: January 3, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

Sec.

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AUTHORITY: Sec. 2002, Pub. L. 93-406, 88 Stat. 958 (31 U.S.C. 738a, 752, 754b); 5 U.S.C. 301.

§ 346.0 Offering of bonds.

The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, and pursuant to the Employee Retirement Income Security Act of 1974, offers for sale, beginning January 1, 1975, bonds of the United States, designated as United States Individual Retirement Bonds. The bonds will be available for investment only to individuals eligible to make deductions on their Federal income tax returns for retirement savings, as provided in Section 2002 of the latter Act. This offering of bonds will continue until terminated by the Secretary of the Treasury.

§ 346.1 Description of bonds.

(a) *Investment yield (interest).* United States Individual Retirement Bonds, hereinafter sometimes referred to as Individual Retirement Bonds, will be issued at par. The investment yield (interest) on the bonds will be 6 percent per annum, compounded semiannually, except that no interest shall accrue on any such bonds redeemed within twelve (12) months of its issue date. See the table of redemption values appended to this circular. Interest will be paid only upon redemption of the bonds. The accrual of interest will continue until the bonds have been redeemed or have reached maturity, whichever is earlier, in accordance with these regulations.

(b) *Term.* The maturity date of any bond issued under this circular shall be the first day of the month in which the registered owner thereof has attained the age of 70½ years, or five years after the date of his death, but no later than the first day of the month in which he would have attained the age of 70½ years, if he had lived. Unless sooner redeemed in accordance with these regulations, the investment yield on a bond will cease on the interest accrual date coinciding with, or, where no such coincidence occurs, the interest accrual date next preceding (1) the first day of the seventh (7th) month following the 70th anniversary of the birth of the person in whose name it is registered, or (2) the first day of the sixtieth (60th) month following the date of death of the person in whose name it is registered, except that such date shall be no later than the date on which he would have attained the age of 70½ years, had he lived.

(c) *Denominations—issue date.* Individual Retirement Bonds will be available only in registered form and in denominations of $50, $100 and $500. At the time of issue, the issuing agent will enter in the upper right-hand portion of the bond the *issue date* (which shall be the first day of the month and year in which payment of the purchase price is received by an authorized issuing agent), and will imprint the agent's validating stamp in the lower right-hand portion. The issue date, as distinguished from the date in the agent's validating stamp, will determine the date from which interest will begin to accrue on the bond. An Individual Retirement Bond shall be valid only if an authorized issuing agent receives payment therefor, duly inscribes, dates, stamps, and delivers it.

§ 346.2 Registration.

(a) *General.* The registration of Individual Retirement Bonds is limited to the names of natural persons in their own right, whether adults or minors, in either single ownership or beneficiary form. A bond registered in the beneficiary form will be inscribed substantially as follows (for example): "John A. Doe payable on death to (*or* P.O.D.) Richard B. Roe." No more than one beneficiary may be designated on a bond.

(b) *Inscription.* The inscription on the face of each bond will show the name, address, date of birth, and the social security account number of the registered owner. The name of the beneficiary, if one is to be designated, together with his social security account number, where available, will also be shown in the inscription.

§ 346.3 Purchase of bonds.

(a) *Agencies.* Individual Retirement Bonds may be purchased over-the-counter or by mail from Federal Reserve Banks and Branches and the Bureau of the Public Debt, Securities Transactions Branch, Washington, D.C. 20226. Customers of commercial banks and trust companies may be able to arrange for the purchase of the bonds through such institutions, but only the Federal Reserve Banks and Branches, and the Department of the Treasury itself, are authorized to issue the securities. The date of receipt of the application and payment by such issuing agencies will govern the dating of the bonds issued.

(b) *Applications.* Applications for the purchase of Individual Retirement Bonds should be made on Form PD 4345, accompanied by a remittance to cover the purchase price. Personal checks will be accepted, subject to collection. Checks, or other forms of exchange, should be drawn to the order of the Federal Reserve Bank or the U.S. Treasury, as the case may be. Checks payable by endorsement are not acceptable.

(c) *Delivery.* Delivery of bonds will be made in person, or by mail at the risk and expense of the United States at the address given by the purchaser, but only within the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone. No mail deliveries elsewhere will be made. If the registered owner temporarily resides abroad, the bonds will be delivered to such address in the United States as the purchaser directs.

§ 346.4 Proof of purchase.

At the time an Individual Retirement Bond is issued, the issuing agent will furnish therewith to the purchaser a copy of Form PD 4345 for the purchaser's personal records. The form will show the name and address of the registered owner, his date of birth, social security account number, the number of bonds issued, a description thereof by issue date, serial numbers, denominations, and registration.

§ 346.5 Limitation on holdings.

The amount of Individual Retirement Bonds issued during any one calendar year that may be purchased in the name of any one person as registered owner shall not exceed an amount equal to 15 percent of compensation includible in his gross income for that year, or $1,500, whichever is less. This limitation does not apply to rollover contributions, as described in sections 402(a)(5), 403(a)(4) or 408(d)(3).

§ 346.6 Nontransferability.

United States Individual Retirement Bonds are not transferable, and may not be sold, discounted or pledged as collateral for a loan or as security for the performance of an obligation, or for any other purpose.

§ 346.7 Judicial proceedings.

No judicial determination will be recognized which would give effect to an attempted voluntary transfer inter vivos of an Individual Retirement Bond. Otherwise, a claim against a registered owner will be recognized when established by valid judicial proceedings, but in no case will payment be made to the purchaser at a sale under a levy or to the officer authorized to levy upon the property of the owner under appropriate process to satisfy a money judgment unless or until the bond has become eligible for authorized redemption pursuant to these regulations. Neither the Department of the Treasury nor any of its agencies will accept notices of adverse claims or of pending judicial proceedings or undertake to protect the interests of litigants who do not have possession of the bond.

§ 346.8 Payment or redemption during lifetime of owner.

(a) *During first 12 months of issue date.* An Individual Retirement Bond is redeemable at any time during the first twelve (12) months of its issue date. No interest will be paid on any bond so redeemed.

(b) *Prior to age 59½.* (1) *With penalty.* Unless redeemed within twelve months of its issue, or except as provided under paragraph (b)(2) and (c)(2) of this section, if an Individual Retirement Bond is cashed by its owner before he attains age 59½, he must include on his Federal income tax return for the year of redemption the value of the bond. In addition, there is an additional income tax equal to 10 percent of the value of the bond imposed by section 409(c) of the Internal Revenue Code of 1954.

(2) *In case of disability.* An Individual Retirement Bond will be paid at its then current redemption value upon a registered owner's request (or by a person recognized as entitled to act on his behalf) prior to his attainment of age 59½ years upon submission of a physician's statement or any similar evidence showing that the owner has become disabled to such an extent that he is unable to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. The following are examples of impairments which would ordinarily be considered as preventing substantial, gainful activity:

(i) Loss of use of two limbs.

(ii) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease.

(iii) Disease of the heart, lungs, or blood vessels which have resulted in major loss of heart or lung reserve as evidenced by X-ray, electrocardiogram, or other objective findings, so that despite medical treatment breathlessness, pain, or fatigue is produced on slight exertion, such as walking several blocks, using public transportation, or doing small chores.

(iv) Cancer which is inoperable and progressive.

(v) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation, or memory.

(vi) Mental diseases (*e.g.*, psychosis or severe psychoneurosis) requiring continued institutionalization or constant supervision of the individual.

(vii) Loss or diminution of vision to the extent that the effected individual has a central visual acuity of no better than 20/200 in the better eye after best correction, or has a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

(viii) Permanent and total loss of speech.

(ix) Total deafness uncorrectible by a hearing aid.

In any case coming under the provisions hereof, the evidence referred to above must be submitted to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226, for approval before any bonds may be paid. If, after review of the evidence, the Secretary of the Treasury is satisfied that the owner's disability has been established a letter will be furnished authorizing payment of his Individual Retirement Bonds. This letter must be presented each time any of the owner's bonds are submitted for payment to a Federal Reserve Bank or Branch or to the Department of the Treasury.

(c) *Prior to age 70½.* (1) *General.* An Individual Retirement Bond will be redeemable at its current redemption value upon the request of the registered owner (or a person recognized as entitled to act on his behalf), provided he is 59½ years of age or older. The owner's age will be determined from the date of birth shown on the face of the bond, provided, however, that the Secretary of the Treasury reserves the right in any case or class of cases to require proof, in the form of a duly certified copy of his birth certificate, that the owner has attained the age of 59½ years. If such evidence is unavailable, one of the following documents may be furnished in lieu thereof:

(i) Church records of birth or baptism

(ii) Hospital birth record or certificate

(iii) Physician's or midwife's birth record

(iv) Certification of Bible or other family record

(v) Military, naturalization or immigration records

(vi) Other evidence of probative value

Similar documentary evidence will also be required to support any claim made by an owner that the date of birth shown on his bond is incorrect.

(2) *For change of investment.* Under section 409(b)(3)(c) of the Internal Revenue Code, if an Individual Retirement Plan Bond is cashed at any time before the end of the taxable year in which the owner attains age 70½, and the entire redemption proceeds are transferred to an individual retirement account, an individual annuity, an employees' trust, or annuity plan, as described in sections 408(a), 408(b), 401(a) and 403(a), respectively, of the Internal Revenue Code, on or before the 60th day after receipt of such proceeds, they shall be excluded from gross income and the transfer shall be treated as a rollover contribution described in section 408(d)(3) of the Internal Revenue Code.

(d) *Requests for payment.* (1) *By owner.* When redemption of any Individual Retirement Bond is desired by the registered owner, it should be presented, with the request for payment on the back of the bond signed and duly certified, to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Securities Transactions Branch, Washington, D.C. 20226. If payment is requested on account of disability, the letter described in paragraph (b)(2) of this section should accompany the bond.

(2) *By person other than owner.* When redemption of any Individual Retirement Bond is desired by the legal guardian, committee, conservator, or similar representative of the owner's estate, it should be presented, with the request signed as described below, to a Federal Reserve Bank or Branch or to the Department of the Treasury. If payment is requested on account of disability, the letter described in paragraph (b)(2) of this section should accompany the bond.[1] The request for payment, in either case, should be signed by the representative in his fiduciary capacity before an authorized certifying officer, and must be supported by a certificate or a certified copy of the letters of appointment from the court making the appointment, under seal, or other proof of qualification if the appointment was not made by a court. Except in the case of corporate fiduciaries, such evidence should state that the appointment is in full force and should be dated not more than one year prior to the presentation of the bond for payment.

(e) *Partial redemption.* An Individual Retirement Bond in a denomination greater than $50 (face value), which is otherwise eligible for redemption, may be redeemed in part, at current redemption value, upon the request of the registered owner (or a person recognized as entitled to act on his behalf), but only in amounts corresponding to authorized denominations. In any case in which partial redemption is desired, before the request for payment is signed, the phrase "to the extent of $_____ (face value) and reissue of the remainder" should be appended to the request. Upon partial redemption of the bond, the remainder

[1] In any case in which a legal representative has not been appointed for the estate of a registered owner who has attained the age of 59½ years, or who has become disabled, a person seeking payment of a bond on the owner's behalf should furnish a complete statement of the circumstances to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226. Appropriate instructions will then be furnished.

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will be reissued as of the original issue date. No partial redemption of a bond will be made after the death of the owner in whose name it is registered.

§ 346.9 Payment or redemption after death of owner.

(a) *Order of precedence where owner not survived by beneficiary.* If the registered owner of an Individual Retirement Bond dies before it has been presented and surrendered for payment, and there is no beneficiary shown thereon, or if the designated beneficiary predeceased the owner, the bond shall be paid in the following order of precedence:

(1) To the duly appointed executor or administrator of the estate of the owner, who should sign the request for payment on the back of the bond in his representative capacity before an authorized certifying officer, such request to be supported by a court certificate or a certified copy of his letters of appointment, under seal of the court, which should show that the appointment is in full force and effect, and be dated within six months of its presentation;

(2) If no legal representative of the deceased registered owner's estate has been or will be appointed, to the widow or widower of the owner;

(3) If none of the above, to the child or children of the owner and the descendants of deceased children by representation;

(4) If none of the above, to the parents of the owner, or the survivor of them;

(5) If none of the above, to other next-of-kin of the owner, as determined by the laws of the domicile of such owner at the time of his death.

In any case coming under the provisions of this paragraph, a duly certified copy of the registered owner's death certificate will ordinarily be required. Proof of death of the beneficiary, if any, will be required where he predeceased the owner. Payment of bonds under paragraph (a) (1) of this section will be made by a Federal Reserve Bank or by the Bureau of the Public Debt, Securities Transactions Branch, Washington, D.C. 20226. Payment of bonds under paragraph (a) (2) to (5) of this section will be made upon receipt of applications on Form PD 3565–1, together with the bonds and supporting evidence, by the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226.

(b) *Order of precedence where beneficiary survived owner.* If the registered owner of an Individual Retirement Bond dies before it has been presented and surrendered for payment, and the beneficiary shown thereon survived the owner, the bond shall be paid in the following order of precedence:

(1) To the designated beneficiary upon his presentation and surrender of the bond with the request for payment signed and duly certified;

(2) If the designated beneficiary survived the registered owner but failed to present the bond for payment during his own lifetime, payment will be made in the order of precedence specified in paragraph (a) (1) to (5) of this section to the legal representative, surviving spouse, children, parents, or next-of-kin of such beneficiary, and in the manner provided therein.

In any case coming under the provisions of this subsection, a duly certified copy of the registered owner's death certificate will ordinarily be required. Proof of death of the beneficiary will also be required where he survived the owner but failed to present the bond for payment during his own lifetime. Payment of a bond to a designated beneficiary will be made by a Federal Reserve Bank or by the Bureau of the Public Debt, Securities Transactions Branch, Washington, D.C. 20226.

(c) *Ownership of redemption proceeds.* The orders of precedence set forth in paragraphs (a) and (b) of this section, except in cases where redemption is made for the account of a registered owner, are for the Department's convenience in discharging its obligation on an Individual Retirement Bond. The discharge of the obligation in accordance therewith shall be final so far as the Department is concerned, but those provisions do not otherwise purport to determine ownership of the redemption proceeds of a bond.

§ 346.10 Reissue.

(a) *Addition or change of beneficiary.* An Individual Retirement Bond will be reissued to add a beneficiary in the case of a single ownership bond, or to eliminate or substitute a beneficiary in the case of a bond registered in beneficiary form upon the owner's request on Form PD 3564. No consent will be required to support any reissue transaction from a beneficiary whose name is to be removed from the registration of an Individual Retirement Bond. If the registered owner dies after the bond has been presented and surrendered for reissue, upon receipt of notice thereof by the agency to which the request for reissue was submitted, such request shall be treated as ineffective, provided the notice of death is received by the Federal Reserve Bank or the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226, to which the request was sent, in sufficient time to withhold delivery, by mail or otherwise, of the reissued bond.

(b) *Error in issue—change of name.* Reissue of an Individual Retirement Bond will be made where an error in issue has occurred, as well as in cases where the owner's name has been changed by marriage, divorce, annulment, order of court, or in any other legal manner upon an appropriate request. Information as to the procedure to be followed in securing such reissue may be obtained from a Federal Reserve Bank or the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226.

§ 346.11 Use of power of attorney.

No designation of an attorney, agent, or other representative to request payment or reissue on behalf of the owner, beneficiary, or other person entitled under § 346.9, other than as provided in these regulations, will be recognized.

§ 346.12 Lost, stolen, or destroyed bonds.

If an Individual Retirement Bond is lost, stolen, or destroyed, relief will be granted upon identification of the bond and proof of its loss, theft, or destruction. A description of the bond by denomination, serial number, issue date and registration should be furnished at the time the report of loss, theft, or destruction is made. Such reports should be sent to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226. Full instructions for obtaining substitute bonds, or payment, in appropriate cases, will then be given.

§ 346.13 Taxation.

The tax treatment provided under Section 409 of the Internal Revenue Code of 1954, as amended, shall apply to all Individual Retirement Bonds. The bonds are subject to estate, inheritance, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, municipality, or any local taxing authority. Inquiry concerning the application of any Federal tax to these bonds should be directed to the District Director of Internal Revenue for the district in which the taxpayer resides.

§ 346.14 Certifying officers.

Officers authorized to certify requests for payment or for any other transaction involving Individual Retirement Bonds include:

(a) *Post offices.* Any postmaster, acting postmaster, or inspector-in-charge, or other post office official or clerk designated for that purpose. A post office official or clerk, other than a postmaster, acting postmaster, or inspector-in-charge, should certify in the name of the postmaster or acting postmaster, followed by his own signature and official title. Signatures of these officers should be authenticated by a legible imprint of the post office dating stamp.

(b) *Banks and trust companies.* Any officer of a Federal Reserve Bank or Branch, or of a bank or trust company chartered under the laws of the United States or those of any State, Commonwealth, or Territory of the United States, as well as any employees of such bank or trust company expressly authorized to act for that purpose, who should sign over the title "Designated Employee." Certifications by any of these officers or designated employees should be authenticated by either a legible imprint of the corporate seal, or, where the institution is an authorized issuing agent for United States Savings Bonds, Series E, by a legible imprint of its dating stamp.

(c) *Issuing agents of Series E savings bonds.* Any officer of a corporation or any other organization which is an authorized issuing agent for United States

Savings Bonds, Series E. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp.

(d) *Foreign countries.* In a foreign country requests may be signed in the presence of and be certified by any United States diplomatic or consular representative, or the manager or other officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an imprint of the corporate seal or is certified to the Department of the Treasury. If such an officer is not available, requests may be signed in the presence of and be certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction should be certified by a United States diplomatic or consular officer under seal of his office.

(e) *Special provisions.* The Commissioner of the Public Debt, or his delegate, or any Federal Reserve Bank or Branch is authorized to make special provision for certification in any particular case or class of cases where none of the officers authorized above is readily accessible.

§ 346.15 General provisions.

(a) *Regulations.* All Individual Retirement Bonds shall be subject to the general regulations prescribed by the Secretary with respect to United States securities, which are set forth in Department of the Treasury Circular No. 300, current revision, to the extent applicable. Copies of the general regulations may be obtained upon request from any Federal Reserve Bank or the Department of the Treasury.

(b) *Reservation as to issue of bonds.* The Secretary of the Treasury reserves the right to reject any application for the purchase of Individual Retirement Bonds, in whole or in part, and to refuse to issue or permit to be issued any such bonds in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final.

(c) *Additional requirements.* In any case or any class of cases arising under this circular, the Secretary of the Treasury may require such additional evidence as may in his judgment be necessary, and may require a bond of indemnity, with or without surety, where he may consider such bond necessary for the protection of the United States.

(d) *Waiver of requirements.* The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of this circular in any particular case or class of cases for the convenience of the United States, or in order to relieve any person or persons of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and he is satisfied that such action would not subject the United States to any substantial expense or liability.

(e) *Fiscal agents.* Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury in connection with the issue, delivery, redemption, reissue, and payment of Individual Retirement Bonds.

(f) *Reservation as to terms of circular.* The Secretary of the Treasury may at any time, or from time to time, supplement or amend the terms of this circular, or any amendments or supplements thereto.

TABLE OF REDEMPTON VALUES PROVIDING AN INVESTMENT YIELD OF 6 PERCENT PER ANNUM FOR BONDS BEARING ISSUE DATES BEGINNING JANUARY 1, 1975

Table shows how the Individual Retirement Bonds bearing issue dates beginning January 1, 1975, by denomination, increase in redemption value during successive half-year periods following issue. The redemption values have been determined to provide an investment yield of approximately 6 percent per annum, compounded semiannually, on the purchase price from issue date to the beginning of each half-year period. The period to maturity is fixed in accordance with the provisions of § 346.1 (b) of this circular.

Issue price	$50.00	$100.00	$500.00
Period after issue date	Redemption values during each half-year (values increase on first day of period shown)		
First ½ year	$50.00	$100.00	$500.00
½ to 1 year	51.50	103.00	515.00
1 to 1½ years	53.05	106.10	530.50
1½ to 2 years	54.64	109.28	546.40
2 to 2½ years	56.28	112.56	562.80
2½ to 3 years	57.96	115.92	579.60
3 to 3½ years	59.70	119.40	597.00
3½ to 4 years	61.49	122.98	614.90
4 to 4½ years	63.34	126.68	633.40
4½ to 5 years	65.24	130.48	652.40
5 to 5½ years	67.20	134.40	672.00
5½ to 6 years	69.21	138.42	692.10
6 to 6½ years	71.29	142.58	712.90
6½ to 7 years	73.43	146.86	734.30
7 to 7½ years	75.63	151.26	756.30
7½ to 8 years	77.90	155.80	779.00
8 to 8½ years	80.24	160.48	802.40
8½ to 9 years	82.64	165.28	826.40
9 to 9½ years	85.12	170.24	851.20
9½ to 10 years	87.68	175.36	876.80
10 to 10½ years	90.31	180.62	903.10
10½ to 11 years	93.01	186.02	930.10
11 to 11½ years	95.81	191.62	958.10
11½ to 12 years	98.68	197.36	986.80
12 to 12½ years	101.64	203.28	1,016.40
12½ to 13 years	104.69	209.38	1,046.90
13 to 13½ years	107.83	215.66	1,078.30
13½ to 14 years	111.06	222.12	1,110.60
14 to 14½ years	114.40	228.80	1,144.00
14½ to 15 years	117.83	235.66	1,178.30
15 to 15½ years	121.36	242.72	1,213.60
15½ to 16 years	125.00	250.00	1,250.00
16 to 16½ years	128.75	257.50	1,287.50
16½ to 17 years	132.62	265.24	1,326.20
17 to 17½ years	136.60	273.20	1,366.00
17½ to 18 years	140.69	281.38	1,406.90
18 to 18½ years	144.91	289.82	1,449.10
18½ to 19 years	149.26	298.52	1,492.60
19 to 19½ years	153.74	307.48	1,537.40
19½ to 20 years	158.35	316.70	1,583.50
20 to 20½ years	163.10	326.20	1,631.00

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1974

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PROCLAMATION 4343

National Poison Prevention Week, 1975

By the President of the United States of America

A Proclamation

The future of America is in our children. For 13 years, National Poison Prevention Week has been an annual landmark in the ongoing campaign to protect the young children, our country's greatest resource, from the tragedies of childhood poisonings.

The average American home contains a growing variety of labor-saving devices, chemical products, and medicines. We can be proud of the skill and initiative that have made this progress possible. Yet, every thoughtful citizen must be aware that these household products and drugs which ease our daily life, in many instances, are potentially poisonous if used unwisely or stored so carelessly that small children can get to them.

Our challenge as educators, as parents, and as citizens is to strive to reduce the toll of childhood poisoning through adequate programs of public education and information. These programs should develop an awareness of the potential danger associated with many products in the home environment.

Since 1970, the Poison Prevention Packaging Act has contributed substantially to reducing the number of harmful accidental intakes and subsequent injuries and fatalities among children under five. Poisoning reports for aspirin, the product most frequently involved in childhood intake and deaths, have shown a marked decrease since requirements were established under the Act for child-resistant packaging. In order to give further recognition and emphasis to the need to reduce this tragic toll, the Congress has by a joint resolution of September 26, 1961 (75 Stat. 681), requested that the President of the United States annually issue a Proclamation declaring the third week in March as National Poison Prevention Week.

NOW THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week beginning March 16, 1975, as National Poison Prevention Week.

I invite all agencies and organizations concerned with preventing accidental poisoning among our Nation's children to engage in activities that will speed our Nation's progress in protecting all our children against lasting injury or death from accidental poisoning.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75–2866 Filed 1–27–75;5:22 pm]

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EXECUTIVE ORDER 11835

Prescribing Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

By virtue of the authority vested in me by the Uniform Code of Military Justice (10 U.S.C., ch. 47), and as President of the United States, I hereby prescribe the following amendments to the Manual for Courts-Martial, United States, 1969 (Revised edition), prescribed by Executive Order No. 11476 [1] of June 19, 1969.

SECTION 1. The first paragraph within paragraph 34*d* is amended to read as follows:

"*d. Witnesses.* All available witnesses, including those requested by the accused, who appear to be reasonably necessary for a thorough and impartial investigation will be called and examined in the presence of the accused, and if counsel has been requested, in the presence of the accused and his counsel. Ordinarily, application for the attendance of any witness subject to military law will be made to the immediate commanding officer of the witness, who will determine the availability of the witness. The Secretary of a Department may prescribe regulations which permit the payment of transportation expenses and a per diem allowance to civilians requested to testify in connection with the pretrial investigation."

SEC. 2. Paragraph 53*d*(2)(*a*) is amended to read as follows:

"(2) *Military judge alone.* (*a*) *General.* A general or special court-martial to which a military judge has been detailed shall consist of the military judge alone if the accused, before the court is assembled, so requests in writing and the military judge approves. Before deciding whether to make such a request, the accused must be informed of the identity of the military judge and permitted to consult with his defense counsel (Article 16). The military judge may hear arguments from both trial and defense counsel prior to acting on a request for trial before him alone. See appendix 8*e* for form of request.

"Because a general court-martial composed of a military judge alone does not have jurisdiction to try any case which has been referred for trial as capital (14*a*), the accused in such a case has no right to request trial before the military judge alone."

SEC. 3. Paragraph 53*d*(2)(*b*) is amended to read as follows:

"(*b*) *Request prior to trial.* If the accused has requested in writing trial by the military judge alone and the military judge has approved the request prior to the start of trial, he should assure himself at the trial, before announcing that the court has assembled, that the request was understandingly made by the accused. After a request has been approved, it may be withdrawn by the accused at any time before assembly of the court in the discretion of the military judge. If the military judge finds that the approved request is defective or allows the accused to withdraw it, he may either adjourn the session or call the court into

[1] 34 FR 10502, 3 CFR, 1966–1970 Comp. p. 802.

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Article 39(a) session preparatory to assembly of the court with members. If the request was understandingly made and has not been withdrawn, the military judge should immediately announce that the court has assembled. See 61*g* and appendix 8*b* for procedure."

SEC. 4. Paragraph 53*d*(2)(*c*) is amended to read as follows:

"(*c*) *Request made at Article 39(a) session.* A request for trial by the military judge alone, if not made earlier, should be made at any Article 39(a) session held prior to assembly. The request must be made in writing. If the accused, after the Article 39(a) session is called to order, indicates his desire to be tried by judge alone, the court should, if necessary, be recessed while the request is executed in writing. If the military judge has a pending request at an Article 39(a) session, he will assure himself at the session that the request was understandingly made. If the military judge approves the request, he should announce that the court is assembled and proceed with the trial of the case. If the military judge disapproves the request, he should continue with the Article 39(a) proceedings. See appendix 8*a* for procedure."

SEC. 5. Paragraph 53*d*(2)(*d*) is amended to read as follows:

"(*d*) *Inquiry prior to assembly with members.* If a request for trial by the military judge alone has not been made prior to trial or at an Article 39(a) session, if any, the military judge, after calling the court to order, should give the accused an opportunity to make such a request. The request must be made in writing. If the accused, after the court is called to order, indicates his desire to be tried by the military judge alone, the court should, if necessary, be recessed while the request is executed in writing. If the accused submits a request and the military judge approves, the military judge should excuse the members from further participation in the case and announce that the court is assembled for the trial of the case. If the accused expressly declines to submit a request or if the military judge disapproves the request, the trial will proceed. See 61*g* and appendix 8*b* for procedure."

SEC. 6. Paragraph 53*h* is amended to read as follows:

"*h. Explanation of rights of accused.* Ordinarily, the military judge, or the president of a special court-martial without a military judge, need not volunteer advice to the accused during the course of the trial as it may be assumed that his counsel has performed his duties properly, has advised the accused of his rights and the law affecting the case, and that, for reasons best known to them, they desire to pursue a certain course. But see 61*f*(2) and 70*b*. However, after a determination of guilt has been reached, the military judge or president of a special court-martial without a military judge will personally remind the accused of his rights to make a sworn or unsworn statement to the court in mitigation or extenuation of the offenses of which he stands convicted, or to remain silent. See 75*c*(2). Further, when deemed necessary, the military judge, or the president of a special court-martial without a military judge, will satisfy himself that the accused is aware of any right to which he is entitled by inquiry of counsel or by explaining that right. The rights of the accused with respect to the statute of limitations (68*c*; Art. 43) will, when applicable, be explained to the accused unless it otherwise

affirmatively appears that the accused is aware of these rights. See 70*b* for the procedure to be followed as to guilty pleas. An accused, who is not represented by legally qualified counsel should be advised of his rights to remain silent, testify as a witness, or make an unsworn statement as appropriate at the proper stages of a trial (75*c*(2), 140*a*, 148*e*, and 149*b*). When an accused is represented by legally qualified counsel, it may be assumed, except in the situations noted above, that he has been correctly advised of these rights, and it is unnecessary to inquire if the accused has been so advised or to explain the rights to the accused. Any inquiry or explanation as to the rights of the accused to testify or to make an unsworn statement in a court-martial with a military judge shall be made out of the hearing of the court members. See appendix 8 for forms of instructions."

SEC. 7. Paragraph 61*f*(2) is amended to read as follows:

"(2) *Ascertaining legal qualifications of counsel for the defense.* After the court has ascertained the qualifications of the members of the prosecution, the military judge, or the president of a special court-martial without a military judge, will question the accused to ensure his understanding of each of the elements of Article 38(b) and will determine whom he desires to represent him (see appendix 8*a*, page A8–4, and appendix 10*a*, page A10–2). Counsel representing the accused will then be asked to state whether the legal qualifications of the detailed members of the defense are other than as stated in the order convening the court.

"If the accused introduces counsel of his own selection and the qualifications of that counsel are not shown in the order convening the court, his selected counsel will be asked to state whether he has been certified by an appropriate Judge Advocate General as competent to act as counsel before a general court-martial and, if not, whether he has any of the legal qualifications enumerated in Article 27(b)(1). See 48*a* regarding qualifications of counsel before general and special courts-martial."

SEC. 8. Paragraph 70*b*(2) is amended to read as follows:

"(2) The military judge, the president of a special court-martial without a military judge, or summary court-martial must explain to the accused the meaning and effect of any plea of guilty made by him. This explanation must include the following:

"The elements of the offense to which the plea of guilty relates;

"That, as to the offense to which the plea of guilty relates, the plea admits every element charged and every act or omission alleged and authorizes conviction of the offense without further proof;

"The maximum authorized punishment, including permissible additional punishment (127*c*, Section B), as appropriate, which may be adjudged upon conviction of the offense; and

"That the maximum authorized punishment may be adjudged upon conviction of the offense. Further, the military judge, president of a special court-martial without a military judge, or summary court-martial must question the accused about what he did or did not do and what he intended (where this is pertinent) to determine whether the acts or omissions of the accused constitute the offense or offenses to which he is pleading guilty. The military judge, president of a special court-martial

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without a military judge, or summary court-martial must also personally advise the accused that his plea, if accepted, waives his right against self-incrimination, his right to a trial of the facts by a court-martial, and his right to be confronted by the witnesses against him. In order to accept the plea, the military judge, president of a special court-martial without a military judge, or summary court-martial must determine on the basis of his inquiries and such additional interrogation as he deems necessary, that there is a knowing and conscious waiver of the foregoing rights."

SEC. 9. Paragraph 76*b*(1) is amended to read as follows:

"b. *Procedure for courts-martial with members.* (1) *Instructions on punishment.* Before a court-martial closes to deliberate and vote on the sentence, the military judge, or the president of a special court-martial without a military judge, must give appropriate instructions on the punishment, to include a statement of the maximum authorized punishment which may be imposed and instructions on the procedures to be followed in voting on the sentence as set forth in 76*b*(2) and 76*b*(3), including the requirement that the voting on proposed sentences begin with the lightest proposal. Such instructions will be given orally. The instructions should be tailored to the facts and circumstances of the individual case and should fully inform the members of the court-martial on their sole responsibility for selecting an appropriate sentence and that the court-martial may consider all matters in extenuation and mitigation, as well as those in aggravation, whether introduced before or after the findings; evidence admitted as to the background and character of the accused; and the reputation or record of the accused in the service for good conduct, efficiency, fidelity, courage, bravery, or other traits of good character. The maximum punishment will be the lowest of the following: the total permitted by 127*c* for the offenses of which the accused stands convicted, or the jurisdictional limit of the court-martial (see Art. 19), or, in a rehearing or new or other trial of the case, the maximum authorized pursuant to 81*d* or 110*a*(2). A court-martial must not be advised on the basis for the sentence limitation or of any sentence which might be imposed for the offense if not limited as set forth above. If an additional punishment is authorized because of the provisions of 127*c*, Section B, however, the military judge or the president of a special court-martial without a military judge, should advise the court of the basis for the increased permissible punishment. If the president of a special court-martial without a military judge has any question as to the maximum punishment that may be adjudged in a case, he may request counsel for either or both sides to procure and present pertinent information concerning the matter for his consideration. This information will be given in open session in the presence of the accused and his counsel and should be made a matter of record."

SEC. 10. Paragraph 89*c*(8)(*a*) is amended to read as follows:

"(8) *Action on rehearing or new or other trial.* (a) *Rehearing or other trial.* In acting on a rehearing or other trial, the convening authority is subject to the sentence limitations prescribed for the court in adjudging a sentence. See 81*d*. Additionally, except when a rehearing or other trial is combined with a trial on additional offenses, if any portion of the original sentence was suspended and the suspension was not properly

vacated (97*b*) before the order directing the rehearing, the convening authority shall take the necessary suspension action to prevent an increase in the same type of punishment as was previously suspended.

"The convening authority may approve a sentence adjudged upon a rehearing or other trial without regard to whether any portion or amount of the punishment adjudged at the former trial has been served or executed. However, in computing the term or amount of punishment actually to be served or executed under the new sentence, the accused will be credited with any portion or amount of the former sentence included within the new sentence that was served or executed prior to the time it was disapproved or set aside. Additionally, he will be credited with any period actually spent in confinement in connection with the charges which are the subject of the rehearing or other trial between the date the rehearing or other trial is ordered and the date of the rehearing or other trial. For example, if the original sentence consisted of confinement at hard labor for six months and forfeiture of $50 per month for six months, of which one month's confinement has been served prior to the date the rehearing is ordered (Art. 57(*b*)) but no pay has been forfeited, and the sentence adjudged upon the rehearing is identical to the original sentence, the person charged with administrative execution of the new sentence would credit the accused with one month's confinement; the accused would have a balance of confinement for five months and forfeitures for six months yet to be executed. If the accused also actually spent one month in confinement in connection with the charges before the rehearing between the date the rehearing was ordered and the date of the rehearing, he would receive one month additional credit and would have a balance of confinement for four months and forfeitures for six months yet to be executed. To insure that credit shall be given in proper cases, the convening authority shall, if he approves any part of a sentence adjudged upon a rehearing or other trial, direct in his action that any portion or amount of the former sentence served or executed between the date it was adjudged and the date it was disapproved or set aside and any period actually spent in confinement in connection with the charges before the rehearing or other trial between the date the rehearing or other trial was ordered and the date of the rehearing or other trial shall be credited to the accused. See appendix 14 (forms 19 and 45).

"If, in his action on the record of a rehearing, the convening authority disapproves the findings of guilty of all charges and specifications which were tried at the former hearing and that part of the sentence which was based on these findings, he will, unless a further rehearing is ordered, provide in his action that all rights, privileges, and property affected by an executed portion of the sentence adjudged at the former hearing shall be restored. The same restorative action will be taken if the court, at a rehearing, acquits the accused of all charges and specifications which were tried at the former hearing. See Article 75 and appendix 14 (forms 10 and 24)."

SEC. 11. Paragraph 110*f* is amended to read as follows:

"*f. Action by persons charged with the execution of the sentence.* Persons charged with the administrative duty of executing a sentence adjudged upon a new trial after it has been ordered into execution shall credit the accused with any executed portion or amount of the original sentence included within the new sentence in computing the term or amount of punishment actually to be executed pursuant to the sentence. Additionally, they shall credit the accused with any period actually spent in confinement in connection with the charges which are the subject of the new trial between the date the new trial is granted and the date of

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the new trial itself. For example, if the original sentence consisted of confinement at hard labor for five years, of which one year had already been served prior to the granting of a new trial, and two months were spent in pretrial confinement, after the new trial was granted, only two years and ten months would remain to be executed if confinement for four years were awarded and approved upon a new trial."

SEC. 12. The second paragraph within paragraph 122*b*(2) is amended to read as follows:

"A request or other action to cause the court to make inquiry concerning the accused's sanity may be initiated by the military judge or any member of the court, prosecution, or defense. Where the defense proffers expert testimony concerning the accused's mental responsibility or capacity, the accused may be required to submit to psychiatric evaluation by Government psychiatrists as a condition to the admission of defense psychiatric evidence. The military judge rules finally as to whether an inquiry should be made into the mental capacity of the accused at the time of trial or into the mental responsibility of the accused at the time of the offense (Art 51(b); see 122*b* (3) and (14)). The president of a special court-martial without a military judge rules finally on all questions of law but rules subject to objection by any member on all factual issues. Thus, if the issue of whether an inquiry should be made into the mental capacity of the accused at the time of trial or into the mental responsibility of the accused at the time of the offense involves only a legal determination, the president of a special court-martial without a military judge rules finally. When such an issue is solely one of fact, the president of a special court-martial without a military judge rules subject to objection by any member (Art. 51(b); see 122*b* (3) and (4)). As to mixed questions of law and fact, see 57 *b*. Before asking whether any member objects to a ruling which is subject to objection, the members should be given such instructions as will enable them to u nderstand the question that is before them and the legal standards and procedure by which they will determine it if objection is made. If thereafter, a member objects to the ruling, the court will close and vote on whether an inquiry should be made (57*f*). A tie vote of the members upon a motion relating to the sanity of the accused is a determination against the accused (Art. 52(c)). If it is determined to make an inquiry, priority will be given to it, and the inquiry should exhaust all reasonably available sources of information with respect to the mental condition of the accused. If it appears that the inquiry will be protracted or if the court desires to hear expert testimony, the court may adjourn and report the matter to the convening authority with its recommendations. These recommendations may include a recommendation that the accused be examined as provided in 121 and that the officer or officers conducting the examination be made available as witnesses. As a result of a subsequent report of mental examination conducted under 121, the convening authority may withdraw the charges from the court, hold the proceedings in abeyance, refer the matter to the court for its consideration subject to the provisions of 122*c*, or take other appropriate action."

SEC. 13. The fifth paragraph within paragraph 140*a*(2) is amended to read as follows:

"A statement of an accused or suspect obtained from him in violation of any of the above warning requirements as to the right to remain silent or the right to counsel is considered to be involuntary, and therefore inadmissible against him, because of the violation alone, even if the accused or suspect knew that he had these rights despite the lack of warning. These warning requirements do not apply to the questioning of witnesses at a trial. Where the defense presents expert testimony concerning the accused's mental condition, a Government expert, testifying in rebuttal, may testify as to his conclusions concerning the accused's mental responsibility or capacity based on interviews with the accused conducted without advising him of the foregoing rights."

SEC. 14. The fifth paragraph within paragraph 150*b* is amended to read as follows:

"The privilege against compulsory self-incrimination protects a person only from being compelled to testify against himself or to provide the Government otherwise with evidence of a testimonial or communicative nature and does not protect him from being compelled by an order or force to exhibit his body or other physical characteristics as evidence. The privilege is therefore not violated, for example, by the use of compulsion in taking the fingerprints of an accused or other person, in exhibiting or requiring him to exhibit a scar on his body, in placing his feet in tracks, or trying clothing or shoes on him or requiring him to do so. An accused may be required to submit to psychiatric evaluation or testing by the Government as a condition precedent to his presenting psychiatric testimony that would raise an issue as to his mental responsibility or capacity. Also, the privilege is not violated by the use of compulsion in requiring a person to produce for use as evidence or otherwise a record of writing under his control containing or disclosing matter incriminating him when the record or writing is under his control in a representative rather than a personal capacity, as when it is in his control as the custodian of a nonappropriated fund."

SEC. 15. The second paragraph of the fourth paragraph within paragraph 152 is amended to read as follows:

"A search conducted as an incident of lawfully apprehending a person, which may include a search of his person, of the clothing he is wearing, and of property which, at the time of apprehension, is in his immediate possession or control, or of an area from within which he might gain possession of weapons or destructible evidence; but a search which involves an intrusion into his body, as by taking a sample of his blood for chemical analysis, may be conducted under this rule only when there is a clear indication that evidence of crime will be found, there is reason to believe that delay will threaten the destruction of the evidence, and the method of conducting the search is reasonable. See the example of an unreasonable method in the last paragraph of 150*b*."

SEC. 16. The following subparagraph (b) is added to Article 42, appendix 2:

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"(b) Each witness before a court-martial shall be examined on oath."

SEC. 17. Appendix 14, Form 19, is amended to read as follows:

"19. In the foregoing case of _____, the sentence is approved and will be duly executed. (_____ is designated as the place of confinement.) The accused will be credited with (confinement from _____, 19____, to _____, 19____, and) any (other) portion of the punishment served or executed from _____, 19____, to _____, 19____, under the sentence adjudged at the former trial of this case. Additionally, the accused will be credited with actual confinement from _____, 19____, to _____, 19____, being the period spent in confinement between the date the sentence of the former trial in this case was (set aside) (disapproved) and the present sentence in this case was announced."

SEC. 18. Appendix 14, Form 45, is amended to read as follows:

"In the foregoing case of _____, the sentence is approved. The accused will be credited with (confinement from _____, 19____, to _____, 19____, and) any (other) portion of the punishment served or executed from _____, 19____, to _____, 19____, under the sentence adjudged at the former trial of this case. Additionally, the accused will be credited with actual confinement from _____, 19____, to _____, 19____, being the period spent in confinement between the date the sentence of the former trial in this case was (set aside) (disapproved) and the present sentence in this case was announced. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be _____ (see Form 41, above)."

SEC. 19. These amendments shall be in effect after January 27, 1975, with respect to all court-martial processes taken on and after that date: *Provided*, That nothing contained in these amendments shall be construed to invalidate any investigation, trial in which arraignment has been completed, or other action begun prior to January 27, 1975; and any such investigation, trial, or other action may be completed in accordance with the applicable laws, Executive orders, and regulations in the same manner and with the same effect as if these amendments had not been prescribed.

Gerald R. Ford

THE WHITE HOUSE,
January 27, 1975.

[FR Doc. 75-2864 Filed 1-27-75;5:22 pm]

EXECUTIVE ORDER 11836

Increasing the Effectiveness of the Transportation Cargo Security Program

Theft of cargo has emerged during this decade as a serious threat to the reliability, efficiency, and integrity of the Nation's commerce. The total cost of theft-related cargo losses from our Nation's transportation system is now estimated to be in excess of one billion dollars annually. These losses seriously erode industry profits, result in higher prices for consumer goods, and provide support for unlawful activities.

In recognition of this problem, the Secretary of Transportation, at Presidential direction, has provided leadership, guidance, and technical assistance in coordinating the efforts of Federal agencies and the transportation industry in the search for solutions. Through the cooperative efforts of the Federal agencies, an effective National Cargo Security Program has been developed and is now being implemented on a voluntary basis in cooperation with the transportation industry, and with the support of State and local governments, shippers, consignees, organized labor, and insurers.

To assure more effective Federal leadership in this effort, I am directing that certain additional responsibilities be carried out by the Secretary of Transportation, delineating the functions and responsibilities of the other Federal departments and agencies with respect to the National Cargo Security Program, urging full participation and cooperation in the program by the independent regulatory agencies and all Federal departments and agencies, and requesting the Secretary of Transportation to submit to me on March 31, 1976, a full evaluation of the effectiveness of the Federal program.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Responsibilities of the Secretary of Transportation.* The Secretary of Transportation shall be responsible for:

(1) assisting the transportation industry by planning, developing, and testing cargo security measures and by providing technical assistance and arranging demonstration projects related thereto;

(2) coordinating the activities of Federal departments and agencies relating to the prevention of cargo theft, and studying means by which Government agencies can, through the procurement of transportation services, improve the cargo security programs of common carriers;

(3) collecting and analyzing cargo loss data for all modes of transportation, and preparing and publishing periodic reports on the extent and nature of theft-related cargo losses, local and national loss trends, and other special analyses useful to the development of theft prevention measures; and

(4) issuing, after coordination with the interested Federal departments and agencies and after opportunity for public comment, Cargo Security Advisory Standards for the prevention of cargo losses by any elements of the transportation industry, including shippers and receivers.

SEC. 2. *Responsibilities of the Attorney General.* The Attorney General shall be responsible for:

(1) developing and conducting programs designed to promote the coordination of Federal, State, and local law enforcement efforts against criminal activity relating to cargo thefts; and

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(2) supporting, to the extent possible and appropriate, the provision of financial assistance to State and local law enforcement organizations for the establishment and maintenance of cargo theft prevention programs and for the investigation, prosecution, and prevention of cargo theft.

SEC. 3. *Responsibilities of the Secretary of the Treasury.* The Secretary of the Treasury shall be responsible for:

(1) Fostering the security of international cargo in customs custody within ports of entry and in its movement and storage in bond;

(2) Investigating the theft of cargo stolen from customs custody and, consistent with the responsibilities of the Bureau of Alcohol, Tobacco and Firearms, the theft of firearms, ammunition, explosives, tobacco, and alcohol;

(3) Analyzing cargo theft reports to identify theft-conducive practices and theft-prone facilities employed in the handling of cargo controlled by the Customs Service at ports of entry, providing for the implementation of cargo security advisory standards with respect to that cargo, and initiating other corrective measures as appropriate; and

(4) Coordinating with the Department of Transportation and other interested Federal departments and agencies measures being proposed to improve the security of cargo at facilities controlled by the Customs Service.

SEC. 4. *Recommended Actions by the Transportation Regulatory Agencies.* The Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission are urged, in exercising their regulatory responsibilities, to recognize and consider the problem of theft-related cargo losses and encourage preventive measures, and to continue to cooperate with the Department of Transportation by:

(1) Developing cargo theft reporting systems affording full opportunity for presentation of views by the public, the Department of Transportation, other interested Federal departments and agencies, and those elements of the transportation industry from which reports would be required;

(2) Obtaining cargo loss data from carriers, freight forwarders, and terminal operators (including such information as cargo lost, missing, stolen, presumed stolen, or damaged as a result of theft); and

(3) Providing the Department of Transportation with the cargo loss data collected in a form that will permit both general and detailed analyses and preparation of reports on an intermodal and national basis.

SEC. 5. *Recommended Action by Federal Departments and Agencies.* All Federal departments and agencies, in their procurement of transportation services for goods and commodities, are urged to encourage carriers to adopt cargo theft prevention measures.

SEC. 6. *Report and Recommendations.* The Secretary of Transportation shall submit to me on March 31, 1976, and annually thereafter, a report evaluating and making recommendations concerning the effectiveness of the Federal program prescribed by this Order in reducing theft-related cargo losses.

Gerald R. Ford

THE WHITE HOUSE,
January 27, 1975.

[FR Doc.75-2865 Filed 1-27-75;5:22 pm]

MEMORANDUM OF DECEMBER 31, 1974

[Presidential Determination No. 75-8]

Military Assistance and Sales to Turkey

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, December 31, 1974.

By virtue of the authority vested in me by Section 620(x) of the Foreign Assistance Act of 1961, as amended, and by section 5 of the joint resolution of December 31, 1974 (H.J. Res. 1178), I hereby determine that the suspension of the provisions of those sections, section 505(d) of the Foreign Assistance Act of 1961, as amended, and sections 3(c) and 3(d) of the Foreign Military Sales Act, as amended, in the case of Turkey will further negotiations for a peaceful solution of the Cyprus conflict, and I, therefore, suspend the provisions of those sections.

You are requested, on my behalf, to report this determination to the Congress.

This determination, which supersedes Presidential Determination No. 75-3 of October 29, 1974 (39 FR 39865), shall be published in the FEDERAL REGISTER.

Gerald R. Ford

cc: The Secretary of Defense.
The Secretary of the Treasury.

[FR Doc.75-2772 Filed 1-27-75;1:28 pm]

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MEMORANDUM OF JANUARY 10, 1975

[Presidential Determination No. 75-9]

Determination—Military Assistance for Cambodia

Memorandum for the Secretary of State; Determination To Authorize the Ordering of Defense Articles From the Department of Defense and Defense Services for Military Assistance to Cambodia

THE WHITE HOUSE,
Washington, January 10, 1975.

Pursuant to the authority vested in me by Section 506(a) of the Foreign Assistance Act of 1961, as amended, I hereby determine that the ordering of up to $75 million in defense articles from the stocks of the Department of Defense and defense services to provide military assistance for Cambodia is in the security interests of the United States.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

cc: The Secretary of Defense.

[FR Doc.75-2773 Filed 1-27-75;1:28 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 400—DEFINITIONS

Miscellaneous Amendments

Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) • • •

Residual value. The proceeds (less removal and disposal costs, if any, realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or its fair value if the asset is traded in on another asset. The estimated residual value is a current forecast of the residual value.

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Service life. The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a current forecast of its service life and is the period over which depreciation cost is to be assigned.

(84 Stat. 796, sec. 103 (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2625 Filed 1-28-75;8:45 am]

PART 409—COST ACCOUNTING STANDARD

Depreciation of Tangible Capital Assets

The Standard on Depreciation of Tangible Capital Assets being published today is one of a series being promulgated by the Cost Accounting Standards Board (CASB) pursuant to sec. 719 of the Defense Production Act of 1950, as amended (Pub. L. 91-379, 50 U.S.C. App. 2168), which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

On February 27, 1973, the Board promulgated a Standard on Capitalization of Tangible Assets. At that time the Board described its work to date in the area of fixed asset accounting including studies of practices used for both capitalization and depreciation. The responses to an issues paper and a questionnaire which were used in the development of the capitalization Standard were also useful in the development of the Standard being promulgated today. A preliminary draft of the Cost Accounting Standard on Depreciation of Tangible Capital Assets was widely distributed in March 1973 for informal comment by interested parties. The Board's further consideration of the issues related to depreciation has been significantly enhanced by the responses received from well over 100 respondents to that informal proposal.

The Board's research into fixed asset accounting practices included a survey of 107 profit centers selected to be representative of the diversity of firms to which Cost Accounting Standards apply. Reports on their fixed asset accounting practices and statistical information for a five-year period were received and analyzed. The Board was assisted in its deliberation by information available from the 1960 Treasury Department Survey which provided the data base for the "Asset Guideline Lives" used in Revenue Procedure 62-21 and data developed in an accounting research study performed for the American Institute of Certified Public Accountants.

A proposed Cost Accounting Standard dealing with depreciation was published by the Board on June 11, 1974 (39 FR 20505). After reviewing the responses to that publication, the Board revised its proposal. The revised version was published in the FEDERAL REGISTER for October 3, 1974 (39 FR 35678). The Board supplemented both FEDERAL REGISTER publications by sending copies of the FEDERAL REGISTER material directly to organizations and individuals who were expected to be interested. The Board received almost 200 responses to the June 11 and the October 3 proposals. Comments were received from individual companies, Government agencies, professional associations, industry associations, public accounting firms, universities, and individuals. All of these comments have been carefully considered by the Board. In addition, the Board invited representatives of Government agencies, professional accounting and industry associations, and defense contractors to attend Board meetings and discuss their views on the significant issues concerning depreciation practices in Government contract costing. The Board takes this opportunity to express its appreciation for the helpful suggestions and criticisms which have been furnished. The comments furnished by organizations and individuals have resulted in many changes in the Standard.

The comments below summarize the major issues discussed by respondents in connection with both preliminary publications. They explain the major changes which have been made since the June 11 proposal.

(1) Economic Impact of the Standard. Many of the comments on the June 11 and October 3 proposals were concerned with the economic impact of the Standard. They cited such concerns as delays in cash flow, impact of inflation, incentives for modernization, and administrative cost of additional recordkeeping requirements.

The Board's consideration of each of these primary concerns is dealt with in detail in other sections of these prefatory comments. The Board has recognized the potential overall impact of the Standard as expressed in the comments received and has endeavored to establish the needed guidance on depreciation accounting with as little disruption as possible to contractors and current contractual relationships.

The Standard provides for a phasing in of requirements over a period of time so that the principal impact of the Standard will be a number of years in the future. The Standard applies only to assets acquired by a contractor after the beginning of its next fiscal year after receipt of a CAS covered contract. If the Standard were to become effective six months after submission to Congress, application of any provisions of the Standard to any newly acquired assets would be delayed more than six months from date of promulgation and for most contractors at least 12 months.

The Standard provides for a two-year period to develop records on past experience to support estimates of service lives. The same period could be used to develop any necessary changes in accounting for fixed asset lives. The two-year period begins after required compliance with the Standard, and, therefore, most contractors would have at least three years in which to apply the recordkeeping provisions for newly acquired fixed assets.

For those contractors who use the two-year period to develop new estimated service lives, the effect of the use of those new estimates would begin on assets acquired in the fourth year after submission of this Standard to Congress. In the fourth year and the next several years thereafter the impact of changes in cash flow because of changes in service life estimates would be minimal, since the difference in cash flow each year is the difference between depreciation amounts under the old and new estimates of service life for the newly acquired assets. The total impact on cash flow of changes in estimates of service life would not occur until the full cycle of asset replacement is completed. In addition, the impact of

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the rules on accounting for gain or loss would only begin to take place where new assets acquired after compliance with the Standard would be sold or otherwise disposed of and such impact will be many years in the future.

It is the Board's opinion that the immediate economic and administrative impact of the Standard is minimal and will, over time, provide for a more appropriate recognition of cost accounting considerations distinct and apart from profit level determinations for defense contract cost and pricing actions.

(2) Need for a Standard. The accounting profession has established general principles to govern depreciation accounting. These broad principles require that depreciation practices be systematic and rational. Accountants consistently urge that the estimates of service lives used for depreciation should be realistic. These broad goals are almost universally agreed upon.

Some commentators suggested that the Board should not promulgate any Standard dealing with depreciation because the applicable principles have been well established as a part of generally accepted accounting principles. These same commentators also argue that procurement regulations have allowed contractors to rely on depreciation practices found to be acceptable for other purposes; they believe that contract costing should continue to rely entirely upon the depreciation practices used for Federal income tax and for financial reporting purposes pursuant to the current procurement regulations. The Board believes, however, that depreciation charges based entirely on income tax and financial reporting practices do not necessarily assure reasonable representation of the costs of the services provided on Government contracts.

Various mathematical formulas have been suggested to represent the typical patterns of consumption of services over the lives of assets. Certain of these methods of depreciation have been incorporated into the Internal Revenue Code as acceptable for Federal income tax purposes. These same methods have, in general, been accepted as systematic and rational and therefore within the scope of generally accepted accounting principles. The Board finds that there has been a range of choice as to depreciation methods available for contract costing, without adequate criteria for the choices made.

The Treasury Department and Internal Revenue Service have established guidelines for determination of estimated periods of useful service. These guideline periods are said to be based on observed industry experience, but lives shorter than the averages experienced were established so that most companies would experience longer actual asset utilization periods than the permitted tax lives. Tax accounting lives for an industry are, therefore, not good representations of expected actual asset utilization periods for many individual contractors within that industry.

The Board's research has indicated that the asset lives and depreciation methods selected by defense contractors under existing regulations may result in an unduly accelerated allocation of depreciation to the final cost objectives of earlier cost accounting periods in the life of a tangible capital asset. Contractor representatives have expressed the view that the choices are typically appropriate in view of the uncertainties of Government contracting. These uncertainties, however, have not precluded utilization of assets well beyond the short estimated service lives based on the IRS guideline periods. Other commentators were concerned that any Standard which would restrict cash flow would adversely impact profits. The Board has determined that a Cost Accounting Standard is needed to provide more assurance that depreciation costs identified with performance of negotiated defense contracts are appropriately measured. Consideration of risk and capital investment in the determination of the adequacy of profits is a policy question for the procuring agencies and not a cost accounting problem.

(3) Method of Depreciation. Many of the comments received on depreciation method center on whether accelerated methods or straightline methods are more appropriate for contract costing purposes. The Board, however, believes that no particular method is necessarily appropriate for all contract cost accounting situations. The Board is establishing criteria by which the method or methods appropriate in the specific situation can be determined.

Both the June 11 proposal and the October 3 revision provided that the method selected "shall reflect the expected consumption of services in each accounting period." This basic goal is generally recognized as appropriate. Commentators have raised questions relating to the practical aspects of compliance with the basic goal. What kind of evidence should be available to support a selection of a depreciation method? In the absence of authoritative criteria for selection, contractors have had no need to support their choices, nor have they accumulated much experience in collecting evidence relevant to the consumption of services. Thus a requirement for support of accelerated methods is seen by some as a prohibition of the use of such methods. However, the proposals made no distinction between an accelerated method or the straight-line method of depreciation in determining the quantity and quality of supporting evidence. The Board's proposals included descriptions of the techniques which should be used to determine appropriate methods for depreciation. The Board recognized the difficulty which might be experienced by contractors attempting to demonstrate the appropriateness of their choices. The Board's proposals included, therefore, the provision that the method of depreciation used for financial accounting purposes should generally be acceptable for contract costing.

Representatives of the accounting profession pointed out that there is strong economic motivation to choose rapid depreciation write-off techniques where cost is the basis for pricing and reimbursement, as in the defense contracting environment. They say that this same motivation may not apply to external financial accounting for the same companies. Accordingly, they expect that any Cost Accounting Standard which required that, in order to use a technique for contract costing, a company must use the same technique for financial accounting, might create an incentive to modify financial accounting practices solely for the purpose of obtaining an advantage in contract pricing. Because of these considerations the Board would prefer not to base its criteria primarily on practices used for external financial reporting.

Most commentators have asserted that the depreciation methods now in use for external reporting purposes are appropriate methods for contract costing, too. The Board believes that this is generally true, and it further recognizes that a requirement to change to a particular depreciation method might result in significant cost to many contractors. In the belief that the methods selected as appropriate for financial accounting are usually intended to approximate the actual consumption of services, the Board has provided for continuance of those methods where this is a reasonable assumption. Therefore, in the October 3 proposal the word "reasonably" was used to modify the requirement that the method of depreciation reflect the expected consumption of services; this provision is continued in the Standard being promulgated today. In those few cases where existing methods used for financial accounting purposes are obviously poor representatives of the expected pattern of consumption, and in any case when the contractor proposes to change methods, the choice should be made on the basis of a reasonable expectation of the future pattern of consumption of services in accordance with the criteria provided in this Standard.

It has been asserted that some assets purchased for Government contract purposes are used on an intermittent basis with periods of use and periods of nonuse following one another in a pattern that fits neither the classical accelerated nor straight-line models and that does not conform with the active-standby dichotomy. "The pattern of consumption of services" for such an asset is difficult to determine either prospectively or historically and is not necessarily dependent solely on use.

In circumstances such as the foregoing, it is not the intent of the Board to introduce uncertainty into contract negotiation and settlement by encouraging challenge of contractors' depreciation methods. If the method selected is also used for external financial reporting and is acceptable for income tax purposes, the Board's expectation is that it will be accepted.

(4) Service Lives. Depreciation is to be charged during the period of estimated usefulness of a tangible capital asset. Some commentators have expressed concern lest the Board not give appropriate recognition to the importance of possible obsolescence in estimating the period of usefulness. The Board recognizes that for many contractors the likelihood of obsolescence is an important factor in estimating the period of usefulness, and has so provided in the Standard.

The June 11 proposal provided that estimated service lives used for financial accounting, where such lives reasonably represented expected usefulness, were to be used for contract costing. However, several commentators expressed concern that the requirement to use financial accounting lives would continue to influence the motivation of some financial reporting entities to select for financial accounting purposes those practices which would be most advantageous for other purposes. The Board's research showed that defense contractors often used minimum lives permitted for tax purposes for financial accounting rather than lives based on actual experience. Therefore, the October 3 revised proposal placed the primary reliance for estimation of service lives on records of the age of assets at disposal or withdrawal from active use. The proposal further provided that the historical data would be a baseline for estimates of useful life which could be adjusted based on expected changes in physical or economic lives.

Contractors commenting on the October 3 proposal pointed out that they have not been required to have records which would show the retention periods of assets. Therefore, while most contractors have the basic information from which they could determine typical asset retention periods, few contractors have made analyses or summaries of the information available. Furthermore, they stated that contractors did not have records reflecting the withdrawal of assets from active use. The contractors expressed the opinion that to develop such records would be costly. The Standard has been modified to provide that the development of records of asset withdrawal from active use be at the option of the contractor; however, it should be pointed out that such records could be additional support to reduce historical asset lives.

The Standard also provides a two-year period for the development of analyses of historical asset lives. The Board believes the two-year period should provide adequate working time to develop such analyses. The Standard does not prescribe the nature of the analyses which should be performed, nor does it prescribe the number of prior years to be analyzed or the extent of support necessary; it recognizes that the adequacy of records depends upon individual needs and circumstances. The Board believes that most contractors have adequate records on asset retention. Estimates of experienced lives can be developed from these existing records on the basis of samples. Statistical sampling from existing records or judgmental samples with analyses to support a large portion of the dollar amounts involved may allow reasonable estimates in many cases with a relatively small sample. The Board expects that contractors will develop sufficient data to support the lives used and that procurement agencies will enforce this requirement in a reasonable manner.

Several commentators criticized the October 3 proposal on the basis that it would engender disagreements about the impact of the physical and economic factors recognized as appropriate to consider in relating actual past experience to expected future usefulness. The Board, in effect, places a burden of proof on the contractor who proposes that expected changes in physical and economic factors should be used to justify any specific reduction in estimate from that supported by his records.

The Board recognizes that many contractors would still be concerned not only about the concept of developing service life estimates from records of actual use but also about the risk of disagreements related to the appropriate adjustments to be made in relating actual past experience to expected future usefulness. The Board believes that procurement agencies generally recognize the significance of the physical and economic factors listed in the Standard. The Board encourages the procurement agencies to provide written guidance for use by field personnel, with the goal of making an effective transition from amortization periods derived from tax regulations to those based on reasonable estimates of actual useful service. The staff of the Board will participate, if requested, in the development of appropriate guidance to field personnel.

(5) Reliance on Internal Revenue Service. Many commentators, throughout the Board's research process in the development of this Standard, have suggested that the Board should rely on the experience accumulated by the Internal Revenue Service. Under this general approach the Board would be expected to concede that there is so much uncertainty about depreciation that auditors should not ask for support of estimates from individual contractors, but should accept for contract purposes the operation of a broad band of averages which have been developed for other purposes but which do deal with the same depreciation practices. The Board has recognized that contract costing often deals with the same expenditures and the same problems of allocation to time periods as are of interest in income tax accounting. Tax regulations, however, are intended to achieve a variety of social goals quite foreign to the purposes of contract costing. In this regard, the "Asset Guideline Periods," first established in 1962, were based on write-off periods substantially shorter than actual average experienced lives and these periods were subject to further reduction under the "Asset Depreciation Range System" in 1971.

In addition, tax assessment and collection are continuous so that, except for differences in tax rates, shifts of income or expense from one year to another generally do not have a significant effect on total tax paid over a period of time. However, similar shifts of cost from one year to another could have a decided impact on the costs chargeable to the Government on contracts with it.

The Board has considered very seriously the issues which are related to its decision not to rely solely or necessarily on I.R.S. regulations with respect to depreciation. Early versions of this Standard placed some reliance on I.R.S. regulations. However, spokesmen for contractors criticized the specific techniques used, including the difficulty of using lives shorter than those permitted by I.R.S., while representatives of the accounting profession tended to encourage less reliance on I.R.S. in any way. The Standard now being promulgated continues to make limited use of I.R.S. regulations for estimating service lives where more pertinent information is not available.

(6) Beginning and Ending Periods. Several commentators expressed concern that the proposed Standard (both the June 11 and October 3 versions, which were alike in this regard) would not permit accounting conventions to be used for the beginnning and ending periods of asset use. The Standard permits the application of conventions (such as the half-year convention) where reasonable in the circumstances and consistently followed. The Board sees no need for change in this respect.

(7) Asset Groups. Some commentators felt that the June 11 proposal implied a desire by the Board for depreciation accounting on an asset-by-asset basis. The Board does not intend to force any changes in decisions reasonably made with respect to accounting in terms of groups or of individual assets. Since depreciation is largely based on the application of estimates, when groups are used the estimates are intended to represent the average or typical experience for all individual assets in the group. The October 3 proposal was modified to make clear the Board's acceptance of grouping practices in accounting for assets and in determining applicable depreciation lives and methods. The Standard permits accounting for assets either individually or in any reasonable grouping, provided that the accounting treatment is consistently applied.

(8) Use Rates. In its June 11 proposal, the Board pointed out that the proposed Standard is expected to be applied by contractors in situations where depreciation cost is a factor in determining equitable charging rates to be used as a basis for contract costing. For example, the development of rate schedules for construction plant and equipment and ownership costs for comparison to lease or rental costs would be accomplished in conformance with the requirements of the proposed Standard. The proposed Standard also would have been required to be used by educational institutions in determining amounts to be compensated for use of buildings, capital improvements and equipment.

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University commentators stated that few colleges and universities recognize depreciation in their accounting records. Replacement of capital assets is often handled by special appropriations or by bequests and other contributions. Federal Management Circular 73–8 has provided for use allowances as recognition for the employment of capital assets on contract work.

A number of commentators have pointed out that many educational institutions prefer the current use allowance system even though they recognize that conventional depreciation accounting would result in higher recognized costs. The most important reason stated is that the administrative cost and effort involved in establishing depreciation accounts would be significant.

These comments have been persuasive. Universities who choose not to incur the additional administrative expense should have an acceptable alternative basis for reimbursement for the use of tangible capital assets. The Standard has been modified to provide that it does not apply where FMC 73–8 use allowances are a part of contract costs. However, the Standard does apply whenever depreciation accounting is used by an educational institution for a covered contract.

(9) Residual Value. Several commentators expressed concern that the proposed Standard defined "residual value" even though the only available numeric value during the service life of an asset is that for "estimated residual value." The wording in the definition has been modified to clarify the Board's recognition of this point.

The proposal included permission to disregard minor residual values (those under ten percent of capitalized cost) in determining a schedule of depreciation charges—until the net book value approaches the residual value. Some commentators suggested that residual values be ignored completely. Others suggested that they be permitted to depreciate beyond actual residual values because of practicality considerations.

The Board has several times expressed its belief that the administration of Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. (See, for example, the March 1973 "Statement of Operating Policies, Procedures and Objectives.") Except for depreciable real property, there would usually be little improvement in the accuracy of cost measurements if estimates of minor residual values were explicitly considered in establishing amounts to be depreciated. However, the Board continues to believe that the magnitude of the expected residual value should be considered for each asset or for each group. If the estimate is greater than ten percent of capitalized cost or if it is applicable to depreciable real property it should be deducted from the capitalized amount in determining the depreciable cost. The Standard has been modified to clarify the applicability of the ten percent materiality rule to personal property only.

The June 11 proposal prohibited the charging of any depreciation amount which would reduce book value below residual value. Where fixed asset accounting is by groups, this provision was not intended to require separate identification of the book values and residual values of individual assets. For individual assets, where actual residual values are not material, the Board does not intend that such immaterial amounts be identified. The criterion of materiality applies to all Board promulgations, and therefore, the Board does not believe it necessary to restate it in every circumstance.

(10) Gain or Loss. Both the June 11 and October 3 proposals required that gain or loss on disposition of tangible capital assets be assigned to the cost accounting period in which disposition occurs. A number of commentators suggested that gain or loss on disposition, as an adjustment of depreciation previously recognized, should be assigned to the cost accounting periods and cost objectives to which the depreciation had been charged. This suggestion is conceptually sound but impractical to apply. The records necessary to identify prior depreciation charges would be difficult to maintain. In addition, where losses occur on disposition, application of the cost to prior periods and cost objectives would often be precluded because applicable contracts may have been closed or funding for the additional cost may not be available. Accordingly, the Board believes it would be fair to both contractors and the Government to adjust for gain or loss in the current cost accounting period.

Commentators suggested that if adjustment is to be made in the current cost accounting period, it should be made to some general indirect cost pool so that adjustments could be absorbed by all work of the period. The Board believes, however, that—to the extent practical—adjustments should be made to the same cost accounts to which the depreciation cost of the asset had been or would have been allocated in that cost accounting period. To the extent that depreciation cost is assigned to individual departments or cost centers, so should the adjustments to depreciation resulting from the disposition of assets.

Commentators expressed the opinion that gains on disposition of assets in today's economy are often the result of inflation and not adjustments of depreciation expense. The Board recognizes that assets held for long periods, especially real property, may be disposed of for amounts in excess of net book value. The gain may have been caused by any of several factors, including the rising general price level. In some situations it may be arguable that the gains should not be considered as corrections to previous depreciation charges. The Board and others in the accounting profession are examining new techniques to deal with accounting for inflation. However, accounting for cost on an historical basis is now generally accepted and until the new techniques are developed and accepted, the Board does not see a practical way to differentiate those gains deemed by some to be based on inflation from those resulting from excessive depreciation charges. Because the Standard applies only to assets acquired after the date when the Standard must first be followed by a contractor, the impact of the Standard on recognition of gains or losses in some years in the future. At that time it is expected that guidance will be available on the appropriate treatment for price-level changes reflected in gains or losses from disposition of fixed assets.

Current procurement regulations of Government agencies are not consistent in their provisions for gains and losses. A number of commentators were apparently unaware of this diversity; they encouraged the Board to leave the present situation alone. The existing procurement regulations have been carefully considered and the Board believes that contract cost determinations will be improved by more uniform treatment of such gains and losses.

Several commentators were concerned that the treatment of gain or loss from involuntary conversion, while in agreement with the Federal income tax treatment, differed from the generally accepted financial accounting practice. The Standard has been changed to permit the contractor to use either basis in accounting for involuntary conversions.

(11) Original Complements. The Standard on Capitalization of Tangible Assets defined and required the capitalization of original complements of low-cost equipment. There has been some controversy over the appropriate write-off technique for such capitalized amounts. Informal staff proposals to require amortization over the life of the complement, or of the asset for which it has been required, were challenged by contractors as being unreasonable. The Board recognized the intensity of this feeling and the June 11 proposal included a provision developed specifically to assign such costs among cost accounting periods.

Some commentators pointed out that the June 11 proposal for amortization of original complements would have required a practice which is not at all common and would be difficult to implement.

The provisions of the proposal were modified for the October 3 version to require simply that an original complement be treated as a tangible capital asset, and that the basic requirements of the Standard be applied to it. Thus, the costs of each original complement would be amortized over its period of expected usefulness, and in accordance with its pattern of expected usage, either separately or as a part of an appropriate group. Comments received on the October 3 version have suggested some misunderstanding of the principle involved. Some additional language has been added to the illustration on depreciation for original complements in § 409.60(c) to further clarify the principle that an original complement is a single asset and not a group of individual items.

(12) Retroactive Impact of Changes. The Board called attention, in the

June 11 publication, to the conflict between some aspects of Opinion No. 20 of the Accounting Principles Board and the treatment proposed, in § 409.50(i), for changes made in depreciation accounting during the service life of an asset. The position proposed by the Board, that of making changes applicable prospectively only, was approved by most of those who commented on the point. A very few commentators asked that the Board agree with the financial accounting principle and insist upon retroactive impact, even though this would require reopening settled contracts. The Board was not convinced that any improvement in costing accuracy resulting from reopening settled contracts would merit the obvious administrative inconvenience involved. The Standard is, therefore, not changed in this regard.

(13) Service Center Costs. The June 11 proposal provided that when depreciable assests are part of an organizational unit whose costs are charged to users on the basis of service, the depreciation cost of such assets should be included as part of the costs of the organizational unit. A number of commentators expressed concern that the Standard might be thought to require the assignment of building depreciation separately to each organizational unit which occupied a building, even though the applicable building depreciation might be only a very minor part of the total organizational unit cost. If an organizational unit occupies a entire building, and the depreciation cost of that building is significant and can practicably be identified, that building depreciation cost should be included as a cost of the organizational unit for assignment to cost objectives on the basis of service. If, however, the total depreciation cost of a building, which is allocable to a number of cost objectives, is accounted for as indirect cost and its allocation on that basis would not materially distort the measurement of costs to any benefiting cost objective, little point would be served by insisting that each organizational unit receive a specific charge for building depreciation.

Several commentators were concerned that the paragraph on service centers might restrict the base or bases used for charging service center costs to other cost objectives. Nothing in that paragraph is intended to limit or prescribe the base or bases used for charging service center costs.

(14) Cost of Capital. Many commentators have pointed out that the requirements to be imposed by the Standard may result, on assets acquired after the effective date, in less depreciation charged in earlier years of asset life. The resultant slowdown in recovery of funds could, they pointed out, have an adverse impact on the profitability of defense contracts. Many of the comments seek to justify rapid write-off as a partial offset to the costs of capital actually involved but not directly recognized in contract pricing.

The purpose of this Standard is to provide a better measurement and allocation of depreciation cost. Accounting practices used for these functions should be justified on the basis of their effectiveness for such measurement and allocation. They should not be justified on the basis of problems identified with other aspects (e.g., profitability) of defense contracts.

The Board has no authority to extend itself into the area of profitability of defense contracts. This is a matter for the procuring agencies. In this regard, current procurement regulations provide guidance with respect to negotiating proposed profits; this guidance includes some implicit recognition of the cost of capital. The Board believes that accounting for the costs of capital and determining equitable measures of profit are issues separate from depreciation accounting and these issues cannot be resolved effectively by adoption of any particular depreciation practices.

(15) Modernization and Public Policy. Many commentators have pointed out, throughout the process of developing this Standard, that no Cost Accounting Standard should be adopted if it would interfere with public policy to encourage investment in facilities which might provide a more modern, more effective industrial mobilization base. The Board favors appropriate improvements in the physical facilities used in performance of negotiated defense contracts; its purpose however does not include such public policy decisions as the introduction or continuation of incentives to encourage investment in certain classes of assets. This Standard is being promulgated for the purpose of improving the measurement and allocation of depreciation on acquired assets. The Board does not believe that this purpose is inconsistent with or a deterrent to effective plant modernization.

(16) Inflation Accounting. Some commentators were concerned with the effect of inflation in depreciation accounting. They suggested that this Cost Accounting Standard should provide for the use of replacement cost or current value rather than historical cost as the basis for determining depreciable amounts. Present Government procurement regulations as well as financial and tax accounting are based on historical costs. Current inflationary trends, however, suggest that more attention should be given to the impact of inflation on established accounting concepts.

The Financial Accounting Standards Board (FASB) is considering this subject. The FASB issued an Exposure Draft on "Financial Reporting in Units of General Purchasing Power" on December 31, 1974. The CASB is also studying the subject.

The cost impact of this Standard for most contractors is some years in the future. The Standard is required to be followed by contractors at the start of their next fiscal year after receipt of a covered contract requiring compliance with this Standard. The Standard provides for a two-year period after required compliance to accumulate necessary supporting records. The requirement of the Standard for determining lives applies only to new assets acquired after the necessary records are available. Therefore, for most contractors implementation of the requirements of life determination will apply only to new assets acquired in accounting periods beginning January 1, 1978, or later.

The Board sees this Standard as establishing proper techniques for the measurement and allocation of depreciation expense. The Board believes, therefore, that this Standard can properly be promulgated at this time. The subject of inflation accounting concerns not only depreciation cost but all costs, and will be dealt with as part of the studies now in progress by both the CASB and the FASB.

(17) Costs and Benefits. Comments received on the June 11 and October 3 proposals indicated that there would be substantial administrative cost entailed in complying with this Standard. Part of the increased cost is attributed to required changes in accounting practices; a greater part is alleged to be related to increased controversy over the acceptability of current and proposed depreciation methods and lives.

A number of the administrative problems described in the comments have been reduced or eliminated by changes to the Standard. The requirement for recordkeeping, however, has not been eliminated. As discussed above, the Board recognizes that for some companies additional cost will be incurred to implement this aspect of the Standard. Also as discussed above, there may be some one-time analytical effort during the next two years to develop starting estimates of actual retention periods. The Board believes that these administrative costs, when reasonably managed in light of the purpose to be served, are warranted by the likelihood of better measurement of depreciation cost than has previously been available.

The Standard does not prescribe uniform accounting treatment. It enunciates principles and criteria for the implementation of these principles, which will achieve a practical degree of increased uniformity and consistency in fixed asset depreciation accounting techniques. In some cases, as for the determination of estimated service life, the Standard requires the establishment of records to achieve a better measurement of cost based on the manner in which contractors manage their fixed assets.

The benefits to be expected are better accounting for depreciation cost and enhanced ability to meet the responsibilities of the Government and of defense contractors to properly account for the expenditure of public funds. The Board recognizes that some additional costs will be incurred in obtaining compliance with this Standard. The benefits to be obtained are substantial, and the Standard contributes to fulfilling the Board's obligation to seek improved accounting for defense contracts.

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There is also being published today (40 FR 4259) an amendment to Part

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400, Definitions, to incorporate in that part terms defined in § 409.30(a) of this Cost Accounting Standard.

Part 409—Cost Accounting Standard Depreciation of Tangible Capital Assets is added to read as follows:

Sec.

409.10 General applicability.
409.20 Purpose.
409.30 Definitions.
409.40 Fundamental requirement.
409.50 Techniques for application.
409.60 Illustrations.
409.70 Exemptions.
409.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

§ 409.10 General Applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 409.20 Purpose.

The purpose of this Standard is to provide criteria and guidance for assigning costs of tangible capital assets to cost accounting periods and for allocating such costs to cost objectives within such periods in an objective and consistent manner. The Standard is based on the concept that depreciation costs identified with cost accounting periods and benefiting cost objectives within periods should be a reasonable measure of the expiration of service potential of the tangible assets subject to depreciation. Adherence to this Standard should provide a systematic and rational flow of the costs of tangible capital assets to benefited cost objectives over the expected service lives of the assets. This Standard does not cover nonwasting assets or natural resources which are subject to depletion.

§ 409.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Residual value.* The proceeds (less removal and disposal costs, if any) realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or its fair value if the asset is traded in on another asset. The estimated residual value is a current forecast of the residual value.

(2) *Service life.* The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a current forecast of its service life and is the period over which depreciation cost is to be assigned.

(3) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 409.40 Fundamental Requirement.

(a) The depreciable cost of a tangible capital asset (or group of assets) shall be assigned to cost accounting periods in accordance with the following criteria:

(1) The depreciable cost of a tangible capital asset shall be its capitalized cost less its estimated residual value.

(2) The estimated service life of a tangible capital asset (or group of assets) shall be used to determine the cost accounting periods to which the depreciable cost will be assigned.

(3) The method of depreciation selected for assigning the depreciable cost of a tangible capital asset (or group of assets) to the cost accounting periods representing its estimated service life shall reflect the pattern of consumption of services over the life of the asset.

(4) The gain or loss which is recognized upon disposition of a tangible capital asset shall be assigned to the cost accounting period in which the disposition occurs.

(b) The annual depreciation cost of a tangible capital asset (or group of assets) shall be allocated to cost objectives for which it provides service in accordance with the following criteria:

(1) Depreciation cost may be charged directly to cost objectives only if such charges are made on the basis of usage and only if depreciation costs of all like assets used for similar purposes are charged in the same manner.

(2) Where tangible capital assets are part of, or function as, an organizational unit whose costs are charged to other cost objectives based on measurement of the services provided by the organizational unit, the depreciation cost of such assets shall be included as part of the cost of the organizational unit.

(3) Depreciation costs which are not allocated in accordance with (b) (1) or (2) above shall be included in appropriate indirect cost pools.

(4) The gain or loss which is recognized upon disposition of a tangible capital asset, where material in amount, shall be allocated in the same manner as the depreciation cost of the asset has been or would have been allocated for the cost accounting period in which the disposition occurs. Where such gain or loss is not material, the amount may be included in an appropriate indirect cost pool.

§ 409.50 Techniques for application.

(a) Determination of the appropriate depreciation charges involves estimates both of service life and of the likely pattern of consumption of services in the cost accounting periods included in such life. In selecting service life estimates and in selecting depreciation methods many of the same physical and economic factors should be considered. The following are among the factors which may be taken into account: quantity and quality of expected output, and the timing thereof; costs of repair and maintenance, and the timing thereof; standby or incidental use and the timing thereof; and technical or economic obsolescence of the asset (or group of assets), or of the product or service it is involved in producing.

(b) Depreciation of a tangible capital asset shall begin when the asset and any others on which its effective use depends are ready for use in a normal or acceptable fashion. However, where partial utilization of a tangible capital asset is identified with a specific operation, depreciation shall commence on any portion of the asset which is substantially completed and used for that operation. Depreciable spare parts which are required for the operation of such tangible capital assets shall be accounted for over the service life of the assets.

(c) A consistent policy shall be followed in determining the depreciable cost to be assigned to the beginning and ending cost accounting periods of asset use. The policy may provide for any reasonable starting and ending dates in computing the first and last year depreciable cost.

(d) Tangible capital assets may be accounted for by treating each individual asset as an accounting unit, or by combining two or more assets as a single accounting unit, provided such treatment is consistently applied over the service life of the asset or group of assets.

(e) Estimated service lives initially established for tangible capital assets (or groups of assets) shall be reasonable approximations of their expected actual periods of usefulness, considering the factors mentioned in paragraph (a) of this section. The estimate of the expected actual periods of usefulness need not include the additional period tangible capital assets are retained for standby or incidental use where adequate records are maintained which reflect the withdrawal from active use.

(1) The expected actual periods of usefulness shall be those periods which are supported by records of either past retirement or, where available, withdrawal from active use (and retention for standby or incidental use) for like assets (or groups of assets) used in similar circumstances appropriately modified for specifically identified factors expected to influence future lives. The factors which can be used to modify past experience include:

(i) Changes in expected physical usefulness from that which has been experienced such as changes in the quantity and quality of expected output.

(ii) Changes in expected economic usefulness, such as changes in expected technical or economic obsolescence of the asset (or group of assets), or of the product or service produced.

(2) Supporting records shall be maintained which are adequate to show the age at retirement or, if the contractor so chooses, at withdrawal from active use (and retention for standby or incidental use) for a sample of assets for each significant category. Whether assets are accounted for individually or by groups, the basis for estimating service life shall be predicated on supporting records of experienced lives for either individual assets or any reasonable grouping of assets as long as that basis is consistently used. The burden shall be on the contractor to justify estimated service lives which are shorter than such experienced lives.

(3) The records required in paragraph (e) (1) and (2) of this section, if not available on the date when the requirements of this Standard must first be followed by a contractor, shall be developed from current and historical fixed asset records and be available following the second fiscal year after that date. They shall be used as a basis for estimates of service lives of tangible capital assets acquired thereafter. Estimated service lives used for financial accounting purposes (or other accounting purposes where depreciation is not recorded for financial accounting purposes for some non-commercial organizations), if not unreasonable under the criteria specified in paragraph (e) of this section, shall be used until adequate supporting records are available.

(4) Estimated service lives for tangible capital assets for which the contractor has no available data or no prior experience for similar assets shall be established based on a projection of the expected actual period of usefulness, but shall not be less than asset guideline periods (mid-range) established for asset guideline classes under the Revenue Procedure 72–10 published by the Internal Revenue Service, and any additions, supplements or revisions thereto, which are in effect as of the first day of the cost accounting period in which the assets are acquired. Use of this alternative procedure shall cease as soon as the contractor is able to develop estimates which are appropriately supported by his own experience.

(5) The contracting parties may agree on the estimated service life of individual tangible capital assets where the unique purpose for which the equipment was acquired or other special circumstances warrant a shorter estimated service life than the life determined in accordance with the other provisions of this § 409.50 (e) and where the shorter life can be reasonably predicted.

(f) (1) The method of depreciation used for financial accounting purposes (or other accounting purposes where depreciation is not recorded for financial accounting purposes) shall be used for contract costing unless (i) such method does not reasonably reflect the expected consumption of services for the tangible capital asset (or group of assets) to which applied, or (ii) the method is unacceptable for Federal income tax purposes. If the contractor's method of depreciation used for financial accounting purposes (or other accounting purposes as provided above) does not reasonably reflect the expected consumption of services or is unacceptable for Federal income tax purposes, he shall establish a method of depreciation for contract costing which meets these criteria, in accordance with paragraph (f) (3) of this section.

(2) After the date of initial applicability of this Standard, selection of methods of depreciation for newly acquired tangible capital assets, which are different from the methods currently being used for like assets in similar circumstances, shall be supported by projections of the expected consumption of services of those assets (or groups of assets) to which the different methods of depreciation shall apply. Support in accordance with paragraph (f) (3) of this section shall be based on the expected consumption of services of either individual assets or any reasonable grouping of assets as long as the basis selected for grouping assets is consistently used.

(3) the expected consumption of asset services over the estimated service life of a tangible capital asset (or group of assets) is influenced by the factors mentioned in paragraph (a) of this section which affect either potential activity or potential output of the asset (or group of assets). These factors may be measured by the expected activity or the expected physical output of the assets, as for example: Hours of operation, number of operations performed, number of units produced, or number of miles traveled. An acceptable surrogate for expected activity or output might be a monetary measure of that activity or output generated by use of tangible capital assets, such as estimated labor dollars, total cost incurred or total revenues, to the extent that such monetary measures can reasonably be related to the usage of specific tangible capital assets (or groups of assets). In the absence of reliable data for the measurement or estimation of the consumption of asset services by the techniques mentioned, the expected consumption of services may be represented by the passage of time. The appropriate method of depreciation should be selected as follows:

(i) An accelerated method of depreciation is appropriate where the expected consumption of asset services is significantly greater in early years of asset life.

(ii) The straight-line method of depreciation is appropriate where the expected consumption of asset services is reasonably level over the service life of the asset (or group of assets).

(g) The estimated service life and method of depreciation to be used for an original complement of low-cost equipment shall be based on the expected consumption of services over the expected useful life of the complement as a whole and shall not be based on the individual items which form the complement.

(h) Estimated residual values shall be determined for all tangible capital assets (or groups of assets). For tangible personal property, only estimated residual values which exceed ten percent of the capitalized cost of the asset (or group of assets) need be used in establishing depreciable costs. Where either the declining balance method of depreciation or the class life asset depreciation range system is used consistent with the provisions of this Standard, the residual value need not be deducted from capitalized cost to determine depreciable costs. No depreciation cost shall be charged which would significantly reduce book value of a tangible capital asset (or group of assets) below its residual value.

(i) Estimates of service life, consumption of services, and residual value shall be reexamined for tangible capital assets (or group of assets) whenever circumstances change significantly. Where changes are made to the estimated service life, residual value, or method of depreciation during the life of a tangible capital asset, the remaining depreciable costs for cost accounting purposes shall be limited to the undepreciated cost of the assets and shall be assigned only to the cost accounting period in which the change is made and to subsequent periods.

(j) (1) Gains and losses on disposition of tangible capital assets shall be considered as adjustments of depreciation costs previously recognized and shall be assigned to the cost accounting period in which disposition occurs except as provided in paragraphs (h) (2) and (3) of this section. The gain or loss for each asset disposed of is the difference between the net amount realized, including insurance proceeds in the event of involuntary conversion, and its undepreciated balance. However, the gain to be recognized for contract costing purposes shall be limited to the difference between the original acquisition cost of the asset and its undepreciated balance.

(2) Gains and losses on the disposition of tangible capital assets shall not be recognized where: (i) Assets are grouped and such gains and losses are processed through the accumulated depreciation account, or, (ii) the asset is given in exchange as part of the purchase price of a similar asset and the gain or loss is included in computing the depreciable cost of the new asset. Where the disposition results from an involuntary conversion and the asset is replaced by a similar asset, gains and losses may either be recognized in the period of disposition or used to adjust the depreciable cost base of the new asset.

(3) The contracting parties may account for gains and losses arising from mass or extraordinary dispositions in a manner which will result in treatment equitable to all parties.

(4) Gains and losses on disposition of tangible capital assets transferred in other than an arms-length transaction and subsequently disposed of within 12 months from the date of transfer shall be assigned to the transferor.

(k) Where, in accordance with § 409.40 (b) (1), the depreciation costs of like tangible capital assets used for similar

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purposes are directly charged to cost objectives on the basis of usage, average charging rates based on cost shall be established for the use of such assets. Any variances between total depreciation cost charged to cost objectives and total depreciation cost for the cost accounting period shall be accounted for in accordance with the contractor's established practice for handling such variances.

(1) Practices for determining depreciation methods, estimated service lives and estimated residual values need not be changed for assets acquired prior to compliance with this Standard if otherwise acceptable under applicable procurement regulations. However, if changes are effected such changes must conform to the criteria established in this Standard and may be effected on a prospective basis to cover the undepreciated balance of cost by agreement between the contracting parties pursuant to negotiation under (a)(4)(B) of the Contract Clause set out at § 331.50 of the Board's regulations (4 CFR 331.50).

§ 409.60 Illustrations.

The following examples are illustrative of the provisions of this Standard.

(a) X, Y, and Z companies purchase identical milling machines to be used for similar purposes.

(1) Company X estimates service life for tangible capital assets on a individual asset basis. Its experience with similar machines is that the average replacement period is 14 years. Under the provisions of the Standard, Company X shall use the estimated service life of 14 years for the milling machine unless it can demonstrate changed circumstances or new circumstances to support a different estimate.

(2) Company Y estimates service life for tangible capital assets by grouping assets of the same general kind and with similar service lives. Accordingly, all machine tools are accounted for as a single group. The average replacement life for machine tools for Company Y is 12 years. In accordance with the provisions of the Standard, Company Y shall use a life of 12 years for the acquisition unless it can support a different estimate for the entire group.

(3) Company Z estimates service life for tangible capital assets by grouping assets according to use without regard to service lives. Accordingly, all machinery and equipment is accounted for as a single group. The average replacement life for machinery and equipment in Company Z is ten years. In accordance with the provisions of the Standard, Company Z shall use an estimated service life of ten years for the acquisition unless it can support a different estimate for the entire group.

(b) Company X desires to charge depreciation of the milling machine described in (a) directly to final cost objectives. Usage of the milling machine can be measured readily based on hours of operation. Company X may charge depreciation cost directly on a unit of time basis provided he uses one depreciation charging rate for all like milling machines in the machine shop and charges depreciation for all such milling machines directly to benefiting cost objectives.

(c) A contractor acquires, and capitalizes as an asset accountability unit, a new lathe. The estimated service life is ten years for the lathe. He acquires, and capitalizes as an original complement of low-cost equipment related to the lathe, a collection of tool holders, chucks, indexing heads, wrenches, and the like. Although individual items comprising the complement have an average life of six years, replacements of these items will be made as needed and, therefore, the expected useful life of the complement is equal to the life of the lathe. An estimated service life of ten years should be used for the original complement.

(d) A contractor acquires a test facility with an estimated physical life of ten years, to be used on contracts for a new program. The test facility was acquired for $5 million. It is expected that the program will be completed in six years and the test facility acquired is not expected to be required for other products of the contractor. Although the facility will last ten years, the contracting parties may agree in advance to depreciate the facility over six years.

(e) Contractor acquires a building by donation from its local Government. The building had been purchased new by another company and subsequently acquired by the local Government. Contractor capitalizes the building at its fair value. Under the Standard the depreciable cost of the asset based on that value may be accounted for over its estimated service life and allocated to cost objectives in accordance with contractor's cost allocation practices.

(f) A major item of equipment which was acquired prior to the applicability of this Standard was estimated, at acquisition, to have a service life of 12 years and a residual value of no more than 10 percent of acquisition cost. After four years of service, during which time this Standard has become applicable, a change in the production situation results in a well-supported determination to shorten the estimated service life to a total of seven years. The revised estimated residual value is 15 percent of acquisition cost. The manual depreciation charges based on this particular asset will be appropriately increased to amortise the remaining cost, less the current estimate of residual value, over the remaining three years of expected usefulness. This change is not a change of cost accounting practice, but a correction of numeric estimates. The requirement of § 409.50(1) for an adjustment pursuant to section (a)(4)(B) of the CAS clause does not apply.

(g) The support required by § 409.50 (e) can, in all likelihood, be derived by sampling from almost any reasonable fixed asset records. Of course, the more complete the data in the records which are available, the more confidence there can be in determinations of asset service lives. The following descriptions of sampling methods are illustrations of techniques which may be useful even with limited fixed asset records.

(1) A company maintains an inventory of assets in use. The company should select a sampling time period which, preferably, is significantly longer than the anticipated life of the assets for which lives are to be established. Of course, the inventory must be available for each year in the sampling time period. The company would then select a random sample of items in each year except the most recent year of the time period. Each item in the sample would be compared to the subsequent year's inventory to determine if the asset is still in service; if not, then the asset had been retired in the year from which the sample was drawn. The item is then traced to prior year inventories to determine the year in which acquired.

NOTE: Sufficient items must be drawn in each year to assure an adequate sample.

(2) A company maintains an inventory of assets in use and also has a record of retirements. In this case the company does not have to compare the sample to subsequent years to determine if disposition has occurred. As in Example (1) above the sample items are traced to prior years to determine the year in which acquired.

(3) A company maintains retirement records which show acquisition dates. The company should select a sampling time period which, preferably, is significantly longer than the anticipated life of the assets for which lives are to be estimated. The company would then select a random sample of items retired in each year of the sampling time period and tabulate age at retirement.

(4) A company maintains only a record of acquisitions for each year. The company should select a random sample of items acquired in the most recent complete year and determine from current records or observations whether each item is currently in service. The acquisitions of each prior year should be sampled in turn to determine if sample items are currently in service. This sampling should be performed for a time period significantly longer than the anticipated life of assets for which the lives are to be established, but can be discontinued at the point at which sample items no longer appear in current use. From the data obtained, mortality tables can be constructed to determine average asset life.

(5) A company does not maintain accounting records on fully depreciated assets. However, property records are maintained, and such records are retained for three years after disposition of an asset in groups by year of disposition. An analysis of these retirements may be made by selecting the larger dollar items for each category of assets for which lives are to be determined (for example, at least 75 percent of the acquisition values retired each year). The cases cited above are only examples and many other examples could have been used. Also in any example, a company's individual circumstances must be considered in order to take into account

possible biased results because of changes in organizations, products, acquisition policies, economic factors, etc. The results from example (g)(5), for instance, might be substantially distorted if the three year period was unusual with respect to dispositions. Therefore, the examples are illustrative only and any sampling performed in compliance with this Standard should take into account all relevant information to assure that reasonable results are obtained.

§ 409.70 Exemption.

This Standard shall not apply where compensation for the use of tangible capital assets is based on use allowances as provided for by the provisions of Federal Management Circular 73–8 (Cost Principles for Educational Institutions), Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), or other appropriate Federal procurement regulations.

§ 409.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [Reserved].

(b) This Cost Accounting Standard shall be followed by each contractor for all tangible capital assets acquired on or after the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2626 Filed 1-28-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

Interim Regulations

Notice is hereby given that under authority of section 401 of Public Law 93–443 (the Federal Election Campaign Act Amendments of 1974), which amends sections 1502(a)(3) and 1503 of title 5, United States Code, (the Hatch Act regarding certain State or local officers or employees), effective January 1, 1975, it is proposed to amend and revise §§ 151.101 through 151.122 and delete § 151.123 of Part 151, which set forth the permitted and prohibited activities of certain State or local officers or employees:

(1) To delete as prohibited activities those activities previously included within the terms "political management" and "political campaigns".

(2) To interpret the phrase "be a candidate for elective office".

Although the Commission may publish these changes as interpretative rules, in accordance with 5 U.S.C. 553(b)(A), we are interested in receiving written comments on these regulations. Interested parties may submit written comments, objections or suggestions to the Office of the General Counsel, U.S. Civil Service Commission, Washington, D.C. 20415, on or before February 28, 1975.

Until such time as final regulations are published, the Commission will operate under the interim regulations.

Accordingly Part 151 of Title 5 CFR is amended by revising § 151.101 through § 151.122 and deleting § 151.123 to read as follows:

GENERAL PROVISIONS

Sec.
151.101 Definitions.

PERMISSIBLE ACTIVITIES
151.111 Permissible Activities.

PROHIBITED ACTIVITIES
151.121 Use of official authority; coercion; candidacy; prohibitions.
151.122 Candidacy; exceptions.

AUTHORITY: The provisions of this Part 151 are issued under 5 U.S.C. 1302, 1501–1508, as amended.

GENERAL PROVISIONS

§ 151.101 Definitions.

In this part:

(a) "State" means a State or territory or possession of the United States;

(b) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(c) "Federal agency" means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(d) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency but does not include—

(1) An individual who exercises no functions in connection with that activity;

(2) An individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(e) "Political party" means a National political party, a State political party, and an affiliated organization;

(f) "Election" includes a primary, special, and general election;

(g) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(h) "Partisan" when used as an adjective refers to a political party.

(i) "Elective office" means any office which is voted upon at an election as defined at § 151.101(f), above, and may include political party office as well as public office.

§ 151.111 Permissible activities.

(a) All State or local officers or employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part. A State or local officer or employee may participate in all political activity not specifically restricted by law and this part, including candidacy for office in a nonpartisan election.

§ 151.121 Use of official authority; coercion; candidacy; prohibitions.

A State or local officer or employee may not—

(a) Use his official authority of influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or

(b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

(c) Be a candidate for elective office in a partisan election. Candidacy prohibited by this paragraph includes—

(1) Candidacy for public office in a partisan election;

(2) Candidacy for a position of officer of a political party, delegate to a political party convention, member of a National, State or local committee of a political party, or any similar position, where such position is filled at an election as defined at § 151.101(f).

§ 151.122 Candidacy; exceptions.

Sections 151.121(c) does not apply to—

(a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(b) The Mayor of a city;

(c) A duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system;

(d) An individual holding elective office; or

(e) Activity in connection with a nonpartisan election.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-2601 Filed 1-28-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 317-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812) and May 14, 1973 (38 FR 12702), pursuant to section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5), and 40 CFR Part 51, the Administrator approved and promulgated portions of the California Plan for the implementation of the National Ambient Air Quality Standards. On December 27, 1973, and on February 19, April 22, and June 7, 1974, after notice and public hearings, and pursuant to 40

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CFR 51.6, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule portion of the approved State Implementation Plan. On June 27, 1974 (39 FR 23275) and September 26, 1974 (39 FR 34571), 65 and 33 compliance schedules, respectively, were proposed for approval by the Administrator pursuant to 40 CFR 51.8 as compliance schedule revisions. EPA received no comments from the public on the proposed rulemaking.

Of the total of 98 compliance schedules, 67 have since expired and the affected sources are now required to be in compliance with applicable air pollution control regulations. The schedules for 2 sources—Brockway Glass Co. (Order #387) and Owens-Illinois, Inc. (Order #74–3)—have been terminated by the appropriate local air pollution control agencies and the sources have been certified to be in compliance with applicable air pollution control regulations.

The compliance schedules for 2 sources—Glass Containers Corp. (Order #384) and Owens-Illinois, Inc. (Order #385)—are not being approved at this time because the schedules are ambiguous regarding the specific regulations with which the subject sources are required to comply. Therefore, no further action will be taken by EPA regarding these schedules pending clarification by the State.

The schedules for 5 sources—Union Oil Co. of California (Order #478), Pacific Lumber Co. (Order #51), International Mill Service (Order #102), U.S. Plywood, Division of Champion International (Order #73–5), and the Learner Co. (Order #74–2)—have been revised by the appropriate air polluton control districts. Accordingly, the schedules originally proposed for approval are no longer applicable to these sources. Therefore, EPA will take no further action on those proposed schedules.

The Administrator has determined that the compliance schedules for the remaining 22 sources listed below are consistent with the requirements of section 110 of the Clean Air Act, as amended, and 40 CFR Part 51. Therefore, the schedules are hereby approved, pursuant to section 110 of the Clean Air Act and 40 CFR 51.8, as revisions to the State compliance schedule portion of the approved California State Implementation Plan.

Each approved revision establishes a new date by which the individual air pollution source must comply with the applicable air pollution control regulations specified in the table below. This date is indicated in the table under the heading "Final Compliance Date." In some cases the schedule includes incremental steps toward compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act, as amended.

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally-enforceable when the final promulgation of the schedule become effective.

A copy of the complete implementation plan, including these schedules, is available for public inspection at the addresses listed below:

State of California Air Resources Board
1709 11th Street
Sacramento CA 95814

Environmental Protection Agency, Region IX
Enforcement Division
100 California Street
San Francisco CA 94111

Environmental Protection Agency
Division of Stationary Source Enforcement
Room 3202 Waterside Mall
401 M Street, S.W.
Washington, D.C. 20460

An evaluation report setting forth EPA's position on each of the schedules is also available at the office of EPA, Region IX.

EPA finds that good cause exists to make this rulemaking immediately effective because each schedule is already in effect in California under State law, each affected source is necessarily aware of the existence of the applicable schedule and of its increments, and EPA's approval of the schedules imposes no additional regulatory burdens. Therefore, for the reasons stated, this rulemaking is effective on January 29, 1975.

This rulemaking is promulgated under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. § 1857c–5).

Dated: January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart F—California

1. Section 52.240 is amended by adding a new paragraph (f) and subparagraph (1) as follows:

§ 52.240 Compliance schedules.

* * * * *

(f) *State compliance schedules.*

(1) Compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the air pollution control district where the source is located, unless otherwise indicated.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Interface Corp., Heavy Clay and Minerals Division (Order No. 15).	Amador	2, 3, 7	Nov. 28, 1974	Immediately	Feb. 15, 1975
Interface Corp., Heavy Clay and Minerals Division (Order No. 16).	do	2, 3, 7	do	do	Do.
Interface Corp., Heavy Clay and Minerals Division (Order No. 17).	do	2, 3, 7	do	do	Do.
Flintkote Co., Calaveras Cement Division (Order No. 1).	Calaveras	401, 404, 405, 406.	do	do	Apr. 1, 1975
Crown Simpson Pulp Co. (Order No. 74-2).	Humboldt	52c	Mar. 6, 1974	do	Dec. 21, 1974
Louisana Pacific Corp. (Order No. 52).	do	50, 52a	Oct. 30, 1973	do	Dec. 31, 1974
Holtville Alfalfa Mills (dehydration system) (Order No. 2).	Imperial	121	Dec. 12, 1973	do	Jan. 1, 1975
Naval Air Facility (El Centro)	do	122	Feb. 13, 1974	do	Jan. 31, 1975
Collins Pine Co. (Order No. 74-1)	Plumas	50	Jan. 16, 1974	do	Jan. 15, 1975
3M Co. (Minnesota Mining & Manufacturing) (Order No. 5-73).	Riverside	52, 54	Jan. 8, 1974	do	Jan. 31, 1975
Campbell Soup Co.	Sacramento	25	Jan. 25, 1974	do	Dec. 31, 1975
California Cedar Products (Order No. 74-1).	San Joaquin	401, 404, 405, 406.	Jan. 22, 1974	do	Jan. 1, 1975
Holly Sugar Co. (Order No. 73-3)	do	401, 404	Dec. 27, 1973	do	July 1, 1975
Pacific Growers (Nuiaid Food, Inc.) (Order No. 74-4).	do	404	Jan. 22, 1974	do	Jan. 1, 1975
Port of Stockton (Order No. 73-8)	do	401, 404	Dec. 27, 1973	do	May 1, 1975
Signal Terminals, Inc. (Order No. 74-7).	do	410, 412	Feb. 21, 1974	do	Do.
Southern Pacific Pipe Lines, Inc. (Order No. 74-8).	do	410, 412	do	do	Do.
Time Oil Co. (Order No. 74-11)	do	410, 412	do	do	Do.
U.S. Plywood Corp. (Order No. 72-Y-10).	Shasta	3.1, 3.2	Nov. 20, 1973	do	Dec. 31, 1974
U.S. Plywood Corp. (Order No. 72-Y-11).	do	3.1, 3.2	do	do	Do.
U.S. Plywood Corp. (Order No. 72-Y-35).	do	3.1, 3.2	Oct. 25, 1973	do	Do.
Riverbank Army Ammunition Plant.	Stanislaus	409	Feb. 7, 1974	do	Do.

[FR Doc.75–2266 Filed 1–28–75;8:45 am]

[FRL 317–1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a portion of the Kansas Implementation Plan.

During September 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Accordingly, the Administrator proposed approval of these schedules on November 8, 1974, in the FEDERAL REGISTER, 39 FR 39583. The proposed approval of these schedules published in the November 8, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Three sources will cease operation, and therefore the applicable compliance schedules contain final compliance dates only. These sources are: Bucklin District Hospital, Bucklin; Hill Top House, Bucklin; and U.S.D. #229, Shawnee Mission.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C.; and the Kansas State Department of Health and Environment, Building 740, Forbes Air Force Base, Topeka, Kansas.

This rulemaking will be effective on January 29, 1975. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and Federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c–5.

Dated: January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations amended as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c) (1) is amended by adding the following:

§ 52.876 Compliance schedules.

* * * * *

(c) * * *

(1) * * *

Kansas

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Acme Foundry & Machine Co.: Cupola Furnace.	Coffeyville	28-19-20	Aug. 30, 1974	Immediately	Jan. 21, 1975
Bucklin District Hospital: Incinerator.	Bucklin	28-19-40C	do	do	Sept. 1, 1974
Certain-Teed Products Corp.: K-8 Furnace Plan B.	Kansas City	28-19-20, 28-19-50.	do	do	July 31, 1975
Farmers National Bank: Incinerator.	Abilene	28-19-40	do	do	Nov. 1, 1974
Hill Top House: Incinerator	Bucklin	28-19-40C	do	do	Sept. 1, 1974
Midwest Solvents, Inc.: Gluten Dryers	Atchison	28-19-20	do	do	Sept. 15, 1974
Starch Dryers	do	28-19-20	do	do	Do.
Animal Feed Production	do	28-19-20	do	do	Feb. 1, 1974
National Dehydrating & Milling Co.: Alfalfa Dehydrator.	Grantville	28-19-20	do	do	Oct. 1, 1974
National Alfalfa Dehydrating & Milling Co.: Alfalfa Dehydrator.	LeRoy	28-19-20	do	do	Do.
National Alfalfa Dehydrating & Milling Co.: Alfalfa Dehydrator.	Independence	28-19-20	do	do	Do.
S-G Metals Industries, Inc.: Aluminum Furnaces 1-7.	Kansas City	28-19-20, 28-19-50.	do	do	Feb. 28, 1975
Hesston State Bank: Incinerator	Hesston	28-19-40	do	do	June 1, 1975
U.S.D. No. 229: North Oxford Elementary Open Burning.	Shawnee Mission.	28-19-45	do	do	July 1, 1975
Stanley Elementary Open Burning.	do	28-19-45	do	do	Do.
Stilwell Elementary Open Burning.	do	28-19-45	do	do	Do.
U.S.D. No. 482: Alamota Grade School Open Burning.	Dighton	28-19-45	do	do	July 31, 1975
Amy Grade School Open Burning.	do	28-19-45	do	do	Do.
Shields Grade School Open Burning.	do	28-19-45	do	do	Do.
Western Alfalfa Corp.: Alfalfa Dehydrator.	Neodesha	28-19-20	do	do	Nov. 1, 1974
Coit Industries: Cupola	Kansas City	28-19-20, 28-19-50.	do	do	Nov. 15, 1974

[FR Doc.75–2267 Filed 1–28–75;8:45 am]

[FRL 317–2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

During August and September, 1974, the State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. These schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The approvable compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri.

Accordingly, the Administrator proposed approval of these schedules on November 6, 1974, in the FEDERAL REGISTER at 39 FR 39295. The proposed approval of these schedules published in the November 6, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is

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indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The effective date column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Missouri Department of Natural Resources, State Office Building, Jefferson City, Missouri.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of Section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Date: January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. In § 52.1335 the table in paragraph (a) is amended by adding the following:

§ 52.1335 Compliance schedules.

(a) • • •

Missouri

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
•	•	•	•	•	•
Texas Industries, Inc.: Cement Bin Loading.	Kansas City	18.87(A)[1]	June 11, 1974	Immediately	Aug. 30, 1974
Cargill Elevator:					
No. 1 Receiver Leg Cyclone	do	18.87(A)[1]	Sept. 10, 1974	do	May 1, 1975
Tunnel System Cyclone	do	18.87(A)[1]	do	do	Do.
Price Metals: Smelting Pots	do	18.87(A)[1]	do	do	Jan. 31, 1975
Alpha Portland Cement: Two Clinker Coolers.	St. Louis County.	Regulation IV [2].	Sept. 14, 1973	do	Do.

[1] Air Pollution Control Code of Kansas City, Mo.
[2] St. Louis County Air Pollution Control Code.

[FR Doc.75-2268 Filed 1-28-75;8.45 am]

[FRL 299-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategy of Iowa.

Accordingly, the Administrator proposed approval of these schedules on September 23, 1974, in the FEDERAL REGISTER, 39 FR 34065. The proposed approval of these schedules published in the September 23, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Certain schedules proposed on September 23, 1974, do not appear in this promulgation. The schedule for Foote Mineral Company, Keokuk, has been revised with a final compliance date beyond the attainment date of July 31, 1975, and cannot be approved by the Environmental Protection Agency. An enforcement Order has been issued to the company by the Environmental Protection Agency. The schedules for the following sources have been revised and will be reproposed at a later date: Caradco Window and Door Division, Dubuque; Dubuque Hardwoods, Dubuque; Aluminum Company of America, Davenport, (b) A-3 Ingot Plant Rotary Barrels, (c) A-5 Ingot Plant Skimhouse; Nichols-Homshield, Inc., Davenport; Kelsey-Hayes, Bettendorf; Interstate Power Company, Boiler No. 3, Lansing; Iowa Electric Light and Power Company, Boilers Nos. 3 and 4, Iowa Falls; Corn Belt Power Coop, Spencer; Iowa Electric Light and Power Company, Marshalltown; L. Benac and Son, Inc., Centerville; Long Farms, Inc., Grinnell; Iowa Electric Light and Power Company, Boone; Linwood Stone Products Company, Inc., Davenport. The schedule for John Deere Tractor Works, Waterloo, (c) Boiler No. 6, will appear in another FEDERAL REGISTER publication. The final approval of schedules for sources showing a "Note 1" in the Variance Expiration Date column will be published at a later date.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is federally approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation will again become federally enforceable. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table; the Variance Expiration Date is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and

public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C., and the Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

This rulemaking will become effective on January 29, 1975. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

1. In § 52.825 the table in paragraph (c) is amended by adding the following:

§ 52.825 Compliance schedules.

• • • • • •

(c) • • •

Iowa

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
•	•	•	•	•	•
The Hubinger Co.:					
(a) Boiler No. 9	Keokuk	4.3(2)b	Sept. 13, 1973	Nov. 15, 1974	June 1, 1975
(b) Starch Dryers Nos. 3 and 5	do	4.4(7)	do	Sept. 1, 1974	Sept. 1, 1974
(c) A Dryer	do	4.4(7)	do	June 15, 1974	June 15, 1974
(d) B Dryer	do	4.4(7)	do	Oct. 1, 1974	Oct. 1, 1974
Keokuk Steel Casting:					
(a) Electric Furnace	do	4.4(5)	Jan. 16, 1974	Jan. 16, 1975	June 1, 1975
(b) Rotary Screen	do	4.3(2)c	do	do	Do.
(c) Shakeout Area	do	4.3(2)d	do	do	Do.
Midwest Carbide: Carbide Furnace	do	4.3(2)a	Dec. 13, 1973	Dec. 13, 1974	Dec. 31, 1974
The Celotex Corp.: Boiler	Dubuque	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
John Deere Dubuque Tractor Works:					
(a) Cupolas No. 1, 2, 3, & 4	do	4.4(4)	May 10, 1973	May 10, 1974	Dec. 30, 1974
(b) Oil Core Sand Mixing	do	4.3(2)a	do	do	Aug. 31, 1974
(c) Resin Sand Coating	do	4.3(2)a	do	do	Do.
R. S. Bacon Veneer Co.: Teepee Burner.	do	4.4(12)	Apr. 11, 1974	June 30, 1974	June 30, 1974
Tschiggfie Excavating Co.: Asphalt Concrete Plant.	do	4.4(2), 4.3(2)d	Feb. 14, 1974	May 1, 1974	May 1, 1974
Aluminum Co. of America: A-1 Ingot Plant Holding Furnace.	Davenport	4.3(2)a	Aug. 16, 1973	Aug. 16, 1974	June 30, 1975
Frank Foundries Corp.: Cupola	do	4.4(4)a	Apr. 11, 1974	Apr. 30, 1974	Apr. 30, 1974
International Multifoods: Elevator System E-3.	do	4.4(7)	Mar. 8, 1973	Nov. 30, 1974	Nov. 30, 1974
Clinton Corn Processing Co.:					
(a) Raymond Dryers Nos. 1 and 3.	Clinton	4.4(7)	Oct. 11, 1973	Apr. 15, 1974	Apr. 15, 1974
(b) Raymond Dryers Nos. 2 and 4.	do	4.4(7)	do	Nov. 15, 1974	Dec. 31, 1974
(c) Louisville Germ Dryers Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 22, 23, 24.	do	4.4(7)	do	June 15, 1974	June 15, 1974
Bivver Steel Casting Co.: Shakeout Area for Furnaces.	Bettendorf	4.3(2)a, 4.3(2)d	July 12, 1973	July 12, 1974	Dec. 31, 1974
Alloy Metal Products, Inc.: Electric Arc Furnace.	Davenport	4.3(2)a, 4.3(2)d	Apr. 11, 1974	July 15, 1974	June 1, 1975
Grain Processing Corp.:					
(a) Dryer No. 40	Muscatine	4.4(6), 4.3(2)d	June 14, 1973	June 15, 1974	Sept. 15, 1974
(b) Dryers Nos. 43 and 46	do	4.4(6), 4.3(2)d	do	do	June 15, 1975
The Pillsbury Co.: Grain Elevator (Cyclones).	Council Bluffs.	4.4(7)	Nov. 15, 1973	Nov. 1, 1974	Nov. 1, 1974
Sheldon Dehydrating Co.: Alfalfa Dehydrating Plant.	Sheldon	4.3(2)a	Apr. 11, 1974	Aug. 1, 1974	Aug. 1, 1974
John Deere Waterloo Tractor Works:					
(a) Cupolas Nos. 1, 2, 4, 7, and 8.	Waterloo	4.4(4)a	Dec. 13, 1973	Sept. 30, 1974	Sept. 30, 1974
(b) Boiler No. 5	do	4.3(2)b(2)	Nov. 15, 1973	Nov. 1, 1973	Apr. 30, 1975
National Gypsum Co.: Stucco Silos, Screw Conveyors, and Perlite System (Phase III).	Fort Dodge	4.3(2)a	Aug. 16, 1973	June 1, 1974	June 1, 1974
Green Products Co.: Alfalfa Dehydrating Plant.	Conrad	4.3(2)a	Dec. 13, 1973	Dec. 13, 1974	Apr. 20, 1975
Iowa Valley Milling Co.: Alfalfa Dehydrating Plant.	West Branch	4.3(2)a	Feb. 14, 1974	Feb. 14, 1975	May 1, 1975
Carter-Waters Corp.: Kilns	Centerville	4.3(2)a	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
Progressive Foundry, Inc.: Cupola	Perry	4.4(4)	Nov. 16, 1973	Oct. 30, 1974	Oct. 30, 1974
Central Iowa Power Co-op: Boiler No. 3.	Creston	4.3(2)b	July 12, 1973	July 12, 1974	June 1, 1975

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Iowa—Continued

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
•	•	•	•	•	•
Cedar Falls Utilities: Boiler No. 6	Cedar Falls	4.3(2)b	Dec. 13, 1973	Apr. 1, 1974	Apr. 1, 1974
Corn Belt Power Corp.	Humboldt	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	Mar. 31, 1975
Iowa State University:					
(a) Boiler No. 1	Ames	4.3(2)b	Jan. 16, 1974	May 31, 1974	May 31, 1974
(b) Boiler No. 2	do	4.3(2)b	do	Apr. 30, 1974	Apr. 30, 1974
(c) Boilers Nos. 3 and 4	do	4.3(2)b	do	May 31, 1974	May 31, 1974
(d) Boiler No. 5	do	4.3(2)b	do	July 31, 1974	July 31, 1974
(e) Boiler No. 6	do	4.3(2)b	do	June 30, 1974	June 30, 1974
Iowa Electric Light & Power Co.:					
(a) Boiler No. 1	Marshalltown	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
(b) Boiler No. 2	do	4.3(2)b	do	do	Do.
(c) Boiler No. 3	do	4.3(2)b	do	do	Mar. 1, 1975

[FR Doc.75-2406 Filed 1-28-75;8:45 am]

[FRL 299-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa.

Accordingly, the Administrator proposed approval of these schedules on September 24, 1974, in the FEDERAL REGISTER, 39 FR 34302. The proposed approval of these schedules published in the September 24, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

The schedules for certain sources that were proposed on September 24, 1974, have been revised or contained errors, and will be reproposed at a later date. The sources are: Newton Foundry Cupola, Newton; Hawkeye Chemical Company, Clinton; and The Dexter Company, Fairfield. The final approval of schedules for sources showing a "Note 1" or "Note 2" in the Variance Expiration Date column will be published at a later date.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is federally approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation will again become federally enforceable. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table. The Variance Expiration Date is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C.; and the Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

1. In § 52.825 the table in paragraph (c) is amended by adding the following:

§ 52.825 **Compliance schedules.**

• • • • •

(c) • • •

Iowa

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
•	•	•	•	•	•
SSS Gray Iron Casting Corp.: Cupola	West Burlington:	4.4(4)	May 9, 1974	Jan. 31, 1975	Jan. 31, 1975
Quality Foundry: Cupola	Stockton	4.4(4)	do	do	Do.
Russelloy Foundry: Cupola	Durant	4.4(4)	do	do	Do.
Bartlett & Co. Grain:					
(a) Cyclone	Council Bluffs	4.3(2)c	do	Dec. 31, 1974	Dec. 31, 1974
(b) Grain Handling	do	4.4(7)	do	do	Do.
Vanice Grain, Inc.:					
(a) Cyclone	do	4.3(2)c	do	Aug. 31, 1974	Aug. 31, 1974
(b) Grain Handling	do	4.4(7)	do	do	Do.
Bartlett & Co. Grain:					
(a) Cyclone	Sioux City	4.3(2)c	do	Dec. 31, 1974	Dec. 31, 1974
(b) Grain Handling	do	4.4(7)	do	do	Do.

Iowa—Continued

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Arco Dehydrating Co.: Alfalfa Dehydrating Plant.	Lake Park	4.3(2)a	do	July 1, 1975	July 1, 1975
Clinton Corn Processing Co.: Raymond Dryers Nos. 3 and 4.	Clinton	4.4(7)	June 20, 1974	Dec. 31, 1974	Dec. 31, 1974
Kalleman Foundry, Inc.: Cupola	Council Bluffs	4.4(4), 4.3(2)d	do	Feb. 7, 1975	Feb. 7, 1975
Beerman Bros. Dehy: Alfalfa Dehydrating Plant.	Port Neal	4.3(2)a	do	Apr. 15, 1975	Apr. 15, 1975
American Pop Corn Co.: Teepee Burner.	Sioux City	4.4(12)	do	Nov. 15, 1974	Nov. 15, 1974
John Deere Waterloo Tractor Works: Boilers Nos. 6, 7, 8, and 9.	Waterloo	4.3(2)b(2)	do	May 9, 1975	May 30, 1975
Lehigh Portland Cement Co.:					
(a) Kilns Nos. 1, 2, 3, 4, 5, and 6	Mason City	4.3(2)a	do	Aug. 15, 1974	Aug. 15, 1974
(b) Clinker Cooler No. 7	do	4.3(2)a	do	Oct. 10, 1975	June 1, 1975
Mount Pleasant Municipal Utilities: Boilers Nos. 4 and 5.	Mount Pleasant	4.3(2)b	do	Oct. 15, 1974	Oct. 15, 1974
Iowa Southern Utilities:					
Boiler No. 2	Eddyville	4.3(2)b	do	Mar. 3, 1975	Mar. 3, 1975
Boiler No. 3	do	4.3(2)b	do	Apr. 7, 1975	Apr. 7, 1975
Farmers Mercantile Co.: Cyclone	Red Oak	4.4(7)	do	Oct. 30, 1974	Oct. 30, 1974
S & H Products, Inc.: Alfalfa Dehydrating Plant.	Audubon	4.3(2)a	do	May 9, 1975	May 31, 1975

[FR Doc.75-2407 Filed 1-28-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 327-8]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethoate

A petition (PP 5F1531) was filed (39 F.R. 29417) by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) and its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodity celery at 2 parts per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry from this use, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.204 is amended by revising the paragraph "2 parts per million • • •" to read as follows:

§ 180.204 **Dimethoate including its oxygen analog; tolerances for residues.**

• • • • • •

2 parts per million in or on alfalfa, apples, beans (dry, lima, snap), broccoli, cabbage, cauliflower, celery, collards, endive (escarole), grapefruit, kale, lemons, lettuce, mustard greens, oranges, pears, peas, peppers, spinach, Swiss chard, tangerines, tomatoes, turnips (roots and tops), and wheat (green fodder and straw).

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time before February 29, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective January 29, 1975.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 23, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2720 Filed 1-28-75;8:45 am]

[FRL 328-1]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Naled

Two petitions (PP 0F0975 and PP 1F1111) were filed (35 FR 8506 and 36 FR 12921, respectively) by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide naled (1,2-dibromo - 2,2 - dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled, in or on the raw agricultural commodities alfalfa, celery, collards, and kale at 3 parts per million and beans, bean forage, cottonseed, grass (pasture and range), grapes, peaches, soybeans, soybean forage, sugar beets (roots and tops), sugarcane, and walnuts at 0.5 part per million (PP 0F0975) and in eggs; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and in milk at 0.05 part per million (negligible residue) (PP 1F1111).

Subsequently, the petitioner amended PP 0F0975 by (1) deleting the proposed tolerances for residues in or on alfalfa, bean forage, soybeans, soybean forage, and sugarcane, (2) changing "beans" to read "beans (dry)", (3) increasing the proposed tolerance for residues in or on pasture and range grasses from 0.5 to 10 parts per million, and (4) proposing tolerances for residues of naled and its conversion product in or on all raw agricultural commodities (exclusive of those otherwise listed in § 180.215 and eggs; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and milk) from use of the insecticide for area pest (mosquito and fly) control.

Based on consideration given the data submitted in the petition and other relevant material, *it is concluded that:*

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. The proposed tolerances are adequate to cover residues in eggs, meat, milk, or poultry, resulting from dermal use and dermal exposure of the insecticide, and § 180.6(a)(2) applies.

3. The proposed tolerance of 10 parts per million in or on pasture and range grasses should read "10 parts per million in or on forage grasses and legumes, as defined in § 180.34(f)."

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.215 is amended by (1) adding the new paragraphs "10 parts per million • • •", "0.5 part per million in or on all raw agricultural commodities • • •", and "0.5 part per million • • •" and (2) revising the paragraphs "3 parts per million • • •" and "0.5 part per million in or on beans • • •" to read as follows:

§ 180.215 **Naled; tolerances for residues.**

• • • • • •

10 parts per million in or on forage grasses and legumes, as defined in § 180.34(f).

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3 parts per million in or on celery, collards, grapefruit, kale, lemons, oranges, spinach, Swiss chard, tangerines, turnip tops.

• • • • • •

0.5 part per million in or on beans (dry and succulent), cottonseed, cucumbers, eggplants, grapes, hops, melons, mushrooms, peaches, peas (succulent), peppers, pumpkins, rice, safflower seed, sugar beets (roots and tops), summer squash, tomatoes, walnuts, and winter squash.

0.5 part per million in or on all raw agricultural commodities (except those otherwise listed in this section from use of the insecticide for area pest (mosquito and fly) control.

0.05 part per million (negligible residue) in eggs; meat, fat, and meat by-products of cattle, goats, hogs, horses, poultry, and sheep; and milk.

Any person who will be adversely affected by the foregoing order may at any time before February 29, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective January 29, 1975.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: JANUARY 23, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2721 Filed 1-28-75;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER C—PERSONNEL

PART 724—NAVY DISCHARGE REVIEW BOARD

Under the authority of 10 U.S.C. 1553, the Secretary of the Navy has established the Navy Discharge Review Board and has from time to time promulgated regulations governing the functions and procedures of that board. On 8 April 1974, the Secretary issued SECNAV Instruction 5420.174, which is a complete revision of the prior regulations contained in NAVSO P-70, Administrative Regulations and Procedures Governing the Navy Discharge Review Board of January, 1962. The new regulations are largely a reorganization and trimming of NAVSO P-70, and for the most part do not contain major substantive changes. One exception is the new § 724.32 (formerly part of § 724.15(e)(4)), under which the board may in appropriate cases now consider in the petitioner's favor changes in Navy policy with respect to certain types of administrative discharges even though those changes were not expressly made retroactive. Another substantive revision is the removal of the board's authority to recommend reenlistment of the petitioner (§ 724.33).

Among the important procedural changes effected by SECNAV Instruction 5420.174 are the following:

1. Limitations on additional review after final adjudication by the Secretary of the Navy are relaxed somewhat in new §724.42 (compare old § 724.2(e)).

2. Under the new § 724.80, a transcript of any hearing before the board is no longer required, although one may be authorized in the discretion of the Secretary of the Navy, the president of the board, or a majority of the members of the board.

3. New § 724.91 provides that a "comprehensive summary" may be forwarded to the Secretary of the Navy in place of the full record of proceedings.

Finally, SECNAV Instruction 5420.174 deleted a number of sections of NAVSO P-70 relating to the internal administration of the Navy Discharge Review Board which were considered to be unnecessary.

Paragraph 10(d) of SECNAV Instruction 5420.174 calls for publication of the directive and any amendments thereto in the FEDERAL REGISTER for the guidance of the public. Accordingly, Part 724 of Chapter VI of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Provisions

Sec.
724.10 Purpose.
724.31 Jurisdiction—general.
724.32 Guidelines.
724.33 Jurisdiction—limitations.
724.41 Petition for review.
724.42 Limitations on review.
724.50 Review on Board's own motion.

Subpart B—Board Procedures

724.61 Organization.
724.62 Membership.
724.63 Sessions.
724.64 Evidence.
724.65 Decision.
724.71 Request for personal appearance.
724.72 Notice of hearing.
724.73 Continuance.
724.74 Withdrawal of request for review.
724.75 Failure to appear.
724.76 Witnesses.
724.77 Rules of evidence.

Subpart C—Preparation of Record; Review; Notification

724.80 Record of proceedings.
724.91 Transmittal of the decision to the Secretary of the Navy.
724.92 Nondisclosure of decision.
724.93 Notification of final action.

Subpart D—Miscellaneous Provisions

724.101 Counsel.
724.102 Expenses.
724.103 Classified information.
724.105 Other requests.
724.110 Form.

AUTHORITY: Pub. L. 87-651 of Sept. 7, 1962, Sec. 1553, 76 Stat. 509, 10 U.S.C. 1553.

Subpart A—General Provisions

§ 724.10 Purpose.

This part establishes procedures for review of discharges and dismissals of former members of the Navy and Marine Corps pursuant to Title 10, United States Code, Section 1553.

§ 724.31 Jurisdiction—general.

The Navy Discharge Review Board, hereinafter known as the board, has been established by the Secretary of the Navy within the Department of the Navy to review upon its own motion, or upon request by or on behalf of a former officer or enlisted member, the discharge or dismissal of that former member, except a discharge or dismissal by reason of the sentence of general court-martial. The review shall determine whether, under reasonable standards of naval law and discipline as further delineated in § 724.32, the discharge or dismissal should be changed, and if so, what change should be made.

§ 724.32 Guidelines.

In determining whether a discharge or dismissal should be changed, the board shall consider whether the discharge or dismissal was improperly or inequitably issued under standards of naval law and discipline existing at the time of the petitioner's separation, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made expressly retroactive to separations of the type and character received by the petitioner, or, where deemed by the board to be essential to achieving a just and equitable result in a case, under such other standards differing therefrom in the petitioner's favor which, not having been made expressly retroactive, were subsequently made generally applicable on a service-wide basis to separations of the type and character received by the petitioner. The standards of naval law and discipline herein contemplated are those standards stated in statutes, regulations, bureau manuals, directives of the Department of the Navy, and other expressions of policy by competent authorities, together with interpretations thereof by the courts, the Attorney General, and the Judge Advocate General of the Navy.

§ 724.33 Jurisdiction—limitations.

The board has no authority to revoke a discharge or dismissal; reinstate a person in the military service subsequent to discharge or dismissal; recall a former member to active duty; change reenlistment codes; make recommendations for reenlistment to permit entry in the naval service or any other of the Armed Forces; cancel enlistment contracts; change, correct, or modify any document other than the discharge documents; change the reason for discharge from or to physical disability; or determine eligibility for veterans benefits.

§ 724.41 Petition for review.

The petition or request for review shall be submitted on Form DD 293 and signed by the petitioner. The petitioner should submit with the application the petitioner. The petitioner should submit with the application the petitioner's certificate of discharge or dismissal, and any statements, affidavits, and depositions the petitioner desires to present in support of the petitioner's case. The spouse, next of kin, or legal representative of a former member may submit a petition for review in behalf of the former member if satisfactory proof of the former member's death or mental incompetency is submitted therewith. The petition for review should be mailed to:

Navy Discharge Review Board
Department of the Navy
Washington, D.C. 20370

§ 724.42 Limitations on review.

No review of a discharge or dismissal shall be made unless the application for review is filed with the board within fifteen years after the date of the discharge or dismissal. No additional review shall be made after a case has been considered by the board except upon the basis of new, relevant evidence not previously available at the time of original review, or except where the board's only previous consideration of the case was upon the board's own motion, or except as otherwise authorized by the Secretary of the Navy.

§ 724.50 Review on Board's own motion.

Prior to conducting a review of a discharge or dismissal on the board's own motion, the board shall first transmit written notice by certified mail, return receipt requested, to the last known address of the former member or, if the former member is deceased or incompetent, to the last known address of his surviving spouse, next of kin, guardian, or legal representative, as appropriate. Such notice shall state that a review of the type and nature of the former member's discharge will be conducted and shall advise the addressee of his right to participate in the proceedings in the manner herein prescribed for persons who petition for review. Review shall be held in abeyance until such time as the addressee has had a reasonable time to respond or until the notice has been returned undelivered.

Subpart B—Board Procedures

§ 724.61 Organization.

The board is a component of the Navy Council of Personnel Boards as defined in SECNAVINST 5420.135A.

§ 724.62 Membership.

The board shall consist of five members approved by the Secretary of the Navy, at least three of whom shall belong to the branch of the naval service (Navy or Marine Corps) from which the petitioner was discharged. The Director, Navy Council of Personnel Boards, shall be the president of the board. In the event of the President's absence from a session of the board concerning Navy cases, the next senior Navy line officer present who is a member of the board shall serve as acting president. With respect to all board sessions concerning Marine Corps cases, the senior Marine Corps officer present who is a member of the board, normally a colonel, shall serve as acting president.

§ 724.63 Sessions.

The board shall sit in open or closed session, as determined by the president, for the consideration of cases presented to it at a time and place to be fixed by the president and shall be convened, recessed, and adjourned at the president's order.

§ 724.64 Evidence.

The board shall conduct a full and fair review of all the evidence presented and may obtain such further evidence as it may deem essential to a full and fair understanding of the facts. The board is authorized to consider all records of the Armed Forces concerned and all other pertinent documents relating to the case.

§ 724.65 Decision.

The board shall deliberate in closed session, and shall be governed in its decision by the vote of a majority of the board. No persons other than members of the board shall be present in its deliberations. Members not concurring may file a minority report.

§ 724.71 Request for personal appearance.

Upon request, the petitioner is entitled to appear before the board in open session. The petitioner may appear in person with or without counsel, or counsel of petitioner's selection may appear in petitioner's behalf.

§ 724.72 Notice of hearing.

When a personal appearance is requested, the board shall give a petitioner at least 30 days' written notice of the time and place of the hearing. Such notice shall contain a statement of the availability of records pertinent to the case.

§ 724.73 Continuance.

A continuance may be granted by the board on its own motion, or at the request of the petitioner or his counsel, when such continuance appears necessary in order to insure a full and fair hearing.

§ 724.74 Withdrawal of request for review.

A petitioner shall be permitted to withdraw the request for review without prejudice at any time before final action by the Secretary of the Navy.

§ 724.75 Failure to appear.

A petitioner who requests a hearing and who, after being duly notified of the time and place of the hearing, fails to appear at the appointed time, either in person or by counsel, and who fails to make timely request for a continuance or for withdrawal of the application, thereby waives the petitioner's right to appear in person before the board and cannot thereafter take exception to the decision arrived at in the petitioner's absence.

§ 724.76 Witnesses.

Although the board has no power to subpoena witnesses, the petitioner may present witnesses for testimony in person before the board or by affidavit. All testimony shall be given under oath or by affirmation, and witnesses shall be subject to examination by members of the board, the petitioner, or his counsel.

§ 724.77 Rules of evidence.

The board shall not be restricted by the rules of evidence appropriate to a judicial proceeding. However, the President may advise the petitioner or counsel to limit the presentation to evidence that is not unduly repetitous and to evidence having a material and relevant bearing on the circumstances surrounding the discharge or dismissal.

Subpart C—Preparation of Record; Review; Notification

§ 724.80 Record of proceedings.

When the board has concluded its proceedings, the board shall prepare a record thereof. Such record shall include the request for review; affidavits, papers, and documents considered by the board, exclusive of official Department of the Navy records; all briefs and written arguments filed in the case; the Record of Review of Discharge; a statement of the findings, conclusions, and decision of the board; any minority report prepared by dissenting members of the board; and all other papers and documents necessary to reflect the true and complete history of the proceedings. A transcript of any hearing shall not be required except in the discretion of the Secretary of the Navy, the President of the board, or a majority of the members of the board.

§ 724.91 Transmittal of the Decision to the Secretary of the Navy.

The decision of the board in each case shall be transmitted forthwith to the Secretary of the Navy for review and final action. Such decision shall be accompanied by the record of proceedings or, where so authorized by the Secretary, a comprehensive summary thereof which shall include, among such other matters as the Secretary may require, a statement of the findings and conclusions of the board and any minority report in the case.

§ 724.92 Nondisclosure of decision.

No decision of the board shall be disclosed to petitioner, petitioner's counsel, or to anyone not required to know the decision, until the decision has been reviewed and acted upon by the Secretary of the Navy.

§ 724.93 Notification of final action.

The board shall notify the petitioner of the decision in the case and inform

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the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, for such administrative action as may be necessary.

Subpart D—Miscellaneous Provisions

§ 724.101 Counsel.

As used in this part, the term "counsel" shall mean members in good standing of a Federal Bar or the Bar of any State, accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under chapter 59 of Title 38, United States Code, and such other persons who, in the opinion of the board, are considered to be competent to present equitably and comprehensively the request of the petitioner for review.

§ 724.102 Expenses.

No expenses of any nature whatsoever incurred by the petitioner, petitioner's counsel, petitioner's witnesses, or by any other person on petitioner's behalf shall be paid by the Government.

§ 724.103 Classified information.

Classified matter of the Department of the Navy shall not be disclosed or made available to the petitioner or petitioner's counsel. When it is necessary in the interests of justice to acquaint the petitioner with the substance of such matter, the board may obtain and make available to the petitioner or petitioner's counsel such summary of the classified matter as may be, in the judgment of the board, relevant to the case and as may be compatible with the public interest. Under no circumstances shall derogatory information relative to any other individual be obtained for or made available to petitioner or petitioner's counsel.

§ 724.105 Other requests.

A request for other purposes, such as request for permission to reenlist or a request for extracts of records, should be addressed to the appropriate address-see indicated below, depending on whether the person in question was formerly in the United States Navy or Marine Corps:

Chief of Naval Personnel
Department of the Navy
Washington, D.C. 20370
or
Commandant of the Marine Corps
Department of the Navy
Washington, D.C. 20380

§ 724.110 Form.

Form DD 293, "Application for Review of Discharge or Separation from the Armed Forces of the United States," is available from the Navy supply system under SN 0102–002–9600. Former members may request the form from the Navy Discharge Review Board.

Dated: January 21, 1975.

H. B. Robertson, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.75–2604 Filed 1–28–75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), U.S. DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

National Marketing Quota Referendum Results

Section 729.105 announces the results of the referendum held during the period December 9–13, 1974, pursuant to section 358(b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the calendar years 1975, 1976, and 1977. Since the only purpose of this proclamation is to announce the results of the referendum, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 729.105 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 729.105 Proclamation of the results of the marketing quota referendum for the peanut crops produced in the three calendar years 1975, 1976, and 1977.

In a referendum of farmers engaged in the production of 1974 crop peanuts, held during the period December 9–13, 1974, 43,611 farmers voted. Of those voting 42,317 farmers, or 97.0 percent, favored marketing quotas for peanuts produced in the three calendar years 1975, 1976, and 1977 and 1,294 farmers, or 3 percent opposed quotas for peanuts produced in each of such three calendar years. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota of 1,899,800 tons proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1975 (39 FR 41168) shall be in effect. National marketing quotas proclaimed hereafter for peanuts for the calendar years 1976 and 1977 shall be effective.

(Secs. 358, 375, 52 Stat. 66, as amended; 55 Stat. 88, as amended; 7 U.S.C. 1358, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register (1–28–75).

Signed at Washington, D.C. on Jan. 23, 1975.

Kenneth E. Frick,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75–2692 Filed 1–28–75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $346,000, for the maintenance and functioning of the Papaya Administrative Committee, under Marketing Order No. 928, for the fiscal year 1975, establishes an assessment rate of six and one-half mills ($0.0065) per pound of papayas handled during such year by each first handler and provides for the transfer of unexpended assessment funds from the previous fiscal year to the program's reserve.

On January 3, 1975, notice of proposed rule making was published in the Federal Register (40 FR 787) regarding proposed expenses and the related rate of assessment for the fiscal year ending December 31, 1975, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons an opportunity to submit written data, views or arguments with respect to the proposal until January 21, 1975. None were submitted.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Papaya Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 928.204 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1975, through December 31, 1975, will amount to $346,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 928.41, is fixed at $0.0065 per pound of papayas.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended December 31, 1974, shall be carried over as a reserve in accordance with applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) shipments of papayas are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable papayas from the beginning of such period; and (3) such period began on January 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable papayas beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: January 23, 1975.

Charles R. Brader,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–2629 Filed 1–28–75;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Increase in Payment Rates for Certain Services on Reserve Tonnage Raisins

Notice was published in the January 3, 1975, issue of the Federal Register (40 FR 40) of a proposal to increase the rate of payment made to handlers for: Receiving, storing, fumigating, and handling reserve tonnage raisins from $9.75 per ton to $15 per ton; and holding reserve tonnage raisins beyond the crop year of acquisition from 50 cents to 75 cents per ton per month for each month of the 3-month period ending November 30 of a crop year, and from 25 cents to 37½ cents per ton per month for the remaining 9 months of the crop year. These increased rates of payment were proposed by the Raisin Administrative Committee to compensate handlers for increased labor, material, and other related necessary costs involved in providing these services for reserve raisins.

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposed action would amend § 989.401(a)(1) and (b) of Subpart—Schedule of Payments (7 CFR 989.401), and would be taken under § 989.66(f) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, amendment of paragraph (a)(1) and paragraph (b) of § 989.401 as hereinafter set forth is approved.

Therefore, § 989.401(a)(1) and (b) are amended as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition.*—(1) *Receiving, storing, fumigating, and handling.* Each handler shall, beginning with the crop year which began September 1, 1974, be compensated at the rate of $15 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentages, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

* * * * *

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Each handler holding reserve tonnage raisins for the account of the Committee on September 1 of any crop year (commencing with the crop year beginning September 1, 1975) which were also held by him as such on August 15 of the preceding crop year, shall be compensated for storing, handling, and fumigating such raisins at the rate of 75 cents per ton per month, or any part thereof, for each month of the 3-month period ending November 30 of the then current crop year and 37½ cents per ton per month, or any part thereof, for each month of the remaining 9 months of the crop year. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: January 23, 1975.

Charles R. Brader,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75–2628 Filed 1–28–75;8:45 am]

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Handling

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order and upon other available information.

Recent heavy rain in the production area has prevented harvest and packing. This amendment is necessary so that the industry can have sufficient operating time to satisfy existing and prospective orders for lettuce.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, or to engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparations on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

(c) *Regulation, as amended.* In § 971.315 (39 FR 38888; 40 FR 2794) the introductory paragraph is hereby amended by adding the following thereto:

§ 971.315 Handling regulation.

* * *, and also except that the prohibition against the packaging of lettuce on Sundays shall not apply on January 26 and February 2, 1975.

* * * * *

Effective date. Issued January 24, 1975, to become effective upon issuance.

Charles R. Brader,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–2691 Filed 1–28–75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

Beginning on page 39453 of the Federal Register of November 7, 1974, there was published a notice of proposed rulemaking amending Subpart D of Part 1822, Title 7, Code of Federal Regulations (37 FR 18700; 38 FR 14671; 38 FR 20440; FR 20803).

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revision guidelines. Written comments have been received and reviewed. The

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following changes have been made and incorporated and the proposed regulations with noted changes are hereby adopted and set forth below.

1. Section 1822.83(a) is revised to reference eligibility for occupancy of families.

2. Section 1822.84(a)(8)(ii) is expanded to permit participation with HUD Section 8 leasing program.

3. Section 1822.84(a)(9)(i)(E) is revised to clarify qualifications for directors of private nonprofit organizations.

4. Section 1822.84(a)(9)(i) (F) clarifies the number of members required for organizations.

5. Section 1822.84(a)(9)(ii)(A) clarifies the requirements of the membership base when operating in more than one community.

6. Section 1822.86(c) clarifies what may be included in loan funds where expenses are incurred before loan closing.

7. Section 1822.88(d)(1) is revised to define that State or local public agencies will use the same loan resolution as nonprofit organizations.

8. Section 1822.88(l) is revised to permit participation with HUD in section 8 leasing program.

9. Section 1822.89(c) is added to clarify determination of security when an applicant which is a public or quasi-public body cannot give a real estate mortgage.

10. Section 1822.90(d)(4) is removed.

11. Exhibit F-7 "Information To Be Submitted With Application For Federal Assistance (Short Form)"—Item 5 is revised to clarify permitting families and individuals receiving welfare assistance to be considered in the market survey for rental housing.

12. Exhibit J "Interest Credits On Insured RRH and RCH Loans"— paragraph VI D revised to permit interest credits when participating in HUD section 23 or 8 leasing program for those units not included in the Section 8 lease.

13. Other changes have been made for editorial and clarification purposes.

Effective date. This amendment is effective on January 29, 1975.

Dated: January 7, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Subpart D is amended to read as follows:

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

Sec.

1822.81 General.
1822.82 Objectives.
1822.83 Definitions.
1822.84 Eligibility requirements.
1822.85 Loan purposes.
1822.86 Limitations.
1822.87 Rates and terms.
1822.88 Special conditions.
1822.89 Security.
1822.90 Technical, legal and other services.
1822.91 Processing preapplications.
1822.92 Preparation of completed loan docket.
1822.93 Loan approval.
1822.94 Actions subsequent to loan approval.
1822.95 Loan closing.
1822.96 Subsequent RRH loans.
1822.97 Coding loans as to initial or subsequent.
1822.98 Complaints regarding discrimination in use and occupancy of RRH housing.

EXHIBITS [1]

(RRH loan to broadly based nonprofit corporation) loan resolution of ---------- 19-- ---------- A
(RRH insured loan to profit type corporation) loan resolution of------ 19-- ---------- B
Loan agreement (RRH loan to individual) ---------- C
Information to be submitted with preapplication for RRH loan---------- F-6
Information to be submitted with application for Federal assistance (short form)---------- F-7
(RRH loan to profit corporation operating on a limited profit basis) loan resolution of ---------- 19-- ---- G
Loan agreement (RRH loan to individual operating on a limited profit basis) ---------- H
Interest credits on insured RRH and RCH loans---------- J

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1822.81 General.

This subpart sets forth the policies and procedures and delegates authority for making Rural Rental Housing (RRH) loans under sections 515 and 521 of the Housing Act of 1949.

§ 1822.82 Objectives.

The basic objective of RRH loans is to provide eligible occupants economically designed and constructed rental housing and related facilities suited to their living requirements.

§ 1822.83 Definitions.

(a) *Family.* One person, or two or more persons related by blood, marriage or operation of law who maintain or will maintain one household. Eligibility for occupancy is outlined in § 1822.88(h).

(b) *Senior citizens.* A person who is 62 years of age or over and in the case of a married couple may be either the wife or husband. A person younger than 62 years of age may reside with a senior citizen provided the person is considered a member of the family of the senior citizen, or his occupancy can be shown to be necessary for the well being of the senior citizen.

(c) *Low or moderate income family.* Families having incomes within the limits of the maximum adjusted income.

(d) *Plan I and Plan II.* The two interest credit plans as outlined in Exhibit J.

(e) *Eligible occupants.* (1) For the purpose of a loan developed under Plan I:

(i) A senior citizen with a low or moderate income, or

(ii) Any family with a low income.

(2) For the purpose of all other loans including those developed under Plan II:

(i) A senior citizen without regard to income.

(ii) Any family with a low or moderate income.

(f) *Housing.* Structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide independent living on a rental basis. They may include "related facilities" where appropriate.

(g) *Related facilities.* Community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, and other essential service facilities such as central heating, sewerage, light systems, ranges and refrigerators, clothes washing machines and clothes dryers, and a safe domestic water supply. Under special conditions a project may have an infirmary. When ranges, refrigerators, washing machines, and dryers are included they will be attached to the real estate in a manner to prevent easy removal.

(h) *Project.* A project means the total number of rental housing units to be built or to be purchased by one applicant in one market area at any one time. Subsequent loans may be made to complete the units started with the initial loan. Additional units or additional projects in the same market area may be developed on a contiguous or separate tract of land at a later time if it can be shown that there is a need for this project in the market area and if the project already developed is operating successfully.

(i) *Development cost.* The cost of constructing, purchasing, improving, altering, or repairing housing and related facilities and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees and charges. For nonprofit organizations and State or local public agencies the development cost may include initial operating expenses up to 2 percent of the aforementioned costs. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(j) *Rural area.* Includes rural communities of 10,000 persons or less which are not part of or associated with urban areas and are further defined in § 1822.3(c) of this chapter.

(k) *Individual.* A natural person.

(l) *Organization.* A profit corporation, nonprofit corporation, consumer cooperative, association, State or local public agency, trust, partnership, or limited partnership.

(m) *Private nonprofit corporation.* A corporation which is controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation or its members, is legally precluded from distributing to its members any gains or profits during its existence, and in the event of its dissolution, is legally bound to transfer its net assets to a nonprofit corporation of a similar type or to a municipal corporation which will operate the housing for the same or similar purposes.

(n) *Profit corporation.* A corporation which is controlled by private persons or interests, whose organization permits the making of gains or profits for the corporation or its members, which is authorized to do business in the State, and which can legally carry out the purposes of the loan.

(o) *Consumer cooperative.* A corporation which is organized as a cooperative, will operate the housing on a nonprofit basis solely for the benefit of the occupants, and is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(p) *Limited profit basis.* An individual or organization applicant who, in order to obtain interest credit assistance, will agree to limit the amount of profit to be obtained. Applicants operating on this basis will be permitted to receive a return on their initial investment in accordance with the requirements outlined in § 1822.88(k). The applicant will legally obligate itself to regulate rents, charges, rate of return, and methods of operation.

(q) *Profit basis.* An individual or organization applicant who will operate the housing at rental rates low- and moderate-income families and senior citizens can afford.

(r) *Limited partnership.* A partnership consisting of one or more general partners, jointly and severally responsible as ordinary partners, and by whom the business is conducted, and one or more special partners, contributing in cash payments a specific sum as capital to the common stock, and who are not liable for the debts of the partnership beyond the fund so contributed.

(s) *Owner-builder.* A qualified builder-applicant who is capable of and will build the RRH project.

(t) *Security value.* As used in this Subpart, the security value means the present market value of the real estate offered as security for the loan as determined by the loan approval official less the unpaid principal balance plus past-due interest on any other liens against it. Other liens will include any prior liens and any junior liens to be or likely to be taken or subordinated at or immediately after loan closing.

(u) *Gains or profits.* For the purpose of paragraphs (m) and (n) of this section, gains and profits do not include dividends payable on stock which is nonvoting, limited as to the amount of dividends that can be paid thereon, and limited as to liquidation value in the event of corporate dissolution.

(v) *Members and membership.* Includes stockholders and stock where appropriate.

(w) *Board and directors.* The governing body and members of the governing body of an organization.

(x) *Note.* Bond or other form of obligation.

(y) *Mortgage.* Includes any appropriate form of security instrument.

(z) *Office of the General Counsel (OGC).* The Regional Attorney or the attorney in charge who provides legal services to the Farmers Home Administration (FmHA) for the particular State.

§ 1822.84 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an RRH loan, the applicant must:

(1) Be either an individual who is a citizen of the United States, or an organization defined in § 1822.83(l) which will provide housing for eligible occupants as defined in § 1822.83(e).

(2) Be unable to provide the housing from its own resources and with the exception of a State and local public agency, be unable to obtain the necessary credit from private or cooperative sources on terms and conditions that would enable the applicant to rent the units for amounts that are within payment ability of eligible low- and moderate-income or senior citizen occupants.

(i) For an individual, the assets of both the applicant and spouse will be considered.

(ii) For profit organizations, the assets of the individual members or stockholders and their spouses will be considered.

(iii) For nonprofit organizations, the assets of the individual members and their spouses will not be considered.

(3) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made. This is not intended to preclude the leasing of the housing in accordance with paragraph (a)(8)(ii) of this section.

(4) Own the housing and related land or become the owner when the loan is closed. An owner may include in addition to the owner of full marketable title a lessee of a tract of land owned by a State, political subdivision, public body or public agency, or Indian tribal lands which are not available for purchase. It may also include land where the State Director determines that long-term leasing of sites by nonpublic bodies is a well established practice and such leaseholds are fully marketable in the area provided:

(i) The applicant is unable to obtain fee title to the property.

(ii) A recorded mortgage constituting a valid and enforceable lien on the applicant's leasehold will be given as security.

(iii) The amount of the RRH loan against the property will not exceed the maximum security value determined in accordance with the policies outlined in Part 1809 of this chapter.

(iv) The unexpired term of the lease on the date of loan approval is at least 25 percent longer than the repayment period of the loan and rental charged for the lease should not exceed the rate being paid for similar leases in the area.

(v) The borrower's interest may not be subject to summary foreclosure or cancellation.

(vi) The lease must:

(A) Not restrict the right to foreclose the RRH mortgage or to transfer the lease.

(B) Permit FmHA to bid a foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(C) Permit FmHA after acquiring the leasehold through foreclosure, or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property, or sublet the property and to sell the leasehold for cash or credit.

(D) Permit the borrower, in the event of default or inability to continue with the lease and the RRH loan, to transfer the leasehold, subject to the RRH mortgage, to a transferee with assumption of the RRH debt.

(vii) The advice of the Office of the General Counsel (OGC) will be obtained as to legal sufficiency of the lease. When the State Director is uncertain as to whether a loan can be made on a leasehold the request should be submitted to the National Office for evaluation and instructions.

(5) Have or be able to obtain initial operating capital and other assets needed for a sound loan. RRH loans made to nonprofit organizations and to State or local public agencies may include up to 2 percent of the development cost for initial operating expenses.

(i) Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if an organization, utility hookup deposits, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. The initial operating capital required will be at least 2 percent of the total cost of the project.

(ii) When the applicant is to provide other movable equipment and furnishings, the initial capital will be increased sufficiently to cover the cost of these items.

(6) Possess the ability, experience, and the legal and financial capacity to incur and carry out the undertakings and obligations required for the loan.

(7) Agree to comply with all requirements of the FmHA such as those set forth in the loan resolutions, loan agreement, the form of note, the mortgage, and FmHA directives.

(8) Concerning management: (i) Be an individual or an organization which will provide for the necessary management to assure the successful operation of the project. Management services may be provided by the applicant, a management firm or an agent. If the borrower or a member of the borrower organization does not live in the community where the housing is located, or close enough to the project to provide the general supervision, he must retain a management firm or an individual located in close proximity who is experienced and has full authority to act on behalf of the owner; or

(ii) Be an individual or organization that, with approval of FmHA, will lease the entire project or a percentage of the

[1] Exhibits D, E, F, and I available from agency.

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units to a public housing authority pursuant to the Department of Housing and Urban Development (HUD) section 23 or 8 leasing program. Management will be in accordance with FmHA and HUD management requirements and the units rented to eligible occupants as defined in § 1822.83(e) and HUD regulations. Such loans will be subject to the requirements outlined in § 1822.88(1).

(9) In the case of a private nonprofit organization:

(i) If operating in one community and its trade area, meet the following additional requirements: (A) Each member must be limited to one vote in the affairs of the organization.

(B) A majority of the members must reside in the community or the trade area where the housing will be located.

(C) The board of directors must number not less than 5.

(D) The directors must be members of the organization.

(E) Not less than five of the directors must be recognized as leaders in civic, governmental, fraternal, religious and other community organizations of the community where the housing will be located.

(F) The organization must have and maintain a broadly-based membership representing or reflecting a variety of interests in the community. For a loan of less than $100,000, the organization should have at least 25 members. The number of members should be increased for larger projects. Factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan are vitally important. The "broadly-based membership" requirement may vary, depending upon whether the applicant is a well established or a new corporation, its financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of the amount of the loan to the appraised value of the security.

(G) The organization must adopt articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the appropriate FmHA State requirement. The State Director, with the assistance of OGC, will develop a model set of articles of incorporation and bylaws for his State which will be consistent with the provisions of this Subpart modified as appropriate in accordance with the State law.

(ii) If operating in more than one community or on a county or regional basis and providing or planning to provide rental housing in more than one community, meet the following requirements in addition to those in paragraph (a)(9)(i) of this section with the exception of paragraph (a)(9)(i)(B):

(A) The membership base should be representative of the area being served with at least five members representing a variety of interests from each community where the housing will be located. Each member must be limited to one vote in the affairs of the organization.

(B) The board of directors should be representative of each community or trade area where the housing is located.

(C) The total number of directors should not be less than 5 and the directors must be members of the organization.

(D) The organization's articles of incorporation and bylaws must include the requirements outlined in paragraph (a)(9)(ii)(A) and (B) of this section.

(10) In the case of a limited partnership:

(i) The general partners will be required to maintain a minimum of 5 percent financial interest in the organization.

(ii) The general partners must agree that new partners can be brought into the organization only with the consent of the Government as outlined in the loan resolution.

(b) *Authorized representative of applicant.* The FmHA will deal only with the applicant or a bona fide representative of the applicant and the representative's technical advisers. An authorized representative of a nonprofit applicant must have no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.85 Loan purposes.

RRH loans may be made to qualified applicants to:

(a) Construct new housing.

(b) Purchase, improve, alter, or repair housing provided the State Director determines that the housing meets the requirements of § 1822.88(a) and the housing will be equivalent to new construction in quality, design, and all other respects.

(1) A loan on existing buildings less than 1-year old, will be limited to 80 percent of the appraised value.

(2) For a loan on existing buildings less than 1-year old, the seller will be required to furnish copies of the plans and specifications used, certify that the construction was completed in accordance with the plans and specifications, and provide evidence of compliance with State and local building codes. If the cost exceeds $100,000, an engineering or architects certification will be required indicating that all utility systems are operable.

(c) Purchase or improve the necessary land on which the housing will be located.

(1) The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal in accordance with applicable FmHA requirements.

(2) Loan funds will not be used to buy land from a member of an applicant-organization, or from another organization in which any member of the applicant-organzation has an interest, without prior approval of the State Director.

(3) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when:

(i) The cost of the excess land is a reasonable portion of the loan.

(ii) The applicant cannot acquire only the needed land at a fair price, can justify the acquisition, agrees to sell the land as soon as practicable and apply proceeds on the loan and has legal authority to acquire and administer the land.

(d) Develop and install water supply, sewage disposal, streets, and heat and light systems necessary in connection with the housing. If the facilities are located offsite, the following requirements must be met: (1) The applicant will hold the title to the facility or have a legally assured right to use of the facility for at least the life of the loan and such title or right can be transferred to any subsequent owner of the site.

(2) The facilities are provided for the exclusive use of the RRH project or funds are limited to the prorated part of the total cost of the facility according to the use and benefit to the project. The applicant will agree in writing to the application as extra payments on the RRH loan of any subsequent collection by the borrower from other users or beneficiaries of the facility.

(3) Adequate security can be obtained with or without a mortgage on the offsite facilities.

(e) Develop other related facilities in connection with the housing such as:

(1) Maintenance workshop and storage facilities.

(2) Recreation center including lounge if the project is large enough to justify such a facility.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only when justified.

(5) Laundry room and equipment if not provided in the individual units.

(6) Appropriate recreational facilities, and other facilities to meet essential needs.

(f) Construct office and living quarters for the resident manager and other operating personnel if such facilities would be to the advantage of the project and the Government. The State Director should make a determination and the justification will be included in the docket.

(g) Construct fallout shelters or similar structures.

(h) Purchase and install ranges, refrigerators, clothes washers and clothes dryers. Clothes washers and clothes dryers may be installed in individual rental units if the inclusion of such items in individual units is customary in the area for the type of housing involved and consistent with the requirement that the construction involved be undertaken in an economical manner and not constitute elaborate or extravagant items. Otherwise, the clothes washers and clothes dryers must be installed, if at all, in a central laundry room. Whenever possible, this equipment should be attached to the real estate in a manner to prevent easy removal.

(i) Purchase and install essential equipment which upon installation becomes a part of the real estate.

(j) Provide landscaping, foundation planting, seeding or sodding of lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(k) Pay related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services. Such fees and charges may be paid to an applicant or to an officer, director, trustee, stockholder, member, or agent of the applicant provided such fees and charges are reasonable and typical for that area and are earned. Ordinarily, the FmHA will furnish the needed guidance for the development of an RRH loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State Director determines that:

(1) Either the applicant, with available FmHA assistance cannot meet all requirements for a sound loan without the services, or the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering the amount and the purpose of the loan, the payment ability of the borrower, and the cost of similar services in the same or similar rural areas.

(l) Pay interest which will accrue on the RRH loan during the estimated construction period.

(m) Pay interest and other customary charges necessary to obtain interim financing.

(n) Pay initial operating expenses up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

§ 1822.86 Limitations.

(a) *Loan limits.* For all applicants, the amount of the RRH loan or loans will be subject to the following requirements:

(1) For private nonprofit corporations, consumer cooperatives other nonprofit organizations and State or local public agencies the amount of the RRH loan or loans will be limited to the development cost or the security value of each project, whichever is less.

(2) For all other applicants, the amount of the RRH loan or loans will be limited to no more than 95 percent of the development cost or 95 percent of the security value of each project, whichever is less.

(3) For the purchase of existing buildings less than 1-year old, the loan will be limited to 80 percent of the appraised value in accordance with § 1822.85(b).

(b) *Limitations on use of loan funds.* Loans will not be made for: (1) Housing or related facilities which are elaborate or extravagant in design or materials.

(2) Nursing or medical facilities other than a small emergency-care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants are not readily accessible elsewhere.

(3) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(4) Housing to be used for any transient or hotel purposes. No rental term will be for less than 30 days.

(5) Nursing, special care, or institutional-type homes.

(6) Any facility not essential to the needs of the tenants.

(7) Refinancing debts of the applicant except as authorized in § 1822.94(a).

(8) Housing which the applicant plans to sell in the near future.

(9) Housing which the applicant plans to lease to another operator except as provided in § 1822.84(a)(8) for leases to public housing authorities.

(10) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(11) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as provided in §§ 1822.85(c)(2) and (k) and 1822.90(d).

(c) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the County Supervisor will advise the applicant not to start construction or incur any indebtedness until the loan is closed, with the exception of those cases involving interim financing, and then the guideline outlined in § 1822.94(a) will apply. If nevertheless, the applicant incurs debts for work, materials, land purchase or other authorized fees and charges before the loan is closed, the State Director may authorize the use of loan funds to pay such debts when he finds that all the following conditions exist.

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts, materials, construction, and any land purchased meet FmHA standards and requirements.

(5) Payment of the debts will remove any liens which have attached, and any basis for liens that may attach to the property on account of such debts.

§ 1822.87 Rates and terms.

(a) *Interest.* Loans will be made at interest rates specified in Subpart A of Part 1810 of this chapter.

(b) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured taking into account the probable depreciation of the security. The payment period will not exceed 40 years from the date of note, except that a loan to provide housing for senior citizens only, will not exceed 50 years.

§ 1822.88 Special conditions.

(a) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction and not of elaborate or extravagant design or materials;

(2) As a general rule, consist of multiunit type housing with two or more family units and any appropriate related facilities;

(3) Be residential in character and location and be designed to meet the needs of eligible occupants who are capable of caring for themselves;

(4) Have consideration given to safety, convenience, and comfort;

(5) Be located in residential areas as a part of a community where essential facilities and services such as schools, medical services, shopping, and generally central sewer and water systems are readily available;

(6) Based upon the demand shown by a market analysis, it may include "efficiency" type or one or more bedroom units; and

(7) Contain bathroom and kitchen facilities in each unit.

(b) *Deferred principal payments.* The necessary and advisable, smaller than regular payments of principal or no payments of principal may be provided for the first and second installments after loan closing. However, accrued interest must be paid, at least annually.

(c) *Refinancing RRH loans.* Each borrower must agree to refinance the unpaid balance of his RRH loan at the request of the FmHA whenever it appears to the FmHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at rates and terms which the FmHA considers reasonable.

(d) *Loan resolution or loan agreement.* A loan resolution or loan agreement provides for the maintenance of certain accounts and the pledge of housing income as security. It contains regulatory provisions governing and giving the FmHA power to impose requirements regarding the housing and related operations of the applicant. The form of loan resolution or loan agreement contains provisions of policy and procedure which should be carefully read and fully understood by the applicant. This is particularly important for applicants operating on a limited profit basis. If any provisions are not appropriate to a particular case, proposed substitute language will be approved by OGC. Forms of loan resolutions and loan agreements are contained as exhibits to this Subpart and will be executed as follows:

(1) Exhibit A will be used for all nonprofit organizations and for State or local agencies.

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(2) Exhibit B will be used for profit type organizations.

(3) Exhibit C will be used by individuals operating on a profit basis when the total of the loan exceeds $150,000 or when required by the State Director if the loan is for less.

(4) Exhibit G will be used by organizations operating on a limited profit basis.

(5) Exhibit H will be used by individuals operating on a limited profit basis.

(e) *Multiple advances.* Loan funds will be disbursed in accordance with the provisions outlined in § 1822.94.

(f) *Interest credits.* Borrowers may receive interest credits provided the loan was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis, is to be repaid, unless an exception is made by the National Office, over a period of 40 years; 50 years for a senior citizen's loan, and meets the other requirements outlined in Exhibit J and the following limitations: (1) Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

(2) Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, and to profit organizations and individuals operating on a limited profit basis.

(g) *Nondiscrimination in use and occupancy.* The borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin, and will comply with Part 1816 of this chapter.

(h) *Eligibility for occupancy.* Loans will be made on the basis of the housing being occupied by eligible occupants as defined in § 1822.83(e). The following policies will apply: (1) When a family consists of only one person, an additional person or persons may reside in the unit provided the unit has adequate space for their total needs and provided the separate income of each occupant does not exceed the levels set for the project in accordance with § 1822.83(e) and as defined in guidelines for the maximum adjusted income for low- and moderate-income families available in all FmHA offices. If the borrower receives interest credits, the rent paid for the unit will be based on the combined incomes of the occupants.

(2) Ineligible persons may occupy the housing for temporary periods in order to protect the interest of the Government with written prior approval of the State Director.

(3) For housing projects financed with RRH loans and limited to eligible senior citizen applicants, the State Director is authorized to permit the borrower to rent units to eligible nonsenior citizens, provided such units will be rented on a temporary basis and only until they can be rented to eligible senior citizens.

(i) *Tenant certification.* Initial certifications and recertifications will be executed on Form FmHA 444–8, "Tenant Certification," as follows: (1) Initial certifications will be executed for each family when it initially occupies the housing. Borrowers will promptly provide the County Supervisor with an executed copy of these forms.

(2) Recertification will be completed by having a new Form FmHA 444–8 executed every other year during November or December by each tenant, whether the borrower is receiving interest credits or not, and regardless of whether there has been a change in occupancy. The biennial certification forms will be obtained by the borrower and: (i) For Plan II, a copy will be provided to the County Supervisor prior to December 31 to verify the amount of interest credit given to the borrower.

(ii) For Plan I and all others, the certifications will be kept in the borrower's records. Prior to December 31, the borrower will provide the County Supervisor with a certification similar to Exhibit J–3 which indicates that he has obtained Form FmHA 444–8 executed by each tenant, that the tenants are eligible occupants and that these records may be examined at any time.

(j) *Supervisory assistance.* Supervision will be provided borrowers, in accordance with Subpart G of Part 1802 of this chapter, to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

(k) *Limited profit determinations.* Applicants agreeing to operate on a limited profit basis will be permitted a return not to exceed 8 percent per annum on the initial investment. The initial investment may include the following:

(1) Any cash contribution.

(2) Any cash savings, or equity resulting from construction by the owner-builder method.

(3) The initial operating capital that the applicant is required to provide in accordance with § 1822.84(a)(5)(i).

(4) Value of architectural, engineering, or legal services needed for the project that are provided by the applicant in lieu of cash contribution.

(5) Value of the building site or essential related facilities contributed by the applicant. Value will be determined by an appraisal in accordance with applicable FmHA requirements on an "as is" basis by the FmHA employee authorized to make the appraisal for the project less any amount owed on the property.

(l) *Conditions necessary for the approval of RRH loans made to finance projects in connection with the HUD leasing program.* Applicants may sublease the entire project or a percentage of the units to a Housing Authority (HA) in connection with a section 23 or 8 leasing program, provided the State Director determines that it is a feasible project and that there is an anticipated future market demand for rental housing units without the support of the sections 23 or 8 leasing program. Interest credits may be granted for the units not covered under sections 23 or 8. The State Director will have the OGC review the lease and other materials to assure that the FmHA and the borrower are adequately protected.

(m) *Implementation of OMB Circular A–95 concerning formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development.* When projects exceed 25 units the provisions of Subpart M of Part 1823 of this chapter will be applicable.

(n) *Guidelines for preparing environmental impact statements.* When projects exceed 25 units the provisions of Part 1824 of this chapter will be applicable.

(o) *National flood insurance.* The provisions of the National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 are applicable to FmHA authorities permitting financing of rental housing now located in or to be located in special flood or mudslide-prone areas as designated by the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development (HUD). Subpart B of Part 1806 of this chapter will be applicable.

§ 1822.89 Security.

Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, except as indicated in paragraph (a) and (c) of this section will be taken on the property purchased or improved with the loan. A mortgage should be taken on only that part of the land which is necessary to provide adequate security for the loan as determined by the appraisal, except when excess land is purchased as authorized in § 1822.85(c)(3).

(a) A second mortgage will be taken on the site developed with prior RRH loan(s) when the subsequent loan is to complete or finish out units on the site.

(b) Personal liability will not be required for the members or stockholders of any corporation. Personal liability will be required of all members of a partnership unless the State Director determines that this personal liability must be waived to obtain needed rental housing in the community. For such cases, the State Director will obtain the advice of the Regional Attorney as to any modifications needed in the Promissory Note and mortgage.

(c) If it is impossible or inadvisable for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken will be determined by the National Office upon the recommendation of the State Director. The State Director should consult OGC as to whether the proposed security is legally permissible.

§ 1822.90 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FmHA employee authorized to make real estate appraisals. If the security does not involve more than two rental units, the property will be appraised in accordance with the policies outlined in Part 1809 of this chapter. For security involving more than two rental units, the appraisal will be made in accordance with Subpart B of Part 1809 of this chapter. Form FmHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant is an organization or an individual with special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the OGC. In other cases, provisions of Subpart A of this Part regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* (1) Housing and related facilities will be planned and developed in accordance with Subpart A and D of Part 1804 of this chapter. The housing will be designed to meet the needs of the types of occupants who will likely occupy it.

(2) A written contract for Architectural and Engineering Services will be required as outlined in Subpart A of Part 1804 of this chapter.

(d) *Construction and development policies.* Construction and development will be performed in accordance with Subpart D of Part 1804 of this chapter, except § 1804.5(h)(3) of Part 1804 of this chapter will not apply to projects constructed by the owner-builder method. These projects will be governed by the following: (1) The development cost may include a typical builders fee. The typical builders fee may be determined by local investigation and also from HUD data for the area.

(2) The development cost cannot exceed that which is typical for similar type projects in the area.

(3) The development cost for each individual case will be determined by the Multiple Family Housing Coordinator with the advice of the State Architect.

(4) The plans and specifications must be specific and complete so that there is a clear understanding as to how the facility will be constructed and the materials that will be used.

(e) *Compliance with local codes and regulations.* Planning construction, zoning, and operation of housing financed with the RRH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(f) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts will be subject to review and approval by the FmHA and, therefore, should be submitted to the FmHA before execution by the applicant. Contracts will provide for the types of services to be performed and the amount of the fees to be paid, either in lump-sum on the completion of all services or in installments as services are performed.

(g) *"How to Bring Rental Housing to Your Town" Manual.* Exhibit F may be used as a guide for organization applicants applying for loans to finance projects of substantial size. Extra copies may be obtained from the Finance Office for applicants after preliminary discussions indicate that a loan may be developed. The sample forms included as Exhibits F–1 through F–5 may be adapted for use as State forms so that adequate supplies will be available to applicants.

(h) *Technical services by consultant organizations.* Technical services by consultant organizations will be governed by § 1822.85.

(i) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the County Supervisor will have Form FmHA 440–35, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(j) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower for eligible loan purposes may be deposited in accordance with Part 1803 of this chapter. Collateral for deposit of funds will be pledged in accordance with § 1803.4 of this chapter. Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the project, for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(k) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Subpart A of Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or required when appropriate to obtain liability insurance.

(l) *Bonding.* (1) The provisions of Subpart A of Part 1804 of this chapter pertaining to surety bonds are applicable to RRH loans.

(2) If the applicant is an organization, it will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. The United States will be named co-obligee in the bond if not prohibited by State law. Form FmHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.91 Processing preapplications.

(a) *Preapplication.* Form AD–621, "Preapplication for Federal Assistance," with the additional information outlined in Exhibit F–6, will be submitted to the County Supervisor. This information is used to determine the applicant's eligibility and eliminate any proposals which have little or no chance for funding. The applicant should be instructed not to prepare an application until he is notified to proceed.

(b) *Actions by County Supervisor.* The preapplication with attachments, will be reviewed by the County Supervisor. The preapplication, including the comments and recommendations of the County Supervisor and District Director and any additional material considered necessary will be forwarded to the State Director.

(c) *Actions by State Director.* (1) If the applicant is an organization adopting without change the "Articles and By-laws" prescribed by State regulations, the preapplication need not be submitted to the OGC.

(2) In all other cases involving loans to organizations, the docket, with any questions or comments of the State Director will be submitted to the OGC for preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this subpart.

(3) When the State Director considers it necessary, any preapplication may be sent to the National Office for evaluation and instructions.

(4) The State Director, after completing his review, will notify the County Supervisor of his determination and authorize the County Supervisor to prepare and execute Form AD–622, "Notice of Preapplication Review Action." The County Supervisor will forward the original to the applicant, a copy to the State Office, and a copy to the case file.

§ 1822.92 Preparation of completed loan docket.

(a) *Information needed.* If the applicant has been requested to file an application, Form AD–625, "Application for Federal Assistance (Short Form)," with the additional information as outlined in Exhibit F–7, will be submitted to the County Supervisor.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant. The County Supervisor will review and verify the information furnished for correctness, adequacy, and completeness. He will determine that the market survey is adequate and that the market survey report is accurate. The County Supervisor will inspect the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management.

(c) *County Committee certification.* County Committees will not be used to review Rural Rental Housing loan applications.

(d) *Assembly, review, and distribution of complete loan docket items.* When all items required for the complete loan docket have been furnished, they will be examined thoroughly to make sure they

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are properly and accurately prepared, and are complete in all respects, including dates and signatures. The loan docket will include the forms and documents listed in regulations available in all FmHA offices.

(e) *Submission of docket to State Office.* The complete loan docket with any comments from the County Supervisor, will be submitted to the State Office for review. The State Director, with the advice of OGC if required or needed, will prepare a memorandum to the County Supervisor requesting additional information, if the material submitted is inadequate, or setting forth the conditions of approval.

(f) *Submission of docket to National Office.* If the State Director considers it necessary, after completing his review of the docket, he may submit his recommendations, a copy of his proposed memorandum of approval, and the complete loan docket to the National Office for review and recommendations. If the docket was required to be reviewed (or was reviewed) by the OGC, the comments of that office will be included.

(g) *Press release.* When it is determined that the loan can be approved, a press release will be prepared in accordance with FmHA requirements.

§ 1822.93 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove loans in accordance with this Subpart and Subpart B of Part 1810 of this chapter. The State Director may redelegate loan approval in writing to State Office employees other than District Directors.

(b) *Loan approval action.*—(1) *Responsibilities of loan approval official.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations. In making this review, the loan approval official will determine that: (i) The applicant is eligible.

(ii) The funds are requested for authorized purposes.

(iii) The proposed loan is sound.

(iv) The security is adequate.

(v) All pre-approval requirements have been met.

(vi) All other requirements will be met.

(2) *Approval or disapproval of a loan.* (i) Approval. When a loan is approved, the approval official will: (A) Prepare Form FmHA 440–3, and indicate on all copies any conditions that must be met at or before the time the loan is closed. Such conditions could include the amount of surety, fidelity bond coverage, other insurance, the title evidence, and any other special requirements, if more space is needed, the form will be supplemented by a memorandum.

(B) Sign the original of Form FmHA 440–3 and insert his title in the space provided; all copies will be conformed.

(C) Sign the original and one copy of Form FmHA 440–1 and insert his title in the space provided. An executed Form FmHA 440–1 will be forwarded to the applicant on the same date the loan is approved, that is, on the same date it is forwarded to the Finance Office.

(ii) Disapproval. If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original Form FmHA 440–3. Form FmHA 440–3 will be initialed and dated. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor. The disapproved docket will then be handled in accordance with appropriate FmHA regulations.

(3) *Review by OGC.* For a loan to an organization, or for a loan to an individual in special cases, the approved loan docket, including any title evidence, will be sent to the OGC for preparation of closing instructions and any special legal documents required for closing. A certified copy of a required loan resolution or the original executed, witnessed loan agreement must be supplied by the applicant in time to be included in the loan docket. No docket will be considered which fails to include such a required resolution or agreement. The OGC will route the docket, including closing instructions and any such legal documents, to the County Office through the State Office for review and for inclusion of any further instructions needed in closing the loan.

§ 1822.94 Actions subsequent to loan approval.

(a) *Interim financing from commercial sources.* In all cases of RRH loans exceeding $50,000 when it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained to preclude the necessity for multiple advances of FmHA funds. When interim commercial financing is used:

(1) The docket will be processed to the stage where the FmHA loan would normally be closed immediately prior to the start of construction. FmHA loan funds will be obligated before the applicant proceeds with the final arrangements for interim commercial financing.

(2) The FmHA State Director or County Supervisor may deliver a copy of Form FmHA 440–1 as evidence of the FmHA commitment, if necessary, or a letter stating that funds in specified amounts have been obligated and will be available to retire the interim financing if the applicant complies with the approval conditions. See guidelines available in any FmHA office for a sample letter that may be used.

(3) FmHA will assume the same responsibilities as if FmHA funds had been advanced from the standpoint of approving construction contracts and the supervision of construction.

(4) The supervised bank account will normally not be used for funds obtained through interim commercial financing. However, the County Supervisor will approve Form FmHA 424–18, "Partial Payment Estimate," to insure that funds are used for authorized purposes.

(5) When the interim financing funds have been expended, the FmHA loan will be closed and permanent instruments will be issued to evidence the FmHA indebtedness. The FmHA loan proceeds will be used to retire the interim commercial indebtedness.

(6) Before the FmHA loan is closed, the applicant will be required to provide the County Supervisor with statements from the contractor(s), engineer and attorney that they have been paid in full accordance with their contracts or other agreements and that there are no unpaid obligations outstanding in connection with the construction of the project.

(b) *Multiple advances of RRH loan funds.* In the event interim commercial financing is not available, multiple advances will be used for all loans in excess of $50,000 subject to the following:

(1) In those cases where relatively large amount of funds are to be expended for purchasing of real estate or for other reasons at the time of closing, separate checks for such purposes may be ordered an endorsed by the borrower to the seller or other appropriate party. This will preclude the necessity for depositing such loan funds in the supervised bank account and reduce the amount of required collateral.

(2) Except as indicated in paragraph (b)(1) of this section, advances will be made only as needed to cover disbursements required by the borrower for a 30-day period. Normally, the advances should not exceed 24 in number or extend longer than 2 years beyond loan closing. The retained percentage withheld from the contract to assure that construction will be completed in accordance with the contract documents will ordinarily be included in the last advance. Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay costs of construction, land purchase, legal, engineering, or architectural costs, interest, and other expenses, as needed. The borrower will prepare Form FmHA 440–11, "Estimate of Funds Needed for 30-day Period Commencing ----------," modified as needed, to show the amount of funds required during the 30-day period. This form will be approved by the County Supervisor. After the County Supervisor determines that the estimate prepared by the borrower is adequate, he will request the advance by executing and forwarding to the Finance Office, St. Louis, Missouri, Form FmHA 440–3. As an example, for a loan of $100,000, the advances may be made as follows: Assuming that the loan will be closed on July 1, the borrower will complete Form FmHA 440–11 in sufficient time so that the funds will be available on the day of loan closing. The estimates should be broken down for the first advance in a manner similar to the following:

Construction	$30,000
Land acquisition	5,000
Architectural	4,000
Legal	1,000
Total	$40,000

An advance in the amount of $40,000 would then be available on July 1, the date of loan closing. The second advance will also be based on the borrower's estimate prepared on Form FmHA 440–11, and will be prepared in sufficient time so that the estimated amount of funds will be available on August 1. This estimate of funds might be broken as follows:

Construction	$20,000
Architectural	1,000
Total	$21,000

A copy of Form FmHA 440–3 specifying the amount then will be forwarded to the Finance Office. The same routine will be followed for each advance until the project is completed.

(3) Any deviation from the multiple advance procedure must have the prior approval of the National Office.

(c) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date for loan closing has been agreed upon, the County Supervisor will determine the amount of funds needed in accordance with either paragraphs (a) or (b) of this section. The County Supervisor or his delegate will then order the loan check so that it will be available on or just before the date set for loan closing.

(d) *Increase or decrease in the amount of the loan.* If it becomes necessary for the amount of the loan to be increased or decreased prior to loan closing, the loan approval official or County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed.

(e) *Cancellation of loan.* Loans may be canceled after approval and before loan closing as follows: (1) The County Supervisor will prepare Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," in an original and two copies (3 copies if the check is received in the County Office from the Regional Disbursing Office). The original and copies will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, he will forward the original request to the Finance Office after making appropriate adjustments in the records to control loan allocations. A copy or copies of Form FmHA 440–10 will be returned to the County Office.

(2) If the loan check is received in the County Office, the County Supervisor will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, Missouri 64142, with a copy of Form FmHA 440–10.

(3) All interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(f) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this chapter.

(g) *Property insurance.* Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter.

§ 1822.95 Loan closing.

(a) *Applicable instructions.* RRH loans to individuals will be closed in accordance with applicable provisions of Part 1807 of this chapter and supplementing State requirements with the assistance of the designated attorney, representative of the title insurance company or OGC, whichever is appropriate. Loan dockets for an organization and loan dockets for an individual in special cases will be sent to the OGC for closing instructions. An organization may use its attorney to close the loan in accordance with the closing instructions received from the OGC. The applicant's attorney may be a designated attorney or a local private attorney.

(b) *Mortgage.* Unless the OGC determines the form to be inappropriate in any case, real estate mortgage Form FmHA 427–1 (State), "Real Estate Mortgage for ----------," will be used. For loans to organizations, Form FmHA 427–1 will be modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgement.

(1) The mortgage or other instrument will contain the following covenant:

> Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

> This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of (Date), which is hereby incorporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

> Occupancy of the housing and related facilities on the property will be limited to eligible occupants as defined in the regulation of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.
>
> As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests. Revenue from the housing shall be first used to pay operation and maintenance costs of such housing and to make adequate provision to meet required payments as they become due on the FmHA rural rental housing loan.

(c) *Promissory note.* (1) The total amount to be shown in the note will be shown on Form FmHA 440–3. The note will be dated the date of loan closing except as authorized in § 1807.2(f)(8) of this chapter.

(2) Payments on RRH loans will be scheduled on the note in accordance with the requirements for the type of Promissory Note to be used. Monthly payments will be implemented. As provided in § 1822.88(b), the first year's installment or the first two years' installments may be less than a regular annual installment. If the first annual installment or first two annual installments are less than a regular annual installment, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) For a loan to an individual, Form FmHA 440–16, "Promissory Note," will be used. Instructions for preparation of monthly installments will be followed in accordance with the guide available in all FmHA offices for preparation of this form. Form FmHA 440–16 may be used for a partnership with modification as approved by the OGC. For loans of over $50,000, type on the reverse of the form a Record of Advances such as is printed on the reverse of Form FmHA 440–22, "Promissory Note (Association or Organization)," and complete this part in accordance with instructions for Form FmHA 440–22.

(4) Form FmHA 440–22 will be used for all loans to organizations if legally acceptable as determined by OGC. If Form FmHA 440–22 is not legally acceptable, the opinion from OGC and the loan docket will be submitted to the National Office for further instructions. Payments will be made on a monthly basis on the loan and the borrower will be required to agree to this in writing.

(5) The note(s) will be signed in accordance with Part 1807 of this chapter.

(6) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing. Any funds included in the loan for the payment of interest will be collected and applied as a regular payment at the time of loan closing.

(7) Immediately after loan closing, a conformed copy of the note will be sent to the Finance Office.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage conformed as to all matters except the recording date will be delivered to the borrower.

(e) *Date of closing—establishment of account.* (1) An RRH loan is considered

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closed when the security instrument is filed of record, or, if no security instrument is filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

(2) After the loan is closed, the account and case folder will be established in accordance with appropriate regulations.

§ 1822.96 Subsequent RRH loans.

A subsequent RRH loan is a loan made to an applicant or borrower to complete the units planned with the initial loan.

§ 1822.97 Coding loans as to initial or subsequent.

A borrower may obtain financing for more than one project. Each project will be coded as an initial loan when the total number of units are built or purchased at one place at one time. A subsequent loan will be so coded when an additional loan or loans are necessary to complete the units planned with the initial loan as outlined in § 1822.96. As an example, the borrower may obtain initial loans for more than one project in the same county, in different counties under the same county office jurisdiction, or in more than one county office jurisdiction. Codes to be used will be in accordance with the guide available in all FmHA offices for preparation of Form FmHA 440–1, Form FmHA 440–3, and Form MmHA 444–5.

§ 1822.98 Complaints regarding discrimination in use and occupancy of RRH housing.

Any occupant or applicant for occupancy or use of such RRH housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office.

(a) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(b) The County Supervisor or State Director will acknowledge receipt of the complaint and promptly forward it to the National Office.

(c) Attached to the written complaint should be a statement from the County Supervisor or State Director as to whether the security instrument or other document executed by the borrower contains a nondiscrimination agreement. The statement also should include any other information which the State Director or County Supervisor has pertaining to the complaint. The County Supervisor or State Director should delay a comprehensive investigation of any complaint until requested to do so by the National Office.

(d) The National Office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(e) If it is found that the complaint is without substance, the parties concerned will be so notified.

(f) If it is found that the borrower's discrimination agreement in the security instrument or elsewhere was violated, the Farmers Home Administration will inform the parties of such findings and advise the violator to take action necessary to correct the violation and to give appropriate assurance of future compliance.

(g) If the borrower should fail to take such action and assure future compliance, the Administrator may take further appropriate action.

EXHIBITS

EXHIBIT A

(RRH LOAN TO BROADLY BASED NONPROFIT CORPORATION)

LOAN RESOLUTION OF _____, 19__

RESOLUTION OF THE BOARD OF DIRECTORS OF _____ PROVIDING FOR BORROWING $_____ TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND/OR FAMILIES OF LOW OR MODERATE INCOME, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS.

Whereas _____ (herein referred to as the "Corporation") is a nonprofit corporation duly organized and operating under _____

(authorizing State statute)

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural areas. The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill;

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $_____ from the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, (herein called "the Government") pursuant to sections 515 (b) and 521 (a) of the Housing Act of 1949. The loan shall be used solely for the specific eligible occupants as defined by the Government, in order to provide rental housing and related facilities for eligible occupants as defined by the Government. Such housing and facilities and the land constituting the site are herein called "the housing."

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of ___ years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note and any supplemental agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment or security interest in the rents and profits as collateral security to be enforceable in the event of any default by the Corporation and containing other terms and conditions prescribed by the Government.

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing (b) Farmers Home Administration Form FmHA 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause," and (c) Farmers Home Administration Form FmHA 400–4 entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act 1964)," a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of $_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $40,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account; an Operation and Maintenance Account; a Debt Service Account; and a Reserve Account. Funds in said accounts shall be deposited in a bank or insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $_____. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 7 or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and, until so used, shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than $_____[2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $_____[3] and shall be resumed at any time when necessary, because of disbursement from the Reserve Account, to restore it to said sum.

Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corportation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to the audited at the end of fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation, nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in Section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than ___ days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing of Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is expressly understood and agreed that any loan made will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security, and may enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion; or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) The resolution may be cited in the security instrument and any other instru-

[1] Only loan funds and borrowers funds to be used for an eligible loan purpose may be deposited in the supervised bank account.

[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

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ments or agreements as the "Loan Resolution of ---------- 19-----
(date of this resolution)

The undersigned, ----------, the Secretary of the Corporation identified in the foregoing loan Resolution, hereby certifies that the foregoing is a true copy of a resolution of the Board of Directors of the Corporation passed on ---------- 19--, which has not been altered, amended, or repealed.

---------- ----------
(Date) (Secretary)

[SEAL]

EXHIBIT B

(RRH INSURED LOAN TO PROFIT TYPE CORPORATION)

LOAN RESOLUTION OF ----------, 19 --

RESOLUTION OF THE BOARD OF DIRECTORS OF ---------- PROVIDING FOR BORROWING $---------- TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND OTHER PERSONS AND FAMILIES WITH LOW OR MODERATE INCOMES IN RURAL AREAS, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS

Whereas ---------- (herein referred to as the "Corporation") is a corporation duly organized and operating under ----------;
(authorizing State Statute)

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural areas;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill:

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $---------- through the facilities of the United States of America acting through the Farmers Home Administration, United States Department of Agriculture (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

NOTE.—The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of -- years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the Corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)" a copy of which is attached hereto and made a part hereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. **Supervised Bank Account.** The proceeds of the note and the amount of $---------- to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $40,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the ---------- of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as coobligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

[1] Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts,

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $---------- All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in sections 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate

not less than $------ [2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $------ [3] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With prior consent of the Government funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements for extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, provided the board determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for the purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than -- days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.*

(a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are

[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

representations to the Government, to induce the Government, to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment or amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of --------
(date of this
-------- 19 --." resolution)

CERTIFICATE

The undersigned, ----------, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors on ---------- 19--, which has not been altered, amended, or repealed.

---------- ----------
(Date) (Secretary)

(Seal)

EXHIBIT C

LOAN AGREEMENT

(RRH INSURED LOAN TO INDIVIDUAL)

1. *Parties and Terms Defined.* This agreement dated ---------- of the Undersigned ----------, herein called "Borrower" whether one or more, whose post office address is ----------, with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of $---------- made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument, and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400–1 entitled "Equal Opportunity

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Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964), a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to lawful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of $---------- to be contributed from Borrower's own funds shall be deposited in a "supervised bank account" as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of $---------. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in section 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable Borrower to pay from the Operation and Maintenance Account the actual reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and until so used shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than $--------[1] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $--------[2] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sums, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) For any purpose desired by Borrower, provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required by the Government, revise the accounts herein provided for, or establish new accounts to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(e) Submit for the housing the following to the Government for prior review not less than ____ days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of ---------- 19__".
(date of this agreement)

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[1] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

[2] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

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Witness Borrower

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Witness Borrower

EXHIBIT F–6

INFORMATION TO BE SUBMITTED WITH PRE-APPLICATION FOR RURAL RENTAL HOUSING (RRH) LOAN

The following information is to be submitted with Form AD 621, "Preapplication For Federal Assistance":

1. *Eligibility:*

a. Financial Statement—A current, dated, and signed financial statement, showing assets and liabilities, with information on the status and repayment of each debt. If the applicant is a partnership or a profit corporation, a current financial statement will be required from each partner, member, or stockholder who holds an interest in the organization in excess of 10 percent. In any case in which a financial statement is required from an individual, it will also include the financial interests and signature of the spouse. A dated and signed financial statement will be required of all general partners who hold an interest in the partnership. The applicant must have initial operating capital and other assets needed for a sound loan. The initial operating capital required will amount to at least 2 percent of the total cost of the project to cover these costs. Loan funds may be included in the loan to pay the initial operating expense up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

b. Evidence of Inability to Obtain Credit from Other Sources except for State and local public agencies.

c. Statement of Applicant's Experience in Operating Rental Housing and Related Business with a statement on the proposed method of operation and management.

d. For an Organization Applicant—A copy of or an accurate citation to the specific provisions of State law under which the applicant is or is to be organized; a copy of the applicant's charter, Articles of Incorporation, Bylaws, and other basic authorizing documents; the names and addresses of the applicant's members, directors, and officers; and if a member or subsidiary of another organization, its name, address, and principal business, if available.

2. *Need and Demand:*

a. A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of rental housing and the number of eligible applicants living in the area willing and able to pay the proposed rental rates.

3. *Site.* a. Size of tract.

b. A map showing the location and other supporting information on its neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, schools, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

c. Site owned or optioned.

4. *General Description of the Housing Planned:* including the following:

a. Preliminary plot plan and building plans, if available.

b. Type of construction.

c. Estimated total cost per living unit.

d. If apartments, number and type of units per building.

e. Type of utilities such as water, sewer, gas, and electricity and whether each is public, community, or individually owned.

EXHIBIT F–7

INFORMATION TO BE SUBMITTED WITH APPLICATION FOR FEDERAL ASSISTANCE (SHORT FORM)

The following information is to be submitted with Form AD–625, "Application for Federal Assistance (Short Form)":

1. A plot plan, detailed preliminary plans and specifications, and any special design features for senior citizens as prescribed in the construction guide.

2. A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, architectural and legal fees, and both on- and off-site improvements. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

3. Information on the method of construction and on the architectural, engineering, and legal services to be provided.

4. Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

5. A market survey report which should be based on the number of eligible occupants in the area who are willing and financially able to occupy the housing at the proposed rental levels. This does not preclude occupancy by eligible occupants who are receiving welfare assistance. However, the economic justification for the housing should be based principally on the prospect of eligible occupants with incomes which are not subject to fluctuations. A market survey report will include:

a. For a proposed project which will contain 10 or fewer units and will be in a community where an effective demand for rental housing obviously exists, statements supported by statistical data describing and explaining the basis for expecting a continued effective demand for the rural rental housing over the period of the loan. Such information may be assembled from census reports, county market evaluations made by the Department of Housing and Urban Development and other published data that shows the number of occupants living in the town or trade area who are eligible to occupy the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

b. For a proposed project that will include more than 10 units and for any smaller project where there is any doubt concerning the demand, a complete market analysis showing the need and demand for rural rental housing in the area based on the best information available. It will include:

(1) An estimate of number of houses or apartments in the area for rent or sale. Exhibit F–2 or a similar form should be used for this purpose.

(2) Characteristics of available rental housing such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(3) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, male or female, size of family, number of senior citizens and nonsenior citizens, and income and financial condition.

(4) Present living arrangements of eligible occupants in the area and the extent to which inadequate housing is associated with health or financial reasons.

(5) Estimate of the number of eligible occupants who are willing and financially able to occupy the proposed housing.

c. If the housing is located in an area where there are relatively few eligible occupants, or for any other reason there is a question as to whether the housing will be fully occupied, signed expressions of interest in occupancy from a sufficient number of eligible occupants will be obtained so as to clearly indicate that full occupancy will occur soon after construction is completed. Exhibit F–3 or a similar form may be used for this purpose.

6. A description and justification of any related facilities to be financed with the loan.

7. A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

8. A current dated and signed financial statement showing the debt structure of the applicant. (See item 1a of Exhibit F–6.)

9. Detailed operating budgets for the first year's operation and a typical year's operation. The first year's budget should show that the applicant has sufficient operating capital on hand or sufficient planned income to pay all operating costs and meet scheduled payments on debts during the planning and construction period prior to occupancy. The typical year's budget should show there will be ample income to pay essential operating costs, meet required debt payments, and permit accumulation of required reserves. Exhibit F–5 or a similar form may be used for this purpose.

a. The budgets in estimating rental income will include an approximately 10 percent allowance for the following: vacancies, nonpayment of rent, and contingency expense.

b. The budgets should provide for accumulating a reserve at the rate of one percent per annum of the value of the buildings and related facilities financed wholly or partially with the loan until a reserve equal to 10 percent of their value is reached. Budgets should not include an additional item for depreciation since the purpose of a reserve account is to provide funds for this purpose.

c. All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identi-

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fied. If the applicant considers itself tax-exempt, evidence of exemption must be included in the loan docket before the loan is closed. In case of a nonprofit organization whose articles of incorporation and bylaws conform to Exhibits D and E, evidence of exemption from Federal income tax need not be obtained before the loan is closed if the applicant applies for a determination of exemption and agrees in writing to make any changes in its organizational documents that may be required by the Internal Revenue Service (IRS). Information as to Federal income tax exemption may be obtained from the District Office of the IRS. An eligible nonprofit organization should ordinarily be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

10. A statement in narrative form outlining the proposed manner of management of the housing, such as whether by owner or hired manager. Experience and other factors pertaining to the qualifications of the manager will be taken into consideration.

11. A statement of policy regarding management and operation including method of selecting tenants, a copy of the proposed form of lease or rental agreement to be offered tenants, outline of duties and responsibilities of officers and employees, and a copy of any rules or regulations governing administration and occupancy.

12. When land is being purchased or a building site will be part of a tract owned by the applicant, or in any other case when necessary to clearly identify the property, satisfactory survey of the land to be given as security prepared by a licensed surveyor will be included in the loan docket. If necessary, a new survey will be obtained.

Exhibit G

(RRH LOAN TO PROFIT TYPE CORPORATION OPERATING ON A LIMITED PROFIT BASIS)

LOAN RESOLUTION OF ----------, 19--

Resolution of the Board of Directors of ---------- providing for borrowing $-------- to finance rental housing and related facilities in a rural area for senior citizens and other persons and families with low or moderate incomes in rural areas, the collection, handling, and disposition of income, the issuance of installment promissory note and real estate security instrument, and related matter.

Whereas ---------- (herein referred to as the "Corporation") is a corporation duly organized ---------- and operating under (authorizing State ----------; statute)

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural area;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill:

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $-------- through the facilities of the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

Note: The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2 and "stockholders" in item 9(b)(5) when required.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of ---- years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400-4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part thereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of $-------- to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $40,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the ---------- of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $--------. All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and until so used shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation by pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than $--------[2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $--------[3] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, of up to 8% per annum of the borrowers initial investment of ----------[4] provided the board determines that after Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of borrower's initial investment of ----------,[4] the Government may require that the borrower reduce rents the following year and/or refund the excess return on investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(d) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(f) Submit for the housing the following to the Government for prior review not less than ---- days before the effective dates, and for prior approval by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(g) If required by the Government, modify and adjust any matters covered by clause (f) of this section.

(h) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(i) Not alter, amend, or repeal without the Government's consent this resolution or the by laws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(j) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of---------- (date of this ---------- 19 ---." resolution)

CERTIFICATE

The undersigned, ----------, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors

[1] Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan. such disbursement (a) the amount in the

[4] The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

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on ---------- 19--, which has not been altered, amended, or repealed.

(Date)

[SEAL] ----------
(Secretary)

EXHIBIT H

LOAN AGREEMENT (RRH LOAN TO INDIVIDUAL OPERATING ON A LIMITED PROFIT BASIS)

1. *Parties and Terms Defined.* This agreement dated ---------- of the Undersigned ---------- herein called "Borrower" whether one or more, whose post office address is ---------- with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of $---------- made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site as herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination on the use and occupancy of housing, (b) Farmers Home Administration Form 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part hereof and any other understandings and agreements required by the Government pursuant to lawful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of $----------, to be contributed from Borrower's own funds shall be deposited in a "supervised bank account," as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds there shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, and Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of $---------- All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in sections 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable borrower to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occuring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loans obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and, until so used, shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than $----------[1] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $----------[2] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily market obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgement of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay in dividends to the Borrower of up to 8 percent per annum of the borrower's initial investment of $----------[3] provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of Borrower's initial investment for $------,[3] the Government may require that the Borrower reduce rents the following year and/or refund the excess return on in investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(d) If required by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(f) Submit for the housing the following to the Government for prior review not less than ___ days before the effective dates, and for prior approval if such approval is required by the Government.

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(g) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(h) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's finacial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of ----------, 19--."

(date of this agreement)

Borrower

Borrower

EXHIBIT J

INTEREST CREDITS ON INSURED RRH AND RCH LOANS

I. *Purpose:* This Exhibit outlines the policies and conditions under which interest credits will be made on insured Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) loans.

II. *Definitions:* As used in this Exhibit.

A. *"Interest Credit"* means the amount of assistance the Farmers Home Administration (FmHA) may give a borrower toward making its payments on an insured RRH or RCH loan.

B. *"Interest Credit Agreement"* means an agreement between FmHA and the borrower providing for interest credits on the insured RRH or RCH loan. This agreement will be on Form FmHA 444–7, "Interest Credit Agreement (RRH and RCH Loans)."

C. *"Project"* means the housing and related facilities financed with the RRH or RCH loan.

D. *"Basic Rental"* means a unit rental charge determined on the basis of operating the project with payments of principal and interest on a loan to be repaid over a 40- or 50-year period at 1 percent per annum.

E. *"Market Rental"* means a unit rental charge determined on the basis of operating the project with the payments of principal and interest which the borrower is obligated to pay under the terms of the promissory note.

F. *"Overage"* means the amount by which total payments paid by the tenants of a project exceed the total basic monthly charge. The amount of overage will be computed as interest in excess of a 1 percent rate.

III. *Eligibility:* Borrowers may receive interest credits provided the loan (1) was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis (2) is repaid over a period of 40 years; 50 years for a senior citizens loan, and (3) meets the other requirements of this Exhibit subject to the following limitations:

A. Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

B. Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, or to profit organizations and individuals operating on a limited profit basis.

IV. *Options of borrowers:* An eligible borrower may choose Plan I or Plan II, as described below, for determining interest credits on its loan. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted income where utilities are included or 20 percent of the tenant's monthly adjusted income where utilities are not included.

A. *Plan I.*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low-income nonsenior citizens and low and moderate-income senior citizens.

2. A borrower under Plan I generally must:

a. Determine that there is a firm market and continuing demand for rental housing by families within the applicable income limits.

b. Prepare a budget on the basis of a 3 percent loan.

c. Determine rentals to be charged.

B. *Plan II.*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low- and moderate-income nonelderly and senior citizens of any income. Under Plan II interest credits are based on the cost of operating the project and the size and income of the occupant families.

2. A borrower under Plan II, generally must:

a. Prepare two budgets, one on the basis of a 1 percent interest rate loan to determine basic rental, and a second budget on the basis of a loan at the interest rate shown in the promissory note to determine market rental.

b. Determine both basic rental and market rental for the different units based on the two budgets. (See Exhibit J–1)

c. Determine adjusted family income of each tenant and have each tenant complete Form FmHA 444–8, "Tenant Certification." Determine the monthly rent to be paid by each tenant family.

d. Assign a unit of appropriate size for each eligible tenant family based on the number, relationship, and sex of the persons in the household. A family should not be assigned a larger unit than is actually needed.

e. Determine monthly rental payments and interest credits for the total units developed with any one RRH loan. Interest credits will be computed separately for each loan. (See Exhibit J–2.)

f. Execute Form FmHA 444–9, "Certification and Payment Transmittal," each month.

3. The Finance Office will credit the borrower's account with the amount of the interest credit to which the borrower is entitled.

V. *Determining the amount of interest credit:*

A. *Plan I.* The amount of interest credit will be determined by the completion of Form FmHA 444–7. Under this plan, the amount of interest credit will be the difference between the amortized payment shown on the note and the amortized payment computed at 3 percent. Use the amortization factor for the same number of years for the interest credit that was used for computing the regular installment on the note. This same principle will be followed at any time computations are necessary to determine the appropriate interest credit.

B. *Plan II.* The amount of interest credit to be granted will be calculated using the general format as shown in the examples included in Exhibits J–1 and J–2. A State form should be developed similar to Exhibit J–3. The National Finance Office will compute the actual amount of interest to be paid as payments are received.

VI. *Special conditions:*

A. *Leases.*

1. Monthly or annual leases will be executed with each family occupying a rental unit. The State Director should issue state instructions covering any State laws, special conditions or local customs affecting leasing arrangements that may exist in the state. The lease form, for projects operating under Plan II, in addition to other statements outlining the conditions of the lease,

[1] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

[2] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

[3] The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

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should contain the following statement: "I understand and agree that the monthly rental payment under this lease will be $_____. I also understand and agree that my monthly rental payment under this lease may be raised or lowered, based on changes in my income and changes in the number and age of family members living in my household. The rental payment will not, however, be less than $_____ (Basic Rental) nor more than $_____ (Market Rental) during the terms of this lease.

2. Loans will be made on the basis of the units being rented to eligible occupants under Plan I or Plan II as described in paragraph IV of this Exhibit. If in connection with the servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, the State Director may authorize the borrower in writing to rent units to ineligible persons subject to his determining that:

a. The borrower has made a diligent but unsuccessful effort to rent the units to eligible occupants.

b. The borrower will continue to try to find eligible occupants.

c. The units will be rented on a monthly basis and only until they can be rented to eligible persons.

d. The ineligible tenants will be charged a rental surcharge as described in paragraph VI B of this Exhibit.

B. *Rental Surcharges to Ineligible Occupants.* If a unit is rented under paragraph VI A 2 above to an occupant who is ineligible because his income exceeds the maximum income limits, the ineligible occupant will:

1. Under Plan I, be charged a 25 percent rental surcharge. To illustrate, if the unit normally rents for $60 per month, this ineligible occupant would pay $75 per month. The 25 percent surcharge, or $15 in this illustration, would be paid on the account and would be included with, but in addition to, the regular payment on the loan. The monthly interest credit by the FmHA to the Borrower's account would be reduced by the amount of the surcharge.

2. Under Plan II, be charged the market rental.

C. *Vacancies.*

1. When construction is completed and all the units are ready for occupancy, vacant units will be assumed to be rented at the basic monthly rental in computing the interest credits.

2. When all construction is not completed but some of the units are ready for occupancy, and the contractor consents in writing to permit occupancy, the incompleted units will be assumed to be rented at the market monthly rentals in computing the interest credits.

D. *Interest Credit for Projects Under the Department of Housing and Urban Development (HUD) section 23 or 8 Leasing Program.* When all the rental units in an RRH project are leased under the section 23 leasing program, no interest credit will be provided on the loan. When only a part of the units are leased under the section 23 or 8 leasing program, interest credits may be given for the units not so leased. In such cases, the units under the section 23 or 8 lease will be assumed to be rented at the market monthly rental in computing the interest credit. The names and amount of income of the tenants occupying the units under the section 23 or 8 lease are not required in making this computation.

E. *Special Cases.* Cases and situations not covered by this Exhibit will be handled on an individual case basis with instructions from National Office.

F. *Understanding Eligibility.* The borrower should understand the eligibility requirements for occupancy of the housing and that the housing is or will be rented only to eligible occupants unless authorized, in writing, by FmHA. The borrower should understand and agree that with each annual report, described in paragraph X C of FmHA Instruction 430.2, it will include a certification that the housing is occupied only by eligible occupants.

VII. *Execution of agreements:*

A. *Initial Interest Credit Agreement.* Interest credits may become effective at the beginning of the month in which construction is completed on a structure and the units are ready for occupancy. When the project consists of more than one structure, interest credits may become effective for each structure as it is completed and ready for occupancy. When the borrower knows the date the interest credit should become effective, he should notify the County Supervisor and execute Form FmHA 444–7. A separate interest credit Agreement will be executed for each loan the borrower receives.

B. *Change in Interest Credit Plan.* A borrower under Plan I or Plan II may change, if it can meet the requirements of the other plan, by executing a new Interest Credit Agreement during the month of November or December preceding the year in which the new plan will be in effect. Form FmHA 444–7 will be executed during November or December, but will not be effective until the following January 1.

C. *Borrowers Who Are Not Receiving An Interest Credit.* If an eligible borrower did not execute an Interest Credit Agreement in accordance with paragraph VII A above, it may do so during the month of November or December preceding the year for which the Interest Credit is to be received. Form FmHA 444–7 will be executed during November or December, but will not be effective until the following January 1.

VIII. *Tenant Certification:* Tenant certification and recertification for interest credit borrowers will be in accordance with paragraph VIII I of FmHA Instruction 444.5.

IX. *Loan payments:*

EXAMPLE OF INTEREST CREDIT DETERMINATION FOR RRH OR RCH PROJECTS (PLAN II)
$100,000 RRH LOAN—APPROVED DURING 1971 FISCAL YEAR PROJECT CONTAINS FIVE 1-BEDROOM UNITS AND FIVE 2-BEDROOM UNITS

Budgets [1]

Budget for market rent		Budget for basic rent	
Operating, maintenance, vacancy and contingency allowance, and reserve.[2]	$4,524	Operating, maintenance, vacancy and contingency allowance, and reserve.	$4,524
Loan repayment at 7¼ percent interest	7,476	Loan repayment at 1 percent interest $100,000×0.02551.[3]	2,551
Total annual cost. $12,000÷12=$1,000 cost per month. Market rent for 2-bedroom units=$106. Market rent for 1-bedroom units=$94. ($106×5) + ($94×5)=$1,000=monthly income.	12,000	Total annual cost. $7,075÷12=$590.00 cost per month. Basic rent for 2-bedroom units=$65. Basic rent for 1-bedroom units=$53. ($65×5) + ($53×5)=$590=monthly income.	7,075

[1] 2 complete and accurate budgets must be prepared. 1 for the market rent and 1 for the basic rent. (The expens[illegible] items in the budgets shown in this illustration are only for illustration purposes and are not itemized.)

[2] The borrower has the option of paying all utility costs for units except for telephone. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted income where utilities are not included.

[3] Factor for 50 years. If the regular installment on the note was amortized using a factor for less than 50 years, substitute the appropriate factor for a corresponding number of years.

A. *Plan I.*

1. The borrower will make monthly payments in an amount necessary to repay the loan as if the loan carried a 3 percent interest rate. The transmittal of these collections will be handled in accordance with FmHA Instruction 451.2, except that when a rental surcharge is collected as described in paragraph VI B of this Exhibit, the surcharge will be included and will be credited as interest to the account as a regular payment. The special handling of payments involving rental surcharges is explained in paragraph IX A 2 below.

2. When a payment is made for any month that involves a rental surcharge, item 11 of Form FmHA 444-9 will be completed with the amount of the surcharge being inserted in the blank space. This form should be completed and the amount of the interest credit reduced, regardless of whether the surcharge is actually collected by the borrower. The form will be dated and signed by the FmHA representative transmitting the payment to the Finance Office with the original of the form being attached to the transmittal and the copy retained in the County Office file.

B. *Plan II.*

1. The borrower will make monthly payments in an amount necessary to pay the difference between the amount that would be necessary to repay the loan amortized at the interest rate shown in the promissory note and the amount of interest credit as computed.

2. The interest to be credited for any payment period is the difference between the note rate and one percent per annum (1 percent) plus overage. For example, if the computed amount of overage for any payment period is equal to ½ percent per annum (½ percent) of the unpaid balance on a loan with a note rate of 7¼ percent per annum (7¼ percent), the borrower would pay 1½ percent per annum (1½ percent) interest on the loan for that period and receive an interest credit of 5¾ percent per annum (5¾ percent) for that period.

3. With each payment made, the borrower will complete item IA of Form FmHA 444–9. The FmHA representative handling the transmittal to the Finance Office will complete item II of the form. The form will be executed in accordance with the requirements of the Forms Manual Insert.

X. *Servicing:* Any unusual case that cannot be serviced in accordance with this Exhibit should be submitted to the National Office with the facts involved and the State Director's recommendations.

FMHA INSTRUCTION 444.5—EXHIBIT J-2.—*Report on RRH or RCH projects (plan II)* [1]

I. Summary:

Apartment No.	Type	Occupant	Basic monthly rental	Market monthly rental	25 percent of adjusted monthly family income [2]	Tenant's monthly rental payment [3]	Overage
1	1-BR	Jones	$53	$94	$52	$53	$0
2	1-BR	Smith	53	94	60	60	7
3	1-BR	Brown	53	94	75	75	22
4	1-BR	Wilson	53	94	45	53	0
5	1-BR	Bryant	53	94	48	53	0
6	2-BR	Fong	65	106	75	75	10
7	2-BR	Doe	65	106	60	65	0
8	2-BR	(Vacant)	65	106	50	65	0
9	2-BR	Jackson	65	106	80	80	15
10	2-BR	Morales	65	106	55	65	0
		Total	590	1,000	600	644	54

[1] This example of a summary report is for the same project shown in exhibit J-1.

[2] This information is taken from executed copies of form FmHA 444.8, "Tenant Certification." This column should reflect the borrower's option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted family income where utilities are not included.

II. Interest credit calculations:

A. Payment on loan will be amount of payments on 1 percent loan plus overage.	
(1) Payment on loan at 1 percent interest	$2,551
(2) Monthly overage ($54) × 12	648
Total annual payment	3,199

B. Interest credit granted will be different between annual payments by borrower and payment on 7¼ percent loan:
(1) Amortization factor (0.07476)× loan ($100,000) = $7,476 payment on 7¼ percent loan.
(2) $7,476−$3,199 = $4,277 annual interest credit.

[FR Doc.75–2530 Filed 1–28–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75–CE–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal aviation regulations is to alter the Hutchinson, Kansas, control zone.

The Hutchinson, Kansas, control zone serving the Hutchinson Municipal Airport is being changed from a continuous to a 16-hour per day operation. Accordingly, it is necessary to alter the control zone description to reflect its part-time status. The new hours for the Hutchinson control zone will initially be published in advance by a notice to airmen. Thereafter the effective date and times of the control zone and any changes thereto will be continuously published in the Airman's Information Manual.

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended effective 0901 G.m.t., March 27, 1975, as hereinafter set forth:

In § 71.171 (40 FR 354), the following control zone is amended to read:

HUTCHINSON, KANSAS

Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°06'56" N., longitude 97°51'37" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on January 17, 1975.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.75–2618 Filed 1–28–75;8:45 am]

[Airspace Docket No. 75–CE–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal aviation regulation is to alter the St. Joseph, Missouri, control zone.

The St. Joseph, Missouri, control zone serving the Rosecrans Memorial Airport is being changed from a continuous to a 16-hour per day operation. Accordingly, it is necessary to alter the control zone description to reflect its part-time status. The new hours for the St. Joseph control zone will initially be published in advance by a Notice to Airmen. Thereafter the effective date and time of the control zone and any changes thereto will be continuously published in the Airman's Information Manual.

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended effective 0901 G.m.t., March 27, 1975, as hereinafter set forth:

In § 71.171 (40 FR 354), the following control zone is amended to read:

ST. JOSEPH, MISSOURI

Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2-miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2-miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on January 17, 1975.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.75–2617 Filed 1–28–75;8:45 am]

[Airspace Docket No. 74–EA–80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration, Designation and Revocation of Control Zone and Transition Area

On page 43555 of the FEDERAL REGISTER for December 16, 1974, the Federal Aviation Administration published a proposed rule which would alter the Camp Springs, Md. (39 FR 365), Fort Belvoir, Va. (39 FR 380) Control Zones; and Washington, D.C. Transition Area (39 FR 608); and designate a Chantilly, Va. Transition Area; and revoke the Leesburg, Va. Transition Area (39 FR 528).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. March 27, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on January 17, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Camp Spring, Md. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 38°48'39" N., 76°52'02" W. of Andrews AFB, Camp Spring, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 7.5 miles north of the VORTAC; within 2.5 miles each side of the Andrews VORTAC 180° radial, extending from the VORTAC to 7 miles south

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of the VORTAC, excluding the portion within a 1-mile radius of the center 38°44'58" N., 76°55'58" W. of Hyde Field, Clinton, Md., excluding the west portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D.C. Control Zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Fort Belvoir, Va. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 1 mile each side of the Davison AAF localizer southeast course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the extended centerline of Runway 32, extending from the northwest end of Runway 32 to 5 miles northwest, excluding the portion within P-73.

§ 71.181 [Amended]

3. Amend § 71.181 of Part 71 of the Federal Aviation regulations by deleting the description of the Washington, D.C. Transition Area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center 38°51'07" N., 77°02'23" W., of Washington National Airport, Washington, D.C.; within an 11-mile radius of the center of Washington National Airport, extending clockwise from a 022° bearing to a 165° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 210° bearing to a 270° bearing from the airport; within a 12.5-mile radius of the center of Washington National Airport, extending clockwise from a 270° bearing to a 310° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 310° bearing to a 022° bearing from the airport; within 4.5 miles each side of a 317° bearing from the Georgetown, D.C. RBN, extending from the RBN to 5.5 miles northwest; within an 8.5-mile radius of the center, 38°48'39" N., 76°52'02" W., of Andrews AFB, Camp Springs, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 9.5 miles north of the VORTAC; within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 5 miles each side of a 180° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 9.5 miles south; within 5 miles each side of a 081° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 20 miles east; within 3.5 miles each side of the extended centerline of Davison AAF Runway 32, extending from the northwest end of Runway 32 to 9 miles northwest; within 6.5 miles southwest and 4.5 miles northeast of a 134° bearing and a 314° bearing from a point 38°39'41" N., 77°06'37" W., extending from 5.5 miles northwest to 11.5 miles southeast of said point; excluding the portion within P-56 and P-73.

4. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by designating a Chantilly, Va. Transition Area as follows:

CHANTILLY, VA.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 38°56'40" N., 77°27'24" W., of Dulles International Airport, within 3 miles each side of the Armel, Va. VORTAC 292° radial, extending from the VORTAC to 20 miles west; within 5 miles west and 6.5 miles east of the Dulles International Airport Runway 19R ILS localizer course, extending from the OM to 13 miles north; within 6.5 miles east and 4.5 miles west of the Dulles International Airport Runway 19L ILS localizer course extending from 5.5 miles south of the OM to 11.5 miles north of the OM; within 5 miles each side of the Martinsburg, W. Va. VORTAC 176° radial, extending from 15 miles south of the VOR TAC to 28.5 miles south of the VORTAC; within 6.5 miles west and 4.5 miles east of the Dulles International Airport Runway 1R localizer course, extending from the OM to 11.5 miles south; within an 8-mile radius of the center of Leesburg Municipal Airport (Godfrey Field), Leesburg, Va. 39°04'37" N., 77°33'25" W.; within a 6.5-mile radius of the center 38°43'30" N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davis Field), Manassas, Va. within 2 miles each side of a 330° bearing from a point 38°43'36" N., 77°31'18" W., extending from said point to 9.5 miles northwest.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by revoking the Leesburg, Va. Transition Area.

[FR Doc.75-2619 Filed 1-28-75;8:45 am]

[Airspace Docket No. 74-SW-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

On December 18, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 43732) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal aviation regulations that would revoke VOR Federal Airway V-79 which extends from Hobbs, N. Mex., to Lubbock, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

In § 71.123 (40 FR 307) all of V-79 is deleted.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 22, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2616 Filed 1-28-75;8:45 am]

[Airspace Docket No. 74-SW-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On October 23, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 37652) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal aviation regulations that would designate temporary restricted areas in the vicinity of Fort Bliss, Tex., and White Sands, N. Mex., to contain a military joint training exercise Gallant Shield 75. The exercise would extend from April 16, 1975, through April 24, 1975. Those areas with airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. In accordance with the terms of the original notice, the time for public comment was to expire on November 22, 1974. However, subsequent to the publication of the notice in the FEDERAL REGISTER, it was determined that normal distribution of copies of the notice to interested members of the aeronautical public had been delayed. Accordingly, in order to provide sufficient time within which the public could properly comment on the proposals, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 41182) on November 25, 1974, announcing that all comments received on Airspace Docket No. 74-SW-36 on or before December 6, 1974, would be considered by the Federal Aviation Administration before action would be taken on the regulatory action proposed therein.

A total of nine comments were received. Four of the comments contained objections to the proposal. All objections were made from the standpoint that the temporary restricted areas would impose unacceptable hardships upon the civilian community by seriously limiting public access to and utilization of the airspace involved.

In view of the special arrangements being made to accommodate nonparticipants during Gallant Shield 75, the Federal Aviation Administration does not consider that flights will be unduly delayed or inconvenienced. As stated in the original NPRM, leased lines of communications will be installed between appropriate military and FAA facilities to accomplish the orderly and safe ingress/egress of nonexercise traffic. Nonparticipants will be able to obtain clearances for flight within the exercise area through use of a toll free wide area telecommunications service number that is to be published in Part 3A of the Airman's Information Manual (AIM) effective during the exercise period. The Federal Aviation Administration's Southwest Regional Office is also arranging a public briefing for local news media and other local interests during January, 1975. This briefing will further publicize the procedures to be followed by nonparticipants wishing to fly within the temporary restricted areas during the exercise.

Subsequent to publication of the original NPRM, it was determined that some changes should be made to the temporary restricted area descriptions.

These changes and the basis for them are as follows:

1. Inasmuch as daylight saving time will be in effect during the exercise, all time references have been amended to reflect mountain daylight time (MDT) vice mountain standard time (MST).

2. In response to a request from the military forces involved, the time of designation for all the Gallant Shield 75 temporary restricted areas has been terminated at 2359MDT, April 23, 1975. Although only R-5120A-1 and R-5120B are affected by this action, it represents a one day reduction in the length of the exercise.

3. Since the proposed R-5120E may not be required by the military forces in its entirety during all of the exercise, it has been subdivided into two smaller areas, labeled R-5120E-1 and R-5120E-2. Therefore, although the time of designation for both R-5120E-1 and R-5120E-2 is the same as that proposed for R-5120E (altered to MDT as previously noted), R-5120E-1 will be returned to public use whenever exercise activities permit.

4. In view of their geographical locations, the airspace exclusions for Alamogordo, Carrizozo and Ruidoso Municipal Airports, which were originally defined with R-5120E, have been included with the description for R-5120C rather than with that for R-5120E-1 or R-5120E-2.

5. In response to a request from the military forces involved with the exercise, the time of exclusion for the airspace from 500 feet AGL to 12,000 feet MSL, originally contained with the description for R-5120E and now included with that for R-5120E-1, has been extended to 2200 MDT daily vice 2000 daily. The description of the exclusion area has also been corrected to eliminate the repetition therein relative to the airspace within a 15-nautical mile radius of the Roswell VORTAC.

Of the aforementioned changes, all are minor in nature. As they will not increase, and in some instances will reduce the burden on the public, it has been determined that they can be effected by publication in this rule without recourse to additional public notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal aviation regulations are amended, effective 0901 G.m.t. March 27, 1975, as hereinafter set forth.

In § 71.151 (40 FR 343) the following temporary restricted areas are included for the duration of their time of designation from 0600 m.d.t. April 16, 1975, to 2359 m.d.t. April 23, 1975.

1. R-5120A-1 Gallant Shield 75.
2. R-5120A-2 Gallant Shield 75.
3. R-5120B Gallant Shield 75.
4. R-5120C Gallant Shield 75.
5. R-5120D Gallant Shield 75.
6. R-5120E-1 Gallant Shield 75.
7. R-5120E-2 Gallant Shield 75.
8. R-5120G Gallant Shield 75.

In § 73.51 (40 FR 684) the following temporary restricted areas are added:

R-5120A-1 GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 32°08'00" N., Long. 106°-38'00" W.; thence to Lat. 33°13'20" N., Long. 107°09'30" W.; to Lat. 33°21'00" N., Long. 107°08'00" W.; to Lat. 33°26'50" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 106°49'00" W.; thence along the westerly boundaries of R-5107B and R-5107A to Lat. 32°06'20" N., Long. 106°34'00" W.; to point of beginning.

Designated altitudes. 500 feet AGL to FL 280.

Time of designation: 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120A-2 GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 32°08'00" N., Long. 106°-38'00" W.; thence to Lat. 33°13'20" N., Long. 107°09'30" W.; to Lat. 33°21'00" N., Long. 107°08'00" W.; to Lat. 33°26'50" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 106°49'00" W.; thence along the westerly boundaries of R-5107B and R-5107A to Lat. 32°06'20" N., Long. 106°34'00" W.; to point of beginning.

Designated altitudes. FL 280 to FL 350.

Time of designation. 0600 to 1800 m.d.t. daily April 16 and 17, 1975, and 0001 m.d.t. April 18, 1975, to 2359 m.d.t., April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120B GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 32°36'00" N., Long. 106°-06'00" W.; thence to Lat. 32°36'00" N., Long. 106°00'00" W.; thence along the western boundary of R-5103 to Lat. 32°06'00" N., Long. 106°15'30" W.; to Lat. 32°05'00" N., Long. 106°18'20" W.; thence north-northeast along the eastern boundary of R-5107A, R-5107B, R-5107D to point of beginning.

Designated altitudes. Surface to FL 350.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975, and 0001 m.d.t. April 18, 1975, to 2359 m.d.t., April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120C GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 33°31'30" N., Long. 105°27'00" W.; thence to Lat. 32°45'00" N., Long. 105°27'00" W.; to Lat. 32°45'00" N., Long. 105°59'00" W.; to Lat. 32°36'00" N., Long. 106°00'00" W.; to Lat. 32°36'00" N., Long. 106°06'00" W.; to Lat. 32°50'00" N., Long. 106°04'00" W.; to Lat. 33°44'10" N., Long. 106°04'00" W.; to point of beginning; excluding that airspace from 500 feet AGL to 800 feet AGL within 3-nautical miles of the Alamogordo Municipal Airport (Lat. 32°-50'27" N., Long. 105°59'17" W.), the Carrizozo Municipal Airport (Lat. 33°09'00" N., Long. 105°54'00" W.), and the Ruidoso Municipal Airport (Lat. 33°21'29" N., Long. 105°39'44" W.).

Designated altitudes. 500 feet AGL to 23,000 feet MSL.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120D GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 34°17'00" N., Long. 106°-04'00" W.; to Lat. 34°17'00" N., Long. 105°-51'00" W.; to Lat. 33°57'00" N., Long. 105°-27'00" W.; to Lat. 33°31'30" N., Long. 105°27'00" W.; to Lat. 33°44'10" N., Long. 106°04'00" W.; to the point of beginning.

Designated altitudes. 500 feet AGL to 23,000 feet MSL.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120E-1 GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 34°17'00" N., Long. 105°-51'00" W.; to Lat. 34°22'00" N., Long. 103°-55'00" W.; to Lat. 34°10'00" N., Long. 103°-55'00" W.; to Lat. 34°10'00" N., Long. 103°40'00" W.; to Lat. 32°31'00" N., Long. 104°19'00" W.; to Lat. 32°10'00" N., Long. 104°38'00" W.; to Lat. 32°16'00" N., Long. 105°00'00" W.; to Lat. 33°00'00" N., Long. 105°00'00" W.; to Lat. 33°00'00" N., Long. 105°27'00" W.; to Lat. 33°57'00" N., Long. 105°27'00" W.; to point of beginning; excluding that airspace from 500 feet AGL to 12,000 feet MSL during the period 0600 to 2200 MDT daily within an area bounded by a line which is 4-nautical miles north of and parallel to V-280 (Roswell VORTAC 051° radial) extending northeastward from the Roswell VORTAC (Lat. 33°20'15" N., Long. 104°37'15" W.) 15-nautical mile radius area to the eastern boundary of the proposed temporary restricted area, thence southwest along its boundary to a point 4-nautical miles southwest of V-83 (Carlsbad 331°/Roswell 151° radial), thence northwest paralleling V-83 to the Roswell 15-nautical mile radius arc; thence along the 15-nautical mile arc to point of beginning; and excluding that airspace from 500 feet AGL to 800 feet AGL within 3-nautical miles of the Artesia Municipal Airport (Lat. 32°51'05" N., Long. 104°28'05" W.) and the Roswell Industrial Air Center Airport (Lat. 33°17'59" N., Long. 104°31'48" W.).

Designated altitudes. 500 feet AGL to FL 280.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120E-2 GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 33°00'00" N., Long. 106°27'00" W.; to Lat. 33°00'00" N., Long. 105°00'00" W.; to Lat. 32°10'00" N., Long.

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105°00'00" W.; to Lat. 32°10'00" N., Long. 105°30'00" W.; to Lat. 32°00'15" N., Long. 105°56'40" W.; to Lat. 32°26'20" N., Long. 105°30'00" W.; to Lat. 32°33'20" N., Long. 105°30'00" W.; to Lat. 32°45'00" N., Long. 105°52'20" W.; to Lat. 32°45'00" N., Long. 105°27'00" W.; to point of beginning.

Designated altitudes. 500 feet AGL to FL 280.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120F GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 34°39'00" N., Long. 103°55'00" W.; to Lat. 34°22'00" N., Long. 103°55'00" W.; to Lat. 34°21'00" N., Long. 104°11'00" W.; to point of beginning.

Designated altitudes. 500 feet AGL to 14,000 feet MSL.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command, USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120G GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 34°17'00" N., Long. 105°51'00" W.; thence to Lat. 34°22'00" N., Long. 103°55'00" W.; to Lat. 34°10'00" N., Long. 103°55'00" W.; to Lat. 34°10'00" N., Long. 103°40'00" W.; to Lat. 32°31'00" N., Long. 104°19'00" W.; to Lat. 32°10'00" N., Long. 104°38'00" W.; to Lat. 32°10'00" N., Long. 105°30'00" W.; to Lat. 32°00'15" N., Long. 105°56'40" W.; to Lat. 32°26'20" N., Long. 105°30'00" W.; to Lat. 32°33'20" N., Long. 105°30'00" W.; to Lat. 32°45'00" N., Long. 105°52'20" W.; to Lat. 32°45'00" N., Long. 105°27'00" W.; to Lat. 33°57'00" N., Long. 105°27'00" W.; to point of beginning.

Designated altitudes. FL 280 to FL 350.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 22, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2621 Filed 1-28-75;8:45 am]

[Airspace Docket No. 74-GL-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airways

On December 10, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 43091) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter several airways in the Chicago, Ill., area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307, 39 FR 38637, 41518, 41838) is amended as follows:

1. In V-8 "Davenport, Iowa; INT Davenport 067° and Joliet, Ill., 291° radials; Joliet; Chicago Heights, Ill.;" is deleted and "to Davenport, Iowa. From Chicago Heights, Ill.; via" is substituted therefor.

2. In V-9 "Pontiac, Ill.; Joliet, Ill.; INT Joliet 329° and Milwaukee, Wis., 209° radials; Milwaukee; including a W alternate from Pontiac via Pontiac 346° and Milwaukee 209° radials;" is deleted and "Pontiac, Ill.; INT Pontiac 008° and Joliet, Ill., 316° radials; INT Rockford, Ill., 136° and Milwaukee, Wis., 209° radials; Milwaukee;" is substituted therefor.

3. In V-38 "Moline, Ill.; Joliet, Ill.; Peotone, Ill.;" is deleted and "Moline, Ill.; Joliet, Ill.; INT Joliet 173° and Peotone, Ill., 281° radials; Peotone; including a S alternate from Moline to Peotone via INT Moline 062° and Peotone 281° radials;" is substituted therefor.

4. In V-84 all before "Pullman, Mich.;" is deleted and "From Northbrook, Ill.;" is substituted therefor.

5. In V-97 "From Northbrook, Ill.; Janesville, Wis.; Janesville;" is deleted and "From Chicago-O'Hare, Ill.; INT Chicago-O'Hare 316° and Janesville, Wis., 112° radials; Janesville;" is substituted therefor.

6. In V-100 "INT Rockford 080° and Northbrook, Ill., 292° radials;" is deleted and "INT Rockford 082° and Northbrook, Ill., 290° radials;" is substituted therefor.

7. In V-127 "Rockford, Ill." is deleted and "Rockford, Ill.; including an E alternate from Bradford to Rockford via INT Bradford 033° and Rockford 136° radials." is substituted therefor.

8. In V-171 "Peotone, Ill.; Joliet, Ill.;" is deleted and "Peotone, Ill.; INT Peotone 281° and Joliet, Ill., 173° radials; Joliet;" is substituted therefor.

9. In V-172 "Polo, Ill.; Chicago-O'Hare, Ill.;" is deleted and "Polo, Ill.; INT Polo 088° and DuPage, Ill., 283° radials; DuPage; Chicago-O'Hare, Ill.;" is substituted therefor.

10. In V-227 "to Rockford, Ill." is deleted and "INT Pontiac, 332° and Rockford, Ill., 179° radials; to Rockford." is substituted therefor.

11. In V-429 all after "Joliet, Ill.;" is deleted and "INT Joliet 351° and Chicago-O'Hare, Ill., 237° radials; Chicago-O'Hare." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 23, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2615 Filed 1-28-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. OR-88, Amdt. No. 41]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegated Authority of the Director, Bureau of Operating Rights, to Review Filings Under Parts 373 and 378; Erratum

The amended paragraph (ff) of § 385.13 (published at 39 FR 21125, June 19, 1974) includes two references to section "378.10(a)." The first such reference is correct, but the second such reference should be corrected to refer instead to section "378.10(b)."

By the Civil Aeronautics Board:

Effective: July 19, 1974.

Adopted: June 14, 1974.

[SEAL] SIMON J. EILENBERG,
Assistant Chief, Rules and Rates Division.

JANUARY 24, 1975.

[FR Doc.75-2687 Filed 1-27-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 314—NEW DRUG APPLICATIONS

Public Information; Correction

In FR Doc. 74-28688 appearing at page 44602 in the FEDERAL REGISTER of December 24, 1974, the following corrections are made:

1. The word "approval" in § 314.14(d) appearing in the third column on page 44654 was erroneously changed to read "approvable" in a correction published in the FEDERAL REGISTER of December 31, 1974 on page 45215. The word "approval" is correct as originally published.

2. Insert a closing comment date of February 24, 1975.

Dated: January 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2649 Filed 1-28-75;8:45 am]

SUBCHAPTER F—BIOLOGICS

BIOLOGICAL PRODUCTS

Additional Standards for Platelet Concentrate (Human), and Whole Blood (Human)

On January 16, 1974, a notice of proposed rulemaking concerning Additional Standards for Platelet Concentrate (Human) was published in the FEDERAL REGISTER (39 FR 2008). Platelet Concentrate (Human), a biological product requiring a license issued pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262) prior to shipment in interstate commerce, is a blood derivative consisting of human platelets collected from a single donor and suspended in a specified volume of the original plasma. Platelets are small, round, or oval fragments present in the circulating blood which function as one of the very complex clotting mechanisms.

Additional standards are specific requirements pertaining to the manufacture of one particular biological product and supplement the general biologics regulations applicable to the manufacture of all biological products.

Interested persons were given until March 18, 1974 to file written comments with the Hearing Clerk, Food and Drug Administration, regarding this proposal. Fifteen letters, some containing a number of comments, were received. Of particular significance were two comments which stated that the proposed 4-hour storage period for whole blood at a temperature of 20° to 24° C before removal of the platelets, appeared to be at variance with the requirements of the Whole Blood (Human) regulations which require that the whole blood be immediately refrigerated after collection. The effect of using whole blood as a source material for platelets, consistent with the additional standards for platelets, would be to preclude the utilization of the remaining therapeutically important red blood cells each time that platelet concentrate was prepared. The Commissioner recognizes this unintended and undesirable consequence and has amended the Whole Blood (Human) regulations so that production of Platelet Concentrate (Human) will not result in the inefficient use of blood or any of its components such as red blood cells. Pursuant to the Administrative Procedure Act (5 U.S.C. 553(b) and (d)), the Commissioner finds that notice, public procedure, and delayed effective date are unnecessary and contrary to the public interest for the promulgation of this portion of the order. The specific details of this amendment are discussed in comment 9 of this preamble.

Additional comments received, as well as some revisions of the proposed regulations made by the Commissioner, are discussed below.

1. The Commissioner has made several organizational changes in the section numbers and headings of the proposal for purposes of clarity and consistency with the section numbers and headings of other additional standards in Subchapter F. The proposed § 640.21 *Source* has been incorporated into § 640.20 *Platelet concentrate (human)* of the final regulation. The proper name and definition, and the acceptable sources of the product, have been set forth in § 640.20 (a) and (b), respectively. Although this reorganization does not affect the substance of the regulations, the Commissioner has revised the wording of paragraph (a) to clarify the product definition, and has modified paragraph (b) to include the procedure of plateletpheresis as an acceptable source of the product.

The revised § 640.20(a) defines Platelet Concentrate (Human) as "platelets collected from a single donor" rather than "platelets prepared from a single unit of whole blood or plasma." The Commissioner has made this change in view of several comments which expressed the belief that the proposal permitted only one unit of platelets to be collected from a donor each time. The Commissioner did not intend that the regulations be interpreted to limit the preparation of platelets to a single unit from a single donor, but rather to base the limitation as to the number of collectable units upon the procedure by which the blood is collected. For example, one unit of platelets may be derived from one whole blood collection, two units of platelets may be derived from blood collected during a plasmapheresis procedure, while more than two platelet units may be collected during a plateletpheresis procedure. Paragraph (b) of § 640.20 has been clarified to specify the three collection procedures accepted by the Commissioner for obtaining the blood or plasma from which platelets are subsequently to be separated for the preparation of Platelet Concentrate (Human).

Inasmuch as the proposed §§ 640.20 and 640.21 have been combined in the manner indicated, the succeeding sections of the proposal have been renumbered in the final order. Subsequent discussion of the comments will therefore refer to the new section numbers.

2. One comment focused upon paragraph (b) of § 640.21 *Suitability of donors*, and objected to the inclusion of a requirement from the Source Plasma (Human) regulations under § 640.63(c)(5) (21 CFR 640.63(c)(5)), which specifies that the protein level of a plasmapheresis donor must be no less than 6.0 grams per 100 milliliters of serum. In the opinion of the commentor, donor suitability for platelets is essentially unrelated to serum protein levels.

This comment assumes that the removal of platelets constitutes such a small volume of protein loss that stringent monitoring of the protein level of a plasmapheresis donor whose plasma will be used to prepare platelets is unimportant. The Commissioner disagrees. It should be emphasized that when a donor is plasmapheresed, he loses two units of plasma, regardless of whatever product is made from the plasma. Consequently, the Commissioner deems it essential that the protein level of an individual who is plasmapheresed be consistently maintained at a level not less than 6.0 grams per 100 milliliters of serum, as required in § 640.63(c)(5), to provide maximum donor protection.

3. Inasmuch as the Commissioner has included plateletpheresis as an acceptable means of collecting plasma to be used as source material for the preparation of Platelet Concentrate (Human), he has also added a new paragraph (c) to § 640.21, to include a requirement that plateletpheresis donors meet criteria for suitability as described in a license application, or an amendment to a product license, which has received the written approval of the Director, Bureau of Biologics, Food and Drug Administration. This approach to plateletpheresis donor suitability has been adopted so as to encourage flexibility in the utilization of the plateletpheresis procedure, while also ensuring that adequate safeguards will be available to protect donor health.

4. Two comments concerned paragraph (b) of § 640.22 *Collection of source material*, and objected to the inclusion of the reference to the Source Plasma (Human) regulations under § 640.65(b) (4) and (5) (21 CFR 640.65(b) (4) and (5)) limiting the amount of plasma that may be collected from a plasmapheresis donor during both a 48-hour and a 7-day period. The objections were based on the assertion that this requirement would unduly limit the preparation of platelet concentrates from plasmapheresis donors to two units per plasmapheresis procedure, and limit that procedure to only twice weekly.

This is precisely the Commissioner's intention and he wishes to restate his belief that products such as Platelet Concentrate (Human), as valuable as they are, should not be produced at the expense of donors.

Furthermore, on the basis of some of the comments received, it appears that the plasmapheresis procedure is being confused with that of plateletpheresis. Plasmapheresis is a procedure in which whole blood is removed from a donor, the plasma is separated from the formed elements, and the formed elements are then returned to the donor. This procedure may be performed twice in one visit, consequently resulting in the loss of two units of plasma by the donor, with the concomitant loss of an appreciable amount of protein by that donor. Plateletpheresis is similar to plasmapheresis, except that plateletpheresis involves the return to the donor of his plasma, except for his platelets, as well as the formed elements of his blood. Inasmuch as this plateletpheresis procedure involves the return to the donor of substantially all of his plasma, the plateletpheresis procedure results in far less protein loss by the donor for each platelet concentrate unit drawn, as contrasted with platelet collection through plasmapheresis. Thus, the number of platelet concentrate units which may be safely drawn from a donor depends upon whether the units are produced through whole blood collection, plasmapheresis, or plateletpheresis.

It should also be noted that the Commissioner, in order to clarify the status of plateletpheresis, has added a new paragraph (c) to § 640.22 in order to permit an establishment to collect source material for platelets by plateletpheresis, provided the procedure has received written approval from the Director, Bureau of Biologics, Food and Drug Administration. Accordingly, the originally proposed paragraph (c) has been redesignated as paragraph (d).

5. Two other comments concerned § 640.22(b), and stated that the inclusion in that paragraph of a reference to § 640.64 (21 CFR 640.64) with respect to the collection of plasma by plasmapheresis eliminated the possibility of using the acidification method for obtaining proper pH in low temperature platelet processing. The acidification method involves the expression of 15 milliliters of anticoagulant acid citrate

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dextrose solution (ACD) from the whole blood collection bag of a double bag assembly into the satellite bag into which the platelet rich plasma is subsequently expressed. The acidity of the platelet rich plasma, and ultimately the platelet concentrate, is therefore lowered by the addition of the 15 milliliters of ACD for subsequent storage at a 2-degree range between 1° and 6° C. The removal of 15 milliliters of ACD solution from the whole blood collection bag, however, clearly alters the ratio of ACD anticoagulant solution to blood.

The Commissioner does not believe that the acidification method is in such general usage as to warrant making the proposed change. Furthermore, the Commissioner believes that the regulations as originally proposed are adequate to maintain the proper pH of platelet concentrates prepared for low temperature storage, without the necessity of altering the well established ratio of blood to anticoagulant as suggested by the comments in support of the acidification method.

6. One comment concerned paragraph (a) of § 640.23 *Testing the blood*, and suggested that it is not necessary to determine the blood group designations of the blood from which the platelets are derived because ABO group specificity has little bearing on the safety, purity, or potency of platelet preparations. The comment further stated that inasmuch as it is a universal practice that blood or any blood product be labeled with the ABO group, the testing and labeling requirement for ABO blood grouping should not be deleted, but rather that an explanatory statement be included in the labeling to the effect that ABO compatibility may be ignored.

The Commissioner rejects this suggestion. He believes that labeling is an important factor in safely administering blood products and the user must be aware of the blood group designation so that platelets may be administered to recipients of the same blood group as the donor. Furthermore, while the labeling provisions do not require that the label on a unit of platelets must bear a caution to perform a compatibility test before using, the Commissioner does not believe it is in the best interest of good blood banking practice to advise the user to ignore a test which many people feel is necessary for complete patient safety.

7. The Commissioner has editorially revised paragraph (a) of § 640.24 *Processing* by deleting language requiring the processing to be performed by a method precluding contamination. Inasmuch as the regulations clearly require platelets to be prepared in a closed system, such language is redundant and therefore unnecesary.

8. A comment concerning paragraph (a) of § 640.24 was directed toward the final container provisions, and suggested that pooling of platelets in the final container during preparation be permitted. Another comment was directed towards the check on sterile technique appearing in proposed § 640.25(b)(4) and suggested that a prohibition against pooling of platelet concentrates prior to storage would more effectively ensure sterility than the proposed check on sterile technique.

It is the intent of the Commissioner to prohibit pooling of the platelets during preparation to preclude the possibility of contamination. The language of the proposal, which stipulated that platelets be prepared from a single unit of whole blood or plasma, was designed to produce this effect. However, inasmuch as the language of the proposal has been revised in the final order, the Commissioner is adding an explicit prohibition against pooling platelet concentrates during processing by adding an appropriate sentence to paragraph (a) of § 640.24. If pooling is deemed necessary by the user of the platelets, to provide more suitably for an individual patient's needs, it should be done immediately prior to administration of the platelets.

9. Two comments concerning paragraph (b) of § 640.24 stated that the proposed 4-hour storage period of whole blood at a temperature of 20° to 24° C before removal of the platelets is at variance with the requiremcnt of § 640.4(i) (21 CFR 640.4(i)) of the Whole Blood (Human) regulations that whole blood be immediately refrigerated after collection. The comments expressed further concern that this inconsistency would preclude the utilization of the remaining red blood cells as a therapeutic product after removal of the platelets, inasmuch as the regulations governing the preparation of Red Blood Cells (Human) reference the requirements of § 640.4 of the Whole Blood (Human) regulations.

The Commissioner is aware of the critical shortage of whole blood donors and does not believe it is in the interest of the public health to promulgate a regulation leading to a situation in which blood banks are compelled unnecessarily to discard useful blood components. Rather, the Commissioner believes the blood banks should be free to prepare as many components as is safely possible from each unit of blood, so as to maximize the utilization of this vital national resource. This is entirely consistent with the National Blood Policy, as enunciated by the Secretary of Health, Education, and Welfare. Moreover, the Commissioner does not believe that the safety, purity or potency of Red Blood Cells (Human) will be affected by the utilization of the red blood cells remaining after the removal of platelet concentrates from whole blood which has been maintained at a temperature of 20° to 24° C for 4 hours or less.

Accordingly, the Commissioner is amending paragraph (i) of § 640.4 of the Whole Blood (Human) regulations to permit blood from which platelet concentrates are to be removed to remain in an environment maintained at a temperature of 20° to 24° C until such removal. Correspondingly, § 640.22(a) has been amended to eliminate the exception provided for in § 640.4(i) in view of the proviso added to the Whole Blood (Human) regulations.

The usual procedure of publishing a proposal to amend § 640.4(i), with time for comment, has ben dispensed with, as permitted by the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), in light of the Commissioner's finding of the necessity to prevent the waste of an important therapeutic product such as red blood cells because of the adoption of these standards for platelet concentrate. Nevertheless, 30 days are provided for comment concerning this amendment to § 640.4(i) of the Whole Blood (Human) regulations, as applied to the preparation of Platelet Concentrate (Human). The Commissioner will expeditiously consider these comments and may publish further modification of this provision if necessary.

10. Another comment concerning paragraph (b) of § 640.24 expressed the view that 4 hours is an unreasonably long time to be allowed for the preparation of platelets from whole blood.

The Commissioner would agree with this comment if all platelet preparations were manufactured from blood collected in close proximity to the processing laboratory. However, the Commissioner is aware that to obtain sufficient blood to meet the public need, large volumes of whole blood often must be collected at sites which are removed from the processing laboratory. To permit such collections, while allowing for reasonable transportation time, the Commissioner has set the time limit of platelet preparation to 4 hours. He feels that this time allowance will have no effect whatever upon the safety, purity, and potency of the product.

11. Two additional comments concerning paragraph (b) of § 640.24 suggested that the 4-hour time period, during which the platelet concentrate must be separated from the whole blood or plasma, should apply only to the separation of platelet-containing plasma from whole blood, and not to the total separation of platelet concentrates from platelet rich plasma. The comments further suggested that the separation of platelet rich plasma from cells into a double bag, and subsequent storage at a 2-degree range between 1° and 6° C until separation of the platelets from the plasma, should be permitted.

The Commissioner is compelled to reject these comments, inasmuch as he is unaware of evidence indicating that platelets prepared from platelet rich plasma which has been stored at a 2-degree range between 1° and 6° C for up to 72 hours, are as safe, pure, and potent as are those platelets which are separated immediately from platelet rich plasma. If adequate data is submitted to substantiate that this practice does not adversely affect the quality of the product, the Commissioner will reconsider his position.

12. The Commissioner has revised paragraph (b) of § 640.24 to clarify the storage temperature of the blood or plasma from which the platelet concentrate is separated. The revised paragraph provides that the whole blood or plasma from which Platelet Concentrate (Human) is derived be held in an environment maintained at a temperature range of 20° to 24° C until the platelet concentrate is separated. As originally proposed, the paragraph could be misinterpreted to mean that the blood or plasma itself should be kept at the specified temperature, rather than the environment in which the blood or plasma is processed.

13. Nine comments stated that the proposed platelet count of 8 x 10^{10} platelets per unit, set forth in paragraph (c) of § 640.24, was unreasonably high. Furthermore, an additional comment on this paragraph suggested that the wording of the platelet concentrate requirement be more general in nature, setting only a lower limit inasmuch as this limit is the one of relevance to product quality.

The Commissioner concurs and § 640.24(c) of the final regulation has been amended to require that the platelet count be not less than 5.5 x 10^{10} platelets per unit.

14. A further comment regarding paragraph (c) of § 640.24 pointed out that the term "nonhemolyzed," a term applicable to red blood cells, should not be used in reference to platelets, and suggested instead the term "without visual hemolysis."

The Commissioner accepts the suggestion, but has substituted the word "visible" for "visual."

15. The Commissioner has made an additional nonsubstantive change in paragraph (c) of § 640.24 of the final order. The Commissioner has amended the beginning of that paragraph to indicate that the time and speed of centrifugation must have been demonstrated to produce an unclumped product, rather than that it merely be designed to do so. This change has been made to be consistent with the biological product licensing system, whereby such a demonstration must be made prior to issuance of a product license for platelet concentrate.

16. Two comments regarding paragraph (d) of § 640.24 suggested that the permissible pH value of stored platelets should be lowered from the proposed pH of 6.3 to 6.

Since published data support the fact that a pH of 6 or greater will maintain the platelet concentrates in their normal discrete configuration, the Commissioner concurs with the suggestion that the pH value for stored platelets be safely lowered from pH 6.3 to 6, provided the requirement is expressed in terms of a minimum value. Therefore, § 640.24(d) of the final order has been amended to require that the volume of original plasma used for resuspension of the platelets shall maintain them at a pH of not less than 6 during the storage period.

17. One comment regarding paragraph (d) of § 640.24 suggested the final order clarify that the storage temperature of the product must be maintained continuously and also suggested that the regulations prohibit the switching of units from one approved storage temperature to another.

The Commissioner agrees with this suggestion, and since the storage temperature and plasma volume are related, the final order specifies that only one storage temperature and the appropriate volume of resuspension plasma shall be permitted for each individual platelet unit.

18. Another comment suggested that paragraph (d) of § 640.24 be amended so that platelets could be prepared in the "dry" state, which was defined by the commentor as having 2 to 3 milliliters of original plasma remaining with the platelet concentrate. The reason given for preparing the platelet concentrates in such a small quantity of plasma was to ensure that the platelets might be given heterogeneously without the possibility of stimulating the production of immune anti-A or anti-B antibodies in the platelet recipient.

The Commissioner believes that platelet concentrates should not be processed in a manner that enables them to be give in a manner that enables them to be given heterogeneously. Furthermore, he does not have sufficient information to determine if the pH of "dry" platelets could be maintained at the proper level throughout the dating period. Therefore, the Commissioner does not believe the final order should be revised to permit widespread use of "dry" platelet concentrates, in the manner suggested.

19. Two additional comments regarding paragraph (d) of § 640.24 stated that the final order should include a provision to limit the number of red blood cells in the platelet concentrates.

Because of a lack of consensus by the scientific community regarding the number of red blood cells that should be permitted to be present in platelet concentrates, the Commissioner will not attempt, at this time, to define allowable red blood cell limits. When adequate data are available on the subject, the Commissioner will consider the inclusion of such limits in the regulations. Therefore no change is necessary in the final order.

20. One comment regarding paragraph (d) of § 640.24 stated that, inasmuch as the pH at the storage temperature is the critical factor in platelet preservation, the regulations should specify that the pH be measured at the storage temperature. Another comment suggested that the requirement should state that the pH shall be measured at 20° to 24° C, regardless of the storage temperature, because refrigerated platelets will have reached room temperature at varying periods of time sufficient to cause damage to the platelets if the pH is below 6.

The Commissioner agrees that the pH should be measured at a specified temperature. Since § 640.24(d) deals with maintaining the platelet concentrate at the proper pH during the storage period to minimize damage to the platelets, the Commissioner concludes that the final regulation shall specify that the pH be measured on a sample of platelet concentrates which is at the storage temperature.

21. One comment regarding paragraph (a) of § 640.25 *General requirements* suggested that the continuous gentle agitation provision for platelets stored at 20° to 24° C may be misinterpreted to prohibit the agitation of platelets stored at a 2-degree range between 1° and 6° C, inasmuch as the latter storage temperature was not specifically mentioned in the proposal.

The Commissioner concludes that agitation of platelets stored at a 2-degree range between 1° and 6° C is permissible and has so indicated in the final order.

22. Six comments suggested that proposed § 640.25(b)(4), which would have required that a check on sterile technique be performed on four platelet concentrate units per month, be deleted. The reason given was that since Platelet Concentrate (Human) is prepared in a closed system, and the check on sterile technique requirement has been discontinued for other similarly prepared products, such a requirement seems unnecessary for platelet concentrates.

The Commissioner agrees with these comments, and the proposed § 640.25(b)(4) has been deleted from the final order.

23. Four comments expressed the belief that paragraph (b)(1) of § 640.25 should be revised to require that the platelet count for quality control testing be performed at the time of preparation of the platelets, as well as at 72 hours after preparation as proposed.

The Commissioner agrees that a platelet count at the time of preparation, as well as a count after 72 hours, would lead to a more valid assessment of the quality of the platelet concentrate preparations. Section 640:25(b)(1) in the final order has been revised accordingly. Also, in conjunction with the quality control testing and in the interest of clarity, the Commissioner has inserted a statement in § 640.25(b) to specify that, if the results of the quality control testing indicate that the product does not meet the prescribed requirements, immediate corrective action shall be taken and a record maintained of such action.

24. An amendment has been made by the Commissioner to proposed paragraph (c) of § 640.25 to permit all quality control testing pursuant to § 640.25(b) to be performed at an establishment other than the one manufacturing the platelet concentrate, rather than limiting such outside testing only to the platelet count as originally proposed.

The Commissioner believes that outside clinical laboratories often have better equipment and greater expertise to perform accurate quality control testing than the platelet concentrate processing laboratory, and therefore wishes to make utilization of such facilities available insofar as it will lead to a higher quality product. Therefore, in the final regulation outside quality control testing is permited, provided the arrangements are approved by the Director, Bureau of Biologics, Food and Drug Administration.

25. Inasmuch as the Commissioner has expanded the provisions for outside test-

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ing as discussed above in comment 24, which will likely result in utilization of outside testing by more platelet concentrate processing laboratories, he believes that a reasonable time limit should be specified in which the test results must be received by the platelet processing laboratory. If a time limit is not set, the value of permitting outside testing is diminished, since the results cannot be immediately evaluated to correct any deficiencies in processing.

The Commissioner therefore has added to § 640.25(c)(1) the requirement that the test results performed by an outside clinical laboratory be received by the platelet processing laboratory within 10 days of the preparation of the platelet concentrate.

26. A comment concerning paragraphs (b) and (c) of § 640.26 *Labeling* stated that the definition of Source Plasma (Human) in § 640.60 (21 CFR 640.60) appears to preclude the use of the designation "source plasma" in the context of these sections.

Although the words "source plasma" in § 640.26 (b) and (c) are used in a generic sense, the Commissioner believes that it would be less confusing to use another term, and in the final regulation, has substituted the words "original plasma" for "source plasma."

27. Another comment concerning § 640.26 suggested that a statement should appear on the label of those platelet concentrates which have been stored at a 2-degree range between 1° and 6° C, instructing the user to bring the platelets to room temperature before mixing and administering.

The Commissioner is not aware of any evidence to support the necessity for such a requirement, and none was provided in the comment. Therefore, he cannot at this time require that the labeling contain those instructions.

28. One comment regarding paragraph (j) of § 640.26 indicated that the labeling instruction to use the product within 2 hours after entering the final container did not afford sufficient time for a regional blood center to pool and deliver platelets to a hospital, and for the hospital to handle the platelets prior to their being transfused. The commentor suggested 4 hours would be sufficient time.

The Commissioner agrees that such services of a regional blood center must not be curtailed, and the final order is therefore being revised to permit 4 hours to elapse between entering a final container and subsequent transfusion. However, the Commissioner does not believe that all situations require 4 hours for such purposes and therefore the final order states that the container label bear instructions requiring that the platelets be used as soon as possible, but in no event longer than 4 hours after entering the final container.

29. Proposed § 640.28 *Plateletpheresis* has been deleted by the Commissioner in the final order, because all applicable requirements for processing platelet concentrates by plateletpheresis have been incorporated into other sections of the regulations, namely, §§ 640.20(b), 640.21 (c), and 640.22(c).

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702 et seq.), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 600, 610, and 640 of Subchapter F of Chapter I of Title 21, Code of Federal Regulations, are amended as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

§ 600.13 [Amended]

1. In § 600.13 by adding immediately after the words "Cryoprecipitated Antihemophilic Factor (Human)," the words "Platelet Concentrate (Human),".

2. In § 600.15 by alphabetically inserting in the listing in paragraph (a) an additional temperature listing as follows:

§ 600.15 Temperatures during shipment.

(a) . . .

Product	Temperature
Platelet Concentrate (Human)	Between 20° and 24° C if suspended in 30 to 50 milliliters of plasma, or between 1° and 10° C if suspended in 20 to 30 milliliters of plasma.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.12 [Amended]

3. In § 610.12 by adding in paragraph (g)(4) immediately after the words, "Cryoprecipitated Antihemophilic Factor (Human)," the words, "Platelet Concentrate (Human),".

4. In § 610.53 by adding alphabetically to the list of dating periods a new listing for Platelet Concentrate (Human) as follows:

§ 610.53 Dating periods for specific products.

Platelet Concentrate (Human).	72 hours from time of collection of source blood, provided labeling recommends storage at 20° to 24° C or within a 2-degree range of 1° to 6° C. § 610.51 does not apply.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

5. In § 640.4 by revising paragraph (i) to read as follows:

§ 640.4 Collection of the blood.

(i) *Storage.* Immediately after collection, unless the blood is to be used as a source for Platelet Concentrate (Human) it shall be placed in storage within a 2-degree range between 1° and 6° C, unless it must be transported from the donor clinic to the processing laboratory. In the latter case the blood shall be placed in temporary storage having sufficient refrigeration capacity to cool the blood continuously toward a 2-degree range between 1° and 6° C until it arrives at the processing laboratory where it shall be stored within a 2-degree range between 1° and 6° C. Blood from which Platelet Concentrate (Human) is to be prepared shall be held in an environment maintained at a temperature range of 20° to 24° C until the platelet concentrates are separated. The red blood cells shall be placed in storage at a 2-degree range between 1° and 6° C immediately after the platelet concentrates are separated.

6. By adding a new Subpart C to read as follows:

Subpart C—Platelet Concentrate (Human)

Sec.
640.20 Platelet Concentrate (Human).
640.21 Suitability of donors.
640.22 Collection of source material.
640.23 Testing the blood.
640.24 Processing.
640.25 General requirements.
640.26 Labeling.

§ 640.20 Platelet Concentrate (Human).

(a) *Proper name and definition.* The proper name of this product shall be Platelet Concentrate (Human). The product is defined as platelets collected from a single donor and suspended in a specified volume of the original plasma.

(b) *Source.* The source material for Platelet Concentrate (Human) shall be plasma which may be obtained by whole blood collection, by plasmapheresis, or by plateletpheresis.

§ 640.21 Suitability of donors.

(a) Whole blood donors shall meet the criteria for suitability prescribed in § 640.3.

(b) Plasmapheresis donors shall meet the criteria for suitability prescribed in § 640.63, excluding the phrase "other than malaria" in paragraph (c)(9). Informed consent shall be required as prescribed in § 640.61.

(c) Plateletpheresis donors shall meet criteria for suitability as described in a license application or an amendment to the product license, and must have the written approval of the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.22 Collection of source material.

(a) Whole blood used as the source of Platelet Concentrate (Human) shall be collected as prescribed in § 640.4 except that paragraphs (d)(2), and (h) shall not apply.

(b) If plasmapheresis is used, the procedure for collection shall be prescribed in §§ 640.62, 640.64 (except paragraph (c)(3)), and 640.65.

(c) If plateletpheresis is used, the procedure for collection shall be as described in a license application or an amendment to a product license, and must have the written approval of the Director, Bureau

of Biologics, Food and Drug Administration.

(d) The phlebotomy shall be performed by a single uninterrupted venipuncture with minimal damage to, and minimal manipulation of, the donor's tissue.

§ 640.23 Testing the blood.

(a) Blood from which plasma is separated for the preparation of Platelet Concentrate (Human) shall be tested as prescribed in § 610.40 of this chapter and § 640.5 (a), (b), and (c).

(b) The tests shall be performed on a sample of blood collected at the time of collecting the source blood, and such sample container shall be labeled with the donor's number before the container is filled.

§ 640.24 Processing.

(a) Separation of plasma and platelets and resuspension of the platelets shall be in a closed system. Platelet Concentrate (Human) shall not be pooled during processing.

(b) Whole blood or plasma from which Platelet Concentrate (Human) is derived shall be held in an environment maintained at a temperature range of 20° to 24° C until the platelet concentrate is separated. The platelet concentrate shall be separated within 4 hours after the collection of the unit of whole blood or plasma.

(c) The time and speed of centrifugation must have been demonstrated to produce an unclumped product, without visible hemolysis, that yields a count of not less than 5.5×10^{10} platelets per unit in at least 75 percent of the units tested.

(d) The volume of original plasma used for resuspension of the platelets shall be determined by the storage temperature, so that it will maintain a pH of not less than 6 during the storage period. The pH shall be measured on a sample of platelet concentrates which is at the selected storage temperature. One of the following storage temperatures and corresponding volume of resuspension plasma shall be used continuously:

(1) 20° to 24° C resuspended in 30 to 50 milliliters of plasma.

(2) A 2-degree range between 1° and 6° C resuspended in 20 to 30 milliliters of plasma.

(e) Final containers used for Platelet Concentrate (Human) shall be colorless and transparent to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents, under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, potency, or efficacy of the product. At the time of filling, the final container shall be marked or identified by number so as to relate it to the donor.

§ 640.25 General requirements.

(a) *Storage.* Immediately after processing, Platelet Concentrate (Human) shall be placed in storage at the temperature range suitable to the volume of resuspension plasma. If stored at 20° to 24° C, a continuous gentle agitation of the platelet concentrate shall be maintained throughout the storage period. Agitation is optional if stored at a 2-degree range between 1° and 6° C.

(b) *Quality control testing.* Each month four units prepared from different donors shall be tested as follows:

(1) Platelet count—at time of preparation and 72 hours after preparation.

(2) pH determination—72 hours after preparation.

(3) Measurement of actual plasma volume—72 hours after preparation. If the results of the quality control testing indicate that the product does not meet the prescribed requirements, immediate corrective action shall be taken and a record maintained of such action.

(c) *Manufacturing responsibility.* All manufacturing of Platelet Concentrate (Human) shall be performed at the same licensed establishment, except that the quality control testing under paragraph (b) of this section may be performed by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a) and is qualified to perform platelet counts. Such arrangements must be approved by the Director, Bureau of Biologics, Food and Drug Administration. Such testing shall not be considered as divided manufacturing, as described in § 610.63 of this chapter, provided the following conditions are met:

(1) The results of each test are received within 10 days of the preparation of the platelet concentrate, and are maintained by the establishment licensed for Platelet Concentrate (Human) so that they may be reviewed by an authorized representative of the Food and Drug Administration.

(2) The licensed Platelet Concentrate (Human) manufacturer has obtained a written agreement that the testing laboratory will permit an authorized representative of the Food and Drug Administration to inspect its testing procedures and facilities during reasonable business hours.

(3) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

§ 640.26 Labeling.

In addition to the applicable requirements of § 610.62 of this chapter, and in lieu of the requirements of §§ 610.60 and 610.61 of this chapter, the container label shall bear the following information:

(a) The proper name of the product.

(b) A statement indicating the volume of original plasma present.

(c) A statement indicating the kind and volume of anticoagulant solution present in the original plasma.

(d) Blood group designations of the source blood.

(e) Donor number.

(f) Expiration date and hour.

(g) Type of serologic test for syphilis used and the results.

(h) Type of test for hepatitis B antigen used and the results.

(i) Recommended storage temperature, and if stored at 20° to 24° C, instructions to maintain a continuous gentle agitation during storage.

(j) Instructions to use as soon as possible but not more than 4 hours after entering the container.

(k) Instructions to use a filter in the administration equipment.

(l) A statement to see instruction circular for directions for use.

(m) The statement, "Caution: Federal law prohibits dispensing without prescription."

(n) Name, address, and license number of the manufacturer.

Effective date. This order shall be effective on February 27, 1975. Interested persons may, on or before February 27, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding the amendment to § 640.4(i). Comments received will be available for public inspection at the above office during working hours, Monday through Friday. Any changes in this order justified by such comments will be the subject of a further order amending the specific regulations involved.

(Sec. 351, Pub. L. 410, 58 Stat. 702 as amended (42 U.S.C. 262); 5 U.S.C. 553, 702 et seq.)

Dated: January 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–2652 Filed 1–28–75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 221—OPERATION AND MAINTENANCE CHARGES

Ahtanum Indian Irrigation Project; Water Charges

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 41534 of the FEDERAL REGISTER of November 29, 1974 (39 FR 231), there was published a notice of intention to modify § 221.2 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Ahtanum Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments,

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suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the penalty rate for delinquent operation and maintenance accounts for the Ahtanum Indian Irrigation Project. The 1.5 percent rate shall be applied to unpaid assessements charged for Calendar Year 1975 and subsequent years. The 0.5 percent rate shall remain in effect on all previously billed unpaid charges.

The modified § 221.2 shall read as set forth below and become effective February 28, 1975.

§ 221.2 Time of payment.

The charges as fixed in this part shall become due April 1 of each year, and are payable on or before that date. To all the charges assessed against owners of patent in fee lands not paid on July 1 of the year in which they fall due, there shall be added a penalty of one and one half percent per month, or fraction thereof, from April 1 of that year, so long as the delinquency continues.

FRANCIS E. BRISCOE,
Area Director.

JANUARY 22, 1975.

[FR Doc.75-2608 Filed 1-28-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Irrigation Project; Basic and Other Water Charges

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 41534 of the FEDERAL REGISTER of November 29, 1974, (39 FR 231), there was published a notice of intention to modify § 221.33 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Fort Hall Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024) and August 31, 1954 (68 Stat. 1026).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the penalty rate for delinquent operation and maintenance accounts for the Fort Hall Irrigation Project. The 1.5 percent penalty rate shall be applied to unpaid assessments charged for Calendar Year 1975 and subsequent years. The 0.5 percent rate shall remain in effect on all previously billed unpaid charges.

The modified § 221.33 shall read as set forth below and become effective February 28, 1975.

§ 221.33 Payments.

The assessments fixed in § 221.32 shall become due on April 1 of each year, and are payable on or before that date. To all assessments against lands in non-Indian ownership, and against lands in Indian ownership which do not qualify for free water under § 221.34, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one half percent per month or fraction thereof, from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34, an approved lease must be on file at the Fort Hall Agency.

FRANCIS E. BRISCOE,
Area Director.

JANUARY 22, 1975.

[FR Doc.75-2609 Filed 1-28-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project; Basic and Other Water Charges

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 41534 of the FEDERAL REGISTER of November 29, 1974, (39 FR 231), there was published a notice of intention to modify § 221.87 of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Wapato Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the penalty rate for delinquent operation and maintenance accounts for the Wapato Indian Irrigation Project. The 1.5 percent penalty rate shall be applied to unpaid assessments charged for Calendar Year 1975 and subsequent years. The 0.5 percent rate shall remain in effect on all previously billed unpaid charges.

The modified § 221.87 shall read as set forth below and become effective on February 28, 1975.

§ 221.87 Time of payment.

The charges fixed by § 221.86 shall become due April 1, of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1, following, there shall be added a penalty of one and one-half percent for each month or fraction thereof, from the due date until the charges shall have been paid.

FRANCIS E. BRISCOE,
Area Director.

JANUARY 22, 1975.

[FR Doc.75-2610 Filed 1-28-75;8:45 am]

PART 221—OPERATIONS AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Montana

On Pages 43228 and 43229 of the FEDERAL REGISTER of December 11, 1974, Volume 39, No. 239, there was published a notice of intention to amend §§ 221.130 and 221.131 of Title 25, Code of Federal Regulations. The purpose of the amendment was to increase the annual Operation and Maintenance rate from $3.00 to $4.50 per acre and the assessment rate for excess water from $1.67 to $2.50 per-acre foot.

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404—79th Congress, 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U.S.C. 385; 39 Stat. 142; and 45 Stat. 210; U.S.C. 387) and by virtue of authority delegated to the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 FR 637, January 16, 1969 and by authority delegated to the Superintendent by the Area Director April 30, 1971, Release 10–2, 10 BIAM 7.0, Sections 2.70–2.75, notice is hereby given to modify §§ 221.130 and 221.131 of the Blackfeet Indian Irrigation Project. This amendment to be effective for the irrigation season of 1975 which begins April 1, 1975 and thereafter until further notice.

Due notice was published in three local newspapers. Interested groups and individuals were given time to submit written comments, suggestions or objections with respect to the proposed amendments. After full consideration of comments and objections received, the amended regulations are adopted as set forth below:

Sections 221.130 and 221.131 are revised as set forth below:

§ 221.130 Basic assessment.

Pursuant to the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of Operation and Maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1975 and subsequent years until further notice is hereby fixed at $4.00 per acre per annum for the delivery of not to exceed one and one-half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

§ 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of $2.22 per acre foot or fraction thereof.

GEORGE C. SHELHAMER,
Superintendent.

[FR Doc.75-2674 Filed 1-28-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74–22]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

AIWW & Hillsboro Inlet, Florida

This amendment changes the regulations for the drawbridge across Hillsboro Inlet and two drawbridges across the AIWW (the Northeast 14th Street bridge and the Atlantic Boulevard bridge, both at Pompano Beach). The draw of the Hillsboro Inlet bridge shall open on signal from 6 p.m. to 7 a.m. From 7 a.m. to 6 p.m. the draw shall open on signal every 15 minutes (i.e. 7–7:15—7:30–7:45, etc.) if any vessels are waiting to pass. The draw of the N.E. 14th Street bridge shall open on signal from 6 p.m. to 7 a.m. From 7 a.m. to 6 p.m. the draw shall open on signal on the quarter hour and three-quarter hour if any vessels are waiting to pass. The draw of the Atlantic Boulevard bridge shall open on signal from 6 p.m. to 7 a.m. From 7 a.m. to 6 p.m. the draw shall open on the hour and half hour if any vessels are waiting to pass. This amendment was circulated as a public notice dated 31 January 1974 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74–22) on January 25, 1974 (39 FR 3291). Ten responses were received, four supported the proposal, one had no objection and five opposed the proposal on the grounds that the proposed restrictions might provide a safety hazard to navigation. One of these objections suggested that the Hillsboro Inlet drawbridge open every 15 minutes instead of on the hour and half hour and that the reference to charter boats be eliminated because it was felt the 15 minute proviso would provide adequate opening times. This is considered a reasonable suggestion and is adopted in this regulation. While the four other objections have validity, the Coast Guard feels that these regulations will not unduly restrict navigation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.442 to read as follows:

§ 117.442 Hillsboro Inlet, Fla.; AIA bridge.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting on each quarter hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

2. Adding a new § 117.442a immediately after § 117.442 to read as follows:

§ 117.442a AIWW, NE 14th Street bridge, Pompano, Fla.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting only 15 minutes after and 15 minutes before the hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

3. Revising § 117.443 to read as follows:

§ 117.443 AIWW, Atlantic Boulevard bridge, Pompano, Fla.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting only on the hour and half hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The opening signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 3, 1975.

Dated: January 24, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-2663 Filed 1-28-75;8:45 am]

[CGD 74–234]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Du Large, La.

This amendment changes the regulations for the State Highway 315 drawbridge across Bayou Du Large, mile 23.2 to allow closed periods from 9 p.m. to 5 a.m. This amendment was circulated as a public notice dated October 15, 1974 by the Commander, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74–234) on October 9, 1974 (39 F.R. 36349). The three responses received offered no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.540 [Amended]

In § 117.540(b)(2) insert the words "Bayou Du Large, mile 23.2, S–315 highway drawbridge, near Theriot", immediately after the words "Houma Canal, mile 1.7, U.S. 90 highway drawbridge at Houma" in the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on February 28, 1975.

Dated: January 20, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.75-2667 Filed 1-28-75;8:45 am]

[CGD 75–016]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Black Rock Canal, New York

This amendment changes the regulations for the Canadian National Railroad bridge across the Black Rock Canal, mile 3.8, to allow necessary repairs to be accomplished. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.707b immediately after § 117.707 to read as follows:

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§ 117.707b Canadian National Railroad drawbridge, mile 3.8, Black Rock Canal, N.Y.

(a) The draw need not open for the passage of vessels from February 1, 1975 through April 1, 1975.

(b) This regulation shall be revoked as of April 2, 1975.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on January 29, 1975.

Dated: January 24, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.75-2664 Filed 1-28-75;8:45 am]

[CGD 75 015]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chicago River, Illinois

This amendment changes the regulations for the Roosevelt Road bridge across the South Branch of the Chicago River, mile 2.94, to allow necessary repairs to be accomplished. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (j) to § 117.663 to read as follows:

§ 117.663 The Chicago River, the Ogden Slip, the North Branch of the Canal, the South Branch, the West Fork of the South Branch, the South Fork of the South Branch, and the West Arm of South Fork of South Branch of the Chicago River, Ill.; bridges.

• • • • •

(j) (1) From January 10, 1975 through February 15, 1975 the draw of the Roosevelt Road bridge need not open for the passage of vessels and the provisions of paragraph (a)(4) of this section shall not apply to this bridge for this period.

(2) This regulation shall be revoked as of February 16, 1975.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on January 29, 1975.

Dated: January 24, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.75-2665 Filed 1-28-75;8:45 am]

[CGD 75 014]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Saginaw River, Michigan

This amendment changes the regulations for the Belinda Street bridge across the Saginaw River, mile 3.96, to allow necessary repairs to be accomplished. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (k) to § 117.700 to read as follows:

§ 117.700 Saginaw River, Mich.; bridges.

• • • • •

(k) (1) From January 1, 1975 through February 15, 1975 the draw of the Belinda Street bridge need not open for the passage of vessels and the provisions of paragraph (h) of this section shall not apply to this bridge for this period.

(2) This regulation shall be revoked as of February 16, 1975.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 16-5(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on January 29, 1975.

Dated: January 24, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.75-2666 Filed 1-28-75;8:45 am]

[CGD 73-253]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Explosives or Certain Specified Dangerous Cargoes

On page 22965 of the FEDERAL REGISTER of June 25, 1974, there was published a notice of proposed regulatory development to amend § 124.14(b)(1). The change revises the list of dangerous cargoes involving particular hazards. These dangerous cargoes are considered to involve particular hazards when transported on vessels or handled on waterfront facilities in bulk quantities. Newly developed chemicals and increased knowledge of the characteristics of previously existing chemical indicate a need for revising the present list of cargoes of particular hazard. Interested persons were given opportunity to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. This amendment is effective January 29, 1975.

Approved: January 21, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

1. Section 124.14(b)(1) is amended to read as follows:

§ 124.14 Advance notice of arrival of vessel laden with explosives or certain specified dangerous cargoes.

• • • • •

(b) (1) A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels, or when handled in bulk quantities on waterfront facilities, is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

Acetaldehyde
Acetone Cyanohydrin
Acrolein
Acrylonitrile
Allyl chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethylenimine
Ethyl Ether
Hydrofluoric Acid, aqueous (70 percent)
Hydrogen Chloride, anhydrous
Hydrogen Fluoride, anhydrous
Methane
Methyl Acetylene, Propadiene Mixture, stabilized
Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds containing Lead Alkyls
Oleum
Phosphorus, elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride

• • • • • • •

(5 U.S.C. 191, 49 USC 1655 (b); E.O. 10173, 10277, 10352; 49 CFR 1.46(b))

[FR Doc.75-2670 Filed 1-28-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 605—WASHINGTON PLAN

Extension of Time

On December 22, 1970, the Department of Labor published the Washington Plan (35 FR 19352). The Washington Plan is intended to implement the provisions of executive Order 11246 (as amended) and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Washington area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax, Loudoun, and Prince William and the Maryland counties of Montgomery and Prince Georges. During the past year the Department of Labor has encouraged the development of a voluntary hometown plan which would cover all construction trades in the Washington, D.C., area. A viable hometown plan has not as yet been developed. To ensure continued positive efforts towards the elimination of underutilization of monorities in the Washington, D.C., area construction industry, the Washington Plan is extended for a period of time not to exceed 180 days to allow the responsible parties representing labor, management, the minority community, and local government to come forth with a viable voluntary hometown plan. Therefore, in order to allow a reasonable time to accomplish these purposes, the Washington Plan is extended for a period of time not to exceed 180 days. Therefore, until further notice, § 60-5.30 Appendix A of the Washington Plan must be included in all invitations or other solicitations for bids on federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000 in the Washington area. The goals contained in § 60-5.30 Appendix A for the year ending May 31, 1974, will be applicable to invitations and other solicitations for bids on federally involved construction contracts covered by the Washington Plan and all invitations or other solicitations should be revised to reflect this extension through a revised Appendix.

Signed this 23rd day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-2644 Filed 1-28-75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Vocational Education Curriculum, Fiscal Year 1975

On November 1, 1974 there was published in the FEDERAL REGISTER at 39 FR 38666, a Notice of Proposed Rule Making which set forth additional criteria for applications for grants under Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1302(c). The additional criteria were set forth in a proposed Appendix C to Part 103 of the regulations, 45 CFR Part 103.

Interested persons were given 30 days to submit comments, suggestions, or objections to the proposed criteria. No comments were received.

The criteria therefore, are issued as originally published without change, as set forth below.

Effective date. Since the criteria are to be issued as originally published in the FEDERAL REGISTER under notice of proposed rule making without change, the criteria shall be effective on January 29, 1975.

(Catalog of Federal Domestic Assistance No. 13.496; Vocational Education Curriculum)

Dated: December 24, 1974.

T. H. BELL,
Commissioner of Education.

Approved: January 23, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

APPENDIX C—VOCATIONAL EDUCATION CURRICULUM FISCAL YEAR 1975

The Office of Education contemplates supporting two project grants in fiscal year 1975 from funds available for the Vocational Education Curriculum program. The awards will be made to begin January 1, 1975, with a two-year multi-year approval and will be funded on a non-competing annual basis. The applicants will submit their project goals and activities over a two-year period. Multi-year approval is intended to offer a project a reasonable degree of stability over time and to facilitate long-range planning. Approval of a multi-year project shall not commit the Office of Education to provide financial assistance from appropriations not currently available.

A. *Awarded applicants' obligations.* One award will provide leadership for the following geographic area: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. The other award will provide leadership for the following geographic area: American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands. Each awardee will be the catalyst in bringing these States to: (1) Share information and plans regarding curriculum materials and needs in order to reduce duplication of efforts, and (2) plan for cooperation in development, testing, evaluation, dissemination and implementation of materials.

In addition each awardee will become a member of the national network for curriculum coordination in vocational and technical education; and as a member awardee will (1) share information regarding materials available and under development; (2) develop and recommend guidelines for curricula and curriculum development that will enhance effectiveness and transportability; (3) establish and maintain a system for determining curriculum needs in vocational and technical education and for reporting conclusions to the field; and (4) coordinate and implement development, diffusion, and utilization activities that will improve the use and acceptance of curriculum products.

The Office of Education will entertain requests for these grants to support travel and travel-related activities necessary for coordination with the consortium States and the national network for curriculum coordination and to facilitate communications and concerted planning on a quarterly basis. Key staff time to be committed to coordination efforts will require a minimum of 15 percent full-time equivalent.

B. *Application Review Criteria.* Criteria will be utilized by the Federal and non-Federal reviewers in reviewing formally transmitted applications in fiscal year 1975. These criteria are consistent with section 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, published in the FEDERAL REGISTER at 38 FR 30654 on November 6, 1973. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the minimum acceptable score and the maximum score that can be given to a segment of an application in relation to the criteria. Each criterion and the maximum and minimum points therefor are as follows:

Criteria	Score range
1. *Need and Problem*—Application clearly defines the need for the project and delineates the problem rather than symptoms of the problem	5–15
2. *Objectives*—Objectives are clearly stated, capable of being attained by the proposed procedures, and capable of being measured	5–15
3. *Plan*—The management plan shows services to be provided; and procedures for accomplishing each objective are proposed	5–15
4. *Results*—Proposed outcomes are identified and described in terms of impact at State and local levels, Part I program purposes, and cost effectiveness and efficiency	5–15
5. *Institutional Capability*—The application sets forth clearly current curriculum strengths and capability of the applicant to immediately initiate liaison functions with consortium States, and provides assurances of support from cooperating institutions and agencies necessary for project success	7–20
6. *Personnel*—The qualifications and experience of key staff are appropriate for the project	3–10
7. *Budget*—The estimated cost is reasonable in relation to anticipated results and the geographic area, scope, and duration of the project	3–10

[FR Doc.75-2636 Filed 1-28-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. 1207]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) Directed To Operate Certain Portion of Lehigh and New England Railway Company

JANUARY 24, 1975.

At a session of the Interstate Commerce Commission, Division 3, held at its

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office in Washington, D.C., on the 17th day of January 1975.

It appearing, That the Lehigh and New England Railway Company (LNE) has notified the Commission that, on or before January 24, 1975, it will be unable to transport the traffic offered it because its cash position makes continued operation impossible; and that, accordingly, the LNE has placed its embargo No. 1–75 against all traffic, effective January 7, 1975;

It further appearing, That the imminent cessation of all transportation services by the LNE constitutes an emergency situation such as that contemplated by section 1(16)(b) of the Interstate Commerce Act (49 U.S.C. 1(16)), as amended, by section 601(e) of the Regional Rail Reorganization Act of 1973 (P.L. 93–236); and that section authorizes the Commission under certain prescribed conditions, to direct a carrier or carriers by railroad to perform essential transportation services which another carrier is no longer able to perform;

It further appearing, That the legislative history to section 1(16)(b) indicates that its purpose is to assure the continuance of essential rail service for a period of sixty days, or in extraordinary circumstances for an extended period not to exceed 240 days, in the event that a railroad is required to cease operation under conditions described in the Act; and that such authority was intended as an interim emergency measures and not as a permanent solution;

It further appearing, That in determining whether the LNE should be operated pursuant to the authority of section 1(16)(b) and in its planning therefor, the Commission, consistent with Congressional intent and the provisions of the Emergency Rail Services Act of 1970 (45 U.S.C. 661), has coordinated its activities with the Department of Transportation and has been in consultation with representatives of the United States Railway Association, among others;

It further appearing, That the Commission has determined that based upon the statute and the directives contained in the legislative history of section 1(16)(b) of the Act, the operation of the lines of the LNE is necessary and such operation is in the public interest; that the Commission considered many factors, including but not limited to: the transportation requirements of the patrons of the LNE, the economic impact of a discontinuance of service, the amount of originating and terminating traffic on individual lines, transportation requirements of connecting carriers, condition of track, alternative carriers and transportation modes, and net operating revenues attributable to individual lines; and that, the Commission should direct a carrier to operate over the lines of the LNE;

It further appearing, That the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) should be directed to provide the services herein determined to be essential in the public interest, which were formerly performed by the LNE, because, among other things, the LV's proximity to the lines of the LNE, the volume of the traffic LNE interchanges with the LV, its familiarity with the operation of the LNE and its willingness and ability to perform the services required for shippers;

It further appearing, That the performance of the operations directed herein will not substantially impair the LV's ability adequately to serve its own patrons or to meet its outstanding common carrier obligations; that the performance of the directed operation should not violate the provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421);

It further appearing, That in light of the emergency situation which would result from a cessation of all transportation service by the LNE, public notice and hearings are impractical and not required by the procedures set forth in section 1(15) of the Act; that the public interest requires the continuation of operation over certain lines of the LNE by the LV for a period of operation of 60 days as provided by section 1(16)(b) of the Act; and that good cause exists for making this order effective upon the date served;

It further appearing, That the LV is presently a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) subject to the jurisdiction of the United States District Court for the Eastern District of Pennsylvania; and that, accordingly, approval of said court may be necessary for the implementation of this order; and

It further appearing, and the Division so finds, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, and the Division so finds, that cessation of service by the LNE would have serious economic consequences not only to the patrons of the LNE but also to the communities located within the area; and for good cause appearing therefore:

§ 1033.1206 *Lehigh Valley Railroad Company (Robert C. Haldeman, trustee) directed to operate certain portions of Lehigh and New England Railway Company.*

(a) *It is ordered*, That Lehigh Valley Railroad Company, debtor, (Robert C. Haldeman, Trustee), be, and it is hereby directed to enter upon the railroad properties presently operated by the Lehigh and New England Railway Company, except the Tamaqua branch, extending between Tamaqua, Pennsylvania, and Hauto, Pennsylvania, and to operate such railroad and facilities subject to any necessary approval of the reorganization court of the United States District Court for the Eastern District of Pennsylvania, for the purpose of handling, routing, and moving the traffic of the Lehigh and New England Railway Company in accordance with the lawful instructions of shippers and consignees and in compliance with the rules and regulations of the Commission, and subject to the rates and charges prescribed in tariffs lawfully published and filed in accordance with law and applicable to freight traffic transported over the lines of the Lehigh and New England Railway Company; that such entry and operations shall commence on or before 12:01 a.m., January 24, 1975, and shall continue for a period of 60 days, unless such period is reduced by order of the Commission or unless further extended by order of the Commission, for cause shown, for an additional designated period; and that a certified copy of the order of the court authorizing the Lehigh Valley Railroad Company, debtor, to perform the directed service pursuant to the order of the Commission shall be filed with this Commission, with appropriate reference to this proceeding;

(b) *It is further ordered*, That the Lehigh and New England Railway Company shall, on the date of service of this order inform all persons who were given notice of its embargo, No. 1–75, that said embargo shall no longer be applicable to service over its lines;

(c) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, shall (1) collect all revenues attributable to the handling, routing, and movement of freight traffic including all agents' and conductors' accounts and all payments from other carriers collected after the commencement of directed operations; (2) distribute such revenues in accordance with divisional agreements presently applicable, collecting and paying to the Lehigh and New England Railway Company the divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed and events occurring prior to January 24, 1975, and collecting and retaining for the Lehigh Valley Railroad Company, debtor, on a segregated basis all such divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed by the Lehigh Valley Railroad Company, debtor, in the place and stead of the Lehigh and New England Railway Company and from events occurring on or after January 24, 1975;

(d) *It is further ordered*, That all carriers are hereby directed to pay to the Lehigh Valley Railroad Company, debtor, such sums as otherwise would be payable to the Lehigh and New England Railway Company including interline freight revenues, per diem, and all other interline accounts of whatsoever kind and nature coming due under normal accounting rules and procedures for the settlement of interline transactions and accounts between carriers during the period this order is in effect and thereafter coming due for services performed and events occurring during the period of directed service;

(e) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, shall pay to all carriers amounts received by it but due to them for services performed by them, for per diem, and for events occurring either prior to the commencement of operations directed herein or during the period this order is in effect, all in accordance with established procedures for the settlement of interline transactions and accounts between carriers;

(f) *It is further ordered*, That in executing the directions of this Commission as provided for in this order, all carriers involved in the movement of traffic to the lines of the Lehigh and New England Railway Company shall proceed even though in some instances, no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; that in the event re-routings are necessary pursuant to the directives of this and subsequent orders, the divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act;

(g) *It is further ordered*, That, in carrying out the operations directed herein, the Lehigh Valley Railroad Company, debtor, shall hire employees of the Lehigh and New England Railway Company to the extent such employees had previously performed the directed service and shall assume all existing employment obligations and practices of the Lehigh and New England Railway Company relating thereto, including, but not limited to, agreements governing rates of pay, rules, working conditions, and all current employee protective conditions, for the duration of the directed service;

(h) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, and the Lehigh and New England Railway Company shall, if possible, negotiate an agreement (hereinafter called the agreement) on all aspects of the directed operation subject to their determination, including, but not limited to use of and rental for equipment, use of, and compensation for, existing inventories of fuel, materials, and supplies, and rental for the use of rights-of-way and other rail facilities; that the Commission shall be represented at all such discussions; that the agreement shall be subject to approval by the Commission upon such procedure as the Commission shall later specify; and that in the event the Lehigh Valley Railroad Company, debtor, and the Lehigh and New England Railway Company fail to agree upon the terms for such use and compensation, the directed service shall continue pending a Commission determination to establish such terms as it may find to be just and reasonable;

(i) *It is further ordered*, That in the event the parties achieve agreement, any funds to be paid the Lehigh and New England Railway Company thereunder shall be paid into an escrow account until the agreement is given approval by the Commission; and that in the event the parties are unable to reach agreement, any monies the Lehigh Valley Railroad Company, debtor, holds for the account of the Lehigh and New England Railway Company to compensate it for the use of its equipment and facilities and properties, in lieu of a final agreement, shall be paid into an escrow account until a determination has been made by the Commission as to what terms are just and reasonable;

(j) *It is further ordered*, That the Lehigh Valley Railroad Company, debtor, shall record the revenues earned and the costs incurred in and for the performance of the operations directed herein over the lines of the Lehigh and New England Railway Company, in a manner to be prescribed by the Commission, that the information so recorded, and supporting data where specifically required, shall be submitted by the Lehigh Valley Railroad Company, debtor, to the Commission for audit and evaluation immediately upon completion of the directed operation, or at such intervals, during the period of the directed operation, as the Commission may request; and that, if, for the period during which this order shall be effective, the cost to the Lehigh Valley Railroad Company, debtor, of handling, routing, and moving the traffic over the lines of the Lehigh and New England Railway Company shall exceed the direct revenues therefor, payment shall be made to the Lehigh Valley Railroad Company, debtor, in the manner provided by section 1(16)(b) of the Act;

(k) *It is further ordered*, That the Commission shall retain jurisdiction to modify, supplement or reconsider this order at any time and for such purposes as it may consider necessary consistent with the legislative intent and the express provision of section 1(16)(b) of the Interstate Commerce Act, as amended;

(l) *It is further ordered*, That this order shall be served upon the United States Department of Transportation, the United States Railway Association, the Rail Planning Services Office of the Interstate Commerce Commission, the governor of the State of Pennsylvania, Pennsylvania Public Utilities Commission, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(m) *It is further ordered*, That this order shall be effective upon the date of service; that the operations which the Lehigh Valley Railroad Company, debtor, is herein directed to perform shall commence on or before 12:01 a.m., January 24, 1975; and that such operations shall cease 60 days from the date the directed service shall be instituted by the Lehigh Valley Railroad Company, debtor, at 11:59 p.m., unless otherwise extended, modified, changed, or suspended by subsequent order of the Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–2711 Filed 1–28–75;8:45 am]

[Corrected S.O. 1208]

PART 1033—CAR SERVICE

Reading Co., Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, Directed To Operate Certain Portions of Lehigh and New England Railway Co.

JANUARY 24, 1975.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 21st day of January 1975.

It appearing, That the Lehigh and New England Railway Co. (LNE) has notified the Commission that, on or before January 24, 1975, it will be unable to transport the traffic offered it because its cash position makes continued operation impossible; and that, accordingly, the LNE has placed its embargo No. 1–75 against all traffic, effective January 7, 1975;

It further appearing, That the imminent cessation of all transportation services by the LNE constitutes an emergency situation such as that contemplated by section 1(16)(b) of the Interstate Commerce Act (49 U.S.C. 1(16)), as amended, by section 601(e) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236); and that section authorizes the Commission under certain prescribed conditions, to direct a carrier or carriers by railroad to perform essential transportation services which another carrier is no longer able to perform;

It further appearing, That the legislative history to section 1(16)(b) indicates that its purpose is to assure the continuance of essential rail service for a period of sixty days, or in extraordinary circumstances for an extended period not to exceed 240 days, in the event that a railroad is required to cease operation under conditions described in the Act; and that such authority was intended as an interim emergency measure and not as a permanent solution;

It further appearing, That in determining whether the LNE should be operated pursuant to the authority of section 1(16)(b) and in its planning therefore, the Commission, consistent with Congressional intent and the provisions of the Emergency Rail Services Act of 1970 (45 U.S.C. 661), has coordinated its activities with the Department of Transportation and has been in consultation with representatives of the United States Railway Association, among others;

It further appearing, That the Commission has determined that based upon

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the statute and the directives contained in the legislative history of section 1(16)(b) of the Act, the operation of the lines of the LNE is necessary and such operation is in the public interest; that the Commission considered many factors, including but not limited to: the transportation requirements of the patrons of the LNE, the economic impact of a discontinuance of service, the amount of originating and terminating traffic on individual lines, transportation requirements of connecting carriers, condition of track, alternative carriers and transportation modes, and net operating revenues attributable to individual lines; and that, the Commission should direct a carrier to operate over the lines of the LNE;

It further appearing, That the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg) should be directed to provide the services herein determined to be essential in the public interest, which were formerly performed by the LNE, because, among other things, the Rdg's proximity to the lines of the LNE, the volume of the traffic LNE interchanges with the Rdg, its familiarity with the operation of the LNE and its willingness and ability to perform the services required for shippers;

It further appearing, That the performance of the operations directed herein will not substantially impair the Rdg's ability adequately to serve its own patrons or to meet its outstanding common carrier obligations; that the performance of the directed operation should not violate the provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421);

It further appearing, That in light of the emergency situation which would result from a cessation of all transportation service by the LNE, public notice and hearings are impractical and not required by the procedures set forth in section 1(15) of the Act; that the public interest requires the continuation of operation over certain lines of the LNE by the Rdg for a period of operation of 60 days as provided by section 1(16)(b) of the Act; and that good cause exists for making this order effective upon the date served;

It further appearing, That the Rdg is presently a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) subject to the jurisdiction of the United States District Court for the Eastern District of Pennsylvania; and that, accordingly, approval of said court may be necessary for the implementation of this order; and

It further appearing, and the Division so finds, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It further appearing, and the Division so finds, that cessation of service by the LNE would have serious economic consequences not only to the patrons of the LNE but also to the communities located within the area; and for good cause appearing therefor:

§ 1033.1208 Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, directed to operate certain portions of Lehigh and New England railway company.

(a) *It is ordered*, That the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg), be, and it is hereby directed to enter upon that portion of the Tamaqua branch of the Lehigh and New England Railway (LNE) extending between milepost 2.20 west of Hauto, Pennsylvania, and a connection with the Reading Company at milepost 6.55 in the vicinity of Tamaqua, Pennsylvania, and to operate such railroad and facilities subject to any necessary approval of the reorganization court of the United States District Court for the Eastern District of Pennsylvania, for the purpose of handling, routing, and moving the traffic of the Lehigh and New England Railway Company in accordance with the lawful instructions of shippers and consignees and in compliance with the rules and regulations of the Commission, and subject to the rates and charges prescribed in tariffs lawfully published and filed in accordance with law and applicable to freight traffic transported over the lines of the Lehigh and New England Railway Company; that such entry and operations shall commence on or before 12:01 a.m., January 24, 1975, and shall continue for a period of 60 days, unless such period is reduced by order of the Commission or unless further extended by order of the Commission, for cause shown, for an additional designated period; and that a certified copy of the order of the court authorizing the Reading Company to perform the directed service pursuant to the order of the Commission shall be filed with this Commission, with appropriate reference to this proceeding;

(b) *It is further ordered*, That the Lehigh and New England Railway Company shall, on the date of service of this order inform all persons who were given notice of its embargo No. 1–75, that said embargo shall no longer be applicable to service over its lines;

(c) *It is further ordered*, That the Reading Company shall (1) collect all revenues attributable to the handling, routing, and movement of freight traffic including all agents' and conductors' accounts and all payments from other carriers collected after the commencement of directed operations; (2) distribute such revenues in accordance with divisional agreements presently applicable, collecting and paying to the Lehigh and New England Railway Company the divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed and events occurring prior to January 24, 1975, and collecting and retaining for the Reading Company on a segregated basis all such divisions of joint revenues payable to the Lehigh and New England Railway Company pursuant to such division agreements which are derived from services performed by the Reading Company in the place and stead of the Lehigh and New England Railway Company and from events occurring on or after January 24, 1975; [1]

(d) *It is further ordered*, That all carriers are hereby directed to pay to the Reading Company, such sums as otherwise would be payable to the Lehigh and New England Railway Company including interline freight revenues, per diem, and all other interline accounts of whatsoever kind and nature coming due under normal accounting rules and procedures for the settlement of interline transactions and accounts between carriers during the period this order is in effect and thereafter coming due for services performed and events occurring during the period of directed service;

(e) *It is further ordered*, That the Reading Company shall pay to all carriers amounts received by it but due to them for services performed by them, for per diem, and for events occurring either prior to the commencement of operations directed herein or during the period this order is in effect, all in accordance with established procedures for the settlement of interline transactions and accounts between carriers;

(f) *It is further ordered*, That in executing the directions of this Commission as provided for in this order, all carriers involved in the movement of traffic to the lines of the Lehigh and New England Railway Company shall proceed even though in some instances, no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; that in the event reroutings are necessary pursuant to the directives of this and subsequent orders, the divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act;

(g) *It is further ordered*, That, in carrying out the operations directed herein, the Reading Company shall hire employees of the Lehigh and New England Railway Company to the extent such employees had previously performed the directed service and shall assume all existing employment obligations and practices of the Lehigh and New England Railway Company relating thereto, including, but not limited to, agreements governing rates of pay, rules, working conditions, and all current employee protective conditions, for the duration of the directed service;

[1] Correction.

(h) *It is further ordered*, That the Reading Company and the Lehigh and New England Railway Company shall, if possible, negotiate an agreement (hereinafter called the agreement) on all aspects of the directed operation subject to their determination, including, but not limited to use of and rental for equipment, use of, and compensation for, existing inventories of fuel, materials, and supplies, and rental for the use of rights-of-way and other rail facilities; that the Commission shall be represented at all such discussions; that the agreement shall be subject to approval by the Commission upon such procedure as the Commission shall later specify; and that in the event the Reading Company and the Lehigh and New England Railway Company fail to agree upon the terms for such use and compensation, the directed service shall continue pending a Commission determination to establish such terms as it may find to be just and reasonable;

(i) *It is further ordered*, That in the event the parties achieve agreement, any funds to be paid the Lehigh and New England Railway Company thereunder shall be paid into an escrow account until the agreement is given approval by the Commission; and that in the event the parties are unable to reach agreement, any monies the Reading Company holds for the account of the Leigh and New England Railway Company to compensate it for the use of its equipment and facilities and properties, in lieu of a final agreement, shall be paid into an escrow account until a determination has been made by the Commission as to what terms are just and reasonable;

(j) *It is further ordered*, That the Reading Company shall record the revenues earned and the costs incurred in and for the performance of the operations directed herein over the lines of the Lehigh and New England Railway Company, in a manner to be prescribed by the Commission, that the information so recorded, and supporting data where specifically required, shall be submitted by the Reading Company to the Commission for audit and evaluation immediately upon completion of the directed operation, or at such intervals, during the period of the directed operation, as the Commission may request; and that, if, for the period during which this order shall be effective, the cost to the Reading Company of handling, routing, and moving the traffic over the lines of the Lehigh and New England Railway Company shall exceed the direct revenues therefor, payment shall be made to the Reading in the manner provided by section 1(16)(b) of the Act;

(k) *It is further ordered*, That the Commission shall retain jurisdiction to modify, supplement or reconsider this order at any time and for such purposes as it may consider necessary consistent with the legislative intent and the express provision of section 1(16)(b) of the Interstate Commerce Act, as amended;

(l) *It is further ordered*, That this order shall be served upon the United States Depatment of Transportation, the United States Railway Association, the Rail Planning Services Office of the Interstate Commerce Commission, the governor of the State of Pennsylvania, Pennsylvania Public Utilities Commission, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(m) *It is further ordered*, That this order shall be effective upon the date of service; that the operations which the Reading Company is herein directed to perform shall commence on or before 12:01 a.m., January 24, 1975; and that such operations shall cease 60 days from the date the directed service shall be instituted by the Reading Company at 11:59 p.m., unless otherwise extended, modified, changed, or suspended by subsequent order of the Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2712 Filed 1-28-75;8:45 am]

[S.O. 1190-A]

PART 1033—CAR SERVICE

Union Pacific Railroad Company Authorized To Operate Over Tracks of the Southern Pacific Transportation Company

JANUARY 24, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of January 1975.

Upon further consideration of Revised Service Order No. 1190 (39 FR 26030; 40 FR 2991), and good cause appearing therefor:

It is ordered, That: § 10.33.1190 Union Pacific Railroad Company authorized to operate over tracks of the Southern Pacific Transportation Company, be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., January 23, 1975, and that copies of this order and direction shall be served upon Car Service Division, as agent of the railroads subscribing to the car service the Association of American Railroads, and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2710 Filed 1-28-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER III—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 313—WATER RESOURCE DEVELOPMENT PROJECTS HAVING JOINT REGULATIONS

Recreation Use Fees

In accordance with section 210 of Pub. L. 90–483, 82 Stat. 746, Pub. L. 88–578, 78 Stat. 897, Land and Water Conservation Act of 1965, as most recently amended by Pub. L. 93–81, 87 Stat. 178 and Pub. L. 93–303, 88 Stat. 192, this amendment (para. 313.21) sets forth the requirements for a special recreation use fee at certain lake and reservoir areas jointly administrated by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

In accordance with section 234 of the River and Harbor Act of 1970, Pub. L. 91–611, 84 Stat. 1833, this amendment (para. 313.22) provides for general citation authority at certain lake and reservoir areas jointly administered by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

This amendment is in accordance with the above mentioned public laws and accordingly need not be published under the notice of proposed rulemaking and the procedures thereto.

Dated: January 23, 1975.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

1. In accordance with section 210 of Pub. L. 90–483, 82 Stat. 746, Pub. L. 88–578, 78 Stat. 897, Land and Water Conservation Act of 1965, as most recently amended by Pub. L. 93–81, 87 Stat. 178 and Pub. L. 93–303, 88 Stat. 192, this amendment sets forth the requirements for a special recreation use fee at certain lake and reservoir areas jointly administered by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

Add § 313.21 to read:

§ 313.21 Recreation use fees.

(a) (1) Section 2 of 78 Stat. 897 (The Land and Water Conservation Fund Act of 1965), as amended, directs, subject to certain limitations, the collection of daily recreation use fees where the Federal Government provides specialized outdoor recreation sites, facilities, equipment, or services at the place of use or any reasonably convenient location.

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(2) At water resources development projects administered by the Secretary of the Army, acting through the Chief of Engineers, fees will not be charged for use in any combination of drinking water, wayside exhibits, roads, overlook sites, visitor centers, scenic drives, toilet facilities, picnic tables or boat ramps (except if mechanical or hydraulic boat lifts are provided).

(b) In addition, fees will not be charged for use of campgrounds which do not have the following: Tent or trailer spaces, drinking water, access roads, refuse containers, toilet facilities, personal fee collection, reasonable visitor protection, and simple devices for containing campfires (if campfires are permitted).

(c) At each Corps lake or reservoir where camping is permitted, the District Engineer will provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no fees will be charged.

(d) All use fees shall be fair and equitable and will be based on the following criteria:

(1) The direct and indirect amount of Federal expenditure.

(2) The benefit of the recipient.

(3) The public policy or interest served.

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged.

(5) The economic and administrative feasibility of fee collection.

(6) The extent of regular maintenance required, and

(7) Other pertinent factors.

(e) Based on the above criteria, District Engineers have recommended to the Office, Chief of Engineers and the Chief has established fees for recreation facilities within the ranges set forth as follows:

(1) $1–$4 per day for family camping.

(2) $3–$25 per day for group camping.

(3) A charge of $.50 for electrical service where available will be made for family campsites, but in no case will the daily fee for family camping exceed $4.

Fees for specialized outdoor recreation facilities not mentioned above may also be established in accordance with the criteria listed in this paragraph.

(f) Any Golden Age Passport permittee shall be entitled upon presentation of such a permit to utilize special recreation facilities at a rate of 50 percent off the established use fee. Golden Eagle Passports, however, do not affect the charging of use fees, since they apply only to entrance fees, which are not charged by the U.S. Army Corps of Engineers.

(g) The District Engineer shall insure that clear notice that a fee has been established is prominently posted at each such area and at appropriate locations therein, and that it be included in publications distributed at such areas.

(h) Failure to pay a prescribed use fee is a violation of the Land and Water Conservation Fund Act, as amended, and subjects the violator to a punishment of a fine of not more than $100.

2. In accordance with section 234 of the River and Harbor Act of 1970, Pub. L. 91–611, 84 Stat. 1833, this amendment provides for general citation authority at certain lake and reservoir areas jointly administered by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

Add § 313.22 to read:

§ 313.22 Violation of rules and regulations.

Except for violations coming within the scope of § 313.21 of this regulation, in accordance with section 234 of the River and Harbor Act of 1970 (84 Stat. 1833 16. U.S.C. 460d, as amended), violations of the provisions of this regulation shall subject the violator to a fine of not more than $500 or imprisonment for not more than 6 months, or both. Any person charged with such violation may be tried and sentenced in accordance with the provisions of section 3401 of Title 18 United States Code. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of these regulations, requiring the appearance of any person charged with violation to appear before the United States magistrate within whose jurisdiction the water resource development project is located for trial.

(Sec. 210, 62 Stat. 746 (16 U.S.C. 460d–3); Sec. 2, 78 Stat. 897 (16 U.S.C. 4601–5); Sec. 1, 87 Stat. 178 (16 U.S.C. 4601–6a); Sec. 4, 88 Stat. 192; Sec. 234, 84 Stat. 1833 (16 U.S.C. 460d))

[FR Doc.75–2603 Filed 1–28–75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 63]

REQUIRED INFORMATION ON CERTIFICATES

Miscellaneous Amendments

Correction

In FR Doc. 75–1607 appearing on page 3007 in the issue for Friday, January 17, 1975, the following changes should be made:

1. Line 4 in the first paragraph now reading "of Agriculture is proposing and amend—• • •" should read "• • • of Agriculture is proposing an amend—• • •."

2. The 8th line in the first paragraph now reading "• • • Agricultural Marketing Act of 1948, 60 • • •" should read "• • • Agricultural Marketing Act of 1946, 60 • • •".

[7 CFR Part 926]

HANDLING OF TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Proposed Increase in Expenses for the 1974–75 Season

This notice invites written comments relative to a proposed increase of $9,928 in the Industry Committee expenses during the 1974–75 season (April 1, 1974, through March 31, 1975) under Marketing Order No. 926. Said increase would change the seasonal committee budget from $139,183 to $149,111 with no change in the related rate of assessment on handlers of regulated Tokay grapes.

Consideration is being given to the following proposal submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

That the Secretary find that provisions pertaining to the committee expenses in paragraph (a) of § 926.214. *Expenses, rate of assessment, and carryover of unexpended funds.* (39 FR 33306) be amended to read as follows:

§ 926.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1974, through March 31, 1975, will amount to $149,111.

• • • • • •

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than February 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 23, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–2627 Filed 1–28–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 101]

CARBONATED SOFT DRINK BEVERAGES

Proposed Serving and Portion Sizes and Daily Consumption Amounts

In a notice of proposed rule making published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20887), the Commissioner of Food and Drugs proposed general principles and procedures for establishing reasonable and uniform serving sizes for foods for use in nutrition labeling under a new Part 101. Section 1.17(b) (21 CFR 1.17(b)) requires nutrition information on the label or labeling of a food to be declared in relation to the average or usual serving.

The National Soft Drink Association (NSDA), Washington, DC 20036, has submitted a petition pursuant to proposed § 101.2 *Petitions* requesting establishment of serving sizes for carbonated beverages. The regulation proposed by NSDA is as follows:

Section 101.25 Carbonated beverages. The serving size of carbonated beverages shall be 8 ounces, except that a single service container up to 12 ounces shall be the amount in the container.

As grounds in support of the proposal, NSDA set forth the following—Soft drinks are generally available throughout the country in twelve (12) sizes. These sizes reflect the industry's voluntary guidelines adopted November 21, 1968, pursuant to section 5(d) and (e) of the Fair Packaging and Labeling Act at the request of the U.S. Department of Commerce. They decreased by six (6) the number of sizes previously generally available. It should be noted that the guidelines only addressed themselves to sizes up to 32 ounces. Since that time the 48-ounce and 64-ounce sizes have also become available in some markets.

In requesting that the serving sizes up to 12 ounces be the amount in the container, we take notice of the fact that the consumer usually considers soft drinks up to 12 ounces to be a single serving and are not inclined to divide the contents of such packages, or to do other than drink such amounts at one sitting. Also, they are the sizes most often found in vending machines and cold sales for single purchase consumption. In addition, it is not the habit of the industry to market sizes up to 12 ounces with a resealable closure. Permitting the amount in the container to be the serving size up to twelve (12) ounces would encompass the 6, 6½, 7, 8, 10, and 12 ounce sizes.

Thereafter, the sizes currently available would be 16, 24, 26, 28, 30, 32, 48, and 64 ounce sizes. We would apply 8 ounces as the serving size for these. It is readily seen that 8 ounces is the most logical divider for these larger size amounts, thus making for easier comparison by consumers. The 16-ounce-and-over sizes are purchased for their economy and are universally understood by consumers to be multiple serving or party sizes. This recognition is further buttressed by the fact that many of these containers currently feature the resealable closure.

Choice of the serving size of 8 ounces for containers 16 ounces or over, we feel, is the most reasonable break point, not only because of consumers' treatment of up to 12 ounces as a single service drink, but also because the divider of 8 does the least violence to the 6 to 12 ounce mix of single service sizes.

The full petition submitted by NSDA is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs has considered the petition and concludes that the petitioner has furnished reasonable grounds sufficient to warrant publication of the proposal for comment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)) and

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under authority delegated to him (21 CFR 2.120), the Commissioner proposes to add a new section to proposed Subpart B of Part 101, to read as follows:

PART 101—SERVING AND PORTION SIZES AND DAILY CONSUMPTION AMOUNTS

§ 101.25 Carbonated soft drink beverages.

The serving size of carbonated soft drink beverages shall be 8 fluid ounces, except that the serving size for a single service container of 12 fluid ounces or less shall be the amount in the container.

Interested persons may, on or before March 31, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc 75-2653 Filed 1-28-75;8:45 am]

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reconsideration, Suspensions, and Terminations

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. On January 4, 1974, there was published in the FEDERAL REGISTER with Notice of Proposed Rule Making (39 FR 1053) interim regulations relating to the first step (reconsideration) of the appellate process under the supplemental security income program (§§ 416.1408–416.1423). On April 2, 1974, there was published in the FEDERAL REGISTER with Notice of Proposed Rule Making (39 FR 12027) interim regulations relating to suspensions and terminations of eligibility under the supplemental security income program (§§ 416.1321–416.1336).

The amendments proposed herein would revise §§ 416.1336(c) and 416.1419 (a) to reduce the time period elapsing between notification of a proposed adverse action and the effectuation of such action from 30 days to 10 days. This revision comports with due process and fully protects the rights of individuals. The change does not shorten the 30-day time period specified in § 416.1412 of the interim regulations for appealing a determination. It merely provides for prompt notice to the Social Security Administration if the change is not to be effectuated by requiring that, for payments to be continued at the previously established rate during the pendency of an appeal, the request for such appeal must be filed within 10 days of the recipient's receipt of notice of the proposed adverse action. Reduction of this time period will facilitate automation of what is now essentially a manual process of notification and case control. It will also expedite processing of reports of change affecting eligibility status or amount of benefits, thus ensuring the recipient of more timely action on his claim while producing a more accurate and easily retrievable record of history of the claim. Moreover, shortening this time period will reduce the amount of overpayment subject to recovery action which arises from the rules contained in the present regulation. Since adverse changes cannot generally be effectuated prior to the expiration of the 30-day period within which a request for reconsideration can be filed, the general rule ensures overpayments in all cases in which the proposed action is correct. Depending on the point in the payment cycle that the advance notice is sent there will be at least one and in about half of all such cases two succeeding monthly payments at the incorrectly large amount. The proposed regulation would thus serve the interests both of supplemental security income recipients and of the Social Security Administration by minimizing the volume and frequency of those overpayments.

The proposed amendments would also (1) revise §§ 416.1416 and 416.1417(c) to provide that the official of the Social Security Administration who conducts and decides case review and informal conference reconsiderations shall have had no prior involvement with the initial determination; (2) revise § 416.1417(a) to specifically provide that the party to a case review reconsideration shall have an opportunity to review the evidence of record; (3) revised § 416.1417(c) to provide that subpoenas issued in formal conference reconsiderations apply to the production of relevant documents as well as the appearance of adverse witnesses; (4) revised § 416.1418(b) to limit the reconsideration procedure available in cases involving medical issues to a case review, as it is not feasible to provide a conference in these situations; and (5) revoke § 416.1420 of the interim regulations, as information contained in this section would now appear in revised § 416.1419(a).

Prior to effectuation and the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before February 28, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, and 1631 of the Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat., 1476, 42 U.S.C. 1302, 1383.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 20, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of the Federal Regulations is amended as follows:

1. In § 416.1336, paragraph (c) is revised to read as follows:

§ 416.1336 Notice of proposed adverse action affecting recipient's payment status.

* * * * * *

(c) The written notice of intent to suspend, reduce, or terminate payments will allow 30 days from the date of receipt of the notice for the recipient to request the appropriate appellate review (see Subpart N of this part). Payments will be continued for 10 days from the date the recipient receives notice and, if review is requested during this 10-day period, payments will continue until such time as a reconsidered determination (or, where the issue upon which the initial determination was based is cessation of disability due to medical improvement, a hearing decision) is rendered and notice thereof is transmitted to the recipient.

* * * * * *

2. Section 416.1416 is revised to read as follows:

§ 416.1416 Reconsidered determination.

The Social Security Administration shall, when a request for reconsideration has been filed, as specified in § 416.1412, reconsider the initial determination in question and the findings on which it was based in the manner described in § 416.1418 or § 416.1419, and upon the basis of the evidence considered in connection with the initial determination and whatever other evidence is submitted by the parties or is otherwise obtained shall make a reconsidered determination affirming, or revising, in whole or in part, the findings and determination in question. The official of the Social Security Administration who makes the reconsidered determination shall have had no prior involvement with the initial determination.

3. In § 416.1417, paragraphs (a), (b), and (c) are revised to read as follows:

§ 416.1417 Reconsideration procedures.

The reconsideration procedures described in paragraph (a), (b), and (c) of this section will be used dependent upon the category of appeal as specified in § 416.1419. The parties will be advised of their rights which may be exercised at the applicable proceeding. On the basis of a case review, informal conference, or formal conference, the Social Security Administration shall render a reconsidered determination as specified in § 416.1416.

(a) *Case review.* After the party or his representative is given opportunity to review the evidence of record and to present oral and written evidence to an official of the Social Security Administration, the case review shall consist of a thorough review of all evidence on record, including additional evidence submitted by the party or his representative or secured by the Social Security Administration. The official making the case review will render the reconsidered determination.

(b) *Informal conference.* The informal conference will consist of the procedure specified in paragraph (a) of this section and additionally, will provide the party or his representative an opportunity to present witnesses. Also, a summary record of the proceedings shall be prepared and made a part of the case file. The official conducting the informal conference will render the reconsidered determination.

(c) *Formal conference.* The formal conference will consist of the procedure specified in paragraph (b) of this section and, additionally, will provide the party or his representative an opportunity to request that the Social Security Administration subpoena adverse witnesses and relevant documents and provide for cross-examination of the adverse witnesses by the party or his representative. The official conducting the formal conference will render the reconsidered determination.

* * * * * *

4. In § 416.1418, paragraph (b) is revised to read as follows:

§ 416.1418 Reconsideration of initial determinations on applications.

* * * * * *

(b) *Medical issues.* When a request for reconsideration of an initial determination on an application (including cases where payment was made on the basis of presumptive disability pending the initial determination (see §§ 416.951–416.954)) has been filed and the subject of the appeal is a medical issue, the Social Security Administration shall offer the parties to the initial determination an opportunity for a case review (see § 416.1417(a)). On the basis of such case review, the Social Security Administration shall render a reconsidered determination as specified in § 416.1416.

5. Section 416.1419 is revised to read as follows:

§ 416.1419 Reconsideration of initial determinations of continuing eligibility (post-eligibility claims).

(a) *Advance notice of adverse action required.* Section 416.1336 describes the conditions under which notice of an adverse post-eligibility initial determination will be given in advance of effectuation. In such cases, if reconsideration (or hearing, if the initial determination is cessation of disability due to medical improvement) is requested by a party to the determination within the first 10 days of the 30-day period specified in § 416.1410 for requesting reconsideration (or § 416.1425 for requesting a hearing, if the initial determination is cessation of disability due to medical improvement), effectuation of the determination will be delayed until a reconsidered determination (or hearing decision, if the initial determination is cessation of disability due to medical improvement) is rendered and the provisions of § 416.1336(c) regarding continuation of payment will apply unless a party to the determination specifically waives in writing his right to delayed effectuation and continuation of payment. Where reconsideration (or hearing, if the initial determination is cessation of disability due to medical improvement) is requested within the 10-day period specified in this paragraph, the parties to the determination will be provided an opportunity for a formal conference (or at the option of the parties, an informal conference or a case review) or if cessation of disability due to medical improvement is the determination at issue, for a hearing, unless continuation of payment has been waived. The Social Security Administration will effectuate the determination after the close of the 10-day period specified in this paragraph if the reconsideration (or hearing, if applicable) has not been requested by that time, or before the close of such 10-day period if the parties to the determination have so requested in writing. Where appeal is requested after the close of the 10-day period specified in this paragraph but within the 30-day period specified in § 416.1410 (or, the appeal is requested within the 10-day period but continuation of payment has been waived), the parties' appeal will be a reconsideration using the same procedures as specified in § 416.1418. The provisions of this paragraph regarding delay in effectuation of the determination, the provisions of § 416.1336(c) regarding continuation of payment, and the provisions of this paragraph regarding the hearing of formal conference procedures shall not apply, unless such 10-day period is extended under the provisions of § 404.953 of this chapter.

(b) *Advance notice of adverse action not required.* The conditions under which the Social Security Administration may effectuate adverse post-eligibility initial determinations involving reductions, suspensions, or terminations of benefits without advance notice to the parties to such initial determinations are described in § 416.1336. Upon receipt of a timely filed request for reconsideration of such initial determination, the Social Security Administration shall apply the same procedures as specified in § 416.1418.

[FR Doc.75-2514 Filed 1-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74-300]

CONEY ISLAND CREEK, NEW YORK

Drawbridge Operation Regulations

At the request of the City of New York, the Coast Guard is considering amending the regulations for the City of New York highway bridge at Harway (Cropsey) Avenue across Coney Island Creek to delete the requirement that the draw be restored to operable condition within 6 months after notification by the Commandant to do so. This amendment is being considered because there is no navigation along this waterway, and there are no docking facilities or marinas on the waterway. All other drawbridges along this waterway are permanently closed.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before March 4, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising subparagraph (5) of paragraph (f) of § 117.190 to read as follows:

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) * * *

(5) Coney Island Creek; City of New York highway bridge at Harway (Cropsey) Avenue. The draw need not open for the passage of vessels and the provisions of paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * * *

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(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: January 24, 1975.

R. I. PRICE,
Rear Admiral U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-2669 Filed 1-28-75;8:45 am]

[33 CFR Part 117]

[CGD 75-024]

MATANZAS RIVER, FLORIDA

Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Coast Guard is considering revising the regulations for the Bridge of Lions drawbridge across State Road A-1-A at St. Augustine, Florida. This revision would require that the draw open on signal from 6 p.m. to 7:30 a.m. and on the hour and half hour from 7:30 a.m. to 6 p.m. except that the draw need not open at 8 a.m., 12 noon and 5:30 p.m., Monday through Friday, except holidays. The draw is presently required to open on signal at all times except from 7:30 a.m. to 8:15 a.m., 11:50 a.m. to 12:20 p.m., and 5 p.m. to 5:45 p.m. Monday through Friday. This change is being considered because of an increase in vehicular traffic during the periods affected. The use of visual signals in lieu of sound signals by the bridgetender is proposed in order to reduce the high level of noise in this densely populated area.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before March 4, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.432 to read as follows:

§ 117.432 Matanzas River, Fla.; Bridge of Lions, St. Augustine, Fla.

(a) From 7:30 a.m. to 6 p.m., Monday through Friday, except holidays, the draw shall open only on the hour and half hour if any vessels are waiting to pass. However, the draw need not open at 8:00 a.m., 12:00 noon and 5:30 p.m. At all other times the draw shall open on signal.

(b) The draw shall open at any time on signal for the passage of public vessels of the United States, tugs with tows and vessels in distress. The signal from such vessels is four blasts of a whistle or horn or by shouting.

(c) Signals for all vessels other than those covered in paragraph (b) of this section.

(1) Call signals for opening of draw.

(i) *Sound signals.* Three short blasts of a whistle, horn or siren.

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) Acknowledging signals by the bridge operator.

(i) *Sound signals.* None required.

(ii) *Visual signals.*

(A) When the draw cannot be opened promptly or when draw is opened and is to be closed for any reason, the signal is two red lights flashed alternately; or a red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of vessel.

(B) When the draw can be opened promptly, the signal is two amber lights flashed alternately; or a white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel.

(C) When the draw is open for passage, the signal is two green lights flashed alternately; or a green flag by day or a green light by night, swung in vertical circles at arm's length in full sight of the vessel.

(d) No vessel shall attempt to navigate the draw of the bridge until the green light or green flag acknowledging signals are given.

(e) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for opening of the draw.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: January 24, 1975.

R. I. PRICE,
Rear Admiral U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-2668 Filed 1-28-75;8:45 am]

[46 CFR Part 146]

[CGD 74-276]

MARKING OF PACKAGES

Portable Tank Lettering Heights

The Coast Guard is considering an amendment to the marking and labeling of packages regulations in Part 146, Subchapter N, "Dangerous Cargoes", of Title 46, Code of Federal Regulations. The proposed amendment would amend the maximum height for lettering on a portable tank.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard Headquarters, 400 Seventh St., SW, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify the notice (CGD 74-276), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

The Coast Guard will hold a hearing on February 25, 1975 at 9:30 a.m. in Room 8334, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation, if possible. Written summaries or copies of oral presentations are encouraged.

All communications received before March 17, 1975 will be evaluated before final action is taken on this proposal. The proposed regulation may be changed in the light of comments received.

In a document published on page 32997 of the September 13, 1974, issue of the FEDERAL REGISTER, the Coast Guard amended paragraph (e)(1)(i) of 46 CFR 146.05-15, which prescribes the markings that are required on portable tanks that are used for the transportation of a hazardous material. One requirement in paragraph (e)(1)(i) is, "the height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater."

The 5 inch maximum is included in the final amendment of September 13 in light of a comment, which is discussed in the preamble of that document. The comment addresses the problems of visibility and space for placement of lettering.

The Coast Guard has subsequently determined that a mandatory 5 inch maximum is inconsistent with the Department of Transportation requirement in 49 CFR 173.401(a)(1), which does not have this limitation for portable tanks that are carried by land modes of transportation. Because some portable tanks are carried by both land and water modes of transportation, the Coast Guard is proposing to make the requirement consistent with the Title 49 requirement. The amendment would allow, rather than require, letters to be only 5 inches high.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46, Code of Federal Regulations as follows:

§ 146.05-15 [Amended]

1. By amending paragraph (e)(1)(i) of § 146.05-15 by striking the words "The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater" and inserting the words "The height of each letter must be 2 inches or one-tenth the diameter of the tank, whichever is higher, but need not be higher than 5 inches" in place thereof.

(46 U.S.C. 170, 391a., 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: January 22, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-2661 Filed 1-28-75;8:45 am]

[46 CFR Part 146]

[CGD 74-225]

UNSLAKED LIME

Bulk Transportation Requirements

The Coast Guard is considering an amendment to the hazardous articles regulations in Part 146, Subchapter N, "Dangerous Cargoes", of Title 46, Code of Federal Regulations. The amendment would allow the transportation of unslaked lime in bulk on double skin barges.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Counsel (G-CMC/82), Room 8324, U.S. Coast Guard Headquarters, 400 Seventh Street, SW, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify the notice (CGD 74-225), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

The Coast Guard will hold a hearing on February 25, 1975 at 9:30 a.m. in Room 8334, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation, if possible. Written summaries or copies of oral presentations are encouraged.

All communications received before March 17, 1975 will be evaluated before final action is taken on this proposal. The proposed regulation may be changed in the light of comments received.

Unslaked lime is a hazardous article under the definition in 46 CFR 146.21-1(a) because it may heat spontaneously; however, unslaked lime does not burn. The hazard of unslaked lime is the potential to ignite other combustible articles.

Unslaked lime may be transported in packages if the conditions for transportation in 46 CFR 146.27-100, "Table K—Classifications: Hazardous Articles", are met. These regulations, by themselves, do not permit the transportation of unslaked lime in bulk.

The Coast Guard has determined that unslaked lime can be safely transported in bulk if the lime is the only article carried and if certain conditions of transportation are met. Coast Guard Special Permit 25-74, which has been issued to the Union Mechling Corporation, permits bulk transportation of unslaked lime in unmanned, all steel, double skin barges that are equipped with weather tight hatches or covers. No accidents have been reported under this Special Permit. In consideration of the properties of unslaked lime and the experience with Special Permit 25-74, the Coast Guard has determined that transportation of this article is bulk, by itself, and under the conditions of the Special Permit provides effective provision against the hazards of health, life, limb, or property that might be created by this hazardous article.

The Coast Guard has also determined that the originating shipping order and transfer shipping paper requirement in § 146.05-12 and the dangerous cargo manifest requirement in § 146.06-12 do not apply to the transportation of unslaked lime in bulk. These provisions are not intended to apply to bulk transportation in unmanned barges such as the bulk transportation of unslaked lime proposed by this notice. Imposition of these requirements would be an unnecessary economic burden on the shipper and would not affect safety.

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Council on Environmental Quality Guidelines (40 CFR, Part 1500), and section 7.g. of the Department of Transportation Procedures for Considering Environmental Impacts (39 FR 35234), the Coast Guard gives notice that an Environmental Impact Statement is not being prepared for the action proposed by this notice. The environmental assessment is that this Federal action will not have a significant impact on the environment. The environmental assessment file is available for inspection with the public docket in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46, Code of Federal Regulations, as follows:

1. By adding a new § 146.27-29 to read as follows:

§ 146.27-29 Unslaked lime in bulk.

(a) Unslaked lime may be transported in bulk in unmanned, all steel, double skin barges equipped with weather tight hatches or covers if no other article is transported in these barges at the same time.

(b) The originating shipping order and transfer shipping paper requirement in § 146.05-12 and the dangerous cargo manifest requirement in § 146.06-12 do not apply to the transportation of unslaked lime under paragraph (a) of this section.

§ 146.27-100 [Amended]

2. By adding to § 146.27-100, "Table K—Classifications: Hazardous articles," under "Lime, unslaked" in column 4, "Required conditions for transportation—Cargo vessel", after the words "(See Note in columns 5, 6, and 7.)" The following:

See § 146.27-100 Unslaked lime in bulk.

(46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: January 22, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-2662 Filed 1-28-75;8:45 am]

Federal Highway Administration

[49 CFR Part 395]

[Docket No. MC-57; Notice No. 75-]

SLEEPER BERTHS

Proposed Rule Making on Dual Occupancy

Correction

In FR Doc. 75-817, appearing at page 2209 in the issue of January 10, 1975, the next to last sentence, first paragraph, first column, is corrected to read, "Freightliner recommended that the minimum dimensions of a dual-occupant sleeper berth should be 75 inches long, 52 inches wide, and 24 inches high."

Issued on January 23, 1975.

ROBERT A. KNYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75-2533 Filed 1-28-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-CE-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Belleville, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before February 27, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrange-

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ments for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

One of the instrument approach procedures to Belleville Municipal Airport, Belleville, Kansas, has been revised. This revision involves designation of a different radial of the Mankato VORTAC as the final approach course and designation of a different final approach fix. Consquently, it is necessary that the description of the Belleville transition area be altered to reflect the new controlled airspace requirement.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belleville Municipal Airport (latitude 39°49'00" N., longitude 97°39'00" W.); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on January 3, 1975.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.75-2620 Filed 1-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

GRIZZLY BEAR

Proposed "Threatened" Status in the Conterminous 48 States; Correction

In FR Doc. 74-30500 in the issue of January 2, 1975, appearing in the third column on page 6, the second line of the first paragraph now reading "a proposed" should read "an." Also, in the same document, appearing in the second column on page 7, the last word of the title of paragraph 17.42 "species" should be "status."

Dated: January 23, 1975.

MICHAEL J. SPEAR,
Acting Director, Fish and Wildlife Service.

[FR Doc.75-2675 Filed 1-28-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

TOYS AND OTHER CHILDREN'S ARTICLES PRESENTING INJURY HAZARDS DUE TO SHARP EDGES

Proposed Banning; Correction

In FR Doc. 75-227 published in the FEDERAL REGISTER of January 7, 1975 (40 FR 1488), proposed 16 CFR 1500.47(e)(2) is corrected by changing "0.375±0.0005" in the fourth sentence to read "0.375±0.005".

Dated: January 24, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-2689 Filed 1-28-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 34]

[Docket No. RM75-16]

REVISION OF PROCEDURES FOR THE ISSUANCE OF SECURITIES

Proposed Rulemaking

JANUARY 20, 1975.

Notice is hereby given pursuant to 5 U.S.C. 553, sections 3(16), 19, 20, 203, 204, 205, 305, 308 and 309 of the Federal Power Act (41 Stat. 1073, 1074; 49 Stat. 839, 849, 850, 851, 852, 856, 858–859; 16 U.S.C. 796(16), 812, 813, 824b, 824c, 824d, 825d, 825g, 825h), that the Commission proposes to amend Part 34, Application for Authorization of the Issuance of Securities or the Assumption of Liabilities, of the regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, effective January 1, 1975.

In general, it is Commission policy, as set forth in Part 34 of the regulations under the Federal Power Act, to require competitive bidding procedures to be followed by utilities in the issuance or sale of securities subject to our regulations. The regulations also provide for exemption from the competitive bidding requirements if the Commission finds that such requirements are not needed to aid it in a determination as to whether aspects of the proposed issuance or sale are not consistent with the public interest.

During the year 1974, the Commission, relying heavily on information and representations submitted by applicants and taking notice of the unsettled financial and money markets, has approved a number of requests for exemption from the competitive bidding procedures contained in the regulations to enable utilities to secure the necessary funds for expansion of their facilities. In this connection, the Commission notes that the Securities and Exchange Commission has temporarily suspended its competitive bidding requirements with respect to the issuance of common stock by companies subject to the Public Utility Company Holding Act of 1935.

The Commission recognizes that public utility companies are faced with the difficult task of raising huge amounts of capital at a time when financing has become more difficult and that flexibility in financing is needed. On the other hand, the Commission intends to continue to comply with its statutory responsibilities in making determinations that security issuances are in the public interest.

Accordingly, revisions to Part 34 of the Commission's regulations are proposed which would:

(1) Require public invitation of proposals for the purchase or underwriting of security issues involving proceeds of $10 million or more before exemption from the competitive bidding requirements of the Regulations will be considered by the Commission.

(2) Exempt security issues involving proceeds under $10 million from the competitive bidding requirements of the regulations.

(3) Require, when filing negotiated procedures, utilities to submit evidence of having negotiated with at least three purchasers or underwriters and to show that the effective cost of the security issue is reasonable in relation to the state of the financial or money markets before approval of issuance of securities by negotiation would be authorized by the Commission.

(4) Eliminate the requirement that utilities must receive Commission approval to engage in negotiation for the sale or underwriting of securities.

It is proposed to exempt issues involving proceeds of under $10 from the competitive bidding requirements, because such issues may not be attractive to underwriters from a time and cost standpoint when larger offerings of securities are available.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 3, 1975, data, views, comments, or suggestions in writing concerning the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 34 of the Commission's Regulations Under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3(16), 19, 20, 203, 204, 205, 305, 308 and 309 of the Federal Power Act (41 Stat. 1073, 1074; 49 Stat. 839, 849, 850, 851, 852, 856, 858–859; 16 U.S.C. 796(16), 812, 813, 824b, 824c, 824d, 825d, 825g, 825h).

The following are proposed amendments to Part 34 of the Commission's Regulations Under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

1. Delete the second sentence from § 34.1a(a)(4). Aso so amended, the text of § 34.1a(a)(4) will read:

§ 34.1a Requirement of public invitation of proposals for the purchase or underwriting of securities.

(a) *Scope of this section.* • • •

(4) The Commission, on applications filed pursuant to § 34.2(f)(2), finds that compliance with the competitive bidding requirements of paragraphs (b) and (c) of this section would not be appropriate to aid the Commission to determine whether any fees, commissions, or other remuneration to be paid, directly or indirectly, in connection with the issue, sale, or distribution of such securities, or whether such issue or sale, or any term or condition of such issue or sale, is not consistent with the public interest. Nothing in this section shall be deemed to preclude the Commission from entering any order which would otherwise be appropriate under applicable provisions of the Act.

• • • • • •

2. Amend § 34.2(f). As so amended, the text of § 34.2(f) will read:

§ 34.2 Contents of application: filing fee.

• • • • • •

(f) Except where issuance of securities or assumption of obligation or liability either fall within paragraph (e)(1), (2), or (3) of this section or the proceeds to the issuer of the securities will be under $10 million, the applicant:

(1) Shall set forth the proposed method of complying with the competitive bidding requirements of § 34.1a (b) and (c), including summarization of the principal terms of the proposed invitation for bids and submitting a copy of the proposed invitation as part of Exhibit O to the application.

(2) After having complied with paragraph (f)(1) above, may file an amendment applying for exemption from the competitive bidding requirements of § 34.1a (b) and (c) upon findings referred to in § 34.1 (a)(4). The amendment shall set forth specific grounds for exemption from the competitive bidding requirement, i.e., bids not received, bids received for only a portion of an issue, unacceptable interest rate, etc. If such an exemption is denied by the Commission after the application for securities approval has been filed, the requirements of subparagraph (1) of this paragraph shall be complied with by amendment to the application.

(3) For security issues involving proceeds under $10 million and securities exempted by the Commission from competitive bidding after compliance with subparagraph (2) of this paragraph, the applicant must file evidence of having negotiated with at least three purchasers or underwriters, and show that the effective cost of the security issue is reasonable in relation to the state of the financial or money markets before approval of issuance of securities by negotiation will be authorized by the Commission.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2597 Filed 1-28-75;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

FEDERAL CREDIT UNIONS

Service Centers; Organizational and Operational Proceedings

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to revise and amend §§ 701.27–1 and 701.27–2 (12 CFR 701.27–1 and 701.27–2) as set forth below.

The revision to the respective sections is technical in nature. The purpose of the proposed amendments, however, is to provide authority to Federal credit unions and accounting service centers utilizing data processing to lease or sell their software and to sell data processing capacity in excess of their own immediate needs.

The amendatory language is contained in proposed §§ 701.27–1 (a)(2) and (b) and 701.27–2 (a) (1) and (3), (c), and (e)(6). Additionally, the proposed § 701.27–2 amends the present § 701.27–2 (a) by deleting the language, "the functions, facilities, and operations of which are limited to providing data processing services only for such participating credit unions" contained in the first sentence of said section and by deleting the word "sole" contained in the third sentence of said section and inserting in lieu thereof the word "primary."

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Administrator, National Credit Union Administration, 2025 M St., NW., Washington, D.C. 20456. Comments received prior to February 28, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

HERMAN NICKERSON, Jr.,
Administrator.

JANUARY 21, 1975.

Sections 701.27–1 and 701.27–2 are revised to read as follows:

§ 701.27–1 Purchase and Sale of Accounting Services.

(a) For the purposes of this section:

(1) "Accounting services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, by manual, mechanical, or electronic methods, and the furnishing of reports and information derived from such records.

(2) "Gross income" means the gross proceeds of a Federal credit union's operating activities and, in the case of nonoperating transactions consummated at a gain, the net proceeds after deduction of related costs.

(b) A Federal credit union may purchase accounting services for the maintenance of all or a portion of its accounting records. Any purchase of accounting services shall be evidenced by a written agreement, the terms and conditions of which shall expressly include a provision requiring compliance with § 701.14, and a provision requiring the vendor to make any accounting records of the Federal credit union in his possession immediately available for examination by the Administration.

(c) A Federal credit union purchasing accounting services shall notify the Regional Director in writing of the arrangement at least 30 days prior to the date on which such services shall commence. Such notice shall disclose the name and address of the vendor and information with respect to the records to be maintained and the method to be used. A Federal credit union shall notify the Regional Director in writing at least 30 days prior to the discontinuance of the arrangement.

(d) A Federal credit union, in addition to regular payments for services as provided under the written agreement, shall not pay in advance the actual or estimated charges for more than 3 months' services. Where such advance payment is made it shall be amortized over a period not in excess of the period of the written agreement.

(e) No official or employee of a Federal credit union shall be engaged directly in the management or operation of the accounting services purchased pursuant to

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this section, except where the vendor of such services is owned and operated by or controlled by one or more credit union leagues. However, in no event shall an official or employee of a Federal credit union receive from the vendor of such services any salary or compensation other than the reimbursement of necessary expenses incurred in connection with the vendor's activities.

(f) A Federal credit union utilizing data processing for the maintenance of its own accounting records may lease or sell its software, and may sell data processing capacity in excess of its own immediate needs; however, gross income derived from such source shall be limited to ten percent (10%) of gross income derived from all sources. All contracts for the sale or lease of software and sale of data processing capacity in excess of the immediate needs of the credit union shall be in writing and shall have the prior approval of the Administrator. Request for such approval should be submitted to the Regional Director together with all pertinent facts in support of the proposal not later than sixty (60) days prior to the proposed effective date of the contract.

§ 701.27–2 Participation in Accounting Service Center.

(a) For the purposes of this section:

(1) "Accounting service center" means that substantially all the functions, facilities, and operations of the service center are limited to providing data processing services for participating credit unions.

(2) "Data processing services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, primarily by mechanical or electronic methods, and the furnishing of reports and information derived from such records.

(3) "Gross income" means the gross proceeds of a Federal credit union's operating activities and, in the case of non-operating transactions consummated at a gain, the net proceeds after deduction of related costs.

(b) A Federal credit union may participate with one or more other credit union(s) (either Federal or state chartered) in the establishment or maintenance of an accounting service center.

(c) An accounting service center operating under this section may lease or sell its software, and may sell data processing capacity in excess of the immediate needs of the participating credit unions; however, gross income derived from such source shall be limited to twenty-five percent (25%) of gross income derived from all sources. All contracts for the sale or lease of software and sale of data processing capacity in excess of the immediate needs of the participating credit unions shall be in writing and shall have the prior approval of the Administrator. Requests for such approval should be submitted to the Regional Director together with all pertinent facts in support of the proposal not later than sixty (60) days prior to the proposed effective date of the contract.

(d) Participation in the accounting service center may be by means of a partnership or other noncorporate arrangement between or among the participating credit unions or by participation in an accounting service center corporation organized for the primary purpose of providing data processing services to the participating credit unions, through ownership of a proportionate amount of the capital stock of such a corporation, provided that the remaining capital stock of such corporation is available for ownership only by the participating credit unions. A Federal credit union's proportionate ownership of the accounting service center shall be in similar proportion to the total ownership of the center as the total facilities and services used by the Federal credit union bears as a percentage to the total facilities and services provided by the accounting service center to all the participating credit unions, but the cost of such ownership shall not exceed 2 percent of its members' shareholdings. Ownership by the participating credit unions will be reviewed not less frequently than every two years and adjusted among them as necessary to bring such ownership into conformity with the percentage of the total facilities and services of the accounting service center used by each of them.

(e) A Federal credit union may not participate in the establishment or maintenance of an accounting service center unless the arrangement provides,

(1) That the operating costs of the accounting service center shall be charged to each of the participating credit unions in such proportion to the total operating costs as the total facilities and services used by each bears as a percentage to the total facilities and services used by all of them;

(2) That each participating credit union will have in its records current information disclosing,

(i) The name of each participant,

(ii) The proportion and amount of ownership of each in the accounting service center,

(iii) The proportion of the facilities and services used by each,

(iv) The current total operating costs of the accounting service center, and

(v) The proportion and the amount of the total operating costs charged to each of the participating credit unions;

(3) That each participating credit union shall, at least annually, be provided by the accounting service center reports disclosing the financial affairs of the service center, including financial position and results of operations. Each such financial statement shall include an attached statement certifying to the participating credit union that the scope of the activities of the service center was confined to (a) (1) of this Part;

(4) That the accounting service center shall establish and maintain the records of participating Federal credit unions in accordance with the requirements of § 701.14;

(5) That the records of participating Federal credit unions in possession of the accounting service center shall be available immediately for examination by the Administration; and

(6) That, when necessary to protect the interests of the participating federally insured credit unions, the books and records of the accounting service center shall be subject to examination by the Administrator.

(f) No official or employee of a participating Federal credit union may receive any salary or compensation from the accounting service center other than the reimbursement of necessary expenses incurred in connection with service center activities.

(g) Each Federal credit union participating in an accounting service center shall notify the Regional Director in writing of the arrangement at least 30 days prior to the date on which such participation shall commence. Such notice shall disclose the name and address of the accounting service center, the name of its managing officer, and shall provide information on the records to be maintained and the method to be used for that purpose. A Federal credit union shall notify the Regional Director in writing at least 30 days prior to discontinuing its participation in an accounting service center.

[FR Doc.75–2613 Filed 1–28–75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 440]

CLAIMS AGAINST THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC BY U.S. NATIONALS

Notice of Time for Filing

Notice is hereby given that the Department of State will receive at its Office of the Legal Adviser, located at 2201 C Street NW., Washington, D.C. 20520, during the period beginning February 3, 1975, and ending August 4, 1975, claims against the Government of the Syrian Arab Republic by U.S. Nationals for the nationalization, expropriation or sequestration of, or other measures directed against their property by the Government of the Syrian Arab Republic.

(The authority of the Secretary of State to negotiate and settle such claims with foreign governments rests upon the constitutional power of the Executive to conduct the foreign relations of the United States.)

Dated: January 22, 1975.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.75–2614 Filed 1–28–75;8:45 am]

[CM–5/9]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

The Ocean Affairs Advisory Committee will meet on February 27, 1975, in conference room 1205 of the Department of State, 2201 C Street NW, Washington, D.C. at 9 a.m. This meeting will not be open to the public since the discussions will be devoted to matters exempt from public disclosure under 5 USC 552(b)(1) and the public interest requires that such discussions be withheld from disclosure. These discussions will be confined to classified briefings on Law of the Sea meetings and fisheries negotiations, and will include examination and discussion of classified documents.

LORRY M. NAKATSU,
Acting Deputy Assistant Secretary for Oceans and Fisheries Affairs.

Date: JANUARY 6, 1975.

[FR Doc.75–2683 Filed 1–28–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Correction

In FR Doc. 75–1617 appearing at page 3018 in the issue of Friday, January 17, 1975, in the third paragraph beginning, "Any person registered to manufacture Phenmetrazine * * *" the date now reading "February 3, 1975" should read "February 18, 1975".

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Correction

In FR Doc. 75–1615 appearing at page 3018 in the issue of Friday, January 17, 1975, in the third paragraph beginning, "Any person registered to manufacture Methylphenidate * * *" the date now reading "February 3, 1975" should read "February 18, 1975".

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Correction

In FR Doc. 75–1616 appearing at page 3018 in the issue of Friday, January 17, 1975, in the fifth paragraph beginning "Any person registered to manufacture Cocaine * * *" the date now reading "February 3, 1975" should read "February 18, 1975".

Office of the Attorney General

[Order No. 590–75]

ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION

Authority Delegation To Approve Certain Use of Government-Owned Passenger Motor Vehicles

By virtue of the authority vested in me by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, I hereby delegate to the Administrator of the Drug Enforcement Administration the authority under section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a(c)(2)) to approve the use of Government-owned passenger motor vehicles for travel between place of domicile and place of employment by officers and employees of the Administration engaged in field work, the character of whose duties makes such transportation necessary, subject to such limitations and conditions that the Administrator deems appropriate.

Dated: January 22, 1975.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.75–2572 Filed 1–28–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 24322]

NEW MEXICO

Pipeline Application

JANUARY 21, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 22, SE¼SW¼;
Sec. 27, N½NW¼;
Sec. 28, E½NE¼ and SW¼NE¼.

These pipelines will convey natural gas across 1.042 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 75–2611 Filed 1–28–75;8:45 am]

[NM 24508, 24509, 24510]

NEW MEXICO

Pipeline Application

JANUARY 20, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat.

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576), El Paso Natural Gas Company has applied for one 2⅜ and two 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 5 W.,
Sec. 11, SE¼SW¼.
T. 28 N., R. 6 W.,
Sec. 16, NE¼;
Sec. 27, NE¼SE¼.

These pipelines will convey natural gas across .193 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Mineral Operations.

[FR Doc.75-2612 Filed 1-28-75;8:45 am]

GEOLOGICAL SURVEY

Producing Oil and Gas Fields, Calif.; Definitions of Known Geologic Structures

Pursuant to 43 CFR 3100.7, and delegations of authority in 220 Department Manual 41G, Geological Survey Manual 220.2.2B(2), and Conservation Division Supplement (Geological Survey Manual) 220.2.1F(2) notice is hereby given that the known geologic structures of producing oil and gas fields have been redefined as follows:

NAME OF FIELD, EFFECTIVE DATE, ACREAGE (5) CALIFORNIA

Asphalto; March 12, 1974; 2,000.
Cymric; March 12, 1974; 11,410.
McKittrick; March 12, 1974; 3,733.
Northeast McKittrick; March 12, 1974; 2,090.
Railroad Gap; March 12, 1974; 2,040.

Maps and diagrams showing the boundaries of the defined structures have been filed with the Bureau of Land Management, Sacramento, California. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025.

W. C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-2676 Filed 1-28-75;8:45 am]

National Park Service

YOSEMITE MASTER PLAN

Notice of Intent

Notice is hereby given that the first phase of the new Master Planning process for Yosemite National Park, California, will begin on Wednesday, February 5, 1975, with a workshop at Park headquarters, the first in a series of such workshops providing for public involvement and citizen participation in the planning process.

The times, dates and locations of subsequent workshops to be held throughout the month of February in communities surrounding the Park will be widely publicized in advance through announcements in the news media and through direct contact with interested individuals and organizations. Concurrent with the workshops will be a series of consultations between members of the Yosemite Master Planning Team and appropriate Federal, State and local government officials.

Subsequent workshops and consultations, to be preceded by adequate advance public notice, will be held beginning in March in various communities throughout the San Joaquin Valley, in the San Francisco Bay Area; in the Los Angeles metropolitan area and in other centers of population as appropriate.

The purpose of these workshops and consultations is to provide the widest possible public involvement, including ideas, suggestions and comments from individuals and organizations on the concepts and composition of a draft Master Plan for Yosemite National Park prior to the actual drafting of such a plan.

It is the intention of the National Park Service, when the draft Master Plan is completed, to submit it to the public for further review through a series of public meetings for which adequate advance public notice also will be given.

Anyone wanting additional information on the workshops and/or the status of the planning process should contact the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite National Park, CA 95389 (Telephone 209-372-4461).

JOHN H. DAVIS,
Acting Regional Director, Western Region, National Park Service.

[FR Doc.75-2869 Filed 1-28-75;9:54 am]

Bureau of Reclamation

EL PASO COAL GASIFICATION PROJECT

Postponement of Public Hearings on Draft Environmental Statement

The public hearings, as announced in the FEDERAL REGISTER, Volume 40, No. 11, Thursday, January 16, 1975, on the draft environmental statement for the proposed El Paso Coal Gasification Project (INT DES 74-77), which were scheduled for February 18, 1975, in Farmington, New Mexico, and February 19, 1975, in Window Rock, Arizona, have been postponed. The postponement has been requested by the chairman of the Navajo Tribal Council upon the recommendation of the Navajo Tribal Environmental Protection Commission.

The public hearings will be rescheduled in the near future. A revised notice will be published in the FEDERAL REGISTER 30 days prior to the new dates of the hearings.

Dated: January 28, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-2898 Filed 1-28-75;11:23 am]

WESTERN GASIFICATION CO.

Postponement of Public Hearings on Draft Environmental Statement

The public hearings, as announced in the FEDERAL REGISTER, Volume 40, No. 2, Friday, January 3, 1975, on the draft environmental statement for the proposed WESCO Coal Gasification Project and expansion of the Navajo Mine by Utah International, Incorporated (INT DES 74-107), which were scheduled for February 4, 1975, in Window Rock, Arizona, and February 5, 1975, in Farmington, New Mexico, have been postponed. The postponement has been requested by the chairman of the Navajo Tribal Council upon the recommendation of the Navajo Tribal Environmental Protection Commission.

The public hearings will be rescheduled in the near future. A revised notice will be published in the FEDERAL REGISTER 30 days prior to the new dates of the hearings.

Dated: January 27, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-2897 Filed 1-28-75;11:23 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

MINNKOTA POWER COOPERATIVE, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Minnkota Power Cooperative of Grand Forks, North Dakota. This loan application requests REA loan funds to finance a 105 mile portion of a 230 kV transmission line from Winnipeg, Manitoba, to a site near Hibbing, Minnesota. Manitoba Hydro will construct the Canadian portion of facilities and Minnesota Power & Light Company and Minnkota Power Cooperative will construct the United States portion.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 22nd day of January, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-2631 Filed 1-28-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ARCHIE M. BRAND

Issuance of Permit for Marine Mammals

On September 17, 1974, notice was published in the FEDERAL REGISTER (39 FR 11320) that an application had been filed with the National Marine Fisheries Service by Archie M. Brand, Sparky's School of Seals, Route 4, Box 562, Carthage, Missouri, for a permit to take four California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that, on January 21, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above-mentioned taking to Archie M. Brand, subject to certain conditions set forth therein.

The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

JANUARY 21, 1975.

[FR Doc.75-2632 Filed 1-28-75;8:45 am]

BENSON WILD ANIMAL FARM

Notice of Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a public display permit as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Benson Wild Animal Farm, Hudson, New Hampshire 03061, to take three (3) California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the California Channel Islands, acclimated to captivity by the collector and transported via commercial airline to the New Hampshire facility.

The animals will be housed in two areas during the months of April through October. The first area is a wooden building, 19 feet long by 9 feet 6 inches wide with an outside pool, 48 feet long and 5 feet deep. One of the requested sea lions will be trained to perform in a show and will be maintained in this area. The second area is enclosed by steel bars and has a haul-out area of 120 square feet and a pool 12 feet by 6 feet by 4, feet deep. No more than two sea lions are to be maintained in this area during the above mentioned months. During the months of November through March, all the sea lions are maintained in a heated building, 49 feet long and 21 feet wide. The building contains two cement pools measuring 12 feet long by 6 feet wide by 2 feet deep and 24 feet long by 6 feet wide and 32 inches deep. The water supply is from an artesian well and is stored in a 200,000 gallon tank. Two California sea lions are currently maintained in the facility.

Dr. Paul A. Phenix, D.V.M. has provided veterinary care to the Benson Wild Animal Farm. Dr. Roland F. Teibor, Jr., has 30 years experience as a trainer and handler of sea lions.

The Benson Wild Animal Farm is a profit-making corporation chartered in the State of New Hampshire and is visited by some 400,000 people a year. Educational guided tours are offered to any groups requesting them.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Office of the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before February 25, 1975, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

JANUARY 15, 1975.

[FR Doc.75-2634 Filed 1-28-75;8:45 am]

BERND G. WUERSIG

Notice of Modification of Permit

Notice is hereby given that, pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to Bernd G. Wuersig, Division of Biological Sciences, University of New York, Stony Brook, New York 11790, on March 28, 1974, as modified on July 8, 1974 (39 FR 24932), is further modified, by means of Modification No. 2, in the following manner:

The period of validity of the Permit is extended from January 31, 1975, to July 31, 1975. A preliminary report is due by September 30, 1975, rather than by March 30, 1975. A final report is due by December 31, 1975, rather than by May 31, 1975.

This modification is effective on January 29, 1975.

The permit as modified is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 10930.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

JANUARY 21, 1975.

[FR Doc.75-2633 Filed 1-28-75;8:45 am]

NORTHWEST FISHERIES CENTER

Issuance of Permit for Marine Mammals

On September 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 32045), that an application, as amended on October 31, 1974 (39 FR 38404), had been filed with the National Marine Fisheries Service by the Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, for a scientific research permit to conduct research on pinniped species inhabiting the Hawaiian Islands and Pacific coastal and offshore areas of the United States and Mexico.

The pinniped species involved in the research are:

Pacific harbor seal (*Phoca vitulina richardii*);
Northern elephant seal (*Mirounga angustirostris*);
Guadalupe fur seal (*Arctocephalus townsendi*);

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Hawaiian monk seal (*Monachus schauinslandi*);
California sea lion (*Zalophus californianus*); and
Northern sea lion (*Eumetopias jubatus*).

The research activities to be conducted include:

(1) Tag up to 1000 California sea lions and up to 1000 northern elephant seals;

(2) Conduct aerial surveys and counts, and ground-level counts of populations of the above-mentioned pinniped species;

(3) Kill up to 600 California sea lions, 20 Pacific harbor seals, and 20 northern sea lions for stomach content analysis and other biological information;

(4) Collect any and all dead pinnipeds of the above mentioned species which are found at sea or beached.

Notice is hereby given that, on January 21, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above described activities to the Northwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JANUARY 21, 1975.

[FR Doc.75–2635 Filed 1–28–75;8:45 am]

Office of the Secretary

PROPOSED VOLUNTARY ENERGY CONSERVATION SPECIFICATIONS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS AND FREEZERS

Notice of Hearing

On December 31, 1974, notice was given in the FEDERAL REGISTER (39 FR 45334), in accordance with section 9.4 of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9), that the Department of Commerce proposed to issue separate Voluntary Energy Conservation Specifications for refrigerators, combination refrigerator-freezers and freezers. The notice also advised that interested persons desiring to express their views in an informal hearing may do so if, on or before January 15, 1975, they submit a request to the Assistant Secretary for Science and Technology that such a hearing be held.

Requests for an informal hearing on the proposed specifications, within the time frame set out in the December 31, 1974, notice, have been received. Accordingly, notice is hereby given, pursuant to section 9.4(d) of the cited Procedures, that an informal hearing on the proposed specifications will be held on February 25, 1975, at 10 a.m. e.s.t. in Room 6802, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Persons desiring to testify at such hearing should notify the Assistant Secretary for Science and Technology, Department of Commerce, Room 3862, Main Commerce Building, Washington, D.C. 20230, as promptly as possible, and in any event prior to the hearing date, in order that preparations may be made to accommodate every person who desires to appear.

The following procedures are established for the informal hearing:

I. *Purpose.* The purpose of the informal hearing on the proposed specifications for refrigerators, combination refrigerator-freezers and freezers is to provide all interested segments of the public with an opportunity to comment upon the Department's proposed specifications. This hearing will be held in accordance with section 9.4(d) of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9).

II. *Conduct of hearings.* (a) This hearing shall be an informal, nonadversary proceeding at which there will be no formal pleadings or adverse parties.

(b) The presiding officer shall have the right to apportion the time of persons making presentations at the hearing in an equitable manner. Witnesses may submit a written presentation of their views for the record.

(c) The presiding officer and other Department representatives shall have the right to question witnesses appearing at this hearing as to their testimony and other matters relating to the proposed specifications.

(d) The presiding officer shall have the right to terminate or shorten the presentation of any party appearing at this hearing when, in the opinion of said presiding officer, such presentation is repetitive or is not relevant to the purpose of the hearing.

(e) The presiding officer has the right to exercise authority necessary to contribute to the equitable and efficient conduct of these hearings and to maintain order at the hearings.

III. *General provisions.* a. The informal hearing shall be open to the members of the public whether or not such members desire to testify at the hearing.

(b) A transcript will be made of the informal hearing.

(c) Copies of the transcript and all materials presented by the witnesses at the hearing shall be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 7043, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Dated: January 24, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

[FR Doc.75–2642 Filed 1–28–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, P.L. 92–463, that the first meeting of the Community Education Advisory Council will be held February 13 and 14, 1975, at the U.S. Office of Education, 400 Maryland Avenue SW., Room 4173, Washington, D.C. The Thursday meeting will begin at 8:30 a.m. and end at 5 p.m. The Friday meeting will begin at 8:30 a.m. and end at 3:30 p.m.

The Community Education Advisory Council is authorized under Public Law 93–380. The Council is established to advise the Commissioner of Education on policy matters relating to the interests of community schools. In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of the Community Schools Act. In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Introduction and Swearing-in of Members
(2) Discussion of Council charge
(3) Consideration of Policy and Concepts pertaining to Guidelines and Regulations
(4) Other Administrative Matters pertaining to Committee functions.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 4177–E, Federal Office Building No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202.

Signed at Washington, D.C. on January 24, 1975.

JULIE ENGLUND,
Special Assistant
to the Commissioner.

[FR Doc.75–2624 Filed 1–28–75;8:45 am]

HIGHER EDUCATION PERSONNEL TRAINING PROGRAMS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 541 of Title V, Part E of the Higher Education Act of 1965 (20 U.S.C. 1119b), applications are being accepted from institutions of higher education for grants for higher education personnel fellowships, institutes, and short-term training programs. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 7, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.461 or 13.462, as appropriate. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Training and Facilities, Bureau of Postsecondary Education, Office of Education, Rm. 4673, 7th and D St. SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the proposed Funding Criteria for Higher Education, Personnel Training Programs published in this issue of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.461, Higher Education Personnel Development—Institutes and Short-Term Training; and Number 13.462, Higher Education Personnel Fellowships)

Dated: December 31, 1974.

DUANE J. MATTHEIS,
Acting Commissioner of Education.

[FR Doc.75–2638 Filed 1–28–75;8:45 am]

HIGHER EDUCATION PERSONNEL TRAINING PROGRAMS

Proposed Criteria for Funding of Applications for Fellowships, Institutes, and Short-Term Training Programs for Fiscal Year 1975

Pursuant to the authority contained in Title V, Part E, of the Higher Education Act of 1965, as amended (20 U.S.C. 1119b through 1119b–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare proposes to issue criteria set forth below on the basis of which applications for fellowships, institutes, and short-term training programs submitted under section 541 of Title V–E of the Act (20 U.S.C. 1119b) will be judged. Title V–E of the Act authorizes the Commissioner to make grants to institutions of higher education for the training of persons who are serving or preparing to serve as teachers, administrators, or educational specialists in institutions of higher education.

In addition to evaluation on the basis of the criteria set forth in the General Provisions for Office of Education Programs at 45 CFR 100a.26, the Commissioner will select applications to be funded under Title V, Part E of the Higher Education Act of 1965 on the basis of the following criteria:

(a) The extent to which the proposed training program is concerned with the following priorities:

(1) Programs that focus on ameliorating the shortage of specialized higher education personnel who will serve the needs of the bilingual, handicapped, Native Americans and junior and community colleges.

(2) Programs for financial aid officers and business officers.

(b) The extent to which the application contains concrete data and other information evidencing need in higher education to which the program is addressed.

(c) The extent to which the objectives of the training program are stated clearly and are sharply focused to meet the need.

(d) The extent to which the application contains a clear and detailed description of training procedures which will effectively achieve the objectives.

(e) The extent to which the proposed program includes effective procedures for evaluation of the impact of the training in meeting the need.

(f) The extent to which the proposed staff of the program is qualified to achieve its specific objectives.

(g) The extent to which the application provides evidence that the institution and groups involved in the training program are committed to its objectives.

(h) The ability of the applying institution to offer a high quality higher education personnel preparation program.

(i) The amount and extent of previous planning and development of the program.

(j) The extent to which a carefully conceived and effectively supervised internship experience is included as an integral feature of the training proposal.

Interested persons are invited to submit written comments, suggestions, or objections regarding these criteria to the Division of Training and Facilities, Bureau of Postsecondary Education, U.S. Office of Education, 7th and D Streets SW., Room 4673–ROB, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays, except holidays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than February 28, 1974.

(Catalog of Federal Domestic Assistance Number 13.461, Higher Education Personnel Development—Institutes and Short-Term Training; and Number 13.462, Higher Education Personnel Fellowships)

Dated: December 31, 1974.

DUANE J. MATTHEIS,
Acting Commissioner of Education.

Approved: January 23, 1975.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

[FR Doc.75–2637 Filed 1–28–75;8:45 am]

STATE POSTSECONDARY EDUCATION COMMISSIONS

Receipt of Information; Closing Date

In order for a State to receive funds appropriated during fiscal year 1975 to support comprehensive statewide planning for postsecondary education as authorized under section 1203 of the Higher Education Act of 1965 (20 U.S.C. § 1142 (b)), it must have established a State Postsecondary Education Commission which, as required by section 1202(a) of that Act, is "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State, including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of higher education and branches thereof". States which have not previously submitted information concerning establishment of such a State Commission and which wish to receive such planning funds must submit the following information to the U.S. Commissioner of Education by February 28, 1975:

(1) An indication of which of the following three options for establishing a section 1202 State Commission the State has chosen to follow: (i) Creation of a new Commission, (ii) Designation of an existing State agency or State Commission, or (iii) Expanding, augmenting or reconstituting the membership of an existing State agency or State Commission.

(2) An indication whether any of the following State-administered program authorities contained in the Higher Education Act of 1965 have been assigned to the section 1202 State Commission:

(i) Community Services and Continuing Education (HEA section 105);

(ii) Equipment for Undergraduate Instruction (HEA section 603); and

(iii) Grants for Construction of Undergraduate Academic Facilities (HEA section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses, and terms of office of the members of the State Commission.

(5) The name, title, mailing address, and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor,

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explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of section 1202(a) and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information may be sent by mail or hand-delivered.

(a) *Information sent by mail.* Information sent by mail should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Such information will be considered to be received on time if:

(1) The information was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(b) *Information delivered by hand.* Information to be delivered by hand must be taken to Room 4181, 400 Maryland Avenue SW., Washington, D.C. Hand-delivered information will be accepted daily, between the hours of 8 a.m. and 4 p.m. Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. Information will not be accepted after 4 p.m. on the closing date.

(20 U.S.C. 1142b)

Dated: January 23, 1975.

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-2699 Filed 1-28-75;8:45 am]

POSTSECONDARY EDUCATION COMPREHENSIVE STATEWIDE PLANNING GRANTS PROGRAM

Receipt of Application; Closing Date for Fiscal Year 1975

Notice is hereby given that pursuant to the authority contained in section 1203 of Title XII of the Higher Education Act of 1965, as amended (20 U.S.C. section 1142b), applications from State Postsecondary Education Commissions for grants under the Postsecondary Education Comprehensive Statewide Planning Grants Program are being accepted. Such Commissions must be established pursuant to section 1202(a) of the Act and information of establishment must have been submitted as required by the Notice of Closing Date for Receipt of Information, published in the FEDERAL REGISTER on March 26, 1974, or as required by the similar notice published in this issue of the FEDERAL REGISTER.

Applications for such grants are available from the State Planning Commissions Program Office, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. Such applications must be completed and received at the above office on or before February 28, 1975.

The applications may be returned by mail or hand-delivered.

A. *Applications sent by mail.* An application sent by mail should be addressed to the State Planning Commissione Program Office, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. Such applications will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* Applications to be delivered by hand must be taken to room 4656, Regional Office Building 3, 7th and D Streets SW, Washington, D.C. Hand-delivered applications will be accepted daily, between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

(20 U.S.C. 1142b)

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

Dated: JANUARY 23, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-2698 Filed 1-28-75; 8:45 am]

Food and Drug Administration

GERIATRIC SUBCOMMITTEE OF THE PSYCHOPHARMACOLOGICAL AGENTS ADVISORY COMMITTEE

Notice of Rescheduling

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C App. D, the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of January 15, 1975 (40 FR 2732), public advisory committee meetings and other required information in accordance with provisions set forth in sections 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Geriatric Subcommittee of the Psychopharmacological Agents Advisory Committee scheduled for Feb. 17, 1975 at 200 C St. SW., Washington, D.C., has been rescheduled for Feb. 24 in Rm. 4131, 330 Independence Ave. SW., Washington, D.C., because Feb. 17 is a holiday.

Dated: January 23, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2650 Filed 1-28-75;8:45 am]

HIGH INTENSITY MERCURY VAPOR DISCHARGE LAMPS

Open Meeting Regarding Radiation Safety

The Bureau of Radiological Health, Food and Drug Administration, has recently become aware of a number of injuries which reportedly occurred following exposure to ultraviolet emissions from certain damaged high intensity mercury vapor discharge lamps used for lighting purposes in gymnasiums of some public schools. Laboratory testing of several lamps of this type, conducted within the Bureau of Radiological Health, has confirmed that the lamp model involved in the reported incidents can continue to function after removal of its outer envelope, resulting in emission of ultraviolet radiation in excess of that emitted by the intact lamp. Because lamps of this type are widely used in schools, sports arenas, commercial places and industrial facilities, and for outdoor applications such as floodlighting and streetlighting, large populations may be exposed to a potential radiation hazard.

Information concerning the product design and the performance characteristics of this type of electronic product, including spectral irradiance, photometric data, physical description, theory of operation, and other optical properties of each model is necessary for an evaluation of the nature and extent of the problem. For the purposes of information-collection and discussion of possible options such as establishing performance standards or requiring manufacturers' product performance information under the authority of the Radiation Control for Health and Safety Act of 1968, for protection of the public health and safety, the Commissioner of Food and Drugs has scheduled an open meeting at 9 a.m. on February 13, 1975. The meeting will be held at the Bureau of Radiological Health, Rm. 400, 12720 Twinbrook Parkway, Rockville, MD 20852. Those who wish to attend and/or participate should contact the Director, Bureau of Radiological Health, (301) 443-4690.

Dated: January 23, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2651 Filed 1-28-75;8:45 am]

REQUIREMENTS FOR MARKETING HEPATITIS B SURFACE ANTIGEN IN VITRO DIAGNOSTIC PRODUCTS

Notice to Manufacturers

Hepatitis B surface Antigen (HBsAg), also referred to as hepatitis B antigen and hepatitis associated (Australia) antigen, is a component on the surface of hepatitis B virus and may be used as an in vitro diagnostic product to detect the presence of antibody to HBsAg. The antibody appears in the serum of individuals who have had viral hepatitis, type B, which is caused by infection with the virus. Viral hepatitis, type B, is a disease marked by acute or subacute liver dysfunction with malaise, anorexia, nausea and vomiting, enlargement of the liver, and jaundice, usually self-limited in course, but sometimes leading to chronic liver disease and death.

Certain individuals, such as hemophiliacs, may require transfusion with certain blood derivatives which carry a high risk of transmitting hepatitis B virus. Since individuals having the antibody to HBsAg are unlikely to be reinfected by the hepatitis B virus, information regarding the presence of the antibody in the serum of such individuals is valuable in evaluating the benefit from use of such blood derivatives against the risk of transmitting the virus.

Additionally, detection of antibodies to HBsAg in recipients of blood and blood products provides a laboratory approach for obtaining epidemiological information regarding frequency of infection with hepatitis B virus in the U.S. population. Such information is useful in the continuing assessment of the safety of blood and blood products, and in measuring the impact of various remedies designed to reduce the incidence of post-transfusion viral hepatitis, type B.

HBsAg, when used for the prevention, treatment, or cure of diseases or injuries of man, is a biological product within the meaning of section 351 of the Public Health Service Act (42 U.S.C. 262) and is also a drug as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). In addition, when used as an in vitro diagnostic product to detect antibody to HBsAg in human serum, it is subject to the requirements of Part 328 of Title 21 of the Code of Federal Regulations concerning labeling and procedures for the development of product class standards for all in vitro diagnostic products for human use. Section 328.35 (21 CFR 328.35) of these regulations provides that compliance with the requirements of Part 328 shall constitute compliance with the labeling and licensing requirements of section 351 of the Public Health Service Act, and the labeling and new drug requirements of the Federal Food, Drug, and Cosmetic Act, unless the Commissioner finds that additional requirements should be imposed pursuant to either statute to protect the public health.

In view of the potential health hazards of hepatitis to laboratory personnel, the public, and the environment from improper handling of HBsAg before, during, and after its use in an in vitro diagnostic product, the Commissioner concludes that protection of the public health requires that HBsAg products not only be labeled in accordance with the provisions of 21 CFR Part 328 but also be marketed only under the strict regulatory controls of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and section 351 of the Public Health Service Act. Pursuant to § 312.1 (g) (21 CFR 312.1(g)), current investigation of these products requires that a "Notice of Claimed Investigational Exemption for a New Drug" be submitted for approval to the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014. Such products may not lawfully be marketed in interstate commerce until they are licensed pursuant to section 351 of the Public Health Service Act to ensure the manufacture of HBsAg in vitro diagnostic products that are safe, pure, potent, and efficacious. The Commissioner will propose additional standards for such products in a notice of proposed rule making to be published in the FEDERAL REGISTER in the near future.

This notice is issued pursuant to the Federal Food, Drug and Cosmetic Act (secs. 201, 502, 505, 508, 510, 701, 52 Stat. 1040-1042, 1050-1053, 1055-1056, as amended, 76 Stat. 789-790, 794 as amended; 21 U.S.C. 321, 352, 355, 358, 360, 371), and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2654 Filed 1-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-112; Notice No. 73-9]

HAZARDOUS MATERIALS

Consolidation of Regulations and Miscellaneous Proposals; Public Hearing Regarding Transportation Aboard Aircraft

Notice is hereby given that the Hazardous Materials Regulations Board ("the Board") will hold a public hearing beginning at 9:30 a.m. on February 10, 1975 in Room 300, Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue, SW., Washington, D.C. to receive comments from interested persons on the present regulations pertaining to the transportation of hazardous materials aboard aircraft or the need to issue new regulations which might improve the protections afforded the traveling public and aircraft crews.

The present regulations pertaining to the transportation of hazardous materials aboard aircraft are found in Part 103 of Title 14, Code of Federal Regulations, and by references contained therein, Title 49 Code of Federal Regulations, Parts 170-189. The basic design of the system of regulation found in Part 103 is the incorporation of the partial exemption (specification packaging, marking, and labeling) sections in Title 49 for transportation of hazardous materials aboard passenger-carrying aircraft and the requirements pertaining to shipment via rail express for cargo-only aircraft. The system has been basically the same for more than 20 years without substantial revision.

On January 24, 1974, the Board published a notice of proposed rule making (39 FR 3022) under Docket HM-112 proposing a new Part 175 under Title 49 to replace Part 103 of Title 14. Also proposed were a number of revisions to the new list of hazardous materials (§ 172.101) and certain sections of Part 173 which, if adopted, would no longer permit the transportation of certain materials aboard passenger-carrying aircraft. However, the Board did not propose a complete revision of the regulations in this regard based on an evaluation of each material or generic classification listed .

In comments dated August 30, 1974, the Airline Pilots Association (ALPA) indicated its "• • • basic policy and recommendation that hazardous materials should be banned from passenger-carrying aircraft except for those items which are medically necessary for the good of the population, dry ice for the prevention of perishable goods, and magnetic material when packaged and stowed under the appropriate regulations • • •." In addition, during their meeting held November 18 to 27, 1974, the ALPA Board of Directors adopted a resolution calling for (1) discontinuing the transportation of all hazardous materials aboard passenger-carrying aircraft except for certain radiopharmaceuticals, magnetized materials, and dry ice, and (2) limiting the hazardous materials to be carried in cargo-only aircraft to only those materials presently authorized aboard passenger-carrying aircraft.

In light of the foregoing, the Deputy Secretary of Transportation established a task force to make a complete and informed review of the hazardous materials presently being moved in air commerce. The task force is made up of representatives of the Federal Aviation Administration and the Office of Hazardous Materials and is under the direction of the Director of the Office of Hazardous Materials. The task force has been directed to address the points in the ALPA Resolution and to examine those hazardous materials being carried on passenger-carrying and cargo-carrying aircraft

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with a view toward taking those materials that could be moved by surface transportation off aircraft when no justification for movement in air commerce can be shown. The purpose of this hearing is to assist the task force in obtaining the views of interested members of the shipping industry, the public, and the transportation industry.

This hearing will focus on the materials presently authorized to be transported aboard aircraft. It is contemplated that a second public hearing will be held on the operating requirements that possibly should be imposed in addition, or as an alternative, to those presently specified or proposed in Docket HM–112; Notice 73–9. The time, location and details pertaining to the hearing on operating requirements will be announced in a later issue of the FEDERAL REGISTER.

Commenters are also advised that this proceeding does not include those matters pertaining to radioactive materials covered by FAA Docket No. 3668; Notice 74–18 (39 FR 14612) published April 25, 1974 and those on implementation of regulations necessary to accomplish compliance with section 108 of the Hazardous Materials Transportation Act (Pub. L. 93–633).

The departmental task force will prepare a report following consideration of the comments presented at the hearing, or in writing. That report will be made part of this docket and may serve as the basis for further rule making.

In preparation of views for presentation, commenters should consider the potential hazards of materials presently authorized aboard passenger-carrying aircraft, cargo-only aircraft, or both, taking into account (1) the quantity authorized, (2) the prescribed packaging, (3) the nature and degree of the potential hazard, i.e., toxicity, flammability, corrosivity, pyrophoricity, explosivity, etc., (4) the potential for commingling with other materials having incompatible characteristics and (5) any other factor that should be considered relative to the safety of the passengers, crew, or operation of an aircraft. Commenters may also present views on the necessity that certain identified materials be permitted aboard aircraft in the future in the public interest even though this notice contains no specific proposal to change the regulations to prohibit the transportation of any particular material via aircraft.

Presiding at the hearing will be the Director of the Office of Hazardous Materials as a designated representative of the Board Member for the Federal Aviation Administration in accordance with 49 CFR 170.31(b). Any person who wishes to make an oral statement at the hearing should notify the Director in writing or preferably by telephone or telegram providing his name, address, telephone number, and the approximate time needed for his presentation. The notification should be provided on or before February 4, 1975 and addressed to Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590 (202–426–0656).

Interested persons not desiring to make oral presentations are invited to give their views in writing. Communications should identify the docket number and be submitted in duplicate to the Director at the above address by February 20, 1975.

A transcript of the hearing will be made and anyone may purchase a copy of the transcript from the reporter. A copy of the transcript and copies of all comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215 Trans Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831–835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on January 27, 1975.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.75–2778 Filed 1–28–75;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Notice of Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A–63 (Revised) dated March 27, 1974, that a meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Thursday, February 13, 1975 from 9 a.m. to 5 p.m., and on Friday, February 14, 1975 from 9 a.m. to 3:30 p.m., at 2201 C Street, N.W., Washington, D.C. in Room 7516. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiations and other arms control issues.

The meeting will be closed to the public. A determination has been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of Office of Management and Budget Circular No. A–63 (Revised) that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: January 24, 1975.

SIDNEY D. ANDERSON,
Advisory Committee
Management Officer.

[FR Doc.75–2639 Filed 1–28–75;8:45 am]

CIVIL AERONAUTICS BOARD

[(Order 75–1–51); Docket No. 25280
Agreement C.A.B. 24475 R–2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Traffic Procedures

Correction

In FR Doc. 75–1655 appearing at page 3032 of the issue for Friday, January 17, 1975, the first line of the text is corrected by inserting, "Issued under delegated authority.".

[Order 75–1–82; Docket No. 25280; Agreement C.A.B. 24874 R–1 and R–2; 24887 R–1 through R–4; 24888; 24895 R–1 through R–11]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority January 20, 1975.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted pursuant to the provisions of IATA Resolution 590 dealing with specific commodity rates and reflect unprotested filings by various carriers.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable over the Atlantic and Pacific. We will approve these revisions, outlined in the attachment hereto, which reflect reductions from otherwise applicable general cargo rates. The Board will, however, disapprove one South Pacific rate which reflects a five percent increase recently disapproved by the Board.[1] Jurisdiction will be disclaimed on those portions of the agreements involving rates wholly between foreign points, which are not combinable with rates to/from U.S. points.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

(1) It is not found that Agreements C.A.B. 24874, R–1 and R–2; C.A.B. 24887, R–1 through R–3; and C.A.B. 24895, R–1 through R–11 are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered;

(2) It is found that Agreement C.A.B. 24887, R–4 is adverse to the public interest and in violation of the Act; and

(3) It is not found that Agreement C.A.B. 24888 affects air transportation within the meaning of the Act.

[1] Order 74–12–23 (December 6, 1974).

Accordingly, *it is ordered That:* 1. Agreements C.A.B. 24874, R–1 and R–2; C.A.B. 24887, R–1 through R–3; and C.A.B. 24895, R–1 through R–11: be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing;

2. With respect to the North/Central Pacific market area, specific commodity rates established pursuant to Resolution 590 with any United States point as an origin or destination, shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages, at levels no greater than those established for the more distant point;

3. Agreement C.A.B. 24887, R–4, be and hereby is disapproved; and

4. Jurisdiction be and hereby is disclaimed with respect to Agreement C.A.B. 24888.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

IATA commodity item No.[1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight in kilograms	Market
RATES ADDED UNDER EXISTING COMMODITY DESCRIPTIONS			
7067 [2]	125	1,000	Auckland to Los Angeles.
1407 [3]	141	100	Brussels to New York.
	107	1,000	Do.

[1] See applicable tariff for commodity descriptions.
[2] Agreement C.A.B. 24874.
[3] Agreement C.A.B. 24895.

IATA commodity item No.	Minimum charge	Pivot weight	Overpivot rate (Cents per kilogram)	Market
2221—Ladies Dresses, Men's Suits, and Men's Shirts, shipped in type 8B containers.[1]	$771	497	153	Hong Kong/Taipei to U.S. west coast.
	887	465	177	Hong Kong/Taipei to Chicago.
	930	497	185	Hong Kong/Taipei to New York.

[1] Agreement C.A.B. 24874.

IATA commodity item No.[1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight in kilograms	Market
RATES EXTENDED UNDER EXISTING COMMODITY DESCRIPTIONS			
9215 [2]	95	500	Copenhagen to New York.
0220 [2]	124	500	Tel Aviv to New York.
4312 [2]	341	100	New York to Bombay/Delhi.
4416 [2]	218	500	Madras to New York.
4506 [2]	256	100	Bangalore to New York.
4702 [2]	341	500	New York to Bombay/Delhi.
	345	500	New York to Calcutta.
	347	500	New York to Madras.
7062 [4]	301	100	Bombay to New York.
8280 [4]	217	100	Do.
	201	300	Do.
9601 [4]	203	500	Bombay/Delhi to New York.
9993 [4]	276	100	Do.
	249	200	Do.
	280	100	Calcutta to New York.
	254	200	Do.
	281	100	Madras to New York.
	255	200	Do.
	334	100	New York to Bombay/Delhi.
	299	200	Do.
	337	100	New York to Calcutta.
	302	200	Do.
	339	100	New York to Madras.
	304	200	Do.
RATES ADDED UNDER NEW COMMODITY DESCRIPTIONS			
3407—Steel and Aluminum Cooking Utensils.[4]	99	500	New York to Shannon.
	100	500	New York to Dublin.
1475—Plants [4]	160	1,000	Abidjan to New York.

[1] See applicable tariff for commodity descriptions.
[2] Agreement C.A.B. 24887.
[3] Agreement C.A.B. 24895.
[4] Agreement C.A.B. 24887.
[4] Area of application changed to include North Atlantic—Agreement C.A.B. 24895.

[FR Doc.75–2488 Filed 1–28–75;8:45 am]

[Dockets 21549 and 21548; Order 75–1–99]

BRANIFF AIRWAYS, INC.

Suspension and Certificate Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of January, 1975.

Application of Braniff Airways, Inc., for authority to suspend service temporarily at Antofagasta, Chile—Docket 21549. Application of Braniff Airways, Inc., for the amendment of its certificate of public convenience and necessity for route 153 so as to delete Antofagasta, Chile—Docket 21548.

On November 27, 1974, Braniff Airways, Inc. (Braniff), filed an application requesting a continuation of its authorization to suspend service at Antofagasta, Chile, on route 153, pending final Board action on its application in docket 21548 to delete Antofagasta.[1] Relief is requested either (1) by amendment of order 69–11–138 to delete the words, "for a period of five years or" and "whichever first occurs" from ordering paragraph 1 of said order or (2) by the issuance of a further order authorizing temporary suspension until final Board decision on its deletion application in docket 21548.

In support of its request, Braniff alleges, *inter alia*, that: its predecessor in interest, Panagra, was authorized to serve Antofagasta as the air gateway to Chuquicamata, a mining center in northern Chile then operated by a U.S. company, Anaconda; the nationalization by the Chilean Government of copper operations in that country diminished and essentially eliminated the requirements for air service between the United States and Antofagasta; since January 1970, when Braniff suspended its services, even the Chilean carriers, LAN Chile (LAN) and Linea Aerea del Cobre (LADECO), have eliminated all international service to and from Antofagasta, indicating that such services could not now be profitably operated;[2] Antofagasta is about a third of the size of the next smallest city on Braniff's Latin American routes, Panama City; and the point lacks the standing as a national capital which the latter enjoys; service via connections at Santiago is adequate for Antofagasta's limited demand for international service; the general deterioration of the Antofagasta economy would make it prohibitively expensive to reinstate service; the traveling public would be harmed by lessening the quality of Braniff's service between Santiago and Lima that would result from adding Antofagasta as an intermediate point; and there is every indica-

[1] By order 69–11–138, Nov. 28, 1969, the Board authorized Braniff to suspend its services temporarily at Antofagasta for a period of 5 years or until final Board decision in Braniff's application to delete Antofagasta, docket 21548, whichever first occurred. By order 74–11–145, Nov. 27, 1974, Braniff's request for waiver of the timeliness-of-filing requirements of section 377.10(c) of the Board's Special Regulations was granted in order to continue the authority granted by order 69–11–138 after Nov. 28, 1974.

[2] The city is now served primarily by DC–6B and Hawker-Siddeley 748 aircraft on internal routes in Chile. LAN does operate one weekly flight with 727 aircraft.

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tion that U.S.-flag service will not be required in the future and that the point should be deleted from Braniff's certificate.

No answers to the application have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to (1) continue Braniff's authority to suspend service temporarily at Antofagasta, Chile, until 90 days after final decision on its deletion application (docket 21548) and (2) issue an order to show cause why the Board should not grant the requested deletion. We note that no person has objected to the temporary suspension, and that reinstitution of Braniff's service to this relatively minor point, particularly in light of the nationalization of the Chuquicamata operations, could only mean future unprofitable operations and a barrier to better service in the more important markets on route 153 (*e.g.*, United States-Santiago markets). Accordingly, we find that continuation of the temporary suspension will be in the public interest.

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Braniff's certificate for route 153 so as to delete the point Antofagasta, Chile.[1] The facts and circumstances which we have tentatively found to support our proposed ultimate conclusion appear below.

Braniff's predecessor, Panagra,[2] inaugurated service to Antofagasta in 1929 primarily as a courtesy to Anaconda, which had a need for reasonably direct air service between Chuquicamata and its corporate headquarters and other operations in the United States. With the nationalization of the Chuquicamata operations, not only was that historical justification no longer valid, but what had been a marginally profitable operation in the past appeared likely to become a very unprofitable one in the future. During the 12 months ended August 31, 1969, just prior to Braniff's suspension, the carrier enplaned a total of only 964 passengers, less than half of whom were destined to U.S. points. That many of those passengers were citizens returning to the United States is evidenced by the fact that Braniff deplaned in Antofagasta during the same 1-year period only six passengers, who had an on-line point of origin in the United States. The point is comparatively smal, and the relatively light traffic it generates cannot be served by an intercontinental carrier such as Braniff except at a severe loss. Thus, reinstitution of service to Antofagasta would involve an unnecessary increase in operating costs, would result in loss of through traffic (to and from Santiago) because of additional stop and additional flight time required,[3] and would otherwise not be economically sound. Moreover, the point is already served on local schedules by two foreign air carriers, LAN and LADECO.[4] In these circumstances, we do not believe that any useful public purpose would be served by the retention of Braniff's dormant certificate authority at Antofagasta.[5] Finally, the absence of opposition to Braniff's application lends support to our decision that the show-cause procedure is appropriate.

Interested persons will be given 30 days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

ACCORDINGLY, *it is ordered* that:

1. Braniff Airways, Inc., be and it hereby is authorized to suspend service temporarily at Antofagasta, Chile, until 90 days after final decision on its application to delete Antofagasta, Chile, in docket 21548;

2. The authority granted in paragraph 1 above may be amended or revoked at any time at the discretion of the Board without hearing;

3. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Braniff Airways, Inc., for route 153 so as to delete Antofagasta, Chile, therefrom;

4. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 7 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [6]

5. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

6. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

7. A copy of this order shall be served upon Braniff Airways, Inc.; LAN Chile Airlines, Inc.; the U.S. Department of State (Attn: Chief, Aviation Division); and the U.S. Postal Service (Attn: Assistant Postmaster General—Bureau of Transportation).

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2686 Filed 1-28-75;8:45 am]

[Docket 26545]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Enforcement Proceeding; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding currently scheduled for January 28, 1975 (39 FR 45314, December 31, 1974), is postponed indefinitely.

Dated at Washington, D.C., January 24, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75-2684 Filed 1-28-75;8:45 am]

[Docket 26961 Order 75-1-92]

WILLY P. DAETWYLER ET AL.

Transfer of Foreign Indirect Air Carriers; Order To Show Cause

Application of Willy Peter Daetwyler (Switzerland d/b/a, Interamerican Airfreight Co. (U.S.A.) and Daetwyler Airfreight Corporation (Swiss), for transfer of foreign indirect air carrier permit pursuant to section 402(g) of the Federal Aviation Act of 1958.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of January, 1975.

Willy Peter Daetwyler (Switzerland) d/b/a Interamerican Airfreight Co. (U.S.A.), hereinafter referred to as Daetwyler, is the holder of a foreign indirect air carrier permit issued pursuant to Order 71-10-114, approved October 23, 1971.[1] By application filed in Docket 26961, dated August 19, 1974, Daetwyler and Daetwyler Airfreight Corporation (Swiss), hereinafter referred to as Airfreight, request approval of the transfer to Airfreight of the above-mentioned foreign indirect air carrier permit of Daetwyler.[2]

In support of the request the applicants state, inter alia, that: the issuance of a permit to Mr. Daetwyler personally has required him to forego the advantages of limited liability afforded by a corporation; Mr. Daetwyler has formed a corporation named "Daetwyler Airfreight Corporation" under the laws of Switzerland; and Swiss law prohibits the use of the name of a country in a corporate name, but that in order to comply with the Board's requirement that the name under which operations in the United States are conducted accurately reflect the identity and nationality of the permit holder, the name which will actually be used is "Daetwyler Airfreight Corp. (Swiss) d/b/a Interamerican Airfreight Corp.[3] (U.S.A.)." The applicants further state that: the assets, facilities, personnel and operations of Daetwyler will be taken over by Airfreight; as of November 30, 1974, Daetwyler had assets of $234,657 and in the accounting period from April 20, 1974 to November 30, 1974, earned a profit from operations of $29,051 on revenues of $946,544; and Daetwyler's current assets exceed current liabilities by $104,052.

In regard to the control and ownership of Airfreight, the applicants indicate that Airfreight is wholly owned by Mr. Daetwyler [4] and that he is also the Chairman of the Board of Directors and President of the corporation. There are no other officers at the present time, and there are two other directors who are Swiss attorneys.

On the basis of the foregoing, the Board tentatively finds and concludes that:

(1) Airfreight is fit, willing, and able properly to perform the indirect air transportation proposed in its application and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder;

(2) Airfreight is substantially owned and effectively controlled by nationals of Switzerland;

(3) A hearing on the application is not required in the public interest;

(4) The transfer to Airfreight of the permit held by Daetwyler is in the public interest; and

(5) The exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations prescribed therein, those set forth below in subparagraphs (a) through (d), and such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board:

(a) In respect to operations conducted pursuant to the authority granted by said permit, the holder, with respect to the use of aircraft, shall be subject to the provisions of §§ 297.21, 297.22, and 297.23 of the Board's Economic Regulations, as now or hereafter amended;

(b) Prior to the commencement of operations under said permit and at all times thereafter, the holder shall comply with the insurance coverage provisions of § 297.45 of the Board's Economic Regulations, as now or hereafter amended, except that it shall not be necessary for the holder to provide public liability insurance for its operations outside the United States;

(c) In using the authority granted herein (1) the name Daetwyler Airfreight Corp. (Swiss) d/b/a Interamerican Airfreight Corp. (U.S.A.) shall appear on all of the holder's advertising, air waybills, stationery and the like; (2) the above name will always be used in its entirety; and (3) the name Daetwyler Airfreight Corp. (Swiss) shall be displayed at least as prominently as the name Interamerican Airfreight Corp. (U.S.A.);

(d) The holder shall file with the Board annual traffic and financial reports at such time and in such form as the Board may hereafter prescribe: *Provided, however,* That until such time as the Board prescribes the form of reports for foreign indirect air carriers, the holder shall file in duplicate with the Board's Bureau of Accounts and Statistics annual traffic and financial reports within two months after the expiration of its fiscal year, setting forth in pounds the cargo carried each month during the last fiscal year, the total cargo carried during this period, the points between which the cargo was carried, and the profit or loss from its operations during this period.

Accordingly, we have decided to issue an order directing interested persons to show cause why we should not approve the transfer of Daetwyler's permit to Airfreight, in the form and manner set forth in the Appendix to this order.

Accordingly, it is ordered that:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act, transferring the foreign air carrier permit heretofore issued to Willy Peter Daetwyler (Switzerland) d/b/a Interamerican Airfreight Co. (U.S.A.) by Order 71-10-114, approved October 23, 1971, to Daetwyler Airfreight Corp. (Swiss) d/b/a Interamerican Airfreight Corp. (U.S.A.) in the form attached hereto;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions stated herein and transferring the said permit, shall, within 21 days after the date of adoption of this order, file with the Board and serve on the persons named in paragraph 5 below a statement of objections specifying the part or parts of the tentative findings or conclusions objected to and stating the specific grounds of any such objections, supported by statistical data and other materials and evidence relied upon to support the statement of objections; [5]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Willy Peter Daetwyler (Switzerland) d/b/a Interamerican Airfreight Co. (U.S.A.), Daetwyler Airfreight Corp. (Swiss), the Departments of State and Transportation, and the Ambassador of Switzerland.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN INDIRECT AIR CARRIER (AS REISSUED)

Daetwyler Airfreight Corporation (Swiss) d/b/a Interamerican Airfreight Corporation (U.S.A.) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage indirectly in foreign air transportation of property from any point or points in the United States to any point or points outside the United States.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting the right to engage in indirect air transportation of property now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Switzerland shall be parties.

This permit shall be subject to the condition that in the event that any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The exercise of the privileges granted hereby shall be subject to the terms, condi-

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[1] We also tentatively find that Braniff is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[2] In 1966, the Board approved the merger of Braniff and Pan American-Grace Airways (Panagra). *Panagra Acquisition Case,* 45 C.A.B. 495 (1966).

[3] A stop at Antofagasta would add at least an hour and a quarter in elapsed time between the United States and Santiago.

[4] LAN and LADECO presently provide daily service to Santiago where U.S.-bound passengers can connect with Barniff's Santiago-United States flights.

[5] The action we propose by this order is similar to that taken with respect to previous applications of Braniff and other international carriers to delete dormant operating authorizations. See, *e.g., United States-South America Route Investigation,* 49 C.A.B. 500 (1968).

[6] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Petition for Reconsideration denied, Order 72-6-92.

[2] A request by the applicants to extend the permit beyond the present expiration date of October 23, 1976 has been withdrawn. A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] The term "Corp." is being used instead of "Co.", as in the present permit, because of an uncertainty as to whether the term "Co." effectively limits the stockholders' liability internationally.

[4] The fully paid-in share capital is 100,000 Swiss francs or approximately U.S. $40,000.

[5] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

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tions and limitations set forth in Order ---- dated ---------- and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall become effective on ---------- and shall terminate on October 23, 1976: *Provided, however,* That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Switzerland are or shall become parties, then and in that event this permit shall continue in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the

[SEAL] ——— ———,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ---------- in Order -------

[FR Doc.75-2685 Filed 1-28-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Tuesday, February 18 and Wednesday, February 19, 1975, from 9 a.m. to 5 p.m. both days, in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (Pub. L. 92-573). This Act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the Act.

The Advisory Council will meet in task groups on the morning of February 18, beginning at 9 a.m., through approximately 2:30 p.m. The task groups of the Advisory Council were established at a prior meeting to consider matters in the following areas: Bans and recalls, standards, education/public information, enforcement and surveillance, and state relations. A portion of the afternoon session on February 18 will be devoted to a briefing by the task groups to the full Council of their discussions.

Specific agenda topics to be covered on February 19 have not yet been finalized. However, information pertaining to the agenda will be available subsequent to this notice.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: January 24, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-2688 Filed 1-28-75;8:45 am]

DEFENSE COMMUNICATIONS AGENCY

DCA SCIENTIFIC ADVISORY GROUP

Closed Meeting

The DCA Scientific Advisory Group will hold a closed meeting on 20 and 21 February 1975 in the Defense Communications Agency, Director's Conference Room, at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The agenda items will be R&D, The Advanced Systems Concepts Group, WWMCCS System Engineering, AUTODIN II, Survivability, ADP Security, and group discussion.

Any person desiring information about the advisory group may telephone (area code 202-692-1765) or write Chief Scientist—Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

This meeting is closed because the material to be discussed is classified requiring protection in the interest of National Defense. (Freedom of Information Act, 5 U.S.C. 552(b).)

PHILIP J. VINCENZES,
Major, USA,
Committee Management Officer.

[FR Doc.75-2673 Filed 1-28-75;8:45 am]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Briefing by Secretary of Defense

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on February 13, 1975, to be briefed by the Office of the Secretary of Defense. The briefings will be held at 1:00 p.m. at the Pentagon, Washington, D.C.

The Commission was established by Public Law 93-155 to, among other things, conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

In carrying out its study and investigation, the Commissioners must give special consideration to strategic considerations bearing on their deliberations:

Accordingly, the Office of the Secretary of Defense will present to the Commission authoritative, high-level briefings, covering:

(1) The world-wide strategic environment, present and projected for the next decade;

(2) National security policy affecting military planning and Defense manpower requirements; and strategic and policy guidance for planning and programming within the Department of Defense;

(3) Military strategy and related force and manpower requirements, for as far into the next decade as practicable, including an explanation of the concept of employment of the Army's planned 16-division force (and its support, airlift/sealift, and impact on Reserve Force requirements); and

(4) The Unified Command Plan.

Attendant to these responsibilities, section 703(c) of the Act charged the Commission with the responsibility to "establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties • • •." The briefing will be informational in nature and concerned with a wide variety of topics relating to the strategic considerations of the Department of Defense. The presentations to be provided at the briefings will contain classified information concerning military force structures programmed through 1980, which will contain information on proposed personnel plans in the area of personnel requirements, training, utilization, management, and costs which have not yet been approved by the Secretary of Defense.

These briefings will include, among other things, presentations on the generation of manpower requirements, budgetary process, military employment capabilities plan, procurement, training, manpower utilization, manpower requirements based on mobilization tasking, reserve manpower requirements, training, and administration.

The briefings must be held under conditions which are conducive to an unrestricted presentation of information and materials while safeguarding classified information. The briefers have informed the Commission that all portions of the briefings will cover information which is classified and that since classified information will be integrated throughout both the briefings and question-answer periods it would be impractical to separate this information for purposes of separate presentations. This complete presentation of all relevant information on each subject area is a necessity if the briefings are to fulfill the purpose of a thorough indoctrination of the Commission members.

Therefore, in accordance with provisions of Section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget that these briefings fall within Exemption (1) of 5 U.S.C. 552(b), and will not be open to the public.

Dated: January 15, 1975.

BRUCE PALMER, JR.,
General, USA (Ret.),
Executive Director.

[FR Doc.75-2786 Filed 1-28-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 326-4]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of December 1, 1974 and December 31, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definition of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and adresses of the sources for copies of EPA comments listed in Appendices, I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 17, 1975.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between December 1, 1974 and December 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-B61001-00	White Mountain National Forest, Timber Management Plan, Reinventory of Timber Resources, Maine and New Hampshire.	LO-1	B
D-AFS-D65001-VA	Piney River Unit, Management Plan, George Washington National Forest, Va.	ER-2	D
D-AFS-G65003-TX	Cross Timber Unit Plan, Caddo Cross Timbers National Grasslands, Fannin County, Tex.	LO-2	G
D-AFS-G65004-TX	Caddo Unit Plan, Caddo Cross Timbers National Grasslands, Wise and Montagrie Counties, Tex.	LO-2	G
D-AFS-G65005-AR	Plan for Managing the Petit Jean Unit on the Ouachita National Forest, Ark.	LO-2	G
D-AFS-J65006-UT	Land Use Plan for the Boulder Mountain Planning Unit, Utah.	LO-2	I
D-AFS-L61010-WA	Soleduck Planning Unit, Washington	LO-1	K
D-AFS-L61011-ID	Red Rock Peak Planning Unit, Salmon National Forest, Intermountain Region, Idaho.	LO-1	K
D-REA-F08003-MN	230 KV Transmission Line, Winger to Wilton, Minn.	LO-2	F
D-SCS-F36005-WI	Brillion Watershed, Calumet and Manitowoc Counties, Wis.	LO-1	F
D-SCS-K36005-HI	Honolulu Watershed Project, Maui County, Hawaii	ER-2	J
D-SCS-L36008-OR	Little Luckiamute River Watershed Work Plan, Polk County, Oreg.	LO-1	K
Corps of Engineers:			
D-COE-C35002-NY	Maintenance of Browns Creek Long Island Navigation Project, N.Y.	LO-2	C
D-COE-C36007-NY	Flood Control on Scajaquada Creek and Tributaries, N.Y.	LO-1	C
D-COE-D32001-VA	Port of Hampton Roads, Channel Deepening Study, Va.	ER-2	D
D-COE-E36002-NC	Carolina Beach and Vicinity, Hurricane Protection and Beach Erosion, North Carolina.	ER-2	E
D COE-E36008-NC	Swift Creek, Flood Control Project, Edgecombe and Nash Counties, N.C.	ER-2	E
D-COE-F32004-MI	Keweenaw Waterway, Houghton County, Mich.	ER-2	F
D-COE-F32005-IL	Illinois Waterway, Nine-foot Channel, operations and maintenance, Ill.	ER-2	F
D-COE-F32006-MN	Two Harbors, harbor operation and maintenance, Lake County, Minn.	LO-2	F
D-COE-F32007-OH	Operation and maintenance, Conneaut Harbor, Ashtabula County, Ohio.	LO-2	F
D-COE-F32009-MI	Holland Harbor, construction, Mich.	LO-2	F
D-COE-F35002-WI	Kewaunee Harbor, maintenance-dredging and contained spoil disposal, Wis.	LO-1	F
D-COE-F35003-IL	Waukegan Harbor, maintenance-dredging and disposal areas, Ill.	LO-1	F
D-COE-F35004-WI	Sturgeon Bay and Lake Michigan Ship Canal, maintenance-dredging and spoil disposal, Wis.	ER-2	F
D-COE-F36004-IL	Kent Creek, local flood protection project, Rockford, Ill.	LO-2	F
D-COE-F86001-OO	Regulation of Lakes Superior and Ontario, Plan 50-901.	ER-2	F
D-COE-G30002-TX	Freeport hurricane flood protection, freeport and vicinity, Tex.	LO-2	G
D-COE-G32005-TX	Maintenance-dredging, Galveston Harbor and Channel, Galveston County, Tex.	LO-2	G
D-COE-G32006-OO	Mississippi River and tributaries, Mississippi River levees and channel improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.	3	G
D-COE-G34003-OK	Kaw Lake, Arkansas River, east of Ponca City, Kay and Osage Counties, Okla.	LO-2	G
D-COE-G34004-OK	Operation and maintenance program, Oologah Lake, Verdigris River; Hulah Lake, Caney River; Heyburn Lake, Polecat Creek, Okla.	LO-2	G
D-COE-K36004-HI	Kapaakea flood control, Molokai, Hawaii	ER-2	J
D-COE-L36009-OR	Elk Creek at Cannon Beach, Clatsop County, Oreg.	LO-1	K
Department of the Treasury:			
D-TRE-D81001-DC	Bureau of Engraving and Printing, additional facility, Washington, D.C.	LO-2	D
Delaware River Basin Commission:			
D-DRB-D35005-PA	Bristol Oil Corp., Rohm and Haas Co., proposed dock and oil/chemical storage facilities, Pennsylvania.	LO-1	D
Federal Power Commission:			
D-FPC-L05001-WA	Exhibit R Recreation Plan, Rocky Beach Hydroelectric Power Project, Columbia River, Chelan County, Wenatchee, Wash.	LO-1	K
General Services Administration:			
D-GSA-B80002-MA	Proposed construction of a federal office building, Berkshire County, Pittsfield, Mass.	LO-1	B
D-GSA-E81003-MS	Federal Building, Jackson, Miss.	LO-2	E
D-GSA-K81002-AZ	Border Station Complex, Lukeville, Ariz.	LO-1	J

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Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Housing and Urban Development:			
D-HUD-B89002-MA	Murray Industrial Park Project, Suffolk County, Mass.	ER-2	B
Department of the Interior:			
D-NPS-J61004-WY	Grizzly Bear Management Program, Yellowstone National Park, Wyo.	LO-2	I
D-BOR-A61276-00	Upper Delaware National Scenic and Recreation River between Hancock, N.Y., and Matamoras, Pa.	LO-1	A
D-BOR-F60001-MN	Minnesota Memorial Hardwood Forest, land acquisition Minn.	LO-1	F
D-BPA-L08001-WA	Facility location evaluation for Franklin-Badger Canyon, 230 KV line and Badger Canyon Substation, study area 74-68, Franklin and Benton Counties, Wash.	LO-1	K
D-BPA-L08002-WA	Facility location evaluation for Horse Heaven Hills Area Service, Horse Heaven Substation, study area 75-7, Benton County, Wash.	LO-1	K
D-BPA-L08003-WA	Facility location evaluation for Shelton-Kitsap 230 KV line, study area 75-4, Kitsap and Mason Counties, Wash.	LO-1	K
D-BPA-L08004-ID	Facility location evaluation for West Burley Substation, study area 75-9, Cassia County, Idaho.	LO-1	K
D-BPA-L08005-WA	Facility location evaluation for Pleasant Prairie Service, Bigelow Substation, study area 75-8, Spokane County, Wash.	LO-1	K
D-BPA-L08006-WA	Facility location evaluation for Lake Isabella Service, Kamilche Substation, study area 75-12, Mason County, Wash.	LO-1	K
D-BPA-L08007-ID	Facility location evaluation for Yale Service, Raft Substation, study area 75-10, Cassia County, Idaho.	LO-1	K
D-BPA-L08008-OR	Facility location evaluation for Pebble Spring-Marion, [illegible] KV line, study area 75-38, Clackamas, Gilliam, Hood River, Marion, Morrow, Sherman, and Wasco Wasco Counties, Oreg.	LO-1	K
D-BPA-L08009-00	Facility location evaluation for prototype 1100 KV test facilities, study area 75-15, States of Oregon, Washington, Idaho, and Montana, localized, Gilliam and Sherman Counties, Oregon.	LO-1	K
D-BPA-L09001-00	Proposed fiscal year 1976 program	LO-1	K
Department of Defense:			
D-DNA-K83003-TT	Clean up, rehabilitation, resettlement of Eniwetok Atoll, Marshall Islands.	ER-2	J
D-UAF-K11003-CA	Joint city/Air Force use of Norton Air Force Base, San Bernardino County, Calif.	ER-2	J
D-USA-L11001-AK	Construction and operation, parachute drop zone and short-field assault landing strip, Fort Richardson, Alaska.	LO-1	K
D-USA-J60000-CO	Land acquisition at Fort Carson, Colo.	ER-3	I
D-USN-E85002-SC	536 Navy family housing units in fiscal year 1975, Naval Weapons Station, Charleston, S.C.	ER-2	E
Department of Transportation:			
D-FAA-E51003-FL	Tallahassee Municipal Airport, Tallahassee, Fla.	ER-2	E
D-FAA-E51005-MS	Hawkins Field, Jackson, Miss.	ER-2	E
D-FAA-K51002-CA	San Jose Airport, land acquisition program, Santa Clara County, Calif.	LO-2	J
DS-FHW-A41179-SC	Air Quality Report, proposed James Island Expressway, Charleston, S.C.	ER-2	E
DS-FHW-A41523-AL	Project I-565-6(1), Madison and Limestone Counties, Air Quality Analysis Supplement, Alabama.	ER-2	E
D-FHW-B40006-MA	U.S. 6, Dennis-Harwich Brewster-Orleans Road Improvement, Barnstable County, Mass.	LO-2	B
D-FHW-C40008-NY	Rochester Outer Loop, Scottsville Road to Winston Road, Monroe County, N.Y.	ER-2	C
D-FHW-D40005-PA	LR 1036, Section AOO, Lycoming County, Pa.	LO-2	D
D-FHW-D40006-MD	I-95 from I-395 to I-83, Fort McHenry Crossing, Baltimore, Md.	ER-1	D
D-FHW-D10007-WV	WV-1, Project No. 5-617, Pritchard to Fort Gay, Wayne County, W. Va.	LO-2	D
D-FHW-E40018-KY	Newport, Campbell County, Fourth and Fifth Streets between Washington and Linden Ave, Ky.	ER-2	E
D-FHW-E40022-SC	Gantt Freeway, Greenville County, Greenville, S.C.	ER-2	E
D-FHW-E40023-FL	State Job 87170-1511, FP F-013-1, State Road FL-826, Air Quality Analysis, Dade County, Fla.	ER-2	E
D-FHW-F40016-OH	Park Avenue West Widening, Mansfield, Richland County, Ohio.	LO-2	F
D-FHW-F40017-MN	U.S. 212, Cologne to Eden Prarie, Carver and Hennepin Counties, Minn.	LO-2	F
D-FHW-F40020-OH	U.S. 33 Bypass of the City of Lancaster, Fairfield County, Ohio.	LO-2	F
D-FHW-G40015-OK	U.S. 77, Shields Boulevard from southeast 25th Street northerly 1.6 miles to southwest 3d Street in Oklahoma City, Okla.	LO-2	G
D-FHW-G40016-TX	U.S. 82-277 and Spur 447, Wichita Falls from 0.65 miles west of FM 369, east and northeast to Homes Street near TX-240, Tex.	LO-2	G
D-FHW-G40017-NM	NM-S-1336(12)(18)(19)(20)(21), 6.5 miles north of Crownpoint north in McKinley and San Juan Counties, N. Mex.	LO-2	G
D-FHW-G40018-NM	Junction U.S. 285 and NM-74, north approximately 7.2 miles north, Rio Arriba County, N. Mex.	LO-2	G
D-FHW-H40011-KS	U.S. 59, Douglas County, Kans.	LO-2	H
D-FHW-H40012-IA	U.S. 61, Muscatine County, Iowa.	LO-2	H
D-FHW-K40008-CA	State Route 252, CA-252, City of San Diego, San Diego County, Calif.	ER-2	J
D-FHW-K40010-CA	Route 120 from Route 5 at Mossdale to Route 99, San Joaquin County, Calif.	LO-1	J
D-FHW-L40011-OR	29th Avenue, Alder Street section, Amazon Parkway, 30th Avenue, Faus 5104, Lane County, Oreg.	LO-1	K

APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objection to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Dec. 1, 1974, and Dec. 31, 1974*

Identifying number	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
F-AEC-A06138-MA, FS-AEC-A06138-MA.	Pilgrim Nuclear Power Station, Units 2 and 3, Docket Nos. 50-471 and 50-472, Massachusetts.	EPA continues to have environmental reservations concerning the proposed action—the issuance of a license to construct Unit 2. This opinion is based on possible noncompliance of the proposed once-through cooling system with the requirements of the Federal Water Pollution Control Act Amendments of 1972. EPA guidelines under Sec. 301 call for closed-cycle cooling unless the applicant can demonstrate that an exemption under Sec. 316 of the FWPCA is warranted. In the opinion of EPA such an exemption is not justified at this time based on the information presented in the final environmental impact statement. EPA recommends that the AEC encourage the applicant (Boston Edison) to apply as soon as possible for a discharge permit under the National Pollutant Discharge Elimination System (Sec. 402 of the FWPCA). Further, EPA recommends that the AEC incorporate, as a specific condition of its construction permit, that the applicant comply with all the requirements imposed by EPA under the Federal Water Pollution Control Act.	A
Department of Agriculture:			
F-AFS-A65095-MT.	Cube-Iron Silcox Planning Unit, Lolo National Forest, Mont.	EPA requested that more information be provided in the final statement. This included additional details of the water quality monitoring system and a suggestion that it be expanded to determine baseline conditions prior to logging operations. Also EPA requested that the methods and timing of slash burning be defined and suggested alternatives such as mechanical reduction be considered.	I
F-AFS-F61003-MN.	Prairie Portage Dam, Superior National Forest, Minn.	EPA had no objections to the project as proposed.	F
F-SCS-A36210-KY.	Short Creek Watershed, Grayson County, Ky.	EPA generally had no objections to the proposed project.	E
Corps of Engineers:			
F-COE-A07082-MN.	Sherburne County Generating Plant, Minnesota.	EPA did not have the necessary information to determine whether the cooling water intake meets the requirements of sec. 316(b) of the Federal Water Pollution Control Act. EPA has recommended to the Corps of Engineers that the issuance of the sec. 10 permit should stipulate that the applicant provide EPA this information.	F
F-COE-A35068-VA.	James River, Maintenance-Dredging, Virginia.	EPA expressed environmental reservations on the proposed permit. EPA recommended that overboard disposal of polluted dredge spoil be discontinued and other alternatives be reevaluated. The disposal should not involve marshes, wildlife refuges, or wetlands and should be carried out in such a manner as to preclude return to the waterway. Reevaluation of the benefit-cost ratio was recommended in light of the rather limited use of the channel, the cost of maintenance, and the disruption of the polluted sediments.	D

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Identifying number	Title	General nature of comments	Source for copies of comments
F-COE-A36272-FL..	C-135 and Lower Hillsborough River Basin, Four River Basins, Hillsborough County, Tampa, Fla.	EPA expressed environmental reservations concerning the reduction of shallow groundwater levels in the Harney Flats area which could eliminate artesian wells, springs, and seeps; land drainage along the route of C-135 and C-132 which could result in a change in vegetation; and the draining of Harney Flats which could open the area for possible suburban development. EPA is also concerned about the allocation of freshwater flow and believes it should be addressed.	E
F-COE-A36359-OH.	Mill Creek Local Protection, Ohio.	EPA generally had no objections to the proposed project.	F
F-COE-F32003-MI..	Fiscal Year 1975 Navigation Extension Demonstration Program.	EPA generally had no objections to the proposed project. However, EPA requested that specific mitigating actions be taken to reduce structural damage to docks and piers in the St. Mary's River and these incorporated as a part of the demonstration program.	F
Department of the Interior:			
F-BLM-A01027-WY.	Proposed Development of Coal Resources, Eastern Powder River Coal Basin, Wyo.	EPA determined that the final impact statement was unresponsive to comments made on the draft statement. The mining plans as proposed for approval were not described and only the proposals submitted by the companies were defined. Continuation of this planning effort through a regional mining plan is needed to define concurrent developments, correct inaccuracies and omissions, define the proposed Federal action of approving the mining plans, and describe secondary effects of the end use of coal.	I
F-BLM-A67005-FL.	Phosphate Leasing on the Osceola National Forest in North Central Florida.	EPA determined the proposed action to be unsatisfactory from the standpoint of environmental quality and public welfare. The determination was made based on the magnitude and irreversible impacts of the action as well as in consideration of the public interest as expressed in comments on the draft environmental impact statement by the State of Florida. EPA maintained that the proposed action would be inconsistent with the intent of the Weeks law of 1911, the authority by which the Osceola Purchase Unit was acquired. EPA recommended that the Osceola phosphate deposit be designated a national strategic reserve for phosphate and no leases should be issued at this time. Because of the potentially significant environmental consequences of accelerated development of phosphate, EPA further recommended the issuance of a programmatic environmental impact statement which would comprehensively cover the phosphate leasing, mining, and exportation program from a nationwide perspective.	A
Department of Housing and Urban Development:			
F-HUD-A89140-CA.	Yerba Buena Center Urban Renewal, San Francisco County, Calif.	EPA has no objections to proceeding with the project as proposed provided careful review of design plans are performed to insure the conformance with noise criteria on residential dwelling units. EPA also urges active implementation of the parking management statement to reduce parking and increase mass transit usage.	
Department of Transportation:			
F-DOT-A40527-AK.	Copper River Highway, Mile 39 to Mile 416, Alaska.	EPA generally had no objections to the proposed project.	K
F-DOT-A41402-MT.	Improvement of Highway S.S. 12, West of Helena, Mont.	EPA expressed environmental reservations on the proposed project. The final statement does not adequately assess the potential secondary impacts induced by this highway project. The land use, water quality, and public service impacts have been dismissed as outside FHWA's jurisdictional authority and therefore not a project concern. The alternative of a completely 2-lane facility, instead of the proposed 2-lane and 4-lane improvement was not considered. The proposed project will likely promote further 4-lane construction for which impacts are not addressed in this statement. As was recommended in EPA's comments on the draft statement, the environmental impacts should be evaluated on a larger scale so that the total concept of the project is developed.	J
F-FHW-A42123-FL.	Nassau County, Yulee, State Job 74060-1503, FL-200, Federal Job S-139(4), Florida.	EPA generally had no objections to the proposed project. However, EPA recommended that further discussion on short-term effects of the project on air quality be provided, along with specific steps to curb these effects.	E

Identifying number	Title	General nature of comments	Source for copies of comments
F-FHW-A42141-FL.	State Job 72250-1514, Federal Job SU-100(4), FL-105, Duval County, Fla.	EPA generally had no objections to the proposed project.	E
F-FHW-A42170-IL..	I-55, Normal to Carlinea, McLean, Livingston, and Grundy Counties, Ill.	do	F
F-FHW-A42231-WI..	US 18 and US 151, Dodgeville to Mt. Horeb, Iowa, and Dane Counties, Wis.	do	F
F-FHW-A42248-FL.	State Job 72220-1601, Federal Job UM-5208(3) 103rd St. and Timuquana Rd., Duval County, Fla.	do	E
F-FHW-A42300-TX.	Loop 340, From US 84 in Bellmead to FM 3051, McLennan County, Tex.	EPA comments on the draft statement were not incorporated in the final statement. Therefore, EPA requested that FHWA reconsider our draft comments.	G
F-FHW-A42342-OH.	OH-41, Clark County, German and Springfield Townships, Ohio.	EPA expressed environmental reservations on the proposed project. EPA recommended that a portion of stream channelization be eliminated. EPA also recommended noise mitigative actions be considered for 47 residences other than noise barriers.	F
F-FHW-F40003-OH.	Relocation of OH-7 Between Martins Ferry to Little Rush Run, Belmont and Jefferson Counties, Ohio.	EPA expressed environmental reservations on the proposed project. EPA is opposed to any fill in the embayment and backwater area from Indian Short Creek north of Tiltensville. The proposed project would fill in these wetland areas which is contrary to EPA's wetlands policy; Therefore, EPA recommended that abandonment of the portion of the project which would require filling these valuable areas.	F
F-FHW-E40002-TN.	TN-137, Washington County, Tenn.	EPA generally had no objections to the proposed project. EPA recommended that an ambient noise monitoring program be initiated following completion of the project to determine the effectiveness of the "retrofit" type methodology for solving noise problems.	E
FS-FHW-K40001-CA.	Route 15, San Diego, from I-805 to ½ Mile South of Route 8, San Diego County, Calif.	EPA generally has no objections to the proposed project.	J

APPENDIX IV.—*Regulations, legislation and other Federal agency action for which comments were issued between Dec. 1, 1974, and Dec. 31, 1974*

Identifying number	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
A-DOA-A65109-00..	Opportunities to Increase Red Meat Production From Ranges of the United States.	EPA believes that the report presents a useful description of the nature of range economy and of the USDA role in and opportunities for expanding red meat production from the nation's ranges. EPA pointed out that the success of any program to expand red meat production from ranges is predicated on the assumption that the ranges will be more efficiently managed.	A
Federal Power Commission:			
R-FPC-A09028-00...	18 CFR Part 141, 260, Future Financing Requirements.	EPA could foresee no unfavorable effects on the environment resulting from this proposal.	A
Department of Housing and Urban Development:			
R-HUD-A89148-00..	24 CFR Part 570, Community Development Block Grants.	EPA suggested that applicability requirements (Sec. 590.046) are unnecessarily vague concerning assessment of the environmental impact of proposed innovative projects. EPA suggested that they be explicitly subject to the review process specified in HUD circular 1390.1.	A
Department of the Interior:			
A-NPS-A61274-00...	Administrative Policies for the National Park system.	EPA was in general agreement with the document as written, but noted several instances where reference to Executive Order 11752, "prevention, control and abatement of environmental pollution at Federal facilities" should be made. EPA also recommended coordination with regional Federal facilities offices of EPA.	A
Department of Transportation:			
R-DOT-A89145-00..	23 CFR Part 450 and 49 CFR Part 613, Urban Transportation Planning.	EPA believes the regulations specify a sound set of requirements which will insure timely and responsive areawide multimodal transportation planning. EPA offered numerous comments for FHWA's consideration.	A
R-DOT-A89146-00..	23 CFR Part 450, Metropolitan Planning Funds.	do	A
R-DOT-A89147-00..	23 CFR Part 450 and 49 CFR Part 613, Transportation Improvement Program.	do	A
R-RWA-A53036-00..	49 CFR Part 931, Rail Lines, Interim Discontinuance of Service or Abandonment.	EPA offered several comments in an effort to strengthen the regulations from an environmental point of view.	A

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APPENDIX V—SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Tex. 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc.75-2214 Filed 1-28-75;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF OAKLAND, ET AL.

Agreement Filed

Correction

In FR Doc. 75-1053 appearing at page 2474 in the issue for Monday, January 13, 1975, change the comments date in the second paragraph from February 10, 1975 to February 3, 1975.

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE APPLICANTS

Notice

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicated with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Dan Antonoglou, 17710 N.W. 32nd Avenue, Miami, Florida 33054.

Crown Moving & Storage Company d/b/a, Crown Overseas Forwarders, 180 Quint Street, San Francisco, California 94124. Officers and Directors: Robert J. Menne, President/Director, Thomas A. Doyle, Vice President/Director, John P. Bevan, Secretary/Treasurer/Director, Carlos da Costa, Director, Jeremy Godbeer, Director, Robert Bowen, Office-Manager, John J. Broucaret, Director.

Pouch Forwarding Corporation, One Edgewater Street, Clifton, Staten Island, New York. Officers: A. T. Pouch, Jr., President/Director, Louis P. Phillips, Vice President/Director, James Bostwick, Treasurer/Director, P. H. Stetler, Secretary/Director.

Mattoon & Co. Inc., 244 Jackson Street, San Francisco, California 94111. Officers: Arthur J. Fritz, President/Director, Edward F. Hennessey, Vice President/Director, Olive M. Reynolds, Secretary/Treasurer/Director.

By the Federal Maritime Commission.

Dated: JANUARY 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2693 Filed 1-28-75;8:45 am]

CITY OF LOS ANGELES HARBOR DEPARTMENT AND FREIGHTCARE, LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Walter C. Foster
Deputy City Attorney
Harbor Division
P.O. Box 151
San Pedro, California 90733

Agreement No. T-3049, between the City of Los Angeles Harbor Division (City) and Freightcare, Ltd. (Freightcare), permits Freightcare, for a term cancelable after one year on 30 days' notice, to occupy space at Berth 158, Los Angeles, California, for the purpose of warehousing, storage, assembling, distributing of goods, wares and merchandise, and for purposes incidental thereto. As compensation, the City is to receive $4,825.21 monthly.

By Order of the Federal Maritime Commission.

Dated: January 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2694 Filed 1-28-75;8:45 am]

[No. 75-2]

CONSOLIDATED EXPRESS, INC., v. PUERTO RICAN FORWARDING CO., INC., AND NEW ENGLAND FORWARDING CO., INC.

Filing of Complaint

JANUARY 23, 1975.

Notice is hereby given that a complaint filed by Consolidated Express, Inc. against Puerto Rican Forwarding Co., Inc. and New England Forwarding Co., Inc. was served by the Commission on January 23, 1975. The complaint alleges violations by respondents of sections 16, 18, and 44 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933 in connection with non-vessel operating common carrier by water operations in the domestic offshore trade to Puerto Rico. The complaint further alleges violation by Puerto Rican Forwarding Co., Inc. of section 18 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933 in connection with its services as agent for Seatrain, Inc.

Hearing in this matter shall commence on or before July 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2697 Filed 1-28-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1095]

JET AIR FREIGHT

Order of Revocation

The Federal Maritime Commission received notification that Jet Air Freight, 900 West Florence Avenue, Inglewood, California 90301 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1095 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 9/15/73);

It is ordered, that Independent Ocean Freight Forwarder License No. 1095 be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1095 of Jet Air Freight be and is hereby revoked effective January 6, 1975, without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Jet Air Freight.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-2696 Filed 1-28-75;8:45 am]

LOS ANGELES HARBOR DEPARTMENT AND METROPOLITAN STEVEDORE CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733. 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Frank Wagner, Esquire
Deputy City Attorney
Harbor Division
P.O. Box 151
San Pedro, California 90733

Agreement No. T-3035, between the City of Los Angeles Harbor Department (City) and Metropolitan Stevedore Co., Inc. (Metropolitan), is a five-year permit which grants Metropolitan the right to use certain berths for docking and servicing vessels and for handling cargo and passengers in its capacity as agent on an agency agreement basis, stevedore, or terminal operator. City retains the right of secondary use when such use does not interfere with Metropolitan's use of the premises. As compensation for use of the premises, City will receive revenues for services performed in accordance with the Port of Los Angeles Tariff No. 3, with Metropolitan assuming a minimum obligation of $210,000 during each 12-month period of the term of the permit. At the end of each 12-month period, the difference between the minimum obligation and the total revenue accrued during the 12-month period will be divided. Fifty percent of revenue accrued in excess of $210,000 but not in excess of $300,000 will be paid to City; in addition, Metropolitan will pay to City 25 percent of all revenue accrued in excess of $300,000. All revenue due City from cargo which is discharged or loaded at the wharf area subject to the permit and brought to point of rest upon such premises, together with all dockage revenue, shall apply on the minimum obligation of Metropolitan and to the compensation division set forth in the agreement. All other revenue due City which is not included above, shall not be applied to the minimum obligation nor to the revenue division described.

By order of the Federal Maritime Commission.

Dated: January 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2695 Filed 1-28-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Order Denying Motion to Reject and Amending Prior Order

JANUARY 23, 1975.

On October 31, 1974, Arkansas-Missouri Power Co. (Ark-Mo) tendered for filing proposed changes in its Resale Service Rate Schedule R-1 and its Transmission Service Rate Schedule W-1. Ark-Mo stated that the proposed changes wil increase the rates for wholesale electric service rendered to its wholesale customers[1] by $86,380, or 23.6 percent, based on 12 months ending May 1974. Rates for transmission service rendered to Ark-Mo's wheeling customers[2] are proposed to increase by $105,071, or 65.2 percent, based on 12 months ending May 1974. Ark-Mo further stated that these proposed changes will increase the rates of return for the resale and wheeling classes to 9.13 percent.

Notice of the proposed changes was issued November 11, 1974, with protests and petitions to intervene due on or before November 21, 1974.

By Commission Order dated November 29, 1974, the proposed changes were accepted for filing and suspended for thirty days, the use thereof deferred until January 1, 1975, subject to refund. Motions to reject had been filed by Arkansas Electric Cooperative Corporation (Arkansas Cooperative) and Mississippi County Electric Cooperative (Mississippi Cooperative), alleging that the Mobile-Sierra doctrine[3] prohibited such a unilaterally filed change. The Commission, inter alia, denied the motion of Mississippi Cooperative, and postponed the effective date of the proposal as to Arkansas Cooperative until June 30, 1977, the expiration date of its present contract. Pursuant to Municipal Electric Utility Association of Alabama v. F.P.C.,[4] the Commission required that, as each of the fixed rate contracts expires,[5] Ark-Mo will file with the Commission a superseding service agreement capable of serving as the notice of terminaton of contractual service required by 18 CFR § 35.15, and an amended list of purchasers.

On December 3, 1974, the City of Thayer (Thayer) filed a motion to reject as a supplement to its petition to intervene filed on November 21, 1974. Thayer states that the triparte contract under which it receives wheeling service from Ark-Mo, and particularly Article III, Section 3 thereof, precludes Ark-Mo from unilaterally filing for an increase in said wheeling rate.

On December 18, 1974, Ark-Mo filed a response to Thayer's motion, stating that (1) the motion was not timely filed, and (2) the motion lacked merit. In support of its first point Ark-Mo argues that Thayer's petition to intervene (filed on November 21, 1974 and granted by Order dated November 29, 1974) failed to raise the issue now under consideration, and as such Thayer's participation should be specifically limited to matters affecting the rights and interests set forth in that petition. Ark-Mo looks to the intent of the parties as support for the second point. Although Ark-Mo admits that Article II of the contract in question governs the sale of power and energy by Southwestern Power Administration (SPA) to Thayer (and specifically allows SPA to unilaterally seek rate changes), and Article III governs the transmission service provided by Ark-Mo to Thayer (which contains no such provision as to Ark-Mo), the company contends that Article III is so cursory in nature in relation to the remainder of the contract that the intended relationship between Ark-Mo and Thayer must be governed in substantial part by the rest of the Contract as well, including Article II.

The term of the aforementioned triparte contract is set forth in Article VI, Section 2 which provides that the contract "shall remain in force and effect until midnight June 30, 1983, unless sooner terminated as provided herein." Article III, Section 3 of the contract reads as follows:

Section 3. Compensation to Company for Transmission Service.

Thayer shall compensate the Company each month for the transmission and delivery service performed pursuant to Section 2 of this Article III at the rate of $0.50 per kilowatt of "Firm Billing Demand" per month.

While the contract contains a provision for termination before June 30,

[1] City of Campbell, Missouri, the Gideon-Anderson Lumber Co. of Gideon, Missouri, and Missouri Utilities.

[2] Arkansas Electric Cooperative Corp., the Mississippi County Electric Cooperative, Inc., and the City of Thayer.

[3] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[4] 485 F2d 967 (D.C. Cir. 1973).

[5] Ark-Mo recognized, in its original filing, that Gideon-Anderson Lumber Company and the City of Campbell were also served under fixed-term, fixed-rate contracts.

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1983, as between Thayer and the supplier (Southwestern Power Administration), the contract does not provide for a termination of the transmission service rendered by Ark-Mo before June 30, 1983.

Section 1.11(a) of the Commission's regulations provides that any modification or supplement to an application, complaint, petition or other pleading shall be deemed as an amendment to the pleading. We find that good cause exists to reconsider Thayer's petition to intervene, as amended, and that no prejudice will result therefrom, especially in light of the fact that Ark-Mo has had an opportunity to respond to the merits of the amendment.

Our examination of this Contract in its entirety does not reveal any suggestion that Ark-Mo could file a unilateral change in rates or terms and conditions of service. The Contract is clear on its face and any attempt to ascribe to Ark-Mo the rights so specifically accorded to SPA in Article II would be to reach beyond the boundaries of reasonable interpretation. We find, therefore, that to permit the proposed rate change as to Thayer before June 30, 1983, the expiration date of said contract, would be to violate the rule set forth in the Mobile-Sierra cases. Accordingly, we shall provide for the applicability of the proposed changes to Thayer in a manner similar to that utilized for the other fixed term, fixed rate contracts considered in this Docket.

The Commission finds. Good cause exists to modify the order in the above docket of November 29, 1974 as hereinafter provided.

The Commission orders. (A) Our order in the above docket of November 29, 1974 is hereby amended to grant a waiver of the ninety day notice requirement of the Commission's Regulations as to the City of Thayer on condition that, when its contract expires, Ark-Mo will file with the Commission, pursuant to Municipal Electric Utility Association of Alabama v. F.P.C., supra, a superseding service agreement capable of serving as the notice of termination of contractual service required by 18 CFR § 35.15, and an amended list of purchasers.

(B) The motion of Thayer to reject is hereby denied.

(C) In all other respects, the order of November 29, 1974 is hereby upheld.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2535 Filed 1-28-75;8:45 am]

[Docket No. E-8551]

BLACK HILLS POWER AND LIGHT CO.

Application

JANUARY 22, 1975.

Take notice that on January 14, 1975, an Amendment to its Application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Co. (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota, Wyoming and Montana, with its principal business office at Rapid City, South Dakota, seeking an Order authorizing the issuance of up to $6.4 million of Short-Term Notes, which is an increase of $850 thousand over the amount currently authorized. Applicant proposes to issue such Short-Term Notes to enable it to carry on its construction program and to maintain an adequate working cash position. Depending on the source of funds, Applicant will pay either the prime rate of interest in effect at the time of issuance of the Short-Term Notes or an interest rate not to exceed one percent over the prime rate on a floating basis. No underwriter's or finder's fee has been or will be paid in connection with the issuance of any such notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2536 Filed 1-28-75;8:45 am]

[Docket No. RP72-142; PGA75-1]

CITIES SERVICE GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Change, and Denying Waiver

JANUARY 22, 1975.

On December 3, 1974, Cities Service Gas Co. (Cities) tendered for filing alternate purchased gas cost adjustment (PGA) increases[1] pursuant to its PGA clause. Cities also filed a revised surcharge to recover deferred purchased gas costs. The alternate rate increases of 4.62¢ and 4.29¢ per Mcf are designed to track increased purchased gas costs. The 4.62¢ per Mcf increase is based, in part, on the full amount of an increase filed by Amoco Production Co. (Amoco)[2] and a surcharge to recover the $13,440,307 balance in the deferred purchased gas cost account as of October 22, 1974. The alternate 4.29¢ per Mcf increase tracks only a portion of Amoco's increase due to the Commission's conditional acceptance of such increase.

Cities requests waiver of the provision in its PGA clause which requires PGA rate changes to be made effective on the first day of any billing period (i.e., January 23, 1975), to permit an effective date of January 22, 1975. Cities states that after a one day suspension, the increased rates would then become effective on the first day of Cities' February billing period. Cities further states that if such waiver is granted, it agrees that none of the subject increases would be collected on January 22, 1975 and that 0.05¢ per Mcf of the 4.62¢ per Mcf current adjustment is collected subject to possible refund pending further Commission order in this docket. We do not believe that Cities has shown good cause to grant waiver of its PGA clause in order to permit an effective date of January 22, 1975, and accordingly, we shall deny Cities' requested waiver.

Cities' December 3, 1974, filing was noticed with comments, protests and petitions to intervene due on or before December 27, 1974. No comments, protests or petitions have been received.

Our review of Cities' December 3, 1974, filing indicates that it is based in part upon small independent producer and emergency purchases[3] at rates in excess of the rate levels established by Opinion No. 699-H.[4] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Cities' alternate 4.29¢ per Mcf increase as proposed in its December 3, 1974, filing and suspend it for one day to become effective January 24, 1975, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[5] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further reivew of Cities' December 3, 1974, filing indicates that the claimed increased costs other than those costs associated with that portion of the small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, Cities may file a substitute tariff sheet to become effective January 23, 1975, reflecting increased costs other than that portion of those increased costs associated with small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H referred to in this order.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Cities' alternate 4.29¢ per Mcf increase as reflected in its Substitute Ninth Revised Sheet No. PGA-1 to Second Revised Volume No. 1, contained in Appendix B of Cities' December 3, 1974, filing, be accepted for filing, suspended and permitted to become effective January 24, 1975, subject to refund.

(2) The claimed increased costs, other than those associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

(3) Good cause does not exist to grant waiver of the provision in Cities' PGA clause which requires PGA rate changes to be made effective on the first day of any billing period, to permit a January 22, 1975, effective date.

The Commission orders. (A) Cities' alternate 4.29¢ per Mcf increase as reflected in its Substitute Ninth Revised Sheet No. PGA-1 to Second Revised Volume No. 1, contained in Appendix B of Cities' December 3, 1974, filing is hereby accepted for filing, suspended for one day and permitted to become effective January 24, 1975, subject to refund, pending further Commission order in this docket.

(B) Cities may file to become effective January 23, 1975, substitute tariff sheets reflecting that portion of Cities' rates as filed in Appendix B of Cities' December 3, 1974, filing which reflect increased costs other than those costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H.

(C) Cities' request for waiver of the provision in its PGA clause which requires PGA rate changes to be made effective on the first day of any billing period, to permit an effective date of January 22, 1975, is hereby denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2537 Filed 1-28-75;8:45 am]

[Docket Nos. RP71-106 (1973 Phase), RP72-142]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JANUARY 20, 1975.

Take notice that Cities Service Gas Co. (Cities) on January 8, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities states that it is filing three revised tariff sheets in order to remove a 0.59¢ per Mcf temporary rate increase associated with the amortization of a portion of the payment by Cities of a judgment paid to Western Natural Gas Co., pursuant to and in compliance with the terms and conditions of the Commission's Order Approving Settlement of September 5, 1974 in Docket No. RP71-106 (1973 Phase).

The sheets filed herewith and those superseded or replaced are as follows:

Filed herewith	*Superseded or replaced*
Alternate Ninth Revised Sheet PGA-1.	Ninth Revised Sheet PGA-1
Alternate Substitute Ninth Revised Sheet PGA-1.	Substitute Ninth Revised Sheet PGA-1 in Appendix B
Second Alternate Substitute Ninth Revised Sheet PGA-1.	Substitute Ninth Revised Sheet PGA-1 in Appendix A

Cities states that copies of its filing were served on all jurisdictional customers, interested state commissions and all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP71-106 (1973 Phase), RP72-142 and PGA75-3.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2538 Filed 1-28-75;8:45 am]

[Docket No. CP75-204]

COLORADO INTERSTATE GAS CO.

Application

JANUARY 21, 1975.

Take notice that on January 13, 1975, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant) P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-204 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period beginning April 1, 1975, and the operation of natural gas facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system.

Applicant requests, if the rule proposed in Docket No. RM75-2 is promulgated prior to the issuance of an order on this application, expenditure authorization of up to $1,416,000 per project and up to $5,664,000 in total for all gas purchase facilities. Otherwise, Applicant states, the total cost of the proposed facilities will not exceed $4,000,000 and no single project will exceed $1,000,000, which cost will be financed from current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2539 Filed 1-28-75;8:45 am]

[1] The alternate tariff sheets reflecting the proposed increase are designated as Substitute Ninth Revised Sheet No. PGA-1 to Second Revised Volume No. 1.

[2] On September 20, 1974, Amoco filed Supplement 152 to Rate Schedule 84 for certain production pursuant to Opinion No. 699. On November 21, 1974, the Commission conditionally accepted the proposed increase.

[3] Cities has removed from the current cost of purchased gas the effect of all emergency purchases and has elected to recover these costs through the deferred purchased gas cost account.

[4] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[5] Federal Power Commission v. Texaco, Inc., et al. Docket Nos. 72-1490 and 72-1491, Opinion issued June 10, 1974.

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[Docket No. RP73-85; Docket No. RP73-86]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Order Approving Stipulated Issue and Rejecting Proposed Stipulation and Agreement and Remanding for Further Hearing and Setting Procedural Dates

JANUARY 20, 1975.

At a pre-hearing conference convened by notice of the Presiding Administrative Law Judge, issued May 21, 1974, Counsel for Columbia Gas Transmission Corp. (Columbia) and Columbia Gulf Transmission Co. (Columbia Gulf) presented a stipulation and agreement by and between certain wholesale customers of Columbia and various municipalities and state commissions in a proposed settlement of the instant case. Columbia requested that the stipulation and agreement (Exhibit 84) and the entire record, including the direct testimony and exhibits filed by Columbia, Columbia Gulf and by Staff be certified to the Commission for approval.

Seventeen parties represented at the pre-hearing conference expressed support on the record for the stipulation and agreement, either in its entirety, or to the extent to which they had an interest therein.[1]

Both Staff and the City of Charlottsville expressed objections to the Stipulation and Agreement. Staff in its comments on the proposed Stipulation and Agreement asks that the case be remanded for further hearing on nine (9) specific points.

Staff specifically opposes a depreciation accrual rate of 4.25 percent for Columbia Gulf's onshore plant, and supports its own recommendation of 3.90 percent and discusses at length the methodology of its Witness Deutsch, used in coming to the conclusion that a 3.90 percent depreciation rate is reasonable.

Staff also questions the depreciation rate provided in the agreement for Columbia Gas' transmission and storage plant. Staff states that the methodology used by its Witness and Columbia Gas' Witness Melton are the same in that both witnesses used the straight line remaining life method in conjunction with truncated survivor curves. However, while Witness Melton used a 20-year remaining life span on all transmission and storage plant, Staff's witness classified the plant into gas supply oriented facilities, to which he assigned a 20-year remaining life, and market delivery oriented facilities, to which he assigned a 29-year remaining life. Staff's witness discusses the potential for new sources of gas and concludes that the market delivery oriented facilities will be delivering gas at least until the year 2,000 from these alternate sources of gas.

Columbia Gas filed for an increase in its annual depreciation accrual rate for gathering plant from 5 percent to 7 percent. The Agreement reflects a rate of 6 percent. Staff recommended a rate of 5.5 percent. Staff's recommendation is based on a study made by its witness Edward H. Feinstein. Based on Feinstein's analysis, staff submits that the Agreement reflects excessive depreciation rates for Columbia Gas.

Staff believes that Columbia's proposed rate of return of 9 percent is not in the public interest and that a figure of 8.19 percent more clearly reflects the just and reasonable rate of return. Staff points to a factual difference on Columbia's capitalization and states that Columbia's witness omitted two stock issuances in computing its capitalization.

Staff disputes Columbia's figure of 6.93 percent for the embedded cost of long-term debt. Staff believes that the figure does not reflect the proper amount of gains realized in the acquisition of debt at a discount as computed under the Manufacturers' Light and Heat method (Opinion No. 583, 44 FPC 314). Staff says that the 6.93 percent included out-of-line costs of nearly 12 percent and 19.3 percent, respectively on two long-term loans amounting to $110 million at a time when the prime rate stood at 9 percent and A-rated bonds (Columbia's rating) were yielding 8½ percent. Staff states that in computing gains realized in the acquisition of bonds at a discount, Columbia improperly applied the method provided by Commission Order No. 505 which was intended to provide accounting treatment of such gains. Staff recomputed such gains under the terms of Opinion No. 583 which is the proper method for rate of return purposes.

With regard to the cost of the long-term loans, consisting of $50 million from First National City Bank and $60 million from a group of six banks for advances to British Petroleum, Staff suggests a cost of 9 percent, the rate prevalent at the time for like loans by comparable size companies. Staff states that the cost claimed by Columbia allowed for a premium above the spot prime, plus a commitment fee, plus a compensating balance requirement. Staff states that Columbia's capital structure was not such as to call for the arrangement of such "distress loans", and that Columbia could have acquired these funds via long-term financing at the then prevailing rate of 8½ percent, on A-rated bonds. In essence, Staff urged the company to fund such term loans to spare the ratepayer the exorbitant costs claimed which Columbia could support only by referring to oral agreements with the lenders. In the computation of the cost applicable to the two loans Staff suggests a rate ½ percent above the going rate for A-rated bonds at the time on said loans, which would reduce embedded cost substantially.

Staff disputes Columbia's method used for calculating a fair rate of return on equity. Staff witness used a modified comparative earnings approach which it states is supported by two Supreme Court cases.[2] Staff states that its witness in using the comparative earnings test was able to find at least 7 enterprises with corresponding risks with those of Columbia.

Staff disagrees with Columbia's position on computing the interest deduction for income tax purposes on short term loans. Staff believes that Opinion No. 600 requires that short term interest be used in income tax calculation for rate purposes, if it is so used by the company for tax purposes.

Staff disagrees with the inclusion of certain sums for Columbia Gulf and Columbia for advertising expenses in Columbia's exhibits. Staff states that the figures are excessive and recommends that only expenses associated with conservation of gas advertising be included pursuant to Order No. 498, and that expenses associated with supply advertising be eliminated.

Staff objects to the inclusion in Columbia's rate base of a proposed agreement for advance payment to Columbia Gas Development in Canada of $4,825,780. Staff says this figure should be eliminated in light of a recent Commission Opinion in Texas Eastern, Opinion Nos. 672, 672-A and Michigan Wisconsin, Opinion No. 685.

Staff objects to the volume figures used by Columbia. Staff opposed the use of updated figures for volumes and the adjustment procedure for variations since this would result in rates calculated from a cost of service based upon a test period ended July 31, 1973, while the volumes would be based upon actual volumes sold for the twelve months ended October 31, 1974.

The Agreement provides that the issue of conjunctive billing be postponed until Columbia's rate case in Docket No. RP 74-82. Staff opposed any deferral of this issue.

Staff orally opposed inclusion in Columbia's rate case of $1,053,000 related to possible future federal tax liability. Staff withdrew its objections to the inclusion of this amount and believes that it is proper to include these amounts subject to refund. Staff therefor recommends that the Commission approve Article IX of the Agreement. Staff also has no objection to commodity rates reflected in the agreement to the extent that they are equal to or greater than 45 cents, including purchased gas adjustments. Staff says, however, that since the agreement cost-of-service is excessive, all downward adjustments in Columbia's rates should be on the demand components.

[1] Washington Gas Light Co.; Public Service Commission of the District of Columbia; Baltimore Gas and Electric Corp.; United Natural Gas Co.; Pennsylvania Gas and Water Co.; Ohio Public Utilities Commission; Public Service Commission of Kentucky; Public Service Commission of West Virginia; Dayton Power and Light Co.; Roanoke Gas Co.; Orange and Rockland Utilities; Cincinnati Gas and Electric Co.; Union Light, Heat and Power Co.; New York State Electric and Gas Corp.; West Ohio Gas Co.; Columbia Distribution Co. and Pennsylvania Public Service Commission.

[2] Bluefield Water Works & Improvement Co. v. Public Service Commission of West Virginia, 262 U.S. 679 (1922) and FPC v. Hope Natural Gas Co., 320 U.S. 591 (1944).

Staff and all other parties concur in Article III of the Agreement which provides for a phased removal of the multiple zone system for Columbia Gas over a 6 to 7 year period, culminating in a single zone for the Columbia Gas system.

Article III of the Agreement provides that the existing zone rates on Columbia's system shall be modified, in the following manner, to result in a single system-wide rate structure:

1. The present rate differentials shall be reduced by:
   (a) One-third on November 1, 1974,
   (b) A further one-sixth on November 1, 1976, and
   (c) A further one-sixth on November 1, 1978.
2. Final elimination of zone rates no later than January 1, 1980.

The transition to system-wide rates is therefore gradual, specific and will be accomplished within a six-year period. Article III further provides that it shall survive the termination of the Agreement and that this Article can and should be approved by the Commission without regard to action taken on any other Article of the Agreement.

As reflected in the certified record, Article III resolves a difficult and long standing controversy among the parties to this proceeding. The customers, respective State Commissions and Commission staff actively participated in resolving the rate zoning issue. No party has objected to Article III, therefore we believe the result reached by the parties represents a fair compromise of the various positions taken by the parties on a complex issue.

Since Article III and all its terms and conditions are severable from the Agreement and because we believe this Article represents a reasonable, fair and final resolution to this controversial issue, we see no need for further hearing on the issue of proper rate zones on Columbia's system. Therefore, Article III is severed from the Agreement and shall be approved in its entirety.

The City of Charlottsville requests that the Commission either reject Columbia's proposed rate settlement or accept it on condition that the rate will be adjusted to reflect an overall rate of return of 8.5 percent with corresponding changes in the federal and state taxes, and to reflect as a deduction short term interest of over $2.2 million in the determination of federal and state income taxes. Charlottsville cautions the Commission in this and all rate proceedings not to be deceived by the settlements, which are sponsored by a pipeline and supported by virtually all the investor owned customers, into thinking that any real give and take negotiations took place.

On May 31, Presiding Administrative Law Judge Michel Levant certified the proposed settlement and record to the Commission. Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company in their comments in support of the proposed settlement point out that they have filed for additional rate increases in Docket No. RP74-81 and RP74-82 and therefore the proposed stipulation and agreement will be applicable for a locked-in period.

We have set forth in detail the many objections advanced by Staff and Charlottsville. While we do not herein find that the objections of Staff or Charlottsville warrant a decision in their favor on any or all of these points, we do find that questions remain which cannot be resolved on the basis of the present record. We must therefore remand for the development of a complete record on each of these issues. We specifically approve Article III providing for phased removal of the multiple zone system for Columbia Gas.

The Commission finds. (1) Good cause has been shown for approving Article III of the proposed Stipulation and Agreement which provides for a phased removal of the multiple zone system for Columbia Gas over a six to seven year period, culminating in a single zone for the Columbia Gas system.

(2) Good cause has not been shown for approving those parts of the proposed Stipulation and Agreement which are contested by staff and the City of Charlottesville.

The Commission orders. (A) Article III of the proposed Stipulation and Agreement is approved and made effective as provided therein.

(B) Except as provided in Ordering Paragraph (A) above the proposed Stipulation and Agreement is rejected, and the proceeding is remanded to the Presiding Administrative Law Judge for the purpose of further hearings and disposition.

(C) Intervenors shall file their direct testimony and evidence on or before February 7, 1975.

(D) Any rebuttal testimony or evidence shall be filed on or before February 28, 1975.

(E) Hearing for cross-examination shall commence on March 12, 1975.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2540 Filed 1-28-75;8:45 am]

[3] The dissenting opinions of Commissioners Brooke and Moody are filed as part of the original document.

[Docket No. RP73-65, PGA75-65]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JANUARY 22, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia) on January 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, as follows:

Nineteenth Revised Sheet No. 16.
Sixth Revised Sheet No. 64A.
Tenth Revised Sheet No. 64B.

These proposed changes result from the implementation of Columbia's Purchased Gas Adjustment provision contained in Section 20 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

Columbia states that it has, as a part of its deferred purchased gas cost account increase, included an estimated amount computed to provide for the recovery of Opinion 699 producer increases incurred up to the proposed March 1, 1975, effective date. Such amount is included pursuant to Opinion 699-G in FPC Docket No. R-389-B.

In recognition of the Commission's policy of suspending for one day that portion of pipeline company PGA filings, which are based on small producer purchases at rates above the effective national rate, Columbia also tendered for filing Alternate Nineteenth Revised Sheet No. 16 and Alternate Sixth Revised Sheet No. 64A. These tariff sheets exclude amounts attributable to small producer purchases which are in excess of the effective national rate.

In the event that the Commission suspends Nineteenth Revised Sheet No. 16 and Sixth Revised Sheet No. 64A, Columbia proposes that Alternate Nineteenth Revised Sheet No. 16 and Alternate Sixth Revised Sheet No. 64A be effective March 1, 1975.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2541 Filed 1-28-75;8:45 am]

[Project No. 2662]

CONNECTICUT LIGHT & POWER CO.

Application for Withdrawal of Application for License

JANUARY 22, 1975.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the Connecticut Light and Power Co. (Applicant) (Correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Company, P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed on November 2, 1967, for

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constructed Scotland Project No. 2662 located on the Shetucket River in Windham County, Connecticut in the Town of Windham near the City of Willimantic.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, Farmington River Power Co. v. Federal Power Commission, 455 F. 2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The constructed Scotland Project consists of: (1) A dam incorporating a 30-foot high earth dike about 183 feet long, a concrete spillway section containing five 20-foot wide by 14-foot high tainter gates, an Ambursen-type ungated spillway section about 89 feet long, a gravity-type ungated spillway section about 19 feet long, and a powerhouse section containing one generating unit rated at 2,000 kW; (2) A reservoir covering about 134 acres at normal full pond elevation 127.0 feet (USGS Datum) with normal drawdown of about 2 feet; and (3) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before March 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2542 Filed 1-28-75;8:45 am]

[Project No. 2338]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (CORNWALL PROJECT)

Extension of Time

JANUARY 22, 1975.

On January 17, 1975, the Department of the Interior filed a motion for extension of time in which to respond to Cross-Motions of Scenic Hudson Preservation Conference and Hudson River Fishermen's Association filed January 6, 1975, which were in answer to the December 23, 1974 motion of Consolidated Edison Company of New York, Inc., in the above-designated matter.

Notice is hereby given that the time for responding to the above cross-motions is extended to and including January 27, 1975. Due to this extension, the motion of Consolidated Edison shall not be deemed to have been denied as would otherwise be the case pursuant to § 1.12(e) of the Commission's rules of practice and procedure.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2543 Filed 1-28-75;8:45 am]

[Docket No. E-9214]

CONSUMERS POWER CO.

Application

JANUARY 23, 1975.

Take notice that on January 14, 1975, Consumers Power Co. (the "Applicant") filed an application, pursuant to Section 204 of the Federal Power Act, with the Federal Power Commission seeking authorization to issue securities hereinafter more fully described. The Applicant intends to enter into one or more Acceptance Facility Agreements (the "Agreement") with one or more banks (the "Banks") for the purpose of financing the Applicant's acquisition and storage of Fuel (as defined in the Agreement) for use in certain of its generating facilities. Pursuant to the Agreement, the Banks will make available to the Applicant an aggregate amount not to exceed the lesser of $35,000,000 (the "Maximum Commitment") or the fair market value of the Fuel stored at certain of the Applicant's generating facilities and subject to security interests granted by the Applicant to the Banks (the "Commitment"). Unless extended by agreement, the Commitment will be available to the Applicant until the earlier of December 31, 1975 or the Termination Date (as defined in the Agreement).

The Applicant will, from time to time, issue its drafts, in multiples of $100,000, (the "Drafts"), which shall mature not more than 180 days from the date of issuance thereof. Within the limits of the Commitment, the Applicant will present such Drafts to one of the Banks for acceptance. Each Draft submitted for acceptance shall have attached thereto a Certificate of Ownership of Fuel (as defined in the Agreement) and shall correspond to copies of suppliers' invoices relating to the Fuel to be financed by the acceptance of the applicable Draft. Upon acceptance, the accepting Bank will make available to the Applicant the full amount of such Draft. Each Bank may at any time sell, discount or otherwise dispose of any or all Drafts accepted by it.

The Applicant shall pay to the accepting Bank, on the business day next preceding the maturity date of each Draft, the face amount thereof. In addition, the Applicant will pay to the accepting Bank, on the date of acceptance of each Draft, (i) an amount equal to 2 percent per annum of the face amount of such Draft for the period of the Draft but not less than 30 days (the "Acceptance Charge") and (ii) an amount equal to (x) the bid rate, in effect in The City of New York on such date, for acceptances of commercial drafts or bills eligible for discount with the Federal Reserve Bank and having similar maturities times (y) the face amount of such Draft (the "Discount").

As security for repayment by the Applicant of all amounts owing to the Banks with respect to the Drafts, the Applicant will grant to the Banks security interests in certain Fuel presently owned or hereafter acquired by the Applicant and in all documents of title relating to such Fuel.

The Applicant may, upon at least one day's notice to the Banks, prepay the entire amount owing with respect to any Draft, and shall, upon removal of Fuel from storage for any purpose other than use in a generating facility, prepay the amount then outstanding under such Drafts in an amount equal to the fair market value of the Fuel so removed. The Applicant or any Bank shall have the right, upon at least one business day's notice, to terminate or reduce the unused portion of such Bank's Maximum Commitment.

Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Jackson, Michigan, and is engaged in the electric and natural gas business in the State of Michigan.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2544 Filed 1-28-75;8:45 am]

[Docket No. E-9216]

DAYTON POWER AND LIGHT CO.

Tariff Change

JANUARY 21, 1975.

Take notice that The Dayton Power and Light Company, on January 15, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $1,756,930 based on the 12 month period ending December 31, 1975. The Company states that the proposed Fuel Adjustment Clause is designed to conform with present Commission regulations concerning the form of such clauses. In addition, a delayed payment charge provision has been included in the proposed rate

schedule.

The proposed effective date for the increased rates is March 1, 1975.

The Company has requested the minimum suspension period.

The Company states that the additional revenue which would result from the proposed rates is needed to offset increases in the cost of labor, materials, taxes and other expenditures, as well as increases in the cost of facilities and the cost of capital.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20425, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Copies of the filing were served upon the Company's fourteen (14) jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2545 Filed 1-28-75;8:45 am]

[Project No. 1000]

LOUISVILLE GAS AND ELECTRIC CO.

Application for Surrender of Minor-Part Transmission Line License

JANUARY 20, 1975.

Public notice is hereby given that an application was filed on October 21, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Louisville Gas and Electric Company (Correspondence to Mr. George J. Meigurger, Gallagher, Conner and Boland, 821 15th Street NW., Washington, D.C. 20005 and Mr. W. B. Thurman, Vice President, Louisville Gas and Electric Company, 311 West Chestnut Street, P.O. Box 354, Louisville, Kentucky 40201) for the surrender of a minor-part transmission line license for Ohio Falls Project No. 1000 located on the Ohio River in Louisville, Kentucky. The project is located adjacent to the U.S. Corps of Engineers' McAlpine Locks and Dam and affects United States lands.

Project No. 1000 includes a 66–kV transmission line from the Applicant's Ohio Falls Plant Project No. 289 to the Waterside steam-electric plant and a 66–kV line from the Ohio Falls Plant to its Canal steam-electric plant.

The Applicant states that the appropriate portions of Project No. 1000 have been included as project works in their application for license for Ohio Falls Project No. 289 filed on November 9, 1972. The Applicant requests permission to surrender the license for project No. 1000 and to include those facilities within Project No. 289.

Any person desiring to be heard or to make protest with reference to said application should on or before March 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make to protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the requirements of the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2598 Filed 1-28-75;8:45 am]

[Docket Nos. RP73–102 and RP73–14 (PGA 75–1); Docket No. RP73–102 (PGA 75–2)]

MICHIGAN WISCONSIN PIPE LINE CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Interventions

JANUARY 20, 1975.

On October 31, 1974, at Docket Nos. RP73–102 and RP73–14 (PGA 75–1), this Commission issued an order which accepted for filing and made effective, in part, a proposed change in rates tendered by Michigan Wisconsin Pipe Line Company (Mich-Wisc) on September 13, 1974. Our order imposed a condition on our acceptance that Mich-Wisc was to file substitute tariff sheets reflecting elimination of certain costs which were included in Mich-Wisc's September 13, 1974 filing.

Notice of Mich-Wisc's filing was issued on September 25, 1974, with protests and petitions to intervene due on or before October 10, 1974.

On December 27, 1974, at Docket Nos. RP73–102 and PGA 75–2, we accepted for filing and placed into effect, subject to condition, a rate increase application tendered by Mich-Wisc on November 15, 1974. Notice of the company's filing at these dockets was issued on December 5, 1974, with protests or petitions to intervene due on or before December 23, 1974.

Michigan Gas Utilities Co. and Wisconsin Power and Light Co. each filed petitions to intervene in these separate proceedings on December 19, 1974, and December 23, 1974, respectively. Since these petitioners may have a substantial interest in these proceedings and there have been no objections to their intervention, we shall permit the petitioners to intervene in each proceeding.

The Commission finds:

(1) Participation by the above mentioned petitioners in these proceedings may be in the public interest.

(2) Although the petitions to intervene at Docket Nos. RP73–102 and RP73–14 (PGA 75–1) were not timely filed, good cause exists for permitting such interventions.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intrvenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of these proceedings.

(C) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure Mich-Wis shall promptly serve copies of its filings upon the above-mentioned intervenors, unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2564 Filed 1-28-75;8:45 am]

[Docket No. E-1935]

MISSISSIPPI POWER CO.

Order Granting Petitions To Intervene

JANUARY 20, 1975.

On November 29, 1974, the Mississippi Power Co. (Mississippi) tendered for filing Second Revised Sheet Nos. 3 and 4 to its FPC Electric Tariff Original Volume No. 1. Mississippi states that the proposed increase, which would affect the three cooperatives of Coast Electric Power Association, East Mississippi Power Association, and Singing River Electric Power Association, will produce added revenues of $3,380,418.10 based on the twelve month period following the effective date of January 1, 1975.

Notice of Mississippi's filing was issued on December 5, 1974, with comments, protests, or petitions to intervene due on or before December 20, 1974. On December 20, 1974 a protest and petition to intervene was filed on behalf of Coast Electric Power Association, East Mississippi Power Association, and Singing River Electric Power Association. In their protest and petition to intervene the power associations contend that Mississippi's filing includes a cost-of-service study which greatly inflates its cost-of-service for furnishing service to the power associations and consequently understates the rate of return earned by Mississippi from sales to the power associations both at

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the existing rates and the proposed rates. The power associations also contend that the fuel clause contained in Mississippi's filing violates Opinion No. 517. The power associations requested therefore that the proposed rate increase be suspended for the full five-month statutory period.

In our order[1] issued December 31, 1974, in this docket we stated that our review of Mississippi's filing indicated that the proposed changes in rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Upon such a review, we concluded that a one-day suspension period was appropriate. With respect to the power associations' cost-of-service allegations we note that these issues are appropriately dealt with in an adjudicative hearing. Our order in this proceeding of December 31, 1974 so provided for a hearing. Our order of that date further rejected Mississippi's proposed fuel clause without prejudice to Mississippi's right to file a revised fuel clause conforming with the regulations as set forth in § 35.14(a) (1) or, in the alternative, a revised clause conforming to the new fuel clause regulations set forth in Order No. 517.[2]

The Commission finds:

Intervention of Coast Electric Power Association, East Mississippi Power Association, and Singing River Electric Power Association may be in the public interest.

The Commission orders. (A) The parties listed above are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2568 Filed 1-28-75;8:45 am]

NATIONAL POWER SURVEY

Notice of Meeting

Agenda, for a Meeting of the Technical Advisory Committee on Conservation of Energy to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., February 19, 1975, 9:30 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   A. Review of draft report of the Task Force on Conservation and Fuel Supply.
   B. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2599 Filed 1-28-75;8:45 am]

[Docket Nos. RP71-107 (Phase II), PGA 75-1, RP72-127, RP74-9 and R&D 75-1]

NORTHERN NATURAL GAS CO.

Tariff Filing

JANUARY 20, 1975.

Take notice that on January 9, 1974, Northern Natural Gas Company (Northern) tendered for filing, as a part of Northern's F.P.C. Gas Tariff the following tariff sheets:

Third Revised Volume No. 1:
Second Substitute Fifth Revised Sheet No. 4a.
Sixth Revised Sheet No. 4a.
Original Volume No. 2:
First Substitute First Revised Sheet No. 502.
Second Revised Sheet No. 502.
First Substitute Fourth Revised Sheet No. 1c.
Fifth Revised Sheet No. 1c.

These tariff sheets are filed by Northern pursuant to Federal Power Commission "Order Accepting For Filing and Suspending Proposed PGA and R&D Rate Adjustment, Setting Limited Issue For Hearing and Denying Request to Track Certain Costs Under R&D Clause", Docket Nos. RP71-107 (Phase II), PGA 75-1, RP72-127, RP74-9 and R&D 75-1, issued December 26, 1974.

Sixth Revised Sheet No. 4a, Second Revised Sheet No. 502 and Fifth Revised Sheet No. 1c tariff sheets were accepted for filing, suspended for one day and permitted to be effective, subject to refund, on December 28, 1974, pursuant to ordering paragraph (A) of the above-referenced Commission Order and are refiled herein to update the page designations and the effective dates.

Second Substitute Fifth Revised Sheet No. 4a, First Substitute First Revised Sheet No. 502 and First Substitute Fourth Revised Sheet No. 1c tariff sheets, which are to become effective December 27, 1974, without refund obligation, reflect increased R&D costs associated with those R&D projects not set for hearing and those increased PGA costs other than those increased PGA costs associated with that portion of small producer and emergency purchases in excess of the rate level prescribed in Opinion No. 699-H and are filed pursuant to Pages 5 and 6 of the above-referenced Commission Order.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2576 Filed 1-28-75;8:45 am]

[Docket Nos. RP74-91-16, RP74-91-17, RP74-91-18, RP75-41-1, RP75-41-2, RP75-41-3, RP75-41-4]

TENNESSEE GAS PIPELINE CO., ET AL.

Order Granting Motion for Consolidation of Proceedings, Consolidating Proceedings, Modifying Previous Order, Granting Temporary Relief, Denying Temporary Relief, Setting Formal Hearing, Establishing Procedures, Permitting Interventions, and Denying Request for Rehearing of Notice

JANUARY 17, 1975.

By order issued December 24, 1974, in Docket No. RP75-45, we initiated an investigation into the causes for the recent increased curtailment imposed by Tennessee Gas Pipeline Company (Tennessee). Petitions seeking relief from Tennessee's curtailment have been filed by Humphreys County Utility District of Tennessee (Humphreys), East Tennessee Natural Gas Company (East Tennessee), and Pennsylvania Gas & Water Company (Penn Gas). Additionally, petition seeking relief from the curtailment imposed by East Tennessee have been filed by Natural Gas Utilities District of Hawkins County, Tennessee (NGUD), Colonial Natural Gas Company (Colonial), Atomic Energy Commission (AEC), and Aluminum Company of America (Alcoa).

Humphreys, in its filing in Docket No. RP74-91-16, requests relief in the amount of 9,340 Mcf per day from Tennessee's curtailment through March 31, 1975, together with a request for interim relief pendente lite. Humphreys states that its relief request are to enable it to serve the alleged needs of its four firm industrial customers, E. I. DuPont de Nemours Company, Inc. (DuPont), Inland Container Corporation (Inland), Consolidated Aluminum Corporation (Consolidated), and Foote Mineral Company (Foote). In support of its petition, Humphreys states that these industrials provides most of the employment and revenues for the county and that the sudden change in Tennessee's curtailment has placed them in an impossible position since there was no prior indication of their exposure to curtailment and the development of alternate fuel capability was not considered necessary. Specifically, Humphreys requests on a daily basis 5,000 Mcf for DuPont, 2,500 Mcf for Inland, 1,500 Mcf for Consolidated and 340 Mcf for Foote. The request for interim relief contained in Humphreys' petition is justified and should be granted as hereinafter ordered and conditioned.

In its filing in Docket No. RP74-91-18, Penn Gas requests relief from Tennessee's curtailment to enable it to receive 2,507,676 Mcf during the period January 1, 1975–March 1, 1975.[3] Penn Gas states that its request represents a volumetric increase of 844,420 Mcf above the level of deliveries announced by Tennessee for that period. Petitions in support were filed by AVCO Lycoming Williamsport Division of AVCO Corporation (AVCO) and the Secretary of the Army (Army), customers of Penn Gas. We shall treat those supportive petitions as petitions to intervene in the Docket No. RP74-91-18 proceeding.

Penn Gas' request for interim relief should be denied except for the requests for relief to serve the U.S. Army's facility operated by Chamberlain Manufacturing Company and the Scranton Defense Plant.

We note that the volumes set forth in Penn Gas' petition differ from those contained in the Army's petition. Penn Gas has requested an average daily volume for Scranton Defense Plant of 86 Mcf per day whereas the Army requests an average of 233 Mcf per day. Both Penn Gas and the Army request an average daily quantity of 1,150 Mcf per day for the ammunition plant operated by Chamberlain Manufacturing Company. The alleged impact on crucial national defense production at the U.S. Army ammunition facility and the Scranton Defense plant served by Penn Gas warrants grant of limited interim relief in the volumes specified in Army's petition as hereinafter conditioned. However, the relief sought by Penn Gas for its other customers cannot be granted at this time because Penn Gas has not provided basic information required by Order No. 467-C (§ 2.78(K) of the Commission's regulations) regarding any flexibility which may be available to Penn Gas. The volumes of relief gas requested for those customers are denied without prejudice to Penn Gas supplying the necessary information required by Order No. 467-C for each of its operating divisions.

Colonial, the petitioner in Docket No. RP75-41-2, operates several small nonintegrated distribution systems in Southwestern Virginia. It is here seeking relief to supply needs of 21 of its industrial customers requiring service in the amount of 6,899 Mcf per day for Priority 2 use and 1,185 Mcf per day for Priority 3 use. However, in its petition, Colonial does not detail the needs of all 21 customers. Consequently, we can only rule on Colonial's request for interim relief on those customers specifically detailed in the petition. Of those detailed, we find that the following interim relief is justified for a limited period of 30 days:

Customer:	Daily volume Mcf
Lynchburg Foundry	1,100
Yaloy, Inc	130
Wolverine	150
Brunswick	144
Westinghouse	1,500
HAPCO Co	50
American Screw	370
Polypenco	120
Burlington	1,200
Sundstrand Compressors	63
Total	4,827

Interim relief is denied to the following customers of Colonial because of the insufficient justification for such relief in the petition: Hercules Incorporated, Hubbell Lighting, Corning Glass, and Federal Mogul. Relief for White Motor Corporation is inappropriate because its plant is a new facility scheduled to begin operations during the first quarter of 1975 and is not yet attached. Interim relief is not justified for Aeroquip Corporation, since the volumetric requirements data has not been supplied, and Emory & Henry College, since its use of natural gas is for boiler fuel that is presently converted to fuel oil. The petition does not give any specificity to the needs of the remaining 5 customers mentioned in Colonial's petition and, therefore, no interim relief is justified for those customers.

AEC's petition filed in Docket No. RP5-41-3 indicated that the supportive data required by Order No. 467-C did not seem relevant and, therefore, was not included in its petition. By telegram dated January 9, 1975, the Secretary requested AEC to submit the data required by our Order No. 467-C. AEC responded to the Secretary's request on January 15, 1975, setting forth the Order 467-C data in support of its request for relief. The data submitted by AEC justifies its request for interim relief as hereinafter conditioned.

Alcoa's request for interim relief in Docket No. RP75-41-4 is justified and should be granted in the following monthly volumes for a limited period of 30 days:

	Mcf
January	313,000
February	249,200

By motion filed January 3, 1975, Alcoa indicated that it is likely that the above requirement could be further reduced and, if so, it would file to amend its request in the near future. Therefore, the above granted relief will be made subject to any reduction in the volumes actually required as well as the conditions hereinafter ordered for all the interim relief volumes granted in this order.

The interim relief granted herein for the customers of East Tennessee amounts to an average daily volume of 9,089 Mcf. Even with the interim relief granted to Humphreys and Penn Gas in the amount of 1,383 Mcf per day also taken into consideration, residential and service does not appear to be in jeopardy.[3] However, we will condition the grant of interim relief in order to assure that it will not jeopardize service to the residential and commercial consumers on Tennessee's and/or East Tennessee's systems. Additionally, we will limit the interim relief to a period of 30 days from the date of this order because of the future uncertainties of the effect of this grant on the other customers on Tennessee's and East Tennessee's systems.

By order issued December 30, 1974, in Docket No. RP75-14-1, temporary relief was granted to NGUD and a formal hearing was set to convene January 28, 1975, with testimony and exhibits required to be filed by NGUD and East Tennessee on or before January 17, 1975. East Tennessee, in its petition, moved for consolidation of the four petitions for relief filed against it as well as its petition filed against Tennessee. We will grant East Tennessee's motion for consolidation, consolidate those proceedings with the proceeding involved in Docket No. RP74-91-16, and modify our order of December 30, 1974, issued in Docket No. RP75-41-1 to include therein procedures to accommodate the proceedings consolidated by this order.

The Commission finds:

(1) The proceedings involved in Docket Nos. RP74-91-16, RP74-91-17, RP74-91-18, RP75-41-1, RP75-41-2, RP75-41-3, and RP75-41-4 contain common questions of law and fact and, consequently, good cause exists to consolidate those proceedings, to set that consolidated proceeding for formal hearing, and to establish the procedures for that hearing, all as hereinafter ordered.

(2) Good cause exists to grant and to deny interim relief pendente lite as hereinafter ordered and conditioned.

(3) The participation by AVCO and Army in Docket No. RP74-91-18 may be in the public interest.

The Commission orders:

(A) East Tennessee's motion for consolidation of proceedings is granted.

(B) The proceedings involved in Docket Nos. RP74-91-16, RP74-91-17, RP74-91-18, RP75-41-1, RP75-41-2, RP75-41-3 and RP75-41-4 are hereby consolidated for purposes of hearing and decision.

(C) Our order issued December 30, 1974, in Docket No. RP75-41-1 is hereby modified to permit that proceeding to be heard and decided in the consolidated proceeding. In all other respects, including the dates for filing testimony and exhibits in that proceeding, remain in full force and effect.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4,

[1] Mississippi Power Co., Docket No. E-9135, order issued December 31, 1974.

[2] Order No. 517, Docket No. R-479, issued November 13, 1974.

[1] On January 17, 1975, Penn Gas filed a request for rehearing of our Notice of its filing in order to expedite consideration of its request for relief. Our action in this order moots its request and we will therefore deny the request for rehearing.

[2] Tennessee's Priority 2 requirements total more than 500,000,000 Mcf annually.

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5, 7, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing January 28, 1975, at 10 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the request for relief, other than interim relief, contained in the petitions filed in the proceedings consolidated herein.

(E) All petitioners other than NGUD and East Tennessee insofar as its presentation in Docket No. RP75-41-1 is concerned together with those in support of the requested relief shall file and serve their evidence on all parties including Commission Staff at the start of the hearing convened in paragraph (D) above.

(F) Tennessee is hereby ordered to deliver to Humphreys relief volumes in the amount of 9,340 Mcf per day pendente lite for redelivery to its customers as set forth above, and as hereinafter conditioned.

(G) Tennessee is hereby ordered to deliver to Penn Gas for redelivery to the U.S. Army and Scranton Defense Plant the volumes requested by Army in its petition as hereinafter conditioned.

(H) Tennessee is hereby ordered to deliver to East Tennessee for redelivery to Colonial for service to Colonial's customers pendente lite as follows:

Customers:	*Daily volumes in Mcf*
Lynchburg Foundry	1,100
Yaloy, Inc	130
Wolverine	150
Brunswick	144
Westinghouse	1,500
HAPCO Co	50
American Screw	370
Polypenco	120
Burlington	1,200
Sundstrand Compressors	63

Additionally, Tennessee shall deliver to East Tennessee for redelivery to Alcoa (subject to reduction upon motion of Alcoa) the following monthly volumes as hereinafter conditioned:

January—313,000 Mcf
February—249,200 Mcf

Tennessee shall deliver to East Tennessee for redelivery to AEC the volume equivalent to 725 Mcf on an average day as hereinafter conditioned and also 1000 Mcf of natural gas on a one time basis for the start up of AEC's new boiler as requested in AEC's petition as supplemented.

All other requests for relief pendente lite included in the proceedings consolidated herein are denied.

(I) The relief granted in paragraphs (F), (G), and (H), above is limited to a period of 30 days from the date of issuance of this order without prejudice to requests for renewal if this proceeding has not been finally determined. The relief granted above is further conditioned as follows: (1) the relief granted shall terminate if the grant on any day would impair service to residential and/or commercial consumers on the systems of Tennessee and/or East Tennessee; and (2) the relief granted is subject to any pay back provisions that the Commission may require upon review of the record.

(J) The Presiding Administrative Law Judge is directed to expedite this proceeding to the extent possible in order to issue his initial decision and certify the completed record within 30 days from the date of this order. Briefs on exceptions and briefs in support of the initial decision shall be filed 7 days after issuance of the initial decision. Answering briefs will not be permitted.

(K) Notices of intervention and petitions to intervene in this consolidated proceeding may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 24, 1975, in accordance with the Commission's Rules of Practice and Procedure.

(L) AVCO and Army are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene and *Provided, further,* That the admission of such petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(M) Penn Gas's request for rehearing of notice is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2588 Filed 1-28-75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Order Granting Interventions

JANUARY 23, 1975.

On September 30, 1974, Texas Gas Transmission Corporation tendered for filing a general increase in its rates subject to Commission jurisdiction. Notice of such filing was issued on October 9, 1974, with protests and petitions to intervene due on or before October 22, 1974.

Timely petitions to intervene were filed by seventeen parties.[1] In addition, four petitions to intervene were filed after October 22, 1974.[2]

Upon review, we are of the opinion that the participation of the above-named petitioners may be in the public interest and therefore, their interventions shall be granted.

The Commission finds:

The participation of the above named parties may be in the public interest.

The Commission orders. (A) The above named parties are permitted to intervene in this proceeding subject to the rules and regulations of the Commission and the procedures set forth in the Commission Order of October 30, 1974, in this docket; *Provided, however,* That participation of said intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene, and *Provided, further,* The admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2589 Filed 1-28-75;8:45 am]

[Docket No. RP75-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Tariff Sheets

JANUARY 22, 1975.

Take notice that on January 15, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Third Substitute Twelfth Revised Sheet No. 5 and Second Substitute Eighth Revised Sheet No. 6 to its FPC Gas Tariff First Revised Volume No. 1; and Second Substitute Fourteenth Revised Sheet No. 5, Second Substitute Tenth Revised Sheet No. 321, Second Substitute Sixth Revised Sheet No. 416, and Second Substitute Fifth Revised Sheet No. 495 to its FPC Gas Tariff Original Volume No. 2. Transco states that on December 23, 1974, it submitted revised tariff sheets which did not reflect Transco's alternate proposal in Transco's tracking filing of November 29, 1974, in Docket No. RP72-99, to recoup the curtailment related credits and debits under the procedures of its curtailment plan which became effective November 16, 1974. Transco states that its December 23, 1974 filing did provide, however, that if the Commission accepted Transco's alternate proposal (alternate tariff sheets) in its November 29, 1974 tracking filing, Transco would file revised tariff sheets to reflect such changed rates. According to Transco, the Commission accepted Transco's alternate proposal in Docket No. RP72-99 on December 31, 1974, and consequently, the sheets in the instant filing reflect the acceptance of that proposal.

Transco requests a February 1, 1975 effective date for this filing and states that the filing also includes a revised schedule No. 4 to Appendix B of its December 23, 1974 filing. Transco further states that a copy of this filing was mailed to all purchasers and state commissions to whom its December 23, 1974 filing was mailed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before February 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2590 Filed 1-28-75;8:45 am]

[Docket No. ID-1741]

JAMES E. TRIBBLE

Supplemental Application

JANUARY 22, 1975.

Take notice that on November 18, 1974, James E. Tribble (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director, Connecticut Yankee Atomic Power Company, Public Utility.
Vice President and Director, Maine Yankee Atomic Power Company, Public Utility.
Vice President and Director, New England Power Company, Public Utility.
Director, Vermont Yankee Nuclear Power Corporation, Public Utility.
Director, Yankee Atomic Electric Company, Public Utility.

Connecticut Yankee Atomic Power Company is engaged in the generation and sale of electricity. The Company sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2591 Filed 1-28-75;8:45 am]

[Docket Nos. E-7571 and E-7572]

UNION ELECTRIC CO. AND MISSOURI POWER AND LIGHT CO.

Filing of Amendment to Electric Service Agreement

JANUARY 22, 1975.

Take notice that on January 3, 1975, Union Electric Company (Union) and Missouri Power and Light Company (Missouri) tendered for filing a title page and an Amendment to the Electric Service Agreement between Union and Missouri (Union's FPC Electric Tariff No. 49) and a title page and Amendment to the Electric Service Agreement between Missouri and Missouri Edison Company (MPL FPC Electric Tariff No. 25). Union and Missouri state that this filing is being made pursuant to the order issued November 27, 1974 in these dockets.

Copies of this filing have been mailed to all parties of record.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2592 Filed 1-28-75;8:45 am]

[Docket No. RP72-133 PGA75-1]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

JANUARY 22, 1975.

Take notice that on January 13, 1975, United Gas Pipe Line Company (United) tendered for filing to be effective January 1, 1975 (1) Twenty-First Revised Sheet No. 4 (designated as Twenty-First Revised Sheet) which contains a Current Adjustment of 6.19¢ per Mcf and a Surcharge Adjustment of 2.72 percent per Mcf and (2) an alternate Twenty-First Revised Sheet No. 4 (designated as Alternate Twenty-First Revised Sheet) which contains a Current Adjustment of 6.19¢ per Mcf and a Surcharge Adjustment of 4.67¢ per Mcf. In addition, United tendered for filing to be effective January 2, 1975 (1) Twenty-Second Revised Sheet No. 4 (designated as Twenty-Second Revised Sheet) which contains a Current Adjustment of 6.32¢ per Mcf and a Surcharge Adjustment of 2.73¢ per Mcf and (2) an alternate Twenty-Second Revised Sheet No. 4 (designated as Alternate Twenty-Second Revised Sheet) which contains a Current Adjustment of 6.32¢ per Mcf and a Surcharge Adjustment of 4.69¢ per Mcf.

United states that the proposed tariff sheets are being filed pursuant to Federal Power Commission Order issued December 31, 1974 in this docket. United states that in that order, the Commission (1) accepted for filing, suspended for one day and permitted to become effective January 2, 1975, subject to refund, the alternate Twentieth Revised Sheet No. 4 contained in Appendix B of United's November 15, 1974 PGA filing in this docket, on the condition that United modify said sheet to eliminate all producer rate changes which did not become effective by January 1, 1975, and (2) authorized United to file, to become effective for the one day for which its November 15, 1974 filing is suspended (i.e. January 1, 1975), substitute tariff sheets which reflect the increased costs included in United's November 15, 1974 filing other than (a) the costs associated with the portion of small producer and emergency purchases which are made at rate levels in excess of those prescribed in Opinion No. 699-H and (b) costs based on producer rate changes which did not become effective by January 1, 1975. According to United, the December 31, 1974 order was made without prejudice to any future action which may be taken by the Commission in regard to a December 18, 1974 filing by United in this docket, and the December 18, 1974 filing contained in Surcharge Adjustment computed in accordance with the Commission's Order issued November 29, 1974 in Docket No. RP75-22 and was filed pursuant to that Order.

United states that because of the pendency of the December 18, 1974 filing, United has submitted the proposed tariff sheets in alternative form. United has requested that the Alternate Twenty-First Revised Sheet and the Alternate Twenty-Second Revised Sheet be allowed to become effective on January 1 and January 2, 1975, respectively, if the Commission approves United's December 18, 1974 filing. If the Commission does not approve the December 18, 1974 filing, United requests that the Twenty-First Revised Sheet and Twenty-Second Revised Sheet be allowed to become effective on January 1, and January 2, 1975, respectively.

United states that a copy of each of the Tariff Sheets and supporting data is being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition

[1] City of Columbus, Ohio; City of Hamilton, Ohio; Columbia Gas of Ohio, Inc.; Columbia Gas Transmission Corporation; Consolidated Gas Supply Corporation; Hoosier Gas Corporation; Jackson Utility Division, City of Jackson, Tennessee; Michigan Wisconsin Pipe Line Company; Ohio Valley Gas Corporation; Public Service Commission of the State of New York; Public Service Electric and Gas Company; Rochester Gas and Electric Corporation; Southern Indiana Gas and Electric Company; Tennessee Public Service Commission; Terre Haute Gas Corporation; Texas Eastern Transmission Corporation; and Western Kentucky Gas Company.

[2] Joint petition of Cincinnati Gas & Electric Company and Lawrenceburg Gas Transmission Corporation; Joint petition of Indiana Gas Company, Inc. and Ohio River Pipeline Corporation; Louisville Gas and Electric Company; and United Cities Gas Company.

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to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2593 Filed 1-28-75;8:45 am]

[Docket No. E-9147]

VIRGINIA ELECTRIC AND POWER CO.

Order Accepting Proposed Rate Increase for Filing, Suspending for Thirty Days, Establishing Procedures, Permitting Interventions, Denying Motions To Reject and Denying Motions To Suspend for Maximum Suspension Period

JANUARY 22, 1975.

On December 2, 1974, Virginia Electric and Power Company (Vepco) tendered for filing proposed changes [1] to its FPC Electric Tariff, Original Volume Nos. 1 and 2 applicable to Resale Municipalities and Private Utilities and proposed changes [2] in its electric resale rate schedules applicable to REA Cooperatives. According to Vepco, these changes would increase annual revenues from its Cooperative customers by $12.6 million and annual revenues from its Municipal customers by $8.1 million based on estimated usages for the calendar year 1975. The filing reflects the substitution of a 90 percent demand ratchet for the presently effective 50 percent demand ratchet, proposes recovery of a 10.10 percent rate of return, and contains a voltage discount for customers taking service at a voltage of 69 kV or higher.

In support of its proposed increase, Vepco alleges the deterioration of the general financial health of the company, as evidenced by a downgrading of the company's bond rating and a decline in company earnings. Vepco further states that the increased costs of construction funds have caused substantial cutbacks in its planned construction program. Finally, Vepco requests that suspension of its filing be limited to one day.

By letter of the Commission Secretary dated December 20, 1974, Vepco was notified that its filing was deficient in certain respects and would not be assigned a filing date until such deficiencies were cured by the submittal of additional material. On December 23, 1974, Vepco supplied this additional material and requested that its filing be permitted to become effective as of January 22, 1975.

Notice of Vepco's filing was issued on December 5, 1974, with protests, notices of intervention and petitions to intervene due on or before December 23, 1974. In response to this notice, ElectriCities of North Carolina (ElectriCities) [3] filed a Petition to Intervene and Motion to Reject on December 23, 1974, and also on that date a group of cooperatives (Coops) [4] filed its Petition to Intervene and Motion to Reject. On January 6, 1975, Vepco filed answers to each of the intervenor pleadings in which Vepco generally addressed each intervenor argument, stated its lack of opposition to the intervention of both parties, and opposed all motions and requests for maximum suspension made by each party.

In its pleading, ElectriCities attacks Vepco's filing on numerous grounds. In support of its Motion to Reject (or in the alternative its Request for Hearing and Maximum Suspension), ElectriCities cites various deficiencies in Vepco's initial filing which, having been cured as previously noted, no longer constitute a ground for rejection. In addition, ElectriCities asserts various technical criticisms concerning the merits of and support for Vepco's proposed increase. More specifically, ElectriCities alleges that Vepco's proposed rates will produce unlawful discrimination due to the discrepancy in voltage discounts between municipal and cooperative customers. We believe that this latter allegation and ElectriCities various technical assertions regarding Vepco's filing are proper subjects for consideration in the development of an evidentiary record in this docket and, accordingly, are not grounds for rejection of the filing. ElectriCities further states that Vepco's proposed 90 percent demand ratchet which is based upon customers' peak takes occurring during 1974 is a form of retroactive ratemaking and is therefore unlawful. Again, such will be a proper subject for examination in the development of the evidentiary record in the proceedings which will subsequently be established in this docket, and as all amounts collected by Vepco under its proposed rates will be subject to refund pending final resolution of the issues raised by its filing, retroactive ratemaking will not be effected, and thus, such a criticism does not constitute a ground for rejection. ElectriCities attacks Vepco's fuel adjustment clause as not complying with standards set forth in Order No. 517.[5] We note that as that order requires compliance only for rate changes filed on or after January 1, 1975, Vepco is not compelled to comply with such and ElectriCities' objection is therefore invalid as a ground for rejection.

Finally, ElectriCities asserts a multitude of anticompetitive acts on the part of Vepco. The first of these is that Vepco's proposed wholesale rates have the effect of placing ElectriCities' members in a "price squeeze", in that they would not enable Vepco's wholesale customers to sell power at rates equivalent to those of Vepco's General Service retail rates in North Carolina. As we have noted in the past,[6] our jurisdiction is limited to wholesale rates which must be designed to recover fully allocated wholesale costs. To establish wholesale rates upon the basis of retail rate levels would constitute the exercise of our jurisdiction on the basis of events and regulatory affairs over which we have no control. Retail rates, and the accounting and ratemaking principles underlying such, are under the exclusive jurisdiction of the appropriate state regulatory agency. The Federal Power Act does not grant us authority to fashion relief on the basis of retail rates. For these reasons, ElectriCities' allegation of "price squeeze" cannot constitute a ground for rejection, and ElectriCities' participation in this proceeding is limited so as to exclude this issue.

Aside from its "price squeeze" allegation, however, ElectriCities contends that Vepco's proposed 5 year contract provisions are unduly restrictive of customer rights and are therefore anticompetitive, that Vepco has engaged in various anticompetitive acts which have strengthened its alleged monopoly position by preventing its customers from developing their own sources of power, and that Vepco has acted in an anticompetitive fashion to prevent certain municipalities from joining power pools whereby they could become a more effective competitive force. Since evidence relating to the alleged anticompetitive practices is not probative of the justness and reasonableness of the wholesale rates proposed in Vepco's filing, we shall consider the merits of such allegations in a separate phase of this proceeding (Phase II), which will be the subject of a hearing and decision separate and apart from the investigation into the justness and reasonableness of the wholesale rates proposed in Vepco's

[1] Eighth Revised Sheet No. 2, Third Revised Sheet No. 10, Original Sheet No. 10A, Original Sheet No. 10B, Third Revised Sheet No. 12, First Revised Sheet No. 12A, Second Revised Sheet No. 13, and Original Sheet No. 13A to Original Volume No. 1; and Seventh Revised Sheet No. 2, Revised Schedule RS, Resale Service, Municipalities and Private Utilities to Original Volume No. 2.

[2] Schedule RC, Resale Service Rural Electric Cooperatives; Schedule RC-F, Excess Facilities Service, Rural Electric Cooperatives; and Contract Supplement B-29 for Prince William Electric Cooperative.

[3] Composed of all municipalities in North Carolina which within and within the vicinity of their municipal boundaries own and operate their own electric systems, and also the following Virginia municipalities: Towns of Blackstone, Culpepper, Iron Gate, Manassas and Wakefield, the City of Franklin and the Harrisonburg Electric Commission.

[4] Old Dominion Electric Cooperative (for and on behalf of itself and its Vepco-served member electric cooperatives), Northern Neck Electric Cooperative, North Carolina Electric Membership Corporation (for and on behalf of itself and its Vepco-served member electric cooperatives), and Roanoke Electric Membership Corporation.

[5] Order No. 517, issued in Docket No. R-479, on November 13, 1974.

[6] See, e.g., Southern California Edison Company, Docket No. E-8570, issued April 25, 1974, rehearing denied June 5, 1974; Pacific Gas and Electric Company, Docket No. E-7777 order issued March 14, 1974, rehearing denied May 15, 1974.

filing. In this regard, we shall require ElectriCities to direct their evidentiary presentation specifically to the conduct and contract provisions which they allege to be improper and the proposed relief sought. Such evidence will, of course, be subject to motions to strike if it appears that the relief sought is beyond the scope of this Commission's jurisdiction.

We believe that this procedure will provide an appropriate forum for the full development of a complete evidentiary record concerning the alleged anticompetitive conduct. (cf. Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974; Wisconsin Public Service Corporation, Docket No. E-8867, order issued August 23, 1974; Carolina Power and Light Company, Docket No. E-8884, order issued August 26, 1974). If Vepco is shown to have restricted its customers ability to develop other sources of generation or resale markets, we will not hesitate, to the extent we have jurisdiction over the conduct and contracts involved, to order appropriate reformation of the contracts or any other measures which may be shown to be necessary to remedy the conduct involved.

In the pleading of the Coops the sole ground for rejection of the filing is the deficiency in supporting data which was subsequently cured, and accordingly, rejection is unwarranted. In regard to their petition to intervene and motion to suspend the rates applied for for the full statutorily allowable five months period, however, the Coops (in addition to asserting various technical issues which will require evidentiary development in the proceedings to be held in this docket) contend that Vepco's proposed rates to the Coops are excessive due to Vepco's elimination, by the instant filing, of historical rate differentials previously maintained between the Coops and Vepco's other wholesale customers. Since the issues raised by the Coops' pleading may bear directly on the establishment of just and reasonable rates to be charged by Vepco, we believe that evidence regarding the Coops' allegations would be appropriate for consideration in the Phase I proceedings hereinafter ordered.

Our review of Vepco's rate filing and the related pleadings indicate that issues have been raised which may require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed increased rates for filing, suspend such for thirty days until February 21, 1975, and establish hearing procedures to determine the justness and reasonableness of the proposed rates and charges.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter into hearings concerning the lawfulness of the rates and charges contained in Vepco's proposed filing in this docket and enter into separate hearings concerning the alleged anticompetitive activities of Vepco as hereinafter ordered.

(2) Good cause exists to permit the intervention of the above named intervenors as hereinafter conditioned and ordered.

(3) Good cause exists to deny the respective Motions to Reject and Motions to Suspend for the Full Statutory Period of the above named intervenors.

The Commission orders. (A) Pending a hearing and a decision thereon, Vepco's proposed changes in its rates and charges are accepted for filing as of December 23, 1974, and suspended for thirty days, the use thereof deferred until February 21, 1975, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on May 13, 1975, at 10 a.m., edt, in a hearing room at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning all issues, other than those issues to be considered in Phase II of these proceedings hereinafter ordered, which bear on the lawfulness and reasonableness of the rates and charges proposed in Vepco's December 2, 1974 filing (Phase I).

(C) With respect to Phase I of these proceedings, the Commission Staff shall file its evidence and exhibits on or before March 24, 1975. Any intervenor evidence and exhibits shall be filed on or before April 8, 1975. Rebuttal evidence of Vepco shall be filed on or before April 22, 1975.

(D) A second phase (Phase II) of this proceeding is hereby instituted for the development of a complete evidentiary record concerning Vepco's anticompetitive activities which have been alleged by intervenor ElectriCities and over which this Commission has jurisdiction to grant relief. Intervenor evidence in support of their allegations of Vepco's anticompetitive conduct shall be filed on or before March 24, 1975. Staff evidence, if any, shall be filed on or before April 14, 1975. Vepco shall file its prepared evidence on or before May 5, 1975. Any intervenor rebuttal evidence shall be filed on or before May 19, 1975. A public hearing for the purpose of cross-examination of the filed testimony and exhibits shall commence on June 2, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m., edt.

(E) A Presiding Administrative Law Judge shall preside at the hearings initiated by this order, and shall conduct such hearings in accordance with the Federal Power Act, the Commission's rules and regulations, and terms of this order.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters over which this Commission has jurisdiction and which affect the rights and interests specifically set forth in their petitions to intervene. As to Phase II, these matters are limited to the alleged anticompetitive activities and contract provisions of Vepco over which this Commission has jurisdiction.

(G) The motions of the intervenors for the maximum suspension of Vepco's filing are hereby denied.

(H) The motions of the intervenors to reject Vepco's filing are hereby denied.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2594 Filed 1-28-75;8:45 am]

[Docket No. E-8947]

DELMARVA POWER AND LIGHT CO.

Conference

JANUARY 21, 1975.

A public conference will be held in Conference Room 8402 commencing at 10 a.m., edt, on February 3, 1975 pursuant to section 1.18 of the Commission's rules of practice and procedure. The conference was requested by counsel for the Delmarva Power and Light Company by letter dated December 20, 1974.

The purpose of this conference is for the staff to meet with the representatives of Delmarva to block out guidelines for the development of answers to the staff's data requests.

Any person desiring to attend the conference may do so. The conference will be attended and moderated by Commission staff counsel.

Copies of this notice of conference shall be published in the FEDERAL REGISTER and sent to all parties.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2546 Filed 1-28-75;8:45 am]

[Docket No. E-8522]

DELMARVA POWER AND LIGHT CO.

Motion for Approval of Settlement

JANUARY 22, 1975.

Take notice that on January 7, 1975, Delmarva Power and Light Company (Delmarva) filed a motion for approval of its tendered stipulation and agreement at this docket. The proposed stipulation and agreement arises from a proceeding which originated on November 30, 1973, when the company tendered for filing certain proposed changes in their intercompany Power Supply Agreement, dated July 16, 1964, designated Rate Schedule FPC No. 33 for Delaware, Rate Schedule FPC No. 10 for Maryland, and Rate Schedule FPC No. 5 for Virginia, together with a supplement thereto dated August 27, 1965, designated sup-

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plement No. 2 to each of the respective rate schedules listed above.

Delmarva, within its motion, states that the power supply agreement is a self-adjusting cost of service which is designed to allocate among the three companies constituting the Delmarva System the fixed charges and variable costs of generation and power supply transmission, together with the production materials and supplies associated therewith, for the integrated system, based upon usage. The changes proposed at this proceeding have the sole effect of increasing the rate of return component of fixed charges. The proposed settlement would reduce the rate of return from the requested level of 9 percent to 8.625 percent effective January 2, 1974.

Any person desiring to comment upon the proposed agreement should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 7, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2547 Filed 1-28-75;8:45 am]

[Docket No. E-9217]

DUKE POWER CO.

Electric Rate Schedule; Proposed Change

JANUARY 22, 1975.

Take notice that on January 17, 1975, Duke Power Company (Duke) tendered for filing proposed changes in Duke Power Company Rate Schedule FPC No. 32 for delivery point No. 1 and No. 173 for delivery point No. 2. Duke states that these changes concern the company's contract with the City of Lexington, North Carolina. The proposed changes would increase contract demand at delivery point No. 1 from 17,500 KW to 40,000 KW and would decrease contract demand at delivery point No. 2 from 35,000 KW to 23,700 KW. Duke further states that the requisite agreement for the changes has been obtained and is shown by the signature of both parties on the contract which accompanied the tendered filing. The proposed effective date is February 19, 1975.

A copy of the filing has been mailed to the City Clerk of the City of Lexington.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR §§ 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2548 Filed 1-28-75;8:45 am]

[Docket No. RP75-42-1]

EL PASO NATURAL GAS CO. (PAUL LIME PLANT, INC.)

Petition for Extraordinary Relief

JANUARY 22, 1975.

Take notice that on December 12, 1974, Paul Lime Plant, Inc. (Paul Lime), of Paul Spur, Arizona, filed in Docket No. RP72-6 a petition for relief from the currently effective curtailment plan of El Paso Natural Gas Company (El Paso). The petition was filed pursuant to § 1.7(b) of Commission's rules of practice and procedure and requests an emergency exemption from curtailment for a period not to exceed sixty (60) days commencing December 11, 1974.

Paul Lime states that its contract with El Paso contains a maximum delivery obligation of 6,200 Mcf at 14.73 psia and that it utilizes the gas for space heating in company housing and plant offices, as well as Priority 3 gas kiln requirements. Paul Lime further states that during the emergency 60 day period it will minimize its Priority 3 needs by operating only two (2) of its three (3) rotary kilns, resulting in a maximum gas usage of 3,800 Mcf/d. In addition, Paul Lime represents that following the period of exemption from curtailment, it will have sufficient alternate fuel capability to allow it to pay back gas to El Paso by reducing its takes over a reasonable period.

Paul Lime further asserts that failure to obtain the relief requested would result in a shutting down of its plant, idling 48 employees and would have a detrimental effect on certain companies whose manufacturing processes depend, in part, on the availability of the product which Paul Lime produces (calcium oxide).

Based upon telephonic representations of the above facts to El Paso, El Paso commenced temporary emergency deliveries of gas to Paul Lime on December 11, 1974, pending the filing of the instant petition and pending subsequent Commission action thereon.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 5, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2549 Filed 1-28-75;8:45 am]

[Docket No. CP75-203]

EL PASO NATURAL GAS CO.

Application

JANUARY 20, 1975.

Take notice that on January 9, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed an application in Docket No. CP75-203 pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain meter stations and tap facilities, together with the natural gas service rendered by means of such facilities, in Sutton and Midland Counties, Texas, and San Juan County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that Applicant's Sonora meter station, the continued operation of which was authorized by Commission order issued April 21, 1969, in Docket No. CP69-23 (42 FPC 562) for the purpose of providing a back-up fuel supply for the Sonora Light and Power Plant at Sonora, Texas, has become unnecessary because such plant has discontinued operation. The application states further that Applicant has elected to exercise its right to terminate direct sales of natural gas to Mobil Oil Corporation (Mobil) heretofore utilized in Mobil's secondary recovery program in the Pegasus Field, Midland County, Texas, thereby obviating the need for the Pegasus repressuring meter station No. 2, the continued operation of which was authorized in Docket No. CP69-23.

The application further states that Applicant has heretofore installed five tap facilities, the continued operation of which was authorized in Docket No. CP69-23 to enable Southern Union Gas Company (Southern Union) to serve right-of-way grantors of Applicant, in San Juan County, New Mexico, but that Southern Union has recently agreed with Applicant that natural gas service at the subject tap locations is no longer required inasmuch as such service is being provided by Southern Union by use of its own facilities.

Applicant proposes to abandon the A.H. Andrews Tap, Joe O. Campbell Tap, Edward J. Jameson Tap, Jay Wilson Tap, R. D. Golding No. 2 Tap, all located between mileposts 11.7 and 12.0 on Applicant's Blanco-Fruitland loop pipelines in the NE/4 of Section 1, Township 29 North, Range 13, West, San Juan County, New Mexico.

Two meter stations and four taps will be removed, salvaged and placed into

stock pending a future need therefor and one tap will be removed and scrapped, at an estimated cost of $1,400.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2550 Filed 1-28-75;8:45 am]

[Docket No. ID-1726]

JOHN R. WHITE

Supplemental Application

JANUARY 20, 1975.

Take notice that on January 7, 1975, John R. White (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position: Chairman of the board; Pennsylvania Power Co.; Public Utility.

Pennsylvania Power Company has its principal office at New Castle, Pennsylvania, and is engaged primarily in the generation, transmission, and distribution of electric energy in a portion of the Commonwealth of Pennsylvania.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2595 Filed 1-28-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Extension of Procedural Dates

JANUARY 20, 1975.

On January 15, 1975, the Cities of Algoma, Eagle River, New Holstein, Sturgeon Bay and Two Rivers, Wisconsin and Stephenson, Michigan filed a motion to extend the procedural dates fixed by order issued August 23, 1974, in the above-designated matter. The motion states that no party objects to the charge.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

PHASE I

Staff Evidence Service, April 7, 1975.
Intervenor's Evidence Service, April 21, 1976.
Rebuttal Evidence Service, May 5, 1975.
Hearing, May 13, 1975 (10 a.m. e.d.t.).

PHASE II

Intervenor's Evidence Service, May 27, 1975.
Staff Evidence Service, June 17, 1975.
Company Evidence Service, July 8, 1975.
Rebuttal Evidence Service, July 29, 1975.
Hearing, August 19, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2596 Filed 1-28-75;8:45 am]

[Docket Nos. RP72-155; RP73-104; RP74-57]

EL PASO NATURAL GAS CO.

Substitute Tariff Sheets Tender

JANUARY 20, 1975.

Take notice that on January 6, 1975, El Paso Natural Gas Company ("El Paso") tendered for filing certain substitute revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A. El Paso states that such tariff sheets are submitted for the purpose of correcting the average purchased gas cost contained on said sheets, relating to El Paso's Purchased Gas Cost Adjustment Provision ("PGAC"). El Paso also states that the proposed correction results from an inadvertent accounting error in making accruals to account 191.

El Paso further states that it proposes to correct the average purchased gas cost reflected on tariff sheets which were in effect for the period commencing on November 2, 1973, and, as a result of such correction, to make appropriate adjustments to the balance in account 191. The filing reflects that accruals to account 191 are understated by $6,736,452 as of June 30, 1974.

El Paso also states that the tendered substitute tariff sheets reflect only a correction in the average purchased gas costs and are submitted in substitution for their respective counterparts in effect for the period November 2, 1973, to date in the captioned proceedings. El Paso states that it does not propose to change any currently effective rates or any rates that were effective during the period of time for which adjustment is proposed to be made.

El Paso states that copies of the filing were served on all of El Paso's affected interstate system customers and all parties of record to the proceedings at Docket Nos. RP72-150, RP73-104 and RP74-57 and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2551 Filed 1-28-75;8:45 am]

[Docket No. CI75-392]

JAMES M. FORGOTSON, SR.

Application

JANUARY 20, 1975.

Take notice that on December 20, 1974, James M. Forgotson, Sr. (Applicant), 409 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI75-392 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from certain unspecified wells in the Roanoke Field, Jefferson Davis Parish, Louisiana, all as more set forth in the application which is on file with the Commission and open to public inspection.

V4020 JAN29 75 XUM

Applicant states that he commenced the sale of natural gas to United from the subject acreage on December 16, 1974, for the purpose of maintaining to the extent possible adequate natural gas service on United's pipeline system and that the emergency is continuing. Applicant proposes, pursuant to a contract dated December 16, 1974, with United, to sell gas from the subject acreage for six months within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 10,000 Mcf of gas per day at 60 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot and reimbursement for all taxes.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2552 Filed 1-28-75;8:45 am]

[Docket No. RP75-54]

GRAND VALLEY TRANSMISSION CO.

Proposed Rate Change

JANUARY 22, 1975.

Take notice that on January 13, 1975, Grand Valley Transmission Company (Grand Valley) tendered for filing proposed changes in its FPC gas rate schedule No. 1 for sales of gas to Northwest Pipeline Corporation (Northwest).

Grand Valley states that the proposed increase of 3¢ per Mcf over the currently effective rate is occasioned by the inability of Grand Valley to attract additional supplies of gas for Northwest due to the low rate paid by Northwest for such supplies.

Grand Valley states that the proposed increase will result in annual revenues of $56,762 based on sales volumes to Northwest in the twelve months ended September 30, 1974, and an annual increase in revenues of $56,762 based on estimated sales volumes to Northwest in calendar year 1975. Grand Valley further states that due to a loss of $50,085 for the twelve months ended September 30, 1974, the proposed increase will result in a net increase of only $6,677 for 1974 and 1975. Grand Valley has requested an effective date for its proposed rate increase of no later than February 14, 1975 and therefore requests waiver of the Commission's 30 day notice requirement if the Commission acts to permit effectiveness prior to that date.

Grand Valley states that copies of its filing were mailed to Northwest and to the Public Service Commission of the State of Utah.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before February 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2553 Filed 1-28-75;8:45 am]

[Docket No. E-9210]

IOWA POWER AND LIGHT CO.

Application

JANUARY 22, 1975.

Take notice that on January 7, 1975, Iowa Power and Light Company (Applicant), filed an application pursuant to section 204 of the Federal Power Act and Commission regulations thereunder, seeking authorization to negotiate with at least three underwriters, in each transaction, regarding the proposed issuance and sale of (1) 600,000 shares of common stock, par value $10 per share; and (2) 100,000 shares of a new series of cumulative preferred stock, par value $100 per share by negotiated underwriting.

Applicant believes that the private placement of the common stock and cumulative preferred stock on a negotiated basis through a financial agent to be retained by it would be more beneficial to its customers and shareholders. The Applicant states that considering the chaotic conditions of today's stock market, it is of the belief that if it were to request competitive bids in connection with the above-mentioned proposed issuances, it would incur a risk of having to pay substantially higher underwriting fees.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office at Des Moines, Iowa. Applicant is engaged in the electric and natural gas utility business in 27 counties in the State of Iowa.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2554 Filed 1-28-75;8:45 am]

[Docket No. E-9215]

IOWA SOUTHERN UTILITIES CO.

Application

JANUARY 22, 1975.

Take notice that on January 14, 1975, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $10,000,000 principal amount of first mortgage bonds.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

The bonds will be dated February 1, 1975 and mature February 1, 2000 and will bear interest at a rate of 10 percent annually.

The proceeds from the issuance of the bonds will be used to repay bank loans and short-term notes issued in the form of commercial paper and to finance in part the Applicant's construction program for 1973 and 1974, the principal item of which, was $20,500,000 for the Applicant's 28 percent ownership in a 520,000 kilowatt turbo-generator at the Neal Station near Sioux City, Iowa.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2555 Filed 1-28-75;8:45 am]

[Docket No. RP73-97 (PGA75-2)]

KENTUCKY WEST VIRGINIA GAS CO.

Proposed Changes in Rates and Charges

JANUARY 22, 1975.

Take notice that on January 10, 1975, Kentucky West Virginia Gas Company (Kentucky West) tendered for filing Fourth Revised Sheet No. 12-E to its FPC Gas Tariff, Original Volume No. 1, containing changes in the rate in its Rate Schedule S-1. Kentucky West states that the change in rate results from the application of the Purchased Gas Cost Adjustment provision in Section 9, General Terms and Conditions of the Tariff, which was approved by the Commission in Docket No. RP73-97. The company requests March 1, 1975, as the effective date for its filing.

Kentucky West states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1, and the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2556 Filed 1-28-75;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Substitute Gas Tariff Sheets

JANUARY 21, 1975.

Take notice that on January 14, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1 designated as second substitute eighth revised sheet No. 3-A (superseding seventh revised sheet No. 3-A) and second substitute eighth revised sheet No. 18-B (superseding seventh revised sheet No. 18-B).

Lawrenceburg states that the proposed changes contained therein would increase revenues from jurisdictional sales by $236,208 as compared to revenues at the current rates in effect since August 1, 1974, based on the 12 months ending November 30, 1974.

Lawrenceburg further states that, pursuant to the purchased gas adjustment (PGA) provision in its FPC Gas Tariff, Original Volume No. 1, it filed by letters dated December 19, 1974 and December 30, 1974, eighth revised sheet Nos. 3-A and 18-B, and substitute eighth revised sheet Nos. 3-A and 18-B, respectively in order to track proposed changes in its cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), both of which were to become effective February 1, 1975. According to Lawrenceburg by letter dated December 23, 1974, Texas Gas again filed revised gas tariff sheets effective February 1, 1975, pursuant to Commission order issued December 20, 1974, approving the stipulation and agreement in Texas Gas' Docket No. RP74-25, said revision causing Lawrenceburg to again file revised tariff sheets as noticed herein in order that its February 1, 1975 PGA might reflect the latest Texas Gas tariff rates on file with the Commission.

Lawrenceburg requests waiver of the Commission's regulations to permit its substitute tariff sheets to become effective February 1, 1975; and Lawrenceburg states that copies of its filing have been mailed to its wholesale customers, Lawrenceburg Gas Company and the Cincinnati Gas & Electric Company, and also to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2557 Filed 1-28-75;8:45 am]

[Docket No. ID-1752]

LEON E. MAGLATHLIN, JR.

Initial Application

JANUARY 20, 1975.

Take notice that on December 6, 1974, Leon E. Maglathlin, Jr. (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director—The Connecticut Light and Power Company, Public Utility.
Director—The Hartford Electric Light Company, Public Utility.
Director—Western Massachusetts Electric Company, Public Utility.
Director—Holyoke Water Power Company, Public Utility.
Director—Holyoke Power and Electric Company, Public Utility.

The Connecticut Light and Power Company. A Connecticut corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

The Hartford Electric Light Company. A Connecticut corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Western Massachusetts Electric Company. A Massachusetts corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power Company. A Massachusetts corporation engaged principally in the manufacture, purchases, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric Company. A Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR §§ 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

V40120 JAN29 75 XUM

The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2562 Filed 1-28-75;8:45 am]

[Docket No. E-9202]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

JANUARY 21, 1975.

Take notice that Louisville Gas and Electric Company (Louisville) on December 30, 1974, tendered for filing proposed changes in its Interconnection Agreement between Louisville and Kentucky Utilities Company (Kentucky) designated FPC Rate Schedule No. 20. The proposed changes would increase revenues from jurisdictional sales and service by $830 based on the 12 month period ending November 30, 1974. Louisville requests waiver of the notice requirements of section 35.3 of the Commission's regulations to permit an effective date of February 1, 1975.

The purpose of this filing is to specifically provide for the use of replacement cost of fuel in determining "out-of-pocket" cost of energy and to make revisions in Service Schedule D—Short Term Power. The demand charge for Short Term Power is proposed to be increased from 40¢ per kilowatt-week to 45¢ per kilowatt-week. Also, the "adder" to out-of-pocket cost of energy purchased from a third party is proposed to be increased from 10 percent to 15 percent. These proposed revisions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their system. The parties agree that these charges should be increased in consideration of present and anticipated future costs.

Louisville states that copies of the filing were served upon Kentucky Utilities Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR §§ 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2558 Filed 1-28-75;8:45 am]

[Docket No. RP74-26; PGA75-2]

LOUISIANA-NEVADA TRANSIT CO.

Proposed Changes in FPC Gas Tariff

JANUARY 20, 1975.

Take notice that Louisiana-Nevada Transit Company (LNT) on January 13, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Volume 1. LNT states that the proposed changes are to reflect changes in purchased gas cost as provided in the company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1. LNT further states that the change provides for a total adjustment of 2.20¢ per Mcf including a deferred gas cost adjustment credit of 0.04¢ per Mcf, to amortize a deferred credit balance, and an accumulative cost of gas adjustment of 2.24¢ per Mcf. The proposed effective date of the filing is March 1, 1975.

According to LNT, copies of the filing were served upon the company's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR §§ 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2560 Filed 1-28-75;8:45 am]

[Docket No. RP74-26; PGA75-2]

LOUISIANA-NEVADA TRANSIT CO.

Proposed Changes in FPC Gas Tariff

JANUARY 20, 1975.

Take notice that Louisiana-Nevada Transit Company (LNT) on January 13, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Volume 1. LNT states that the proposed changes are to reflect changes in purchased gas cost as provided in the company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1. LNT further states that the change provides for a total adjustment of 2.20¢ per Mcf including a deferred gas cost adjustment credit of 0.04¢ per Mcf, to amortize a deferred credit balance, and an accumulative cost of gas adjustment of 2.24¢ per Mcf. The proposed effective date of the filing is March 1, 1975.

According to LNT, copies of the filing were served upon the company's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR §§ 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2561 Filed 1-28-75;8:45 am]

[Docket No. E-9201]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

JANUARY 21, 1975.

Take notice that Louisville Gas and Electric Company (Louisville) on December 30, 1974, tendered for filing proposed changes in its Interconnection Agreement between Louisville Company and Cincinnati Gas and Electric Company (Cincinnati Company) designated FPC Rate Schedule No. 24. The proposed changes would increase revenues from jurisdictional sales and service by $60,445 based on the 12 month period ending November 30, 1974. Louisville requests waiver of the notice requirements of section 35.3 of the Commission's regulations to permit an effective date of February 1, 1975.

The purpose of this filing is to specifically provide for the use of replacement cost of fuel in determining "out-of-pocket" cost of energy and to make revisions in Service Schedule D—Short Term Power. The demand charge for Short Term Power is proposed to be increased from 40¢ per kilowatt-week to 45¢ per kilowatt-week. Also, the "adder" to out-of-pocket cost of energy purchased from a third party is proposed to be increased from 10 percent to 15 percent. These proposed revisions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems. The parties agree that these charges should be increased in consideration of present and anticipated future costs.

Louisville states that copies of the filing were served upon Cincinnati Gas and Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. §§ 1.8, 1.10). All such petitions or protests should be filed on or before January 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2559 Filed 1-28-75;8:45 am]

[Docket No. CI75-415]

MESA PETROLEUM CO.

Application

JANUARY 22, 1975.

Take notice that on January 10, 1975, Mesa Petroleum Co. (Applicant), filed in Docket No. CI75-415 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Hugoton Field, Stevens County, Kansas, and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle from reserves to be developed in Blocks A-330, A-348, and A-349, High Island East Addition, South Extension, offshore Texas and in Block 612, West Cameron Area, offshore Louisiana, part of which gas is to serve as a substitute for reserves presently committed to Panhandle in the Hugoton Field under a contract dated November 24, 1970,[1] all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant relates that the sale to Panhandle of the Kansas gas was certificated by the Commission by the order issued December 27, 1971, in Docket No. CI67-624 but that said certificate was subsequently terminated and the sale is now being made pursuant to Applicant's small producer certificate in Docket No. CS67-82. Applicant further states that, based on a reserve study, there are approximately 75 million Mcf of gas remaining for sale under the November 24, 1970, contract as of January 1, 1975.

By January 1, 1976, Applicant proposes to develop for sale to Panhandle 200 million Mcf of what Applicant states to be new, proven reserves in the aforementioned offshore blocks, and to replace by 75 million Mcf of such new reserves the 75 million Mcf it claims is remaining in the Kansas gas commitment. Applicant intends to sell the offshore gas at an initial rate of 20.512 cents per Mcf plus 2.182 cents per Mcf gathering allowance, which rate is the weighted average of the two rates in effect for sales of the Kansas gas. Applicant further proposes to sell the remaining 125 million Mcf of the offshore gas to Panhandle at a separate contract rate equal to the highest price established by the Commission for the sale of gas produced from the pricing area where the subject offshore gas is sold. This rate is to be determined at the time the deliveries of 125 million Mcf commence.

The application states that once it is determined that 200 million Mcf of proven reserves have been developed and the gas purchase and sales agreement is executed, Applicant has agreed that if it is later determined that the leases committed to the gas purchase and sales agreement are incapable of delivering a total of 200 million Mcf, Applicant will make up such deficiency by committing any uncommitted gas leases which it may have at the time the deficiency is determined. However, Applicant states, in no event is Applicant required to acquire new leases or other gas supplies to make up any deficiency. Thus there is said to be no unlimited warranty by Applicant to deliver 200 million Mcf of gas to Panhandle.

Applicant states that as a result of the instant proposal Panhandle will obtain a new net proven reserve addition of 125 million Mcf and that deliverability to Panhandle will increase to an expected 60,000 Mcf per day from the 12,000 Mcf per day limit under the November 24, 1970, contract. Applicant further states that, when and if the gas dedicated in Kansas is released, it will make said gas available to Kansas Power & Light Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2563 Filed 1-28-75;8:45 am]

[Docket No. CP75-205]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 20, 1975.

Take notice that on January 13, 1975, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-205 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Natural Gas Pipeline Company of America (Natural) under the terms and conditions set forth in an Exchange Agreement between Applicant and Natural dated November 13, 1974, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that from time to time either it or Natural may acquire the right to purchase gas reserves located in proximity to the system of the other company. By this application, Applicant proposes to exchange gas with Natural when to do so will minimize the facilities required to be constructed by either party in connecting reserves to its system and correspondingly to effectuate a monetary savings.

Applicant states that it has obtained a commitment of gas reserves in close proximity to the facilities of Natural in Wheeler County, Texas, and proposes herein, pursuant to the Exchange Agreement, to deliver such gas to Natural in exchange for the delivery of an equivalent volume of gas by Natural to Applicant at an existing point of interconnection in Hansford County, Texas. Applicant further states that Natural will receive the gas through a tap to be constructed on its line at an estimated cost of $5,350, for which Applicant will reimburse Natural, and that to deliver the gas to Natural, Applicant will install approximately twelve miles of 10-inch pipeline and related facilities pursuant to budget certificate authorization if the Commission's proposal in Docket No. RM75-2 is adopted, or otherwise pursuant to Commission authorization to be applied for.

Any person desiring to be heard or to make any protest with reference to said

[1] Formerly on file as Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 39.

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application should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2566 Filed 1-28-75;8:45 am]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Report of Refunds

JANUARY 21, 1975.

Take notice that on January 16, 1975, Midwestern Gas Transmission Company (Midwestern) filed its report of refunds made in Docket No. RP71-16 to its Northern System customers in accordance with the Settlement Agreement on Depreciation Issue dated September 30, 1974, as approved by the Commission's order of November 14, 1974, in this docket.

Midwestern states that a copy of its report of refunds was served upon each of its Northern System customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2567 Filed 1-28-75;8:45 am]

[Docket No. E-9058]

MISSISSIPPI POWER AND LIGHT CO.

Filing of Revised Fuel Clause

JANUARY 22, 1975.

Take notice that on January 10, 1975, Mississippi Power and Light Company (MP&L) tendered for filing revised rate schedules REA-13 and MW-13. MP&L states that this filing is in accordance with ordering paragraph (I) of the Commission's order issued December 20, 1974, in this docket. MP&L further states that the filing contains a revised fuel cost adjustment clause conforming to the requirements of section 35.14 of the Commission's regulations, is amended by Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2569 Filed 1-28-75;8:45 am]

[Docket No. CP75-206]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JANUARY 23, 1975.

Take notice that on January 14, 1975, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP75-206 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of natural gas transportation facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a new compressor station on its 18-inch East Line to be located at the existing site of Applicant's St. Jacob Storage Field Compressor Station in Madison County, Illinois. A 3,280 H.P. turbine driven centrifugal compressor unit is proposed to be installed, together with piping, control equipment, structures and other miscellaneous and appurtenant equipment and facilities.

Applicant states that at the present time compression on its 92-mile East Line is being provided by one 3,280 H.P. unit at its Shattuc Compressor Station and that failure of that unit would severely jeopardize Applicant's ability to serve its customers. The application states that the new compressor unit will provide greater assurance that vitally needed gas flows through the East Line can be continuously maintained.

It is stated that the program proposed herein involves no change in Applicant's sales and sales volumes. The estimated cost of the proposed construction is $1,493,000, to be financed from available funds and short term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of practice and procedure, a hearing will be held without further notice before the Commission on this appliaction if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2570 Filed 1-28-75;8:45 am]

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

Motion To Terminate Presidential Permit and Export Authorization

JANUARY 20, 1975.

Take notice that Montana-Dakota Utilities Co. (MDU), on December 12, 1974 filed a motion, pursuant to section 202(e) of the Federal Power Act, seeking to terminate its existing (1) Presidential Permit to operate and maintain border facilities and (2) authorization to transmit electric energy from the United States to Canada for delivery at four points, namely, North Portal, Northgate, Marienthal, and Carievale, all in the Province of Saskatchewan, Canada, by means of such facilities.

MDU states that it is disposing of its electric distribution properties in the Towns of North Portal, Northgate, Marienthal, and Carievale, Saskatchewan and that all the electric energy for these four towns will in the future be supplied from Canadian sources. MDU no longer has any need, therefore, to export any energy to these four towns or to maintain the necessary electric transmission facilities at the United States-Canadian border for that purpose. Consequently, MDU is requesting from the Commission an order terminating its Presidential Permit and its authority to transmit electric energy to Canada, all in Docket No. IT-5460. MDU will remove its border facilities if and when such order is issued.

Any person desiring to be heard or to make any protest with reference to said motion should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules. The motion is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2571 Filed 1-28-75;8:45 am]

[Docket Nos. E-7700; E-7729; E-7800]

NEW ENGLAND POWER CO.

Compliance Tariff Filing

JANUARY 23, 1975.

Take notice that on December 23, 1974, New England Power Company filed herein revised copies of Original Page No. 4A to its FPC Electric Tariff, Original Volume No. 1, Schedule IV, for the Town of Hudson, Massachusetts. The revised tariff provision establishes minimum demands for Hudson in accordance with section 1.7 of the settlement agreement approved in the above-referenced dockets, and in compliance with the Commission's order issued in these dockets on December 6, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The above filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2574 Filed 1-28-75;8:45 am]

[Docket No. ID-1460]

JOHN T. NEWTON

Supplemental Application

JANUARY 22, 1975.

Take notice that on January 8, 1975, John T. Newton (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director, Kentucky Utilities Company, Public Utility.

Kentucky Utilities Company ("Kentucky"). Its principal place of business is located at 120 South Limestone Street, Lexington, Kentucky.

It is an operating public utility company supplying electric service in 78 counties located in central, southeastern and western Kentucky and one adjoining county in northeastern Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2575 Filed 1-28-75;8:45 am]

[Docket No. E-9148]

NORTHERN STATES POWER CO.

Order Granting Interventions

JANUARY 20, 1975.

On December 2, 1974, Northern States Power Company (Northern) tendered for filing proposed increases in rates to its sixteen total requirements wholesale customers.[1] Notice of Northern's filing was issued on December 11, 1974, with comments, protests, and petitions to intervene due on or before December 24, 1974.

On December 18, 1974, fourteen[2] of Northern's total requirements wholesale municipal customers (Municipals) filed a petition to intervene in these proceedings stating that they would be directly affected by an increase in rates as requested by Northern. The Municipals further stated that they have not had sufficient opportunity to conduct a comprehensive analysis of Northern's rate filing and that they therefore reserve the right to move for rejection of the filing and for other appropriate relief.

The Commission finds:

Participation of the above-named petitioners may be in the public interest.

The Commission orders. (A) The fourteen above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2577 Filed 1-28-75;8:45 am]

[Docket Nos. E-8999, E-9000]

ORANGE AND ROCKLAND UTILITIES, INC.

Order Granting Late Petition To Intervene

JANUARY 23, 1975.

On December 20, 1974, the Public Advocate of the State of New Jersey (Public

[1] City of Anoka, City of Arlington, Village of Brownton, Village of Buffalo, City of Chaska, City of Granite Falls, Home Light and Power Company, Village of Kasota, Village of Kasson, City of Lake City, Village of North Saint Paul, City of Saint Peter, City of Shakopee, Town of Valley Springs, City of Waseca, and City of Winthrop.

[2] City of Anoka, City of Arlington, Village of Brownton, Village of Buffalo, City of Chaska, City of Granite Falls, Village of Kasota, Village of Kasson, City of Lake City, Village of North Saint Paul, City of Saint Peter, City of Shakopee, City of Waseca, and City of Winthrop.

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Advocate) filed a petition to intervene out of time in the above-captioned proceeding. Notices of the filings in these dockets were issued on September 11, 1974, with protests and petitions to intervene due on or before September 19, 1974.

In support of its petition, the Public Advocate states that the filing in Docket No. E-9000 "is ultimately directed at the rates charged to citizens of New Jersey . . ." and that the Public Advocate has, therefore, "a substantial interest in the proceeding which will be directly affected, which is not adequately represented by existing parties, and as to which the Public Advocate will be bound by the Commission's action."

No opposition to this late petition has been filed.

The Commission finds:

Participation by the Public Advocate in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commision orders:

(A) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2578 Filed 1-28-75;8:45 am]

[Docket No. E-9194]

PUBLIC SERVICE CO. OF NEW MEXICO

Notice of Application

JANUARY 22, 1975.

Take notice that on December 26, 1974, the Public Service Company of New Mexico (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a November 11, 1971 Interconnection Agreement with Plains Electric Generation and Transmission Cooperative for mutual emergency transmission assistance at a point of interconnection at Storrie Lake Substation near Las Vegas, New Mexico. The contract strictly provides for emergency transmission service between the parties, with energy to be returned as required for emergency service simultaneously at either the Ojo or the West Mesa Switching Station, unless otherwise so specified. Applicant requests that the tendered Interconnection Agreement take effect as of December 31, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2579 Filed 1-28-75;8:45 am]

[Docket No. RI74-250]

RAGARS OIL AND GAS CO.

Order Amending Order Granting Petition for Special Relief

JANUARY 22, 1975.

Pursuant to Section 16 of the Natural Gas Act, the Commission herewith amends its order issued November 14, 1974, granting the petition for special relief filed by Ragars Oil and Gas Company in Docket No. RI74-250. This amendment is necessary to correct an inadvertence that unduly restricted the scope of the relief granted.

The Commission finds:

Good cause exists to amend the order of November 14, 1974, as hereinafter ordered.

The Commission orders:

(A) The order of November 14, 1974, in this proceeding is hereby amended, by deleting the phrase: "five reworked wells which are the subject of its petition herein," that appears in the ordering clause, and substituting in lieu thereof the phrase: "Cabeza Creek Area, Goliad, Dewitt and Karnes Counties, Texas (Texas R.R. District No. 2)."

(B) In all other respects, the order of November 14, 1974, remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2581 Filed 1-28-75;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Order on Reconsideration

JANUARY 23, 1975.

On August 1, 1974, the U.S. Court of Appeals for the District of Columbia Circuit issued an order in Case No. 74-1168, which granted this Commission's "Motion for Remand of the Record to the Federal Power Commission for Reconsideration Prior to Decision on the Merits." Therein we requested an opportunity to reconsider our orders in Docket No. E-8176, in order to give more thorough consideration to *Richmond Power and Light Co.* v. *F.P.C.*, 481 F. 2d 490 (D.C. Cir. 1974). In light of the Court's August 1, 1974 order, this case is now before us for our further review and consideration.

Background. By order of July 6, 1973, in this docket, the Commission, *inter alia,* accepted for filing and suspended for sixty days a proposed rate increase as it would affect the Anza Electric Cooperative, Incorporated (Anza) and provided for hearing. On July 30, 1973, Anza filed a petition for rehearing of the July 6, 1973 order in which it claimed that its contract with Southern California Edison Company (SCE) must be read in light of California law, and under such law, rate increases may be made effective only after final order of a regulatory body. Anza thus claimed that the decision in *Richmond Power and Light, supra,* applies and therefore SCE's rate increase to Anza cannot be made effective until after Commission action approving the new rate. Anza also pointed out that its contract with SCE was subject to termination upon 90 days notice to Anza but that SCE had not given such notice.

On August 29, 1973, the Commission granted rehearing in part to further consider Anza's contention. The Commission did not accept Anza's first argument that California law applied, but instead returned to the text of the contract to determine what the parties had contemplated. As to the contract provision itself, the Commission accepted Anza's theory that such language could be construed as preventing a proposed rate increase from being effectuated prior to final regulatory approval. Accordingly, the Commission amended its prior order to provide that Edison's rate increase to Anza may be made effective only after a Commission order approving the rate increase in whole or in part.

Edison immediately sought rehearing of this order, urging that the Commission's determination that the company's rates could only become effective after a final order, was based on a misconstruction of the Edison-Anza contract. Referring to the rate changing provisions of Article V of the contract, Edison argued that the key words in that paragraph are: "subject to change • • • in the manner prescribed by law." Such a change meant, Edison continued, "a change 'by any regulatory body now in existence or hereinafter created by law having jurisdiction.'" Since the Federal Power Commission is the regulatory body now having jurisdiction, Edison argued, the rate changing procedures of the Federal Power Act are controlling. Those procedures clearly provide that an otherwise lawful unilateral rate change filed with the Commission, may, at the Commission's discretion, be allowed to go into effect at some point *prior* to a final approval or disapproval of the proposed change. To hold otherwise, Edison concludes, would violate the statutorily mandated procedures for changes in rates subject to the Commission's jurisdiction.[1]

To provide adequate opportunity to fully review Edison's argument, the Commission granted further rehearing of the matter. On October 24, 1973, Anza responded to Edison and again urged that its interpretation of Article V of the contract was correct and that Edison's conflicting construction should be rejected.

On January 3, 1974, the Commission issued its then final ruling on the interpretation of Article V of the Edison-Anza contract. After reviewing the history of the proceeding and summarizing each party's position, the Commission concluded:

> We have again reviewed the language in Article V in light of the interpretation which SCE [Southern California Edison] urges upon us, and it is our conclusion that Article V does not prevent us from placing the proposed rate in effect subject to refund under the provisions of Section 205 of the Federal Power Act.

The Commission then amended its August 29, 1973 order and its December 6, 1973 letter order so as to permit Edison's proposed increase to become effective at the end of the two month suspension as originally ordered. The additional amount collected under the new rate would, however, be subject to refund in the event Edison fails to sustain its burden of proof as to the justness and reasonableness of the new rate.

To insure its right to appeal every stage of the Commission's actions, Anza applied for rehearing of this latest order of the Commission. By order issued February 19, 1974, the Commission denied rehearing of the January 3, 1974 order.

On January 23, 1974, Anza filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuits.[2] On July 15, 1974, the Commission filed a "Motion for Remand of the Record to the Federal Power Commission for Reconsideration Prior to Decision on the Merits." By order dated August 1, 1974, the Court granted the Commission's motion and the case is now before us for our further consideration.

[1] In order to preserve the company's right to make an increase in its wholesale rates in the event the Commission adhered to its prior interpretation of the Anza contract, SCE filed with the Commission on September 10, 1973, a notice of cancellation of FPC Rate Schedule No. 19 (under which Anza receives service) to be effective December 7, 1973. By letter order dated December 6, 1973, the Commission permitted the schedule originally filed in this docket to become effective, upon cancellation of the underlying contract, as of December 7, 1973, subject to refund pending final determination of the proceeding in this docket.

[2] *Anza Electric Cooperative, Inc.* v. *F.P.C.*, D.C. Cir. No. 74-1168.

Discussion. The U.S. Court of Appeals has stated that: "the rule of *Mobile-Sierra*[3] and *Memphis*[4] is refreshingly simple: The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid."[5] The Court further explained that this applied "whether the parties agree to a specific rate or whether to *a rate changeable in a specific manner.* In either case, the contract is binding and a unilateral filing is ineffective to change it."[6]

Thus, it is clear that contracting parties may provide for no change in rate during the term of the contract or they may provide for change in a specified manner during the term of the contract. Both Anza and SCE agree that the contract contemplates changes in rates during the term of the contract. The question arises as to the manner in which such change may take place.

The pertinent part of the Anza-SCE contract (Article V) reads as follows:

> The rates, including terms and conditions stated in this contract, are subject to change by any regulatory body now in existence or hereafter created by law having jurisdiction in the manner prescribed by law. In the event of such change, the new rates and terms and conditions as prescribed shall apply to this contract for the unexpired term hereof. In the event any such regulatory body shall order a rate increase, Cooperative may at its option terminate this contract at any time by written notice to Company.

SCE argues that the first sentence permits a unilateral filing to be made under Section 205 of the Federal Power Act, 16 U.S.C. § 824d. The rate increase could become effective, subject to refund, after suspension of such filing by the Commission since the Commission is the "regulatory body • • • having jurisdiction" and the effectuation, subject to refund, of SCE's unilateral filing after suspension is permissible under Section 205 of the Act.

Anza, however, argues that the aforementioned sentence must be read in conjunction with the sentence in Article V which follows:

> In the event of such change, the new rates and terms and conditions *as prescribed* shall apply to this contract for the unexpired term hereof. [Italics supplied]

Anza argues that the contract contemplates a change in rate, effective after a final order of the Commission, since the above-quoted sentences provide that in the event of a new filing such change will apply prospectively, after a final order of the Commission.

After a thorough review of our past orders and the pleadings filed in this case, and upon further consideration of the *Richmond Power and Light* decision, we must reverse our orders of January 3, 1974 and February 19, 1974. We cannot rely solely on the first sentence of Article V, as SCE would have us do, but follows, and in particular the immediately following sentence. That sentence states when such rate may become effective. The new rates "as prescribed" shall apply for the unexpired term of the contract. This must be read to contemplate the effectuation of a rate change under the contract only after a final order of the Commission.

We note that the SCE-Anza contract is analogous to the Anderson contract in *Richmond Power and Light* v. *F.P.C., supra.* The contract in that case stated[7] that the manner in which rates thereunder could be changed would be through a procedure provided by the Indiana regulatory statutes. The Court then noted that Indiana regulatory statutes required the Public Service Commission of Indiana to issue a final order, after formal hearing, before there could be any change in rates. Therefore, with regard to the issue raised under *Memphis, supra, i.e.* whether or not the seller could effect a change in rate by unilaterally filing a new rate, the Court found that the parties contemplated nothing of the sort. The Court then required that the unilateral filing by I&M be rejected.

We find that the contract involved in Anderson and the contract involved herein, are identical with regard to the manner in which a change may be effected. Both the Anderson contract and the contract herein contemplate a procedure by which rates would become effective only after a final order of the regulatory body. In the Anderson contract, the procedure is identified by reference to Indiana regulatory statutes and in this case, the contract provides for such a procedure through its express terms.[8] Accordingly, based on this fact as well as our review of the SCE-Anza contract, we find that the parties to the SCE-Anza contract contemplated that rate changes be made only after a Commission order approving the rate change, a procedure similar to that provided in Section 206 of the Federal Power Act, 16 U.S.C. 824e. Therefore, we shall amend our January 3, 1974 and February 19, 1974 orders and order SCE to make re-

[3] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] *United Gas Pipe Line Co.* v. *Memphis Light, Gas and Water Division*, 358 U.S. 103 (1958).

[5] *Richmond Power and Light Co.* v. *F.P.C., supra.*

[6] Id. at 497; Emphasis supplied.

[7] Article 12 of the Anderson contract, in pertinent part reads:

"Firm Agreement As To Rates And Charges: Should any change in the rate provided for in Article 3 hereof *be ordered* by the Public Service Commission of Indiana, payment for services by Customer to Company as provided for in Article 3 hereof shall *thereafter* be made upon the basis of such new rate *as changed and approved* by the Public Service Commission of Indiana, provided, however, that in the event of such change in rate, either of the parties hereto shall have the right within a period of ninety days, beginning on the date when such change is ordered by the Public Service Commission of Indiana, to terminate this Agreement by giving to the other at least sixty days prior notice in writing of its intention so to do." (Italics added.)

[8] The Anderson contract also provides for a ceiling on the rate increase, as determined by Tariff IP, filed with the Indiana Commission.

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funds, at 7 percent interest per annum, on all amounts collected in excess of the rates specified in Rate Schedule FPC No. 19, for the period from September 7, 1973, when the new rate became effective, subject to refund, until December 7, 1973, when the contract was cancelled pursuant to SCE's Notice of Cancellation, filed on September 10, 1973, and accepted by Commission letter order dated December 6, 1973.

The Commission finds:

Good cause exists to modify our January 3, 1974 and February 19, 1974 orders in this docket as hereinafter ordered and conditioned.

The Commission orders:

(A) Our January 3, 1974 and February 19, 1974 orders are hereby amended to provide that SCE shall refund, at 7% interest per annum, all monies collected from Anza Electric Cooperative, Inc. in excess of the rates prescribed by Rate Schedule FPC No. 19 from September 7, 1973 until December 7, 1973, when Rate Schedule FPC No. 19 was cancelled, pursuant to SCE's Notice of Cancellation, filed on September 10, 1973, and accepted by Commission letter order dated December 6, 1973.

(B) Upon expiration of thirty days and applications for hearing of this order not having been filed, the record of this proceeding, as supplemented by this order, shall be returned to the Court of Appeals for the District of Columbia Circiut in accordance with the Court's August 1, 1974 order.

(C) The Secretary of the Federal Power Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2583 Filed 1-28-75;8:45 am]

[Docket No. RP74-71-2]

SOUTHERN NATURAL GAS CO. (ATLANTA GAS LIGHT CO.)

Notice of Postponement of Hearing

JANUARY 20, 1975.

On January 17, 1975, Atlanta Gas Light Company filed a motion to extend the hearing date fixed by order issued December 4, 1974, in the above-designated matter. On the same date, Staff Counsel filed an objection to the above motion.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until February 4, 1975, at 10:00 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2584 Filed 1-28-75;8:45 am]

[Docket No. RP73-64, PGA75-2B]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JANUARY 22, 1975.

Take notice that Southern Natural Gas Company (Southern) on January 16, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective January 1, 1975. Such filing is pursuant to Section 17 (Purchased Gas Adjustment Clause) of the general terms and conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 and amends a previous filing made on December 19, 1974. Such filing is for the purpose of reflecting a reduction in the cost of gas purchased from United Gas Pipe Line Company. The proposed change would decrease the commodity and one-part rates by .550¢ per Mcf from rates filed on December 19, 1974.

On December 19, 1974, Southern, pursuant to its Purchased Gas Adjustment Clause, filed Substitute Eleventh Revised Sheet No. 4A which was proposed to become effective on January 1, 1975, or on such later date as the Commission allows two pipeline supplier increases to become effective. Subsequent to such filing, on January 13, 1975, United Gas Pipe Line Company (United), one of the pipeline suppliers which Southern tracked in the December 19th filing, filed amended tariff sheets with proposed effective dates of January 1, 1975 and January 2, 1975. These tariff sheets amended United's December 18, 1974 filing, which had included only one tariff sheet with a proposed effective date of January 1, 1975. As a result thereof, Southern requests the Commission to permit it to substitute Second Substitute Eleventh Revised Sheet No. 4A for Substitute Eleventh Revised Sheet No. 4A with the same conditions as contained in Southern's filing of December 19, 1974.

As aforesaid, United requested two effective dates of January 1, 1975 and January 2, 1975; however, Southern filed two tariff sheets, both with the proposed effective date of January 1, 1975. Both of these tariff sheets are based on the rates filed by United on January 13, 1975, which include a one-time surcharge allowed by the Commission's order of November 29, 1974, in Docket No RP75-22. Second Substitute Eleventh Revised Sheet No. 4A contains rates based on the rates filed by United to be effective on January 2; Alternate Second Substitute Eleventh Revised Sheet No. 4A reflects the rates filed by United to become effective January 1, 1975. Southern states that the impact of the change in United's rates on January 2, 1975 is to reduce the jurisdictional commodity and one-part rates to Southern's customers by .550¢ per Mcf below those contained in Southern's December 19th filing under the proposed tariff sheet. Southern further states that under the alternate tariff sheet, the impact of the change in United's rates on January 1, 1975 is to reduce the jurisdictional commodity and one-part rates to Southern's customers by .567¢ per Mcf below those contained in its December 19th filing. Thus, the impact on Southern due to the difference in United's January 1 and January 2 rates is only $.00017, or approximately a difference of $300 in jurisdictional revenues to Southern for the one day of January 1, 1975. Therefore, Southern requests that the Commission allow Southern to place into effect on January 1, 1975, the rates contained in Second Substitute Eleventh Revised Sheet No. 4A, since the revenue impact due to the difference in United's January 1 and January 2 rates is insignificant (and any such difference will be credited to Southern's Account No. 191, Unrecovered Purchased Gas Costs, in accordance with section 17.4(1) of Southern's PGA clause).

In the event the Commission does not permit Southern to place Second Substitute Eleventh Revised Sheet No. 4A into effect on January 1, 1975 but does permit Alternate Second Substitute Eleventh Revised Sheet No. 4A to become effective on January 1, 1975, Southern requests the Commission to treat Second Substitute Eleventh Revised Sheet No. 4A as having been withdrawn or rejected and thereby not to become effective on any date (because of the relative insignificance of the rate and revenue impact Southern considers it desirable to avoid the administrative burdens to Southern and its customers of having to make two rate changes).

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR §§ 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2585 Filed 1-28-75;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Payment of Refunds

JANUARY 22, 1975.

Take notice that on September 5, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing a report of payment of refunds to its jurisdictional wholesale customers, in accordance with section 14 of the General Terms and Conditions of South Georgia's FPC Gas Tariff, Original Volume No. 1. South Georgia states that this refund is the result of a refund received from Southern Natural Gas Company. South Georgia further states that a copy of the tendered report has been served upon each of its jurisdictional customers.

According to South Georgia, the total jurisdictional refunds reported is $4,749.34 for the period September 1, 1973, through June 30, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2586 Filed 1-28-75;8:45 am]

[Docket No. E-9218]

SOUTHWESTERN PUBLIC SERVICE CO.

Notice of Filing of Superseding Contract

JANUARY 22, 1975.

Take notice that on January 15, 1975 Southwestern Public Service Company (Southwestern) tendered for filing a new contract approved by the Rural Electrification Administration that supersedes and cancels the present contract with Lea County Electric Cooperative (Cooperative) to be effective April 2, 1975. Southwestern states that the new contract supersedes and cancels Rate Schedule No. 16. Southwestern further states that the present filing is made pursuant to an order issued in Docket No. E-7755. That order accepted 12 of 16 agreements pertaining to rural electric cooperatives, and rejected the present agreement without prejudice to timely filing. Southwestern indicates that a copy of the filing has been sent to Cooperative.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2587 Filed 1-28-75;8:45 am]

FEDERAL RESERVE SYSTEM

PBC FINANCIAL CORP.

Order Approving Formation of Bank Holding Company and Continuation of Commercial Finance Activities

PBC Financial Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 82.4 per cent of the voting shares of Farmers & Merchants Bank, Eufaula, Oklahoma ("Bank"). At the same time, Applicant has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to continue to engage in finance company activities at one location in Oklahoma City, Oklahoma. Engaging in the activities of a finance company is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (39 F.R. 34477). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, with outstanding receivables of about $0.5 million as of year-end 1973, engages in finance company activities in Oklahoma City, Oklahoma. Applicant's primary business is the financing of fire and casualty insurance premiums, though it also engages in direct automobile financing and, to a minor degree, in several other lines of consumer and sales financing. Bank has deposits of $3.9 million,[1] and is the second largest of three banks in the relevant market,[2] controlling about 17.7 percent of the total deposits in commercial banks in the market. The proposed transaction involves the transfer of a controlling interest in Bank by two individuals to Applicant, which is wholly owned by one of these individuals. Since Applicant and Bank are already under common control and Applicant has no present banking subsidiaries, it does not appear that consummation of this proposal would have any adverse effects on existing or potential competition. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and future prospects, which are dependent upon profitable operations by both its finance and banking activities, appear favorable. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and its finance company activities should provide sufficient revenues to service the debt without impairing the financial condition of Bank. Although there will be no significant changes in Bank's operations as a result of this proposal, considerations relating to the convenience and needs of the community to be served are also consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

As noted above, Applicant engages in finance company activities at one location in Oklahoma City. Approval would enable Applicant to continue to offer a convenient source of a variety of loan services for the residents of the area. It does not appear that permitting Applicant to continue to engage in finance activities would have any adverse effects on existing or potential competition. Moreover, there is no evidence in the record indicating that continuation of the activity would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's finance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective January 22, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-2605 Filed 1-28-75;8:45 am]

[1] Banking data are as of June 30, 1974.

[2] The market area is approximated by McIntosh County.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

GENERAL SERVICES ADMINISTRATION

[F.P.M.R. Temp. Reg. F-326]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the

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executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is hereby delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a case involving the Utah Power and Light Company before the Utah Public Service Commission, concerning increases in electrical service rates.

b. The Secretary of Defense may redelegate this authority to any officer, official or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 20, 1975.

[FR Doc.75-2606 Filed 1-28-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4003-000, BULLION HOLLOW COAL COMPANY, INC., Mine No. 20, Mine ID No. 44 01724 0, Wise, Virginia.
ICP Permit No. 4003-002 (Osborne Big Charlie Tractor, Ser. No. 410),
ICP Permit No. 4003-002 (Osborne Big Charlie Tractor, Ser. No. 413),
ICP Permit No. 4003-003 (Osborne THR-3 Push Out Car, Ser. No. 28),
ICP Permit No. 4003-004 (Osborne THR-3 Push Out Car, Ser. No. 33),
ICP Permit No 4003-005 (Osborne THR-3 Push Out Car, Ser. No. 22),
ICP Permit No. 4003-006 (Osborne THR-3 Push Out Car, Ser. No. 94),
ICP Permit No. 4003-007 (Osborne 4S4 Tractor, Ser. No. 392),
ICP Permit No. 4003-008 (Osborne 4S4 Tractor, Ser. No. 393).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

JANUARY 23, 1975.

[FR Doc.75-2607 Filed 1-28-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-143]

TAPERED ROLLER BEARINGS AND CERTAIN COMPONENTS THEREOF FROM JAPAN

Determination of Likelihood of Injury

JANUARY 23, 1975.

The U.S. International Trade Commission (formerly the U.S. Tariff Commission) on September 4, 1974, received advice from the Treasury Department that tapered bearings from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the act (19 U.S.C. 160(a)), the Commission, on September 11, 1974, instituted investigation No. AA 1921-142 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

On October 23, 1974, the Commission received advice from the Treasury Department amending the advice it had received on September 4, 1974. The new advice described the articles subject to Treasury's determination of sales at less than fair value as tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately. On October 24, 1974, the Commission terminated investigation No. AA1921-142 and instituted a new investigation (No. AA1921-143) to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States, from Japan, of the articles described in Treasury's amended advice to the Commission.

Notice of the institution of investigation No. AA1921-143 and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38134). The hearing was held December 3-6, 1974.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission has determined by a vote of 4 to 2,[1] that an industry in the United States is likely to be injured by reason of the importation of tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan, that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR LIKELIHOOD OF INJURY DETERMINATION

The Antidumping Act, 1921, as amended, requires that the U.S. International Trade Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury or likelihood of injury to an industry in the United States. Second, such injury or likelihood of injury must be by reason of the importation into the United States of the class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV).

In our judgment, both of the aforementioned conditions are satisfied. Accordingly, for the reasons set forth below, we have made an affirmative determination that an industry in the United States is likely to be injured by reason of the importation of tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan, that are being, or are likely to be, sold at LTFV.[2]

In making this determination under section 201(a) of the Antidumping Act of 1921, as amended, we considered the industry likely to be injured to consist of those companies in the United States producing tapered roller bearings. This industry presently includes 9 firms with 17 plants located in 9 States. A substantial part of the U.S. producers' annual sales consist of high-volume tapered roller bearings which directly compete with the 37 percent of tapered roller bearings imported from Japan which are sold in the domestic market at LTFV. These LTFV bearings, as well as the great bulk of imports from Japan, are 4 inches or less in outside diameter and constitute an important sales market for domestically produced tapered roller bearings.

Japanese imports of all types of tapered roller bearings and components thereof increased from about 7 percent of domestic open-market consumption in 1970 to almost 12 percent in 1973, the year in which LTFV sales were found by the Treasury Department. During January-August 1974 the ratio of imports from Japan to domestic open-market consumption was more than 14 percent. The Treasury Department determined that four cups and four cone assemblies (with outside diameters of 4 inches or less) for use in tapered roller bearings, whether sold separately or as a unit, are being, or are likely to be, sold at less than fair value. Imports of these LTFV items increased from about 30 percent of U.S. open-market consumption for these particular items in 1970 to about 42 percent in 1973. Ninety percent of the total value of U.S. sales of those items by the Japanese importers were sold at LTFV margins.

Market penetration by Japanese imports increased substantially in almost all original-equipment markets. By 1973, imports from Japan supplied 73 percent of the U.S. recreational-vehicle market, 23 percent of the U.S. truck-trailer market, 19 percent of the domestic-conveyor market, and 11 percent of the agricultural-machinery market. The bulk of the imports from Japan supplying those markets are the four LTFV items.

LTFV imports from Japan sold to the U.S. automobile industry, while relatively small, increased tenfold from 1971 to 1973. This year, contracts for delivery of such tapered roller bearings by Japanese importers to a domestic automobile manufacturer were substantially larger than in past years.

In recent years, unit prices of LTFV bearings from Japan were generally lower than U.S. prices for comparable bearings. The LTFV margins were a material factor in the margin of underselling by the Japanese. Had it not been for the LTFV margins, the imported bearings would not have had a significant price advantage in 1973 and 1974, and the domestic bearings would have been more competitive in the domestic marketplace. For example, in August 1974, virtually the entire difference between the average U.S. prices and the prices of the imported LTFV bearings was accounted for by the LTFV margins.

The financial condition of the U.S. tapered-roller-bearing industry has deteriorated since LTFV sales began. Two U.S. firms suffered severe financial losses during 1973 and 1974. One large producer in the industry experienced a lower profit ratio during July-December 1973 than it did during the entire year of 1973. Its profit ratio continued to decline during January-August 1974. Producers' profits on the LTFV items generally declined from 1972 to 1973. Because of the intense competition from LTFV imports in 1973 and 1974, U.S. producers have been unable to increase their prices commensurate with the rate of price increase in other U.S. durable industries.

Almost two-thirds of all tapered roller bearings consumed in the United States are used in the automotive and automotive-related industries. Since September 1974, lead times and order backlogs for bearings have declined sharply as production in the automotive industry has seriously declined. This is true for automotive-size bearings, particularly the LTFV bearings. Lead times for automotive bearings are currently 13 weeks or less, and often they are now supplied from inventory. We believe lead times will continue to decline. As a result of the weakness in the domestic market for automotive bearings, U.S. production, which declined by about 10 percent in 1974, is expected to decline more rapidly in 1975. This lessening demand for tapered roller bearings in 1975 will create substantial inventories and excess capacity in the U.S. industry, with prices playing the major role in future sales.

Japanese producers of the LTFV tapered roller bearings are large concerns which possess the requisite capital and capability to further expand into the U.S. market, which has been and continues to be its most attractive market.

Based on the foregoing, we conclude that the U.S. tapered-roller-bearing industry is likely to be injured by reason of LTFV imports from Japan. Therefore, we have made an affirmative determination.

By Order of the Commission.[3]

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-2690 Filed 1-28-75;8:45 am]

[1] Chairman Bedell, Vice Chairman Parker, and Commissioners Moore and Ablondi determined in the affirmative with respect to likelihood of injury. Commissioners Leonard and Minchew determined in the negative.

[2] Commissioner Ablondi agrees that an industry in the United States is likely to be injured by reason of the importation and sale at less than fair value of Japanese tapered roller bearings. He concludes, however, that the importation of tapered roller bearings in small volume from Japan by Toyota Motor Sales, U.S.A., Inc., for exclusive use by Toyota distributors does not contribute to the threat of injury. Such bearings, which are predominantly of special design, are imported into the United States by Toyota solely for use as replacement parts in Toyota motor vehicles. Neither Toyota Motor nor its parent company nor the small manufacturer in Japan from whom a majority of the tapered roller bearings were purchased were investigated in the course of the Treasury Department's proceedings. Accordingly, Commissioner Ablondi would exclude from the affirmative findings the importation of tapered roller bearings by Toyota Motor for replacement use in Toyota motor vehicles.

[3] Attachments filed as part of the original.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on February 14, 1975 from 1 p.m.-4:30 p.m. in room 1100, Shoreham Building, 806 15th Street NW, Washington, D.C.

The purpose of this meeting is for evaluation of graphic material from the Federal Trade Commission. The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts and the Humanities.

[FR Doc.75-2677 Filed 1-28-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-505-A]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Indiana, Inc. (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 13, 1974, and docketed December 24, 1974, in connection with its plans to construct and operate two pressurized water reactors in Saluda Township, Jefferson County, Indiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application, including the Preliminary Safety Analysis Report and the Environmental Report, are to be submitted for review in early summer 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission, including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Docket No. P-505-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 8th day of January, 1975.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.75-1176 Filed 1-14-75;8:45 am]

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NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS HYPOTHETICAL CORE DISRUPTIVE ACCIDENT (HCDA) WORKING GROUP

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Working Group on HCDA will hold a meeting on February 14, 1975 in the Julius Room of the Sheraton Inn-Denver Airport, 3535 Quebec St., Denver, Colorado.

The purpose of the meeting will be to discuss the SAS Computer Code being developed by Argonne National Laboratory (ANL).

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, February 14, 1975, 9 a.m.–4 p.m. Discussions with the Argonne National Laboratory, the Energy Research and Development Administration, and the Nuclear Regulatory Commission Staff.

Representatives of ANL will make presentations on various aspects of the SAS Computer Code.

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of the public session, which will involve a discussion of its preliminary views, an exchange of opinions of the Subcommittee members, and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 7, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents which are on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on February 14, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 13, 1975, to the Advisory Committee on Reactor Safeguards (telephone 202–634–1371) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection on or after February 17, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 after May 14, 1975.

Copies may be obtained upon payment of appropriate charges.

JAMES R. LINDSAY,
Acting Assistant, Advisory Committee Management Officer.

[FR Doc.75–2655 Filed 1–28–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON DIABLO CANYON, UNITS 1 & 2

Notice of Meeting

In accordance with the purposes of Section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Diablo Canyon project will hold a meeting on February 18–19, 1975 in Gold Rooms A and B of the Royal Inn at 214 Madonna Road, San Luis Obispo, California. The purpose of this meeting will be to begin the Committee's formal review of a proposal to issue an Operating License for this facility. The Diablo Canyon Units 1 & 2 are adjacent to the Pacific Ocean in San Luis Obispo County approximately 12 miles WSW of the city of San Luis Obispo, California.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, February 18, 1975—9 a.m. to 4:30 p.m. and Wednesday, February 19, 1975—9 a.m. to 11 a.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of Pacific Gas and Electric Company and their representatives and hold discussions with these groups pertinent to issuance of an operating license for this facility.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. on both days which will involve a discussion of its preliminary views, and an executive session at the end of both days, consisting of an exchange of opinions of the Subcommittee members and consultants present and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and Applicants to discuss privileged information relating to fuel design/performance and plant security, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain information relating to fuel design/performance and plant security which is privileged and falls within exemption (4) of 5 U.S.C. 552(b).

Any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separaiton of this material is considered practical.

It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 11, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20545. Such comments shall be based upon the Diablo Canyon, Units 1 & 2 Final Safety Analysis Report and related documents on file (Dockets 50–275–OL and 50–323–OL) and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, during the morning sessions of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 17, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202–634–1414) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., and within nine days at the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after May 19, 1975. Copies may be obtained upon payment of appropriate charges.

JAMES R. LINDSAY,
Acting Assistant Advisory Committee Management Officer.

[FR Doc.75–2656 Filed 1–28–75;8:45 am]

[Docket Nos. 50–448, 50–449]

POTOMAC ELECTRIC POWER CO. (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Relative to a Prehearing Conference

On December 11, 1974, the Applicant filed a motion requesting the Board to proceed with evidentiary hearings a reasonable time after the Nuclear Regulatory Commission[1] Staff documents are available on all issues except need for power and the financial qualifications of the Applicant. The motion followed an announcement on November 21, 1974, by the Applicant that the initial operation date had been rescheduled from 1982 to 1985.

Responses were received from Maryland, Chesapeake Bay Foundation; Citizens Council for a Clean Potomac; Edward J. Wojciechowicz, and the Regulatory Staff. Since the parties are not in agreement, the Board has determined that it is appropriate to have a prehearing conference before it rules on the motion.

A prehearing conference will be held in the Board Hearing Room (12th Floor) Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, on February 24, 1975, at 10 a.m. (local time).

The public is invited to attend. Limited appearance statements will *not* be taken at this proceeding.

[1] Formerly the Atomic Energy Commission.

Issued at Bethesda, Maryland this 24th day of January 1975.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.75–2660 Filed 1–28–75;8:45 am]

[Docket No. 50–267]

PUBLIC SERVICE CO. OF COLORADO

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR–34 issued to Public Service Company of Colorado which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits a change in calibration frequency for one adjustment of the wide range power instrumentation and adds an additional calibration requirement for the linear range power instrumentation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 31, 1974, (2) Amendment No. 6 to License No. DPR–34, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Division of Reactor Licensing.

[FR Doc.75–2658 Filed 1–28–75;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued three guides in its Regulatory Guide series. This series has been developed to describe and make available to

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the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.1 (Rev. 1), "Additional Information—Hydrological Considerations for Nuclear Power Plants;" Regulatory Guide 1.70.17, "Information for Safety Analysis Reports—Hydrologic Engineering;" and Regulatory Guide 1.70.18, "Information for Safety Analysis Reports—Mechanical Systems and Components," identify information that is needed in safety analysis reports at the construction permit and operating license stages of review.

These guides are three of a number being issued in the 1.70.X series to identify information that has often been missing from applicants' safety analysis reports or to present revisions necessary to make a portion of the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," Revision 1, October 1972 (Regulatory Guide 1.70), consistent with the appropriate Standard Review Plan. Standard Review Plans (SRPs) are being prepared by the NRC staff for the guidance of staff reviewers who perform the detailed safety review of applications to construct or operate nuclear power plants. A primary purpose of SRPs is to improve the quality and uniformity of staff reviews and to provide a well-defined base from which to evaluate proposed changes in the scope and requirements of reviews. A complete Revision 2 of the Standard Format incorporating the changes presented in this 1.70.X series will be issued following completion of publication of the SRPs.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.70.17 and 1.70.18 will, however, be particularly useful in developing the forthcoming revision of the Standard Format if received by March 24, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland, this 23rd day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director
of Standards Development.

[FR Doc.75-2657 Filed 1-28-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

JANUARY 22, 1975.

Therefore, pursuant to sections 19(a) nomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2700 Filed 1-28-75;8:45 am]

[File No. 500-1]

BURMAH OIL COMPANY LTD.

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Burmah Oil Company Limited being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2701 Filed 1-28-75;8:45 am]

[811-2174]

HERMES FUND

Proposal To Terminate Registration

JANUARY 20, 1975.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Hermes Fund ("Hermes"), c/o Kevin P. Monaghan, Esq., 1906 United States National Bank Building, San Diego, California 92101, registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

Hermes was organized as a California limited partnership on February 23, 1971. Hermes registered under the Act by filing a Form N-8A Notification of Registration on February 26, 1971, and a registration statement on Form N-8B-1 on March 5, 1971. On April 23, 1971 Hermes filed a registration statement on Form S-4 (2-40153) under the Securities Act of 1933 which was declared abandoned by order on June 4, 1974. Information in the Commission's files indicates that Hermes has made no public offering, has no assets, liabilities or other business operations of any type, and has no intention of ever commencing operations.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 14, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2706 Filed 1-28-75;8:45 am]

[812-3727]

INVESTORS SYNDICATE OF AMERICA, INC., ET AL.

Filing of Application for an Order

JANUARY 20, 1975.

Notice is hereby given that Investors Syndicate of America, Inc. ("ISA"), a face-amount certificate company registered under the Investment Company Act of 1940 (the "Act") whose common stock is wholly-owned by Investors Diversified Services, Inc. ("IDS") which also serves as its investment adviser and principal underwriter, IDS Life Insurance Company ("IDS Life"), a Minnesota corporation engaged in the sale of life insurance, disability income insurance and annuities and is also a wholly-owned subsidiary of IDS, and Investors Variable Payment Fund, Inc., 1000 Roanoke Building, Minneapolis, Minnesota 55402 (the "Fund"), an open-end, diversified management investment company registered under the Act whose adviser and principal underwriter is IDS (collectively referred to as "Applicants"), filed an application on November 22, 1974, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, for an order of the Commission permitting Applicants, who own notes of Reeves Telecom Corporation ("Reeves"), (1) to consent to the purchase by Reeves of all of its outstanding shares of 2 percent preferred stock and (2) to consent to an amendment by Reeves of its 9 percent convertible subordinated notes to permit the purchase of such 2 percent preferred stock. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants presently hold in the aggregate $4,613,637 in unpaid principal amount of the Series A and Series B 9 percent convertible subordinated notes, due March 31, 1978 (the "Notes") of Reeves, a Delaware corporation engaged in commercial television and radio broadcasting operations, land development and computerized printing services for the real estate industry. The Fund holds $2,768,184 in unpaid principal amount of the Series A Notes and ISA and IDS Life holds $1,614,771 and $230,682 respectively, in unpaid principal amount of the Series B Notes. An additional $461,363 in unpaid principal amount of the Series B Notes is held by The Mutual Life Insurance Company of New York ("MONY"). The Series A and Series B Notes differ only in conversion prices and in certain optional prepayment provisions. The acquisition of the Notes by the Applicants in January 1973 was the subject of an order of the Commission pursuant to Rule 17d-1 under the Act (Investment Company Act Release No. 7624).

In June 1974, Applicants were advised by Reeves that it proposed to purchase all 12,691 shares of its outstanding 2 percent preferred stock and that, in furtherance of such aim, it had entered into a Stock Purchase Agreement, dated May 9, 1974, with William O. Neal (the "Seller") and an Addendum thereto, dated June 5, 1974 (collectively the "Stock Purchase Agreement"). The Stock Purchase Agreement provides for the purchase by Reeves from the Seller of 11,801 shares of the 2 percent Preferred Stock for a purchase price of $25,000 in cash and promissory notes in the aggregate principal amount of $575,000. The promissory notes, which will mature on December 31, 1979, will be subordinated to the Notes and bear interest at the rate of 9 percent per annum payable quarterly, provided that such interest together with any interest in arrears may not exceed 25 percent of Reeves' net income after taxes as of the last day of the preceding fiscal year. The obligations of the parties under the Stock Purchase Agreement are contingent upon the receipt of approval of the transaction from the holders of the Notes. The Applicants were further advised by Reeves that it intends to enter into agreements substantially similar to the Stock Purchase Agreement for the purchase of the remaining 890 outstanding shares of its 2 percent Preferred Stock. At present, the 890 shares are held by two individual holders.

Because the terms of the Notes prohibit the proposed purchases of the Preferred Stock while such Notes are outstanding, Reeves requested the holders thereof to consent to said purchases and to the execution of an amendment of the Notes by Reeves to permit said purchases. The applicants believe that the other holder of the Notes, i.e., MONY, has also consented to the above-described transaction.

Rule 17-41, adopted by the Commission pursuant to section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5 percent or more of the outstanding voting securities of such other person, any person 5 percent or more of whose outstanding voting securities are owned by such other person, any person directly or indirectly controlling, controlled by, or under common control with, such other person, and any investment adviser of an investment company. ISA and IDS Life are wholly owned subsidiaries of IDS. IDS also acts as principal underwriter for ISA and the Fund and acts as investment adviser to ISA and the Fund. Each of the Applicants may be deemed to be under common control and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act. Accordingly, the Applicants may, absent an order of the Commission, be deemed prohibited by Rule 17d-1 from giving their joint consent to the proposed purchase by Reeves of its outstanding 2 percent preferred stock and to the execution of an amendment of the Notes.

Applicants assert that the participation of each Applicant in the proposed transaction will be on the same basis as the others and that the proposed transaction is in the best interests of each Applicant. Applicants further assert that the proposed transaction is consistent with the provisions, policies and purposes of the Act. In support thereof, Applicants state that holders of the 2 percent preferred stock of Reeves have the right to demand redemption of their shares in cash at an aggregate cost to Reeves of approximately $1,270,000 plus dividends then in arrears, provided Reeves has funds legally available for such purpose and further provided such redemption will not cause Reeves to be in default under the Notes or under any other instruments evidencing indebtedness of Reeves. The proposed purchase by Reeves of its outstanding 2 percent preferred stock will result in a substantial reduction in the potential total cost of such securities to Reeves and will substitute obligations evidenced by promissory

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notes for obligations payable on demand in cash. Applicants state that Reeves will benefit substantially from the proposed transactions with no detriment accruing to the Applicants.

Notice is further given that any interested person may, not later than February 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 14, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2707 Filed 1–28–75;8:45 am]

[70–5599]

NATIONAL FUEL GAS CO.

Certificate of Incorporation To Authorize Preferred Stock; Proposed Amendments Solicitation of Proxies

JANUARY 21, 1975.

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and rules 62 and 65 promulgated thereunder as applicable to the transactions summarized below. All interested persons are referred to the declaration, as amended, for a complete statement of the proposed transactions.

National's Certificate of Incorporation ("Certificate") presently authorizes $60,000,000 of capital stock, all designated as common stock with a par value of $10 per share—of which 5,122,515 shares are issued and outstanding. National now proposes to amend its Certificate so as to authorize an additional $50,000,000 of capital stock to be classified as 2,000,000 shares of preferred stock with a par value of $25 per share.

National has one public-utility gas distribution subsidiary company, and three non-utility subsidiaries engaged primarily in the procurement, transportation, and wholesale of natural gas. With the exception of periodic short-term bank borrowings by the subsidiary companies to finance the purchase of natural gas and synthetic natural gas for storage inventories, all external financing of the National System is effected at the parent level through the sale of securities of National. Such financing by National has traditionally been in the form of unsecured debt (debentures and bank loans) and common stock, the proceeds of which are used to finance the long-term capital requirements of the subsidiary companies. It is stated that the System's capital requirements to finance construction and the procurement of new gas supplies are estimated at $100 million in the years 1975–78, of which about one-half will be required by the end of 1976; that preferred stock financing is widely employed in the public-utility industry and well-known to investors; that financing through that medium would augment the overall equity base and thus tend to maintain the investment quality of, and alleviate the pressure of interest coverage required for, National's debentures; and that the ability to sell preferred stock would provide the company with additional flexibility to finance the System's future capital requirements.

The consolidated capitalization of the National System consists solely of National's securities, shown below as of October 31, 1974.

	Amount	Percent
Debentures [1]	$179,078,000	49
Common stock equity	171,932,000	51
Total capital and surplus	351,010,000	100

[1] Includes current maturities.

As heretofore noted, from time to time the subsidiary companies make short-term bank borrowings; as of October 31, 1974, their outstanding bank loans aggregated $19,000,000, all maturing in less than one year.

National's debentures are outstanding in twelve series of which one series ($21,000,000 principal amount) matures August 15, 1975, and the others mature variously from 1977 to 1997. Among other provisions, the indentures underlying the debentures (1) limit consolidated long-term debt (defined as debt with original maturities of more than one year) to not more than 60 percent of consolidated assets; (2) require substantial cash sinking funds for the retirement of 50 percent to 70 percent of the respective debenture series by maturity thereof (except for one recently issued series maturing in October, 1983); and (3) require, as a prerequisite to any increase of consolidated long-term debt, that the annual interest charges on long-term debt outstanding immediately after such increase shall be covered at least 2.5 times by income, as defined, available for interest payments.

In connection with the proposed amendment authorizing preferred stock, National will also amend its Certificate so as to afford certain protective provisions for future holders of such stock. Except for one deviation, the proposed protective provisions are in conformity with the standards prescribed by the Commission's Statement of Policy for Preferred Stock promulgated under the Act in Holding Company Act Release No. 13106 (February 16, 1956).

The proposed deviation, which concerns limitations on the incurrence of unsecured debt by National or its subsidiary companies, is deemed necessary in light of the fact noted above that all debt financing of the System is in the form of unsecured obligations. Accordingly, the proposed Certificate limitation on unsecured indebtedness will provide that unless the consent of the holders of a majority of preferred stock outstanding has been obtained, National and its subsidiaries shall not incur unsecured indebtedness if, immediately thereafter, (i) consolidated unsecured debt would exceed 20 percent of the sum of consolidated secured debt, capital stock including premiums thereon, and surplus, or (ii) unsecured debt with maturities of less than 10 years would exceed 10 percent of such sum; provided, however, that the term "unsecured debt" shall not be deemed to include (a) debentures heretofore or hereafter issued by National and (b) loans for inventory purposes maturing in not more than 12 months—which, in either case, are specifically approved under applicable provisions of the Act; and further provided, that the term "secured debt" shall be deemed to include National's debentures or any other debt which is, by its terms, secured debt.

The proposed Certificate amendment to authorize the issuance of preferred stock is designed, as indicated above, to provide adequate scope for financing through that medium over the foreseeable future. Any actual issuance and sale of preferred stock would be subject to approval pursuant to applicable provisions of the Act and rules thereunder.

The holders of National's common stock at present are entitled, in respect of elections of directors, to one vote for each share held. It is proposed that the Certificate be further amended to provide that at all elections of directors of National the holders of common stock shall be entitled to "cumulative voting" that is, each holder will be entitled to as many votes as shall equal the number of shares held multiplied by the number of directors to be elected.

The proposed amendments to the Certificate will require the favorable vote of the holders of at least two-thirds of National's outstanding common stock. By means of a proxy and proxy-statement, the proposed amendments will be submitted to the stockholders at a special meeting to be held on or about March 21, 1975.

A statement of fees and expenses to be incurred in connection with the proposed transactions will be supplied herein by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 13, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2708 Filed 1–28–75;8:45 am]

[File No. 500–1]

NMC CORP.

Suspension of Trading

JANUARY 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 6½ percent convertible subordinated debentures due May 1, 1983, and the 6½ percent convertible subordinated debentures due May 15, 1984 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:30 p.m. (est) on January 21, 1975 through midnight (est) on January 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2702 Filed 1–28–75;8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2703 Filed 1–28–75;8:45 am]

[File No. 500–1]

SECURITY NATIONAL BANK OF HUNTINGTON, NEW YORK

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Security National Bank of Huntington, New York being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:01 A.M. (e.s.t.) on January 22, 1975 through midnight (e.s.t.) on January 31, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2704 Filed 1–28–75;8:45 am]

[File No. 500–1]

WINNER INDUSTRIES, INC.

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2705 Filed 1–28–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Del. of Auth. No. 30—Region IV, Rev. 1; Amdt. 2]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30—Region IV (Revision 1), 39 FR 11352, as amended, 39 FR 33614, is hereby further amended to delegate surety bond guarantee authority to additional positions. Part III, section C, paragraph 2, is amended to read as follows:

To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

(a) Assistant Regional Director for F&I.

(b) District Director.

(c) Assistant District Director for F&I, where assigned.

Effective date: January 1, 1975.

WILEY S. MESSICK,
Regional Director,
Region IV.

[FR Doc.75–2678 Filed 1–28–75;8:45 am]

[Del. of Auth. No. 30-Region II, Rev. II Amdt. 1]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities in Region II

Delegation of Authority No. 30-Region II, Revision II (39 F.R. 8683), is hereby amended by revising Part II, concerning the Disaster Program, to read as follows:

* * * * *

PART II—DISASTER PROGRAM

Section A. Disaster Loan Authority. 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single dis-

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aster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Assistant Regional Director for Finance and Investment	$500,000
(2) Regional Disaster Coordinator	500,000
(3) District Directors	500,000
(4) Assistant District Directors for Finance and Investment	300,000
(5) Disaster Branch Managers, as assigned	200,000
(6) Chiefs, District Financing Divisions	200,000
(7) Supervisory Loan Specialists, District Financing Divisions	100,000
(8) Branch Managers	100,000

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA Guarantee of the following amounts:

(1) Assistant Regional Director for Finance and Investment	$500,000
(2) Regional Disaster Coordinator	500,000
(3) District Directors	500,000
(4) Assistant District Directors for Finance and Investment	300,000
(5) Disaster Branch Managers, as assigned	200,000
(6) Chiefs, District Financing Divisions	200,000
(7) Supervisory Loan Specialists, District Financing Divisions, if assigned	100,000

4. To appoint as a processing representative any bank in the disaster area:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

SECTION B. ADMINISTRATIVE AUTHORITY

1. *Establishment of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

2. *Purchase and Contract Authority.* (a) To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

(b) To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

Effective date: January 6, 1975.

WINDLE B. PRIEM,
Regional Director,
Region II.

[FR Doc.75-2680 Filed 1-28-75;8:45 am]

[Del. of Auth. No. 30, Region IX, Rev. 1, Amdt. 2]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30, Region IX, Revision 1 (39 FR 11357) as amended (39 FR 31368) is hereby further amended to provide for the delegation of additional procurement authorities to read as follows:

PART V—PROCUREMENT ASSISTANCE (PA) PROGRAM

* * * * * *

SECTION B. SECTION 8 (A) CONTRACTING AUTHORITY

1. To enter into contracts not exceeding the following amount on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies or materials to the Government and agreeing as to the terms and conditions of such contracts:

(1) Assistant Regional Director for Procurement Assistance	Unlimited
(2) District Director	$500,000
(3) Assistant District Director for Procurement Assistance (San Francisco and Los Angeles only)	100,000

* * * * * *

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract not exceeding the following amounts to be let by any such officer:

(1) Assistant Regional Director for Procurement Assistance	Unlimited
(2) District Director	$500,000
(3) Assistant District Director for Procurement Assistance	500,000

* * * * * *

Effective Date: January 1, 1975.

GILBERT MONTANO,
Regional Director,
Region IX.

[FR Doc.75-2681 Filed 1-28-75;8:45 am]

[Del. of Auth. No. 30-III, Rev. 1, Amdt. 1]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30-III, Revision 1 (39 FR 15551), is hereby amended to reflect: (1) The realignment in the Richmond and Washington District Offices; (2) The redelegation of 406 contracting authority to District Directors and Assistant District Directors for Management Assistance; and (3) The redelegation of the total 8(a) contracting authority of the Regional Director to the Assistant Regional Director for Procurement Assistance, and reads as follows:

* * * * * *

PART I—FINANCING PROGRAM

Section A. Loan Approval Authority.

1. *Small Business Act Section 7(a) Loans.* * * *

* * * * * *

(6) Delete

2. *Equal Opportunity (EO) Loans.* * * *

* * * * * *

(6) Delete

3. *Displaced Business and Other Economic Injury Loans.*

a. To decline displaced business * * *

* * * * * *

(6) Delete

b. To approve or decline displaced business * * *

* * * * * *

(6) Delete

4. *Handicapped Assistance Loans.* * * *

* * * * * *

(6) Delete

Section B. Other Financing Authority.

1. a. To enter into business * * *

* * * * * *

(4) Branch Manager
(5) Assistant Branch Manager
(6) Delete

b. To enter into blanket loan guarantee agreements with banks:

* * * * * *

(4) Delete

2. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

* * * * * *

(4) Delete

3. To cancel, reinstate, modify, and amend authorizations:

a. For business * * *

* * * * * *

(9) Delete
(10) Delete

b. For *fully undisbursed* or *partially disbursed* business, * * *

* * * * * *

(8) District Supervisory Loan Specialist (Portfolio Management)—partially disbursed.

(9) Delete
(10) Delete

c. For business, economic opportunity * * *

* * * * * *

(9) Delete
(10) Delete

* * * * * *

5. b. To extend the disbursement period on all loan authorizations on loans *fully undisbursed:*

* * * * * *

(2) Delete

c. To extend the disbursement period on all loan authorizations on loans *partially disbursed:*

* * * * * *

(2) Delete

6. To approve service charges * * *

* * * * * *

(6) District Supervisory Loan Specialist (Portfolio Management)—partially undisbursed loans.
(7) Delete
(8) Delete

PART II—DISASTER PROGRAM

Section A. Disaster Loan Authority.

1. To decline direct disaster and immediate participation disaster loans * * *

* * * * * *

(6) Disaster Branch Manager
(7) Assistant Disaster Branch Manager
(8) Delete

2. To decline direct disaster and immediate participation loans * * *

* * * * * *

(6) Disaster Branch Manager
(7) Assistant Disaster Branch Manager
(8) Delete

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

* * * * * *

(6) Disaster Branch Manager
(7) Assistant Disaster Branch Manager
(8) Delete

* * * * * *

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

Section A. Portfolio Management, Servicing, Collection and Liquidation Authority.

1. To take all necessary actions * * *

a. EXCEPT: To compromise or sell any primary obligation * * *

* * * * * *

(6) Delete

* * * * * *

2. To contract for the services * * *

* * * * * *

(6) Delete

3. To take all necessary action in liquidation Economic Development Administration (EDA) loans * * *

* * * * * *

(6) Delete

* * * * * *

Section C. Lease Guarantee Administration and Servicing Authority.

* * * * * *

1. b. To service claims arising under all lease guaranty insurance policies *issued in the district,* * * *

* * * * * *

(4) Delete

* * * * * *

2. To take all actions necessary to mitigate losses from lease guarantees:

* * * * * *

b. Issued in his district:

* * * * * *

(4) Delete

PART V—PROCUREMENT ASSISTANCE

* * * * * *

Section B. Section 8(a) Contracting Authority.

1. To enter into contracts on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to terms and conditions at such contracts:

(1) Assistant Regional Director for Procurement Assistance

* * * * * *

PART VI—MANAGEMENT ASSISTANCE

Section A. Section 406 Contract Management Authority.

1. To take all necessary actions in connection with the administration and management of contracts, * * *

* * * * * *

(2) District Director
(3) Assistant District Director for Management Assistance

PART VIII—ELIGIBILITY AND SIZE DETERMINATION

* * * * * *

Section B. Size Determination.

* * * * * *

1. c. To make initial size determinations * * *

* * * * * *

(2) Delete

* * * * * *

Effective Date: June 23, 1974 with the exception of Part VI, section 1, which is to be effective January 1, 1975, and Part V, Section B.1., which is to be effective January 29, 1975.

A. M. PETERSON,
Regional Director,
Region III.

[FR Doc.75-2679 Filed 1-28-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

NEW HAMPSHIRE, EXTENDED UNEMPLOYMENT COMPENSATION

Notice of Availability

The New Hampshire Unemployment Compensation Law establishes a program of extended unemployment compensation in accordance with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Extended unemployment compensation is payable under the program to unemployed workers who have received all of the regular unemployment compensation to which they are entitled under the State law, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 and 20 CFR 615.16(b), notice is hereby given that Benjamin C. Adams, Commissioner of the State of New Hampshire Department of Employment Security, has determined that there was a State "on" indicator in New Hampshire for the week ending on January 4, 1975, and that an extended benefit period commenced with the week beginning on January 19, 1975.

Signed at Washington, D.C. this 23d day of January, 1975.

WILLIAM H. KOLBERG,
Assistant Secretary
for Manpower.

[FR Doc.75-2645 Filed 1-28-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY APPLICATIONS

JANUARY 24, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air

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and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statment of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 23618 (Sub-No. 22G), filed June 3, 1974. Applicant: McALISTER TRUCKING COMPANY, a Corporation, 1618 S. Treadway Blvd., P.O. Box 2377, Abilene, Tex. 79604. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof,

(2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines,

(3) *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job construction, plant (including refining, manufacturing, and processing plant) sites or storage sites,

(4) *Machinery, equipment, materials, and supplies* used in, or in connection with the drilling of water wells,

(5) *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights-of-way,

(6) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, and

(7) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, between points in Arizona, Kansas, and New Mexico, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 30237 (Sub-No. 26G), filed June 4, 1974. Applicant: YEATTS TRANSFER COMPANY, a Corporation, Box 666, Altavista, Va. 24517. Applicant's representative: J. J. Eller, Jr., Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209, (1) from Winchester, Va., to points in New Jersey, Massachusetts, New York, Connecticut, and Philadelphia, Pa., and its commercial zone, (2) from Chautauqua and Cattaraugus Counties, N.Y., and Warren, McKean, and Erie Counties, Pa., to points in Delaware, (3) from Luzerne County, Pa., to points in Ohio and the District of Columbia, (4) from Corydon, Ind., to points in North Carolina, Maryland, Pennsylvania, New York, Ohio, and South Carolina, (5) from plant site of La-Z-Boy Chair Company in Monroe, Mich., to points in Pennsylvania, North Carolina, Tennessee, and Maryland, (6) from the plant site of Mersman Brothers in Celina, Ohio, to points in North Carolina, and (7) from Bridgewater, Va., to points in Ohio. The purpose of this filing is to elminate the gateway of Altavista, Va.

No. MC 44302 (Sub-No. 5G), filed June 4, 1974. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, Pa. 18507. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill products, and supplies, materials, equipment, and machinery* used in paper mills, between the plant site and storage facilities of the Procter & Gamble Company and its storage and shipping facilities in Luzerne and Lackawanna Counties, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 44761 (Sub-No. 8G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., (Operator (in part) of LEE BROS., INC.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Cincinnati, Dayton, Hamilton, and Toledo, Ohio, to points in Indiana on and north of U.S. Highway 20, (2) from Midland, Mich., and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along Old U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to the junction of U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, to points in Indiana on and north of U.S. Highway 20, and (3) from points in that part of Pennsylvania on and west of U.S. Highway 119, and on and south of U.S. Highway 422, to points in Indiana on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 53269 (Sub-No. 5G), filed June 4, 1974. Applicant; EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER AND STORAGE, P.O. Box 209, Bristol, Tenn. 37620. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, as defined by the Commission, between points in Alabama, the District of Columbia, Florida, Indiana, Michigan, New York, Ohio, and Pennsylvania, on the one hand, and, on the other, points in Georgia, Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (2) *heavy machinery*, between points in Tennessee and Virginia within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points in Georgia, Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (3) *building materials*, between points in Tennessee and Virginia within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points within 125 miles of Bristol, Tenn. The purpose of this filing is to eliminate the gateway of Bristol, Tennessee-Virginia.

No. MC 64373 (Sub-No. 8G), filed June 4, 1974. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 25 Cowpens, S.C. 29300. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used or secondhand textile machinery*, (1) between points in Virginia and those in South Carolina on and west of a line commencing at the North Carolina-South Carolina border at Interstate Highway 95 and extending south to the juncture of said highway with U.S. Highway 301 near Summerton, S.C., and thence southwest on U.S. 301 to its junction with U.S. Highway 178 near Orangeburg, S.C., and thence west on U.S. Highway 78 via Greenwood, S.C., to the South Carolina-North Carolina line near Rocky Bottom, S.C., on the one hand, and, on the other, points in Georgia, (2) between points in Virginia and North Carolina, on the one hand, and, on the other, points in Alabama, (3) between points in Tennessee on and east of U.S. Highway 31, on the one hand, and, on the other, points in Virginia, North Carolina, and those in that portion of South Carolina described in (1) above, and (4) between points in South Carolina in that area described in (1) above, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateways of Gastonia, N.C., and points within 25 miles of Gastonia, and those in Rowan and Rockingham Counties, N.C., and Columbus, Ga.

No. MC 66886 (Sub-No. 44G), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size and weight require the use of special equipment, (a) between points in Illinois, Nebraska, Colorado, and Missouri, on the one hand, and, on the other, points in Texas, (b) between Missouri and Kansas, on the one hand, and, on the other, points in New Mexico, and (c) between points in Missouri, on the one hand, and, on the other, points in Oklahoma, Nebraska, and Colorado. The purpose of this filing is to eliminate the gateways of Kansas and Texas. (2) *incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from points in Colorado, Nebraska, Kansas, Oklahoma, Missouri, Texas, and New Mexico, to points in the United States (except Hawaii). The purpose of this filing is to eliminate the gateways of Texas, Kansas, and Springfield, Mo.

No. MC 74321 (Sub-No. 99G), filed June 4, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight require the use of special equipment or special handling, and *parts* thereof, between points in New Mexico, on the one hand, and, on the other, points in Colorado and Nebraska. The purpose of this filing is to eliminate the gateway of Texas. (2) *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, (a) between points in Illinois, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, and Louisiana. The purpose of this filing is to eliminate the gateways of Missouri and Oklahoma. (b) between points in Missouri, on the one hand, and, on the other, points in Kansas, Louisiana, and Nebraska. The purpose of this filing is to eliminate the gateway of Oklahoma. (c) between points in Kentucky, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of Missouri and Oklahoma. (d) between points in Indiana, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of Missouri, Oklahoma, and Colorado.

No. MC 75138 (Sub-No. 3–G), filed November 13, 1974. Applicant: OGDEN TRANSFER AND STORAGE COMPANY, a Corporation, 2105 Wall Avenue, Ogden, Utah 84401. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, on the one hand, and, on the other, points in Montana and points in Idaho located south of a line extending from Lewiston, Idaho, to Spalding, Idaho, thence along Idaho Highway 9 (now U.S. Highway 12) to the Idaho-Montana border. The purpose of this filing is to eliminate the gateway of points within 25 miles of Ogden, Utah, located in Box Elder, Cache, and Rich Counties, Utah.

No. MC 107515 (Sub-No. 950G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Rd., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *Frozen foods*, (1) from Richmond, Va., to points in Ohio and Michigan; and (2) from Norfolk, Va., to points in Ohio and Michigan, (2) above restricted against the transportation of frozen imported meat from Norfolk. (B) *Frozen foods*, from Richmond, Va., to points in Illinois and Michigan, and (C) *Meats, meat products and meat by-products*, and *frozen foods*, from Richmond, Va., to points in Indiana. The purpose of this filing is to eliminate the gateways at the plantsite of Food Specialties of Kentucky, Division of Oscar Ewing, Inc. in Jefferson County, Ky., Louisville, Ky., Rocky Mount, N.C., and Gainesville, Ga.

No. MC 111401 (Sub-No. 420G), filed June 4, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, from Oklahoma and that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to junction U.S. Highway 83, and on and east of U.S. Highway 83 from its junction with U.S. Highway 66 to the boundary line between Texas and Mexico, to points in Alabama, Connecticut, Indiana, Mississippi, Missouri, New Jersey, New Mexico, and Ohio. The purpose of this filing is to eliminate the gateways at Cushing and Tulsa, Okla., and Chaison, Longview, and Texas City, Texas.

No. MC 111676 (Sub-No. 3G), filed June 4, 1974. Applicant: CROWDER'S TRANSFER & STORAGE CO., INC., 1219 First Street, Alexandria, Va. 22314. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland within 40 miles of the District of Columbia, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The purpose of this filing is to eliminate the gateway at the District of Columbia.

No. MC 114552 (Sub-No. 98G), filed June 4, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NE., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood and veneer), (1) from points in South Carolina, to points in Arkansas, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and New Hampshire;

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and (2) between points in South Carolina. The purpose of this filing is to eliminate the gateways at points in McDuffie County, Ga., and Greenwood County, S.C.

No. MC 119388 (Sub-No. 16G), filed June 3, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (with transportation of empty malt beverage containers on return), (1) from Memphis, Tenn., to points in Georgia and Florida south and west of a line beginning at the point where U.S. Highway No. 29 crosses the Alabama-Georgia State line (near West Point, Ga.), thence northward along U.S. Highway No. 29 to its junction with Georgia Highway No. 16 (south of Newman, Ga.), thence eastward along Georgia Highway No. 16 to its intersection with U.S. Highway 441 at Eatonton, Ga., thence southward along and with U.S. Highway No. 441 southward to its intersection with U.S. Highway 80 at Dublin, Ga., thence westward along and with U.S. Highway 80 to its junction with Georgia Highway No. 26 at or near Haskins, Ga., thence along and with Georgia Highway No. 26 to its junction with Georgia Highway No. 257 at Hawkinsville, Ga., thence southwestward along Georgia Highway No. 257 to its junction with U.S. Highway No. 19 at Albany, Ga. (including Albany), thence southward along and with U.S. Highway No. 19 (crossing the Georgia-Florida State lines) to its intersection with Florida Highway No. 361 south of Perry, Fla., thence over Florida Highway No. 361 to the Gulf of Mexico at or near Adams Beach, Fla.; (2) from New Orleans, La., to points in Georgia and Florida south of a line beginning at the point where U.S. Highway 78 crosses the Alabama-Georgia State line, thence along and with U.S. Highway 78 to its junction with U.S. Highway No. 278 at Atlanta, Ga., thence along and with U.S. Highway No. 278 to the Georgia-South Carolina State line at Augusta, Ga.

(3) From Cumberland, Md., to points in Georgia and Florida east of a line beginning at the point where Interstate Highway No. 85 crosses the Georgia-South Carolina State line, thence along and with Interstate Highway No. 85 westward to its junction with Georgia Highway No. 11, thence along and with Georgia Highway No. 11 (via Jefferson, Winder, Monroe, and Monticello) to its junction with U.S. Highway No. 129 at Gray, Ga., thence along and with U.S. Highway No. 129 to its intersection with U.S. Highway No. 41 at Jasper, Fla., thence along and with U.S. Highway No. 41 to its junction with U.S. Highway 90 at Lake City, Fla., thence eastward along and with U.S. Highway 90 to its intersection with Florida Highway No. 100, thence southeastward along and with Florida Highway No. 100 to the Atlantic Ocean at Flagler Beach, Fla.; and (4) from Baltimore, Md., to points in Georgia and Florida east of a line beginning at the point where Interstate Highway No. 85 crosses the Georgia-South Carolina line, thence southwestward along and with Interstate Highway No. 85 to its junction with U.S. Highway No. 41 at Atlanta, Ga., thence southward along and with U.S. Highway No. 41 to its junction with Georgia Highway No. 33 at Wenona, Ga., thence along and with Georgia Highway No. 33 to its junction with U.S. Highway No. 19 at or near Thomasville, Ga., thence along and with U.S. Highway No. 19 to its junction with Florida Highway No. 361 south of Perry, Fla., thence along and with Florida Highway No. 361 to the Gulf of Mexico at or near Adams Beach, Fla. The purpose of this filing is to eliminate the gateway at Chattanooga, Tenn.

No. MC 129994 (Sub-No. 4G), filed June 2, 1974. Applicant: RAY BETHERS, 165 West Central Avenue, Salt Lake City, Utah 84107. Applicant's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, (1) from points in California, to points in Arizona, (2) from points in California, to points in Colorado, (3) from points in California, to points in Nevada. The purpose of this filing is to eliminate the gateways of Kamas (Summit County), Utah, Heber (Wasatch County), Utah, and Salt Lake City, Utah. (4) from points in California, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Heber (Wasatch County), Utah. (5) from points in Colorado, to points in Arizona, (6) from points in Colorado, to points in California, (7) from points in Colorado, to points in Nevada. The purpose of this filing is to eliminate the gateways to Kamas (Summit County), Utah, Heber (Wasatch County), Utah, or Salt Lake City, Utah. (8) from points in Colorado, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Heber (Wasatch County), Utah. (9) from Paris, Idaho, to points in Arizona, California, Nevada, and New Mexico, (10) from Darby, Mont., to points in Arizona, California, Nevada, and New Mexico, (11) from West Yellowstone, Mont., to points in Arizona, California, Nevada, and New Mexico, (12) from Afton, Wyo., to points in Arizona, California, Nevada, Colorado, and New Mexico, (13) from Riverton and Encampment, Wyo., to points in Arizona, California, Colorado, Nevada, and New Mexico, (14) from Daniel, Wyo., to points in Arizona, California, Colorado, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateways of Kansas (Summit County), Utah, Heber (Wasatch County), Utah, and Salt Lake City, Utah. (15) from Salt Lake City, Utah, to points in Nevada, Arizona, California, and Colorado. The purpose of this filing is to eliminate the gateway of Kamas (Summit County), Utah.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 10, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 13307 (Sub-No. E1), filed June 4, 1974. Applicant: UNITED MOVING AND STORAGE INC., Cleveland, Ohio. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (1) between points in Alabama, on the one hand, and, on the other, points in Connecticut, Iowa, Maine, Minnesota, New Hampshire, and Wisconsin; (2) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hamshpire, and West Virginia; (3) between points in Florida, on the one hand, and, on the other, points in Iowa, Maine, Minnesota, New Hampshire, and Wisconsin; (4) between points in Georgia, on the one hand, and, on the other, points in Iowa, Maine, Minnesota, New Hampshire, and Wisconsin; (5) between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hampshire, and Wisconsin; (6) between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Minnesota, New Hampshire, West Virginia, and Wisconsin; (7) between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hampshire, and West Virginia; (8) between points in South Carolina, on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, and Wisconsin; and (9) between points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hampshire, and West Virginia. The purpose of this filing is to eliminate the gateways of points in Oklahoma, and those in that part of Indiana on and north of U.S. Highway 40.

No. MC 31462 (Sub-No. E88), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E89), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E90), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 25 miles of Cairo, Ill.; (3) any point in Tennessee; and (4) any point in Georgia.

No. MC 31462 (Sub-No. E91), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other points in Colorado. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 25 miles of Cairo, Ill., and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E92), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E93), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E94), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (4) Hoosick, N.Y.

No. MC 31462 (Sub-No. E95), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E96), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on and east of a line beginning at the Missouri-Kansas State line, thence along Kansas Highway 4 to Topeka, Kans., thence along U.S. Highway 75 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 126, thence along Kansas Highway 126 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E97), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on and south of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 36 to Denver, Colo., thence along U.S. Highway 285 to Monte Vista, Colo., thence along U.S. Highway 160 to Durango, Colo., thence along U.S. Highway 550 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) Burlington, Iowa, or any point within 50 miles thereof.

No. MC 31462 (Sub-No. E98), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on and south of a line beginning at the Colorado-Nebraska State line, thence along U.S. Highway 34 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, thence along Wisconsin Highway 55 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to Wausau, Wis., thence along U.S. Highway 51 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Wisconsin Rapids, Wis., thence along Wisconsin Highway 13 to Wisconsin Dells, Wis., thence along U.S. Highway 12 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 50 miles of Burlington, Iowa.

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No. MC 31462 (Sub-No. E99), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Michigan on, east, and south of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 2 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Mich., on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E100), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on and south of a line beginning at the Colorado-Nebraska State line, thence along U.S. Highway 34 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 100, thence along Illinois Highway 100 to Beardstown, Ill., thence along Illinois Highway 125 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 24, thence along U.S. Highway 24 to Peoria, Ill., thence along Illinois Highway 29 to junction U.S. Highway 51, thence north along U.S. Highway 51 to junction U.S. Highway 52, thence east along U.S. Highway 52 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Illinois Highway 120, thence along Illinois Highway 120 to Waukegan, Ill. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) St. Louis, Mo., or any point within 50 miles thereof.

Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) St. Louis, Mo., or any point within 50 miles thereof.

No. MC 31482 (Sub-No. E294), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box, 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of North Carolina on and south of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 421, to Greensboro, N.C., thence along U.S. Highway 70 to Durham, N.C., thence along North Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to Williamstown, N.C., thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to Manns Harbor, N.C., on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any point within 50 miles thereof; (2) Cairo, Ill., or any point in Illinois within 25 miles thereof; (3) any point in Tennessee; and (4) any point in Georgia.

No. MC 31462 (Sub-No. E295), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any points within 50 miles thereof, (2) Cairo, Ill., or any point in Illinois within 25 miles thereof, (3) any point in Tennessee and (4) any point in Georgia.

No. MC 31462 (Sub-No. E296), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line (points in Oklahoma within 150 miles of Shawnee, Okla.) *; (2) between points in that part of Oklahoma on and west of U.S. Highway 75, on the one hand, and, on the other, points in Indiana, Illinois, and Kentucky (points within 25 miles of Coffeyville, Kans.) *; and (3) between points in Oklahoma, on the one hand, and, on the other, points in Ohio, Michigan, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Maine, and points in that part of West Virginia on and north of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 35 to its junction with Interstate Highway 64, thence along Interstate Highway 64 to its junction with West Virginia Highway 3, thence along West Virginia Highway 3 to its junction with West Virginia Highway 63, thence along West Virginia Highway 63 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 75 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Oklahoma within 150 miles of Shawnee, Okla., and McLean County, Ill.

No. MC 37203 (Sub-No. E9), filed May 31, 1974. Applicant: MILLSTEADT VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Kansas, on the one hand, and, on the other, points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line (points in Oklahoma within 150 miles of Shawnee, Okla.) *; (2) between points in that part of Oklahoma on and west of U.S. Highway 75, on the one hand, and, on the other, points in Indiana, Illinois,

No. MC 31462 (Sub-No. E297), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) any point in Illinois within 50 miles of Burlington, Iowa. (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 37203 (Sub-No. E8), filed May 31, 1974. Applicant: MILLSTEADT VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, and points in that part of West Virginia on and north of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 35 to its junction with Interstate Highway 64, thence along Interstate Highway 64 to its junction with West Virginia Highway 3, thence along West Virginia Highway 3 to its junction with West Virginia 63, thence along West Virginia Highway 63 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 75 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Oklahoma within 150 miles of Shawnee, Okla., and McLean County, Ill.

No. MC 37203 (Sub-No. E9), filed May 31, 1974. Applicant: MILLSTEADT VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Kansas, on the one hand, and, on the other, points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line (points in Oklahoma within 150 miles of Shawnee, Okla.) *; (2) between points in that part of Oklahoma on and west of U.S. Highway 75, on the one hand, and, on the other, points in Indiana, Illinois, and Kentucky (points within 25 miles of Coffeyville, Kans.) *; and (3) between points in Oklahoma, on the one hand, and, on the other, points in Ohio, Michigan, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Maine, and points in that part of West Virginia on and north of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 35 to its junction with Interstate Highway 64, thence along Interstate Highway 64 to its junction with West Virginia Highway 3, thence along West Virginia Highway 3 to its junction with West Virginia Highway 63, thence along West Virginia Highway 63 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line (points within 25 miles of Coffeyville, Kans., and McClean County, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 44761 (Sub-No. E1), filed June 4, 1974. Applicant: LEE BROTHERS, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (a) from Cincinnati, Ohio, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 20 to its junction with unnumbered highway near New Carlisle, thence along unnumbered highway to the Indiana-Michigan State line; (b) from Dayton, Ohio, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 20 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Michigan State line; (c) from Hamilton, Ohio, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 20 to its junction with Indiana Highway 39, thence along Indiana Highway 39 to the Indiana-Michigan State line; (d) from Toledo, Ohio, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 20 to its junction with unnumbered highway 2 miles east of Town of Pines, thence along unnumbered highway to the Indiana-Michigan State line; (e) from points in Michigan on and bounded by a line beginning at Bay City and extending along U.S. Highway 25 to its junction with Michigan Highway 1, thence along Michigan Highway 1 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to point of beginning, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending U.S. Highway 20 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Michigan State line; and (f) from points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to its junction with U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 20 to its junction with unnumbered highway running through Smith, thence along unnumbered highway to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 61403 (Sub-No. E23), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in West Virginia on and south of U.S. Highway 33, to points in Colorado on and east of U.S. Highway 85, points in Nebraska on and west of U.S. Highway 83, and points in New Mexico on and east of U.S. Highway 85 (Kingsport, Tenn. and Marshall, Ill.) *, (b) from points in West Virginia on and west of U.S. Highway 52, to points in Iowa, points in Nebraska on and west of U.S. Highway 183, and points in North and South Dakota on and east of U.S. Highway 85, (Kingsport, Tenn. and Marshall, Ill.) *, (c) from points in Kanawha County, W. Va., to points in Oklahoma, (Sheffield, Ala.) *, (d) from points in Kanawha County, W. Va., to points in Tennessee on, south and west of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 43 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Tennessee Highway 88, thence along Tennessee Highway 88 to the Mississippi River, (Sheffield, Ala.) *. (2) *Chemicals*, in bulk, in tank vehicles, (a) from points in West Virginia on and west of U.S. Highway 52, to points in Maine, points in Massachusetts on and east of a line beginning at the Massachusetts-Rhode Island State line and extending along Interstate Highway 95 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Massachusetts-New Hampshire State line, points in Rhode Island, and points in Vermont on and north of Interstate Highway 89, (Kingsport, Tenn.) *, (b) from points in West Virginia except Kanawha County, to points in Florida on and west of U.S. Highway 331 (Kingsport, Tenn. and Sheffield, Ala) *.

(c) From points in West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along the U.S. Highway 119 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line, except points in Kanawha County, to points in Tennessee on, west and south of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 43 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the junction U.S. Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 59, thence along Tennessee Highway 59 to the Mississippi River (Kingsport, Tenn., and Sheffield, Ala.) *, and (3) *Dry chemicals*, in bulk, in tank vehicles, (a) from points in Kanawha County, W. Va. to points in Oklahoma, on, east and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line (Kingsport, Tenn., and Sheffield, Ala.) *, (b) from Kanawha County W. Va., to points in Florida on and west of U.S. Highway 331 (Kingsport, Tenn., and Sheffield, Ala.) *. The purpose of this filing is to eliminate the gateway indicated by asterisks.

No. MC 61403 (Sub-No. E25), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Maryland on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 221, and points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 221 to junction South Carolina Highway 43, thence along South Carolina Highway 43 to the South Carolina-Georgia State line (Kingsport, Tenn.) *, (b) between points in Maryland on and east of U.S. Highway 522, on the one hand, and, on the other, points in Missouri, except St. Louis (Kingsport, Tenn.) *, (c) between points in Maryland on and south of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to the Maryland-Delaware State line, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to

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junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along Minnesota Highway 169 to junction Minnesota Highway 2, thence along Minnesota Highway 2 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the International Boundary Line between the United States and Canada (Kingsport, Tenn.)*, (d) from points in Maryland, to points in Florida on and west of U.S. Highway 331 (Kingsport, Tenn. and Sheffield, Ala.)*, and (e) between points in Maryland on and west of U.S. Highway 522, on the one hand, and, on the other, points in South Carolina which are west of U.S. Highway 52 and east of U.S. Highway 221 (Kingsport, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E26), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 70 (Kingsport, Tenn.)*, (b) between points in Ohio on south and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Texas on and south of a line beginning at the International Boundary line between the United States and Canada and extending along U.S. Highway 59 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line (Kingsport, Tenn.)*; (2) *Liquid resins*, in bulk, in tank vehicles, from Newark, Ohio, to points in Louisiana, Texas except Garland, and points in Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Kansas State line (Sheffield, Ala.)*; (3) *Paints, stains and varnishes, paint materials and plastics*, in bulk, in tank vehicles, from Circleville, Ohio to points in Louisiana and Texas except Garland (Sheffield, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E29), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) from points in Kentucky on and south of a line beginning at the Virginia-Kentucky State line and extending along U.S. Highway 421 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Indiana State line, to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont, (b) from points in Kentucky on and west and south of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-Indiana State line, on the one hand, and, on the other, points in Maryland on and east of Interstate Highway 81 and points in New Jersey, (c) between points in Kentucky south of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 460 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 101, thence along Kentucky Highway 101 to junction Kentucky Highway 259, thence along Kentucky Highway 259 to the Ohio River, on the one hand, and, on the other, points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 322.

Thence along U.S. Highway 322 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, (d) between points in Meade County, Ky., on the one hand, and, on the other, points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, (e) between points in that part of Kentucky bounded by a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 150 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 31W.

Thence along U.S. Highway 31W to point of beginning, on the one hand, and, on the other, points in New York on and east of a line beginning at the Verrazano Narrows Bridge and extending along Interstate Highway 278 to its junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of U.S. Highway 202, (f) between points in Kentucky on and east of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line on the one hand, and, on the other, points in Louisiana on and south of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Mississippi River, points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Mississippi Highway 14 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to the Mississippi River, points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along Texas Highway 63 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 164, thence along Texas Highway 164 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Texas Highway 171, thence along Texas Highway 171 to junction Texas Highway 51, thence along Texas Highway 51 to Texas Highway 287, thence along Texas Highway 287 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Texas-New Mexico State line, (g) from points in Kentucky on and east of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to the junction Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line, points in Maine on and north of a line beginning at the Maine-New Hampshire State line and extending along Maine Highway 16 to junction Maine Highway 17, thence along Maine Highway 17 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E30), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in Georgia on and east of U.S. Highway 221, on the one hand, and, on the other, points in Illinois and Missouri (Kingsport, Tenn.)*, (b) between points in that part of Georgia bounded by a line beginning at Macon and extending along Interstate Highway 75 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 129, thence along U.S. Highway 129 to point of beginning, on the one hand, and, on the other, points in Illinois on and north of U.S. Highway 6 (Kingsport, Tenn.)*; (2) *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in Georgia on and east of U.S. Highway 1, to points in Kansas (Kingsport, Tenn., and Marshall, Ill.)*, (b) from points in that part of Georgia on and south of Interstate Highway 85 to points in Iowa (Kingsport, Tenn., and Marshall, Ill.)*, and (c) from Cedartown, Ga., to points in Kansas on and north of a line beginning at the Kansas-Missouri State line and extending along Kansas Highway 150 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, points in Nebraska, points in North Dakota and South Dakota on and east of U.S. Highway 85 (Marshall, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E31), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) from points in Indiana south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 150 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois State line, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, (b) from points in Vigo County, Ind., to points in Maine on and north of a line beginning at the International Boundary line between the United States and Canada and extending along Maine Highway 9 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Maine Highway 106, thence along Maine Highway 106 to junction Maine Highway 219, thence along Maine Highway 219 to junction Maine Highway 26, thence along Maine Highway 26 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Maine-New Hampshire State line, (c) between points in Indiana south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 460 to junction Indiana Highway 68, thence along Indiana Highway 68 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Maryland, New Jersey, points in New York south of Interstate Highway 84, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 61.

Thence along Pennsylvania Highway 61 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and (d) between points in Indiana except points in that part of Indiana bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 150 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 68, thence along Indiana Highway 68 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to point of beginning, on the one hand, and, on the other, points in Salem County, N.J., and points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97 to the District of Columbia boundary line, thence northeast, southeast and southwest along the District of Columbia boundary line to its intersection with Maryland Highway 5, thence along Maryland Highway 5 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Potomac River. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E32), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Michigan, on the one hand, and, on the other, points in Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line and points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, and (b) between points in Michigan on and east of a line beginning at the Michigan-Ohio State line and extending along Michigan Highway 52 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 84, and points in Texas on and east of a line beginning at the International Boundary line between the United States and Mexico and extending along U.S. Highway 59 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E33), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid Chemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in Colorado on and east of U.S. Highway 85, points in Iowa, Kansas, Nebraska, and points in North Dakota and South Dakota on and east of U.S. Highway 85 (Kingsport, Tenn., and Marshall, Ill.)*; and (2) *Chemicals*, in bulk, in tank vehicles, (a) between points in South Carolina, on the one hand, and, on the other, points in Wisconsin (Kingsport, Tenn.)*, (b) from points in South Carolina to points in Oklahoma (Kingsport, Tenn. and Sheffield, Ala.)*, (c) from points in South Carolina on and west of U.S. Highway 601 to points in Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, and Vermont (Kingsport, Tenn.)*, (d) between points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 276, thence along U.S. Highway 276 to junction South Carolina Highway 14, thence along South Carolina Highway 14 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean, on the one hand, and, on the other, points in Texas (Kingsport, Tenn.)*, (e) between points in that part of South Carolina bounded by a line beginning at Columbia and extending along U.S. Highway 21 to junction U.S. Highway 178.

Thence along U.S. Highway 178 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 378, thence along U.S. Highway 378 to point of beginning, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 288 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 6, thence along Texas

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Highway 6 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Oklahoma State line (Kingsport, Tenn.)*, and (f) between points in South Carolina on, east, and south of a line beginning at Charleston and extending along U.S. Highway 78 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 52, thence along U.S. Highway to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 288 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Arkansas State line (Kingsport, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E35), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between Washington, D.C., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia on and west of U.S. Highway 25, Indiana on and south of U.S. Highway 50, Kentucky on and south of U.S. Highway 460, Louisiana, Mississippi, Missouri (except St. Louis), points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 321 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line, Oklahoma, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 221 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction South Carolina Highway 56, thence along South Carolina Highway 56 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to the South Carolina-Georgia State line, Tennessee, Texas, and points in Virginia on and west of a line beginning at the Virginia-Tennessee State line and extending along Interstate Highway 81 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Virginia-Kentucky State line (Kingsport, Tenn.)*, and (b) from Washington, D.C., to points in Florida on and west of U.S. Highway 231 (Kingsport, Tenn., and Florence, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E36), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between Miami, Fla., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan (except Detroit and Midland), Minnesota, points in Missouri on, north, and west of U.S. Highway 62, points in North Carolina on and north of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 108 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to the North Carolina-Virginia State line, points in Ohio, points in Tennessee on and north of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 129 to junction Tennessee Highway 72, thence along Tennessee Highway 72 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the Tennessee-Kentucky State line, points in Virginia on and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, points in West Virginia and points in Wisconsin, and (b) from Miami, Fla., to points to Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Kinsport, Tenn.

No. MC 61403 (Sub-No. E42), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in New Jersey south of New Jersey Highway 33, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 221, and (b) between points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 321. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E43), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Missouri, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 25 (Kingsport, Tenn.)*, (b) between points in Missouri on and south of a line beginning at the Mississippi River and extending along Missouri Highway 32 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Iowa State line, on the one hand, and, on the other, points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 222 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Interstate Highway 81.

Thence along Interstate Highway 81 to the Pennsylvania-New York State line (Kingsport, Tenn.)*, (c) from points in that part of Missouri (except St. Louis) on and south of U.S. Highway 24, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island (Kingsport, Tenn.)*, and (d) from St. Louis, Mo., to points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 78 to junction Interstate Highway 287, thence along Interstate Highway 287 to the New Jersey-New York State line, points in New York on and south of Interstate Highway 84, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 10 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line (points in Virginia and Kingsport, Tenn.)*. The purpose of this filing is to

eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E45), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC. P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Mississippi on and north of a line beginning at the Mississippi-Louisiana State line and extending along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 25 to junction U.S. Highway 74, thence along U.S. Highway 74 to the Atlantic Ocean, (b) between points in Mississippi, on the one hand, and, on the other, points in Virginia and West Virginia, (c) between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Mississippi Highway 14 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi River, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25E to junction U.S. Highway 25, thence along U.S. Highway 25 to the Tennessee-North Carolina State line.

(d) Between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Interstate Highway 20 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, on the one hand, and on the other, points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line, and (e) between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 78 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 8, thence along Mississippi Highway 8 to the Mississippi River, on the one hand, and, on the other, points in Ohio on and east of a line beginning at the Ohio River and extending along Ohio Highway 93 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction Ohio Highway 534, thence along Ohio Highway 534 to Lake Erie. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 95540 (Sub-No. E249), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Gainesville, Ga., to those points in Texas on and southwest of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 76 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to junction with Interstate Highway 30, thence along Interstate Highway 30 to junction Texas Highway 49, thence along Texas Highway 49 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E357), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except frozen, and except canned goods as set forth in List C of the Appendix), from those points in Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-Pennsylvania State line, to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Interstate Highway 10 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Texas Highway 321, thence along Texas Highway 321 to junction Texas Highway 105, thence along Texas Highway 105 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 95, thence along Texas Highway 95 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Texas Highway 29, thence along Texas Highway 29 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 53, thence along Texas Highway 53 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E396), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Erie and North East, Pa., to those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along Interstate Highway 10 to its junction with U.S. Highway 70/80, thence along U.S. Highway 70/80 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 95540 (Sub-No. E410), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateways of points in Virginia on the Delmarva Peninsula.

No. MC 95540 (Sub-No. E474), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Delaware, to those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along Interstate Highway 40 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E599), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hagerstown, Md., to those points in Oklahoma on and southeast of a line beginning at the Arkansas-Oklahoma

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State line and extending along Oklahoma Highway 33 to its junction with Oklahoma Highway 51, thence along Oklahoma Highway 51 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to its junction with Oklahoma Highway 15, thence along Oklahoma Highway 15 to its junction with Oklahoma Highway 34, thence along Oklahoma Highway 34 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Oklahoma Highway 34, thence along Oklahoma Highway 34 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E667), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Rosewell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to those points in Oklahoma on and west of a line beginning at the Arkansas-Oklahoma State line and extending along Oklahoma Highway 33 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Oklahoma Highway 74/15, thence along Oklahoma Highway 74/15 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107403 (Sub-No. E34) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER July 23, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from (1) points in York County, Va., to points in Pennsylvania within 150 miles of Monongahela, Pa., and (2) points in York County, Va., to points in Pennsylvania east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md. The purpose of this correction is to clarify the commodities' descriptions and destination points.

No. MC-107403 (Sub- No. E105), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except milk, petroleum, petroleum products, coal tar and coal tar products), in bulk, in tank vehicles, from points in New Jersey to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of ths filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E293), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and except wine, cider, vinegar, milk, road oil, coal tar, coal tar products, and derivation of coal tar), in bulk, in tank vehicles, from points in Pennsylvania to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and South Point, Ohio.

No. MC 107403 (Sub-No. E296), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (other than liquids, and except fly ash), in bulk, in tank vehicles, from points in Kentucky (west of U.S. Highway 65), to points in West Virginia (within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of Riverview, Ohio, and those points in the counties of Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, which are within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E299), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Ashland, Ky., to points in West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of those points in Ohio within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E300), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except fly-ash cement), in bulk, in tank vehicles, between points in Kentucky and points in Pennsylvania and Maryland (within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of those points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, which are within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E383), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-inflammable liquids*, in bulk, in tank trucks (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and except wine, cider, vinegar, milk, road oil, coal tar, and coal tar products), between points in Ohio within 150 miles of Monongahela, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, Pennsylvania, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateway of those points in Pennsylvania within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E408), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Ohio on and north of U.S. Highway 30 and 30S to points in Virginia, Alabama, Florida, North Carolina, South Carolina, Mississippi, and Georgia. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Congo, W. Va.

No. MC 107403 (Sub-No. E468), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except fly ash), in bulk, in vehicles specially designed for the transportation of dry bulk commodities, between points in Ohio within 150 miles of Monongahela, Pa., and on the other, points in Indiana, Michigan, Kentucky, those points in Pennsylvania east of U.S. Highway 220 which are not within 150 miles of Monongahela, Pa., and those points in West Virginia which are not within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of those points in the counties of Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne, Ohio, which are within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E592), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, synthetic, in bulk, in tank vehicles, from Lower Pottsgrove Twp., Pa. (Montgomery County, Pa.), to points in Alabama, Florida, Georgia, Louisiana, Massachusetts, North Carolina, Rhode Island, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Delaware City, Del.

No. MC 107403 (Sub-No. E617), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by *motor vehicle*, over irregular routes, transporting: *Spent silica gel catalyst* (other than liquid), in bulk, in tank vehicles, between (1) points in that part of New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Syracuse, N.Y., and thence along New York Highway 57 to Oswego, N.Y., and that part of New York north of a line beginning at Oswego and extending along U.S. Highway 104 to Mexico, N.Y., thence along New York Highway 69 to Utica, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line; and (2) points in Colorado, Arkansas, Missouri, Louisiana, Texas, Oklahoma, West Virginia, Delaware, Maryland, Virginia, North Carolina, South Carolina, and New Jersey. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 111557 (Sub-No. E1), filed June 3, 1974. Applicant: MOMSEN TRUCKING, INC., P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods* as defined by the Commission, between points in that part of Minnesota west of Freeborn, Steele, Rice, Scott, Carver, Hennepin, Anoka, Isanti, Kanabec, Aitkin, and St. Louis Counties, Minn., on the one hand, and, on the other, points in that part of Illinois south of Iroquois, Ford, Champaign, Platt, De Witt, Logan, Menard, Mason, Schuyler, and Hancock Counties, Ill. (Armstrong, Iowa) *; and (2) *Household goods* as defined by the Commission, from points in Illinois to points in Nebraska (Knoxville, Tenn.) *. Restriction: The service authorized herein is subject to the following conditions: (a) the above-described operations shall be conducted separately from carrier's private carrier operations, (b) completely separate accounting systems shall be maintained for carrier's private and for-hire operations, (c) carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E76), filed May 31, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* when moving in connection therewith, between points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with U.S. Highway 377, thence along U.S. Highway 377 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with U.S. Highway 57, thence along U.S. Highway 57 to the United States-Mexico International Boundary line, on the one and, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line. Restriction: Operations authorized in (1) and (2) above are restricted against the transportation of agricultural machinery and agricultural tractors, and the operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113678 (Sub-No. E1), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, (a) from Denver, Colo., to Baltimore, Md., Philadelphia, Pa., points in New Jersey, Connecticut (except New Haven), Massachusetts (except Boston), Rhode Island, and points in New York on and east of U.S. Highway 11 (New York, N.Y.) *; and (b) from Denver, Colo., to Baltimore, Md., and Philadelphia, Pa. (Washington, D.C.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E7), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Greeley, Colo., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of York, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2719 Filed 1-28-75;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 24, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 27, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

No. MC 1824 (Deviation No. 19), PRESTON TRUCKING COMPANY, INC., 151 Easton, Blvd., Preston, Md., 21655, filed January 8, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over New York Highway 400 to junction New York Highway 16, thence over New York Highway 16 to junction New York Highway 98, near Franklinville, N.Y., thence over New York Highway 98 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnsonburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Buffalo, N.Y., over Interstate Highway 90 to junction U.S. Highway 19, thence over U.S. Highway 19 to Pittsburgh, Pa., thence over Pennsylvania Highway 28 to Brookville, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnsonburg, Pa., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2717 Filed 1-28-75;8:45 am]

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[Notice No. 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 24, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 27, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 686), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed January 13, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Brenda, Ariz., over Interstate Highway 10 to Phoenix, Ariz. (using available county roads and/or detour routes between Tonopah, Ariz., and Phoenix, Ariz., until Interstate Highway 10 is completed between those points), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Brenda, Ariz., over U.S. Highway 30 to Phoenix, Ariz., and return over the same route.

No. MC 1515 (Deviation No. 687), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed January 13, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Baker, Oreg., over Oregon Highway 86 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction U.S. Highway 30 near N. Powder, Oreg., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Baker, Oreg., over U.S. Highway 30 to N. Powder, Oreg., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2716 Filed 1-28-75;8:45 am]

[Notice No. 224]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 29, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 18, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27815. By order entered 1.8.75 the Motor Carrier Board approved the transfer to McAllister Transport Lines, Inc., New York, N.Y., of Fourth Amended Certificate No. W-457 (Sub-No. 6), issued October 21, 1974, to McAllister Brothers, Inc., New York, N.Y., evidencing a right to engage in transportation in interstate or foreign commerce as a common carrier by water, by towing vessels in the performance of general towage, between ports and points along the Atlantic coast and tributary waterways, from Massachusetts, to Florida, inclusive, the New York State Barge Canal, and the Great Lakes, and waters tributary thereto, as far west as Detroit, Mich., and Toledo, Ohio; by towing vessels in the performance of towage of structural steel, in barges, from Seattle, Wash., and Los Angeles, Calif., to New York, N.Y.; and by towing vessels in the performance of towage in the transportation of articles exceeding 19 feet in height, or 12 feet in width, or 90 feet in length, or 100 net tons in weight, component parts thereof, and related equipment, between ports and points along the Pacific Coast and tributary waterways, on the one hand, and, on the other, ports and points within carrier's existing authority. Peter A. Greene, 1625 K Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC FC 75583. By order entered January 14, 1975, the Motor Carrier Board approved the transfer to Ronald J. Emanualson, Middletown, Conn., of the operating rights set forth in Certificate No. MC 117241, issued September 17, 1971, to John S. Armitage (Priscilla D. Armitage, Administratrix), Stafford Springs, Conn., authorizing the transportation of fertilizer and fertilizer materials, and agricultural insecticides, fungicides, and herbicides, from specified points in Connecticut, to specified points in Massachusetts and New York. Robert C. Engstrom, 100 Riverview Ctr., Middletown, Conn. 06457, attorney for applicants.

No. MC FC 75586. By order entered January 13, 1975, the Motor Carrier Board approved the transfer to Hemispheric Travel, Inc., Madison, Wis., of License No. MC 12756, issued November 9, 1972, to Ardis I. Wilson, doing business as Sager-Wilson Travel Agency, Madison, Wis., authorizing operations as a broker at Madison, Wis., in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in round-trip special and charter all-expense conducted tours, beginning and ending at points in Dane and Green Counties, Wis., and extending to points in the United States (except those in Alaska and Hawaii). Nanch J. Johnson, 4506 Regent St., Madison, Wis. 53705, attorney for applicants.

No. MC FC 75601. By order of January 8, 1975, the Motor Carrier Board approved the transfer to Acme Movers, Inc., Harrisburg, Pa., of the operating rights in Certificate No. MC 136264 issued July 11, 1973, to Lewis A. Straw, doing business as Acme Movers, Harrisburg, Pa., authorizing the transportation of used household goods between specified counties in Pennsylvania, subject to certain restrictions. John E. Fullerton, 407 N. Front St., Harrisburg, Pa. 17101, attorney for applicants.

No. MC FC 75604. By order of January 8, 1975, the Motor Carrier Board approved the transfer to Rock & Sons, Inc., Somerset, Pa., of the operating rights in Permit No. MC 125549 issued March 5, 1964, to Robert E. Elsesser, Lewistown, Pa., authorizing the transportation of marble, marble chips, and metal strips used in the installation of marble from specified points in New York and New Jersey to specified points and areas in Tennessee, Kentucky, Indiana, Michigan, Ohio, West Virginia, and Pennsylvania. D. L. Bennett, 129 Edginton Lane, Wheeling, W. Va. 26003, representative for applicants.

No. MC FC 75608. By order entered 1.13.75 the Motor Carrier Board approved the transfer to Speedy Messenger Service, Inc., Haddonfield, N.J., of the operating rights set forth in Certificate No. MC 127595 (Sub-No. 1), issued July 29, 1966, to Thomas J. Tracy, Jr., doing business as Speedy Messenger Service, Ashland, N.J., authorizing the transportation of general commodities, with the usual exceptions, between points in Camden, Burlington, and Gloucester Counties, N.J., on the one hand, and, on the other, points in Bucks, Delaware, Philadelphia, and Montgomery Counties, Pa., restricted against the transportation of any parcel, package, or article weighing more than 75 pounds from one consignor at any one location to one consignee at any one location on any one day. Harold A. Lockwood, Jr., 2015 Land Title Bldg., Philadelphia, Pa. 19110, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary,*

[FR Doc.75-2715 Filed 1-28-75;8:45 am]

[Notice No. 7]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 24, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

No. MC 504 (Sub-No. 29) (Notice of Filing of Petition to Modify Commodity Description) filed January 13, 1975. Petitioner: HARPER MOTOR LINES, INC., 125 Milton Ave. SE., P.O. Box 6985, Atlanta, Ga. 30315. Petitioner's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Petitioner holds a motor *common carrier* certificate in No. MC 504 (Sub-No. 29), acquired October 17, 1957, authorizing transportation, as pertinent, over irregular routes, of *Cotton and cotton goods*, Between points in Georgia, North Carolina, and South Carolina. By the instant petition, petitioner seeks to modify the above commodity description so as to read, *Textiles and textile products*. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before February 27, 1975.

No. MC 121454 (Sub-Nos. 2 and 3) (Notice of Filing of Petition to Modify Certificates) filed January 13, 1975. Petitioner: WALSH MESSENGER SERVICE, INC., 4 Third Street, Garden City Park, Long Island, N.Y. 11040. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *common carrier* certificates in No. MC 121454 (Sub-Nos. 2 and 3) issued January 12, 1970, and August 28, 1974, respectively, authorizing transportation, over irregular routes, in Sub-No. 2, of (1) *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and (2) *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, audit and accounting media of all kinds, dental products, optical products, biological chemical specimens, and photographic film), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, and Greene Counties, N.Y. Restriction: The operations authorized herein are restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day; and in Sub-No. 3, of *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, optical products, biological chemical specimens, photographic film, dental products and cash letters), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York (except points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, Greene, Nassau, Suffolk, and Westchester Counties and New York City), Delaware, Pennsylvania, Maryland, and the District of Columbia.

Restriction: The authority granted herein is restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. By the instant petition, petitioner seeks to change the restrictions in the above authorities to increase the maximum weight from 100 to 500 pounds, and to eliminate certain of the exceptions in the above commodity descriptions, so as to read, in Sub-No. 2, *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring speical equipment), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, and Greene Counties, N.Y.

Restriction: The operations authorized herein are restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day; and in Sub-No. 3, *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York (except points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, Greene, Nassau, Suffolk, and Westchester Counties and New York City), Delaware, Pennsylvania, Maryland, and the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before February 27, 1975.

No. MC 127355 (Notice of filing of petition to modify a permit), filed January 10, 1975. Petitioner: M & N GRAIN COMPANY, a Corporation, P.O. Box P, Nevada, Mo. 64772. Petitioner's Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64114. Petitioner holds a motor *contract carrier* permit No. MC 127355, issued August 8, 1974, authorizing transportation, over irregular routes, of *cottonseed meal and hulls, fish meal, meat and bone meal, tankage, blood meal, bone meal, linseed oil meal, hominy meal, gluten feed, gluten meal, dehydrated alfalfa* (ground or pellets), *beet pulp, brewer's grains, malt sprouts, grain screenings* (pellets), *mill feed* (bran, middlings, red dog, shorts, germ, and millrun), *ground corn cobs, potato meal, oat meal, feather meal, poultry by-products, peanut meal* and *hulls, soybean meal, sunflower meal, rapeseed meal, pellet binder* (ammonium lignin sulfonate), *corn screenings* (pellets), *suncured alfalfa and distillers grains* (except in bulk, in tank vehicles): (1) Between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas; (2) Between points in (1) above, on the one hand, and, on the other, points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (3) From points in Minnesota, Nebraska, and Wisconsin, to points in Iowa, under a continuing contract or contracts with the Pillsbury Company of Minneapolis, Minn. By the instant petition, petitioner seeks to add points in North Carolina, South Carolina and Virginia to the territorial

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description in (1) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before February 27, 1975.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Applications for certificates or permits which are to be processed concurrently with applications under section 5 governed by special rule 240 to the extent applicable.

No. MC–F–12398. Authority sought for control and merger by O.N.C. FREIGHT SYSTEMS, 260 Sheridan Ave., Palo Alto, CA 94303, of the operating rights and property of RITEWAY TRANSPORT, INC., 2131 W. Roosevelt St., Phoenix, AZ 85005, and for acquisition by ROCOR INTERNATIONAL, also of Palo Alto, CA 85005, of control of such rights and property through the transaction. Applicants' attorneys: Roland Rice, 618 Perpetual Bldg., 1111 E St. NW., Washington, DC 20004, and Robert R. Digby, 2104 First Federal Savings Bldg., Phoenix AZ 85012. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Salt Lake City, and Blanding, Utah, between Blanding, Utah, and Flagstaff, Ariz., between Blanding, Utah, and Grand Junction, Colo., between Monticello and Bluff, Utah, between Glanding, Utah, and the mine site of the Industrial Uranium Corporation, located in Monument Valley, Ariz., approximately 12 miles south of the Arizona-Utah State line, between Salt Lake City, Utah, and Fort Rock, Ariz., and the plant site of Roosendaal Construction & Mining Corp., near Fort Rock, Ariz., serving various intermediate and off-route points, with restrictions; *machinery, equipment, materials, and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *heavy or bulky articles* that require the use of special equipment, over irregular routes, between points in McKinley, San Juan, and Valencia Counties, N. Mex., on the one hand, and, on the other, Lupton, Ariz., and points in Arizona within 200 miles thereof, and Monticello, Utah, and points in Utah within 100 miles thereof, between points in McKinley, San Juan, and Valencia Counties, N. Mex., on the one hand, and, on the other, Durango, Colo., and points in Colorado within 100 miles thereof; *general commodities*, with exceptions, between points in McKinley, San Juan, and Valencia Counties, N. Mex., other than between points both of which are served by rail lines or both of which are served by regular-route motor common carrier, between Boulder, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado, between points in the Hopi Indian Reservation located in Arizona, on the one hand, and, on the other, Phoenix, Ariz., between points in the Hopi Indian Reservation, on the one hand, and, on the other, points in Arizona (except Globe and Safford), with restrictions. O.N.C. FREIGHT SYSTEMS, is authorized to operate as a *common carrier* in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12412. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601, of the operating rights of DON G. BREWER, doing business as JACKSON-VICTOR EXPRESS, 601 W. Norwood St., Box 155, Jackson, WY 83001 and for acquisition by WILLIAM UTZINGER, WILLIAM D. UTZINGER, and C. E. OGDEN, all of Casper, WY 82601, of control of such rights through the purchase. Applicants' attorney: John R. Davidson, Suite 805, Midland Park Bldg., Billings, MT 59101. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Idaho Falls, and Victor, Idaho, serving no intermediate points and serving Victor, Idaho, for purpose of joinder only, between Jackson, Wyo., and Victor, Idaho, serving those intermediate and off-route points located in Teton County, Wyo.; and deviation route No. 1, from Jackson, Wyo., over U.S. Highway 26 to Idaho Falls, Idaho, and return over same route, for operating convenience only. Vendee is authorized to operate as a *common carrier* in Wyoming, Idaho, Montana, Colorado, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12415. Authority sought for purchase by HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055, of the operating rights of OSWEGO-SYRACUSE EXPRESS, INC., 7641 Villa Maria, P.O. Box 63, North Syracuse, NY 13212, and for acquisition by JOHN N. HALL AND W. LEROY HALL, both of Mechanicsburg, PA 17055, of control of such rights through the purchase. Applicants' attorneys: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, and Norman M. Pinsky, 345 S. Warren St., Syracuse, NY 13202. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Syracuse and Oswego, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Ohio, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12416. Authority sought for purchase by KAIN'S MOTOR SERVICE CORP., P.O. Box 270, Logansport, IN 46947, of the operating rights of APACHE AIR FREIGHT, INC., 8040 South Roberts Rd., Bridgeview, IL 60455, and for acquisition by AMELIA COOK LURVEY, 6877 N. Pennsylvania St., Indianapolis, IN 46220, and FRANK M. COOK, 906 Chamber of Commerce Bldg., Indianapolis, IN 46204, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, and Charles W. Singer, 2440 East Commercial Blvd., Fort Lauderdale, FL 33308. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 121404 (Sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12417. Authority sought for purchase by ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, SD 57104, of the operating rights and property of HAJEK TRUCKING CO., INC., 7635 W. Lawndale Ave., Summit, IL 60501, and for control of ADMIRAL LEASING CO., INC., a non carrier also of Summit, IL 60501, and for acquisition by ALL-AMERICAN TRANSPORT, INC., and H. LAUREN LEWIS, both of 900 W. Delaware, Sioux Falls, SD 57104, of control of such rights and property through the purchase. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, and Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between North Judson and San Pierre, Ind., on the one hand, and, on the other, points in Cook County, Ill., between points in Fulton, Jasper, Starke, and Pulaski Counties, Ind., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., Piqua and Cincinnati, Ohio, and all points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to certain specified points in Michigan and all points in Illinois, between points in Cook County, Ill., on the one hand, and, on the other, Three Rivers, Mich., Cincinnati and Dayton, Ohio, and Louisville, Ky., between points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, between the plant site of the Bethlehem Steel Corporation, in Burns Harbor, Porter County, Ind., and Chicago, Ill., between points in Cook County, Ill., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, and Shoreham, Mich., between the plant site of Ford Motor Co., located at the junction Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, points in Fulton, Jasper, Starke, and Pulaski Counties, Ind., those in Cook County, Ill., and Chicago, Ill., between points in Cook County, Ill., on the one hand, and, on the other, points in that part of Ohio on and bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Piqua, Ohio, and thence south along U.S. Highway 25 to the Ohio-Kentucky State line.

Household goods, between North Judson Ind., on the one hand, and, on the other, points in Cook County, Ill.; *feed, fertilizer, and farm machinery*, from Chicago and Chicago Heights, Ill., Louisville, Ky., and Cincinnati, Ohio, to points in Jasper, Pulaski, and Starke Counties, Ind.; *grain and agricultural commodities*, from points in Jasper, Pulaski, and Starke Counties, Ind., to Chicago and Chicago Heights, Ill., Louisville, Ky., and Cincinnati, Ohio; *livestock*, from points in Jasper County, Ind., to Chicago, Ill.; *farm tractors*, from Chicago, Ill., to points in Jasper County, Ind.; *mineral wool*, from North Judson, Ind., to Chicago and Chicago Heights, Ill., and return with *rejected shipments of mineral wool;* mineral wool and mineral wool insulation, from North Judson, Ind., to certain specified points in Ohio; *iron and steel articles*, from the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., to points in Michigan, and return with *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, with restriction; *telephone directories and periodicals*, from the plant site of R. R. Donnelley & Sons Co., at or near Dwight, Ill., to Jeffersonville, Ind.; Cincinnati, Ohio, and Holland, Grand Rapids, and Lansing, Mich., points in that part of Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to junction Interstate Highway 75, thence along Interstate Highway 75 to Cincinnati, and points in that part of Michigan on, south and west of a line beginning at Holland and extending along Michigan Highway 21 to Grand Rapids, thence along Interstate Highway 96 to Lansing, and thence along U.S. Highway 27 to the Michigan-Indiana State line; and return with *telephone directories, periodicals, and materials, supplies, and equipment* used in the manufacture and operation of printing houses. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–2718 Filed 1–28–75;8:45 am]

[Notice No. 684]

ASSIGNMENT OF HEARINGS

JANUARY 24, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–C–8501, Short Freight Lines, Inc., and Van Haaren Specialized Carriers, Inc.—Investigation and Revocation of Certificates, now being assigned March 4, 1975 (1 day), at Lansing, Mich., in a hearing room to be later designated.

MC–F–12269, R–W Service System, Inc.—Purchase (Portion) — Scherer Freight Lines, Inc., now being assigned March 4, 1975 (9 days), at Detroit, Mich., in a hearing room to be later designated.

MC 3647 Sub 452, Transport of New Jersey, now being assigned March 4, 1975 (3 days), at Newark, N.J., in a hearing room to be later designated.

MC 125708 Sub 136, Thunderbird Motor Freight Lines, Inc., now assigned February 20, 1975, at Washington, D.C., is cancelled and application dismissed.

MC 104004 Sub 180, Associated Transport, Inc., now being assigned March 4, 1975 (2 days), at Nashville, Tenn., in a hearing room to be designated later.

MC 139790, D & T Trucking Co., Inc., now assigned January 29, 1975, at Chicago, Ill., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–2713 Filed 1–28–75;8:45 am]

[Ex Parte No. 310]

INCREASED FREIGHT RATES AND CHARGES, 1975, NATIONWIDE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of January, 1975.

It appearing, that by petition for special permission authority (special permission application No. C–3265, dated January 7, 1975), filed by Traffic Executive Association-Eastern Railroads, Agent, (TEA–ER) for and on behalf of all parties respondents in Ex Parte No. 310, and other carriers and agents, special permission authority under section 6 of the Interstate Commerce Act is requested to depart from the terms of the Commission's Tariff Circular No. 20, upon not less than one day's notice to the Commission and public, in order to amend master tariff of Increased Rates and Charges X–310, TEA–ER ICC C–1047, jointly with other designated agents, in order to (1) provide for the non-application of such increases in rates and charges from, to, via or at points on the Florida East Coast Railway Company (FEC); (2) to amend specified items in the master tariff to make related changes with respect to the FEC; (3) flagout from application of the increases unit-train rates to Cleveland, Ohio, for competitive reasons; (4) publish hold-downs in connection with multiple car rates on wheat from the Twin Cities, Minn., area to Clifton, N.J., for competitive reasons; and (5) provide for non-application of increases in rates on zinc concentrates from Copperhill, Tenn., when subject to minimum weights of 190,000 pounds or greater;

It further appearing, that subsequent to filing special permission application No. C–3265 (supra), that the same petitioner filed special permission application No. C–3267 (as amended) requesting that the master tariff if Increased Rates and Charges X–310 be further amended so as to provide (1) for the non-application of increase on multiple-car rates from Winona, Minn., to Clifton, N.J.; (2) amend an item referring to annual volume rates in lieu of unit train rates; (3) add several paragraphs to non-application item with respect to annual volume rates (one of which will carry an effective date of February 11, 1975); (4) add a new item which would provide for non-application of the increase on TOFC traffic between points on the Southern Pacific Transportation Co. (SP), including named affiliate lines of the SP, and the Union Pacific Railroad Co. in Arizona, California, Nevada, New Mexico or Texas and points on the Burlington Northern, Inc. (BN), Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (MILW); Southern Pacific Transportation Co.; Union Pacific Railroad Co. (UP); and Western Transportation Co. in Idaho, Oregon and Washington with respect to some 104 rate items in Pacific Southcoast Freight Bureau, Agent, tariff 295–L, ICC 1919; (5) also in the same new item provide for non-application of the increase on TOFC traffic between points on the Atchison, Topeka and Santa Fe Railway Co., Western Pacific Railroad Co., including named affiliate lines, in Arizona, California, Nevada, New Mexico, or Texas, and points on BN, MILW, and UP in Idaho, Oregon and Washington with respect to certain other rate items in the aforementioned tariff of Pacific South-

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coast Freight Tariff Bureau; (6) correct tariff error by changing application of increase item to read "from and to" in lieu of "between"; (7) amend general exception (non-application) item to add provisions, that the increase will not apply from, to or at stations Riviera Beach to and including Homestead, Fla. on Seaboard Coast Line Railroad Co. (SCL); and (8) amend Item 115 by changing amount of increase to read "apply Table 7, except points referred to in Note 11 and between points in Note 24, no increase";

It further appearing, that the Commission's order in the title proceeding, dated and servied November 27, 1974, required, among other things, that petitioners on or before December 20, 1974, shall file with the Commission and serve upon the parties of record in the last general increase proceeding a statement concerning the manner in which petitioners intend to resolve the problem created by the non-participation of the Chessie System and the Long Island Rail Road Company, including information as to competitive exceptions and port relationships:

And it further appearing, that granting special permission application Nos. C-3265 and C-3267 (as amended) bear upon the problems of non-participation and port relationships referred to in the Commission's order of November 27, 1974, and good cause appearing therefor:

It is ordered, That at the continued hearing herein beginning January 27, 1975, petitioners shall be prepared to present evidence concerning the effect that the instant applications have upon the revenue projections of the respondents and upon port relationships.

It is further ordered, That special permission application Nos. C-3265 and C-3267, as amended, be, and they are hereby, granted by Amendment No. 1 to Special Permission No. 75-2100, as requested, except that the publication filed hereunder shall be filed upon not less than five days' notice to the Commission and the public and be indicated to become effective February 5, 1975;

It is further ordered, That in all other respects, the terms of the original permission shall remain in full force and effect.

And it is further ordered, That notice of this order be given by serving a copy thereof on each party to this proceeding, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Fedreal Register for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2714 Filed 1-28-75;8:45 am]

federal register

WEDNESDAY, JANUARY 29, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 20

PART II

DEPARTMENT OF LABOR

Office of the Secretary

■

RURAL INDUSTRIALIZATION LOAN AND GRANT PROGRAMS

Review and Certification Procedures

V40N20 JAN29 75 XUM

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 75—DEPARTMENT OF LABOR REVIEW AND CERTIFICATION PROCEDURES FOR RURAL INDUSTRIALIZATION LOAN AND GRANT PROGRAMS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT OF 1972

On October 23, 1974, at 39 FR 37650, the Secretary of Labor proposed that the procedures set forth there be followed in the discharge of his responsibilities under section 310B(d) of the Consolidated Farmers Home Administration Act of 1961 as amended, 7 U.S.C. 1932. The proposed procedures were developed in light of the experience gained under interim procedures which have been followed since the first certifications in December 1973.

A number of comments were received and, as a result of them, one substantive change has been made: In § 75.11(b)(3) a sentence has been added to provide an applicant with the opportunity to respond to any adverse comment received by the Secretary after publication of the fact that the application is pending. Other changes of an editorial nature have also been made.

Under the Act, individuals and public and private organizations may apply to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or finance business, industry or improve the economic or environmental climate of rural communities. It is not a prerequisite of such assistance that the applicant be unable to obtain credit through normal channels of finance or that he refinance the assistance if such credit becomes available.

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

In determining whether the applications should be approved or denied, the following factors will be taken into consideration by the Secretary of Labor.

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon the impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

The Act allows the Secretary of Labor 60 days within which to make each determination. The Conference Committee on the Rural Development Act of 1972 (Pub. L. 92-419), which gave this responsibility to the Secretary, reported, however, that it felt "strongly that except in unusual circumstances the Secretary of Labor would and should act within not more than 30 days" of receipt of an application. H. Rep. 92-1129, 1972 U.S.C. Cong. & Admin. News 3182.

In order to discharge his responsibilities under the Act within a time period consistent with both the 60-day statutory maximum and the 30-day limit desired by the Congress, the Secretary has determined that the certification procedures set forth below shall be followed.

The new Part 75, which shall be effective February 28, 1975, reads as follows:

Sec.
75.1 Introduction.
75.11 Standards for the review of applications.

AUTHORITY: Sec. 118, Pub. L. 92-419, 86 Stat. 663 (7 U.S.C. 1932)

§ 75.1 Introduction.

(a) Section 118 of the Consolidated Farm and Rural Development Act authorizes the Farmers Home Administration (FmHA) of the U.S. Department of Agriculture to make or guarantee loans to finance industrial and business activities in rural areas (broadly defined to include any place with a population of less than 50,000), 7 U.S.C. 1932(d). The Act also permits FmHA to make grants to public bodies for measures designed to facilitate the development of private business enterprises and for pollution control and abatement projects.

(b) As a prior condition for the approval of such loans, guarantees and grants, the Act further specifies that the Secretary of Labor must certify to the Secretary of Agriculture within 60 days after referral, that the loan or grant is not calculated to or likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant and is not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. Responsibility within the Department of Labor (DOL) for the review and certification process has been assigned to the Manpower Administration (MA).

(c) The following procedures have been established by the Department of Labor in consultation with the Department of Agriculture for the issuance of labor certifications under this program. These procedures are designed to insure the orderly and expeditious review of the applications, with the objective of complying with the intent of the Congress that most applications will be acted upon by the Department of Labor (DOL) within 30 days after they have been received from the Department of Agriculture. It is anticipated that the procedure will permit completion of all cases within the 60-day legal maximum processing period permitted under the law.

§ 75.11 Standards for the review of applications.

(a) *Applications to be routinely approved without field review.* The following types of applications will be routinely approved and certified by the Manpower Administration (MA), provided that the required information is submitted by the applicant:

(1) *Loans which involve the change of ownership from one person or group to another or the refinancing of an existing loan;* **Provided**, That such loans will not result in any transfer from one area to another of any employment or business activity provided by operations of the applicant and are not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. Responsibility within the Department of Labor (DOL) for the review and certification process has been assigned to the Manpower Administration (MA).

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(3) *Grants where there are no known current or future occupants.* In the case of such applications, e.g., a county's proposal to build an industrial park, FmHA will send a transmittal letter to MA stating the name and location of the applicant, and the amount and purpose of the grant, and certifying that there are no known current or future occupants. FmHA will also forward with the letter a resolution or other statement from the local governing body agreeing to a *prior* review and certification by MA of any person or organization which may occupy all or part of the facility within 3 years from the date of the certification, to insure that the requirements of the Act are being complied with. MA will, within 10 days after receipt of such applications, issue an affirmative certification conditional upon the right of review and certification of each potential occupant within the 3-year period.

(4) *Grants where the occupants are known, and the improvement will not result in a transfer or increase in operations or employment by the occupants.* The FmHA transmittal letter will call attention to the fact that the application involved falls within this category. This should be supported by data in the revised Forms FHA 449-22 and 449-23 to be forwarded in triplicate to the DOL. For loan applications in this category, the FmHA will also attach a certification signed by the State FmHA director indicating that he has reviewed the loan application and certifying that such a loan is not calculated to or likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant and is not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities in the area, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. Unless there is other evidence to indicate an adverse effect on unemployment or competitive business enterprises, MA will accept this certificate and accompanying forms as the basis for an affirmative certification without further review and will so certify within 10 working days after receipt.

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(4) *Grants where the occupants are known, and the improvement will not result in a transfer or increase in operations or employment by the occupants.* The FmHA transmittal letter

shall provide, in addition to the information specified in paragraph (a)(3) of this section, the names of the occupants and a statement that this grant is not calculated to or likely to result in a transfer or increase in operations or employment. The applicant shall also be required to submit the same type of resolution as that specified in paragraph (a)(3) of this section. On the receipt of such data, MA will issue a certification on the grant application and will certify the known occupants as well. The certification may require, however, that additional occupants or a change in occupants within the first 3 years after certification is subject to review and a redetermination.

(b) *Applications which will require field or other review.* (1) All loan and grant applications other than those specified in paragraph (a) of this section will be subject to a full review by the MA prior to the issuance of a certification. For each loan application, the FmHA shall submit to MA:

(i) A letter of transmittal stating the name and location of the applicant and the amount of the loan;

(ii) Six copies of the Certificate of Non-Relocation (Form FHA 449-22);

(iii) Six copies of the Data Information Sheet (Form FHA 449-23); and

(iv) Any supplemental information, including A-95 Clearinghouse reports, which FmHA believes may be of value to MA in evaluating the application.

For grant applications, the letter of transmittal shall also provide information about the purpose of the grant. Two copies of a resolution or other statement of the type specified under paragraph (a)(3) of this section shall also be submitted with each grant application.

(2) Upon receipt of applications, MA will review the materials for completeness and will inform FmHA in writing of any missing items within 2 working days after the date of receipt. It is agreed that in such instances the statutory 60-day period will not begin until the file is complete. State Employment Security Agencies will be requested, through the MA regional offices, to provide labor market information needed to determine whether the loan would result in adverse competitive effect upon existing competitive enterprises in the area. Comments will be due in the MA national office 3 weeks after receipt of the request in the MA regional offices.

(3) To assist in the review process, DOL will publish in the FEDERAL REGISTER a weekly listing of applications received (other than those to be routinely certified). The listing will include the name and location (City and State) of the applicant and the principal product or type of business activity. In the case of grant applications, the listing will also include the name and principal product or business activity of the occupant(s) of the facility for which the grant is being made. All interested parties will be afforded a 2-week period from the date of publication to comment in writing to MA. In the event that adverse comments are received, the applicant will be sent copies of such comments by certified mail, and afforded an opportunity to provide such additional information as the applicant deems appropriate within 2 weeks from the date of transmittal. The Farmers Home Administration will also be provided with copies of such adverse comments.

(4) In some instances, involving particularly complex situations, MA may request the Economic Development Administration (EDA) in the Department of Commerce, or other agencies to provide supplemental data. The number of such requests will depend upon the extent to which the DOL is capable of making resources available to EDA or other agencies to perform this function.

(5) When all the data have been assembled, a determination will be made by MA of whether the requested certifications may be certified or denied. FmHA will be notified in writing of the determination. If DOL's investigation indicates the need for additional information, all material will be returned to FmHA with instructions indicating the additional information needed to make a certification. Continuation of the 60-day time limit will begin again when the additional material is returned to Labor.

(6) All denials will be given additional consideration if the applicant or the Department of Agriculture provides additional evidence which they believe merits further consideration. If the DOL reaffirms its denial after a review of all available facts and such additional investigation as it may make, such denial shall be considered as final.

Signed at Washington, D.C. this 23rd day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-2643 Filed 1-28-75;8:45 am]

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federal register

WEDNESDAY, JANUARY 29, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 20

PART III

FEDERAL HOME LOAN BANK BOARD

■

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Conversions from Mutual to Stock Form

V40N20 PT3 JAN29 75 XUM

FEDERAL HOME LOAN BANK BOARD

[No. 74-1343]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[12 CFR Part 563b]

Conversions from Mutual to Stock Form; Proposed Amendments

SUMMARY

DECEMBER 19, 1974.

The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full discussion in the following preamble and to the specific provisions of the regulations.

I. *Principal provisions reflecting proposed changes.* A. *Mandatory priorities in conversion plans:*

(1) Pure pro rata share.

(2) Greater of 100 shares or number of shares equal to two times the quotient obtained by dividing qualifying deposit by subscription price per share.

(3) Association members who are not eligible account holders to receive rights to purchase up to 100 shares.

B. *Optional priorities:*

(1) Directors, officers and employees may purchase limited priority amount.

(2) Public offering provision.

(3) Private placement provision.

(4) Eligible account holders may purchase excess.

C. *Discounts.* Provisions concerning discounts and related holding periods eliminated.

D. *Approvals and judicial review.* Preliminary and final approval provisions are consolidated; the present "preliminary" approval becomes final action for purposes of judicial review.

II. *Other Amendments.* A. Definitions of entitlement shares and subscription offering are amended to conform to amended regulations.

B. Definition of eligible account holder is amended to include only a person having a qualifying deposit.

C. Conforming amendments are made to reflect authority for Federal stock charters.

III. *Forms.* A. Amend forms to conform to amended regulations.

B. Redesignate form PA as form AC (application for conversion) and delete form FA.

The Federal Home Loan Bank Board, by Resolution No. 74-144, dated February 28, 1974, adopted Part 563b of the Rules and Regulations for Insurance of Accounts (12 CFR 563b) to permit conversions of insured institutions from mutual to stock form. Those regulations became effective on April 8, 1974. Since April 8, 1974, over 30 conversion applications have been analyzed. Analysis of these applications, discussions with other regulatory agencies and the adoption of Pub. L. 93-495 (H.R. 11221) have indicated the need to amend the regulations adopted on February 28, 1974. Accordingly, the Board hereby proposes to amend Part 563b of the Rules and Regulations for Insurance of Accounts, as discussed herein.

Presently § 563b.3(c)(3) provides that, after eligible account holders are given the right to subscribe to their entitlement shares under § 563b.3(c)(2), they shall receive nontransferable subscription rights to purchase additional shares of capital stock to the extent such shares are available after satisfaction of their rights under § 563b.3(c)(2). Presently the plan of conversion is permitted to place a limit of not less than one percent of the total offering on the number of shares to which "each eligible account holder or group of eligible account holders affiliated with each other or otherwise acting in concert" can subscribe under § 563b.3(c)(3). If a plan of conversion does not contain the one percent limitation any eligible account holder who holds any qualifying deposit could subscribe for all or a significant portion of the stock left after satisfaction of § 563b.3(c)(2). Such subscriptions could or would cause oversubscription and reallocation of the priority under § 563b.3(c)(3) with the possibilities of attendant inequities, delays and excessive expense. If a plan of conversion does contain the permitted maximum purchase limitation of not less than one percent, the task of determining whether eligible account holders are acting in concert could cause unnecessary expense and delay.

In order to remedy these problems the Board proposes to amend § 563b.3(c) to make it mandatory that plans of conversion contain:

(1) A provision giving eligible account holders their pure pro rata share, that is the share that results when the total number of shares is multiplied by the amount of an eligible account holder's qualifying deposit divided by the total amount of qualifying deposits.

(2) A provision giving each eligible account holder the right to subscribe to the greater of 100 shares or a number of shares equal to two times the quotient obtained by dividing such account holder's qualifying deposit by the subscription price per share.

(3) A provision allowing those account holders and borrowers entitled to vote at the meeting called to consider the conversion, but who are not eligible account holders, to purchase up to 100 shares.

The Board further proposes to amend § 563b.3(d) to provide that a plan of conversion may have the following optional provisions. These provisions may be used singly or in combination.

(1) A provision that directors, officers, and employees shall be entitled to purchase stock after § 563b.3(c) has been satisfied but the amount such persons may subscribe for is limited;

(2) A provision providing for a public offering;

(3) A provision providing for a private placement after an additional offering to eligible account holders of shares equal to their mandatory subscription rights;

(4) A provision permitting an additional offering to eligible account holders with such limitations as the converting association may determine.

Presently, Part 563b provides that a plan of conversion may allow certain account holders to be given subscription rights to purchase shares of stock at a discount, and that certain holding periods attach to any shares purchased at a discount. Experience has caused the Board to question the desirability of these provisions and the Board therefore proposes to delete them from Part 563b. The Board will, however, consider on the merits discount provisions in existing plans of conversion.

Pub. L. 93-495 amended § 402(j) of the National Housing Act to provide that an "aggrieved person may obtain review of a final action [of the Board] which approves, with or without conditions, or disapproves a plan of conversion . . ." only by complying with § 408(k) of the National Housing Act. Presently, Part 563b provides for preliminary Board approval before the plan of conversion is voted on by the members of a converting association and for final approval after such vote. The subscription period and public or other offering occur after final approval. Under the proposal the present preliminary approval would become the final action of the Board for purposes of judicial review and the present final approval procedure would be established as a condition of the Board's final action. The proposal would also indicate the subsequent changed circumstances under which the finality of the Board's action would be superseded.

Pub. L. 93-495 further amended § 402(j) of the National Housing Act to provide that a converting Federal association may retain its Federal charter. Presently, certain sections of Part 563b exclude the possibility of converting Federal associations retaining their Federal charters. Those sections would be amended to refer to converting Federal associations which retain their Federal charters.

Presently, § 563b.3(e)(1)(i) permits a plan of conversion to provide that a savings account balance of less than $100 (or any lesser amount) shall not constitute a qualifying deposit. The Board proposes to reduce the $100 figure to $50. This conforms with § 545.1-1 of the Federal Regulations (12 CFR 545.1-1) which permits a Federal association, by resolution of its board of directors, not to distribute earnings on accounts of $50 or less.

Current § 563b.2(a)(14) defines an eligible account holder as "any person holding a savings account in a converting institution on the eligibility record date." Currently, if a plan includes a provision stating that a deposit of less than $100 shall not constitute a qualifying deposit, an account holder with an account on the eligibility record date who has a deposit in a lesser amount would not have a qualifying deposit but would be an eligible account holder. The Board proposes to define an eligible account holder in terms of his qualifying deposit.

In addition, a variety of conforming changes are made to the forms used in connection with Part 563b.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by February 28, 1975, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

PART 563B—CONVERSIONS FROM MUTUAL TO STOCK FORM

1. Section 563b.1 would be amended by revising paragraph (a) and by deleting the phrase "preliminary approval of" from paragraph (c)(1), as follows:

§ 563b.1 Scope of part.

(a) *General.* Except as the Corporation may otherwise determine, the provisions of this part shall exclusively govern the conversion of mutual insured institutions capital stock insured institutions. No such mutual institution shall convert to the capital stock form of organization without the prior written approval of the Corporation pursuant to the provisions of this part, except as the Corporation may otherwise provide in supervisory cases.

• • • • • •

(c) *Conflicts with State law.* (1) In the event an applicant finds that compliance with any provision of this part would be in conflict with applicable State law, the applicant may file with the Corporation a written request for waiver of compliance with such provision. Such request may be incorporated in the application for conversion; otherwise, the applicant shall file four copies of such request.

• • • • • •

2. Section 563b.2 would be amended by revising paragraphs (a)(14), (16) and (31); by deleting paragraph (a)(30); and by redesignating present paragraphs (a)(31), (32), (33) and (34) as paragraphs (a)(30), (31), (32) and (33), as follows:

§ 563b.2 Definitions.

(a) As used in this part and in the forms under this part, the following definitions apply, unless the context otherwise requires:

• • • • • •

(14) *Eligible account holder.* The term "eligible account holder" means any person holding a qualifying deposit as determined in accordance with § 563b.3(e).

• • • • • •

(16) *Entitlement Shares.* The term "entitlement shares" means the shares of capital stock an eligible account holder is entitled to purchase determined as computed under § 563b.3(c)(2).

• • • • • •

(30) *Subscription offering.* The term "subscription offering" refers to the offering of shares of capital stock, through nontransferable subscription rights issued to: (1) eligible account holders as required by § 563b.3(c)(2) and (3); (2) members entitled to vote at the meeting called to consider the conversion as required by § 563b.3(c)(4); (3) directors, officers and employees, as permitted by § 563b.3(d)(1); and (4) eligible account holders as permitted by § 563b.3(d)(2) and (4).

(31) *Subsidiary.*

• • • • • •

(32) *Supervisory Agent.*

• • • • • •

(33) *Underwriter.*

• • • • • •

3. Section 563b.3 would be amended by deleting the phrase "preliminary approval of" from paragraph (b); by revising paragraphs (c) and (d); by changing the figure "$100" to "$50" in paragraph (e)(1)(i); and by adding the phrase "Federal or" to the first sentence of paragraph (i)(3), as follows:

§ 563b.3 General principles for conversions.

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(b) *General requirements.* No application for conversion shall be approved by the Corporation if:

• • • • • •

(c) *Required provisions in plan of conversion.* The plan of conversion shall:

(1) Provide that the converting insured institution shall issue and sell its capital stock at a total price equal to the estimated pro forma market value of such stock in the converted insured institution, based on an independent valuation, as provided in § 563b.7.

(2) Provide that each eligible account holder shall receive without payment, nontransferable subscription rights to purchase entitlement shares in an amount equal to the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the eligible account holder and the denominator is the total amount of qualifying deposits of all eligible account holders in the converting insured institution.

(3) Provide that each eligible account holder shall receive, without payment, additional nontransferable subscription rights to purchase additional shares, subject to the following conditions:

(i) The maximum number of additional shares which an eligible account holder may subscribe for under this paragraph (c)(3) shall be the greater of:

(A) 100 shares; or

(B) Twice the number of shares obtained by dividing the amount of the qualifying deposit of the eligible account holder by the subscription price per share (rounded down to the next whole number);

(ii) The number of nontransferable subscription rights to purchase entitlement shares received by an account holder in accordance with paragraph (c)(2) of this section shall be applied in partial satisfaction of the subscription rights to be distributed pursuant to this paragraph (c)(3);

(iii) In the event of an oversubscription for additional shares pursuant to this paragraph (c)(3), shares shall be allocated among the subscribing eligible account holders as follows:

(A) Any shares not subscribed for in accordance with paragraph (c)(2) of this section shall be allocated among subscribing eligible account holders so as to permit each such account holder, to the extent possible, to purchase a number of shares sufficient to make his total allocation (including the number of shares allocated in accordance with paragraph (c)(2) of this section) equal to 100 shares.

(B) Any shares not allocated in accordance with paragraph (c)(3)(iii)(A) of this section shall be allocated among the subscribing eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion.

(4) Association members who are not eligible account holders shall receive, without payment, nontransferable subscription rights to purchase up to 100 shares of capital stock, to the extent that shares are available after satisfying the entitlement and additional shares subscriptions of eligible account holders provided for under paragraphs (c)(2) and (3) of this section. In the event of an oversubscription for shares under the provisions of this subdivision (4), the shares available shall be allocated among the subscribing members on such equitable basis as may be provided in the plan of conversion.

(5) Provide that the sales price of the shares of capital stock to be sold in the conversion shall be a uniform price determined in accordance with § 563b.7; and specify the underwriting, and/or other marketing arrangements to be made to assure the sale of all shares not sold in the subscription offering.

(6) Provide that each savings account holder of the converting insured institution shall receive, without payment, a withdrawable savings account or accounts in the converted insured institution equal in withdrawable amount to the withdrawal value of such account holder's savings account or accounts in the converting insured institution.

(7) Provide for the establishment and maintenance of a liquidation account for the benefit of eligible account holders in the event of a subsequent complete liquidation of the converted insured institution, in accordance with the provisions of paragraph (f) of this section.

(8) Provide for an eligibility record date, which shall be not less than 90 days prior to the date of adoption of the plan by the converting insured institution's board of directors.

(9) Provide that the holders of the capital stock of the converted insured institution shall have exclusive voting

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rights, unless in the case of a State-chartered converted insured institution State law requires savings account holders and/or borrowers of the converted insured institution to have voting rights, in which case the charter of the converted insured institution shall (i) limit such voting rights to the minimum required by State law, and (ii) provide for the management of the converted insured institution to solicit proxies from such savings account holders and/or borrowers in the same manner as it solicits proxies from its shareholders.

(10) Provide that the plan of conversion adopted by the applicant's board of directors may be substantively amended by such board of directors as a result of comments from regulatory authorities or otherwise prior to the solicitation of proxies from members to vote on the plan and at any time thereafter with the concurrence of the Corporation; and that the conversion may be terminated by such board of directors at any time prior to the meeting of members called to consider the plan of conversion and at any time thereafter with the concurrence of the Corporation.

(11) Provide that all shares of capital stock purchased by directors and officers on original issue in the conversion either directly from the insured institution (by subscription or otherwise) or from an underwriter of such shares, shall be subject to the restriction that such shares shall not be sold for a period of not less than one year following the date of purchase, except in the event of death of the shareholder.

(12) Provide that, in connection with shares of capital stock subject to restriction on sale for a period of time:

(i) Each certificate for such stock shall bear a legend giving appropriate notice of such restriction;

(ii) Appropriate instructions shall be issued to the transfer agent for the converted insured institution's capital stock with respect to applicable restrictions on transfer of any such restricted stock; and

(iii) Any shares issued as a stock dividend, stock split or otherwise with respect to any such restricted stock shall be subject to the same restriction as may apply to such restricted stock.

(13) Contain no provision which the Corporation shall determine to be inequitable or detrimental to the applicant, its savings account holders or other insured institutions or to be contrary to the public interest.

(d) *Optional provisions in plan of conversion.* The plan of conversion may provide any or all of the following:

(1) That directors, officers, and employees of the converting insured institution, as part of the subscription offering, shall be entitled to purchase shares of capital stock, to the extent that shares are available after satisfying the subscriptions of eligible account holders provided for under paragraphs (c) (2) and (3) of this section and the subscriptions of association members who are not eligible account holders provided for under paragraph (c) (4) of this section, subject to the following conditions:

(i) The total number of shares which may be purchased under this subdivision (1) shall not exceed 20 percent of the total number of shares to be issued in the case of a converting insured institution with total assets of less than $50 million or 10 percent in the case of a converting insured institution with total assets of $500 million or more; in the case of a converting insured institution with total assets of $50 million or more but less than $500 million, the percentage shall be no more than a correspondingly appropriate number of shares based on total asset size (for example, 15 percent in the case of a converting insured institution with total assets of approximately $275 million); and

(ii) The shares shall be allocated among directors, officers, and employees on an equitable basis such as by giving weight to period of service, compensation and position, subject to a reasonable limitation on the amount of shares which may be purchased by any person or group of affiliated persons or group of persons acting in concert.

(2) That each eligible account holder, as part of the subscription offering, shall also receive, without payment, nontransferable subscription rights to purchase additional shares of capital stock, to the extent that such shares are available after satisfying the subscriptions provided for under paragraphs (c) (2), (3), and (4) of this section, subject to such conditions as may be provided in the plan of conversion. In the event of an oversubscription for such additional shares, the shares available shall be allocated among the subscribing eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion. Where possible such additional shares shall be allocated in such a manner that total purchases by eligible account holders shall be rounded up to the nearest 100 shares.

(3) That any shares of the converting insured institution not sold in the subscription offering shall be sold in a public offering subject to such conditions as may be provided in the plan of conversion.

(4) That any shares of the converting insured institution not sold in the subscription offering shall be sold in a private distribution, subject to such conditions as may be provided in the plan of conversion and to a requirement that each eligible account holder shall receive, without payment, additional non-transferable subscription rights to purchase additional shares equal to the number such account holder is entitled to purchase under paragraph (c) (3) (i) of this section before any shares are sold in a private distribution under this paragraph (4).

(5) That each eligible account holder exercising subscription rights to purchase entitlement or additional shares shall be required to purchase a minimum of up to 25 shares to the extent such shares are available (but the aggregate price for any minimum share purchase shall not exceed $500).

(6) That management employment contracts may be authorized and a qualified stock option plan may be adopted at the meeting at which the plan of conversion is voted upon by the members of the converting insured institution.

(7) That the converted insured institution shall issue and sell, in lieu of shares of its capital stock, units of securities consisting of capital stock and long-term warrants or other equity securities, in which event any reference in the provisions of this part to capital stock shall apply to such units of equity securities unless the context otherwise requires.

(e) *Determination of amount of qualifying deposit; predecessor and successor accounts.* (1) Unless otherwise provided in the plan of conversion, for the purposes of this section, the amount of the qualifying deposit of an eligible account holder shall be the total of the deposit balances in the eligible account holder's savings accounts in the converting institution as of the close of business on the eligibility record date. However, the plan of conversion may provide that any one or more of the following optional provisions shall apply in determining the amount of the qualifying deposit:

(i) Any savings accounts with total deposit balances of less than $50 (or any lesser amount) shall not constitute a qualifying deposit.

• • • • •

(l) *Acquisition of converted insured institutions.*

• • • • •

(3) *Optional charter provision.* To the extent permitted by applicable Federal or State law, a plan of conversion may provide for a provision in the charter of the converted insured institution containing, in substance, the restriction set forth in paragraph (i) (2) of this section. There may also be included a restriction providing that such charter provision may be amended only by a vote of up to 75 percent of the votes eligible to be cast at a regular or special meeting of shareholders of the converted insured institution. If the converted insured institution elects to adopt the foregoing optional charter provision, the Corporation will impose, as a condition to its approval of the conversion, a requirement that the converted institution fully enforce such charter provision.

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4. Section 563b.4 would be amended by revising the title of paragraph (a); by substituting the word "conversion" for the phrase "preliminary approval" in the first sentence of paragraph (a) (1) and the last sentence of paragraph (a) (2); by substituting the phrase "Federal (or State, as the case may be)" for the word "State-chartered" in paragraph (a) (3) (i), by substituting the word "conversion" for the phrase "preliminary approval" in the first sentence of paragraph (b) (1) and in the title of the notice quoted in paragraph (b) (1); and by revising that notice by deleting the word "preliminary" and changing the address of the Corporation, as follows:

§ 563b.4 Notice of filing; public statements; confidentiality.

(a) *Information prior to approval of plan of conversion.* (1) An insured institution which is considering converting pursuant to this part and its directors, officers and employees shall maintain such consideration in confidence to the extent consistent with the need to prepare information for filing an application for conversion. If it should become essential as a result of rumors prior to the adoption of a plan of conversion by the applicant's board of directors, a public statement limited to that purpose may be made by the applicant.

(2) Promptly after the adoption of a plan of conversion by not less than two-thirds of its board of directors, the insured institution shall (i) notify its members of such action by publishing a statement in a newspaper having general circulation in each community in which an office of the insured institution is located and/or by mailing a letter to each of its members and (ii) have copies of the adopted plan of conversion available for inspection by its members at each office of the insured institution. The insured institution may also issue a press release with respect to such action. Copies of the proposed statement, letter and press release are not required to be filed with the Corporation, but may be submitted for comment to the Office of General Counsel. Copies of the definitive statement, letter and press release shall be filed with the Corporation as part of the application for conversion.

(3) The statement, letter and press release, unless otherwise authorized by the Corporation shall contain only (but need not contain all of) the following:

(i) A statement that the board of directors has adopted a proposed plan to convert the insured institution from a Federal (or State, as the case may be) mutual institution to a Federal (or State, as the case may be) capital stock insured institution.

• • • • •

(b) *Notice of filing.* (1) Upon determination that an application for conversion is properly executed and is not materially incomplete, the Corporation will advise the applicant, in writing, to publish a notice of the filing of such application. Promptly after receipt of such advice, the applicant shall publish a notice of such filing in a newspaper printed in the English language and having general circulation in each community in which an office of the applicant is located, as follows:

NOTICE OF FILING OF AN APPLICATION FOR CONVERSION TO CONVERT TO A STOCK SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that, pursuant to Part 563b. of the Rules and Regulations for Insurance of Accounts_____

_____
(fill in name of applicant)

has filed an application with the Federal Savings and Loan Insurance Corporation for approval to convert to the stock form of organization. Copies of the application have been delivered to the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552, and to the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of_____,

_____, _____, _____,
(Street address) (City) (State)

_____
(ZIP Code)

• • • • •

5. Section 563b.5 would be amended by deleting the word "preliminary" from paragraph (a) (2) and from paragraph (e) (1); by deleting paragraph (g) (3) (iii); and by redesignating present paragraph (g) (3) (iv) as (g) (3) (iii), as follows:

§ 563b.5 Solicitation of proxies; proxy statement.

(a) *Solicitations to which rules apply.* This section applies to every solicitation of a proxy from an association member of an insured institution for the meeting at which a conversion plan will be voted upon, except the following:

• • • • •

(2) Any solicitation through the medium of a newspaper advertisement which informs association members, following approval of the plan of conversion, of a source from which they may obtain copies of a proxy statement form of proxy, or any other soliciting material and does no more than (i) name the insured institution, (ii) state the reason for the advertisement, (iii) identify the proposal or proposals to be acted upon by association members, and (iv) urge the member to vote at the meeting.

• • • • •

(e) *Material required to be filed.*

(1) Applicants shall file ten preliminary copies of such proxy materials as are required by the form for applying for approval to convert under this Part.

• • • • •

(g) *False or misleading statements.*

• • • • •

(3) If a solicitation by management violates any provision of this section, the Corporation may require remedial measures including:

• • • • •

(iii) Any other actions the Corporation may deem appropriate in the circumstances in order to ensure a fair vote.

• • • • •

6. Section 563b.6 would be amended by deleting the phrase "application for final approval" from its title; by revising paragraph (a); and by deleting paragraph (e), as follows:

§ 563b.6 Vote by members.

(a) *Vote at special meeting.* Following Corporation approval of an application for conversion, the plan of conversion shall be submitted to a special meeting of members, unless in the case of a State-chartered converting insured institution State law requires that the plan be considered at an annual meeting of members.

• • • • •

(e) [Revoked; effective]

• • • • •

7. Section 563b.7 would be amended by revising paragraphs (a), (b) and (c); by deleting present paragraph (d); by deleting the phrases "and (d)" and "preliminary or final approval of" from present paragraph (e) and redesignating present paragraph (e) as paragraph (d); by revising present paragraph (f) and redesignating it paragraph (e); by deleting the phrases "and (d)" and "to the materials in support of such price ranges and prices" from the first sentence of present paragraph (g) (1) and redesignating that paragraph as paragraph (f); by revising paragraph (h) and redesignating that paragraph as paragraph (g); by deleting present paragraph (j); and by redesignating present paragraphs (i) and (k) as paragraphs (h) and (i), as follows:

§ 563b.7 Pricing and sale of securities.

(a) *General.* No offer to sell securities of an applicant pursuant to a plan of conversion may be made prior to approval by the Corporation of the application for conversion and until the proxy statement has been authorized for use by the Corporation. No sale of such securities in the subscription offering may be made except by means of the final offering circular for the subscription offering. No sale of unsubscribed securities may be made except by means of the offering circular for the public or other offering. The provisions of this paragraph shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or are to be in privity of contract with the applicant.

(b) *Distribution of offering materials.* The proxy statement authorized for use by the Corporation, or any preliminary offering circular for the subscription offering which has been filed with the Corporation, may be distributed to eligible account holders not entitled to vote on the plan of conversion and to others in connection with the subscription offering at the same time as or after such proxy statement is mailed to association members pursuant to § 563b.6(c). Any preliminary offering circular for the public or other offering of unsubscribed securities, which has been filed with the Corporation, may be distributed in connection with such offering at the same time as or after such proxy statement is mailed to association members pursuant to § 563b.6(c). No final offering circular shall be distributed until such offering circular has been declared effective by the Corporation.

(c) *Estimated price information in proxy statements and preliminary offering circulars.* With respect to the capital stock of the applicant to be sold under the plan of conversion, the proxy statement and any preliminary offering circular for the subscription offering shall set forth the estimated subscription price range. The maximum of such price range should normally be no more

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than 15 percent above the average of the minimum and maximum of such price range and the minimum should normally be no more than 15 percent below such average. The maximum price used in the price range should normally be no more than $50 per share and the minimum no less than $5 per share.

(d) *Prohibited representations.* The Corporation will review the price information required under paragraph (c) of this section in determining whether to give approval to the application for conversion.

• • • • • •

(e) *Underwriting expenses.* Underwriting commissions shall not exceed an amount or percentage per share acceptable to the Corporation. No underwriting commissions shall be allowed or paid with respect to shares of capital stock sold in the subscription offering; however, an underwriter may be reimbursed for accountable expenses in connection with the subscription offering where the public offering is so small that reasonable underwriting commissions thereon would not be sufficient to cover total accountable expenses. The term "underwriting commissions" includes underwriting discounts.

(f) *Pricing materials.* (1) In considering the pricing information required under paragraph (c) of this section, the Corporation will apply the following guidelines:

• • • • • •

(g) *Order forms for purchase of capital stock.* (1) Promptly after the Corporation has declared the offering circular for the subscription offering effective, the applicant shall distribute order forms for the purchase of shares of capital stock in the subscription offering to all eligible account holders, members eligible to vote at the meeting to consider the conversion and other persons who may subscribe for such shares under the plan of conversion.

• • • • • •

(3) The maximum subscription price stated on each order form shall be the amount to be paid when the order form is returned. The maximum subscription price shall be within the subscription price range stated in the proxy statement. If the actual public offering price is less than the maximum subscription price stated in the order form, the actual subscription price shall be correspondingly reduced and the difference shall be refunded to those who have paid the maximum subscription price. However, if the actual subscription price is more than 25 percent less than the maximum subscription price, previously returned order forms shall not be binding and a resolicitation through new order forms shall be required.

(4) Each order form shall be prepared so as to indicate to the person receiving it, in as simple, clear and intelligible a manner as possible, the actions which are required or available to him with respect to the form and the capital stock offered for purchase thereby. Specifically, each order form shall:

(i) Indicate the number of entitlement shares and the number of additional shares for purchase by the eligible account holder in the subscription offering. Indicate separately any other subscription rights which are available to eligible account holders and to other persons who may subscribe for capital stock under the plan of conversion. If there are several different types of subscription rights under the plan of conversion so that their inclusion on a single order form would cause it to be too complex, the applicant may wish, and the Corporation may require, the distribution of different order forms to different classes of persons who may subscribe;

• • • • • •

(5) • • •

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(h) *Withdrawal from certificate accounts.*

• • • • • •

(i) *Period for completion of sale.*

• • • • • •

(8) Section 563b.8 would be amended by revising paragraphs (a), (b), (c), and (d); by changing the phrases "paragraph (c)(4)(ii)" and "paragraph (c)(4)(i)" in present paragraphs (c)(4)(i) and (ii) to "paragraph (e)(4)(ii)" and "paragraph (e)(4)(i)"; by changing the phrase "paragraph (1)" in present paragraph (e) to "paragraph (n)" and deleting the word "preliminary" from that paragraph; by changing the phrase "paragraph (j)" in the second sentence of present paragraph (l)(1) to "paragraph (l)"; by changing the phrase "paragraph (m)(2)" in present paragraph (m)(1) to "paragraph (o)(2)"; by adding a new paragraph (m)(3) immediately following paragraph (m)(2) of present paragraph (m); by changing the phrase "paragraph (n)" in present paragraph (n)(2) to "paragraph (p)"; by changing the letter "(r)" in paragraph (l)(2) to "(t)"; by adding a new paragraph (u) immediately following present paragraph (r); and by redesignating paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r) and (s) as paragraphs (e), (f), (g), (h), (l), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t) and (v), as follows:

§ 563b.8 Procedural requirements.

(a) *Filing an application for conversion.* An applicant that desires to convert in accordance with this part shall file ten copies of an application for approval in the form prescribed by the Corporation.

(b) *Return of improperly executed or materially incomplete filings.* Any application for approval that is improperly executed, or that does not contain copies of (i) a plan of conversion, (ii) a preliminary proxy statement with signed financial statements, and (iii) a preliminary form of proxy, shall not be accepted for filing and shall be returned to the applicant. Any application for approval containing a materially incomplete plan of conversion, proxy statement, or form of proxy may be returned by the Corporation to the applicant.

(c) *Additional filing requirements.* An applicant whose plan of conversion has been approved by the Corporation shall fulfill the following requirements:

(1) The applicant shall file with the Corporation promptly after the meeting of association members called to consider the plan of conversion a certified copy of each resolution adopted at such meeting relating to the plan of conversion, together with the following information:

(i) The total number of votes eligible to be cast;

(ii) The total number of votes represented in person or by proxy at the meeting;

(iii) The total number of votes cast in favor of and against each such matter; and

(iv) The percentage of votes necessary to approve each such matter.

The compilation of the votes cast at the meeting may be prepared for the insured institution, by an independent public accountant or by an independent transfer agent.

(2) The applicant shall file with the Corporation promptly after the meeting of association members called to consider the plan of conversion an opinion of counsel to the effect that (1) the meeting of members was duly held in accordance with all requirements of applicable State and Federal law and regulation; and (2) all requirements of State law applicable to the conversion have been complied with.

(3) The offering circulars for the subscription offering and for the public or other offering shall be prepared in compliance with this part and Form OC. The applicant shall file with the Corporation ten copies of each preliminary offering circular and twenty-five copies of each final offering circular.

(d) *Termination or amendment of charter.* (1) Upon approval of a plan of conversion by the members of a State-chartered insured institution or a Federal association which is converting to a State-chartered stock insured institution, the charter of such insured institution shall terminate effective upon the issuance to it of a stock charter under the laws of the State in which the home office of the applicant is located. If such converting insured institution is a Federal association, its Federal charter shall promptly be surrendered to the Board for cancellation. An insured institution converting to a State-chartered stock insured institution shall promptly file with the Corporation a copy of the stock charter issued to it. The certificate of insurance of such insured institution shall promptly be surrendered to the Corporation for amendment or cancellation, and the Corporation shall promptly issue an amended or new certificate of insurance to the converted insured institution.

(2) A Federal association converting to a Federal stock association shall apply to amend its charter and bylaws to read in the form of a charter and bylaws for a Charter S association. The effective date of such amendment shall be stated in the Board's resolution approving the conversion.

(e) *Number of copies; place of filing; binding; signatures.*

• • • • • •

(f) *Requirements as to paper and printing.*

• • • • • •

(g) *Method of preparation.*

• • • • • •

(h) *Interpretation of requirements.*

• • • • • •

(i) *Additional information.*

• • • • • •

(j) *Information unknown or not reasonably available.*

• • • • • •

(k) *Incorporation of certain information by reference.*

• • • • • •

(l) *Summaries or outlines of documents.*

• • • • • •

(m) *Legibility of materials.*

• • • • • •

(n) *Presentation of information.*

• • • • • •

(o) *Application of amendments to regulations and forms.*

(1) • • •

(2) • • •

(3) Applications for conversion filed pursuant to this part shall conform to the regulations and forms of this part as revised by the Corporation effective [effective date of this amendment].

(p) *Consent of experts.*

• • • • • •

(q) *Consents of persons about to become directors.*

• • • • • •

(r) *Date of filing.*

• • • • • •

(s) *Amendments.*

• • • • • •

(t) *Pre-filing conferences with applicants.*

• • • • • •

(u) *Review of Board action.* Any person aggrieved by a final action of the Board or the Corporation which approves, with or without conditions, or disapproves a plan of conversion pursuant to this part may obtain review of such action by filing in the court of appeals of the United States for the circuit in which the principal office or residence of such person is located, or in the United States Court of Appeals for the District of Columbia Circuit, a written petition praying that the final action of the Board or Corporation be modified, terminated or set aside. Such petition must be filed within 30 days after publication of notice of such final action in the Federal Register, or upon the mailing by the applicant of the notice to members as provided for in § 563b.6(c), whichever is later. The further procedure for review is as follows. A copy of the petition is forthwith transmitted to the Board or the Corporation by the clerk of the court and thereupon the Board or the Corporation files in the court the record in the proceeding, as provided in Section 2112 of Title 28 of the United States Code. Upon the filing of the petition, the court has jurisdiction, which upon the filing of the record is exclusive, to affirm, modify, terminate, or set aside in whole or in part, the final action of the Board or the Corporation. Review of such proceedings is had as provided in Chapter 7 of Title 5 of the United States Code. The judgment and decree of the court is final, except that they are subject to review by the Supreme Court upon certiorari as provided in Section 1254 of Title 28 of the United States Code.

(v) *Post-Conversion reports.*

• • • • • •

9. Form PA and the Items thereunder would be amended by revising its Facing Sheet, by changing its title from "Form PA" to "Form AC", by changing its name from "Application for Preliminary Approval of Conversion" to "Application for Conversion", by changing the Board's address from "101 Indiana Avenue, N.W." to "320 First Street, N.W."; by revising paragraph A of the General Instructions to present Form PA by changing the phrases "Form PA" in the title of the paragraph and the first sentence of the paragraph to "Form AC" and deleting the word "preliminary"; by deleting the word "preliminary", where ever it appears in Items 1 and 5; by changing the figure "$20,000" to "$40,000" in Items 7; and by adding a new Item 11 immediately after Item 10, as follows:

Item 11. *Federally Chartered Stock Association Charter S Association.* State whether the converting Federal association is applying to amend its charter and bylaws to read in the form of the charter and bylaws of a Charter S association.

10. The Exhibits under present Form PA would be amended by revising Exhibit 2 by adding a new subdivision (k) immediately after subdivision (j), by revising the last sentence and by redesignating current subdivisions (k), (l), (m), and (n) as (l), (m), (n) and (o); by revising Exhibit 3 by adding a new sentence immediately after subdivision (e); and by revising Exhibit 7 by changing the phrases "§ 563b.8(h)" and "§ 563b.8(h)(2)" in paragraph (a) to "§ 563b.8(j)" and "§ 563b.8(j)(2)", by changing the phrase "§ 563b.8(n) and (o)" in paragraph (b) to "§ 563b.8(p) and (q)", by changing the phrase "§ 563b.8(c)(3)" in paragraph (e) to "§ 563b.8(e)(3)" and by changing the phrase "§ 563b.8(e)" in paragraph (f) to "§ 563b.8(g)", as follows:

Exhibit 2. Copies of Documents, Contracts and Agreements. Furnish the following documents, contracts and agreements:

• • • • • •

(k) any charter amendment filed for the purpose of converting a Federal mutual association to a Federal stock association; (l) any proposed contracts or agreements among the members of a management group or syndicate regarding the purchase of unsubscribed shares; (m) any documents referred to in the answer to Item 10; (n) any trustee agreements or indentures; and (o) any agreements for the making of markets or the listing on exchanges of the stock of the converted insured institution. Documents, contracts and agreements which are furnished in proposed form under this exhibit shall be furnished in final form immediately after the meeting of association members to consider the plan of conversion, except for the documents required by subdivisions (i) and (l) which shall be furnished in substantially final form.

Exhibit 3. Opinion of Counsel. Furnish an opinion of counsel for the applicant regarding each of the following matters: (a) the legal sufficiency of the applicant's proposed certificates and order forms for capital stock and any other securities; (b) State law requirements applicable to the plan of conversion including citations to applicable State law and whether such requirements will be fulfilled by the plan; (c) the legal sufficiency of the applicant's proposed charter and bylaws; (d) the type and extent of each class of voting rights in the applicant after conversion, including any requirement of State law that savings account holders or borrowers having voting rights in the converted insured institution; and (e) the legality and Federal income tax effect to the applicant of any proposed qualified stock option plan described in response to Item 12 of Form PS. Matters listed in subdivisions (b), (c) and (d) of this Exhibit only apply to an applicant which is converting to a State-chartered stock association.

• • • • • •

Exhibit 7. Other Materials. (a) If information required by an appropriate form is not given for the reasons specified in § 563b.8(j), furnish the statement required for each such omission by § 563b.8(j)(2).

(b) Furnish all consents required to be filed by § 563b.8(p) and (q).

(c) If applicable, furnish the statement required by the Instruction to Item 5(e) of Form PS regarding events which occurred within the last ten years to directors of the applicant.

(d) If information required by Item 15(h) of Form PS relating to historical financial information is omitted, furnish the statement required by Item 15(h)(1) of Form PS.

(e) Furnish any powers of attorney employed pursuant to § 563b.8(e)(3).

(f) Furnish the cross reference sheet referred to in § 563b.8(g).

(g) If the applicant wishes to request a waiver of compliance in accordance with § 563b.1(c), furnish the materials required by § 563b.1(c)(2).

11. Form PS would be amended by revising Item 2; by revising paragraphs (a), (d), (e), (f), (g) and (i) of Item 8; by revising paragraph (c) of Item 15; and by amending paragraph (a) of Item 16 by changing the phrase "563b.8(n)" to "563b.8(p)", as follows:

Item 2. *Revocability of proxy.* State that the person giving the proxy has the power to revoke it before the proxy is exercised at the meeting. If the right of revocation is subject to compliance with any formal procedure, briefly describe such procedure. Briefly describe any charter, bylaw or applicable Federal or State law requirements otherwise restricting voting by proxy. State that the proxy is solicited for that meeting, and any adjournment thereof, and will not be used for any other meeting. (See also Section 563b.5(d)(3)).

• • • • • •

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Item 8. *Description of the plan of conversion.* (a) A statement to the following effect shall be inserted in the proxy statement immediately preceding the information required by this Item: The Federal Home Loan Bank Board has given approval to the plan of conversion, subject to its approval by association members and the satisfaction of certain other conditions. However, such Board approval does not constitute a recommendation or endorsement of the plan by the Board.

• • • • •

(d) With respect to the subscription offering, furnish the following information: (1) the formula to be used for determining the subscription rights of eligible account holders to purchase entitlement and additional shares pursuant to § 563b.3(c)(2) and (3); (2) any minimum share purchase requirements pursuant to § 563b.3(d)(5); (3) the provisions pursuant to § 563b.3(c)(4) for purchase of shares by association members who are not eligible account holders; (4) any optional provisions included in the plan of conversion pursuant to § 563b.3(d) for the purchase of shares of capital stock including the purchase priorities, the total number of shares which may be purchased, and the formula for their allocation; (5) the allocation formulas to be used in the event that there is an oversubscription of shares at any time during the sale of stock under the plan of conversion; and (6) the use and timing of the order forms with respect to the subscription offering.

(e)(1) Set forth on a per share basis the estimated public offering price range of the shares of capital stock to be sold pursuant to the plan of conversion; (2) state that the public offering price will be the pro forma market value of such shares based on an independent valuation; (3) state that all of the shares are required to be sold; and (4) describe briefly the results of the appraisal of the association made by an independent appraiser for the purpose of determining the estimated price range.

(f) Discuss (1) the earnings per share on a pro forma basis of the capital stock to be sold as of the end of the most recent period covered by the statements of operation required by Item 15(b)(1); and (2) the book value per share on a pro forma basis as of the date of the latest statement of financial conditions required by Item 15(a).

Instruction. Earnings and book value per share shall be furnished without giving effect to the estimated net proceeds from the sale of the capital stock, and then after giving effect to such proceeds with all assumptions used clearly stated.

(g) With respect to the subscription offering, state the proposed commencement and expiration dates of the subscription period and describe any provisions in the plan of conversion related to the timing of the subscription offering or extension of the subscription period. Also, state (1) that a maximum subscription price will be set forth in the offering circular used for the subscription offering; (2) that the actual subscription price will be the public offering price; (3) that the actual subscription price will not exceed the maximum subscription price shown on the order form; and (4) that any difference between the maximum and actual subscription prices will be refunded.

• • • • •

(i)(1) State whether the plan of conversion provides for the capital stock not purchased in the subscription offering to be offered to the public through underwriters. If such is the case, provide the information to the extent known required by Item 6 of Form OC and indicate the proposed timing of the underwritten offering. (2) State whether the plan of conversion provides for a private distribution of any shares not purchased in the subscription offering. If such is the case, provide the information, to the extent known, required by Item 6 of Form OC and indicate the proposed timing of the private distribution.

• • • • •

Item 15. *Financial Statements.*

• • • • •

(c) *Statements of changes in financial position.* Furnish certified statements of changes in financial position (1) for each of the three fiscal years preceding the date of the latest statement of financial condition filed under paragraph (a) and (2) furnish a statement for the period if any, between the close of the latest of such fiscal years and the date of the latest statement of financial condition filed under paragraph (a). This additional statement need not be certified.

• • • • •

Item 16. *Consents of experts and reports.* (a) The proxy statement shall briefly describe all consents of experts filed pursuant to § 563b.8(p).

• • • • •

12. Form OC would be amended by adding the words "and use of" to the title of Item 1; by revising Item 4; and by deleting the phrase "or prices" from paragraph (h) of Item 6, as follows:

Item 1. *Information required by and use of Form OC.*

• • • • • •

Item 4. *Preliminary offering circular.* The outside front cover page of any preliminary offering circular shall bear, in red ink, the caption "Preliminary Offering Circular", the date of its issuance, and the following statement printed in type as large as that used generally in the body of such offering circular.

"This offering circular has been filed with the Federal Savings and Loan Insurance Corporation, but has not been authorized for use in final form. Information contained herein is subject to completion or amendment. The shares covered hereby may not be sold nor may offers to buy be accepted prior to the time the offering circular is declared effective by the Federal Savings and Loan Insurance Corporation. This offering circular shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these shares in any State in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such State."

• • • • • •

13. Form FA would be deleted.

• • • • • •

(Sec. 105, Pub. L. 92-495, October 28, 1974; secs. 402, 403 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-2461 Filed 1-28-75;8:45 am]

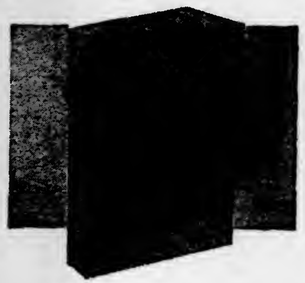
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NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Wildlife Refuges in Certain States

The following special regulations are issued and are effective on January 1, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Alabama, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,000 acres, are shown on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on all refuge waters not closed by signs.

(2) Fishing is permitted during daylight hours only.

(3) Firearms are not permitted.

(4) Equipment (boats, trailers, vehicles, etc.) not permitted overnight.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Arkansas, is permitted on all water areas. These areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) The sport fishing season on the refuge extends year-round except for closure during duck hunting season.

(2) Limb lines may not be used.

(3) Trotline fishing permitted at night.

HOLLA BEND NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of Holla Bend National Wildlife Refuge. Sport fishing shall be in accordance with all applicable State and Federal regulations covering fishing, subject to the following special condition:

(1) Fishing is permitted only during the period March 15 through September 30, daylight hours only.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Arkansas, is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1975, through September 30, 1975.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 10 horsepower are prohibited. No boats are allowed in the Woody Ponds area on the south side of the refuge.

(4) The use of jug, drop, or trotlines is prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait is prohibited.

(6) No fishing permitted within 100 yards of the bridge, water control structure and boat dock which is located behind the refuge headquarters.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, DeWitt, Arkansas, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1975, through October 31, 1975.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs is prohibited.

(4) All fishermen must exhibit their fishing license, fish, and vehicle and boat contents to Federal and State officers upon request.

(5) It is unlawful to fail to run trotlines every 24 hours and remove catch therefrom. Lines not being properly tended shall be confiscated and removed from the water.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, de Leon Springs, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. Refuge waters east of the canal bordering the east side of Norris Dead River, Lake Woodruff, and Spring Garden Creek will be open to fishing only when such use will not result in undue disturbance to wildlife or will not interfere with wildlife management practices being carried out on the area. Such periods of permitted use will be designated by appropriate signing and will generally occur during the period from March 15 to October 15.

(2) Limited areas throughout the refuge may be designated as closed by appropriate signing to protect wildlife or other refuge values.

(3) Fishing on refuge waters is permitted during daylight hours only.

(4) Air-thrust boats are prohibited.

(5) Firearms of any type are prohibited.

(6) State regulations govern fishing in State-owned waters contained in Spring Garden Lake, Spring Garden Creek, Norris Dead River and Highland Park Canal, Lake Woodruff, Tick Island Mud Lake, Tick Island Creek, and Lake Dexter.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in all waters of the Loxahatchee National Wildlife Refuge, Delray Beach, Florida, except those marked by signs as being closed. The open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Sport fishing is permitted year-round.

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(2) Fishing is restricted to 1½ hours before sunrise until 1 hour after sunset.

(3) Boats must enter or leave the refuge through the three public ramps as follows:

(a) S–5A (Twenty-Mile Bend) boat ramp.

(b) Headquarters boat ramp.

(c) S–39 (Loxahatchee Recreation Area) boat ramps.

(4) Method of fishing is with attended rod and reel and/or pole and line.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Salt and freshwater fish may be taken in accordance with all applicable State regulations except for the following special conditions:

(1) Sport fishing is permitted in the open areas year-round except that fishing may be prohibited at certain times when safety and operational factors by NASA so require. At such times the area will be posted as closed. Bank fishing along Banana Creek is prohibited. Air-thrust boats are not allowed on Refuge waters.

(2) Legal methods of fishing:

(a) Attended rod and reel and/or pole and line permitted.

(b) Bow fishing with retrieving line attached.

(c) Cast nets are permitted with not more than 7 feet length and not more than 14 feet in diameter and no less than 1 inch mesh.

(3) All State regulations must be obeyed while fishing on the refuge and fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special Refuge permit is required.

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 50,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through October 15, 1975.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 4 horsepower and electric motors are permitted.

(4) Trotlines as permitted by State regulations are allowed except that lines shall be taken up prior to closing hour of fishing daily.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 360 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations.

(1) The sport fishing season extends from March 1, 1975, through October 30, 1975.

(2) Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset.

(3) No motors of any type may be used.

(4) Users must follow designated routes of travel from the beach to the open fishing area.

(5) Boats may be left on the island at designated points during the open season provided they are identified with their owner's name and address. Boats must be removed from the refuge no later than October 30, 1975.

(6) Use of live minnows as bait is prohibited.

GEORGIA

BLACK BEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Georgia, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 680 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through October 25, 1975.

(2) Fishing is permitted in daylight hours only.

(3) Boats with electric motors permitted. Boats with gasoline powered motors prohibited.

(4) Use of live minnows as bait prohibited.

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Georgia. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

Open season: June 1–September 22, 1975—Allison Lake.

Hours: Daylight hours only (camping prohibited).

Species, limits and equipment: Same as State regulations with following exceptions:

Electric motors permitted on boats.

Boats may not be left in fishing area overnight.

Fishing area open for bank fishing within posted areas only.

General: Weapons and dogs are prohibited. Littering and alcoholic beverages are prohibited. The destruction, disturbance, or removal of wood duck nesting facilities, plants, animals, or any public property is prohibited.

Vehicles: Use only roads and trails that are designated as being open for public travel. Maximum speed on gravel roads open for travel is 15 MPH.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Sport fishing on the Catahoula National Wildlife Refuge, Jena, Louisiana, is permitted on the areas designated by signs as open to fishing. The open areas, comprised of the Cowpen Bayou Impoundment and Duck Lake Marsh, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.

Sport fishing shall be in accordance with all applicable State regulations and the following special refuge conditions:

(1) The sport fishing season on the refuge extends from April 12, 1975, through October 26, 1975.

(2) Fishing permitted from 30 minutes before sunrise to 30 minutes after sunset.

(3) Gasoline powered outboard motors are not allowed in Cowpen Bayou. Electric trolling motors only may be used. Outboard motors may be used in Duck Lake Marsh.

(4) Boats may not be left in the refuge overnight.

(5) No camping or campfires permitted.

(6) No firearms permitted on the refuge.

DELTA NATIONAL WILDLIFE REFUGE

Sport fishing and sport shrimping on the Delta National Wildlife Refuge, Venice, Louisiana, are permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing and sport shrimping shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing and sport shrimping season on the refuge shall be closed during the waterfowl hunting season.

(2) Fishing and shrimping permitted during daylight hours only.

(3) Sport shrimp trawls are restricted to a maximum of 25 feet.

(4) Air-thrust boats are prohibited.

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1975, through October 15, 1975.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishing permitted from one hour before sunrise to one hour after sunset.

(4) Entry to Lacassine Pool restricted to four-roller-ways provided.

(5) Boats may not be left inside the refuge overnight.

(6) Boats with outboard motors no larger than 20 horsepower permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport game fishing on the Sabine National Wildlife Refuge, Sulphur, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport game fishing season on the refuge extends from March 1, 1975, through October 15, 1975.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishermen must not enter refuge waters earlier than one hour before sunrise and shall leave refuge waters by one hour after sunset.

(4) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(5) Boats may not be dragged across levees for access to poor areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(6) Boats with outboard motors not larger than 20 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Mississippi, is permitted on all refuge waters not specifically posted as closed to entry. These open areas, comprising 2,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 1 through October 31, 1975.

(2) Fishing permitted during daylight hours only.

(3) A daily permit (50 cents) is required by the Mississippi Game and Fish Commission to fish in Bluff and Loakfoma Lakes and tail-waters of the spillways.

(4) No limb lines or limb hooks are permitted in Bluff and Loakfoma Lakes.

(5) All trotlines will be removed from the refuge by the close of the refuge fishing season.

(6) Private boats may not be left overnight on the refuge.

(7) No snag lines permitted.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing, bow fishing, and herring dipping on the Mattamuskeet National Wildlife Refuge are permitted only on the areas designated by signs as open. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. These activities shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing and bow fishing seasons extend from March 1 through November 1.

(2) As an exception to (1) above, the following areas are open to bank fishing during the entire year.

(a) The causeway (State Highway 94 which crosses the lake).

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(3) Herring (alewife) dipping will be permitted from March 1 through May 15 from the canal banks and water control structures in the immediate vicinity of the following locations:

(a) Waupoppin Canal control structure—daylight hours only.

(b) Outfall Canal control structure—daylight hours only.

(c) Lake Landing control structure—closed from sunset Sunday to sunrise Monday; sunset Tuesday to sunrise Wednesday; sunset Thursday to sunrise Friday. Open at other times.

(4) Boats and outboard motors without size limitations permitted. Airboats are prohibited.

(5) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, North Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations, except the following special conditions:

(1) Open Season: Year-round—Brown Creek—within 100 yards of the Brown Creek Recreation Area.

(2) Open Season: April 1–September 30—Sullivan Pond—Anson County; Andrews Pond—Richmond County; Pee Dee River—Anson and Richmond Counties.

(3) Fishing permitted from sunrise to sunset.

(4) Only bank fishing permitted.

(5) Firearms, camping, open fires, and night use prohibited.

(6) No special refuge permit is required.

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SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through September 30, 1975.

(2) Fishing permitted during daylight hours only. No overnight camping allowed.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

(4) Boats must be removed from the refuge at the close of each day.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 135 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1975, through December 31, 1975 on Lake Bee, and the Black Creek Bridge areas on State Road 33, State Road 145, and U.S. Highway 1; from March 17, 1975, through October 11, 1975 on Martin's Lake, Lake 16, Pools A, D, G, and H; and from March 17, 1975, through September 12, 1975 on Lake 17 and Pool J.

(2) Fishing permitted from official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted only in Lake Bee, Lake 16, and Lake 17, and Martin's Lake. Other type motors prohibited. The other areas are open only for bank fishing within posted areas.

(4) Alcoholic beverages prohibited.

(5) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with closed area signs.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on Santee National Wildlife Refuge is permitted on all areas except for those designated by signs as being closed. The closed areas are delineated on a map that is available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Waters within all land units (Cuddo, Pine Island, Bluff, and Dingle Pond) are closed to fishing.

(2) Cantey Bay, Blackbottom, and Savannah Branch are closed from November 1 to February 28.

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1975, through October 25, 1975.

(2) Fishing is permitted during daylight hours only.

(3) Boats powered with electric motors are permitted in the impoundments. Boats powered with gasoline motors are prohibited in the impoundments.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tennessee, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 4,050 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for Elk and South Cross Creek Reservoirs and the 15 smaller refuge ponds extends from April 1 through September 15, 1975. Fishing is permitted in these refuge bodies of water from 30 minutes before sunrise to 30 minutes after sunset. The sport fishing season is open 24 hours per day, year-round on Barkley Lake.

(2) Boats powered by outboard motors of 5 horsepower or less are permitted on Elk and South Cross Creek Reservoirs. The 15 smaller refuge ponds are restricted to use by boats powered only by electric trolling motors and/or paddle. Motor size is not restricted on Barkley Lake.

(3) Methods of fishing the two reservoirs and impoundments are limited to hand fishing with rod and reel and/or pole and line.

(4) Overnight camping and/or overnight mooring of boats are prohibited on the refuge.

(5) For their safety fishermen must follow designated routes of travel while on the refuge and use the parking areas as provided.

(6) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special refuge permit is required.

HATCHIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Hatchie National Wildlife Refuge, Brownsville, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 100 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1975, through November 14, 1975.

(2) Fishing permitted during daylight hours only.

(3) Boats powered with electric outboard motors are permitted. Gasoline outboard motors are prohibited.

(4) Methods of fishing are limited to pole and line or rod and reel, using natural or artificial bait.

(5) Vehicles may be used on refuge roads and trails to reach fishing area.

(6) Footpaths may be used to reach all lakes from Hatchie River.

(7) Firearms prohibited.

(8) Boats must be removed from refuge no later than November 30.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The fishing season on that portion of the refuge located north of Upper Blue Basin extends from February 15, 1975, through October 23, 1975. The fishing season on that portion of the refuge located south of Upper Blue Basin extends from January 21, 1975 until the day preceding opening of the 1975 waterfowl season.

(2) Fishing with bows and arrows is prohibited at all times.

(3) Boats with motors of not more than 10 horsepower may be used.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1975, through September 30, 1975, sunrise to sunset daily.

(2) Fishing with bows and arrows is prohibited at all times.

(3) Boats with motors of not more than 6 horsepower may be used.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

ALBERT W. JACKSON,
Acting Regional Director,
U.S. Fish and Wildlife Service.

JANUARY 21, 1975.

[FR Doc.75-2736 Filed 1-29-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NE-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On December 11, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 43230) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-496 from Lebanon, N.H., to Kennebunk, Maine, and rescind V-141E between Concord, N.H., and Lebanon.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows: a. In V-141 all after "Concord, N.H.;" is deleted and "Lebanon, N.H.; Burlington, Vt.; to Massena, N.Y." is substituted therefor.

b. In V-496 "to Lebanon, N.H." is deleted and "Lebanon, N.H.; to Kennebunk, Maine," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on January 23, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.75-2732 Filed 1-29-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-897; Amdt. 8]

PART 250—PRIORITY RULES, DENIED-BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Denied-Boarding Compensation; Interpretative Amendment and Partial Stay

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 27, 1975.

By ER-880, dated August 13, 1974,[1] the Board adopted an amendment to its "denied-boarding compensation" rule, as set forth in Part 250 of its Economic Regulations (14 CFR Part 250), so as to expand coverage of the rule to include foreign air carriers.

Subsequent to the issuance of ER-880, and in response to numerous requests by foreign air carriers, the Board issued ER-890,[2] which deferred until March 1, 1975, the effective date of ER-880. In taking this action, the Board explained that while the various requests had made a persuasive showing that there should be some deferral of the effectiveness of amendments extending the "denied-boarding" rule to foreign air carriers, we did not believe that such effectiveness should be delayed, in its entirety, beyond March 1, 1875.

A. INTERPRETATIVE AMENDMENT OF § 250.2

Insofar as several foreign air carriers had raised a fundamental question as to the precise manner in which the rule would apply to their operations, we stated that we would shortly issue our interpretation of the provision in § 250.2 which describes the rules applicability. In pertinent part, § 250.2, which was not amended by ER-880, provides that our denied-boarding rule "applies to flights or portions of flights originating or terminating in the United States, its territories or possessions • • •." One of the main purposes of the within amendment is thus to revise § 250.2 so as to explicitly reflect our interpretation of the scope of applicability which we have intended for the "denied-boarding" rule to have, both with respect to U.S. air carriers—whom the rule has covered for more than seven years[3]—and foreign air carriers.

The above-quoted provision in § 250.2 has adequately expressed the rule's application to the carriage of passengers in "interstate air transportation" and "overseas air transportation," as those terms are respectively defined in sections 101(21)(a) and 101(21)(b) of the Act. However, questions have occasionally arisen as to its precise application to certain international flights performed by U.S. air carriers, since, in such cases, a flight which may be said to "originate" or "terminate" in the United States might well include flight portions in which some or all of the passengers are not even carried in "foreign air transportation," as that term is defined in section 101(21)(c) of the Act, and are thus not within our jurisdiction.

For example, every flight performed by a U.S. air carrier in "foreign air transportation" is necessarily a flight "originating or terminating" in the United States, within the literal description of § 250.2. Yet, we have never intended for Part 250 to apply to "local traffic" carried by U.S. carriers in international flights, *i.e.*, passengers carried between two foreign points in the course of an aircraft's flight between a foreign terminal point and a U.S. terminal point.

Clearly, a person who buys a ticket in Rome for a flight from Rome to Athens has not been covered by our rule merely because the flight is to be performed on an aircraft which "originates" in the United States and is operated by a U.S. carrier. Similarly, our staff has taken the position, which we here affirm, that a person who buys a ticket in New York from a U.S. carrier for a flight to London and thence to Rome has been covered by our rule only with respect to the flight from New York to London, but not with respect to the London-Rome flight, even though his journey "originates" in the United States.

In short, for the purposes of determining the extent to which passengers on international flights operated by U.S. carriers have been protected by the denied-boarding rule, § 250.2 has been interpreted to mean that, regardless of where the aircraft originates or terminates, our rule applies only to a passenger holding a confirmed reservation for space aboard that aircraft for a flight to or from a point in the United States—as evidenced by a separate flight coupon naming such point. Consequently, for example, if a U.S. carrier denies boarding in Athens to passengers holding confirmed reserved space for a flight aboard an aircraft whose ultimate destination is New York, our staff has advised carriers and consumers that the rule applies only with respect to those "bumped" passengers who hold a single Athens-New York ticket; but passengers who hold an Athens-Rome-New York ticket consisting of an Athens-Rome flight coupon and a Rome-New York flight coupon are within the rule's protection only for the latter portion of their flight, *i.e.*, the remedies of Part 250

[1] Published in the FEDERAL REGISTER on October 29, 1974, 39 F.R. 38087.

[2] December 17, 1974, 39 FR 44197, December 23, 1974. Contemporaneously, the Board also issued PS-60, granting the same deferral for the effectiveness of PS-58, which had amended the Board's related policy statement on orally confirmed reservations so as to apply to foreign air carriers.

[3] Part 250 was adopted by ER-503, dated August 3, 1967, and became effective on October 17, 1967. Since the rule was initially adopted, the quoted portion of § 250.2 has remained unchanged.

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are available to them if they are denied boarding in Rome, but not in Athens.[4]

Since our intention in amending Part 250 was to have the rule apply to the operations of foreign air carriers in the same manner that it has applied to the international operations of U.S. carriers, we are amending the pertinent provisions in § 250.2 so as to describe more accurately the rule's applicability, as discussed above.

In doing so, we shall also correct a technical defect in § 250.2, which presently refers only to flights "originating or terminating" in the United States. By its literal terms, this description would thus exclude any flight performed by a foreign air carrier to or from an intermediate point within the United States, simply because the flight neither originates nor terminates here. For example, Air Jamaica has authority to carry passengers on a flight originating in Jamaica and terminating in Toronto, but with an intermediate stop in Philadelphia. Yet, although § 250.2 would appear to exclude all passengers carried by Air Jamaica between Philadelphia and either Toronto or Jamaica, we certainly did not intend to exclude such passengers from the protection of our "denied-boarding" rule. On the contrary, our intention to include such passengers was manifested by the amendment which ER–880 made to § 250.10; there, in revising the reporting requirements of the rule, we expressly stated that, for foreign air carriers, the reporting basis "will be all flights originating or terminating at, or serving a point within, the United States or its territories or possessions." By inadvertence we neglected in ER–880 to add the underscored phrase to § 250.2, as well, and we now cure that oversight.

B. Stay of § 250.10 as to Foreign Air Carriers

As noted above, one of the requirements imposed upon foreign air carriers by ER–880 was a reporting requirement, effected by amendment of § 250.10 so as to require foreign air carriers to file only Form 251, as distinguished from the requirement imposed on U.S. carriers, which must file both Forms 250 and 251. This reporting requirement was objected to by some foreign air carriers, because it calls for disclosure of the total number of passengers enplaned on flights "originating or terminating at, or serving a point within, the United States or its territories or possessions." We are persuaded that this aspect of ER–880 warrants further consideration and that, pending such consideration, the effectiveness of the reporting requirement should be postponed.

Accordingly, the effectiveness of ER–880, insofar as it amended § 250.10 so as to impose a reporting requirement on foreign air carriers, is hereby stayed until we can devise a preferable method for monitoring foreign carriers' compliance with Part 250.

C. Foreign Currency Restrictions

As we noted in ER–890, a number of foreign air carriers raised questions as to a possible conflict between the obligation imposed by our rule, requiring prompt payment of liquidated damages in specified sums, and the prohibitions in some countries against certain types of "foreign currency" transactions. We are not persuaded that effectiveness of the rule's coverage of foreign air carriers should be postponed until such questions can be conclusively resolved. Even if we were disposed to do so, we could not fashion a rule which, by its terms, would fully insure avoidance of conflict with every foreign legal authority which applies to U.S. and foreign carriers. Moreover, where an accommodation must be made between our rules and those of a foreign authority, we need not assume that revising our requirements is the only or best way to resolve the conflict.

Suffice it to say here that we are not persuaded that compliance with our "denied-boarding-compensation" rules will actually place any air carrier, U.S. or foreign, in a posture of noncompliance with any foreign legal authorities. Indeed, as stated above, it must be remembered that Part 250 has applied for some years to the operations of U.S. carriers in various foreign countries, and we are not aware of any instance in which compliance with Part 250 has presented a U.S. carier with a dilemma *vis-a-vis* any foreign authority. Thus, for example, the procedures described in § 250.8 for promptly tendering, to a passenger entitled to denied boarding compensation, "a draft for the appropriate amount of compensation," are sufficiently flexible to allow a carrier to utilize foreign currency drafts or internal charge orders payable at one of its appropriate offices.

Although, as explained above, we do not believe that the suggested "conflict of laws" questions necessitate or warrant regulatory action of a general nature—as by amending or staying Part 250—we shall of course be prepared to consider requests for such relief as may prove to be necessary in particular cases, upon particular showings of hardship.

Since the within amendment to § 250.2 is interpretative, the Board finds that notice and public procedure hereon are unnecessary and that it may become effective immediately.

Except to the extent granted by the action taken herein the various requests for rule making, stay of effectiveness and other related relief, which were filed in Dockets 25592, 27236, and 27242, with respect to ER–880, be and they hereby are denied.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 250 of the Economic Regulations (14 CFR Part 250), effective January 27, 1975, as follows:

Revise § 250.2 to read as follwos:

§ 250.2 Applicability.

This part applies to every carrier, as defined in § 250.1, with respect to its operation of flights originating or terminating at, or serving, a point within the United States or its territories or possessions, insofar as it denies boarding to a passenger on a flight, or portion of flight, for which he holds confirmed reserved space and which is covered by a flight coupon naming any such point: *Provided, however,* That this part shall not apply to intra-Alaskan service conducted with aircraft whose maximum takeoff weight is 12,500 pounds or less.

(Sec. 102, 204(a), 402, 403, 404, 411, 1002, Federal Aviation Act of 1958, as amended; 72 Stat. 740, 743, 757, 758, 760, 769, and 788; 49 U.S.C. 1302, 1324, 1372, 1373, 1374, 1381, and 1482)

By the Civil Aeronautics Board.

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.75-2833 Filed 1-29-75;8:45 am]

[4] It does not matter whether the trip of the Athens-New York passenger is to be interrupted in Rome for his convenience, as a stopover, or for the purpose of making a connecting flight with the same carrier or a different carrier. All that matters is that there is to be a journey interruption necessitating the issuance of a separate flight coupon for the resumed portion of his trip. In this connection, see § 250.5, where the amount of denied-boarding compensation is measured by "the value of the first remaining flight coupon;" thus, for example, if two passengers holding New York-Los Angeles tickets were "bumped" in New York, differences in their itinerary—as evidenced by the flight coupons comprising their tickets—could result in substantially different amounts of compensation, computed on the basis of their different "first remaining" coupons.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2585]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Central Pontiac, Inc. and Henry J. Rahe

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Central Pontiac, Inc., et al. Seattle, Wash., Docket C–2585, Oct. 22, 1974.]

In the Matter of Central Pontiac, Inc., a Corporation, and Henry J. Rahe, Individually and as an Officer of Said Corporation.

Consent order requiring a Seattle, Wash., retailer of new and used automobiles, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows.[1]

It is ordered, That respondents Central Pontiac, Inc., a corporation, and its officers, and Henry J. Rahe, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. The deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all personnel of respondents engaged in the consummation of any extension of consumer credit or in any substantial aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, to all agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and to all persons and agencies who become so engaged during the two-year period following the effective date of this order, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

[1] Copies of complaint & decision and order filed with the original document.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and/or of his affiliation with any other business which extends, arranges or advertises consumer credit, in the event of such discontinuance or affiliation within ten (10) years after the effective date of this order. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further orderd, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 22, 1974.

Charles A. Tobin,
Secretary.

[FR Doc.75-2800 Filed 1-29-75;8:45 am]

[Docket No. C–2564]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

General Motors Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* 13.20–20 Competitors' products; § 13.170 *Qualities or properties of product or service;* 13.170–34 Economizing or saving; § 13.205 *Scientific or other relevant facts;* § 13.210 *Scientific tests;* § 13.265 *Tests and investigations.* Subpart—Disparaging competitors and their products—Competitors' products: § 13.1000 *Performance;* § 13.1010 *Qualities or properties.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1710 *Qualities or properties;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts;* § 13.1762 *Tests, purported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 State 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Motors Corporation, Detroit, Mich., Docket C–2564, Oct. 7, 1974.]

In the matter of General Motors Corporation, a Corporation

Consent order requiring a Detroit, Mich., automobile manufacturer, among other things to cease misrepresenting the superiority of the fuel economy of its automobiles; misrepresenting the conclusions of tests or studies relating to automobile performance; disparaging competing products; and furnishing means and/or instrumentalities of misrepresentation or deception to its dealers.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent General Motors Corporation and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of automobiles, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by reference to a test or tests, that any of respondent's automobiles is superior with regard to fuel economy to any other automobiles, whether manufactured by respondent or others, unless:

(a) Such superiority has been demonstrated, as to the model(s) for which it is claimed, by such test or tests with respect to each sample, or the valid average of all identical samples, of each model represented to have been tested; or

(b) The valid test results for each sample, or the valid average of all identical samples, of each model so compared, including the advertised model as well as such makes and models to which the advertised model is compared, are clearly and conspicuously disclosed.

For the purpose of this order "sample" shall mean an actual automobile tested. *It is provided, however,* That nothing contained in this paragraph is intended to conflict with any guidelines, rules or regulations with respect to fuel economy testing or advertising that may hereafter from time to time be promulgated by any agency of the United States Government, and, if such conflict does occur, the guidelines, rules or regulations shall govern.

2. Misrepresenting in any manner the fuel economy of any automobiles or the superiority of any automobile over competing products in terms of fuel economy.

3. Representing, directly or by implication, by reference to a test or tests, that the performance of any automobile has been tested either alone or in comparison with other automobiles unless such representation(s) accurately reflect the test results and unless the tests themselves are so devised and conducted as to substantiate each such representation concerning the featured tests.

4. Misrepresenting in any manner the purpose, contents or conclusion of any test, report or study relating to the performance of its automobile.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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For purposes of paragraphs 3 and 4 of this order, "test" shall include demonstrations which are claimed to be proof of the representations made.

5. Disparaging the quality or properties of any competing product or products through the use of false or misleading comparisons relative to fuel economy.

6. Placing in the hands of dealers for any of the products of the company an advertisement which contains any of the representations prohibited by paragraphs 1–5 above.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least Thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, October 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-2801 Filed 1-29-75;8:45 am]

[Docket No. 8945]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Tri-State Carpets, Inc. et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.75 *Free goods or services;* § 13.125 *Limited offers or supply;* § 13.155 *Prices;* 13.155–5 Additional charges unmentioned; 13.155–10 Bait; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.160 *Promotional sales plans;* § 13.175 *Quality of product or service;* § 13.180 *Quantity;* 13.180–35 Offered; § 13.240 *Special or limited offers;* § 13.245 *Specifications or standards conformance.* Subpart—Aiding, assisting and abetting unfair or unlawful act or practice: § 13.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate; 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1720 *Quantity;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract. — Prices: § 13.1778 *Additional costs unmentioned;* § 13.1779 *Bait;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act.—Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1855 *Identity;* § 13.1882 *Prices;* 13.1882–10 Additional prices unmentioned; § 13.1886 *Quality, grade or type;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Tri-State Carpets, Inc., et. al., College Park, Md., Docket 8945, Oct. 15, 1974]

In the matter of Tri-State Carpets, Inc., a Corporation, and Michael J. Lightman and William R. Lightman, Individually and as Officers of Said Corporation, and Mathew Mintz, Individually and as Manager of Said Corporation

Order requiring a College Park, Md., carpeting retailer, among other things to cease using bait and switch tactics and deceptive sales plans; disparaging merchandise; misrepresenting terms and conditions, guarantees, and limited or special offers; and in connection with the extension of consumer credit, to cease violating the Truth in Lending Act by failing to make such disclosures as required by Regulation Z of the said Act.

FINAL ORDER

This matter has come before the Commission on its own motion, for consideration of the question whether the consumer warning provision ordered by the Administrative Law Judge should be adopted as part of the Commission's cease-and-desist order. The Commission has determined that this matter is indistinguishable from the matter of *Wilbanks Carpet Specialists, Inc., et al.,* Docket 8933, inasmuch as the record presents insufficient evidence that a consumer warning is a necessary or appropriate means for the termination of the acts or practices complained of or for the prevention of their recurrence. Having declined to order a consumer warning in the *Wilbanks* matter, the Commission has concluded that the same disposition is warranted herein.

Accordingly, the initial decision issued by the judge should be modified in accordance with the foregoing views of the Commission, and, as so modified, adopted as the decision of the Commission:

It is ordered, That the initial decision issued by the Administrative Law Judge be modified by striking therefrom the following:

Those portions of the conclusions of law which concern "consumer warning" relief (at pp. 45–47, sub nom. "The Remedy"); and the second "Further ordered" paragraph of the order to cease and desist issued by the judge (at p. 57).

As so modified, the initial decision is hereby adopted.

The order contained in the initial decision is as follows: [1]

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It is ordered, That respondents Tri-State Carpets, Inc., a corporation, its successors and assigns, and its officers, and Michael J. Lightman and William R. Lightman, individually and as officers of said corporation, and Matthew Mintz, individually and as a manager of said corporation, and their agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, or as an official or employee of any firm or corporation, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or of any other product, merchandise or service of whatever nature or description, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, and do forthwith cease and desist from contributing to, or aiding or abetting in any manner whatever, any firm or corporation in:

1. Using in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or of any other product, merchandise or service.

2. Making representations, directly or by implication, orally or in writing, purporting to offer any product, merchandise or service for sale when the purpose of the representation is not to sell the offered product, merchandise or service but to obtain leads or prospects for the sale of another product, or merchandise or service, at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any product, merchandise or service which is advertised or offered for sale.

4. Representing, directly or by implication, orally or in writing, that any product, merchandise or service is offered for sale when such offer is not a bona fide offer to sell such product, merchandise or service.

5. Failing to maintain and produce for inspection and copying, on demand by the Federal Trade Commission or its representatives, adequate records which reveal for every advertisement published in print or broadcast media, for three years from the date of its publication:

a. The volume of sales made of the advertised product, merchandise or service at the advertised price; and

b. The net profit from the sale of each advertised product, merchandise or service at the advertised price.

6. Representing, directly or by implication, orally or in writing, that a stated price for carpeting or floor coverings includes the cost of separate padding and the installation of such padding, unless in every instance where it is so represented the stated price for floor coverings does, in fact, include the cost of such separate padding and installation.

7. Misrepresenting in any manner, the prices, terms or conditions under which separate padding and installation is provided in connection with the sale of carpet and floor coverings.

8. Representing, directly or by implication, orally or in writing, that the purchaser of any advertised product, merchandise or service will receive a "free" vacuum cleaner or any other "free" merchandise, gift, service, prize or award unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, service, gift, prize or award are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in any advertisement or offer.

9. Representing, directly or by implication, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of any advertised product, merchandise or service, when, in fact, the cost of such merchandise or service is added to what would otherwise have been the selling price of the advertised product, merchandise or service.

10. Representing, directly or by implication, orally or in writing, that a "free" offer is being made in connection with the introduction of any new product, merchandise or service offered for sale at a specified price unless it is planned, in good faith, to discontinue the offer after a limited time and to commence selling such product, merchandise or service separately at the same price at which it was sold with a "free" offer.

11. Representing, directly or by implication, orally or in writing, that any product, merchandise or service is being offered "free" with the sale of a product, merchandise or service which is usually sold at a price arrived at through bargaining, rather than at a regular, previously established and published price, or where there may be a regular, previously established, and published price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

12. Representing, directly or by implication, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period.

NOTE: After one "free" offer is made, at least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three such "free" offers shall be made in the same area in any twelve (12) month period. In such period, sales of respondents, or any of them, in that area of the product or service in the amount, size or quality promoted with the "free" offer shall not exceed 50 percent of the total volume of sales of the product or service, in the same amount, size or quality, in the area.

13. Representing, directly or by implication, orally or in writing, that any product, merchandise or service is being given "free" in connection with the purchase of any other product, merchandise or service, unless the stated price of the product, merchandise or service required to be purchased in order to obtain said "free" product, merchandise or service is the same or less than the regular price at which the same product, merchandise or service required to be purchased has been sold separately, for a substantial period of time in the recent and regular course of business of respondents, or any of them in the geographic market or trade area in which the "free" offer is made.

14. Representing, directly or by implication, orally or in writing, that a product or service is being offered as a "gift", "without charge", "bonus", or by other words or terms which tend to convey the impression to the consuming public that the article of merchandise or service is free, when the use of the term "free" in relation thereto is prohibited by the provisions of this order.

15. Representing, orally or in writing, directly or by implication, that any product or service is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and unless there is delivered to each purchaser, prior to the signing of the sales contract, a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, orally or in writing, directly or by implication, made to each such purchaser, and unless all obligations and requirements under the terms of each such guarantee are promptly and fully performed.

16. Advertising any carpeting or floor covering using any unit of measurement not usually and customarily employed in the retail advertising of such products unless the unit of measurement usually and customarily employed in the retail advertising of such products is also given.

17. Advertising any carpeting or floor covering using any unit of measurement which tends to mislead or deceive by exaggerating the size or quantity of carpeting or floor covering offered at the advertised price.

18. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

19. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation, and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt, if a contract is not used, and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

20. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services, a completed form in duplicate, captioned "Notice of cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language as that used in the contract:

NOTICE OF CANCELLATION

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale;

Or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make to goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to ----------, at
[Name of seller]

[Address of seller's place of business]
not later than midnight of ----------.
(Date)

I hereby cancel this transaction.

(Date)

(Buyer's signature)

21. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following

[1] Copies of the complaint, initial decision and final order filed with the original document.

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the date of the transaciton, by which the buyer may give notice of cancellation.

22. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

23. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

24. Misrepresenting, directly or by implication, orally or in writing, the buyer's right to cancel.

25. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

26. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

27. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

28. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square yard price for additional quantities of such carpet with padding and installation needed.

Provided, however, That nothing contained in this order shall relieve respondents, or any of them, of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents, or any of them, can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, will make such modifications as may be warranted in the premises.

II

It is further ordered, That respondent Tri-State Carpets, Inc., a corporation, its successors and assigns, and its officers, and Michael J. Lightman and William R. Lightman, individually and as officers of said corporation, and Matthew Mintz, individually and as manager of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, or as an official or employee or any firm or corporation, in connection with any extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from, and do forthwith cease and desist from contributing to, or aiding or abetting in any manner whatever, any firm or corporation in:

1. Failing, in any credit transaction, to include and to itemize the amount of premiums for credit life and disability insurance as part of the finance charge, unless the amount of such premiums is excluded from the finance charge because of appropriate exercise of the option available pursuant to § 226.4(a) (5) of Regulation Z.

2. Failing to disclose accurately the "amount financed", and the "finance charge", as required by §§ 226.8(c) (7), and 226.8(c) (8) (i), respectively, of Regulation Z.

3. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of one percent, computed in accordance with the provisions of § 226.5 (b) (1) of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.

4. Failing to disclose the number, amount and due dates or period of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

5. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8 (c) (7) of Regulation Z.

6. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

7. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price" as required by § 226.8(c) (8) (ii) of Regulation Z.

8. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That each of respondents shall maintain for a period of one (1) year following the date this order becomes final, unless at the time this order becomes final such respondent has ceased engaging in the offering for sale, sale or distribution of carpeting or floor coverings, or of any other product, merchandise or service, in which circumstance one year from the date such respondent again engages, directly or indirectly, in such business, copies of all newspaper, radio and television advertisements and solicitations, direct mail and in-store advertisements and solicitations, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or of any other product, merchandise or service, or utilized in the advertising, promotion or sale of carpeting or floor coverings, or of any other product, merchandise or service.

It is further ordered, That each of respondents shall provide, for a period of one (1) year from the date this order becomes final, unless at the time this order becomes final such respondent has ceased engaging in the offering for sale, sale or distribution of carpeting or floor coverings, of any other product, merchandise or service, in which circumstance for a period of one (1) year from the date such respondent again engages, directly or indirectly in such business, each advertising agency utilized by such respondent and each newspaper publishing company, television or radio station, or other advertising medium, which is utilized by such respondent to obtain leads for the sale of carpeting or floor coverings and of any other product, merchandise or service, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered That each of respondents deliver a copy of this order to cease and desist to all their present and future employees or personnel, engaged in the offering for sale, sale or distribution of any product, consummation of any extension of consumer credit, or in any aspect of the preparation, creation, or placing of advertising, and that each of respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That each of dividual respondent named herein shall promptly notify the Commission of his present business or employment, of the discontinuance of such business or employment, and of his affiliation with any new business or employment. Such notice shall include each individual respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That each of respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Final order issued by the Commission October 15, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-2802 Filed 1-29-75; 8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Coal Policy Coordinator in the Office of the Assistant Secretary for Energy and Minerals is excepted under Schedule C.

Effective January 30, 1975, § 213.3312 (a) (16) is added as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(16) One Coal Policy Coordinator, Office of the Assistant Secretary for Energy and Minerals.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-2829 Filed 1-29-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior; Correction

In the FEDERAL REGISTER of December 24, 1974, on page 44402, FR Doc. 74-29957, subparagraph (18) of paragraph (a) was erroneously shown as two Confidential Assistants to the Secretary (Interdepartmental Activities). It should read as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(18) One Confidential Assistant to the Secretary (Interdepartmental Activities.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-2830 Filed 1-29-75;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Private Secretary to the Special Assistant to the President and Chairman who serves as Economic Adviser to the Chairman and Board of Directors is reestablished under Schedule C.

Effective January 30, 1975, § 213.3342 (h) is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

• • • • • •

(h) One Private Secretary to the Special Assistant to the President and Chairman who serves as Economic Adviser to the Chairman and Board of Directors.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-2827 Filed 1-29-75;8:45 am]

PART 213—EXCEPTED SERVICE

American Revolution Bicentennial Administration; Temporary Boards and Commissions

Section 213.3399 is amended to show that one position of Staff Assistant (Secretary) to the Deputy Administrator, American Revolution Bicentennial Administration is excepted under Schedule C.

Effective January 30, 1975, §213.3399 (b) (6) is added as set out below.

§ 213.3399 Temporary Boards and Commissions.

• • • • • •

(b) *American Revolution Bicentennial Administration.* • • •

(6) One Staff Assistant (Secretary) to the Deputy Administrator.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-2828 Filed 1-29-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Procurement of ADP Equipment and Services

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to transfer delegations of authority for procurement of automatic data processing and data transmission equipment, software, services, maintenance, and related supplies from the Director, Office of Automated Data Systems to the Director, Office of Operations as follows:

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

1. Section 2.76 is amended as follows:

§ 2.76 Director, Office of Automated Data Systems.

(a) • • •

(2) [Revoked & Reserved]

• • • • • •

2. Section 2.79(a) is amended as follows:

§ 2.79 Director, Office of Operations.

(a) • • •

(1) • • •

(i) Contracting for and the procurement of administrative and operating supplies, services, and construction.

• • • • • •

(5) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

• • • • • •

Effective Date: December 8, 1974.

Dated: January 27, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.75-2784 Filed 1-29-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 337]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This section fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Jan. 31–Feb. 6, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.637 Navel Orange Regulation 337.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the en-

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suing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is very good. Prices f.o.b. averaged $3.44 per carton on a reported sales volume of 1,121 carlots last week, compared with an average f.o.b. price of $3.37 per carton and sales of 991 carlots a week earlier. Track and rolling supplies at 428 cars were up 64 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including the effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 28, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 31, 1975, through February6, 1975, are hereby fixed as follows:

(i) District 1: 1,348,000 cartons;
(ii) District 2: 202,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 29, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-3012 Filed 1-29-75;12:10 pm]

PART 981—ALMONDS GROWN IN CALIFORNIA

Suspension or Termination of Certain Provisions

Notice of a proposal to (1) suspend § 981.71 and the second sentence in § 981.72 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California (hereinafter referred to collectively as the "order"), and to (2) terminate § 981.471 of Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.482; 39 FR 23239; 39258), was published in the December 26, 1974, issue of the Federal Register (39 FR 44666). The provisions to be suspended or terminated pertain to handlers' records and reports of almond receipts.

The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Almond Control Board.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; none were received.

Section 981.71 requires handlers, upon receiving lots of almonds for their own account, to issue to the person from whom received a receipt which is serially numbered and shows for each lot received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The second sentence of § 981.72 requires reports of receipts, submitted pursuant to § 981.72 to the Control Board, to be accompanied by duplicate copies of the receipts issued pursuant to § 981.71 for all almonds included in such report. Section 981.471 supplements provisions of § 981.71. Section 981.471 prescribes additional information to be shown on the receipts issued growers, and establishes procedures handlers must follow in issuing such receipts.

Since 1950, when the provisions of § 981.71 were formulated, major handlers have changed the method of receiving and sampling incoming almonds. Although the order does not require incoming inspection of almonds, many handlers have each lot sampled and analyzed for determination of defects. Generally, after the samples have been analyzed and the results known, a weight certificate and a settlement sheet produced by a data processing system are issued to the grower. Periodic summaries of the settlement sheets are sent to the Control Board.

The purpose of § 981.71 was to enable the Control Board to establish the reserve obligation of each handler and furnish the Control Board with statistical information necessary for the conduct of its operations. However, receipts covering each load delivered have never served as the sole means of determining a handler's assessment or reserve obligations. Information enabling the Control Board to make these determinations is obtained through other reports, such as the report of receipts submitted pursuant to §§ 981.-72 and 981.472, and redetermination reports submitted pursuant to §§ 981.73 and 981.473. The submission of grower receipts has only served to confirm the accuracy of the printout summaries from the data processing systems.

Thus, the requirements in §§ 981.71 and 981.471, and in the second sentence of § 981.72, are no longer necessary and have become obsolete. Moreover, to the extent that such receipts are prepared, tabulated, and maintained, these requirements impose an unnecessary financial burden on handlers and on the Control Board. This cost burden could adversely affect producer returns.

Therefore, after consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Control Board, and other available information, it is found that to suspend the operation of § 981.71, and the second sentence of § 981.72, and, to terminate the operation of § 981.471 of the administrative rules and regulations, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making it effective at the time hereinafter provided in that: (1) This action deletes an obsolete provision applicable to operations under the order; (2) this action will require no advance preparation by handlers; (3) this action relieves restrictions imposed on handlers; and (4) no useful purpose would be served by delaying this action.

It is therefore ordered, That:

1. The operation of § 981.71, and the second sentence of § 981.72 which reads, "Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 981.71 for all almonds included in such report," shall be suspended.

2. The operations of § 981.471 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) shall be terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 27, 1975 to become effective February 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-2763 Filed 1-29-75;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free and Reserve Percentages for the 1974–75 Crop Year

Notice was published in the January 3, 1975, issue of the FEDERAL REGISTER (40 FR 40) of a proposal to designate for natural Thompson Seedless raisins for the 1974–75 crop year, beginning September 1, 1974, a free tonnage percentage of 73 percent and a reserve tonnage percentage of 27 percent. Preliminary 1974–75 crop year free and reserve percentages of 62 percent and 38 percent, respectively, were designated for this varietal type of raisin on November 11, 1974 (39 FR 39726).

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposal was unanimously recommended by the Raisin Administrative Committee. The Committee's recommendation was under § 989.54 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Production of natural Thompson Seedless raisins for the 1974–75 crop year has been estimated to be about 212,106 tons by the Committee. A field price of $640 per ton was established on September 27, 1974. Under § 989.54(b) of the order, the Committee is required to recommend to the Secretary no later than February 15, of a crop year a free tonnage percentage which, when applied to the estimated production of a varietal type would tend to release the full desirable free tonnage designated for that varietal type. A desirable free tonnage for natural Thompson Seedless raisins of 155,000 tons was designated on October 18, 1974 (39 FR 37118). Dividing 155,000 tons by the estimated production (212,106 tons) and rounding to the nearest full percent results in a free percentage of 73 percent. Section 989.54(b) also provides that any difference between any free tonnage percentage designated and 100 percent shall be the reserve percentage. Thus, the reserve percentage would be 27 percent.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, it is found that designation, under § 989.55 of the order, of free and reserve percentages, as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The percentages designated herein for a crop year apply to all standard natural Thompson Seedless raisins acquired by handlers from the beginning of the crop year; (2) the current crop year began on September 1, 1974, and the free and reserve percentages will automatically apply to all such raisins acquired by handlers beginning on that date; (3) handlers are aware of this action as recommended by the Committee and require no additional time to comply; and (4) no useful purpose would be served by delaying this action.

Therefore, § 989.230 (39 FR 39726) is revised to read as follows:

§ 989.230 **Free and reserve percentages for the 1974–75 crop year.**

The percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1974, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Free tonnage percentage, 73 percent; and reserve tonnage percentage, 27 percent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75-2845 Filed 1-29-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 75-80]

PART 545—OPERATIONS

Limitations on Loans in Excess of 90 Percent of Value

JANUARY 24, 1975.

The Federal Home Loan Bank Board considers it advisable to amend § 545.6–1 (a)(5) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1(a)(5)) to increase from $40,000 to $42,000 the limitation specified in subdivision (i) thereof for loans made thereunder other than with respect to single-family dwellings in Alaska, Guam and Hawaii. Accordingly, the Board hereby amends § 545.6–1(a)(5)(i) to read as set forth below. Since this amendment relieves restriction, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that the amendment shall become effective January 30, 1975.

The text of amended § 545.6–1(a)(5)(i) is as follows:

§ 545.6–1 **Lending powers under sections 13 and 14 of Charter K.**

* * * * * *

(a) *Homes or combination of homes and business property*—* * *

(5) *Loans in excess of 90 percent of value* * * *

(i) The amount of the loan does not exceed the lesser of: (*a*) $42,000, or $50,000 with respect to single-family dwellings in Alaska, Guam and Hawaii, (*b*) 95 percent of the value of the real estate securing the loan, or (*c*) 95 percent of the purchase price of such security property;

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-2813 Filed 1-29-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (38–878V) filed by Elanco Products Co., a Division of Eli Lilly & Co., Indianapolis, IN 46206. It proposes to change the expiration date requirements of monensin-containing poultry feeds to 90 days after the date of manufacture. After due consideration of submitted material, the supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.50 *Monensin* in Chapter I of Title 21 of the Code of Federal Regulations is amended in paragraph (d) by deleting the number "30" and inserting the number "90".

Effective date. This order shall be effective January 30, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 23, 1975.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.75-2745 Filed 1-29-75;8:45 am]

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CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Mebutamate in Schedule IV

A notice was published in the FEDERAL REGISTER, on Friday, December 13, 1974 (39 FR 43408) proposing that Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) be amended to include mebutamate (and its salts). All interested persons were given until January 13, 1975 to submit their objections, comments, or requests for hearing.

In view of the fact that no comments, objections, or requests for a hearing were received as to the proposed order, and based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, mebutamate has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Mebutamate will, upon the approval of a New Drug Application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of mebutamate may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations (CFR) be revised to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salt of isomers is possible within the specific chemical designation:

(1) Barbital	2145
(2) Chloral betaine	2460
(3) Chloral hydrate	2465
(4) Ethchloryynol	2540
(5) Ethinamate	2545
(6) Mebutamate	2800
(7) Meprobamate	2820
(8) Methohexital	2264
(9) Methylphenobarbital	2250
(10) Paraldehyde	2585
(11) Petrichloral	2591
(12) Phenobarbital	2285

* * * * *

The issuing of a letter approving the New Drug Application for mebutamate, by FDA, has occurred simultaneously with the issuing of this order, which is effective on January 30, 1975.

Dated: January 24, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75–2862 Filed 1–29–75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF–13]

PART 240—WINE

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Carbon Dioxide Tolerance

The purpose of these amendments is to conform the regulations to changes made by Pub. L. 93–490, which increases the amount of carbon dioxide permitted to be contained in still wine. Formerly there had been permitted 0.277 gram of carbon dioxide per hundred milliliters of wine, but the new law permits 0.392 gram of carbon dioxide per hundred milliliters of wine. The purpose of this change, as explained in the Committee Report accompanying the bill, is to improve the shelf life of wines with low alcoholic content. As stated in the Report, "The committee understands that wine tends to deteriorate more quickly as the alcoholic content decreases because there is less alcohol to act as a preservative. If still wines with low-alcoholic content were produced with a greater volume of carbon dioxide than is now permitted, this would help preserve the color and flavor by displacing some of the oxygen which reacts with the bacteria in the product". Elsewhere in the Report, it is stated that the change is expected to have no effect on the revenue.

In addition, a minor change is made to update terminology, reflecting the establishment of the Bureau of Alcohol, Tobacco, and Firearms as a separate entity under Treasury.

Therefore, the regulations in 26 CFR Parts 240, 250, and 251 are amended as follows:

PARAGRAPH A. The regulations in 26 CFR Part 240 are amended as follows:

1. Section 240.15 is amended by deleting the language defining the term "assistant regional commissioner" and inserting instead, a cross reference to new § 240.42. As amended, § 240.15 reads as follows:

§ 240.15 Assistant regional commissioner.

"Assistant regional commissioner", wherever used in this part shall mean a Regional Director, Bureau of Alcohol, Tobacco, and Firearms, as defined in § 240.42.

2. A new section, § 240.42, is added, immediately following § 240.41, to provide a definition of Regional Director, Bureau of Alcohol, Tobacco, and Firearms. As added, § 240.42 reads as follows:

§ 240.42 Regional Director.

"Regional Director" shall mean a Regional Director, Bureau of Alcohol, Tobacco, and Firearms, who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco, and Firearms.

3. Section 240.531 is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 240.531 reads as follows:

§ 240.531 General.

The addition to (and retention in) still wines of small quantities of carbon dioxide is permitted: *Provided,* That, at the time of removal for consumption or sale, the still wine shall not contain more than 0.392 gram of carbon dioxide per 100 milliliters of wine, subject to the tolerance provisions of § 240.533. Where carbon dioxide is added to, or retained in, still wines, the proprietor shall file notice in accordance with § 240.532. Where such carbon dioxide content of wine, at the time of removal for consumption or sale, is to be less than 0.225 gram of carbon dioxide per 100 milliliters of wine, the provisions of § 240.534 shall not be applicable.

(Title II, sec. 201, Pub. L. 85–859, 72 Stat. 1331; Sec. 6, Pub. L. 93–490, 88 Stat. 1466 (26 U.S.C. 5041))

4. Section 240.533 is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine, and to replace the phrase "assistant regional commissioner" by the phrase "regional director". As amended, § 240.533 reads as follows:

§ 240.533 Tolerance.

A tolerance to the maximum limitation on carbon dioxide in still wines, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the proprietor shows to the satisfaction of the regional director that the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the proprietor continuously or intentionally exceeds 0.392 gram of carbon dioxide per 100 milliliters of wine or where the variation results from the use of methods or equipment not in accord with good commercial practices.

(Title II, sec. 201, Pub. L. 85–859, 72 Stat. 1331; sec. 6, Pub. L. 93–490, 88 Stat, 1466 (26 U.S.C. 5041))

PAR. B. The regulations in 26 CFR Part 250 are amended as follows:

1. Section 250.53a is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 250.53a reads as follows:

§ 250.53a Still wines containing carbon dioxide.

Still wines may contain not more than 0.392 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.392 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded, or where the variation results from the use of methods or equipment not in accord with good commercial practices. Where the carbon dioxide is added to, or retained in, still wine, the proprietor shall so indicate on his Form 27–B Supplemental, identifying the method or process and the type of equipment to be used.

2. Section 250.223a is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 250.223a reads as follows:

§ 250.223a Still wines containing carbon dioxide.

Still wines may contain not more than 0.392 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.392 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded, or where the variation results from the use of methods or equipment not in accord with good commercial practices. Where the carbon dioxide is added to, or retained in, still wine, the proprietor shall so indicate on his Form 27–B Supplemental, identifying the method or process and the type of equipment to be used.

PAR. C. The regulations in 26 CFR 251.42a are amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 251.42a reads as follows:

§ 251.42a Still wines containing carbon dioxide.

Still wines may contain not more than 0.392 gram of carbon dioxide per 100 milliliters of wine; except that a tolerance to this maximum limitation, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the amount of carbon dioxide in excess of 0.392 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the limitation of 0.392 gram of carbon dioxide per 100 milliliters of wine is continuously or intentionally exceeded.

Because this Treasury decision merely implements the provisions of a Public Law and is liberalizing in nature, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553 (b), or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on February 1, 1975, the date when the provisions of the Pub. L. 93–490 take effect.

Dated: January 20, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

Approved: January 28, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–2909 Filed 1–29–75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive 75–1]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

SUBPART R—DRUG ENFORCEMENT ADMINISTRATION

REDELEGATION OF FUNCTIONS

Under the authority delegated to the Administrator of the Drug Enforcement Administration by § 0.100 and § 0.104 of Subpart R, of Title 28, Code of Federal Regulations, the Appendix to Subpart R is hereby amended as follows:

1. The existing paragraph in section 2 is designated as "(a)" and the following new paragraph (b) is added:

(b) All Regional Directors are authorized to conduct enforcement hearings under 21 U.S.C. 883 with the concurrence of the Chief Counsel and to take custody of seized property in accordance with directions from the Administrator under 21 U.S.C. 881.

2. Paragraphs (c), (d), and (e) of section 3 are hereby deleted.

3. In section 4, the term "Acting" with reference to the Chief Counsel is deleted.

4. The following new section 7 is added:

Sec. 7. *Issuance of Subpoenas.* (a) All Regional Directors and the Chief Inspector are authorized to sign and issue subpoenas with respect to controlled substances under 21 U.S.C. 875 and 876.

(b) All special agents in charge of offices, with the concurrence in each case of the responsible Regional Director, are authorized to sign and issue subpoenas with respect to controlled substances under 21 U.S.C. 875 and 876 in regard to matters within their respective jurisdiction.

(c) All Inspectors-in-Charge of field offices, with the concurrence of the Chief Inspector in each case, are authorized to sign and issue subpoenas under 21 U.S.C. 875 and 876 in any investigation relating to the functions of the Office of Inspection with respect to controlled substances.

The amendments made by this order shall be effective on January 30, 1975.

Dated: January 24, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75–2863 Filed 1–29–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74 295]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

GIWW, Mile 57.6 Through Mile 59.8, West of Harvey Lock, Houma, La.

This amendment changes the regulations for the drawbridges located across the GIWW at mile 57.6 through mile 59.8, west of Harvey Lock, Houma, Louisiana to allow closed periods during the morning and evening rush hour vehicular traffic. This amendment is required while extensive repairs are completed on the drawbridge located at mile 57.7. Marine interests have agreed to this temporary restriction. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.241 immediately after § 117.240 to read as follows:

§ 117.241 GIWW, Houma, Louisiana, bridges.

(a) The drawbridges located at mile 57.6 through mile 59.8, west of Harvey Lock, Houma, Louisiana need not open for the passage of vessels from 7:30 to 8:30 a.m. and 4:30 to 5:30 p.m., Monday through Friday, except holidays.

(b) These regulations shall be revoked as of January 31, 1975.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on December 24, 1974.

Dated: December 16, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.75–2854 Filed 1–29–75;8:45 am]

V40121 JAN30 75 XUM

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual Amendments

Chapter I of the Postal Service Manual, which has been incorporated by refererence in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 33, Issue 94, dated January 17, 1975.

In accordance with 39 CFR 111.3 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Manual will receive these amendments automatically from the Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see 39 CFR 111.2).

Description of these amendments to Chapter I of the Postal Service Manual follows:

PART 122—ADDRESSES

1. Section 122.13 is expanded to provide instructions regarding the proper use of return addresses and the treatment accorded unpaid mail bearing the same return and delivery address.

PART 132—SECOND CLASS

2. Section 132.122d is amended to refer to § 134.5 which covers the definitions of the eight types of nonprofit organizations and the type of organizations that do not qualify for the special rates.

PART 159—UNDELIVERABLE MAIL

3. Section 159.11 is amended to include unpaid mail among the reasons for nondelivery of mail.

4. Section 159.112b is amended to include the endorsement *Returned for postage* to be applied to unpaid mail returned to the sender.

5. New § 159.41*l* is added to specifically designate nonreturnable firearms as a separate category of undeliverable mail and cross reference new § 159.721d for handling instructions.

6. Former § 159.41*l* is renumbered § 159.41m and amended to provide disposition instructions for mail that bears an identical return address and delivery address.

7. Section 159.721c is amended to reflect prior changes in claim adjudication procedures.

8. New § 159.721d is added to require that registered mail must be used when firearms are sent to dead parcel branches.

9. New § 159.742d is added to provide guidance to dead letter branches on the handling of mail matter which was forwarded to them because it was found in the mail without postage.

10. New § 159.745b is added to clarify procedures involved in second-time treatment of mail, which was originally sent to a dead letter branch because it was found in the mail without postage.

11. New § 159.772b(5) is added to clarify dead letter branch procedures for handling certain negotiable or intangible property.

12. Section 159.811 is amended to clarify opening procedures at Dead Parcel Post Branches.

13. Section 159.813 is amended to clarify procedures for processing of dead parcels. Particular guidance is given regarding the handling of mail matter which was forwarded to Dead Parcel Post Branches because it was found in the mail without postage.

The remainder of the changes are minor, technical, or editorial in nature.

In consideration of the foregoing, 39 CFR 111.3 is amended by adding the following:

§ 111.3 **Amendments to Chapter I of the Postal Service Manual.**

* * * * *

Amendments to Postal Service Manual

Transmittal letter	Date	Federal Register Publication
* * *	* * *	* * *
Letter 33, issue 94	1-17-75	40 F.R.

These amendments are effective immediately.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-18, 3403-05, 3601, 3621 and 50 U.S.C. 1463-64)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-2779 Filed 1-28-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Idaho Indirect Source Regulation

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, the Idaho Implementation Plan for the Control of Air Pollution. Pursuant to a court ruling by the United States Court of Appeals for the District of Columbia in the case Natural Resource Defense Council Inc., et al. v. Environmental Protection Agency, 475 F. 2d 968 (D.C. Cir. 1973), the Administrator, on March 8, 1973 (38 FR 6279), disapproved all State plans to the extent to which they do not adequately assure the maintenance of national ambient air quality standards.

On June 18, 1973 (38 FR 15834), the Administrator promulgated requirements directing States to submit implementation plan revisions by August 15, 1973, to provide for preconstruction review and approval of indirect sources of air pollution to insure maintenance of standards. Indirect sources are facilities which have an impact on air quality because of associated mobile source activity. On June 3, 1974, the State of Idaho held a public hearing in accordance with 40 CFR Part 51 to obtain public comments on proposed revisions to the Idaho Implementation Plan including: (1) a new section 4 of Regulation A of the Rules and Regulations for the Control of Air Pollution in Idaho (Chapter VII of Implementation Plan) and (2) an addition to Chapter XI of the Implementation Plan, to include administrative procedures for indirect source review. On June 20, 1974, the Board of Environmental and Community Services adopted the amendments to Regulation A to be effective on the day of adoption. Chapter XI of the Implementation Plan was amended accordingly on June 20, 1974. On July 1, 1974, the Governor of the State of Idaho submitted these amendments to the Administrator as proposed revisions to the Idaho Implementation Plan.

The amendments to Idaho's Rules and Regulations provide for preconstruction review of indirect sources both in and outside urbanized areas. An urbanized area is defined as any area within the city limits, or within five (5) miles of the city limits, of any city with a population of more than 10,000 persons.

In an urbanized area, any new parking facility or other new indirect source with associated parking for 1,000 or more cars, any modification of an existing parking facility and any modification of a parking area associated with an indirect source which increases parking capacity by 500 or more cars are subject to review. Also, any new highway section with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction and any modified highway section which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification are subject to the amended regulations.

In non-urbanized areas, any new parking facility or other new indirect source with associated parking for 2,000 or more cars, any modification of an existing parking facility and any modification of a parking area associated with an indirect source which increases parking capacity by 1,000 or more cars are subject to the amended regulation.

Any new airport which will have 50,000 or more operations per year or will be used by 1,600,000 or more passengers per year and any airport modification which will increase operations by 50,000 or more per year or use by 1,600,000 or more passengers per year are subject to the amended regulations.

Administrative procedures to implement these amendments have been developed and are on file with the Department of Health and Welfare (the Department of Environmental and Community Service became the Department of Health and Welfare on July 1, 1974).

On August 23, 1974 (39 FR 30496), a summary of the Idaho indirect source regulation was published by EPA as proposed rulemaking and an opportunity for public comment was provided. No comments were received by EPA during the 30-day comment period.

As stated in the proposed rulemaking document, approval of the State indirect source regulation enables the Administrator to remove the requirements for federal review of new or modified indirect sources in the State. Therefore, the Administrator is revoking 40 CFR 52.679, promulgated February 25, 1974 (39 FR 7270).

The size criteria chosen for sources subject to the State's indirect source regulation are identical to the size criteria used in the federal indirect source regulation. The population criteria of the State regulation is lower than the federal regulation. The State regulation is effective in areas of 10,000 or more persons, while the federal regulation is effective in areas of 50,000 or more persons. The State regulation is effective prior to the federal regulation. Specifically, the effective date of the State regulation is June 20, 1974, whereas the federal regulation would have been applicable to sources which had construction or modification commencing after June 30, 1975. The Administrator finds good cause for making this approval effective immediately since the Idaho regulation is now in effect and it serves no useful purpose to defer revoking the federal indirect source regulation.

The proposed revision has been reviewed by EPA for compliance with 40 CFR Part 51 and found to be approvable. An evaluation report of the adequacy of the State regulation is available for public inspection at the Region X Office of EPA, 1200 Sixth Avenue, Seattle, Washington 98101, and at the Freedom of Information Center, EPA, 401 M Street, SW, Washington, D.C. 20460.

(Secs. 110(a)(2)(B), 110(c), 301(a) Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B), 1857c-5(c), 1857g(a)))

Dated: January 23, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart N of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.670, paragraph (c)(2) is amended by adding the phrase "and July 1, 1974 (Idaho Indirect Source Regulation)" at the end of the sentence.

2. Section 52.679 is revoked and reserved.

[FR Doc.75-2861 Filed 1-29-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER Q—SPECIFICATIONS

[CGD 73-153R]

PART 160—LIFESAVING EQUIPMENT

Releases, Lifesaving Equipment, Hydraulic and Manual

The purpose of these amendments to the regulations concerning specifications for hydraulic releases for lifesaving devices is to allow tests and periodic servicing to be conducted at a laboratory acceptable to the Commandant, U.S. Coast Guard.

In the January 8, 1974 issue of the FEDERAL REGISTER (39 FR 1361), the Coast Guard proposed specifications for inspecting, overhauling, testing, and storing hydraulic releases for lifesaving devices. Five written comments were submitted to the Coast Guard on the proposed specifications. Three commenters, including an operator of Great Lakes vessels, a manufacturer of both inflatable liferafts and hydraulic releases, and an inflatable liferaft servicing depot, supported the proposal. The remaining two commenters, including the manufacturer of an approved hydraulic release and the developer of a comparable device for the U.S. Navy 22 years ago, objected to the proposal. The following contains the comments and the Coast Guard action on the comments:

Sections 160.062-2(c) and 160.062-4(c), and (d)(2), (3) and (4). The Coast Guard should not relinquish its reliance on tests conducted at a "Government laboratory."

Hydraulic releases of 3 manufacturers currently are approved by the Coast Guard. The first of the approved releases underwent prototype testing in 1969 under current specifications which requires testing at a "Government Laboratory." The only government facilities having previous testing experience with hydraulic releases are located in California and in Virginia. Both laboratories imposed certain restrictions that delayed the testing of the devices. The Coast Guard standards for the device and the standards proposed for the acceptance of a laboratory to perform the servicing and tests have been determined to be sufficient to ensure safe devices. Accordingly, the suggestion that the tests be performed only at government laboratories was not accepted.

Sections 160.062-4(f)(1), (2), and (3). The storage limitation criterion of "9 months or less" proposed in § 160.062-4(f) (1) and (2), and the criterion of more than "9 months" proposed in § 160.062-4(f)(3) are unrealistic and should be broadened to a 36-month base. The brevity of the proposed storage periods would not be conducive to raft manufacturers nor their affiliated servicing facilities for having stocks of devices on hand against unforeseen demands. A storage period of 9 months would therefore lead to higher costs for the consumer. It was further pointed out that in the commenter's experience, devices, under normal warehouse conditions, can be stored for as long as 15 years without showing signs of deterioration, and a storage limitation of 60 months would be entirely reasonable.

The two proposed storage specifications are based on Coast Guard public information circulars published before 1971. The circulars indicate that liferafts and hydraulic releases could remain in storage prior to their installation on vessels or their reinspection. Hydraulic releases are frequently installed with inflatable liferafts on shipboard, and the intent of the proposed specification was to have these items of equipment on identical schedules for overhaul, storage, and installation.

In light of the received comments and of the experiences described by ship operators to the Coast Guard concerning the redeployment of rafts on vessels operating overseas, the Coast Guard has changed the proposed specification.

The suggested storage basis of 36 months is considered tenuous for safety purposes but it is agreed that a longer storage period is desirable. Accordingly, the storage specifications are changed by increasing the period from 9 months to 24 months. Since this change results in a reduced burden, no further rule making procedure is considered necessary.

Sections 160.062-4(f)(3)(ii), (4)(ii), and (iii), and (f)(5). As proposed, the depth at which a device must release its test loads is not clearly indicated. Section 160.062-3(c) specifies release depth ranges of "5 to 15 feet" and "5 to 25 feet".

It is the intention of § 160.062-3(c) to require devices that are new or reconditioned to be tested at a depth between 5 feet and 15 feet, and devices that are conditioned by low temperature and corrosion testing to be tested at a depth between 5 feet and 25 feet. For clarification, the proposed requirement is changed specifying 5 feet and 15 feet for the submergence test. Since this requirement was contained in the proposal, no further rule making procedure is considered necessary.

Section 160.062-7. The proposed concept permitting reconditioning of devices to occur at local repair facilities not chosen by nor amenable to the manufacturer of an approved device was criticized. In the opinion of the manufacturer, a local repair facility not having the experience, proprietary knowledge, and tooling of the manufacturer of the hydraulic release could not test and rebuild production lots to guarantee product reliability.

One of the proposed standards that a repair facility must meet in order to be accepted by the Coast Guard is the capacity to manufacture replacement parts or have a source of supply. In either case, the replacement part must meet the specifications and standards contained in 46 CFR 160.062-1. The Coast Guard concluded that this standard would contribute to product reliability and the personnel and testing standards specified in proposed § 160.062-7 would result in a reconditioned device as good as, or better than, a new device.

It was the intention of the proposal that the applicant would have to show some evidence of a source of supply if he did not have the capacity to manufacture replacement parts. Since this requirement was not clearly stated, proposed § 160.062-7(a)(2) is changed by adding the words, evidenced by a signed agreement between the facility and his source of supply," to follow the words "hydraulic release".

Since this change is a clarification, no further rule making procedure is considered necessary.

In consideration of the foregoing, the proposed regulations are hereby adopted

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subject to the changes discussed above. As adopted, the regulations are set forth below.

Effective date. These amendments shall become effective on February 28, 1975.

Dated: January 20, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Subpart 160.062 of Title 46, Code of Federal Regulations, is amended as follows:

§ 160.062–2 [Amended]

1. By amending § 160.062–2(c) by striking the words "Government laboratory" and inserting "laboratory accepted by the Commandant" in place thereof.

§ 160.062–4 [Amended]

2. By amending § 160.062–4 as follows:

a. By striking the words "Government laboratory designated by" in the second sentence of the introductory text of both paragraph (c) and paragraph (d)(2) and inserting "laboratory accepted by" place thereof.

b. By amending paragraph (d)(3) by striking the word "Government" in the fourth sentence of the introductory text.

c. By amending paragraph (d)(4) by striking the word "Government" in the third sentence.

d. By amending paragraph (e) by striking the words "designated repair facility" in the second sentence and inserting the words "a repair facility accepted by the Commandant in accordance with the procedure contained in § 160.062–7" in place thereof.

e. By revising paragraph (f) to read as follows:

§ 160.062–4 Inspections and tests.

* * * * *

(f) *Periodic Servicing and Testing.* A hydraulic release is inspected as follows:

(1) *Inspection for devices not installed after manufacture.* A hydraulic release, that is not installed after manufacture and is stored for period of 24 months or less, is not required to be inspected or tested before installation but must be stamped by a marine inspector on the inspection tag required in § 160.062–5(b)(2) with—

(i) The word "Installed";

(ii) The installation date; and

(iii) His initials.

(2) *Inspection for devices that have been installed.* A hydraulic release that is installed for a period of 12 months or more must pass the test contained in paragraph (f)(3) of this section and be marked as required in paragraph (f)(5) of this section. If, after passing the test, the device is stored for a period of 24 months or less, it must be stamped as required in paragraph (f)(1) of this paragraph by the marine inspector before reinstallation.

(3) *Devices stored longer than 24 months.* A hydraulic release that is stored for a period of more than 24 months must be inspected and tested by an employee of a repair or test facility, accepted in accordance with the requirement contained in § 160.062–7 or § 160.062–8, as follows:

(i) The device must be manually operated to determine if it releases.

(ii) If the device releases, it must pass the submergence test contained in paragraph (c)(2)(i) of this section, at a depth between 5 feet and 15 feet and be marked as required in paragraph (f)(5) of this section.

(iii) If the device fails to release or fails to pass the submergence test required in paragraph (f)(3)(ii) of this section, the device must be disassembled, repaired, and tested in accordance with the requirements contained in paragraph (f)(4) of this paragraph.

(4) *Disassembly and repair tests.* If a hydraulic release fails the test contained in paragraph (f)(3)(iii) of this section, it must be disassembled and repaired by the manufacturer or a repair facility accepted in accord with the requirements contained in § 160.062–7 and be tested as follows:

(i) A production lot must be formed consisting of 12 or more but not exceeding 100 devices.

(ii) In the presence of a marine inspector, the device must pass the submergence test contained in paragraph (c)(2)(i) of this section at a depth between 5 feet and 15 feet.

(iii) Any device that fails must be—

(A) Repaired;

(B) Placed in a subsequent lot; and

(C) Submitted to the submergence test contained in paragraph (c)(2)(i) of this section at a depth between 5 feet and 15 feet.

(5) *Marking of devices.* If a hydraulic release passes the submergence test required in paragraph (c)(2)(i) of this section at a depth between 5 feet and 15 feet the marine inspector stamps the inspection tag with—

(i) The test date;

(ii) His initials; and

(iii) The letters "USCG".

3. By revising § 160.062–6(b) to read as follows:

§ 160.062–6 Procedure for approval.

* * * * *

(b) *Manufacturer's drawings and specifications.* The manufacturer must submit to the Commander of the Coast Guard District in which a proposed hydraulic release is to be manufactured, four copies of the—

(1) Detailed part and assembly drawings of the proposed device; and

(2) Specifications of the proposed device.

* * * * *

4. By adding §§ 160.062–7 and 160.062–8 to follow § 160.062–6 and to read as follows:

§ 160.062–7 Procedures for acceptance of repair facility.

(a) Before a repair facility is accepted by the Commandant to perform the services required in § 160.062–4(f), it must be inspected by the cognizant Officer in Charge, Marine Inspection, to determine if it has—

(1) The testing apparatus to perform all the tests required in § 160.062–4;

(2) A source of supply of replacement parts for a hydraulic release, evidenced by a signed agreement between the facility and his source of supply, or the parts for it; all replacement parts must be in compliance with applicable specifications and standards contained in § 160.062–1; and

(3) Employees competent to perform the services required in this paragraph. Each employee who is engaged in serving a hydraulic release must demonstrate his competence to the Officer in Charge, Marine Inspection by—

(i) Disassembling a hydraulic release;

(ii) Making all necessary repairs to the disassembled unit;

(iii) Reassembling the unit in conformance with the specifications and standards contained in § 160.062–1(a); and

(iv) Showing that the reassembled unit meets the buoyant capacity and release depth requirements contained in § 160.062–3 (b) and (c) after being inspected and tested in conformance with the requirements contained in § 160.062–4(f).

(b) Based on the report of the Officer in Charge, Marine Inspection, regarding the inspection required in paragraph (a) of this section, the Commandant notifies the facility that—

(1) It is an accepted repair facility for the reconditioning and testing of hydraulic releases; or

(2) It is not accepted as a repair facility, lists each discrepancy noted by the Officer in Charge, Marine Inspection, and describes the procedure for reinspection if applicable corrections are made.

§ 160.062–8 Procedures for acceptance of testing facility.

(a) The Commandant may consider the acceptance of a facility that conducts only the submergence test contained in § 160.062–4(c)(2)(i). Before a facility is accepted by the Commandant to conduct this test, it must be inspected by the cognizant Officer in Charge, Marine Inspection, to determine if it has—

(1) The testing apparatus to perform the test required in § 160.062–4(c)(2)(i); and

(2) Employees competent to perform the test required in § 160.062–4(c)(2)(i). Each employee who is engaged in testing a device must demonstrate his competence to the Officer in Charge, Marine Inspection by conducting a submergence test.

(b) Based on the report of the Officer in Charge, Marine Inspection, regarding the inspection required in paragraph (a) of this section, the Commandant notifies each applicant, in accordance with the procedures described in § 160.062–7(b), whether or not it is an accepted testing facility.

(R.S. 4400, as amended, R.S. 4491, as amended, sec. 3, 70 Stat. 152; sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 481, 489, 390b; 49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

[FR Doc. 75–2671 Filed 1–29–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–29]

PART 0—COMMISSION ORGANIZATION

Authority Delegations

In the matter of Amendment of Part 0 of the Commission's rules—Commission Organization—with respect to delegations of authority to the Chief, Safety and Special Radio Services Bureau.

1. The Commission has completed a review of the delegations of authority to the Chief, Safety and Special Radio Services Bureau, and has decided that the public interest would be served by eliminating the lengthy recitation of specific delegations of authority presently appearing in §§ 0.331 and 0.332 of the rules, and in lieu thereof to make the delegations in terms of those matters to be referred to the Commission *en banc*. All other matters will be disposed of at staff level in accordance with established policy and precedent unless, in the opinion of the staff, a particular matter warrants referral to the Commission.

2. The internal handling of petitions for reconsideration and applications for review will not vary from past practice. Specifically, petitions for reconsideration filed under section 405 of the Communications Act will continue to be acted on by the Commission *en banc* or by the "designated authority" within the Commission, depending upon the circumstances of the case, whereas all properly filed applications for review will, in accordance with section 5(d) of the Communications Act, continue to be referred to the Commission *en banc*. Persons aggrieved by actions taken at any level within the Commission are thus assured that their right of access to the full Commission is in no way affected by the ordered changes.

3. The restatement of specific delegations of authority herein ordered requires that the working relationships of the Safety and Special Radio Services Bureau with other bureaus and staff offices be defined as to joint areas of responsibility. Section 0.332 has been amended for this purpose.

4. Authority for the adoption of this Order is contained in section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission management, practice, and procedure, and because the early implementation of these changes will expedite the transaction of public business, compliance with the notice and effective date provisions of 5 U.S.C. 553 is not required.

5. *Accordingly, it is ordered,* That effective January 30, 1975, §§ 0.331, 0.332, and 0.337 of the rules are amended, in the manner set forth in the Appendix.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: January 15, 1975.

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.331 is revised to read as follows:

§ 0.331 Authority delegated.

The performance of functions and activities described in § 0.131 of this part is delegated to the Chief, Safety and Special Radio Services Bureau, provided that

(a) The following matters shall be referred by the Chief, Safety and Special Radio Services Bureau to the Commission *en banc* for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking proceedings, inquiry proceedings, and non-editorial orders making rule changes. (See § 0.231(d)).

(2) Petitions for review of actions taken pursuant to delegated authority. (See § 1.115 of this Chapter.)

(3) Petitions and other requests for waivers of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or noval arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(6) Proposed public notices expressing new or novel Commission policy, interpreting the provisions of law, regulations, or treaties, or warning licensees in the Safety and Special Radio Services as to certain types of violations.

(7) Proposed U.S. positions to be transmitted to the Department of State for international meetings of telecommunications entities.

(8) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) Rulings and orders concerning matters in a hearing status shall not be made by the Chief, Safety and Special Radio Services Bureau.

2. Section 0.332 and headnote are revised to read as follows:

§ 0.332 Actions taken under delegated authority.

In discharging the authority conferred by § 0.331, the Chief, Safety and Special Radio Services Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:

(a) Complaints arising under section 605 of the Communications Act—Office of General Counsel.

(b) Matters involving international coordination, World Administrative Radio Conferences, U.S. positions and preparation for international meetings of telecommunications entities—Office having primary responsibility for the matter.

(c) Requests for waiver or refund of filing fee—Office of Executive Director and Office of General Counsel.

(d) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau.

(e) Matters involving emergency communications—Office of Executive Director.

(f) Complaints involving equal employment opportunities—Office of General Counsel.

(g) Requests for use of frequencies or bands of frequencies shared with broadcast, common carrier, or government services—Office of Chief Engineer and appropriate operating bureau.

(h) Requests involving coordination with other Federal or state agencies or foreign government when appropriate—Office of General Counsel, Office of Chief Engineer or operating bureau.

(i) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Chief Engineer.

(j) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Chief Engineer.

§ 0.377 [Amended]

3. In § 0.337 reference to § 0.332 is deleted.

[FR Doc.75–2788 Filed 1–29–75;8:45 am]

[FCC 75–56; Docket No. 19771]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Table of Assignments, S.C.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cheraw and Florence, S.C.) Docket No. 19771, RM–1992, RM–2212.

1. Before the Commission for consideration herein are conflicting proposals for amendment of the FM Table of Assignments as concerns Cheraw and Florence, South Carolina.

2. The *Cheraw* proposal, upon which comments were invited in the notice of proposed rule making and order to show cause, adopted June 13 and released June 18, 1973, herein (FCC 73–641, 38 FR 16660) in response to a petition (RM–1992) of Town & Country Radio, Inc. (Town & Country), licensee of the daytime-only AM station (WCRE) at Cheraw, would assign FM Channel 276A to Cheraw as a first FM assignment and nighttime local aural broadcast service by substituting Channel 292A for Channel 276A at Florence[1], as follows:

[1] The deletion of Channel 276A from Florence would be required to permit the proposed Cheraw Channel 276A assignment since, with Cheraw and Florence located only about 30 miles apart, Channel 276A could not be assigned and used in both communities in accordance with the 65-mile minimum mileage separation requirements for Class A FM stations.

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City	Channel No. Present	Proposed
Cheraw, S.C.		276A
Florence, S.C.	276A, 288A	288A, 292A

Since the Florence Channel 276A assignment is occupied by Station WSTN, the Notice also ordered the station's licensee, Atlantic Broadcasting Company (Atlantic), to show cause why its license therefor should not be modified to change Station WSTN's operating frequency from Channel 276A to Channel 292A as this proposal would require.

3. The conflicting *Florence* proposal, advanced in a petition for rule making (RM-2212) filed on June 12, 1973, by Forjay Broadcasting Corporation (Forjay), licensee of AM Station WYNN, a daytime-only operation at Florence, would assign Channel 292A to Florence as a third FM assignment for a second local FM service [1] and a fifth (fourth full time) local aural broadcast service without any change in existing assignments. By Public Notice, Report No. 870, released June 25, 1973, interested parties were advised that the Forjay petition was being consolidated into this proceeding and that its Channel 292A proposal for Florence would be treated as a counterproposal herein.

4. Comments and reply comments supporting their respective FM proposals for Cheraw and Florence were received from the proponents, Town & Country (Cheraw) and Forjay (Florence). Comments and reply comments opposing both proposals were filed by Atlantic, the Florence FM Channel 276A licensee (WSTN). Comments opposing the Cheraw proposal were also received from Carolina Broadcasting Company (Carolina), licensee of Station WSOC-FM (Channel 279), Charlotte, North Carolina, and from Seacoast Broadcasting Corporation (Seacoast), licensee of FM Station WSHG (Channel 292A), Georgetown, South Carolina. Letters in opposition to the Cheraw proposal were also received from the mayors of the communities of Hemingway, Kingstree, Andrews, and Johnsville, all in South Carolina. They, as well as Seacoast, oppose the Cheraw proposal basically because it would require the assignment of Channel 292A to Florence (in place of Channel 276A). Since the alternative Forjay proposal would also assign Channel 292A to Florence, thir opposing arguments is relevant to that proposal also.

[1] While Florence has two FM channels assigned—Channels 276A and 288A—and both channels are occupied, only Channel 276A is occupied by a Florence station (WSTN). Channel 288A is used by Station WDAR-FM at Darlington, South Carolina, a community located approximately 10 miles northwest of Florence, in accordance with § 73.203(b) of the rules which permits an FM Class A assignment to be used in a community lot listed in the FM Table of Assignments (Darlington) when the Class A channel requested is assigned to a listed community within ten miles of the unlisted community (as Florence is with respect to Darlington).

5. After the time for public comment on these proposals expired (August 6, 1973) [2], on August 10, 1973, Town & Country tendered an "Answer" to the Atlantic reply comments, together with a petition for leave to file it. On August 13, 1973, Seacoast also tendered a "Response" to the reply comments of Atlantic and Town & Country. Its pleading, however, was not accompanied by either a request for its acceptance or a showing of justification for its late submission.

6. Our rules provide for the participation of interested parties in rule making proceedings such as this normally only by the submission of comments and reply comments. The filing of additional comments is specifically prohibited by § 1.415 (d) of the rules unless specifically requested or authorized by the Commission. Also, as we have repeatedly stated in FM proceedings, we are opposed to reopening them to the receipt of untimely comments and pleadings, absent a strong showing of justification, not only in fairness to all parties filing timely comments but because, considering the substantial backlog of FM assignment cases existing, it is particularly disruptive to the orderly administration and dispatch of the Commission's business. In view thereof, we are not accepting Seacoast's tendered unauthorized late pleading since it was not accompanied by any showing which would constitute justifiable reasons for its acceptance despite its lateness, and we do not find that it contains any significant or relevant new matter or argument needed in reaching a decision with respect to the proposals before us. We are, however, accepting the Town & Country late filing for consideration which is accompanied by a request and a showing of justification therefor which we find convincing. Its "Answer" to Atlantic's reply comments furnishes revised coverage data which takes into account ground conductivity data which Atlantic in its reply comments claimed it should have used for accuracy in making its computations of existing service to Cheraw. Since Atlantic did not supply a coverage showing based thereon in its reply comments (filed August 6, 1973, the last day for filing reply comments) and it is useful in evaluating the Cheraw proposal, we feel that Town & Country was justified in supplying it.

Cheraw Channel 276A Proposal

7. *Cheraw* has a population of 5,267,[4] is the seat and largest community in Chesterfield County (population 33,667), and is located in the northeastern section of South Carolina, about 30 miles north of Florence and about 60 miles southeast of Charlotte, North Carolina. Town & Country's daytime-only AM station (WCRE) at Cheraw is the only aural broadcast station in operation in Chesterfield County, and no FM channels are assigned therein. A first FM assignment at Cheraw would provide a first local FM and nighttime aural broadcast service at Cheraw and in Chesterfield County, for which, based upon Town & Country's present and prior showing containing demographic data on Cheraw, which it incorporated by reference in its comments herein and which has been adequately discussed in the Notice, there appears to be a need and demand. It also appears from Town & Country's present showing that, based on its coverage study for a Cheraw Channel 276A FM station using *Roanoke Rapids-Goldsboro, N.C.*, criteria [5] for determining service to unserved and underserved areas, as requested in the Notice, that while a Cheraw FM station would not provide a first FM or aural broadcast service to any areas or population, it would provide a second FM service to an area of 212 square miles containing 16,982 persons and a second aural broadcast service to an area of 168 square miles with 13,659 persons.[6]

8. Since there is no FM channel available which could be assigned to Cheraw without changing or deleting existing assignments of other communities Town & Country urges that its proposal to assign Channel 276A to Cheraw by substituting Channel 292A for Channel 276A at Florence, occupied by Station WSTN, is a technically feasible means of providing Cheraw with a first assignment with the least disturbance to existing assignments and stations. Its showing demonstrates that Channel 276A would meet technical requirements for assignment and use at Cheraw if deleted from Florence and used for a Cheraw station at least 3.5 miles southeast of Cheraw to meet the 65-mile required minimum separation from Station WSOC-FM, operating on Channel 279 at Charlotte, North Carolina, and that Channel 292A would also be a technically satisfactory replacement for Channel 292A at Florence and require no changes in existing assignments. In its comments, Town &

[2] The due date specified in the Notice for comments was July 26, 1973, and for reply comments, August 6, 1973.

[3] Population figures cited are from the 1970 U.S. Census unless otherwise indicated.

[5] 9 F.C.C. 2d 672 (1967).

[6] These aural coverage figures are shown in Town & Country's additional coverage showing accompanying its "Answer" to Atlantic's reply comments and are reduced and corrected from those shown in the coverage showing accompanying its comments to take into account the nighttime coverage of AM Station WBT, Charlotte, North Carolina, based on the latest available field intensity measurements for the station which it had not used in making its computations of aural service from a Cheraw station in the coverage showing in its comments and which provided a basis for Atlantic to charge in its reply comments that Town & Country's coverage showing in its comments was for that reason inaccurate. While taking the later ground conductivity data for Station WBT into account would change the computed amount of aural service from a Cheraw FM station to unserved and underserved areas, as recognized and shown by Town & Country in its "Answer" to the Atlantic reply comments, it would not change those figures as to FM service from a Cheraw FM station shown in the Town & Country coverage showing in its comments.

Country affirms its intention to apply for Channel 276A at Cheraw if it is assigned there and that, should it be the successful applicant for the channel, it would be agreeable to reimbursing Atlantic, Station WSTN's licensee, for all reasonable costs incurred in the required changeover of Station WSTN's operating frequency from Channel 276A to Channel 292A.

Florence Channel 292A Proposal

9. *Florence* has a population of 25,997, is the largest community in Florence County (population, 89,636), and is also located in the northeastern section of South Carolina, about 30 miles south of Cheraw and about 60 miles northwest of Myrtle Beach on the South Carolina Atlantic Coast. Existing aural broadcast stations at Florence are three AM stations, two of which are fulltime operations (WJMX and WOLS) and one a daytime-only operation (WYNN), licensed to Forjay, the proponent of the Florence Channel 292A proposal herein, and one FM station (WSTN), licensed to Atlantic, which now operates on Channel 276A but would be required to change to operation on Channel 292A by Town & Country's Cheraw Channel 276A proposal. As mentioned in footnote 2, *supra*, in addition to Channel 276A, Channel 288A is also assigned to Florence but is occupied by Station WDAR-FM at Darlington, South Carolina (population, 6,990), located approximately 10 miles northwest of Florence.

10. Forjay states that it seeks the assignment of Channel 292A to Florence in order to provide Florence with a new and second local FM outlet, and, more specifically, for a service to implement and expand upon that of its daytime-only AM station (WYNN) to the black population of Florence so that this group which numbered 32,659 persons and 36.43 percent of the total population of Florence in 1970 (U.S. Census), would have a first nighttime local aural broadcast service.[7] Its petition and comments furnish data concerning Florence and Florence County which indicate that both have been steadily growing, with Florence experiencing a 5.2 percent (from 24,722 to 25,977 persons) growth and Florence County experiencing a 6.2 percent (from 84,438 to 89,636) growth over the 1960–1970 period; that, due to a number of factors, such as Florence's location, temperate climate, transportation facilities for motor, rail and air service, its hard goods and service related industries, as well as its schools, hospitals, churches and recreational facilities, the prospects for future growth of this area appear promising; and that, as Forjay claims, a second local FM service would hold benefits for the area and serve the need of Florence's organizations and activities for more broadcast exposure.

11. The Forjay showing also indicates that Channel 292A is technically feasible as a "drop-in" assignment to Florence in full conformity with all spacing and other technical requirements of the rules (provided that the conflicting Cheraw Channel 276A proposal, requiring the substitution of Channel 292A for Channel 276A at Florence, is rejected) and that the assignment can be made without adverse preclusionary effect upon new assignments elsewhere. Forjay did not furnish a *Roanoke Rapids-Goldsboro, N.C.*, coverage showing for its Florence Channel 292A assignment proposal. However, staff study indicates that the proposed additional FM assignment at Florence would provide no area with a first FM or aural broadcast service but would provide a second FM service to a roughly estimated population of 2,000 persons.

Objections Raised to Proposals

12. A principal objection raised to these conflicting Cheraw and Florence FM assignment proposals by Atlantic, the Florence Channel 276A licensee, and by Seacoast, the Georgetown Channel 292A licensee, as well as by the mayors of Andrews, Hemingway, Kingstree and Johnsville in their letters, lies in the fact that both proposals would assign Channel 292A to Florence. They oppose a Florence Channel 292A assignment because of concern that co-channel interference between Florence and Georgetown Channel 292A stations would cause a loss of existing service from Station WSHG at Georgetown and from Station WSTN at Florence if it were to operate on Channel 292A instead of Channel 276A to rural areas and communities, such as Andrews, Hemingway, Kingstree and Johnsville, located between the stations and beyond their 1 mV/m contours. While urging denial of both the Cheraw and Florence proposals for this, as well as other reasons, Atlantic also urges that if Channel 292A is to be assigned to Florence it be assigned as an additional assignment rather than as a replacement for Channel 276A so that the communities and people residing in the co-channel 292A interference area that would be created by a Florence Channel 292A assignment would not lose existing Channel 276A service from Station WSTN as well as the Channel 292A service they receive from Station WSHG at Georgetown.

13. FM Class A channels and stations are assigned on the basis of minimum mileage separation requirements which are considered adequate protection from interference for stations to provide service (1 mV/m) normally within areas 15 miles from the station. Both Station WSHG at Georgetown and a co-channel station on Channel 292A at Florence would have the built-in interference protection to their service areas which the spacing requirements of our rules and policies afford all stations of this class. While, in the absence of interference, Class A stations may provide an adequate signal for service in rural areas beyond their 1 mV/m service contour but within their 50 uV/m service contours, as it is claimed Station WSHG and Station WSTN now do, the spacing we require between stations in most cases subject such signals to interference and limit stations to signals closer to the 1 mV/m contour. In any case, the mileage spacing standard of our rules provides the only standard of protection from interference to existing stations.

14. We, of course, acknowledge the probability that co-channel interference from Channel 292A stations at both Florence and Georgetown would limit their signals closer to their 1 mV/m contours and possibly impair their signals in and around Hemingway, Kingstree and Johnsville since these communities are all well beyond the 1 mV/m service contour (15 miles) of Station WSHG at Georgetown and of Station WSTN at Florence and would be also of a Florence Channel 292A station at other than the WSTN site.[8] However, as we have stated before [9], while loss of existing service is one of the factors to be taken into account in acting on FM assignment proposals in these proceedings, we are of the view that such loss beyond the normally protected distance assured by spacing requirements should not stand in the way of a desirable assignment which can be made in conformity with all applicable rules and policies. We believe this position is sound and in the overall public interest since, otherwise, the potential of the nationwide FM assignment table for meeting the needs of communities and areas for outlets and service with the available FM channels would be severely limited and our goals for a fair, efficient, and equitable distribution of the available FM channels would be impossible to achieve. Nor, on the basis of this record, do we believe that there is any public interest justification for departing from this position and concluding that the service areas of Stations WSTN and WSHG should be provided with a greater degree of protection from interference than the service areas of other Class A stations are afforded under the rules. Consequently, we are of the view that the claims of loss of existing service beyond the 1 mV/m contours of these stations which might result from the adoption of either of the conflicting proposals before us for a first local FM service at Cheraw

[7] With respect to Forjay's argument concerning this particular programming need at Florence and its particular programming objectives should its proposal be adopted and it be the successful applicant for the FM channel assigned, it should be noted that these are considerations which are relevant to applications and not to whether a channel assignment should be made. Should a channel assignment be made to Florence for an additional FM service, it would be available for any applicant who is qualified. As concerns programming generally, an applicant would have to conform to the *Primer on Ascertainment of Community Problems*, 27 F.C.C. 2d 650 (1971).

[8] Since Andrews is only some 16 miles from Georgetown (45 miles from Florence), it should continue to be able to receive Station WSHG at Georgetown should a station operate on Channel 292A at Florence. Hemingway, Kingstree, and Johnsville are located some 37 miles, 28 miles, and 32 miles, respectively, from Georgetown. Johnsville is located approximately 32 miles, and Hemingway and Kingstree approximately 35 miles, from Florence.

[9] *Muncie, Indiana*, 32 F.C.C. 2d 839, 844 (1967).

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or a second such service at Florence are not a decisive reason for their denial.

15. While the opposing comments leave the impression that the only FM service presently available to the rural areas and communities in the probable co-channel 292A interference area in question should Channel 292A be assigned to Florence are from Station WSHG at Georgetown and Station WSTN at Florence, this does not appear to be the case. There are several other South Carolina FM stations located no farther from these rural areas and communities than Stations WSHG and WSTN. It would appear that they should also provide service to these areas, especially since, as Seacoast informs, these areas of the state are relatively flat and not an impediment to the propagation of FM signals. These South Carolina stations include Station WINH–FM (Channel 249A), Georgetown; Station WDKD–FM (Channel 261A), Kingstree; Station WLAT–FM (Channel 281), Conway; Station WTGR–FM (Channel 269A), Myrtle Beach; Station WTAP–FM (Channel 232A), Marion; and a prospective new station at Mullins (Channel 296A), for which a construction permit is outstanding.[10]

16. Objection is also raised to a Florence Channel 292A assignment by Seacoast because spacing restrictions would place added limitations on site relocation possibilities for its Georgetown Channel 292A station (WSHG) which it claims will be necessary in the very near future. Atlantic raises the same objection to operating Station WSTN on Channel 292A instead of Channel 276A at Florence, as the Cheraw Channel 276A proposal would require. Carolina, the Charlotte Channel 279 licensee (WSOC–FM), likewise claims that the assignment of Channel 276A to Cheraw because of spacing requirements would limit its flexibility to make future changes in the transmitter site of Station WSOC–FM which it anticipates will be needed to serve the growing Charlotte area effectively.

17. We grant that spacing restrictions would limit the area of choice for location or relocation of sites of Channel 292A stations at Florence and Georgetown under both the Cheraw and Florence proposals, as well as that of the Charlotte Channel 279 station and a Cheraw Channel 276A station under the Cheraw Channel 276A proposal. However, no information has been furnished by any of the opposing parties which suggests that there is any basis for concluding that a suitable site for location of new Channel 276A and Channel 292A stations at Cheraw and Florence, or for future relocation of existing sites of these Florence, Georgetown and Charlotte stations could not be found in the areas where spacing restrictions would permit if either the Cheraw or Florence proposal is adopted. While the expressed concern respecting future site relocation is appreciated, in the circumstances we find here, it does not, in our judgment, constitute justifiable public interest reason for refusing to make a new assignment meeting spacing requirements which would satisfy a need and demand for a first or additional local FM service in a community.

18. The Forjay and Atlantic comments also raise the specter of a possible violation of the Commission's multiple ownership rules, § 73.240(a)(1), resulting from the assignment of Channel 276A to Cheraw should Town & Country be authorized to operate on the channel. This is in view of the possible overlap of the 1 mV/m contour of a Town & Country Cheraw FM station with the 1 mV/m contour of Station WDAR–FM at Darlington (unless its Cheraw station were to operate with less than maximum facilities) and the ownership interests of a Town & Country principal in Rebel Radio, Inc., licensee of the Darlington station. There is no cause for concern in any case on this score at this time, for by transfer of control, granted October 22, 1974 (BPTC–7556), the principal (100 percent) of Town & Country Radio divested himself of all ownership interest in Station WDAR–FM and its licensee. Also, even assuming that Town & Country were the successful applicant for a Cheraw FM channel if assigned, which is by no means certain, and it held an ownership interest in the Darlington station, although a Cheraw Channel 276A station would have to be located 3.5 miles southeast of Cheraw to meet spacing requirements, as Town & Country pointed out, its Cheraw station could be located a few miles northeast of the assumed site, and thus still meet spacing requirements and not create a prohibited overlap problem.

19. In sum, our analysis of the objections of the opponents to these conflicting Cheraw and Florence FM proposals convinces us that none of them, singly or collectively, constitute valid technical or public interest reason for rejecting either proposal. Both proposals, we have concluded after careful consideration in light of the record, have merit. They each present, we believe, a technically feasible way to bring a first local FM service to Cheraw and a second local FM service to Florence, as well as a second needed FM service to underserved areas, with the least possible impact upon existing assignments and stations, and the showings of their proponents adequately demonstrate a need and demand for such a service at Cheraw and Florence. Since we must, however, for technical reasons choose between these proposals for adoption, we have decided that the Cheraw proposal is to be preferred over the Florence proposal. This choice is dictated in the public interest, in our judgment, since, despite the fact that Florence is considerably larger than Cheraw, it has two fulltime AM stations, one daytime-only AM station and one Class A FM station for local outlets whereas Cheraw has but one daytime-only AM station for a local outlet, and the proposed assignment of Channel 276A to Cheraw will not only bring it a needed first FM and local nighttime aural service but also bring a second needed FM service to a substantially greater number of people than would the Florence Channel 292A proposal (approximately 16,982 persons for a Cheraw station as opposed to roughly 2,000 persons for a Florence station). In the circumstances, we feel that the mandate of Section 307(b) of the Communications Act for a fair, efficient and equitable distribution of radio service requires that Cheraw be provided with a first assignment over Florence for a second assignment.

20. In making the Cheraw Channel 276A assignment, a change in the Florence Channel 276A assignment to Channel 292A and in the operating frequency of Atlantic's Florence FM station (WSTN) from Channel 276A to Channel 292A is also required. As mentioned in paragraph 2 above, Atlantic was ordered in the notice of rule making on the Cheraw and Florence proposals to show cause why its license for Station WSTN should not be modified to specify this change in operating frequency should the Cheraw proposal be adopted, with the understanding that it would receive reasonable reimbursement for the change. In response to the notice and show cause order, Atlantic in its comments, in addition to advising of its opposition to the Cheraw and Florence proposals and its reasons therefore, also requests that in the event we nevertheless deem a Cheraw Channel 276A assignment to be warranted and it be required to shift the operation of Station WSTN on Channel 276A to Channel 292A that it be reimbursed for the reasonable expenses of the channel change, recognizing that costs appropriate to reimbursement are not necessarily limited to strictly engineering costs, since as a practical matter other expenses may be involved.[11] Town & Country in its reply comments advises of its willingness, if granted a license for Channel 276A at Cheraw, to reimburse Atlantic for all reasonable expenses in accordance with Commission policy.[12] It is Commission policy to allow and provide for reimbursement for the reasonable costs of a channel change in a station's frequency if required by a change in the FM Table of Assignments from the party or parties ultimately benefitting from the new or changed assignments thereby permitted, and we believe that equitable considerations also dictate that Atlantic should be reimbursed for such costs from Town & Country or other party who may be granted a construction permit for the new Cheraw FM assignment. Assisted by the guidelines we have furnished in similar cases, such as *Circleville*, cited in footnote 11, *supra*, the appropriate costs making up the "reasonable" reimbursement figure are generally left to the good faith judgment of the parties eventually involved, subject to Commission approval in the event of disagreement, and we believe it desirable to do so here.

21. In addition, Atlantic requests in its comments that if it is required to change over to operation of Station WSTN on Channel 292A that we defer grant of program test authority on the new Cheraw Channel 276A assignment until 60 days after Station WSTN receives authority to operate on Channel 292A at Florence. It urges that this hiatus will be necessary to preserve fully its interest in the public good will and acceptance it has secured and that it will simultaneously permit prompt activation of the new Cheraw station. For like reasons, it points out this procedure was approved in *Ashland and Roanoke, Alabama*, 26 F.C.C. 2d 448 (1970), where the Roanoke FM licensee was also required to change frequency because of a channel reassignment to permit a first FM assignment to Ashland. Town & Country in reply states that it has no objection to such a condition but suggests that Station WSTN should also be ordered to shift to Channel 292A within a specified period after the assignments ordered herein become effective. Since we do not feel that grant of this Atlantic request would delay the advent of a new FM service on Channel 276A at Cheraw or would otherwise conflict with the public interest, we are persuaded, in light of Atlantic's representations, that it is reasonable and warranted in the circumstances and that we should accede to it. Therefore, if requested, we will defer grant of program test authority on Channel 276A at Cheraw until a period up to 60 days after Atlantic has received authority for operation of Station WSTN on Channel 292A at Florence.

22. In view of the foregoing, and pursuant to authority contained in Sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective March 7, 1975, the FM Table of Assignments, § 73.202(b) of the rules and regulations, is amended to read as follows for the cities listed below:

City:	Channel No.
Cheraw, South Carolina	276A
Florence, South Carolina	288A, 292A

23. *It is further ordered*, That effective March 7, 1975, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the oustanding license of Atlantic Broadcasting oCmpany for of Atlantic Broadcasting Company for Station WSTN(FM), Florence, South Carolina, is modified to specify operation on Channel 292A instead of Channel 276A, subject to the following conditions:

(a) The license may continue to operate on Channel 276A until it is ready to operate on Channel 292A but no later than 45 days after it receives notice from the Commission that a construction permit has been granted for operation on Channel 276A, assigned to Cheraw.

(b) At least 30 days before it wishes to commence operation on Channel 292A, or within 30 days of receiving notification from the Commission that operating authority on its current channel (276A) is about to cease, the licensee of Station WSTN shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 292A at Florence, South Carolina.

(c) Ten days prior to commencing operations on Channel 292A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) Atlantic Broadcasting Company shall not commence operation on Channel 292A until the Commission specifically authorizes it to do so.

24. *It is further ordered*, That the proposal to assign Channel 292A to Florence, South Carolina, for an additional FM assignment, advanced by Forjay Broadcasting Corporation in RM–2212 and treated as a counterproposal herein, and treated as a counterproposal herein, is denied.

25. *It is further ordered*, That the Secretary of the Commission send a copy of this Report and Order by Certified Mail—Return Receipt Requested, to Atlantic Broadcasting Co., Inc., licensee of Station WSTN, Florence, South Carolina, and also a copy thereof by regular mail to its attorneys, Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

26. *It is further ordered*, That this proceeding is terminated.

Adopted: January 15, 1975.

Released: January 24, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 75–2789 Filed 1–29–75; 8:45 am]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Portable Bridge-to-Bridge Transmitters

In the matter of Editorial amendment of § 83.713(e) of the rules regarding Radio Frequency Indicators on portable Bridge-to-Bridge transmitters.

1. Section 83.713(e) of the rules is inconsistent with § 83.721 of the rules regarding whether or not radio frequency (R.F.) indicators are required on *portable* Bridge-to-Bridge transmitters. It is not intended to require them and to do so would be highly impractical.

2. Accordingly, Section 83.713(e) of the rules is amended by deleting the reference to Section 83.721 as set forth below.

3. Authority for this action is delegated to the Executive Director by § 0.231 (d) of the rules. Because the amendment is editorial, the public notice, procedure and effective date requirements of the Administrative Procedure Act, 5 USC 553, do not apply.

4. In view of the above, *it is ordered*, That the rule amendment set forth in the attached Appendix shall be adopted effective February 5, 1975.

Adopted: January 22, 1975.

Released: January 23, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.713(e) of the rules is revised by deleting the reference therein to § 83.721 of the rules, to read as follows:

§ 83.713 Bridge-to-bridge transmitter.

• • • • •

(e) Portable transmitters shall be type accepted as required by § 83.139. For transmitters type accepted after August 1, 1972, intended to be usable for the purpose of the subpart, the application for type acceptance shall include a showing of compliance with the pertinent requirements of paragraphs (a), (b), and (c) of this section, and § 83.723, in addition to all other applicable requirements. Additionally, an individual demonstration of the communication capability of a licensed transmitter as used on board ship may be required whenever, in the judgment of the Commission, this is deemed necessary.

[FR Doc.75–2794 Filed 1–29–75;8:45 am]

[10] As previously noted. Andrews should continue to receive service from Station WSHG at Georgetown even if a Florence co-channel 292A station were to operate. It should also receive service from the other Georgetown station (WINH–FM) and from Station WDKD–FM at Kingstree. Kingstree, in addition to its own local FM service (WDKD–FM), should be able to receive Station WINH–FM at Georgetown and also Station WWDM (Channel 287) at Sumter, South Carolina (i.e., with signal strength of less than 1 mV/m).

[11] Reimbursement on this basis would conform with Commission guidelines in a number of cases. See, for example, *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967); *Ashland and Roanoke, Alabama*, 26 F.C.C. 2d 448 (1970); and *Kenton and Bellefontaine, Ohio*, 3 F.C.C. 2d 598 (1966).

[12] It is noted that this representation is made in light of the cost estimates furnished by Atlantic with regard to such a change for Station WSTN.

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 7]

[Notice No. 270]

LABELING AND ADVERTISING OF MALT BEVERAGES

Postponed Hearing

The public hearing on proposed amendments to the above part, pertaining to ingredient labeling of malt beverages, which was originally announced for October 1, 1974 (FR Doc. 74-17720), and postponed to February 3, 1975 (FR Doc. 74-21814) has again been postponed to April 15, 1975, at the same time and location. The last date for submission of written material and requests to present oral testimony has consequently been extended to April 8, 1975.

The postponement was caused by unforeseen difficulties arising in connection with the publication of notices of hearing on ingredient labeling of wine and distilled spirits. These hearings were originally intended to be held contemporaneously with the malt beverage hearing, but Congressional and international interest made it desirable to delay publication of these notices to allow sufficient time for interested parties to explore the ramifications of the proposed regulations. Publication of notices of hearing for wine and distilled spirits will be published soon, with all three hearings scheduled during April 1975. As indicated in the previous postponement notice, all alcoholic beverage industries are interrelated, and our final regulations for each will undoubtedly be much the same. As a result, much of the data presented at the wine and distilled spirits hearings will also be relevant to our proposed malt beverage regulation, and prudence would seem to dictate that many of the substantive decisions in connection with the malt beverage regulation be withheld until after the wine and distilled spirits hearings. For this reason, and also the fact that for competitive reasons it is highly desirable that the transition period during which ingredient labeling is optional and the mandatory compliance dates for all three regulations coincide, it is highly unlikely that an earlier hearing date would result in an earlier effective date for the malt beverage regulation.

For these reasons, we have decided that it would be in the best interests of all concerned to postpone the malt beverage ingredient labeling hearing to April 15, 1975, with hearings on wine and distilled spirits to be scheduled for the same month.

Dated: January 28, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-2908 Filed 1-29-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 28]

DUNGENESS NATIONAL WILDLIFE REFUGE, WASH.

Proposed Curtailment of Horseback Riding; Extension of Time

In FR Doc. 74-29393 appearing in the issue of December 18, 1974, (39 FR 43728) the date reading "January 30, 1975," for receiving written comments has been extended and should read "March 1, 1975."

Dated: January 27, 1975.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.75-2724 Filed 1-29-75;8:45 am]

Geological Survey

[30 CFR Parts 211, 216]

COAL MINING OPERATING REGULATIONS

On April 30, 1973, a notice and text of a proposed revision of the coal mining operating regulations, governing operations conducted under coal permits (leases, and licenses on public and acquired lands of the United States and Indian lands administered by the Department of the Interior, and a proposed revocation of 30 CFR Part 216—*Operating Regulations Governing the Mining of Coal in Alaska*, was published in the FEDERAL REGISTER (38 F.R. 10686-10692). The proposed revision of 30 CFR Part 211 was for the following purposes:

(1) To update the existing regulations by deleting obsolete provisions and including requirements consistent with modern mining practices; and

(2) To clarify the responsibility of lessees, permittees, and licensees for the protection of the surface, the natural resources, the environment and existing improvements during operations for the discovery, testing, development, mining and preparation and handling of coal.

It was also proposed that 30 CFR Part 216, applicable to coal mining operations under leases in the State of Alaska issued pursuant to the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), prior to its repeal by Pub. L. 86-252, September 9, 1959, 73 Stat. 490, be revoked and that operations under those leases also be governed by the regulations in 30 CFR Part 211.

The notice stated that after expiration of the 60-day period provided for submitting comments, suggestions, or objections with respect to the proposed regulations, the regulations would be further revised, if deemed necessary, and republished in the FEDERAL REGISTER as interim regulations. After consideration of the views presented, and in light of policy decisions made subsequent to the April 1973 notice, it is deemed necessary, in accordance with the policy of the Department of the Interior, to afford the public an opportunity to participate in the rulemaking process whenever practicable, to repropose these regulations for further public review.

Therefore, notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), 5 U.S.C. 301, the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), and various statutes relating to mining on Indian lands, it is proposed to revise 30 CFR Part 211 as set forth below.

It is also proposed that 30 CFR Part 216, applicable to coal mining operations under leases in the State of Alaska which were issued pursuant to the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), prior to its repeal by Pub. L. 86-252, September 9, 1959, 73 Stat. 490, be revoked and that operations under those leases also be governed by the regulations in 30 CFR Part 211 as set forth below.

The Department of the Interior is currently conducting an environmental review of the coal leasing program. The Council on Environmental Quality has recommended that regulations for the effective management and protection of the public lands be promulgated to serve as interim regulations pending completion of that environmental review. The revision of 30 CFR Part 211, presently proposed, is essential for such effective management and protection of the public lands. The delay which would be occasioned by the preparation of a separate environmental statement related solely to the proposed regulations or the withholding of promulgation until an environmental statement on the coal

leasing program is completed would create a period during which effective management and protection of the public lands would be hindered. Moreover, the interim nature of the revised regulations will limit their overall cumulative impact on the quality of the human environment.

Accordingly, the proposed regulations are published without the preparation of an environmental statement. When the review and statement on the coal leasing program are completed, the regulations in effect at that time will be revised to conform with the conclusions of the review.

Additionally, as a matter of policy, it is imperative not to delay any longer the specification of performance standards for surface coal mining on public and acquired lands of the United States and Indian lands administered by the Department of the Interior. So far as possible under existing leasing law, these revised standards will require that surface mined Federal coal land is reclaimed to the standards which will be recommended by the Administration for inclusion in Federal legislation for the regulation of all surface coal mining. The Administration's recommended standards will clarify ambiguities and meet the other objections which led to the withholding of the President's signature from the surface mining bill passed by the 93rd Congress. It is anticipated that by establishing performance standards for mining and reclamation now, permittees, lessees, and licensees will be able to more clearly project and understand obligations and attendant costs in developing the coal deposits in which they have an interest.

Major changes from the April 30, 1973, proposed revision are as follows:

(1) Section 211.1 has been changed to make it clear that the regulations apply to Federal and Indian-owned coal regardless of surface ownership.

(2) Section 211.2 has been expanded to include definitions of "Approximate original contour," "Exploration plan," "Mining plan," and "Mining Operations Orders," and the definition of the term "Reclamation" has been amended.

(3) Section 211.3(b)(2) has been expanded to require that reclamation work be performed as an integral part of the mining operation and be completed within reasonable prescribed time limits, and that in the case of mining operations for which performance standards have been established, reclamation be accomplished in accordance with such standards.

(4) Section 211.3(b)(9) has been amended to enlarge the Mining Supervisor's responsibility for reporting trespasses to include exploration activities conducted in trespass.

(5) Section 211.3(b)(10) has been expanded to require that exploratory or mining operations be conducted in compliance with applicable water or air effluent or emission standards and regulations.

(6) Section 211.3(b)(11) has been amended to provide authority for the Mining Supervisor to issue Mining Operations Orders. These Orders, which require prior approval of the Chief, Conservation Division of the U.S. Geological Survey, will implement the regulations in this Part 211 and will apply to operations in an area or a major portion thereof. Authority to issue Mining Operations Orders is considered desirable because the different conditions which exist on Federal and Indian lands in different parts of the country require variations in the manner in which the general regulations contained in this Part 211 will be implemented.

(7) In § 211.3, paragraph (b)(12) has been added to provide that it is the Mining Supervisor's responsibility to determine the amount of reclamation bond adequate to insure reclamation as required under the mining plan.

(8) In § 211.4(c) the obligation of lessees, permittees, and licensees has been enlarged to include avoidance of serious alteration of the normal flow of water and damage to archaeological values.

(9) In § 211.4(e), a provision has been added to permit the Mining Supervisor to require sampling and analysis of waters affected by mining operations when he has reason to believe a water pollution problem may exist.

(10) In § 211.4(f), the last sentence has been changed to require an operator to submit, within 30 days after an accident, a detailed report indicating the cause of the accident and the corrective action taken.

(11) Section 211.4(h) has been amended to provide that mineral areas shall be reclaimed in such a manner that there will not be continued air or water pollution from the area affecting surrounding or adjacent lands; and to make it clear if an operator fails to take appropriate action to protect the mine, coal deposits, or surrounding environment, the mine and land will not be deemed to have been properly conditioned for abandonment in accordance with the requirements of these regulations.

(12) In § 211.4(i), a provision has been added to permit the Mining Supervisor to specify the type of tests that are to be made to analyze the soil in overburden.

(13) In § 211.5, a new paragraph (b) has been added to require that mining plans be made available for public inspection.

(14) Section 211.10 has been expanded to include the following additional requirements:

(a) Reclamation of mined areas is to be an integral part of a mining plan and must progress contemporaneously with the mining operation.

(b) The Mining Supervisor shall consider public comments received on mining plans when making decisions on such plans.

(c) The items listed in paragraphs (b) and (c) to be included, respectively, in exploration and mining plans are made required items rather than items that the Mining Supervisor could or could not require.

(d) A description of the present land use within and adjacent to exploration and mining areas and projected use after completion of operations is to be included in exploration and mining plans.

(e) Expanded revegetation requirements have been made a part of the exploration plan requirements.

(f) A description of the measures to be taken for prevention of air, surface and water pollution, is to be included in the mining plans.

(g) The surface reclamation portion of an exploration or mining plan is to take into account the impact of the proposed operation on adjacent land uses and the proposed future use of the lands.

(h) The estimated cost of reclamation is to be furnished.

(i) A description of the hydrologic consequence of mining and reclamation is to be furnished to the Mining Supervisor.

(j) The location of surface drainage controls and diversion structures and structure contour lines on mineable coal beds is to be included on mining maps.

(k) Previous underground mines are to be shown on mining maps.

(15) In § 211.37, paragraphs (a), (b), and (c) have been renumbered (b), (c), and (d) respectively. Former paragraph (d) has been designated as paragraph (a) and has been expanded to include performance standards for the reclamation of mined areas affected by coal surface mining operations. These revised standards are based on the performance standards contained in the bill passed by the 93rd Congress (see Conference Report on Surface Mining Control and Reclamation Act of 1974, H.R. Rept. 93-1152, 93rd Cong. 2nd Sess. (1974)). Some changes, particularly in provisions relating to hydrology, siltation and impoundment standards, have been made. It should be noted that performance standards relating specifically to steep-slope surface mining (any slope above twenty degrees) have been omitted from § 211.37(a), since no such mines exist or are contemplated on public and acquired lands of the United States and Indian lands administered by the Department of the Interior. It should be further noted that the limited number of mines which would have qualified as "special bituminous coal mines" under the bill passed by the 93rd Congress (*Id.* at 57) may be subject to alternative requirements regarding standards governing onsite handling of spoils, elimination of depressions capable of collecting water, creation of impoundments, and regrading to approximate original contour. Such alternative requirements will be authorized by Mining Operations Orders issued in accordance with § 211.3(b)(11). These Orders will be published in the FEDERAL REGISTER for public review.

(16) In § 211.39, paragraph (c) has been deleted since it substantially duplicates 30 CFR 211.37(b), and paragraphs (d), (e), and (f) have been redesignated (c), (d), and (e), respectively. Redesignated paragraph (d) has been changed to require that details of reclamation be included in mining plans required under § 211.10; and the 2 to 1 ratio (grade

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requirement) for the highwall slope has been deleted. Paragraph (e) has been changed to make it clear that the requirements for reclamation and clean-up following cessation of mining operations includes removal of all the equipment and structures related to the mining operation.

(17) Section 211.51(a) has been changed to require that solid wastes shall be disposed of in a manner that will not cause air and water pollution and will not spontaneously ignite.

(18) Section 211.51(b) has been changed to require that waste piles shall be shaped to blend into the surrounding area, covered with top soil and revegetated.

(19) Section 211.61(a) has been changed to substitute a "value basis" for "sale basis" for the purpose of determining coal royalties, and to provide that coal will be deemed to have been sold when it is delivered at the usual and customary place of shipment.

(20) Section 211.72 has been changed to make it clear that, absent the threat of immediate, serious or irreparable damage to the environment, mine, or other resources, suspension of operations by the Mining Supervisor will not be ordered for non-compliance with regulations, terms and conditions of the lease or permit, or requirements of an approved exploration or mining plan during the period an appeal is pending from a notice requiring corrective action.

(21) Provisions pertaining to the health and safety of miners have been deleted from these regulations since health and safety standards for coal mines are now covered by the Coal Mine Health and Safety Act of 1969, and the regulations in 30 CFR Chapter I.

Additional changes of a minor nature or for clarification but of no substantive effect have also been made in the proposed regulations.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of 30 CFR Part 211 and the proposed revocation of 30 CFR Part 216 to the Director, U.S. Geological Survey, Reston, Virginia 22092, on or before March 3, 1975. After the period for comments has expired, the proposed regulations will be revised, if appropriate, and republished in the FEDERAL REGISTER as interim regulations. It is anticipated that upon republication the regulations will take effect immediately. All applicants for permits, leases, or licenses will thereupon be required to comply with the requirements of this part. Operators holding existing permits, leases, or licenses will be required to comply with the requirements of this part no later than 180 days following the date of republication of these regulations in the FEDERAL REGISTER with respect to lands from which overburden and the coal seam being mined have not been removed.

Part 211 of Title 30 of the Code of Federal Regulations is revised to read as follows:

PART 211—COAL-MINING OPERATING REGULATIONS

ADMINISTRATION OF REGULATIONS AND DEFINITIONS

Sec.
211.1 Scope and purpose.
211.2 Definitions.
211.3 Responsibilities.
211.4 General obligations of licensees, permittees and lessees (including designated operators or agents).
211.5 Public inspection of records.
211.6 Appeals.

MAPS AND PLANS

211.10 Exploration and mining plans.
211.11 Approaching oil, gas or water wells.
211.12 Mine maps.
211.13 Failure of lessee to furnish maps.

PROSPECTING AND EXPLORATION OPERATIONS

211.20 Information required to be submitted.
211.21 Core and test holes.

MINING METHODS AND MINE ABANDONMENT

211.30 Good practice to be observed.
211.31 Maximum recovery.
211.32 Multiple seam mining.
211.33 Advance workings; underground mines.
211.34 Pillar extraction.
211.35 Pillars left for support.
211.36 Development of leased tract through adjoining mines.
211.37 Surface mining.
211.38 Mining isolated blocks of non-leased coal.
211.39 Mine abandonment; surface openings.

PROTECTION AGAINST MINE HAZARDS

211.40 Abandonment of underground workings.
211.41 Coal dust.

WASTE FROM MINING

211.51 Disposal of mine wastes or rejects.

PRODUCTION RECORDS, ROYALTY AND AUDITS

211.60 Production records.
211.61 Basis for royalty computation.
211.62 Production reports and payment—other reports.
211.63 Audits.

INSPECTION, ISSUANCE OF ORDERS, AND ENFORCEMENT OF ORDERS

211.70 Inspection of underground and surface conditions.
211.71 Issuance of notices, instructions and orders.
211.72 Enforcement of orders.

AUTHORITY: 34 Stat. 539, 35 Stat. 312 (25 U.S.C. 355 NT); 35 Stat. 781 (25 U.S.C. 396); sec. 32, 41 Stat. 450 (30 U.S.C. 189); 49 Stat. 1967 (25 U.S.C. 501, 502); 52 Stat. 347 (25 U.S.C. 396 a–f); 61 Stat. 915 (30 U.S.C. 359); 5 U.S.C. 301; Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321).

ADMINISTRATION OF REGULATIONS AND DEFINITIONS

§ 211.1 Scope and purpose.

(a) The regulations in this part shall govern operations for the discovery, testing, development, mining, preparation, and handling of coal under coal leases, licenses and permits issued for federally-owned coal, regardless of surface ownership, pursuant to the regulations in 43 CFR Group 3500 and the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), and for the reclamation of lands disturbed by such operations. These regulations shall also apply to operations for the discovery, testing, development, mining, preparation, and handling of coal in tribal and allotted Indian lands under leases and permits, regardless of ownership of the surface, issued under the regulations in 25 CFR Parts 171, 172, 173, and 174; and for the reclamation of lands disturbed by such operations.

(b) The purpose of the regulations in this part is to promote orderly and efficient prospecting, exploration, testing, development, mining, preparation and handling operations and production practices, without avoidable waste or loss of coal or other mineral deposits or damage to coal or other mineral-bearing formation; to encourage maximum recovery and use of coal resources; to promote operating practices which will avoid, minimize or correct damage to the environment—land, water, and air—and avoid, minimize or correct hazards to public health and safety; to require effective reclamation of lands; and to obtain a proper record and accounting of all coal produced.

(c) These regulations will be interpreted and administered to the fullest extent possible in accordance with the policies of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321–4347).

(d) When the regulations in this part relate to matters included in the regulations in 25 CFR Part 177—Surface Exploration, Mining and Reclamation of Lands—pertaining to Indian lands, the regulations in that part shall govern to the extent of any inconsistencies, except with respect to the performance standards of § 211.37.

(e) When the regulations in this part relate to matters included in the regulations in 43 CFR Part 23, the regulations in that part shall govern with respect to technical examinations, issuance or denial of leases, performance bonds, and reports to the extent of any inconsistencies; otherwise, the regulations in this part shall govern. In any event, the performance standards of § 211.37 shall apply.

(f) The responsibility for enforcement of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801) and the coal mine health and safety regulations contained in Chapter I of this Title is vested in the Mining Enforcement and Safety Administration, Department of the Interior, and compliance with the regulations in this part shall not be deemed to fulfill any requirements contained in the regulations promulgated under that act.

§ 211.2 Definitions.

The terms used in this part shall have the following meanings:

(a) *Secretary.* The Secretary of the Interior.

(b) *Director.* The Director of the U.S. Geological Survey, Department of the Interior.

(c) *Division Chief.* The Chief of the Conservation Division, U.S. Geological Survey.

(d) *Conservation Manager.* A Conservation Manager, Conservation Division, U.S. Geological Survey.

(e) *Mining Supervisor.* The Area Mining Supervisor, Conservation Division, U.S. Geological Survey, a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Division Chief, and the appropriate Conservation Manager, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or a District Mining Supervisor or other subordinate acting under his direction.

(f) *Lessee.* Any person or persons, partnership, association, corporation, or municipality to whom a coal lease is issued subject to the regulations in this part, or an assignee of such lease under an approved assignment.

(g) *Permittee.* Any person or persons, partnership, association, corporation, or municipality to whom a coal prospecting permit is issued subject to the regulations in this part, or an assignee of such permit under an approved assignment.

(h) *Licensee.* Any individual, association of individuals, or municipality to whom a coal license is issued subject to the regulations in this part.

(i) *Leased lands, leased premises, or leased tract.* Any lands under a coal lease and subject to the regulations in this part.

(j) *Permit lands.* Any lands under a coal prospecting permit and subject to the regulations in this part.

(k) *Operator.* A lessee, permittee, or licensee, or one conducting operations on lands under the authority of the lessee, permittee, or licensee.

(l) *Reclamation.* The process of land, air, and water treatment that restricts and controls water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other harmful effects resulting from exploration, mineral development, mining, on-site processing operations or waste disposal so that the affected area, including where appropriate, areas adjacent to the mining site are restored to a stable condition capable of supporting the uses which they were capable of supporting prior to exploration, mining or processing operations, or an equal or better economic or public use suitable to the locality.

(m) *Coal.* Coal of all ranks from lignite to anthracite.

(n) *Mine.* An underground or surface excavation and all parts of the property of a mining plant, either on the surface or underground, that contribute directly or indirectly to the mining and preparation and handling of coal.

(o) *Preparation.* The sizing, cleaning, drying, mixing, and crushing of the coal and such other work of preparing coal for market.

(p) *Portal.* Any surface entrance to an underground mine.

(q) *Entry.* An underground passage used for haulage, ventilation or as a manway.

(r) *Shaft.* A portal, the axis of which is approximately vertical, extending from the surface to develop one or more coal deposits.

(s) *Slope.* An inclined mine opening or inclined entry in a dipping coal formation or an inclined tunnel through rock to intersect a coal bed.

(t) *Drift.* A horizontal mine opening or horizontal entry or passage underground.

(u) *Stripping operation.* The term "stripping operation" or "strip pit" or "open pit" shall mean a mining excavation or development by means of a surface pit in which material over the coal bed is first removed and the coal itself is then extracted.

(v) *Approximate original contour.* A surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to mining (although not necessarily the original elevation) and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the Mining Supervisor determines that they are in compliance with the requirements of this part.

(w) *Exploration plan.* A detailed plan submitted to the Mining Supervisor for approval before operations commence, showing the location and type of work to be conducted, environmental protection procedures, access and support roads, and reclamation procedures to be followed upon completion of operations to restore and revegetate disturbed areas.

(x) *Mining plan.* A detailed plan submitted to the Mining Supervisor for approval prior to commencement of mining operations showing location, method of mining and extent, and all related activities necessary and incident to such operations, and to show steps to be taken to protect the environment during operations and the reclamation methods to be used to restore and revegtate the disturbed areas.

(y) *Mining Operations Orders.* A formal numbered order issued by the Mining Supervisor, with the prior approval of the Division Chief, which implements the regulations in this part and applies to operations in an area or a major portion thereof.

§ 211.3 Responsibilities.

(a) Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director through the Division Chief, the Conservation Manager, and the Mining Supervisor.

(b) The Mining Supervisor is empowered to regulate prospecting, exploration, testing, development, mining, preparation, handling, and reclamation operations under the regulations in this part. The Mining Supervisor in the performance of his duties shall:

(1) *Inspection and supervision of operations to prevent waste or damage.* Examine as frequently as necessary the lease, permit, or license lands where operations for the discovery, testing, development, mining or preparation and handling of coal are conducted or are to be conducted; inspect and regulate such operations, including operations at accessory plants, for the purpose of preventing waste or degradation of mineral substances or damage to formations and deposits, or non-mineral resources affected by the operations, and to insure that the provisions of applicable laws and regulations, the terms and conditions of the permit, lease, or license and the requirements of the approved exploration or mining plans are being complied with.

(2) *Compliance with regulations, lease, permit, or license terms; and approved plans.* Require operators to conduct their operations in compliance with the provisions of applicable laws and regulations, the terms and conditions of the leases, permits, or licenses, and the requirements of approved exploration or mining plans, and require that reclamation work be performed in an environmentally sound manner and as contemporaneously as practicable with the mining operation, within time limits prescribed by the Mining Supervisor; and that, in the case of mining operations for which performance standards have been established, require that reclamation be accomplished in accordance with such standards.

(3) *Reports on condition of lands and manner of operation; recommendations for protection of property.* Make reports to the Division Chief through the Conservation Manager, as to the general conditions of lands under permit, lease, or license and the manner in which operations are being conducted and orders or instructions are being complied with; and submit information and recommendations for protecting the coal, the coal-bearing formations, other minerals and the non-mineral resources.

(4) *Manner and form of records, reports and notices.* Prescribe, subject to the approval of the Division Chief, the manner and form in which records of operations, reports and notices shall be made.

(5) *Records of production; rentals and royalties.* Obtain and check the records of production of coal; determine rental and royalty liability of lessees and permittees; collect and deposit rental and royalty payments; and maintain rental and royalty accounts.

(6) *Suspension of operations and production.* Act on applications for suspension of operations or production or both filed pursuant to 43 CFR 3503.3–2(e), and terminate, when appropriate, suspensions which have been granted; and transmit to the Bureau of Indian Affairs for appropriate action applications for suspension of operations or production or both under leases on Indian lands.

(7) *Cessation and abandonment of operations.* Upon receipt of a report of cessation or abandonment of operations, or relinquishment of a lease, permit, or license, inspect and determine whether the operator has complied with the terms and conditions of the permit or lease and the approved exploration or mining plans; and determine and report

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to the agency having administrative jurisdiction over the lands when the lands have been properly conditioned for abandonment. The Mining Supervisor, in accordance with applicable regulations, in 43 CFR Part 23 or 25 CFR Part 177, will consult with, or obtain the concurrence of the authorized officer of the agency having administrative jurisdiction over the lands with respect to compliance by the operator with the surface protection and reclamation requirements of the lease or permit and the exploration or mining plan.

(8) *Wells or prospect holes.* Prescribe or approve the methods of protection from wells or prospect holes drilled for any purpose through the coal measures and mines on leased lands and on coal lands subject to lease, with a view to the prevention of leakage of oil, gas, water, or other fluid substances that might damage coal deposits or contaminate surface water and/or ground water, and prescribe or approve methods of obtaining the maximum extraction, so far as practicable, of coal in the vicinity of such wells.

(9) *Trespass.* Report to the agency having administrative jurisdiction over the lands any trespass that involves exploration activities or removal of coal deposits.

(10) *Water and air quality.* Inspect exploratory and mining operations to determine the adequacy of water management and pollution control measures for the protection and control of the quality of surface and ground water resources and the adequacy of emission control measures for the protection and control of air quality and require that the exploratory or mining operations be conducted in compliance with applicable water and air effluent or emission standards and regulations.

(11) *Compliance with regulations.* Issue Mining Operations Orders and other orders and instructions necessary to assure compliance with the purposes of the regulations in this part.

(12) *Posting of Reclamation Bonds.* Determine the amount of reclamation bonds or other equally appropriate financial arrangements so that they are at all times sufficient to satisfy the estimated costs of the reclamation requirements of the approved exploration or mining plan in the event that reclamation is not completed in accordance with the plan.

§ 211.4 General obligations of licensees, permittees and lessees (including designated operators or agents).

(a) Operations involving the discovery, testing, development, mining, preparation, handling of coal, and reclamation of lands shall conform to the provisions of applicable laws and regulations; the terms and conditions of the lease, permit, or license; the requirements of approved exploration or mining plans; and the orders and instructions issued by the Mining Supervisor.

(b) The operator shall take precautions to prevent waste and damage to coal-bearing formations or other mineral formations.

(c) The operator shall take such action as may be needed to avoid, minimize, or control soil erosion; pollution of air; pollution of surface or ground water; serious alteration of the normal flow of water; damage to vegetative growth, crops, or timber; injury or destruction of fish and wildlife and their habitat; creation of unsafe or hazardous conditions; damage to improvements, whether owned by the United States, its permittees, licensees or lessees, or by others; and damage to recreational, scenic, historical, archaeological, and ecological values of the land. The surface of leased or permit lands shall be reclaimed in accordance with the terms and conditions prescribed in the lease or permit and the provisions of the approved exploration or mining plan. Good "housekeeping" practices shall be observed at all times. Where any question arises as to the necessity for or the adequacy of an action to meet the requirements of this paragraph, the determination of the Mining Supervisor shall be final, subject to the right of appeal as provided in Part 290 of this chapter.

(d) All operations conducted under the regulations in this part must be consistent with appropriate requirements as established pursuant to the Federal Water Pollution Control Act as amended and the Clean Air Act as amended.

(e) If the Mining Supervisor has reason to believe that a water pollution problem exists, he may require that a lessee, permittee, or licensee sample and analyze water affected by the mining operations. When the Mining Supervisor determines that a water pollution problem exists, he shall require that a lessee, permittee, or licensee maintain records of the use of water, quantity and quality of waste water produced, and the quantity and quality of waste water disposal, including mine drainage discharge, process wastes and associated wastes. In order to obtain this information, the lessee, permittee, or licensee may be required to install a suitable monitoring system.

(f) Accidents threatening damage to the mine, the lands, or the deposits, or accidents which could cause water pollution shall be reported promptly to the Mining Supervisor by telephone. Within 30 days after an accident the operator shall submit to the Mining Supervisor a detailed report of damages caused by the accident and the corrective action taken.

(g) Lessees and permittees shall submit the reports required by 25 CFR Part 177, 43 CFR Part 23, and Part 200 of this chapter.

(h) The mined area shall be reclaimed in such a manner that there will not be continued air or water pollution from the area affecting surrounding or adjacent lands. If the operator fails to take appropriate action to protect the mine, coal deposits, or surrounding environment from damage or threatened damage by fire, water, oil, gas, or other hazards, or fails to protect properly the mine or deposits or eliminate hazards to the public, such mine and lands shall not be deemed to have been properly conditioned for abandonment in compliance with §§ 211.3(c)(7) and 211.39 of this part, and the lessee, permittee, or licensee shall be liable for the expense of labor and supplies used by, or under the direction of the Mining Supervisor for the protection of the property, air, water, and other environmental resources and elimination of hazards to the public.

(i) In areas where strip mining is anticipated, the operator shall drill an adequate number of core holes in the overburden overlying the coal, the stratum immediately below the coal to be mined, and will log each stratum penetrated and have each stratum analyzed for at least the following: nitrogen, phosphorus, potassium, pH, and any other tests which the Mining Supervisor may specify. The analyses will be used to determine which material must be buried during the stripping operations and to determine suitable material that will be placed near the surface for favorable propagation of vegetation. The number of holes and analyses will be specified by the Mining Supervisor.

§ 211.5 Public inspection of records.

(a) Geological and geophysical interpretations, maps, and data and commercial and financial information required to be submitted under this part shall not be available for public inspection without the consent of the permittee or lessee so long as the permittee or lessee furnishing such data, or his successors or assignees, continues to hold a permit or lease of the lands involved.

(b) Mining plans submitted under § 211.10 of this part will be made available for public inspection in the office of the appropriate Mining Supervisor. For new mine plans, for major modifications in existing surface mine plans, or for surface related changes in existing underground plans submitted for approval, interested parties will have a 30-day period after publication of notice to inspect such plans in the office of the District or Area Mining Supervisor and to comment thereon. A notice of the availability of the plan will be posted at the appropriate office on the day the plan is received and a copy of the posting will be mailed to the appropriate county clerk for posting or publication.

§ 211.6 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in Part 290 of this Chapter.

MAPS AND PLANS

§ 211.10 Exploration and mining plans.

(a) *General.* Before conducting any operations, the operator shall submit to the Mining Supervisor for approval an exploration or mining plan, in quintuplicate, which shall show in detail the proposed exploration, prospecting, testing, development, mining and reclamation operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease or permit for maximizing recovery of the resources, for the protection

of non-mineral resources and for the reclamation of the surface of the lands affected by the operations. The mining plan must show that reclamation is an integral part of the plan and will progress contemporaneously with the mining operation and must provide sufficient information to substantiate the effectiveness of the proposed reclamation method. The Mining Supervisor, after considering all comments received pursuant to § 211.5(b), shall approve or disapprove the plan or indicate what modifications are necessary to conform to the provisions of the applicable regulations and the terms and conditions of the permit or lease. No operations shall be conducted except in accordance with an approved plan.

(b) *Exploration plans.* The Mining Supervisor shall require that an exploration plan include all of the following:

(1) A description of the environmental conditions within the area where exploration is to be conducted and a general description of the regional environmental conditions.

(2) A description of the present land use within and adjacent to the area and the projected use after completion of operations.

(3) A narrative description including:

(i) Method of exploration and types of equipment to be used.

(ii) Measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat, or other natural resources and hazards to public health and safety. Such measures shall include the actions necessary to meet the requirements of the applicable Federal and State environmental regulatory agencies.

(iii) Method for plugging drill holes.

(iv) Measures to be taken for surface reclamation which shall take into account the impact of the proposed operation on adjacent land uses and the proposed future use of the lands explored and shall include:

(A) A reclamation schedule.

(B) Method of grading, backfilling, and contouring.

(C) Method of soil preparation and fertilizer application.

(D) Type and mixture of shrubs, trees, grasses, or legumes to be planted.

(E) Method of planting, including amount and spacing.

(4) Estimated timetable for each phase of the work and for final completion of the program.

(5) Five copies of a suitable map or aerial photograph showing existing topographic, cultural and drainage features, and the proposed location of drill holes, trenches, access roads, etc.

(c) *Mining plans.* The Mining Supervisor shall require that a mining plan include all of the following as appropriate to either surface or underground mines:

(1) A description of the environmental conditions within the area where mining is to be conducted and a general description of the regional environmental conditions. The description of the area environmental conditions shall include as a minimum types, depths, and distribution of soils and types, density, and distribution of vegetation. The description of the regional environmental conditions shall include a monthly range of temperature, precipitation, average direction and velocity of prevailing winds, and the dominant wildlife species.

(2) The conditions of the land covered by the mining plan prior to any mining including:

(i) The uses existing at the time the mining plan is submitted for approval, and if the land has a history of previous mining, the uses which preceded any mining.

(ii) The capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography and vegetative cover.

(3) The use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any State and local governments or agencies thereof which would have to approve or authorize the proposed use of the land following reclamation.

(4) A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use.

(5) A narrative description including:

(i) Nature and extent of the coal deposit, including estimated recoverable reserves.

(ii) Method of mining, including mining sequence and production rate.

(iii) The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; the plan for the control of surface water drainage and of water accumulation; the plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed immediately prior to mining); and estimate of the cost per acre of the reclamation, including a statement as to how the operator plans to comply with each of the requirements set out in § 211.37(a) of this part.

(iv) The anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected.

(v) The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.

(vi) The consideration which has been given to developing reclamation in a manner consistent with local, physical, environmental, and climatological conditions and current mining and reclamation technologies.

(vii) The consideration which has been given to insuring the maximum practicable recovery of the mineral resource.

(viii) A detailed estimated timetable for the accomplishment of each major step of reclamation.

(ix) The consideration which has been given to making the surface mining and reclamation operations consistent with applicable State and local land use plans and programs.

(x) Method of abandoning mine openings, including mine portals, shafts, slopes and entries.

(xi) The logs and analyses of core samples taken of the strata and a description of the method of depositing the spoils based on these samples.

(xii) A description of the hydrologic consequences, if any, of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems, including sufficient data regarding dissolved and suspended solids under seasonal flow conditions and sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of the anticipated mining operation upon the hydrology of the area.

(6) Five copies of suitable maps or aerial photographs showing:

(i) Topographic, cultural, and natural drainage features, roads, and vehicular trails.

(ii) The name of the watershed and location of the surface stream or tributary into which mine waters will be discharged, if applicable.

(iii) Cross-section maps or plans of the land to be affected including the actual area to be mined, showing pertinent elevation and location of test borings or core samplings and depicting the following information: the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings or any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse areas and topsoil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facilities; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross-sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation activities.

(iv) Size and locations for mine and surface structures and facilities.

(v) For an underground mine, the planned mine layout, including location

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of shafts, slopes, drifts, main haulageway, aircourses, entries and barrier pillars; and the proposed widths of all slopes, entries, haulageways, aircourses, rooms, crosscuts, and barrier pillars.

(d) *Changes in plans.* Exploration and mining plans may be reasonably revised or supplemented by the Mining Supervisor at any time to adjust to changed conditions or to correct an oversight. If the operator seeks to obtain approval of a changed or supplemental plan, he shall submit a written statement of the proposed changes or supplement and the justification for the proposed changes.

§ 211.11 Approaching oil, gas, or water wells.

When mining operations approach wells or bore holes that may liberate oil, gas, water, or other fluid substances, the lessee shall present his plans for mining the coal in proximity to such holes to the Mining Supervisor and obtain his approval before proceeding with the work planned.

§ 211.12 Mine maps.

(a) *General requirements.* The operator shall maintain an accurate and up-to-date map of the mine, drawn to a scale acceptable to the Mining Supervisor. All maps shall be appropriately marked with reference to Government landmarks or lines and elevations with reference to sea level. Copies of such maps shall be properly posted to date and furnished, in duplicate, to the Mining Supervisor annually or at such other times as he deems necessary. Before any mine or section of a mine is abandoned, closed or made inaccessible, a survey of such mine or section shall be made and recorded on the map. All excavations in each separate bed shall be shown in such a manner that the production of coal for any royalty period can be accurately ascertained. Additionally, the map shall show the name of the mine; the name of the lessee; the Land Office serial number, or Bureau of Indian Affairs lease or permit contract number, tribal name of tribal land, allotment number if allotted land, and name of Indian reservation; the lease boundary lines; surface buildings, dip of the coal bed; true north; the map scale; and explanatory legend; and such other information as the Mining Supervisor shall request.

(b) *Underground mine maps.* Underground mine maps shall, in addition to the general requirement of paragraph (a) of this section, show all mine workings; the date of extension of the mine workings, and a coal section at each entry face; the location of all surface mine fans; the position of all fire walls, dams, main pumps, fire pipelines, permanent ventilating stoppings, doors, overcasts, undercasts, permanent seals and regulators; the direction of the ventilating current in the various parts of the mine at the time of making the latest surveys; sealed areas, known bodies of standing water, either in or above the workings of the mine, areas affected by squeezes; the elevations of surface and underground levels of all shafts, slopes or drifts; and the elevation of the floor or bottom of the mine workings at regular intervals in main entries, panels or sections, and sump areas.

(c) *Surface mine maps.* Surface mine maps shall, in addition to the general requirements of paragraph (a) of this section include date of extension of the mine workings and a coal section at each working face; all worked out areas; the stripped but unmined coal bed; and the elevation of the top of the coal beds and the surface.

(d) *Profiles of steeply dipping beds; vertical view of workings.* When required by the Mining Supervisor, vertical projections and cross-sections shall accompany plan views of steeply dipping beds.

(e) *Other maps.* The operator shall prepare such other maps of the leased lands as in the judgment of the Mining Supervisor are necessary to show the surface boundaries; location, surface elevation, depth and thickness of the coal and total depth of each bore hole; improvements; reclamation completed; topography, including subsidence resulting from mining; and the geological conditions as determined from outcrops, drill holes, exploration or mining.

(f) *Accuracy of maps.* The accuracy of maps furnished shall be certified by a professional engineer, professional land surveyor, or other professionally qualified person.

§ 211.13 Failure of lessee to furnish maps.

(a) *Liability of lessee for expense of survey.* If the operator fails to furnish a required map, the Mining Supervisor shall employ a competent mine surveyor to make a survey and a map of the mine, the cost of which shall be charged to and promptly paid by the operator.

(b) *Incorrect maps.* If any map submitted by an operator is believed to be incorrect, the Mining Supervisor may cause a survey to be made. If the survey shows the maps submitted by the lessee to be substantially incorrect in whole or in part, the cost of making the survey and preparing the map shall be charged to and promptly paid by the operator.

PROSPECTING AND EXPLORATION OPERATIONS

§ 211.20 Information required to be submitted.

The operator shall submit promptly to the Mining Supervisor upon request, completion, suspension of prospecting or exploration operations, or as provided in the leases and permits, signed copies, in duplicate, of records and geologic interpretation of all prospecting operations performed on the lease or permit lands, including recoverable reserve calculations, along with vertical cross-sections through the land and a map showing the exact location of coal outcrops, all drill holes, trenches and other prospecting activities. The records shall include a log of all strata penetrated and conditions encountered, such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs or any other logs produced; and copies of coal analyses and results of other tests conducted on the land. All drill holes, trenches, and excavations will be logged under the supervision of a competent geologist or engineer. Unless otherwise authorized by the Mining Supervisor, at least one-fourth of the core from a longitudinal split from core holes shall be retained by the operator for one year and shall be available for inspection at the convenience of the Mining Supervisor. The Mining Supervisor may sample such parts of the core and cuttings as he deems advisable.

§ 211.21 Core and test holes.

(a) *Abandonment.* Drill holes, trenches, and other excavations for development or prospecting shall be abandoned in a manner to protect the surface and not to endanger any present or future underground operations or any deposit of oil, gas, other mineral substances, or water strata. Methods of abandonment shall be by backfilling, cementing or capped casing, or both, or by methods approved in advance by the Mining Supervisor.

(b) *Surveillance wells.* With the approval of the Mining Supervisor, drill holes may be utilized as surveillance wells for the purpose of determining the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(c) *Blowout control devices.* When drilling on lands valuable or potentially valuable for oil and gas or geothermal resources, the operator shall, when required by the Mining Supervisor, set and cement casing in the hole and install suitable blowout prevention equipment.

(d) *Use of wells by others.* Upon receipt of a written request from the surface owner or surface administering agency, the Mining Supervisor may approve the transfer of an exploratory well for further use as a water well. Approval of such well transfer will be accompanied by a corresponding transfer of responsibility for any liability for damage and eventual plugging.

MINING METHODS AND MINE ABANDONMENT

§ 211.30 Good practice to be observed.

The operator shall observe good practice following the highest standards in performing any operations on the leased or permit lands.

§ 211.31 Maximum recovery.

(a) *Maximum recovery and protection for future use.* Mining operations shall be conducted in a manner to yield the maximum recovery of the coal deposits, consistent with the protection and use of other natural resources, sound economic practice, and the protection and preservation of the environment—land, water, and air.

(b) *No available coal to be abandoned.* The lessee shall not leave or abandon any coal which otherwise could be safely recovered by approved methods of mining when in the regular course of mining operations the time shall arrive for mining such coal. No entry, level, or panel

workings in which the pillars have not been completely extracted within safe limits shall be permanently abandoned and rendered inaccessible, except with the written approval of the Mining Supervisor.

§ 211.32 Multiple seam mining.

(a) *Sequence of mining.* In general, the available coal in the upper beds shall be worked out before the coal in the lower beds is mined. Simultaneous workings in an upper coal bed shall be kept in advance of the workings in each lower bed. The Mining Supervisor may authorize mining of any lower beds before mining the available coal in each known upper bed.

(b) *Protective barrier pillars in multiple seam mining.* In areas subject to multiple seam extraction, the protective barrier pillars for all main and secondary slope entries, main haulageways, primary aircourses, bleeder entries and manways in each seam shall be superimposed regardless of vertical separation or rock competency; however, modifications, exceptions, or variations of this requirement may be approved in advance by the Mining Supervisor.

§ 211.33 Advance workings; underground mines.

Where the room and pillar or other system of mining requires advance workings in solid coal, including entries, rooms or crosscuts, the lessee shall leave sufficient pillars to insure the ultimate maximum recovery of the coal deposits.

§ 211.34 Pillar extraction.

(a) The pillar recovery plan must be approved in advance by the Mining Supervisor.

(b) Where full pillar recovery is undertaken, extraction shall be such as to allow total caving of the main roof in the pillared area.

(c) Pillars of substantial size which must be abandoned prematurely due to safety considerations must be drilled and shot, if possible, to reduce their size so as to minimize undue forces overriding the working places.

(d) Pillaring methods shall be designed to eliminate pillar points and pillars that project in by the breakline.

(e) The overall pillar recovery system shall be designed to minimize the possibility of outbursts, bounces and squeezes.

§ 211.35 Pillars left for support.

(a) *Barrier pillars.* The operator shall not, without the prior consent of the Mining Supervisor, mine any coal, drive any underground workings, or drill any lateral bore holes within 50 feet of any of the outside boundary lines of the leased lands, nor within such greater distance of said boundary lines as the Mining Supervisor may prescribe. Payment up to and including the full value of the coal mined may be required for coal mined within such designated distances of the boundary without the written consent of the Mining Supervisor.

(b) *Lessee may be required to mine barrier pillars on adjacent lands.* If the coal on land covered by these regulations beyond any barrier pillar has been worked out and the water level beyond the pillar is below the lessee's adjacent operations, the lessee shall, on the written demand of the Mining Supervisor, mine out and remove all available Federal coal in such barrier, both in the lands covered by the lease and in the adjoining premises, if it can be mined without hardship to the lessee.

(c) *Privately or tribally owned coal on adjoining premises.* If the coal mining rights in adjoining premises are privately or tribally owned and this coal has been worked out, an agreement may be made with the coal owner for the extraction of the coal remaining in the boundary pillars which otherwise may be lost.

§ 211.36 Development of leased tract through adjoining mines.

An operator may mine leased land from an adjoining underground mine on land privately owned or controlled or from adjacent leased lands, under the following conditions:

(a) The entire mine and operations therein including that part on land privately owned or controlled shall conform to all the regulations in this part.

(b) Free access for inspection of said connecting mine on land privately owned or controlled shall be given at any reasonable time to the Mining Supervisor or his representative.

§ 211.37 Surface mining.

(a) *Performance standards for reclamation of mined areas.* Performance standards for the reclamation of mined areas affected by coal surface mining operations shall require the operator as a minimum to:

(1) Conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through surface coal mining can be minimized.

(2) Restore the land affected to a condition at least fully capable of supporting all actual or practicable uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the operator's declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local laws.

(3) With respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated, unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this part; provided, however, that in surface coal mining which is carried out at the same location over a substantial period of time where the operation transacts the coal deposit, and the thickness of the coal deposits relative to the volume of overburden is large, and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the mining site or otherwise available from the entire mining site is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region; and provided further, that in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this part.

(4) Stabilize and protect all surface areas including spoil piles affected by the mining and reclamation operation to effectively control erosion and attendant air and water pollution.

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation.

(6) Restore the topsoil or the best available subsoil which has been segregated and preserved.

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(7) Protect offsite areas from slides or damage occurring during surface mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the mining site.

(8) Create, if authorized in the approved mining plan, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that:

(i) The size of the impoundment is adequate for its intended purposes.

(ii) The impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Pub. L. 83–566 (16 U.S.C. 1006).

(iii) The quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality in the receiving stream.

(iv) The level of water will be reasonably stable.

(v) Final grading will provide adequate safety and access for proposed water users.

(vi) Such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(9) Fill all auger holes with an impervious and noncombustible material in order to prevent drainage.

(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems, both during and after surface coal mining operations and during reclamation by:

(i) Avoiding acid or other toxic mine drainage by such measures as, but not limited to, preventing or removing water from contract with toxic producing deposits; treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses; or casing, sealing, or otherwise managing bore holes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters.

(ii) Conducting surface mining operations so as to prevent to the maximum extent practicable additional contributions of suspended solids to streamflow or runoff outside the mining site above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines.

(iii) Removing temporary or large siltation structures from drainways after disturbed areas are revegetated and stabilized.

(iv) Restoring recharge capacity of the aquifer at the mine site to approximate premining conditions.

(v) Preserving to the maximum extent practicable throughout the mining and reclamation process the hydrologic integrity of alluvial valley floors in arid and semiarid areas.

(vi) Such other actions as the Mining Supervisor may prescribe.

(11) With respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of incombustible and impervious materials, if necessary, and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this part.

(12) Refrain from surface coal mining within 500 feet from active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners: Provided, that the Mining Supervisor may permit an operator to mine closer to an active or abandoned underground mine where this does not create hazards to the health and safety of miners and shall permit an operator to mine near, through or partially through an abandoned underground mine working where such mining through will achieve improved resource recovery, abatement of water pollution, or elimination of public hazards, and such mining shall be consistent with the provisions of this part.

(13) With respect to the use of existing or new impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes, incorporate the best engineering practices for the design and construction of water retention facilities and construct or reconstruct such facilities to insure that the construction will be so designed to achieve necessary stability with an adequate margin of safety to protect the health and safety of the public, and which at a minimum, is compatible with that of structures constructed under Pub. L. 83–566 (16 U.S.C. 1006); that leachate will not pollute surface or ground water; that no mine waste such as coal fines and slimes determined as unsuitable for construction constituents by sound engineering methods and design practices are used in the construction of water impoundments, water retention facilities, dams, or settling ponds; and that the structures are so located as to minimize danger to the public health and safety.

(14) Insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters or sustained combustion.

(15) Insure that explosives are used only in accordance with existing State and Federal law and the requirements specified by the Mining Supervisor which shall include provisions to:

(i) Provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives and maintain for a period of at least two years a log of the magnitudes and times of blasts.

(ii) Limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent injury to persons, damage to public and private property outside the mining site, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface water outside the mining side.

(16) Insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface mining operations.

(17) Insure that construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property, except that the Mining Supervisor may permit the retention after mining of certain access roads where consistent with land use plans and programs and where necessary may permit a limited exception to the restoration of approximate original contour for that purpose.

(18) Refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water.

(19) Establish on the regraded areas, and all other lands affected, a diverse, effective and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be usd in the revegetation process where desirable and necessary to achieve the approved postmining land use plan.

(20) Assume the responsibility for successful revegetation, as required by paragraph (a)(19) of this section, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (a)(19) of this section, except in those areas or regions of the country where the annual average precipitation is 26 inches or less, then the operator's assumption of responsibility and liability will extend for a period of 10 full years after the last year of augmented seeding, fertilizing, irrigation, or other work; except when the Mining Supervisor approves a long-term intensive agricultural postmining land use the applicable 5 or 10-year period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use; and except further that when the Mining Supervisor approves a long-term, intensive, agricultural postmining land use as part of the mining plan, he may grant exceptions to the provisions of paragraph (a)(19) of this section.

(21) Meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this part, taking into consideration the physical, climatological, and other characteristics of the site, and to insure the maximum

practicable recovery of the mineral resources.

(b) *Fire prevention.* Accumulations of slack coal or combustible waste shall be stored in a location and manner so as not to be a fire hazard. If a coal seam exposed by surface mining or accumulation of slack coal or combustible waste becomes ignited during the term of a lease, the operator will immediately extinguish the fire.

(c) *Coal face to be covered in strip pits.* Upon completion or indefinite suspension of mining operations in all or any part of a strip pit, the face of the coal shall be covered with non-combustible material that will effectively prevent the coal bed from becoming ignited.

(d) *Underground workings from any strip pit.* The driving of any underground openings by auger or other methods from any strip pit shall not be undertaken without prior written approval of the Mining Supervisor.

§ 211.38 Mining isolated blocks of nonleased coal.

Narrow strips of coal which are owned by the United States between leased lands and the outcrop, or small blocks of coal which are owned by the United States adjacent to leased land that would otherwise be isolated or lost may be mined on written authorization of the Mining Supervisor.

§ 211.39 Mine abandonment: surface openings.

(a) *General requirement for abandonment.* The operator shall substantially backfill, fence, protect or otherwise effectively close all surface openings, auger holes, subsidence holes, surface excavations or workings which are a hazard to people or animals. Such protective measures shall be maintained in a secure condition during the term of the lease, permit or license. Before permanent abandonment of operations, all openings and excavations, including water discharge points, shall be closed or backfilled according to the mining plan approved by the Mining Supervisor.

(b) *Permanent abandonment of shafts.* Mine shafts, slopes and drift openings shall be abandoned in a permanent manner. All proposals for abandoning shafts, slopes, and drift openings must have prior approval of the Mining Supervisor.

(c) *Temporary abandonment of underground mines.* Surface openings at all underground mines which are temporarily closed shall be adequately fenced or equipped with a substantial incombustible gate or door which shall remain locked when not in use. Conspicuous signs shall be posted prohibiting entrance of unauthorized persons. Such temporary abandonment shall not relieve the operator of his obligation to comply with the provisions of his approved mining plan.

(d) *Permanent abandonment—surface mines and strip pits.* Details for permanent abandonment of surface mines and strip pits shall be provided in the approved mining plan required under Section 211.10 of this part.

(e) *Reclamation and clean-up.* Reclamation and clean-up of surface areas around and near permanently abandoned underground and strip mines, including removal of equipment and structures related to the mining operation, must commence without delay following cessation of mining operations.

PROTECTION AGAINST MINE HAZARDS

§ 211.40 Abandonment of underground workings.

Approval for abandonment is required. No underground workings or part thereof shall be permanently abandoned and rendered inaccessible without the written approval of the Mining Supervisor.

§ 211.41 Coal dust.

Accumulations of coal dust, loose coal and other combustible materials shall not be permitted to accumulate in areas where it is likely to cause air or water pollution.

WASTE FROM MINING

§ 211.51 Disposal of mine waste or rejects.

(a) The operator shall dispose of all solid wastes resulting from the mining and preparation of coal in a manner that will not cause air and water pollution and will not spontaneously ignite.

(b) All waste or rejects containing practically no coal shall be deposited separately and apart from sized coal for which no immediate market exists. Waste piles shall be shaped to blend into the surrounding area, covered with topsoil and revegetated.

(c) Waste containing coal in such quantity that it may be later separated from the waste by washing or other means shall also be stored separately.

PRODUCTION RECORDS, ROYALTY AND AUDITS

§ 211.60 Production records.

(a) Lessees shall maintain books in which will be kept a correct account by weight of all coal mined; coal sold, to whom sold and the price received; coal stored, coal used on the premises; and coal otherwise disposed of.

(b) Licensees must maintain a correct record of all coal mined and removed from the land under license.

(c) All records and books maintained by lessees and licensees showing the required information must be kept current and in such manner that the records can be readily checked by the Mining Supervisor or his representative upon request.

§ 211.61 Basis for Royalty Computation.

(a) *Value basis.* The value basis for determination of the amount of royalty due shall not be less than the best obtainable market price. In the determination of market price of coal sold used by the operator or stored, due consideration shall be given the applicable contracts, the highest and best obtainable market price for coal of similar quality at the usual and customary place of disposal, and other relevant matters. Coal will be deemed to be sold when it is delivered at the usual and customary place of shipment.

(b) *Bone or other impurities.* All bone coal, rock and other impurities may be removed from the raw coal prior to determination of coal weights for royalty purposes.

(c) *Discretion of Mining Supervisor.* (1) The right is reserved to the Mining Supervisor to determine and declare the value either before or after receipt of royalty payments if it is deemed necessary by him to do so for the protection of the interests of the lessor.

(2) If royalties become due and payable prior to extraction of bone coal, rock and other impurities or final weighing of coal, the Mining Supervisor may determine by estimate the weight of the coal for royalty purposes. In addition, the Mining Supervisor may, after the removal of bone coal, rock and other impurities and final weighing of the coal, require the payment of such additional royalties or allow such credits or refunds as may be necessary to adjust the royalty payments to reflect the true weight of the coal.

§ 211.62 Production reports and payment—other reports.

(a) *Lessees.* Lessees shall report, on the report form provided, within 30 days after expiration of the period covered by the report, all coal mined from the leased land during each calendar quarter and the value basis on which royalty has been paid or will be paid. Except as provided by leases and permits issued under the regulations in 25 CFR Parts 171, 172, 173, and 174, the royalty for coal mined shall be paid prior to the end of the third month succeeding the extraction of the coal from the mine.

(b) *Permittees.* Permittees shall report the prospecting work done, the cost of the work, the results of prospecting and such other information as may be necessary (see § 211.20 of this part). Permittees shall report all coal mined while determining the existence or workability of the deposit.

(c) *Licensees.* Licensees shall report all coal mined on a semi-annual basis on the report form provided.

(d) *Penalty.* If a lessee or permittee records or reports less than the true weight or value of coal mined, the Secretary may impose a penalty equal to double the amount of royalty due on the shortage, or the full value of the shortage. If, after warning, a lessee or permittee maintains false records or files false reports, a suit to cancel the lease may be instituted in addition to the imposition of penalties.

§ 211.63 Audits.

An audit of the lessee's or permittee's accounts and books may be required annually, or at other such times as may be directed by the Mining Supervisor, by qualified independent certified public accountants and at the expense of the lessee. The lessee shall furnish, free of cost, duplicate copies of such annual or other audits to the Mining Supervisor within 30 days after the completion of each auditing.

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INSPECTION, ISSUANCE OF ORDERS AND ENFORCEMENT OF ORDERS

§ 211.70 Inspection of underground and surface conditions.

Operators shall provide means at all reasonable hours, either day or night, for the Mining Supervisor or his representative to inspect or investigate the underground or surface mine conditions; to conduct surveys; to estimate the amount of coal mined; to study the methods of prospecting, exploration, testing, development, preparation, and handling necessary; to determine the volumes, types, and composition of wastes generated, the adequacy of measures for minimizing the amount of such wastes, and the measures for treatment and disposal of such wastes; and to determine whether the terms and conditions of the permit or lease and the requirements of the exploration or mining plan have been complied with.

§ 211.71 Issuance of notices, instructions, and orders.

(a) *Address of responsible party.* Before beginning operations, the operator shall inform the Mining Supervisor in writing of the designation and post office address of the exploration or mining operation, the operator's temporary and permanent post office address, and the name and post office address of the superintendent, or designated operator or agent, who will be in charge of the operations and who will act as the local representative of the operator. Thereafter, the Mining Supervisor shall be informed of each change of address of the mine officer or in the name or address of the local representative.

(b) *Receipt of the notices, instructions and orders.* The operator shall be considered to have received all notices, instructions, and orders that are mailed to or posted at the mine or mine office, or mailed or handed to the superintendent, the mine foreman, the mine clerk, or higher officials connected with the mine or exploration site for transmittal to the operator or his local representative.

§ 211.72 Enforcement of orders.

(a) If the Mining Supervisor determines that an operator has failed to comply with the regulations in this part, other applicable Departmental regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan, or with the Mining Supervisor's orders or instructions, and such non-compliance does not threaten immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor shall serve a notice of non-compliance upon the operator by delivery in person to him or his agent or by certified or registered mail addressed to the operator at his last known address. Failure of the operator to take action in accordance with the notice of non-compliance or to appeal to the Director pursuant to Part 290 of this chapter shall be grounds for suspension of operations by the Mining Supervisor.

(b) The notice shall specify in what respects the operator has failed to comply with the provisions of applicable regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan or the orders or instructions of the Mining Supervisor, and shall specify the action which must be taken to correct the noncompliance and the time limits within which such action must be taken. A written report shall be submitted by the operator when a non-compliance has been corrected.

(c) If, in the judgment of the Mining Supervisor, failure to comply with the regulations, the terms and conditions of the permit or lease, the requirements of approved exploration or mining plans, or the Mining Supervisor's orders or instructions threatens immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor or his representative is authorized, either in writing or orally with written confirmation, to suspend operations without prior notice of non-compliance.

PART 216—OPERATING REGULATIONS GOVERNING THE MINING OF COAL IN ALASKA

Part 216 of Chapter II of Title 30 of the Code of Federal Regulations is revoked.

Dated: January 23, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75-2646 Filed 1-29-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 303, 381]

RETAIL STORES AND RESTAURANTS

Rendering and Refining of Edible Livestock Fat; Clarification of Calendar Year for Purposes of Exemption

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service proposes to amend § 303.1 of the Federal meat inspection regulations (9 CFR 303.1), pursuant to the authority in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), to permit retail stores or restaurants exempted from inspection to render or refine livestock fat. It is also proposed under that Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) to amend § 303.1 and to amend § 381.10 of the poultry products inspection regulations to define the period constituting a "year" for the purposes of the retail store definition for exemption from Federal inspection under both Acts.

Statement of considerations. The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), with certain exceptions, require federal inspection of the preparation of products subject to their provisions. However, under the Acts and regulations, operations of types traditionally and usually conducted at retail stores and restaurants are exempted from the inspection requirements when conducted at retail stores or restaurants or similar retail-type establishments under specified conditions. One of the conditions for the retail store exemption is that the store must not sell in any "year" more than specified quantities of products to non-household consumers.

The present meat inspection regulations exclude the rendering or refining of livestock fat from the definition of operations of types traditionally and usually conducted at retail stores and restaurants. Information has been furnished to the Department to indicate that such operations may be traditional and usual at such establishments. Therefore, it is proposed to terminate this exclusion.

In addition, the proposal would clarify the term "year" as meaning a calendar year in § 303.1(d)(2)(iii) of the meat inspection regulations and in § 381.10(d)(2)(iii) of the poultry products inspection regulations, for purposes of the retail store exemptions under both Acts.

The proposed amendments would be as set forth below:

1. Section 303.1(d)(2)(i)(c) would be amended to read as follows:

§ 303.1 Exemptions.

* * * * * *

(d) * * *

(2) * * *

(i) Operations of types traditionally and usually conducted at retail stores and restaurants are the following: * * *

(c) Curing, cooking, smoking, rendering or refining of livestock fat, or other preparation of products, except slaughtering or the retort processing of canned products;

* * * * * *

2. Section 303.1(d)(2)(iii) would be amended by inserting "calendar" immediately before the word "year" and by inserting "(i.e., January 1 through December 31)" immediately after the word "year".

§ 381.10 [Amended]

3. Section 381.10(d)(2)(iii) would be amended by inserting "calendar" immediately before the word "year" and by inserting "(i.e., January 1 through December 31)" immediately after the word "year".

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by March 31, 1975.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on this proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on January 22, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-3630 Filed 1-29-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1907]

[8-74-21]

ACCREDITATION OF TESTING LABORATORIES

Proposed Revocation: Extension of Post-Hearing Comment Period

On November 13, 1974, pursuant to authority in section 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1600; 29 U.S.C. 657), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), 5 U.S.C. 553, Secretary of Labor's Order No. 12-71 (36 FR 8754) and notice of hearing published in the Federal Register on October 1, 1974 (39 FR 35381), an informal public hearing concerning the proposed revocation of Part 1907, Accreditation of Testing Laboratories, of Title 29 of the Code of Federal Regulations was held in the Departmental Auditorium, Constitution Avenue, NW, between 12th and 14th Streets, Washington, D.C.

The Administrative Law Judge kept the record of the hearing open until December 13, 1974, to receive written information from any person who had participated in the oral proceeding. On the basis of a request for additional time to submit written comments, and because certain documents which were not previously a part of the public record of this proceeding are currently being placed in the record so as to make them available for public inspection and comment, I hereby extend the period for public comments, from any interested person, until March 31, 1975.

Accordingly, any interested person may submit comments concerning the proposed revocation of 29 CFR Part 1907, postmarked no later than March 31, 1975. Written comments may be submitted to Arthur W. Campbell, OSHA Committee Management Office, Docket S-74-11, 1726 M Street, N.W., Room 200, U.S. Department of Labor, Washington, D.C. 20210.

(Sec. 8, P.L. 91-596, 84 Stat. 1600 (29 U.S.C. 657); Sec. 107, P.L. 91-54, 83 Stat. 96 (40 U.S.C. 333); 5 U.S.C. 553; Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911.)

Signed at Washington, D.C. this 23rd day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc. 75-2770. Filed 1-29-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 5]

AVAILABILITY OF INFORMATION TO THE PUBLIC

Fee Schedules

Notice is hereby given of proposed amendments to the Department's regulation on availability of records to the public, pursuant to 5 U.S.C. 552 and 42 U.S.C. 1306. Certain of the amendments are being made in compliance with the Freedom of Information Act Amendments (Pub. L. 93-502). In addition, certain technical amendments are being made in order to clarify the intent of the regulation.

The Freedom of Information Act Amendments direct that a uniform fee schedule be applicable to all constituent units of the Department. It is, therefore, proposed that the fee schedule which was adopted for the Office of the Secretary promulgated August 17, 1973 (38 FR 22230) be adopted department-wide with the following exception:

The current fee schedule provides that no fee will be charged where the total amount does not exceed 50 cents. It is proposed to provide that no charge will be made where the total amount does not exceed 5 dollars. Provision is also made for a waiver or reduction of fees where such waiver or reduction is in the public interest. Section 5.60 is amended to make it clear that no fee shall be charged for the time spent in reviewing records to determine whether or not access should be granted.

Section 5.73(b)(1) regarding access to investigatory files not yet closed is amended to conform to the amended exception regarding investigatory files.

A new § 5.51(d) is added and § 5.85 is revised to indicate under what circumstances extension of time limits within which the Department must respond to requests for information may be made. The circumstances are those which are prescribed in the amendments. Section 5.81 is revised to provide for an appeal of an initial decision adverse to the requestor within 30 days of receipt of a determination or within 30 days of receipt of records received in partial response to a request, whichever is later.

Section 5.82 is revised to require that adverse decisions on appeal be made only after consultation with the General Counsel.

Sections 5.32 and 5.53 are amended to make clear which officials of the Department have the authority to issue denials to access to records in response to requests under the Freedom of Information Act.

Prior to the final adoption of the proposed amendments to the regulation, consideration will be given to comments which are received within 30 days. Comments should be addressed to the Freedom of Information Officer, Room 5319 HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection at the above address. No extension of time to comment will be made because of the February 19 effective date of the amendments. However, untimely comments will be considered for possible future revisions.

Dated: January 27, 1975.

CASPAR W. WEINBERGER,
Secretary.

Section 5.32 is amended as follows:

§ 5.32 Information Center Officers.

* * * * *

(b) The Regional Information Center Officer in each Region shall have a like responsibility for records in his regional office. The Regional Information Center Officer in each Region shall be the Assistant Regional Director for Public Affairs.

(c) Records of the Public Health Service hospitals and clinics and District Offices of the Social Security Administration may be subject to determination in accordance with the regulations of such agencies.

(d) The Information Center Officer for each of the operating agency Information Centers shall have a like responsibility for the records of his operating agency. The Information Center Officer for the respective operating agency shall be as follows:

* * * * *

Section 5.51 is amended to revise paragraph (c), add a new paragraph (d), and redesignate the present paragraph (d) as paragraph (e).

§ 5.51 Procedure.

* * * * *

(c) A request should reasonably identify the requested record by brief description. Requestors who have detailed information which would assist in iden-

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tifying the records requested are urged to provide such information in order to expedite the handling of the request. Envelopes in which written requests are submitted should be clearly identified as a Freedom of Information request. Receipt of unidentified requests may be delayed.

(d) Determination of whether records will be withheld will be made within 10 working days from date of receipt in the office having custody of the records or the appropriate information center. This time may be extended by written notice for no longer than an additional 10 working days, only in unusual circumstances. Unusual circumstances mean:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

If such extension is made, the requestor will be notified in writing with an explanation of why the extension was necessary and the date on which a determination will be made.

Section 5.53 is revised to read as follows:

§ 5.53 Denial of request for records.

Written requests for inspection or copying of records shall be denied only by the Department's Freedom of Information Officer, the appropriate Information Center Officer of the Region or the operating agency, or their designees or as otherwise provided by regulation. Denials of requests shall be in writing and shall contain the reasons for the denial and provide the requestor with appropriate information on how to exercise the right of appeal under Subpart G of this Part. Such notification shall also set forth the names and titles or positions of each person responsible for the denial of such request, if such person or persons is other than the appropriate Information Center Officer.

Section 5.60 is revised as follows:

§ 5.60 Policy on fees.

It is the policy of the Department to provide routine information to the public without charge. Special information services involving a benefit that does not accrue to the general public shall be subject to the payment of fees which shall be fixed in amounts as to recover the direct cost to the Government of providing such services. Fees will be charged for the following special services:

(a) Reproduction, duplication or copying of records;

(b) Certification or authentication of records;

(c) Searches for records.

Section 5.61 is revised to read as follows:

§ 5.61 Fee schedules.

The fee schedule for the Department of Health, Education and Welfare is as follows:

(a) (1) Search for records—three dollars per hour provided, however, that no charge will be made for the first half hour.

(2) Reproduction, duplication or copying of records—ten cents per page where such reproduction can be made by commonly available photocopying machines. However, the cost of reproducing records which are not susceptible to such photocopying, e.g. punch cards, magnetic tapes, blueprints, etc., will be determined on a case-by-case basis at actual cost.

(3) Certification or authentication of records—three dollars per certification or authentication.

(4) Forwarding material to destination—any special arrangements for forwarding which are requested by the requestor shall be charged on an actual cost basis.

(5) No charge will be made where the total amount does not exceed five dollars.

(b) Waiver or reduction of the fees provided for in this subsection may be made upon a determination that such waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Section 5.73(b)(1) is revised to read as follows:

§ 5.73 Records not available.

* * * * *

(b) *Investigatory files.* (1) Investigatory files compiled for law enforcement purposes in cases not yet closed, to the extent that production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel. A file is closed within the meaning of this regulation when a final decision has been made not to take enforcement action or enforcement action has been taken and has been concluded. For the purpose of this section "enforcement action" means any authorized action intended to abate, prevent, counteract, deter, or terminate violations of law and includes action involving possible civil, criminal, or administrative sanctions, whether such sanctions involve adversary proceedings or other procedures, such as termination of benefits, protective measures, etc.

Section 5.81 is revised to read as follows:

§ 5.81 Time for initiation of request for review.

A person whose request has been denied may initiate a review by filing a request for review within (1) 30 days of receipt of the determination to deny or (2) within 30 days of receipt of records which are in partial response to his request if a portion of a request is granted and a portion denied, whatever is later.

Section 5.82(b) is revised to read as follows:

§ 5.82 By whom review is made.

* * * * *

(b) The decision on review, if adverse to the requestor, shall be made only with the concurrence of the Assistant Secretary for Public Affairs of his designee and after consultation with the General Counsel or his designee.

Section 5.85 is revised to read as follows:

§ 5.85 Decisions on review.

(a) Decisions on review shall be in writing within 20 working days from receipt of the request for review. Extension of the time limit may be granted to the extent that the maximum 10-day limit on extensions has not been exhausted on the initial determination. Such extension may only be granted for the reasons enumerated in subsection 5.51(d).

(b) The decision, which constitutes final action of the Department, if adverse to the requestor shall be in writing, stating the reasons for the decision, and advising the requestor of the right to judicial review of such decision.

(c) Failure to comply with time limits set forth in § 5.51 or in this subsection constitute an exhaustion of the requestor's administrative remedies.

[FR Doc.75-2784 Filed 1-29-75;8:45 am]

Social Security Administration

[20 CFR Parts 404, 405]

[Regulations Nos. 4 and 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Entitlement to Hospital Insurance Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations reflect and implement amendments to the Social Security Act made by sections 201, 202, and 299I of the Social Security Amendments of 1972 (Pub. L. 92-603) enacted October 30, 1972, and section 3 of the Railroad Retirement Amendments of 1973 (Pub. L. 93-58) enacted July 6, 1973. The proposed amendments set forth the conditions and duration of entitlement to hospital insurance benefits (1) for individuals age 65 or older not otherwise eligible for such insurance, at a monthly premium (currently $36); (2) for individuals under age 65 who are entitled to a disability insurance benefit, or have the status of a disabled qualified railroad retirement beneficiary, and who have been so entitled or have had such status for the preceding 24 consecutive calendar months; and (3) for individuals under age 65 who have chronic renal disease.

In addition, the proposed amendments set forth the requirements, provided in section 103 of the Social Security Amendments of 1965 (the transitional provision for the uninsured), for entitlement to hospital insurance benefits based on deemed entitlement to monthly benefits under section 202 of the Social Security Act. Regulations concerning this provision, presently in Part 404 (Regulations No. 4), Federal Old-Age, Survivors, and Disability Insurance, are being transferred to Part 405 (Regulations No. 5), Federal Health Insurance for the Aged and Disabled, since the subject matter of the regulations concerns the conditions of entitlement to health insurance benefits. The substantive material contained in §§ 404.366 through 404.373, Regulations No. 4, Subpart D, is replaced with appropriate cross-references to Regulations No. 5, Subpart A.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 3, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 205, 226, 1102, as amended, 1801-1817, as amended, 1818, and 1871; 53 Stat. 1368, as amended, 79 Stat. 290, 49 Stat. 647, as amended, 79 Stat. 291-299, as amended, 86 Stat. 1374; 79 Stat. 331; 42 U.S.C. 405, 426, 1302, 1395-1395l-2, 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Dated: January 8, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 27, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 4 and Regulations No. 5 of the Social Security Administration (20 CFR Parts 404 and 405) are further amended as set forth below.

1. Sections 404.366 through 404.373 are revised to read as follows:

§ 404.366 Hospital insurance benefits; entitlement in general.

See § 405.101 of this chapter.

§ 404.367 Hospital insurance benefits; conditions of entitlement.

See § 405.102(a) of this chapter.

§ 404.368 Hospital insurance benefits; qualified railroad retirement beneficiary.

See § 405.102(b) of this chapter.

§ 404.369 Hospital insurance benefits; duration of entitlement.

See §§ 405.102 (c) and (d) of this chapter.

§ 404.370 Transitional provisions for deemed entitlement of uninsured individuals to monthly benefits under section 202 of the Act.

See § 405.103 of this chapter.

§ 404.371 Application for hospital insurance entitlement by uninsured individual.

See § 405.103(a)(5) of this chapter.

§ 404.372 Exclusions from "deemed entitlement"; Federal employees.

See § 405.103(b)(1) of this chapter.

§ 404.373 Exclusion from deemed entitlement; convictions for subversion, treason.

See § 405.103(b)(2) of this chapter.

2. Section 405.102 is revised to read as follows:

§ 405.102 Hospital insurance benefits for individuals age 65 or over.

(a) *Conditions of entitlement.* An individual is entitled to hospital insurance benefits under the provisions described in this Subpart A if such individual has attained age 65 and:

(1) Is entitled to monthly insurance benefits under section 202 of the Social Security Act as described in Subpart D of Part 404 of this chapter; or

(2) Is a "qualified railroad retirement beneficiary" as described in paragraph (b) of this section; or

(3) Is deemed entitled to monthly insurance benefits under section 202 of the Social Security Act, solely for purposes of entitlement to hospital insurance benefits, by meeting the requirements prescribed in § 405.103.

(b) *Qualified railroad retirement beneficiary.* For purposes of this Part 405, the term "qualified railroad retirement beneficiary" means an individual whose name has been certified to the Social Security Administration by the Railroad Retirement Board under section 21 of the Railroad Retirement Act of 1937. An individual shall cease to be a qualified railroad retirement beneficiary at the close of the month preceding the month which is certified by the Railroad Retirement Board as the month in which he ceases to meet the requirements of section 21 of the Railroad Retirement Act of 1937.

(c) *Beginning of coverage.* An individual is entitled to hospital insurance benefits beginning with the first day of the first month after June 1966 for which he meets the conditions of paragraph (a) of this section.

(d) *End of coverage*—(1) *General.* An individual's entitlement to hospital insurance benefits under paragraph (a) of this section ends with whichever occurs first:

(i) The last day of the month in which he dies; or

(ii) The last day of the month before the month he no longer meets the requirements:

(A) For entitlement to monthly benefits under section 202 of the Social Security Act;

(B) Of section 21 of the Railroad Retirement Act of 1937, if qualified for hospital insurance benefits solely as a qualified railroad retirement beneficiary; or

(C) Of the transitional provisions on eligibility for hospital insurance benefits (see § 405.103) because such individual has become entitled to monthly benefits under section 202 of the Social Security Act or has been certified as a qualified railroad retirement beneficiary.

(2) *Deemed entitlement in the month of death.* For purposes of paragraph (d)(1) of this section, an individual will be deemed to have been entitled to a monthly insurance benefit under section 202 of the Social Security Act, or to have been a qualified railroad retirement beneficiary, for the month in which he died if he would have been entitled to a monthly insurance benefit under section 202 of the Act, or would have been a qualified railroad retirement beneficiary, for such month had he died in the next month.

3. Section 405.103 is revised to read as follows:

§ 405.103 Transitional provisions for entitlement of aged uninsured individuals to hospital insurance benefits.

(a) *Requirements.* Unless excluded under the provisions of paragraph (b) of this section, an individual age 65 or over will be deemed entitled to monthly insurance benefits under section 202 of the Social Security Act, solely for purposes of entitlement to hospital insurance benefits (see § 405.102(a)(3)), if such individual:

(1) (i) Attained age 65 before 1968, or

(ii) Attained age 65 after 1967 and has not less than three quarters of coverage (as defined in Subpart B of Part 404 of this chapter or in section (5)(1) of the Railroad Retirement Act of 1937), whenever acquired, for each calendar year after 1966 and before the year he attained age 65;

(2) Is not entitled to hospital insurance benefits as provided in § 405.102(a)(1) and would not be entitled to such benefits upon filing an application for monthly insurance benefits under section 202 of the Social Security Act;

(3) Is not certifiable as a qualified railroad retirement beneficiary (see § 405.102(a)(2));

(4) Is a resident of the United States (for definition of United States see § 404.2(c)(6) of this chapter), and

(i) Is a citizen of the United States, or

(ii) Is an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he files his application required under paragraph (a)(5) of this section; and

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(5) Has filed an application for entitlement to hospital insurance benefits under § 405.102(a)(3). Such application must be filed no earlier than 3 months before the first month in which the individual meets the requirements of paragraphs (a)(1), (2), (3), and (4) of this section. An application filed within 12 months after any month in which these requirements are met will be deemed to have been filed in such month.

(b) *Individuals not deemed entitled.* An individual may not be deemed entitled to monthly insurance benefits under section 202 of the Social Security Act, for purposes of § 405.102(a)(3), if either of the following exists:

(1)(i) He was covered by an enrollment in a health benefits plan under the Federal Employees Health Benefits Act of 1959 as of February 16, 1965, or as of the first day of the first month in which he meets the requirements set forth in paragraph (a) of this section, or (ii) he could have been so covered for such first month if he or some other person had availed himself of an opportunity to enroll in a health benefits plan under the Federal Employees Health Benefits Act of 1959 and to continue such enrollment, provided that he or such other person was a Federal employee at any time after February 15, 1965. This exclusion shall not apply in the case of any individual for the month (or any month thereafter) in which—

(i) His coverage under such health benefits plan ceases (or would have ceased if he had had such coverage),

(ii) Such cessation of coverage was by reason of his or some other person's separation from Federal service, and

(iii) He, or such other person, was not (or would not have been) eligible to continue such coverage after such separation.

(2) Before the first month in which he meets the requirements of paragraph (a) of this section, he has been convicted of any offense under chapter 37 (relating to espionage and censorship), or chapter 115 (relating to treason, sedition, and subversive activities), or chapter 105 (relating to sabotage) of title 18 of the United States Code; or sections 4) relating to conspiracy to establish dictatorship), 112 (relating to espionage or sabotage), or 113 (relating to individuals assisting others wanted in connection with espionage or sabotage) of the Internal Security Act of 1950, as amended.

4. Section 405.104 is revised to read as follows:

§ 405.104 Entitlement to hospital insurance benefits based on chronic kidney failure.

(a) *Conditions of entitlement.* An individual is eligible for hospital insurance benefits based on chronic kidney failure if he:

(1) Has not attained age 65; and

(2) Is either—

(i) Fully or currently insured (as such terms are defined in section 214 of the Act and Subpart B of Part 404 of this chapter) or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term "employment" as defined in the Social Security Act, or

(ii) Entitled to monthly insurance benefits under title II of the Social Security Act or to an annuity under the Railroad Retirement Act of 1937, or

(iii) The spouse or dependent child of a person who meets the requirements in paragraphs (a)(2)(i) or (ii) of this section; and

(3) Is medically determined to have end-stage renal disease as defined in paragraph (d)(1) of this section.

(b) *Beginning of coverage.* An eligible individual as defined in paragraph (a) of this section is entitled to hospital insurance benefits beginning with whichever of the following is the latest:

(1) July 1, 1973; or

(2) The first day of whichever first occurs—

(i) The month in which he receives a renal transplant, or

(ii) The month prior to the month in which he receives a renal transplant if, in such prior month, he is hospitalized in preparation for and in anticipation of such surgery, or

(iii) The third calendar month after the month in which he begins a course of dialysis; or

(3) The first month in which he meets the requirements of paragraph (a) of this section.

(c) *End of coverage.* An individual's entitlement to hospital insurance benefits based on chronic kidney failure ends with the last day of whichever of the following first occurs:

(1) The 12th month after the month in which he receives a kidney transplant or his course of dialysis otherwise terminates, unless on or before the last day of such 12th month the individual again requires a course of dialysis or another kidney transplant; or

(2) The month in which he dies.

(d) *Definitions.*—(1) *End-stage renal disease.* An individual who is medically determined to have chronic renal disease and who requires hemodialysis or renal transplantation for such disease has "end-stage renal disease." End-stage renal disease is that stage of kidney impairment which is irreversible, cannot be controlled by conservative management alone, and requires dialysis or kidney transplantation to maintain life.

(2) *"Child" and "spouse" defined.* An individual is the child or spouse of a person, for purposes of paragraph (a)(2)(iii) of this section, if the individual is so related to that person that he meets the relationship requirements set forth in Subpart L of Part 404 of this chapter for entitlement, respectively, to child's insurance benefits or to wife's, husband's, widow's, widower's, or mother's insurance benefits under title II on that person's earnings record, whether or not the relationship has continued long enough for such individual to qualify for such benefits. Notwithstanding the foregoing, an individual who qualifies as a spouse by virtue of § 404.1105 of this chapter must meet the duration of relationship requirements prescribed therein.

(3) *Dependency of a child.* For purposes of paragraph (a)(2)(iii) of this section, the child of a person is that person's "dependent child" if on the first day he has end-stage renal disease he meets the dependency requirements set forth in §§ 404.323–404.327a of this chapter for entitlement to child's insurance benefits on that person's earnings record and either:

(i) He has not attained age 22, or is under a disability (as defined in section 223(d) of the Act) which began before he attained age 22; or

(ii) (A) He has attained age 22, but not age 26, and

(B) He is receiving at least one-half support from that person, and

(C) He has continuously received since the day before he attained age 22, at least one-half support from that person.

For purposes of this subparagraph, the requirement in § 404.323(a)(1) that a child be dependent upon an individual "at the time the application for child's insurance benefits is filed," shall be deemed to read "on the first day he has end-stage renal failure," and the term "insured individual" referred to in §§ 404.323–404.324, and the term "individual" referred to in § 404.327a shall be deemed to read "a person who meets the requirements of paragraph (a)(2)(i) or (a)(2)(ii) of § 405.104."

(4) *What constitutes "at least one-half support."* A person is receiving at least one-half of his support from the insured individual if such individual makes regular contributions, in cash or kind, to such person's support and the amount of such contributions equals or exceeds one-half of such person's support.

5. Section 405.105 is added to read as follows:

§ 405.105 Hospital insurance entitlement based on entitlement to disability insurance benefits.

(a) *Conditions of entitlement*—(1) *General.* An individual is entitled to hospital insurance benefits described in this Subpart A if such individual:

(i) Has not attained age 65 and is entitled, and has for the 24 preceding consecutive calendar months been entitled, to—

(A) Disability insurance benefits under section 223 of the Social Security Act (see § 404.306 of this chapter), or

(B) Child's insurance benefits under section 202(d) of the Social Security Act by reason of disability (see § 404.320(a)(4)(iii) of this chapter), or

(C) Widow's insurance benefits under section 202(e) of the Social Security Act by reason of disability (see § 404.331(a)(3)(ii) of this chapter and paragraphs (a)(2), (4), and (5) of this section), or

(D) Widower's insurance benefits under section 202(f) of the Social Security Act by reason of disability (see § 404.331(a)(3)(ii) of this chapter and paragraphs (a)(3) and (4) of this section); or

(ii) Has not attained age 65 and is, and has for the immediately preceding 24 consecutive calendar months been, a disabled qualified railroad retirement beneficiary under section 22 of the Railroad Retirement Act of 1937.

(2) *Modification of age requirement for widow's insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraph (a)(1)(i)(C) of this section, § 404.328(a)(3)(ii) and § 404.328(e) of this chapter are modified by substituting "age 65" where "age 60" appears therein.

(3) *Modification of age requirement for widower's insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraph (a)(1)(i)(D) of this section, § 404.331(a)(3)(ii) and § 404.331(c) of this chapter are modified by substituting "age 65" where "age 62" appears therein.

(4) *Deemed entitlement to widow's or widower's insurance benefits of certain individuals entitled to old-age insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraphs (a)(1)(i)(C) and (D) of this section, an individual who is entitled to old-age insurance benefits, and who was entitled to widow's or widower's insurance benefits based on disability for the month before the first month in which the individual was so entitled to old-age insurance benefits, shall be deemed to have continued to be entitled to such widow's insurance or widower's insurance benefits for and after such first month.

(5) *Deemed entitlement to widow's insurance benefits of certain individuals entitled to mother's insurance benefits.* For purposes of determining entitlement to hospital insurance benefits under paragraph (a)(1)(i)(C) of this section, an individual who is entitled to mother's insurance benefits under § 404.335 of this chapter (and would have been entitled to widow's insurance benefits by reason of disability if she had filed for such widow's insurance benefits) shall, upon application for hospital insurance benefits, be deemed to have filed for such widow's insurance benefits. Such individual shall, upon application and furnishing proof of such disability before July 1, 1974, be deemed to have been entitled to such widow's insurance benefits as of the first month she would have been entitled to such benefits if she had filed timely application therefor.

(b) *Beginning of coverage.* An individual is entitled to hospital insurance benefits under paragraph (a) of this section beginning with the first day of the first month after June 1973 in which he meets the conditions set forth in that paragraph.

(c) *End of coverage.* The entitlement of an individual entitled under paragraph (a) of this section ends with the last day of whichever occurs first:

(1) The later of—

(i) The last month for which he is entitled, or deemed to be entitled, to any of the benefits specified in paragraph (a)(1)(i) of this section, or the last month for which he has the status of a disabled qualified railroad retirement beneficiary (see paragraph (a)(1)(ii) of this section), or

(ii) The month following the month in which notice of termination of entitlement to such benefits or of termination of such status is mailed to him; or

(2) The month before the month in which he attains age 65; or

(3) The month in which he dies.

6. Section 405.106 is added to read as follows:

§ 405.106 Premium hospital insurance.

(a) *General.* Hospital insurance benefits under Part A of title XVIII are available on a voluntary basis beginning July 1973 to eligible individuals age 65 or over who do not otherwise qualify for hospital insurance benefits and are willing to pay the full average cost of such insurance in a monthly premium. Eligible individuals must enroll timely for this insurance, pay a monthly premium (see paragraph (d) of this section), and enroll or already be enrolled in the supplementary medical insurance plan under Part B.

(b) *Requirements for eligibility to enroll for premium hospital insurance.* An individual is eligible to enroll for premium hospital insurance if:

(1) He has attained age 65; and

(2) He is already enrolled under the supplementary medical insurance plan under Part B of title XVIII or is eligible for such enrollment and files a timely enrollment request which entitles him to such coverage; and

(3) He is a resident of the United States and is either—

(i) A citizen of the United States, or

(ii) An alien lawfully admitted for permanent residence who resided in the United States continuously for the 5-year period immediately preceding the month in which all other requirements are met; and

(4) He is not otherwise eligible for hospital insurance benefits.

(c) *Enrollment and coverage periods.* The regulations in Subpart B of this part governing supplementary medical insurance enrollment and coverage periods are applicable to enrollment and periods of coverage for premium hospital insurance, subject to the following exceptions:

(1) *Initial enrollment period—first eligibility before June 1973.* Individuals who first met the eligibility requirements of paragraph (b) of this section, other than subparagraph (2) thereof, before June 1973 could enroll for premium hospital insurance benefits during a 9-month initial general enrollment period that began December 1, 1972, and ended August 31, 1973. The premium hospital insurance coverage period of such an individual who enrolled during such 9-month period began on whichever of the following last occurred:

(i) The first day of the second month after the month in which he enrolled; or

(ii) July 1, 1973; or

(iii) The first day of the first month in which he met the requirements of paragraph (b) of this section.

(2) *Termination of premium hospital insurance coverage period*—(i) *Filing of request for termination.* An individual may at any time file a notice with the Social Security Administration that he no longer wishes to participate in the hospital insurance program. If such notice is filed before his hospital insurance coverage period begins, he will be deemed not to have enrolled for such insurance. If such notice is filed during his coverage period, such period will terminate at the close of the month following the month in which such notice is filed;

(ii) *Eligibility for hospital insurance not requiring premiums.* An individual's premium hospital insurance coverage shall terminate with the month before the first month in which he becomes eligible for hospital insurance benefits under § 405.102. Upon such termination, the individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such first month the application required to establish such entitlement;

(iii) *Termination of supplementary medical insurance benefits.* The termination of an individual's supplementary medical insurance coverage period shall result in the simultaneous termination of his premium hospital insurance coverage period.

(iv) *Nonpayment of premium.* An individual's premium hospital insurance coverage period shall be terminated because of nonpayment of premiums under the rules provided in Subpart I of this part governing termination for nonpayment of premiums of the supplementary medical insurance of an individual who is not entitled to monthly benefits payable under title II of the Social Security Act, the Railroad Retirement Act, or an act administered by the Civil Service Commission providing retirement or survivorship protection and who is not enrolled under a Federal-State agreement pursuant to section 1843 of the Act.

(3) *No deemed enrollment.* The provisions of § 405.210 (b) and (c) relating to deemed enrollment for supplementary medical insurance of certain individuals who become entitled to hospital insurance do not apply to individuals enrolling for hospital insurance under this section.

(d) *Premiums for hospital insurance*—(1) *Premiums before July 1974; enrollment in initial enrollment period.* The monthly premium for each month of coverage before July 1974 shall be $33.

(2) *Premiums after June 1794; enrollment in initial enrollment period.* For each month of premium hospital insurance coverage after June 1974, the amount of the hospital insurance premium will be governed as follows: The Secretary will, during the last calendar quarter of 1973 and of each year thereafter, determine and announce the dollar amount of the premium for each such month of coverage in the 12-month period commencing July 1 of the next year. Such premium amount for each month of the next year shall be equal to ($33 divided by $76) multiplied by the amount of the inpatient hospital de-

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ductible for such next year, promulgated under § 405.113. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest multiple of $1, or if midway between multiples of $1, to the next higher multiple of $1.

(3) *Enrollment after initial enrollment period.* For months of hospital insurance coverage resulting from enrollment or reenrollment by an individual after the close of his initial enrollment period, the amount of the monthly premium as determined under paragraph (d) (2) of this section shall be subject to increase in accordance with the same rules, set forth in § 405.902(b), as are applicable to supplementary medical insurance premiums.

(4) *Collection of premiums.* Premiums must be paid for premium hospital insurance under the same rules set forth in Subpart I of this Part as are applicable to collection of supplementary medical insurance premiums from individuals who are not entitled to monthly benefits payable under title II of the Social Security Act, the Railroad Retirement Act, or an act administered by the Civil Service Commission providing retirement or survivorship protection and who are not enrolled pursuant to a Federal-State agreement under section 1843 of the Social Security Act.

7. A new § 405.107 is added to read as follows:

§ 405.107 Limitations on entitlement.

No payment may be made for:

(a) Post-hospital extended care services furnished before 1967; or

(b) Post-hospital extended care services furnished after 1966, or post-hospital home health services furnished at any time, if the hospital discharge necessary to qualify such services for payment under Part A of title XVIII occurred—

(1) In the case of an individual entitled to hospital insurance benefits under § 405.102, before July 1, 1966, or if later, before the first month in which he attained age 65; and

(2) In the case of an individual entitled to hospital insurance benefits under §§ 405.104 or 405.105, when the individual was not entitled to such benefits.

[FR Doc.75-2785; Filed 1-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NE-59]

Transition Area Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Providence, Rhode Island, 700-foot Transition Area.

The alteration of the transition area is required in order to provide controlled airspace protection for aircraft executing the new Localizer Back Course Approach Procedure to be established at the New Bedford Municipal Airport, New Bedford, Massachusetts.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 3, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the ministration officials by contracting the space Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Providence, Rhode Island, proposes the airspace action hereinafter set forth:

1. Amend the description of the Providence, Rhode Island, Transition Area in § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

After the words: "within a 7-mile radius of the New Bedford, Massachusetts, Municipal Airport (Latitude 41°40'37" N., Longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the Om."

Add: "and within 3 miles each side of the 038° bearing from the New Bedford, Massachusetts, OM, extending from the 7-mile radius to 14.5 miles NE of the New Bedford, Massachusetts, OM, ° ° °"

(Sec. 307(a) Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on January 20, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-2731 Filed 1-29-75;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

HEALTH BENEFITS

Review of Claim for Payment or Service

Notice is hereby given that under authority of sections 8902(j) and 8913 of title 5, United States Code, it is proposed to amend Part 890 of Title 5 of the Code of Federal Regulations by deleting § 890.103(d) and creating a § 890.105 to provide for Commission review of denied claims, or portions thereof, for payment or service. Carriers and other interested persons may submit written comments, objection or suggestions to the Bureau of Retirement, Insurance and Occupational Health; U.S. Civil Service Commission, Washington, D.C. 20415; comments must be received by March 3, 1975. The proposed amendment is set out below.

§ 890.103 Employee appeals, corrections, and adjustments.

• • • • •

(d) [Revoked]

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§ 890.105 Review of claim for payment or service.

(a) The Commission does not adjudicate individual claims for payment or service under health benefits plans. Individual claims for payment or service are adjudicated by the health benefits plan in which the employee or annuitant is enrolled.

(b) If a claim (or portion of a claim) or a service is initially denied by a health benefits plan, the plan will reconsider its denial upon receipt within one year of the denial of written request for reconsideration from the employee or annuitant. Such written request should set forth the reasons why the employee or annuitant believes that the denied claim or service should have been paid or provided. The plan must affirm the denial in writing to the employee or annuitant, setting out in detail the reasons therefor, within 30 days after receipt of the request for reconsideration or pay or provide the claim or service within such time, unless it requests of the employee or annuitant additional evidence reasonably necessary to a determination and such evidence has not been furnished.

(c) If a plan either affirms its denial of a claim or fails to respond to a written request for reconsideration within 30 days of the request, the employee or annuitant may make a written request to the Commission's Bureau of Retirement, Insurance, and Occupational Health for a review to determine whether the plan's denial is in accord with the terms of the Commission's contract with the carrier of the plan. The plan shall provide written notice to the employee or annuitant of the right to request such a review when it affirms a denial after reconsideration. A request for review will not be honored if received by the Commission more than 90 days from the date of the plan's affirmation of the denial. Nor will a request for review be honored if, upon request by the Bureau, the employee or annuitant does not furnish authorization signed by the patient (or person capable of acting for the patient) for the release of medical evidence to the Bureau.

(d) In reviewing a claim denied by a plan, the Bureau will review copies of all original evidence and findings upon which the plan denied the claim and any additional evidence submitted to the Bureau or otherwise obtained by the plan or Bureau. Plans will release such evidence and findings to the Bureau within 30 days of request therefor. Any evidence obtained by the Bureau in connection with a review of the denied claim will be held privileged and confidential and will be reviewed only by persons having official need to see it.

(e) In reviewing a claim denied by a plan, the Bureau may request the employee or annuitant to obtain and submit additional medical or hospital records. The Bureau may also request a confidential advisory opinion from an independent physician, or such other information or evidence as may in the Bureau's judgment, be required to evaluate the claim denial. A Bureau request for an advisory opinion shall not disclose the identity of the claimant or patient, the plan, or any medical institutions or physicians involved in the claim.

(f) Within 30 days after all evidence requested by the Bureau has been received, it shall notify the employee and the plan of its findings on review.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-2826 Filed 1-29-75;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 303]

RELEASE OF INFORMATION

Fee Schedules

In order to reflect the new requirements established by Pub. L. 93-502, which amended 5 U.S.C. 552 known as the Freedom of Information Act, the Cost Accounting Standards Board is amending Part 303 of its regulations as shown below.

The provisions of 5 U.S.C. 551 and 553-559 are not applicable to the Cost Accounting Standards Board. Additionally, because the amendments are essentially procedural, they do not constitute the type of regulation which is required by Pub. L. 91-379 to be published for comment and to be transmitted to the Congress. The amendments therefore will take effect on February 19, 1975, the date on which Pub. L. 93-502 becomes effective.

§ 303.5 *Fees for copying* is revised as follows:

§ 303.5 Fees for copying.

(a) The fee for searching for and duplicating Board records shall be $5.00 for each full hour of time required. No charge will be made for fractions of an hour.

(b) Any inquiry that appears to involve a total of more than 10 hours of search and duplication time will not be regarded as a request for information under this Part 303 unless this part is specifically cited or the inquirer specifically agrees to accept costs necessary to cover the estimated number of hours involved.

(c) Notwithstanding the foregoing, no charge or a reduced charge will be made whenever the Executive Secretary of the Cost Accounting Standards Board determines that a waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 303.9 *Refusal to make record available* is revised as follows:

§ 303.9 Refusal to make record available.

(a) Where the material requested is not in being, is not a record, is an exempted record, or is otherwise unavailable, the request will be denied. The person making the request will be informed within 10 working days after receipt of the request for the material of the denial and the reason therefor.

(b) Not more than 20 days after a request for a record is denied pursuant to paragraph (a) of this section, the person making the request may appeal the denial to the Chairman, Cost Accounting Standards Board, who will make determinations on such appeals. The appeal shall be by letter, and shall identify the material requested and denied in the same manner as it was identified in the initial request; shall indicate the dates of the request and denial; and shall indicate the expressed basis for the denial. In addition, the letter of appeal shall state briefly and succinctly the reasons why the record should be made available.

(c) The Chairman may consult with others in making his determination, and shall by letter inform the requester, within 20 business days after receipt of the appeal, whether the requested material will be made available in whole or in part. If the request is denied in whole or in part, the basis for denial will be stated.

Effective date. This amendment shall become effective February 19, 1975.

(84 Stat. 796 Sec. 103; 50 U.S.C. App. sec. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2804 Filed 1-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 294-7]

CALIFORNIA

Proposed Disapproval of Sulfur Dioxide Regulation

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812), and May 14, 1973 (38 FR 12702), pursuant to section 110 of the Clean Air Act, as amended (42 U.S.C. § 1857c-5) and 40 CFR Part 51, the Administrator approved and promulgated portions of the California Plan for implementation, maintenance, and enforcement of the National Ambient Air Quality Standards. Among the regulations so approved was Bay Area Air Pollution Control District Regulation 2, §§ 3121-3123.9, 4110, 5110, and 6110, dealing with sulfur dioxide.

Section 3121 of Regulation 2 prohibits any emission of sulfur dioxide which results in ground level concentrations of sulfur dioxide exceeding certain specified limitations, measured as parts of sulfur dioxide per million parts air by volume. Section 3122 prohibits the emission of gas containing sulfur dioxide in excess of 300 parts per million (ppm) by volume, except as provided for in § 3123. Sections 3123-3123.9 permit a subject source to avoid the requirement of meeting the constant emission limitation of 300 ppm by complying with the limitations on ground level concentrations of sulfur dioxide as specified in the regulation.

Sections 4110, 5110, and 6110, dealing respectively with emissions from incineration or salvage operations, heat transfer operations, and general combustion or general operations, prohibit emissions of sulfur dioxide in excess of the limits provided in sections 3121 and 3122. As stated above, § 3122 contains an exception based upon § 3123, which in turn refers to §§ 3123.1-3123.9. Therefore §§ 3121-3123.9, inclusive, are the effective regulations applicable to sources subject to sections 4110, 5110, and 6110.

The Administrator proposed to disapprove §§ 32121-3123.9, 4110, 5110, and 6110 of Regulation 2 and to promulgate replacement regulations on the grounds that the strategy presently contained in the named sections permits optional noncompliance by a subject source with the specified emission limitation and therefore does not meet the requirements of section 110(a)(2)(B) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B)), as discussed below.

Section 110(a)(1) of the Clean Air Act requires States to submit plans for the implementation, maintenance, and enforcement of primary and secondary air quality standards in each air quality control region within such States. Section 110(a)(2) deals with approval and disapproval by the Administrator of such plans or portions thereof. Subsection (B) of that section provides that such a plan, to be approved, must contain emission limitations, schedules and timetables for compliance with such limitations, "and such other measures as may be necessary" to ensure attainment and maintenance of such primary or secondary standards.

Regulations submitted by several States as part of the implementation plans for those States contain both emission limitations and ambient air standards. Such ambient air standards may be included in State plans as among the "other measures" which may be "necessary" to attain or maintain National Ambient Air Quality Standards.

Certain regulations which could be interpreted to permit compliance with an ambient air standard as an "option" to compliance with a specified emission limitation were submitted as parts of some State implementation plans. However, the Administrator indicated that he had serious reservations concerning such "optional" features in regulations. In the preamble to the May 31, 1972 FEDERAL REGISTER (37 FR 10842, 10845) contain-

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ing initial approvals and disapprovals of submitted State plans, including the California plan containing Bay Area Air Pollution Control District Regulation 2, §§ 3121–3123.9, 4110, 5110, and 6110, the Administrator discussed such "Optional Controls", stating:

> Several State plans include regulations under which a source owner or operator could be exempt from compliance with an applicable emission limitation if he can show that emissions from the source will not interfere with attainment or maintenance of the national standards. The Administrator neither approves nor disapproves such optional control features. States are advised, however, that action taken to allow any such exemptions will constitute revision of a State plan and therefore will be subject at that time to the Administrator's approval.

Although this statement specifically mentions National Ambient Air Quality Standards, it was intended by the Administrator, and logically extends to cover any type of ambient air limitation, including ground level concentration limitations such as are contained in Bay Area Air Pollution Control District Regulation 2, sections 3121–3123.9, 4110, 5110, and 6110. While not at that time specifically disapproving regulations which included such optional ambient air standards, the Administrator thus announced his intention to review such optional features in regulations at a future date and to disapprove them if he deemed such disapproval necessary to properly carry out the Clean Air Act.

It has been and continues to be the policy of EPA that sources must be required to comply with emission limitations as the principal means of attaining and maintaining the National Ambient Air Quality Standards. Regulations which do not contain such limitations are not approvable. Regulations which contain an emission limitation but which permit compliance with ambient air limitations as an option to compliance with the emission limitation are also not approvable. Therefore, EPA is taking steps to formally disapprove such optional features in regulations contained in several State plans.

Such action is consistent with the decision by the U.S. Court of Appeals for the Fifth Circuit in *Natural Resources Defense Council, et al.* v. *Environmental Protection Agency*, 489 F. 2d 390, decided February 8, 1974, in which the court held that the Clean Air Act, as amended, requires States to attain National Ambient Air Quality Standards primarily through use of emission reduction controls, stating that other measures, such as dispersion techniques, may be used only if (1) it is demonstrated that emission reductions sufficient to meet the national standards in the specified 3-year time period are unavailable or infeasible, i.e., only if, in the language of section 110(a)(2)(B) of the Act, they are "necessary", or (2) it is demonstrated that emission limiting regulations included in the State implementation plan are sufficient standing alone to attain the standards. The court further stated that it is not sufficient that a State plan include a stated emission limitation applicable to every source in the State and that, with the help of dispersion techniques, the plan guarantees attainment of the National Ambient Air Quality Standards. Rather, the court said, in enforcing the provisions of section 110(a)(2)(B) of the Clean Air Act, where a State plan includes both emission limiting controls and dispersion enhancement controls, it is necessary to examine the emission limitation included in the plan to determine the relative degrees of reliance the plan places on emission limitation and dispersion enhancement. Such examination is necessary because the Clean Air Act requires that the reliance placed upon emission limitations be the maximum amount possible.

The language of sections 3121–3123.9 of Regulation 2 makes it clear that the local air pollution control agency is free to place little or no reliance on the emission limitation contained in § 3122. Sections 3121–3123.9 permit a source to comply with the ambient air standards specified in the regulation by use of dispersion enhancement techniques, such as are referred to in the *NRDC* v. *EPA* case discussed above. There is no requirement in those sections or in sections 4110, 5110, or 6110 that the subject source apply constant emission control wherever technology is available. In actual practice the local agency does accept compliance by sources with the ambient air standards specified in the regulation as a substitute for compliance with the emission limitation.

Furthermore, enforcement actions undertaken by EPA in the Bay Area Air Pollution Control District have demonstrated that a regulation which contains such optional features is extremely difficult, if not impossible to enforce by EPA in accordance with the requirements of the Clean Air Act. Such regulations may additionally be unenforceable by citizen suit under section 304(a) of the Clean Air Act, as amended (42 U.S.C. 1857h–2(a)), which permits suit only against a person who is alleged to be in violation of an emission standard or limitation, not against one who may be in violation of another type of standard, such as the ambient air standards involved in Regulation 2, section 3121. The court in the *NRDC* v. *EPA*, discussed above, recognized this difficulty.

The requirement in section 110(a)(2)(B) of the Clean Air Act for emission limitations in State plans does not permit such limitations, once approved, to be avoided, either by a subject source or by the control agencies responsible for enforcing the regulations in the plan. Therefore, any regulation which permits such optional non-compliance with, or non-enforcement of, the stated emission limitation must be disapproved.

In light of the foregoing, the Administrator has determined that Bay Area Air Pollution Control District Regulation 2, §§ 3121–3123.9, 4110, 5110, and 6110 do not meet the requirements of section 110(a)(2)(B) of the Clean Air Act, as amended (42 U.S.C. 1857c–5(a)(2)(B)), and are inconsistent with the decision of the U.S. Court of Appeals for the Fifth Circuit in *NRDC* v. *EPA*, discussed above. Therefore, it is proposed to disapprove those sections of the regulation. Because the optional features in the regulation are not easily separable from the stated emission limitation, it is proposed to disapprove all the named sections. It is proposed to promulgate in place of sections 3121–3123.9 a Federal regulation which is substantively identical to section 3122, which contains the emission limitation of 300 ppm. It is also proposed to promulgate a replacement Federal regulation for each of sections 4110, 5110, and 6110, in each case substituting the emission limitation of 300 ppm in place of the reference to sections 3121 and 3122. The emission limitation of 300 ppm in the regulations, when taken together with the other regulations of the Bay Area Air Pollution Control District, has been determined by the State of California to be sufficient to achieve and maintain the National Ambient Air Quality Standards for sulfur dioxide in the San Francisco Bay Area Air Quality Control Region. Because at this time the emission limitation alone appears to be adequate, other control measures are not believed to be necessary for attainment or maintenance of the national standards in the affected air quality control region.

The public is encouraged to submit written comments on this proposed rulemaking. All comments postmarked on or before March 3, 1975 will be considered. Comments should be addressed to:

Paul De Falco, Jr., Regional Administrator
Environmental Protection Agency, Region IX
100 California Street
San Francisco CA 94111

All comments will be available for public inspection during business hours at the above address and at the Division of Stationary Source Enforcement, EPA, Room 3202 Waterside Mall, 401 "M" Street, SW, Washington, D.C. 20460. At the end of the 30-day period and after review of any comments received, the Administrator will take appropriate action in the FEDERAL REGISTER to finalize the proposed action.

This proposed rulemaking is issued under the authority of section 110(c) of the Clean Air Act, as amended [42 U.S.C. § 1857c–5(c)].

Dated: January 23, 1975.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.232 is added as follows:

§ 52.232 Control strategy: Sulfur dioxide, San Francisco Bay Area Intrastate Region.

(a) Sections 3121 through 3123.9, section 4110, section 5110, and section 6110 of Regulation 2 of the Bay Area Air Pollution Control District are disapproved as not meeting the requirements of section 110(a)(2)(B) of the Clean Air Act, as amended (42 U.S.C. 1857c–5(a)(2)(B)), because they permit sources to comply with the specified ambient air quality standards in lieu of complying with the approved emission limitation.

(b) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, Sections 3121 through 3123.9 (San Francisco Bay Area Instrastate Region).* No person shall cause, let, permit, suffer, or allow the emission of gas containing sulfur dioxide in excess of 300 ppm (vol). All sampling of exhaust gases shall follow the techniques prescribed in Bay Area Air Pollution Control District Regulation 2, Chapter 2, Division 8, as presently approved by the Environmental Protection Agency as part of the State of California plan for the implementation of the National Ambient Air Quality Standards. For purposes of this section, all sulfur present in gaseous compounds containing oxygen shall be deemed to be present as sulfur dioxide, and analysis of samples taken to determine the amount of sulfur dioxide in exhaust gases shall be made as specified in Bay Area Air Pollution Control District Regulation 2, Chapter 1, Division 9, as presently approved by the Environmental Protection Agency. Tests for determining compliance with this section shall be for not less than 15 consecutive minutes or 90% of the time of factual source operation, whichever is less.

(c) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, section 4110 (San Francisco Bay Area Intrastate Region).* Sulfur Dioxide. No person shall cause, let, permit, suffer, or allow the emission from any incineration operation or salvage operation of sulfur dioxide in excess of 300 ppm (vol).

(d) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, section 5110 (San Francisco Bay Area Intrastate Region).* Sulfur Dioxide. No person shall cause, let, permit, suffer, or allow the emission from any heat transfer operation of sulfur dioxide in excess of 300 ppm (vol).

(e) *Replacement Regulation for Bay Area Air Pollution Control District Regulation 2, section 6110 (San Francisco Bay Area Intrastate Region).* Sulfur Dioxide. No person shall cause, let, permit, suffer, or allow the emission from any general combustion operation or general operation of sulfur dioxide in excess of 300 ppm (vol).

[FR Doc.75-2859 Filed 1-29-75;8:45 am]

[40 CFR Part 52]
[FRL 328-6]

MARYLAND

Proposed Revision To Implementation Plan

On December 11, 1974, the Governor of Maryland submitted to the Regional Administrator proposed amendments to the approved Maryland State Implementation Plan for the attainment and maintenance of national ambient air quality standards.

The proposed amendments consist of additions, changes and deletions to sections 10.03.35 through 10.03.41 inclusive of the rules and regulations governing the control of air pollution in the State of Maryland, and include the following:

1. Phasing out of existing rotary cup burners except those fitted with dust collectors as of July 1, 1975, and prohibition of new rotary cup burners.

2. Prohibition of new residual fuel fired burners having a heat input rate of less than 13 million BTU/hour and requirement that any residual fuel fired burning equipment erected after January 17, 1972 and having a heat input rate of greater than 13 million BTU/hour be fitted with a dust collector. Interruptible gas fired units would be exempt from these regulations.

3. Prohibition of new fuel burning equipment designed for the use of solid fuel in which any individual furnace has a heat input rate of less than 50 million BTU/hour, and requirement that all solid fuel burners erected after January 17, 1972, regardless of heat input rate, be fitted with dust collectors. Interruptible gas fired units would also be exempt from these regulations.

4. Additional definitions of terms used in the Maryland State Air Pollution Control Regulations.

5. Postponement of the 0.5 percent sulfur-in-fuel content requirements, for residual fuel oil, from July 1, 1975 to July 1, 1980.

On September 17, 1974, the State of Maryland submitted proof that public hearings regarding these proposed changes, with the appropriate 30 day notice, took place on August 6, 1974 in Takoma Park, Maryland and August 7, 1974 in Baltimore, Maryland.

This notice is to advise the public of the receipt of these proposed amendments and to request public comment on them. Only those comments received before March 3, 1975, will be considered.

The Administrator's decision to approve or disapprove these proposed revisions will be based on whether or not they meet the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Copies of the proposed revisions and the analysis on which they are based are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the Office of the Maryland Bureau of Air Quality Control, 601 North Howard Street, Baltimore, Maryland, 21201; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C., 20460. All comments should be directed to the Acting Chief, Air Planning Branch, Division of Air and Hazardous Materials, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(42 U.S.C. 1857c-5)

Dated: January 23, 1975.

DANIEL J. SNYDER III,
Regional Administrator.

[FR Doc.75-2860 Filed 1-29-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]
[Docket No. 20265]

AM STATION ASSIGNMENT STANDARDS

Order Extending Time for Filing Comments and Reply Comments

In the matter of Amendment of Part 73 of the Commission's rules regarding AM Station Assignment Standards.

1. On November 27, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on December 9, 1974, 39 FR 42920. The dates for filing comments and reply comments are presently January 31, and March 4, 1975.

2. On January 15, 1974, the law firm of Smith and Pepper requested that the time for filing comments and reply comments be extended to and including March 3 and April 3, 1975, respectively. Smith and Pepper states that it represents a number of stations with an interest in this proceeding and the requested additional time is necessitated by the difficulty in obtaining, within the allotted time, the requisite data, including extensive engineering studies, area and population data, and information concerning the special needs of particular areas and populations which will be most helpful to the Commission in reaching a resolution of this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the dates for filing comments and reply comments, are extended to and including March 3 and April 3, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: January 21, 1975.

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2791 Filed 1-29-75;8:45 am]

[47 CFR Part 73]
[Docket No. 20292]

FM BROADCAST STATIONS

Table of Assignments; Ill. and Mo.; Extension of Time

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Paducah, Kentucky; Vienna, Illinois; and Farmington, Missouri) Docket No. 20292, RM-2188, RM-2265, RM-2410.

1. On December 11, 1974, the Commission issued a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on December 20, 1974, 39 FR 44037. The dates for filing comments and

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reply comments are January 24 and February 13, 1975, respectively.

2. On January 17, 1975, Joe W. Hebel, by counsel, requested that the time for filing comments be extended for 30 days. Counsel states that Mr. Hebel and his engineer have contacted other parties attempting to agree on assignments of channels for all other cities involved and these negotiations will not be completed for 30 days.

3. We are of the view that the requested extension is warranted. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including February 24 and March 14, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: January 21, 1975.

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2790 Filed 1-29-75;8:45 am]

[47 CFR Part 73]

[FCC 75-55; Docket No. 20325]

FM BROADCAST STATIONS

Table of Assignments in Certain States

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Payson, Ariz.; Pauls Valley, Okla.; Pine City, Minn.; Prattville, Ala.; Center, Tex.; Lake Arrowhead, Calif.; Bloomfield, Ind.; Providence, Ky.; Bethany, Mo.; Pulaski, N.Y.; Soldotna-Kenai, Alaska; Clear Lake, Ia.; and Silverton, Colo.) Docket No. 20325, RM-2335, RM-2387, RM-2392, RM-2400, RM-2402, RM-2414, RM-2433, RM-2435, RM-2437, RM-2441, RM-2453, RM-2458, RM-2459.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the rules, the FM Table of Assignments, to add a channel to the above-listed communities, as has been requested in the rule making petitions. In each of the communities there is a proposal for a Class A channel.[1] Population figures are from the 1970 U.S. Census. The proposed channels sought by each petitioner are as follows:

RM-2335 Channel 280A to Payson, Arizona (Charles W. Carpenter).
RM-2387 Channel 249A to Pauls Valley, Oklahoma (Garvin County Broadcasting, Incorporated).
RM-2392 Channel 221A to Pine City, Minnesota (WCMP Broadcasting Company).
RM-2400 Channel 237A to Prattville, Alabama (Prattville Radio, Inc.).
RM-2402 Channel 272A to Center, Texas (Center Broadcasting Co., Inc.).
RM-2414 Channel 280A to Lake Arrowhead, California (Arrowhead Broadcasting Co.).
RM-2433 Channel 224A to Bloomfield, Indiana (Charles D. Sears).
RM-2435 Channel 249A to Providence, Kentucky (Webster County Broadcasting, Inc.).
RM-2437 Channel 240A to Bethany, Missouri (Eugene Vaughn).
RM-2441 Channel 269A to Pulaski, New York (Oswego-Jefferson Broadcasting, Inc.).
RM-2453 Channel 261A to Soldotna-Kenai, Alaska (KSRM, Inc.).
RM-2458 Channel 276A to Clear Lake, Iowa (Kleer Lake Brodcasting Company).
RM-2459 Channel 280A to Silverton, Colorado (Crystal Hill, Inc.).

2. *Payson, Arizona (RM-2335).* Charles W. Carpenter (petitioner), filed a petition on February 26, 1974, proposing the assignment of Channel 280A to Payson, Arizona. Channel 280A could be assigned to Payson in conformity with the Commission's minimum mileage separation rule without affecting any of the presently assigned channels in the FM Table. Payson (population 1,490) is located in Gila County (population 29,255), some 65 miles northeast of Phoenix, Arizona. Payson has no local broadcast facilities.

3. In support of his request, petitioner states that, although the 1970 Census gives the community a population of 1,490, the Chamber of Commerce estimates the present year-round population to be 3,200 and projects a permanent population of 10,000 within the city limits by 1980. He states that Payson is primarily an agricultural community, with lumber, cattle ranching and tourism its main industries, and is unsurpassed as a convenient vacation and resort area. Petitioner points out that a modern shopping center was recently opened, and a new group of shops will soon be available for occupancy. He adds that radio stations in Phoenix, Flagstaff and Show Low can be received in Payson but, due to the mountainous area, reception is poor during the daylight hours and almost nonexistent after the sun sets, and thus there is a need for a local broadcast facility. Petitioner states he will immediately apply for the requested channel through a corporation to be established for the purpose of creating and operating a radio broadcast facility in Payson. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Payson, Arizona, is warranted.

4. *RM-2387. Pauls Valley, Oklahoma.* Garvin County Broadcasting, Incorporated, licensee of AM Station KVLH, Pauls Valley, filed a petition on April 23, 1974, proposing the assignment of Channel 249A to Pauls Valley, Oklahoma. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting any other presently assigned channel if the station is located at a site 5 miles south-southeast of Pauls Valley. Pauls Valley (population 5,759), seat of Garvin County (population 24,874), is located about 50 miles south of Oklahoma City. Pauls Valley has no local FM broadcast facilities but has one daytime-only AM station, licensed to petitioner.

5. In support of its request petitioner states that the economy of this community is largely based on agriculture, industry and petroleum with the agricultural products marketed in 1972 totalling four and one-quarter millions of dollars, and a total of nearly seventy-eight millions of dollars in petroleum products being produced in 1971. Petitioner notes that Pauls Valley has a council-manager form of city government with five councilmen. It adds that the assignment of an FM channel in addition to the operating daytime-only facility would help to achieve many community goals. Petitioner states he will file an application to utilize the proposed assignment if granted. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Pauls Valley, we believe the proposal merits exploration in a rule making proceeding.

6. *RM-2392. Pine City, Minnesota.* WCMP Broadcasting Company (WCMP), licensee of Station WCMP, Pine City, Minnesota, filed a petition on May 24, 1974, proposing the assignment of Channel 221A to Pine City, Minnesota. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting present FM assignments, if used at a distance of 5 miles north of Pine City. Since Pine City is located beyond the Grade B contour of Station WDSM-TV, Channel 6, Superior, Wisconsin, the proposed assignment would not foreclose assignment on the lower numbered educational FM channels in the area. Pine City (population 2,143) is located in Pine County (population 16,821) about eighty miles south of Duluth, Minnesota. It has no local FM broadcast facilities, but has one daytime-only AM station which is licensed to petitioner.

7. In support of its proposal WCMP states that Pine City is predominantly an agricultural area with some light industry, the largest employers being Land O' Lakes, Inc., the producers of powdered milk and butter, and General Fabrication Corporation, an electronics manufacturer. Petitioner adds that Pine City has two elementary schools, one high school, a parochial school, and a vocational school. It has a mayor-council form of government which controls the 980 acre city and its 22 acres of park land. WCMP states that it will promptly file an application for a construction permit to operate on the proposed channel if granted. For these reasons, we believe consideration of the proposal for assignment of a first Class A FM channel to Pine City, Minnesota, is warranted.

8. *RM-2400. Prattville, Alabama.* Prattville Radio, Inc. (petitioner), licensee of Station WPXC, Prattville, Alabama, filed a petition on June 18, 1974, proposing the assignment of Channel 237A to Prattville, Alabama. The channel could be assigned to this community in full compliance with the Commission's minimum mileage separation rule and without affecting the present assignments in the FM table. Prattville, a community of 13,116 persons, is the seat of Autauga County (population 24,460), and is located some 12 miles northwest of Montgomery. The preclusion study indicates that preclusion would occur only on Channel 237A, encompassing a small area which includes Prattville. Prattville presently has one daytime-only AM station, licensed to petitioner, and no FM assignments.

9. Petitioner in support of his proposal states that the population growth from 1960 to 1970 was great with an increase of 98% for Prattville, and growth indicators suggest a continuation of this growth in the next decade. It points out that Prattville is the financial and business center of Autauga County with two local banks having combined deposits of $32,180,278, and its retail sales going from $9,414,000 in 1960 to $32,484,000 in 1972. Petitioner states that Prattville has a mayor-council governmental structure consisting of a mayor and five councilmen, its municipal government provides a full range of services such as police, fire, city courts, etc., and it has a full complement of social clubs and civic organizations. Petitioner adds that, if the Commission assigns Channel 237A to Prattville, it will file an application for a construction permit and, if granted, will build and operate the station. In view of the above, we believe consideration of the proposal for the assignment of a first Class A FM channel to Prattville, Alabama, is warranted.

10. *RM-2402. Center, Texas.* Center Broadcasting Co., Inc. (petitioner), licensee of Station KDET, Center, Texas, filed a petition on June 19, 1974, proposing the assignment of Channel 272A to Center, Texas. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting present FM assignments if used at a distance of three miles north-northwest of Center, to meet the distance separation requirement of 65 miles to Channel 272A at Jasper, Texas, assigned to Station KTXJ-FM. Center (population 4,989), seat of Shelby County (population 19,672), is located about 65 miles southwest of Shreveport, Louisiana. Center presently has one daytime-only AM station, licensed to petitioner.

11. In support of its proposal, petitioner states that Center's economy is based on sawmills, plywood mills, timber, poultry, and processing of farm products. Petitioner points out that Center offers entrance to Sabine National Forest 11 miles on (State) Highway 87 southeast, and is also fortunate to have the economic and recreational benefit of Toledo Bend Lake. It adds that the Toledo Bend Reservoir has also brought economic growth to Center. Petitioner states that should the channel be assigned it will file an application for use of the frequency with all due diligence. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Center, Texas, is warranted.

12. *RM-2414. Lake Arrowhead, California.* Arrowhead Broadcasting Co. (petitioner) filed a petition on May 22, 1974, proposing the assignment of Channel 280A to Lake Arrowhead, California. The channel could be assigned there in conformance with the Commission's minimum mileage separation rule and without affecting present FM assignment. The proposed assignment would foreclose future assignment only on Channel 208A. There are no communities without an FM station or assignment in the precluded area which appear to warrant an FM assignment. Lake Arrowhead (population 2,682) is located in San Bernardino County (population 684,072) some 10 miles southeast of San Bernardino, California. It has no local broadcast transmission facilities.

13. In support of its proposal, petitioner states that Lake Arrowhead is an important tourist center in southern California in the San Bernardino mountains and, each year, attracts thousands of vistors for recreation and vacation. It adds that the area permanent residents has increased from 2,008 persons in 1960 to 2,682 persons in 1970. Petitioner states that the Lake Arrowhead Development Corporation estimates that, at peak periods, the tourist influx can swell the area population to over 35,000. It points out that, although AM and FM signals are received from San Bernardino and other cities in the general vicinity, Lake Arrowhead has no local AM or FM broadcast service, and that the mountainous terrain tends to block FM signals and gives higher than normal attenuation of AM signals. Petitioner states that, if the channel is assigned to Lake Arrrowhead, it intends to apply for it and build the station promptly. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Lake Arrowhead, we believe the proposal merits exploration in a rule making proceeding.

14. *RM-2433. Bloomfield, Indiana.* Charles D. Sears (petitioner) filed a petition on July 25, 1974, proposing the assignment of Channel 224A to Bloomfield, Indiana. This channel could be assigned to Bloomfield in conformity with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM table. Bloomfield (population 2,565) is the seat of Greene County (population 26,894) and is located about 50 miles southeast of Terre Haute. It has no local broadcast transmission facilities. Petitioner states that he intends to make prompt application for this channel upon its assignment.

15. In support of his proposal, petitioner states that the proposed station would serve Greene and Owen Counties and a portion of Martin County and adds that neither Owen or Martin Counties has a local radio station. He states that the proposed service would be helpful in the winter to broadcast the closing of schools and the road conditions in general and would furnish information of social affairs for the residents. He contends that, with a population of over 50,000 in the three counties that would be served, he believes it would be in the public interest to assign the proposed channel as they are in great need of radio coverage. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Bloomfield, Indiana, is warranted.

16. *RM-2435. Providence, Kentucky.* On August 6, 1974, Webster County Broadcasting, Inc. (petitioner) filed a petition proposing the assignment of Channel 249A to Providence, Kentucky. This channel could be assigned to Providence in full compliance with the Commission's minimum mileage separation rule and without affecting present FM assignments in the FM table. Providence (population 4,270) is in Webster County (population 13,282) and is located approximately 50 miles northeast of Paducah, Kentucky. Neither Providence nor Webster County has any broadcast transmission facilities.

17. In support of its proposal, petitioner states that Webster County has sufficient activity to provide advertising support for the proposed station, pointing out that the county has 177 retail establishments with annual sales of $13,563,000 including stores of all major types. It adds that Providence is an incorporated city with a city manager, its own police and fire department, bank, savings and loan association and civic organizations. Petitioner contends that Providence is miles from larger centers, in a rural county which badly needs a local outlet for the daily disseminations of information and opinion of interest to local residents. It states that, promptly upon finalization of the proposed channel assignment, it will file an application for a construction permit at Providence and will construct and put into operation its proposed station. In view of the above, we believe that the merit of the proposal should be given consideration in this Notice.

18. *RM-2437. Bethany, Missouri.* On August 19, 1974, Eugene Vaughn (petitioner) filed a petition proposing the assignment of Channel 240A to Bethany, Missouri. This assignment can be made in conformity with the Commission's minimum mileage separation rule and without affecting the present assignments in the FM table. Bethany (population 2,914), seat of Harrison County (population 10,257), is located about 90 miles northeast of Kansas City. At the present time, Bethany nor Harrison County have no local broadcast facilities.

[1] In fairness to petitioners for FM channel assignments every effort is made to prepare and issue notices of proposed rule making chronologically on the basis of the date of the public notice which announced that a petition for rule making has been accepted and assigned a rule making number. However, this policy is not adhered to in those instances where a petition meets the following tests: (1) petition is for a Class A channel, which if assigned, would not affect existing assignments and presents no serious preclusion problems; (2) the proposed assignment would provide for a first local FM service or a first local nighttime aural service to a community; (3) no opposition or counterproposal is filed upon public notice of acceptance of the petition and (4) the petitioner states he will apply for a construction permit if the channel is assigned. With the exception of RM-2453 where petitioner is the licensee of an unlimited-time AM facility at Soldotna-Kenai, Alaska, each of the thirteen petitions included in this rule making proceeding meets the above tests.

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19. In support of his proposal, petitioner states that Bethany is primarily an agricultural area specializing in hogs, cattle and feed grain, but it has major industries consisting of, among others, the Lambert Manufacturing Co., a hat production firm, Calhoun Manufacturing Co., a manufacturer of farm equipment, and Bethany Cheese Company. He adds that Bethany has a mayor-council form of city government, nine churches, three elementary schools, one junior and one high school. Petitioner contends that there is a particular need for providing current local weather information to the farmers and workers, and that a local facility would fill an important need for coverage of general events in the community and of important news items including storm alerts, nighttime sports, disasters affecting the area, school announcements, including closings as well as other cancellations during bad weather. Petitioner states that, if the channel is assigned to Bethany, he will promptly file an application for its use and will design programming on the new facility to meet the above described needs. In view of the foregoing information and the fact that there is no local broadcast transmission service of any type in Harrison County, we believe consideration of the above proposal to assign Channel 240A to Bethany, Missouri, is warranted.

20. *RM–2441. Pulaski, New York.* Oswego-Jefferson Broadcasting, Inc., permittee of standard broadcast Station WSCP, Sandy Creek-Pulaski, New York, filed a petition on September 3, 1974, proposing the assignment of Channel 269A to Pulaski, New York. This assignment could be made in conformance with the Commission's minimum mileage separation rule without affecting the present assignments in the FM table. Pulaski (population 2,480) in Oswego County (population 100,897) is located about 35 miles north of Syracuse. A daytime-only AM station licensed to petitioner is the only broadcast facility serving the Pulaski/Sandy Creek area.

21. Petitioner, in support of his proposal, states that, from 1960 to 1970, the population of Pulaski increased from 2,256 to 2,480, a 9.9 percent gain and, during the four years since 1970, local estimates indicate the area has experienced an additional population gain of about 5 percent. Petitioner states that the Pulaski/Sandy Creek area is a typical small farming community with a local industrial base; an estimated 20 percent of the work force are employed by the four major local industries. Petitioner points out that, during the summer, the business volume of the two communities increased by 25–30 percent, but the economy of the local area remains stable due to the industry and winter recreation activities. It adds that Pulaski is governed by an elected mayor and village trustees. Petitioner asserts that the proposed channel would make it possible for the community of Pulaski and the surrounding area to receive its first full-time primary broadcast service, providing full and complete coverage of community affairs which cannot be covered by its existing AM facility. Petitioner states that he intends to immediately apply to activate the FM assignment if it is granted. In view of the above, we believe consideration of the proposal for the assignment of a first Class A FM channel to Pulaski, New York, is warranted.

22. *RM–2453. Soldotna-Kenai, Alaska.* KSRM, Inc., licensee of AM Station KSRM, Soldotna, Alaska (earlier in 1974 granted authority to identify this facility as Soldotna-Kenai) filed a petition on September 25, 1974 proposing the assignment of Channel 261A to Soldotna-Kenai, Alaska. This channel could be assigned in conformance with the Commission's minimum mileage separation rule without affecting the present assignments in the FM table. Soldotna (population 1,202) is located in the Kenai Peninsula Borough (population 13,500) and is the borough seat. Kenai, located 3.5 miles from Soldotna has a population of 3,533. Station KSRM, unlimited time AM station, licensed to petitioner, is the only broadcast facility in Soldotna. There are no broadcast facilities in Kenai.

23. In support of its proposal petitioner states that the proposed station would principally serve the needs of these two cities and would provide needed service to the entire western half of the Kenai Peninsula Borough. It adds that the economy of this area is based on commercial fishing, the oil and gas industry (Kenai Peninsula producing 80% of all the gas and oil in the State in 1970), and a three-month seasonal tourist trade. Petitioner states that the total retail sales of the cities of Soldotna and Kenai was $28,100,000 during fiscal year 1973 and during the same year the entire Kenai Peninsula Borough had retail sales of $54,767,000. It notes that the Kenai Peninsula Borough has a borough form of government with an elected Borough Chairman and Borough Assemblymen, and that Kenai and Soldotna are each governed by a mayor and city council. Petitioner adds that Kenai Peninsula Community College is now in full operation on its own campus near Soldotna; that a number of civic organizations maintain chapters in Soldotna and Kenai; that there are 29 active churches in the area and that these churches, representing most all major denominations, play an active part in the daily lives of twin-city citizens. Petitioner states that it would file an application for a construction permit for the proposed channel, if assigned.

24. Although petitioners request the designation of the channel assignment to specify Soldotna-Kenai, the assignment will be proposed for Kenai, the larger community. Since the two communities are located within 10 miles of each other, the channel will be available for use at Soldotna under the provisions of § 73.203 (b) of the rules. For the foregoing reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Kenai, is warranted.

25. *RM–2458. Clear Lake, Iowa.* Klear Lake Broadcasting Company (petitioner) filed a petition on October 7, 1974, proposing the assignment of Channel 276A to Clear Lake, Iowa. This channel could be assigned there in conformance with the Commission's minimum mileage separation rule without affecting any of the presently assigned channels in the FM Table. Clear Lake has no local broadcasting facilities. Clear Lake (population 6,430) in Cerro Gordo County (population 49,335) is located 60 miles northeast of Fort Dodge.

26. In support of its proposal, petitioner states that Clear Lake has experienced a steady growth in population—from 6,158 in 1960 to 6,430 in 1970. It notes that Clear Lake has a mayor-council form of government, three elementary schools, junior high and high school, civic and fraternal organizations, two commercial banks and one savings and loan association, and is an important center for the area's extensive agricultural activities. It adds that Clear Lake has six manufacturing plants and is the site of a major bakery which employs 130 people. Petitioner states that, should the proposed channel assignment be granted, he will immediately apply for a construction permit to build the station. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Clear Lake, Iowa, merits exploration in a rule making proceeding.

27. *RM–2459. Silverton, Colorado.* Crystal Hill, Inc. (petitioner) filed a petition on October 7, 1974, proposing the assignment of Channel 280A to Silverton, Colorado. This channel could be assigned in full compliance with the Commission's minimum mileage separation rule and without affecting any of the presently assigned channels in the FM table. Silverton has no local broadcast facilities. Silverton (population 797), seat of San Juan County (population 831), is located 40 miles north of Durango, Colorado.

28. In support of its proposal petitioner states that Silverton is in one of the nation's richest mineral areas and, over the last 100 years, more than $500 million dollars in silver, gold, lead and zinc have been taken from this area with an equal amount remaining. It notes that the mines are still the main year round employer for the area, with the summertime tourists contributing to the economy of the 800 people who live and work in Silverton and the other 200 people in San Juan County. Petitioner asserts that the proposed radio station would be a way to reach and unite the people of Silverton, and believes that music, news, and public service programming is a means of stimulating cultural activities in Silverton. Petitioner states that it intends to file an application for a construction permit to build a community station in Silverton, we believe the proposal merits exploration in a rule making proceeding.

29. Since Payson, Arizona, and Lake Arrowhead, California, are located within 199 miles of the U.S.-Mexican border, these proposed assignments would require coordination with the Mexican Government. Further, the proposed assignments to Pine City, Minnesota, and Pulaski, New York would require coordination with the Canadian Government for these communities are located within 250 miles of the U.S.-Canadian border.

30. In view of the foregoing and pursuant to authority found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows, for the named communities:

City	Channel No.	
	Present	Proposed
Payson, Ariz.		280A
Pauls Valley, Okla.		[1] 249A
Pine City, Minn.		[1] 221A
Prattville, Ala.		237A
Center, Tex.		[1] 272A
Lake Arrowhead, Calif.		280A
Bloomfield, Ind.		224A
Providence, Ky.		240A
Bethany, Mo.		240A
Pulaski, N.Y.		269A
Kenai, Alaska		261A
Clear Lake, Iowa		276A
Silverton, Colo.		280A

[1] In order to meet the minimum spacing requirements of our rules, a site 5 miles south-southeast of Pauls Valley, Okla., would be required; a site 5 miles north of Pine City, Minn., would be required; a site 10 miles northwest of Montgomery, Ala., would be required; a site 3 miles north-northwest of Center, Tex., would be required; and a site 10 miles north-northeast of San Bernardino, Calif., would be required.

31. *Showings required.* Comments are invited on the proposals discussed above. The proponents of the proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents should also restate their present intention to apply for the channel if it is assigned, and if authorized, to build the station promptly. Failure to file comments may lead to denial of the request.

32. *Cut-off procedures.* The following procedures will govern the consideration of the filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

33. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 21, 1975, and reply comments on or before April 10, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

34. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished to the Commission.

35. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: January 15, 1975.

Released: January 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–2792 Filed 1–29–75;8:45 am]

[47 CFR Part 76]

[FCC 75–68; Docket No. 20021]

FRANCHISE DURATION

Report and Order Terminating Proceeding

In the matter of amendment of Part 76 of the Commission's Rules and Regulations Relative to Amending Existing Franchise Duration Rules (§ 76.31(a)(3)) to Lengthen the Maximum Term and Impose a Minimum Term.

1. On April 17, 1974, the Commission, on its own motion, released the *Clarification of rules and notice of proposed rule making*, FCC 74–384, 46 FCC 2d 175. As part of this document, paragraphs 72 through 74 discussed franchise length as it relates to the present maximum 15 year term as is now permitted under § 76.31(a)(3) of the Commision's Rules.[1] The *Clarification* discussed two areas of concern for proposed future rule changes.

2. The first consideration is whether to delete the 15 year mandated maximum and replace this with general terms to reflect a more flexible approach. This recommendation was suggested by the Steering Committee of the Federal/State-Local Advisory Committee [FSLAC].[2] They argued that particularly in the larger cities, 15 years may not be sufficient time to develop and make profitable the advanced and complex broadband communications systems being contemplated. The Committee Report states:

It is our feeling that a fifteen year maximum period does not sufficiently deal with the difficulties of financing modern cable systems in cities of widely varying size. Accordingly, we recommend that the maximum franchise period be redefined as a range of fifteen to twenty-five years, with specific periods within that range to be determined by individual franchising authorities. As an integral part of this recommendation provision should be made by the franchising authority for review at least every five years, commencing at most ten years after the franchise grant.

The central purpose of such reviews would be to consider such issues as system performance, design modifications and the possible need for changes in franchise terms. Such reviews might result in alterations in the basic franchise, franchise extensions, and other possible changes in the agreements between the parties. In no case would such review periods preclude proceedings by the franchising authority at any time for termination of the franchise for cause.[3]

3. The second area which causes concern is where a franchising authority places an extremely short minimum term in a franchise. Here we are worried that a franchise with, for instance, a one year duration or a requirement for renewal each year could result in an unreasonable assumption of risks along with increased administrative burdens. To remedy this problem we said we would consider a rule imposing a minimum franchise term, possibly between 5 and 7 years.

4. By this notice, interested parties were invited to submit comments under Docket 20021 on both the proposal made in the FSLAC report and our suggestion that a minimum term be imposed, as well as any other suggestion for modifying § 76.31(a)(3). We said that we would be interested in any cash flow figures to support contentions that longer franchise periods were needed.

SUMMARY OF COMMENTS

5. Comments and reply comments were submitted by 29 parties.[4] These parties can generally be categorized into 4 groups: State or municipal governments, cable television operators, public interest groups, and investors with financial interests in cable operations.

6. Generally, the comments submitted by the cable operators and the governmental entities support the FSLAC proposal or other similar plans which reflect flexibility in the duration of the franchise term. Cable operators point out that in those communities that elect to, or are required to, construct a more sophisticated system, it will take more than 15 years to recoup the initial costs of construction. They suggest that the shorter the franchise duration, the more hesitant they are to construct the system.

7. Liberty Communications, Buckeye Cablevision, Cablecom General and others all suggest that the Commission allow the local governmental authority, at its discretion, to set the duration with an upward limit of 25 years and a minimum of 10 years. This proposal would give them a greater amount of security for their investments. They argue that the 10 year minimum is the absolute

[1] Section 76.31(a)(3) states: "The initial franchise period shall not exceed fifteen (15) years, and any renewal franchise period shall be of reasonable duration."

[2] FSLAC was an advisory committee established by the Commision shortly after the adoption of the *Cable Television Report and Order*, FCC 72–108, 36 FCC 2d 143 (1972). Its purpose was to study the concept of the newly established dual federalism approach to franchising, and to make recommendations as to how this concept could be refined.

[3] See Part I, Issue #9 of the Final Report of the Steering Committee of the Federal/State-Local Advisory Committee on Regulatory Relationships.

[4] For a complete list of parties filing comments see Appendix A.

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threshold number of years to attract capital for construction. Further, they point out that the longer the duration, the greater the encouragement would be for cable operators to invest additional capital to support consumer oriented services. On the other hand, other cable operators and most of the municipalities argue that the setting of a minimum number of years by the FCC would result in franchising authorities applying this number as a maximum. They feel that any set minimum would result in shorter franchises and cause even greater problems than already exist.

8. A comment filed on behalf of 83 cable operators argues that in the larger urban markets, even more than 25 years is needed because of the extremely high costs required to construct the basic plant, and the more severe operating losses incurred during the earlier years of operation. They propose a rule which would set 15 years as a minimum with the maximum ranging form 30 to 45 years. Warner Communications argues that if the Commission retains the 15 year maximum, it should allow the local franchising authority to grant up to a 20 year franchise accompanied by a limited showing of circumstances in justification. These 5 additional years, Warner proposes, should be considered as a reasonable extension of the present rule and not a request for a waiver of the rule.

9. Most of the comments support some sort of review procedure during the initial franchise period. However, some of the cable operators are fearful that unless stringent safeguards are placed on any review proceeding, the outcome could result in a new or substantially amended franchise. If this happens, the cable operators argue, they would then be forced to take this new document before the FCC for its acceptance. This would cause great expense and added administrative burdens. They further argue that without sufficient safeguards, a review proceeding could result in complete withdrawal of the franchise without proof of a material breach of the existing agreement. Finally, they point out that a franchise which was consistent with FCC standards could wind up being changed in such a way as not to comply with § 76.31 of the rules, which would again force a great burden on the operator. Buckeye Cablevision, in its reply comment, argues that the issue of a review proceeding should be dealt with in a separate rulemaking and should not be the subject of the present rulemaking.

10. Generally, the comments filed by the State and local governmental entities reflect a dissatisfaction that the FCC chooses to set a limit on the number of years. They argue that the duration of a franchise is an area that should be left to negotiation between the cable operator and the franchising authority. Several cities are particularly concerned that if the FCC sets a minimum number of years, it would cause great injustice. They argue that in some instances a very short term of years is what is needed in order to have greater control over the cable operator. The League of Wisconsin Cities states that any minimum rule promulgated by the FCC could place existing State laws in conflict.

11. Several California cities filed comments arguing that the FCC should not force cities to grant a franchise for more than 15 years. These cities appear to interpret § 76.31(a)(3) as either a minimum, or as a mandated number which cannot be varied. Perhaps this is a good opportunity to remove some confusion that seems to exist among some cities as to the limits of the present rule. Section 76.31(a)(3) sets a period of 15 years as a maximum duration of a franchise without seeking a waiver. It is not a minimum, nor is it meant to be an inflexible maximum. If a city determines that 15 years is too long, it is free to set the duration at any lesser number of years. If 15 years is too short, it has always been free to seek a waiver under the provisions of § 76.7 of the rules. The 15 year period was designed as a guide for cities after we determined that it appeared to be a reasonable period that accomplished an essential accommodation between the needs of the franchisor for oversight authority and the franchisee for economic stability. We would note that prior to our institution of this rule it was not unusual to find excessively long (*i.e.*, 99 years), exclusive franchises, which we determined were clearly not in the public interest.

12. The National Cable Television Association (NCTA) supports a proposal to lengthen the existing maximum franchise duration rule to 25 years, but opposes the proposal to establish a minimum franchise term. It argues that one of the considerations which an entrepreneur places into the equation as to whether to construct a cable system is the length of time available for recapturing his investment. NCTA describes the present situation in the major markets as bleak. In many major markets, cable systems are not being built because of high interest rates, low subcriber penetration, and restrictive regulations. It concludes by stating that a franchise duration that is too short is an inhibiting factor and does not reflect the new economic realities. On periodic review procedures, NCTA cautions the Commission that any unilateral franchising amending procedure left in the hands of a franchising authority could cause uncertainty which results in additional difficulty for the operator in making decisions that effect the building of the system. NCTA recommends that any review procedure, if found necessary, should be bilateral and be a formal part of the rules. NCTA argues that any minimum number of years placed in the rules will backfire. They fear that franchising authorities will accept this as a FCC sanctioned short term franchise period and will resort to adopting that time limit when granting franchises, regardless of local circumstances, based on this Commission's imprimatur.

13. The comments submitted by the public interest groups are primarily concerned with establishing periodic review procedures requiring public participation. Generally, they argue that no matter how long the duration of the franchise, there should be some sort of meaningful review in which the public is encouraged to examine the franchise, the operator's performance, and the needs of the community. The Philadelphia Community Cable Coalition suggests that this can be accomplished by requiring the establishment of citizen advisory committees to perform this review task. The Cable Television Information Center and the Civil Liberties Union of Alabama, while supporting some sort of midway review procedure, argue that there should be a full examination of the cable operation at renewal time.

14. Becker Communications Associates filed a comment as a lender and financial advisor to the cable television industry. They point out that, as a minimum before they will make a loan to a cable operator, the franchise must be for a term that exceeds the loan payback period by at least two years. Normally, the payback is 10 to 12 years. In most markets, they argue that 15 years should be the minimum. In larger markets, because of the higher costs and lower subscriber penetration, a longer period is needed.

Discussion and Conclusion

15. Based on the information before us, and our experience thus far, it is clear that in the great majority of cable television communities the present 15 year maximum franchise duration has not caused great difficulties. None of the comments filed in this rulemaking has suggested that the present rule has not been satisfactory in the majority of communities. The arguments raised generally are concerned with the larger cities or the more sophisticated systems.

16. Our present rule limits the length of a new franchise to a maximum of 15 years. This rule was prompted by the initial trend in franchising that led to extremely long franchises which afforded no opportunity for the local authorities to review or modify the agreement when shown necessary. Former § 76.31(a)(3) as it appeared in the *Cable Television Report and Order, supra*, read:

> The initial franchise period and any renewal franchise period shall be of reasonable duration.

Although we recognized at that time that decisions of local franchising authorities would vary in different areas, it was believed that in most cases a franchise should not exceed fifteen years.[4] In the *Reconsideration of Cable Television Report and Order*, FCC 72-530, 36 FCC 2d 326 (1972), the rule was modified to read in pertinent part:

> The initial period shall not exceed fifteen (15) years * * *.

In paragraph 111 of the *Reconsideration* we explained that the rule was modified in order to remove any confusion that may have surrounded the more general former rule. We further stated that we would entertain petitions for special relief where it could be shown that good cause existed in a particular instance for some other franchise period.

[4] See paragraph 182, *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 148 (1972).

17. In *Cablecom-General of Topeka*, FCC 73-1340, 44 FCC 2d 544 (1974), the Commission was presented with its only case where a cable system was seeking a franchise duration in excess of the 15 year maximum.[4] In that case the only support for the requested waiver was the suggestion that the large size of a community was sufficient. We said at that time that:

> It's certainly possible that in a similar case, we might find a 20 year franchise term consistent with our policies, but we cannot make this judgment in the absence of supportive evidence.

As pointed out in both *Cablecom-General* and paragraph 111 of the *Reconsideration*, the Commission has the ability and is ready to grant a waiver of § 76.31(a)(3) on a case by case basis.

18. New York City and Dallas, Texas, comment that their cities, as well as other larger urban areas, require more than the 15 year maximum term. We do not deny this. The Commission has always been cognizant of the need for longer franchise periods in individual situations, but we have stated that the logical approach for these situations is to review them on a case by case basis. However, we do expect that the application for a certificate of compliance include a sufficient showing to justify a waiver of the rule if one is sought. The waiver request should demonstrate the need for an extended period of time and should include a showing which takes into account such things as capital investment, system construction, that the extended period of time is acceptable to the franchisor, and that it is fair and in the public interest. While we are not encouraging waiver requests in this matter, we do recognize that in some instances they may be called for upon good showing.

19. It might be helpful here, however, to identify one class of waiver requests which we do not think requires the excessive showing just outlined. As most parties are aware, our rules require that grandfathered franchises must come into complete compliance with the franchise standards of § 76.31 by March 31, 1977. Because of our maximum franchise term provision we are finding that an unintended disincentive has been created to bringing the franchise into compliance before that date. The disincentive exists for the cable operator because he is interested in securing the maximum franchise length as of March 31, 1977, and for some cities because franchise fees that exceed our standards could otherwise be maintained until that date.

20. In order to promote an efficient and orderly transition in the area of franchises we have decided to allow grandfathered franchises that are currently being renegotiated to comply with our rules to keep intact the pre-existing franchise fee until March 31, 1977, if the parties so desire, and to have a termination date consistent with a fifteen year maximum running from March 31, 1977. The intent and purpose of our rules remains intact under such a proposal and the adoption of such a waiver mechanism promotes earlier renegotiations of grandfathered franchises by removing the perceived disincentives. Any applicant seeking such a waiver should indicate in his certificate application that the fee and term provisions consistent with our rules contained in the renegotiated or modified franchise will become effective as of March 31, 1977, and should attach a brief explanation of the circumstances surrounding the waiver request.

21. The effect of this policy on waivers is to allow, in essence, 16 or, at the most, 17 year franchises and the continuation of pre-existing fee structures until March 31, 1977. Since in both instances the same result could be attained by delaying renegotiations until the deadline, the public interest is served by promoting early, thoughtful negotiations rather than a last minute rush. Of course, this policy does not apply to franchises that would have terminated prior to March 31, 1977, on their own accord. It is only meant to simplify the process for franchise modifications resulting from our March 31, 1977, deadline. Further, neither of these waivers is automatic, although our policy will be liberally construed. Our purpose is to make clear that franchisors and franchisees do have latitude to negotiate compliant franchises now if they so desire without the loss of specific benefits contained in earlier grandfathered franchises. To ease the administrative burden and avoid delays we would hope they do so.

22. The comments filed in this proceeding have not convinced us that there is an established need for changing the present 15 year duration rule. We believe the special relief provisions of § 76.7 of the rules will eliminate those specific instances where the 15 year limit is insufficient. The FSLAC flexible 15 to 25 year approach could result in confusion among the cities such as we encountered after our initial *Report and Order*.

23. The arguments against adoption of minimum franchise terms also persuade us against that course. While we are concerned, particularly from the standpoint of economic viability and administrative excess, about the imposition of unreasonably short franchise terms, we have found that in most instances the inherent difficulties are recognized prior to the adoption of a franchise. Since the adoption by this Commission of a minimum term would likely add more confusion than it was designed to eliminate, we will leave this matter with the franchising authorities.

24. Finally, the issue of review procedures during the life of the franchise is one that is best dealt with by the local franchising authority on an individual basis at its discretion. There are many distinctions and options available including review of performance, modification of franchise proceedings, renegotiation sessions, arbitration of existing provisions, etc. that can only be developed on a case by case basis considering relevant local laws, circumstances and needs. The subject is best left to local option in conjunction with the development of the franchise.

In view of the foregoing, the Commission finds that it would not be in the public interest to adopt any modification to § 76.31(a)(3) of the rules at this time.

Accordingly, it is ordered, That this proceeding is terminated.

Adopted: January 16, 1975.

Released: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[4] There are other Commission decisions which have dealt with § 76.31(a)(3) of the Rules but do not directly relate to waiving the 15 year duration. For example, see *Leacom, Inc.*, FCC 73-292, 40 FCC 2d 129 (1973), *recons. granted*, FCC 73-413, 40 FCC 2d 693 (1973). (Commission will consider an automatic renewal clause as extending the duration of a franchise.)

Appendix A
Comments

Becker Communications Associates
Cable Com.-General, Inc.
Civil Liberties Union Alabama, et al.
Communications Properties, Inc.
Dallas, City of TX
83 Cable TV Companies
City of St. Louis Park, Minnesota
TeleCable Corporation
Joint Comments: Buckeye Cablevision, et al.
League of Wisconsin cities
Liberty Communications
Members of Cable TV Information Center Staff
Metro Washington Council of Governments
Minnesota Commission of Cable Communications
Montebello, City of CA
National Black Media Coalition
National Citizen's Committee for Broadcasting
National League of Cities
National Cable Television Association
New York, City of
New York State Commission of Cable TV
Philadelphia Community Cable Coalition
San Diego, City of CA
San Jose, City of-City Librarian
Stockton, City of CA
Teleprompter Corp.
Texas Utility Advisory Council
Viacom International Inc.
Warner Cable Corp.

Reply Comments

Buckeye Cablevision, et al.

[FR Doc.75-2793 Filed 1-29-75;8:45 am]

[47 CFR Part 87]

[FCC 75-72; Docket No. 20332]

AERONAUTICAL NAVIGATION AID FACILITIES

Station Identification

In the matter of amendment of § 87.115 of the Commission's rules to allow, when required by the Federal Aviation Administration, the removal of the station identification from non-Federal aeronautical navigation aids which have Air Traffic Control procedures associated with them. Docket No. 20332, Rm. No. 2417.

1. Based upon a petition for rule making filed by the Federal Aviation Ad-

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ministration (FAA), the Commission is considering an amendment to § 87.115 of the rules providing that, when required by FAA, the station identification may be removed from those non-Federal aeronautical navigation aid facilities which transmit a station identification and which are authorized by FAA for public use under Instrument Flight Rules (IFR) conditions.

2. Some of the non-Federal aeronautical navigation aid facilities licensed by this Commission have become part of the National Airspace System. For each of these facilities, the FAA prescribes IFR procedures which must be observed by pilots when using the facility. Moreover, these facilities must meet FAA standards as well as those contained in the Commission's rules.

3. Certain maintenance activities required by the FAA for these facilities may affect the radiated signal and, thus, result in a safety hazard to pilots. Removal of the station identification will inform pilots that adjustments to the equipment are being made and the facility may be unreliable.

4. The aeronautical navigation aid facilities presently licensed by the Commission which will be affected by this amendment are those non-Federal instrument landing system localizer stations, omni-directional range (VOR) stations and radiobeacon stations in the National Airspace System. These types of stations transmit a continuous identification signal, usually consisting of a three or four letter group in Morse Code.

5. The FAA now requires removal of station identification from their own facilities during certain maintenance activities; this proposed amendment will make the requirement uniform throughout the National Airspace System.

6. The proposed amendment as set forth in the attached Appendix is issued pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before March 7, 1975, and reply comments on or before March 17, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: January 23, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.115 is amended by revising paragraph (a) and adding a new paragraph (j), as follows:

§ 87.115 Station identification.

(a) Transmissions without station identification, except as provided in paragraphs (h), (i), and (j) of this section, or transmissions with false identification are prohibited.

* * * * *

(j) When required by Federal Aviation Regulations (FAR), the station identification may be removed from those radionavigation stations licensed under this Part which are authorized by the Federal Aviation Administration for public use under Instrument Flight Rules (IFR) conditions.

2. Section 87.503 is revised to read as follows:

§ 87.503 Scope of service.

Air navigation aid facilities are usually operated by the Federal Aviation Administration. The Commission may issue licenses to operate radionavigation land stations in the same frequency bands where an applicant justifies the need for aeronautical radionavigation service and the Government is not prepared to render this service. Radionavigation land stations which provide aeronautical radionavigation service will be authorized only where the applicant meets all requirements specified by the Federal Communications Commission after consultation with the Federal Aviation Administration. Certain radionavigation stations licensed under this Part may become part of the National Airspace System and be authorized by the Federal Aviation Administration for public use under Instrument Flight Rules (IFR) conditions.

[FR Doc.75-2795 Filed 1-29-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11196; File No. S7-547]

BROKER-DEALERS' STATEMENTS OF ACCOUNTS TO CUSTOMERS

Proposal To Amend Rule

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 15c3-2 (17 CFR 240.15c3-2) under the Securities Exchange Act of 1934 ("the Act"). In its present form, Rule 15c3-2 prohibits a broker or dealer from using customer free credit balances in his business unless the customer is given notice at least once every three months informing him of the sum due and that: (a) such funds are not segregated; (b) such funds may be used in the operation of the broker-dealer's business; and (c) such funds are payable upon demand.

With the adoption of Rule 15c3-3 (17 CFR 240.15c3-3) under the Act, which limits the extent to which a broker-dealer can use customer funds or securities in the operation of his business, the disclosures presently required by Rule 15c3-2 are no longer appropriate. Rule 15c3-3 permits the use of customer funds only in limited areas of the broker-dealer's business relating to the servicing of customers. Funds not used in these limited areas must be deposited in a "Special Reserve Bank Account for the Exclusive Benefit of Customers."

SUMMARY OF THE PROPOSED AMENDMENT

In its revised form, Rule 15c3-2 would specifically require any broker or dealer subject to the rule to send to its customers a statement of account reflecting any money balances and security positions as of the date of the statement and security movements or transactions in the customers' account during the period since the last such statement was sent to customers.[1] Such statements are intended to inform customers of the amount of any funds or securities in the broker-dealer's custody or control as well as purchases, sales, receipts and deliveries of securities and any dividends attributable to securities held for such customer.

The proposed rule requires the statement of account to be sent within 15 business days after the end of each fiscal quarter. However, a broker-dealer can send the statement more frequently, such as on a monthly basis, where business practice so dictates.

The proposed rule also requires that certain disclosures to customers be included in the statement of account. The disclosures would indicate that free credit balances and fully-paid securities of customers are available to the customer in the normal course of business operations following demand. In addition, a broker or dealer would be required to disclose to customers that free credit balances may be used in the business of such broker or dealer except as limited by the requirements of Rule 15c3-3. The statement of account would contain a disclosure that margin securities are available to the customer in the normal course of business operations upon full payment of his indebtedness to the broker or dealer following demand for the securities.[2]

These disclosures are expected to provide customers with information concerning the availability of their property held in the custody of the broker-dealer.[3]

[1] Where such statements are sent quarterly they would reflect all transactions during the quarter, however, where broker-dealers normally send monthly statements to customers, such monthly statements would satisfy the requirements of Rule 15c3-2 as proposed and need only reflect the transactions and positions resulting from the latest month's activity.

[2] See 17 CFR 240.15c3-3(1).

[3] See also 17 CFR 240.10b-16 which requires broker-dealers who extend credit in connection with any securities transactions to furnish specified information including the amount of and reasons for any interest charges.

The proposed rule would exempt from its application certain broker-dealers meeting the criteria for maintenance of minimum net capital of $5,000 or $2,500 as set forth in the most recent revisions to the proposed uniform net capital rule.[4] It is not deemed necessary to subject these broker-dealers to the application of the rule since they do not carry customer accounts or owe funds or securities to customers.

The Commission is inviting specific comments as to an appropriate phase-in period for the new disclosure requirements in recognition that broker-dealers may need to obtain new printed customer statement containing the revised disclosures.

STATUTORY BASIS

The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and, particularly, sections 15(c)(3), 17(a), and 23(a) thereof and deeming it necessary for the execution of its functions, hereby proposes to amend § 240.15c3-2 of Chapter II of Title 17 of the Code of Federal Regulations and to change the section heading to read as follows:

§ 240.15c3-2 Customer statement of account.

(a)(1) Every broker or dealer subject to the provisions of this rule shall send to each of his customers periodically, but not later than 15 business days after the end of each fiscal quarter, a statement of account detailing all money balances and security positions as of the date of such statement and any movements, adjustments and transactions, including, but not limited to, purchases, sales, receipts and deliveries of securities and any other debits or credits since the date of the last such statement.

(2) Each statement of account shall contain a written notice that customer free credit balances may be used in the business of such broker or dealer subject to the limitations of § 240.15c3-3 under the Securities Exchange Act of 1934 and that the customer has the absolute right to receive in the course of normal business operations following demand upon the broker or dealer, the delivery of:

(i) Any free credit balances to which he is entitled;

(ii) Any fully-paid securities to which he is entitled; and

(iii) Any securities purchased on margin upon full payment by such customer of any indebtedness to the broker or dealer.

(3) For purposes of this rule, the term "customer" shall have the same meaning as in subparagraph (a)(1) of § 240.15c3-3.

(b) The provisions of this rule shall not be applicable to a broker or dealer:

(1) Who is exempt from § 240.15c3-1 under the provisions of subparagraph (b)(3) of that section; or

(2) Who does not hold funds or securities for, or owe money or securities to, customers and does not otherwise carry accounts of or for customers, except as provided for in subdivision (v) below, and conducts his business in accordance with one or more of the following conditions, but engages in no other securities activities.

(i) He introduces and forwards as a broker all transactions and accounts of customers to another broker or dealer who carries such accounts on a fully disclosed basis and promptly forwards thereto all of the funds and securities of customers received in connection with his activities as a broker;

(ii) He participates, as a broker, in underwritings on a "best efforts" or "all or none" basis in accordance with the provisions of § 240.15c2-4(b)(2) and he promptly forwards to an independent escrow agent, customers' checks, drafts, notes or other evidences of indebtedness received in connection therewith which shall be made payable to such escrow agent;

(iii) He promptly forwards, as broker, subscriptions for securities to the issuer, underwriter, sponsor or other distributor of such securities and receives checks, drafts, notes or other evidences of indebtedness payable solely to the issuer, underwriter, sponsor or other distributor who delivers the securities purchased directly to the subscriber;

(iv) He effects an occasional transaction in securities for his own investment account;

(v) He acts as a broker or dealer with respect to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in insurance company separate accounts, whether or not registered as an investment company, and he promptly transmits all funds and delivers all securities received in connection with such activities; or

(vi) He introduces and forwards all customer and all principal transactions with or for customer accounts to another broker or dealer who carries such accounts on a fully disclosed basis and promptly forwards all funds and securities received in connection with his activities as a broker or dealer and he does not otherwise hold funds or securities for, or owe money or securities to, customers and does not otherwise carry proprietary or customer accounts and his activities as a dealer are limited to holding firm orders of customers and in connection therewith: (A) in the case of a buy order, prior to executing such customers' order, purchases as principal the same number of shares or purchases shares to accumulate the number of shares necessary to complete the order which shall be cleared through another broker or dealer or (B) in the case of a sell order, prior to executing such customers' order sold the same number of shares, or a portion thereof, which shall be cleared through another broker or dealer; or

(3) Who is entitled to maintain minimum net capital of not less than $2,500 pursuant to the requirements of Rule 15c3-1.

All interested persons are invited to submit their views and comments on this proposal within 60 days after the date hereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7-547 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2825 Filed 1-29-75;8:45 am]

[4] See Securities Exchange Act Release No. 11094, November 11, 1974.

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Disappearance of Veteran; Awards to Dependents

The Administrator of Veterans' Affairs proposes a regulatory change relating to awards to dependents of veterans who have disappeared.

Section 3.656 of Part 3, Title 38, Code of Federal Regulations, provides that where a veteran has disappeared for 90 days or more, the disability compensation he or she was receiving may be paid to the wife, husband, children and parents. Paragraph (c) of that section provides that such awards will not be continued for more than 7 years after the date of disappearance where the facts are such as to bring into effect the presumption of death under § 3.212. Section 3.212 of Title 38 provides that where the evidence establishes the continued and unexplained absence of an individual from his or her home and family for a period of 7 years or more and a diligent search disclosed no evidence of the veteran's existence after his or her disappearance, the death may be considered as proved. It is further provided that no State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Veterans Administration.

Currently awards under § 3.656 are terminated at the expiration of 7 years after the date of disappearance of the veteran. It is then necessary to develop evidence as to the facts and circumstances of the disappearance and continued absence. Where the evidence developed establishes the requirements of § 3.212 are met, a finding of presumptive death is made. Death benefits may then be awarded to the beneficiary, if otherwise in order.

The proposed amendment to paragraph (c) of § 3.656 would provide that payments to beneficiaries under that section will be continued until a finding of presumptive death is made instead of terminating at the end of the 7-year period of continued absence. Under this amendment payments would not be suspended while development of evidence is in progress.

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Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before March 3, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendment would be effective the date of final approval.

In § 3.656, paragraph (c) is revised to read as follows:

§ 3.656 Disappearance of veteran.

• • • • • •

(c) Awards to dependents will not be continued under this section in any case where the facts are such as to bring into effect the presumption of death under § 3.212.

• • • • • •

Approved: January 24, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-2774 Filed 1-29-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Publication of Report of Investigation To Determine Effects on the National Security of Imports of Petroleum and Petroleum Products

Notice is hereby given pursuant to section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862, and 31 CFR 9.9 of the publication of a report of the Secretary of the Treasury to the President of an investigation, initiated by him, under section 232 of the Trade Expansion Act of 1962 to determine the effects on the national security of imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar. The report states that, as a result of the investigation, the Secretary has found that crude oil, crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security, and, therefore, recommends that appropriate action be taken to reduce imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar into the United States, to promote a lessened reliance upon such products, to reduce the payments outflow, and to create incentives for the use of alternative sources of energy to such imports.

The Secretary's report to the President was based on an investigation of the effect of petroleum imports on the national security conducted by the Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs. The Secretary's report to the President and the Assistant Secretary's report of his investigation are published herein and copies thereof are available at the office of the Assistant Secretary for Enforcement, Operations, and Tariff Affairs, Department of the Treasury (which is the same office as that described in 31 CFR Part 9 as "Assistant Secretary of the Treasury for Enforcement, Tariff and Trade Affairs, and Operations").

The Secretary determined that "national security interests require that the procedures requiring public notice and opportunity for public comment or hearings, set forth in the Treasury regulations at 31 CFR Part 9, not be followed in this case." He further found that "it would be inappropriate to hold public hearings, or otherwise afford interested parties an opportunity to present information and advice relevant to the investigation as provided by section 232" of the Trade Expansion Act. A copy of the Secretary's determination can be found in Annex A below.

Dated: January 24, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary, Enforcement, Operations, and Tariff Affairs.

THE SECRETARY OF THE TREASURY

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Report on Section 232 Investigation on Petroleum Imports.

JANUARY 14, 1975.

This report is submitted to you pursuant to Section 232 of the Trade Expansion Act of 1962, as amended, and results from an investigation that I initiated under that Section for the purpose of determining whether petroleum [1] is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

At the present time, the demand for petroleum in the United States is 18.7 million barrels per day. Of this amount, imports provide 7.4 million barrels daily. The deficit in petroleum production compared with demand has grown since 1966, when the United States ceased to be self-sufficient.

Our increasing dependence upon foreign petroleum had, by 1973, created a potential problem to our economic welfare in the event that supplies from foreign sources were interrupted. Its adverse contribution to our balance of payments position had also significantly increased, and for the year 1973 the outflow in payments for the purchase of foreign petroleum was running at $8.3 billion annually, only partially offset by exports of petroleum products.

In September 1973, the worsening petroleum import situation was further seriously aggravated by an embargo on crude oil imposed by the Organization of Petroleum Exporting Countries, which effectively kept 2.4 million needed barrels of oil per day from U.S. shores. After the initiation of the embargo, the price of imported oil quadrupled from approximately $2.50 per barrel to approximately $10.00 per barrel and has since that time risen somewhat further. Simultaneously, the balance of payments problem deteriorated by reason of the increased oil bill paid by United States consuming interests. Today the outflow of payments for petroleum is running at a rate of $25 billion annually.

As a result of my investigation, I conclude that the petroleum consumption in the United States could be reduced by conserving approximately one million barrels per day without substantially adversely affecting the level of economic activity in the United States. Any sudden supply interruption in excess of this amount, however, and particularly a recurrence of the 2.4 million barrel per day reduction which occurred during the OPEC embargo, would have a prompt substantial impact upon our economic well-being, and, considering the close relation between this nation's economic welfare and our national security, would clearly threaten to impair our national security.

Furthermore, in the event of a worldwide political or military crisis, it is not improbable that a more complete interruption of the flow of imported petroleum would occur. In that event, the total U.S. production of about 11 million barrels per day might well be insufficient to supply adequately a war-time economy, even after mandatory conservation measures are imposed. As a result, the national security would not merely be threatened, but could be immediately, directly and adversely affected.

In addition, the price at which oil imports are now purchased causes a massive payments outflow to other countries. The inevitable result of such an outflow is to reduce the flexibility and viability of our foreign policy objectives. For this reason, therefore, a payments outflow poses a more intangible, but just as real, threat to the security of the United States as the threat of petroleum supply interruption. On both grounds, decisive action is essential.

Findings. As a result of my investigation, I have found that crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities as to threaten to impair the national security. I further find that the foregoing products are being imported into the United States under such circumstances as to threaten to impair the national security.

Recommendations. I therefore recommend that appropriate action be taken to reduce imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar into the United States, to promote a lessened reliance upon such imports, to reduce the payments outflow and to create incentives for the use of alternative sources of energy to such imports. I understand that a Presidential Proclamation pursuant to Section 232 of the Trade Expansion Act of 1962 is being drafted by the Federal Energy Administration consistent with these recommendations.

WILLIAM E. SIMON,
Secretary of the Treasury.

REPORT OF INVESTIGATION OF EFFECT OF PETROLEUM IMPORTS AND PETROLEUM PRODUCTS ON THE NATIONAL SECURITY PURSUANT TO SECTION 232 OF THE TRADE EXPANSION ACT, AS AMENDED (19 U.S.C. 1862)

JANUARY 13, 1975.

By the Assistant Secretary of the Treasury for Enforcement, Operations and Tariff Affairs, David R. Macdonald.

[1] The term "petroleum", as used in this report, means crude oil, principally crude oil derivatives and products, and related products derived from natural gas and coal tar.

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I. INTRODUCTION AND SUMMARY

This investigation is being conducted at the request of and on behalf of the Secretary of the Treasury pursuant to his authority under Section 232 of the Trade Expansion Act (the "Act"), as amended, 19 U.S.C. 1862. (Annex A) The purpose of the investigation is to determine whether crude oil, crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. Under 31 CFR 9.3, the Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs is responsible for making this investigation.

The Secretary of the Treasury has determined pursuant to Section 232 that it would be inappropriate to hold public hearings, or otherwise afford interested parties an opportunity to present information and advice relevant to this investigation. He has also determined pursuant to his authority under 31 CFR 9.8 that national security interests require that the procedures providing for public notice and opportunity for public comment set forth at 31 CFR Part 9 not be followed in this case. (Annex A)

In conducting the investigation, information and advice have been sought from the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States to determine the effects on the national security of imports of the articles which are the subject of the investigation. Information and advice have been received from the Departments of State, Defense, Interior, Commerce, Labor, the Council of Economic Advisers, and the Federal Energy Administration. (Annex B)

In summary, the conclusion of this report is that petroleum *is* being imported in such quantities and under such circumstances as to threaten to impair the national security of this country.

Petroleum is a unique commodity: it is essential to almost every sector of our economy, either as a raw material component or as the fuel for processing or transporting goods. It is thus essential to the maintenance of our gross national product and overall economic health. Only a small percentage of present U.S. petroleum imports could be deemed to be secure from interruption in the event of a major world crisis. The quantity of petroleum imports, moreover, is now such a high percentage of total U.S. consumption that an interruption larger than one million barrels per day at the present time would adversely affect our economy. If our imports not presently deemed to be secure from interruption were in fact kept from our shores, the effect on the U.S. economy would be staggering and would clearly reach beyond a matter of inconvenience, or loss of raw materials and fuel for industries not essential to our national security. The outflow in payments for petroleum also poses a clear threat not only to our well being, but to the welfare of our allies. As the State Department has concluded, the massive transfer of wealth greatly enhances the economic and political power of oil rich states who do not necessarily share our foreign policy objectives, and correspondingly tends to erode the political power of the United States and its allies.

The purpose of this investigation under Section 232 of the Act is to determine the effects of our level of imported petroleum upon our national security and not to fashion a remedy. Nevertheless, it would appear that we must, over the longer term, wean ourselves away from a dependence upon imported oil, conserve our use of petroleum, promote the use of alternative sources of energy, and at least in part, stanch the outflow of payments resulting from our purchases of this commodity. As Secretary Kissinger states:

> Clearly, decisive action is essential. We have signalled our intention to move toward energy self-sufficiency. We must now demonstrate with action the strength of our commitment. In the short-term, our only viable economic policy option is an effective program of energy conservation. A vigorous United States lead on conservation will encourage similar action by other consuming nations. Consumer cooperation on conservation now and then development of new supplies over time will deter producer aggressiveness by demonstrating that consumers are capable of acting together to defend their interests.

II. STATUTORY CONSIDERATIONS

This investigation has proceeded in recognition of the close relationship of the economic welfare of the Nation to our national security. As required by section 232, consideration has been given to domestic production of crude oil and the other products under investigation needed for projected defense requirements, the existing and anticipated availability of these raw materials and products which are essential to the national defense, the requirements of the growth of the domestic petroleum industry and supplies of crude oil and crude oil products, and the importation of goods in terms of their quantities, availabilities, character and use as those affect the domestic petroleum industry and the ability of the United States to meet its national security requirements.

In addition, other relevant factors required or permitted by section 232 have been considered, including the amount of current domestic demand for petroleum and petroleum products which is being supplied from foreign sources, the degree of risk of interruption of the supply of such products from these countries, the impact on the economy and our national defense of an interruption of such supplies including the effects on labor, and the effect of the prices charged for foreign petroleum and petroleum products on our national security.

III. IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

During the first eight months of 1974, the United States imported approximately 5.8 million barrels per day of petroleum and petroleum products. (Annex C) This figure amounted to 35.6 percent of total United States demand for such products during this period. The latest data available indicates that United States dependence on imported oil is growing. For the four weeks ending December 13, 1974, the United States imported about 7.4 million barrels per day of petroleum and petroleum products, which represented 39.5 percent of total United States demand for such products during the same period. (Annex C)

Imports into the United States may be divided into two major sources, the nations belonging to the Organization of Petroleum Exporting Countries (OPEC) and other nations. (Annex D) The OPEC nations have far more production capacity than the non-OPEC nations. Of the world's total production of approximately 55 million barrels per day, OPEC members produce 30 million barrels, Communist countries 11 million and the balance of 14 million barrels per day is produced by other countries including the U.S.[1] Moreover, the OPEC countries have over 8 million barrels per day of production potential which is not being utilized while virtually no unused capacity exists in the rest of the world.[2]

Most recent indicators show that 3.5 million barrels per day of crude oil and petroleum products are being imported by the U.S. directly from the OPEC member states. (Annex D) In addition, as much as 850,000 barrels per day of finished products imported into the U.S. from third country sources may originate from OPEC nations.[3] In total, 4.35 million barrels per day of the 1974 U.S. demand of approximately 17.0 million barrels per day came from OPEC sources. In percentage terms, U.S. imports from OPEC members account for over 25% of domestic demand.

The major Western Hemisphere suppliers of petroleum to the United States are Canada and Venezuela. The latter country provided the United States with approximately 1.1 million barrels per day from January through October 1974. For the same period, Canada exported to the U.S. over 1,000,000 barrels per day or slightly over 17 percent of our imported supplies.

The Canadian Government has recently conducted a study of its own energy potential. It concluded that steps should be taken to reduce exports of oil with a view to conserving petroleum for future Canadian requirements.[4] Accordingly, on November 22, 1974, the Canadian Government announced its intention to limit exports to the U.S. to 650,000 barrels per day by the end of 1975. Further reductions in exports will take place after annual reviews. As a result, it appears that the U.S. can no longer count on the availability of large volumes of oil from Canada but may have to increase our reliance on OPEC to make up for the reduction of Canadian imports.

See footnotes at end of document.

In summary, 60 percent of current imports of crude oil comes directly from OPEC members and another 15 percent is refined by third countries using OPEC crude oil. At least 85 percent of the imported petroleum, however, whether from OPEC or non-OPEC countries, appears to be subject to the threat of interruption in the event of a crisis. Moreover, the outlook in the short run is for the percentage of imports derived from OPEC members to increase as a result of limitations on Canadian exports.

IV. EFFECT OF 1973–1974 EMBARGO ON THE DOMESTIC ECONOMY

The interruption of the supply of a major part of U.S. imports of petroleum during the Winter of 1973–74 had a serious adverse impact on the economy of the United States.

In his memorandum, Secretary Dent stated:

> **The experience of the Arab oil embargo last year, even though it halted only about one-half of our oil imports, confirms the risk of disruption to the economy which is implicit in dependence on imports of oil to this degree. The oil embargo is believed to have produced a reduction in U.S. GNP by some $10 to 20 billion. All sectors of the economy were adversely affected, with the consumer durables sector and housing construction most heavily hit. Further, it is estimated that a substantial part of the inflationary rise of prices during 1974, particularly in the first half, is attributable to the direct and indirect effects of the rise in overall energy costs which followed the rapid escalation of costs for Arab oil. In view of this record of injury caused by loss of foreign oil supply and our continuing vulnerability to future injury of even greater impact, it is my opinion that imports at current and projected levels do constitute a threat to impair the national security.**

The Federal Energy Administration noted in its Project Independence report that the embargo's impact was serious as a result of the nation's high level of dependence upon foreign petroleum imports. In the years 1960 through 1973 U.S. production did not keep pace with U.S. consumption of petroleum. The resulting gap represented the level of U.S. imports, which increased drastically:

U.S. production and consumption of petroleum[1] (1960–73)—Petroleum (millions of barrels per day)

Year	Production	Consumption	Gap (imports)
1960	8.0	9.5	1.5
1965	8.8	10.8	2.0
1970	11.3	14.7	3.4
1972	11.2	16.4	5.2
1973	10.9	17.3	6.4

The impact of the embargo on imports can be shown by a comparison of import figures for both crude and refined oil imports for each of the months September 1973 through February 1974, and the percent change reflected in such figures from the same months of the preceding year:

Monthly imports before and during the oil embargo[2] (millions of barrels per day)

	Crude oil	Percent change from previous year	Total refined products	Percent change from previous year
September 1973	3.47	+47	2.65	+26
October	3.86	+49	2.67	+9
November	3.45	+50	3.14	+30
December	3.99	+45	2.90	+1
January 1974	2.46	−13	2.85	−4
February	2.10	−22	2.55	*+17

*The indicated positive balance in this month is reflected by the disproportionately large imports of motor gasoline, to accommodate critical shortages of this refined product.

Both the National Petroleum Council and the Federal Energy Administration have made detailed analyses of the impact of the 1973–74 embargo. A demand reduction of over 1 million barrels per day has been attributed to curtailment and conservation. These savings occurred in areas which caused minimum individual or collective hardship. However, many such savings were the result of one-time only reductions in usage patterns, such as lowering of thermostat levels. Once accomplished, by voluntary or other restraints upon energy usage, such savings cannot thereafter be duplicated.

The cost of the embargo to the economy, in terms of both increased energy costs and adverse impacts on the labor market, was severe. During the first quarter of 1974, the seasonally adjusted Gross National Product fell by 7% and the seasonally adjusted unemployment rate changed from 4.6% in October 1973 to 5.1% by March of 1974. Of course there were other factors at work in the economy during this period and it is difficult to isolate those declines attributable solely to the embargo. However, according to the FEA, increased energy prices during the embargo period were responsible for at least 30% of the increase in the Consumer Price Index with the long-term effects of the embargo and the subsequent price rises continuing after the embargo was lifted. As the FEA has pointed out, a comparison of the nation's economic performance for the two years preceding the embargo with the first quarter of 1974 demonstrates a clear and uninterrupted upward historical trend (albeit a reduced rate of increase beginning in the second quarter of 1973) followed by a sudden sharp decline during the relevant period:

Gross national product statistics[3] (1972–74)

	Real GNP *	Present changes in GNP from preceding quarter (annual rate)
1972		
I	768.0	
II	785.6	9.5
III	796.7	5.7
IV	812.3	8.0
1973		
I	829.3	8.6
II	834.3	2.4
III	841.3	3.4
IV	844.6	1.6
1974: I	831.0	−6.3

* Seasonally adjusted at annual rates in billions of 1958 dollars.

A similar effect has been identified by FEA with respect to real personal consumption expenditures and real fixed investments. These are set forth in detail in the Appendix to the Project Independence Report, and are not set forth in detail herein.

Following the embargo, the Department of Commerce reduced its forecast of real output for the first quarter of 1974 by $10.4 billion, and its forecast for the first quarter of 1975 by $15 billion.[4] Again, studies showing detailed effects upon the labor market and contributions to changes for selected items within the CPI have been analyzed in detail by the Department of Commerce and the Federal Energy Administration, and set forth in the Project Independence Report.

The adverse change of .5% in the seasonally adjusted national unemployment rate between October 1973 and March 1974 represents an increase of approximately 500,000 unemployed people. The Department of Labor has estimated that during the period of embargo 150,000 to 225,000 jobs were lost as a direct result of employers' inability to acquire petroleum supplies. An additional decline of approximately 310,000 jobs occurred as an indirect result of such shortages in industries whose products or processes were subject to reduced demand as a result thereof (most notably, the automobile industry). The Department of Labor estimates that 85% of the total jobs lost were those of semi-skilled workers, 5% clerical and 3% professional, technical and skilled.[5]

The Federal Energy Administration has projected the loss in economic activity (GNP) which could be reasonably correlated to a shortfall in oil supplies. The pattern of this correlation indicates that at any given time, the economy can absorb a modest reduction in consumption before painful reductions in economic activity occur. After this reduction in nonessential uses of oil is made, further reductions of oil supplies will result in sharply increasing losses in the GNP. Based on such models, the FEA has determined the impacts of interruption of imports under several conditions. For example, a recently calculated situation shows that a 2.2 million bbl/day import reduction for six months' duration is estimated to cause a $22.4 billion reduction in GNP.[6]

The Federal Energy Administration estimates that a reduction in consumption of approximately 1 million barrels per day can be managed without imposing

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prohibitive costs on the economy. While recognizing that a figure of 1 million barrels per day is not precise, it does approximate a reasonable estimate of the short-term reduction beyond which more severe economic readjustments would take place. Of the 17 million barrels per day current demand, it is estimated that 16 million is the proximate quantity required to prevent progressive deterioration of the economy at the present time.

It should also be noted that the impacts of any supply interruptions will be disproportionately felt in the various regions of the country. The major determinants of the impact within any given region is the amount of imports into that region, climatic conditions of the region, and the industries located there. The northwestern and northeastern parts of the country import large amounts of their petroleum requirements, the climatic conditions require them to use more energy for heating than other regions, and they have more energy using manufacturing industries in general than other parts of the country (this is especially true of the Northeast).

The direct effects of an embargo would be concentrated in PAD (Petroleum Administration for Defense) Districts 1 and 5. PAD District 1 includes the Eastern Seabord of the U.S. where it is estimated that 83 percent of the 1975 crude petroleum demand will be imported. In PAD District 5, the West Coast of the U.S. including Alaska and Hawaii, imports are 43 percent of total uses. The East Coast problem is especially difficult because of the high fuel oil demands in the New England area and the fact that approximately 98 percent of the residual fuel oil for PAD District 1 is imported as a refined product or made from imported crude.[7]

V. VULNERABILITY OF U.S. ECONOMY TO OIL AND DEVELOPMENT OF ALTERNATE ENERGY SOURCES

The vulnerability of the U.S. economy to petroleum supply interruptions is highlighted by (1) the fact that it is the backbone, not only of our defense energy needs, but also of our economic welfare, and (2) the difficulty of bringing in alternate energy sources immediately.

Although there may have been some recent minor changes, the 1973 figures show that petroleum accounted for 46 percent of domestic energy consumption, natural gas for 31 percent, coal for 18 percent, hydropower for 4 percent and nuclear for 1 percent. (Annex E)

The degree to which other energy forms can in the short run be physically substituted for oil is limited. Residual oil used in heating or utilities can be replaced with coal only after conversion of the plant's combustion facilities has taken place. Other energy sources are limited in supply of feasibility of use. Supplies of natural gas are declining and an interstate pipeline curtailment of 919 billion cu. ft. is expected in the 1974–75 heating season.[1] The natural gas reserve/production ratio has declined from 21.1 in 1959 to 11.1 in 1973,[2] indicating the production potential is seriously impaired. It does not appear that we can substitute natural gas for oil. On the contrary, the prospects are that either oil or coal may have to be substituted for natural gas. The nation's ability to increase its hydroelectric power generating capacity is severely limited. Other energy sources such as nuclear electrical generating power require long lead times for development and will not be available in materially increased quantities for a number of years. For example, nuclear power is not expected to reach a significant percentage (12%) of our total energy capacity until 1985.[3] The availability of coal is subject to further mine development, expansion of transportation systems and convertibility of furnaces and boilers, all of which require significant development time. Moreover, both the production and combustion of coal is currently subject to environmental restrictions which further limit its accelerated development as an energy source.

The outlook for increasing production of crude oil from domestic sources is not favorable for the near term. Domestic production has declined from 9.6 million barrels per day in 1970 to 8.7 million barrels per day in December 1974. A further gradual decline is anticipated until oil from the North Slope of Alaska becomes available in late 1977, or until oil is produced from presently undeveloped areas as the Outer Continental Shelf. Nevertheless, the sharp increase in the price of oil should stimulate increased exploration which, in the intermediate or longer term, if combined with conservation efforts should ameliorate the present threat to our economy.

Also, long-term energy sources such as the development of geothermal and oil shale energy resources and the practical utilization of solar energy require major advances in the technology involved. This technology may take several years to develop, but should assist in the solution of the domestic shortage of energy sources if sufficient incentive is provided.

VI. THREAT TO THE NATIONAL SECURITY OF FUTURE SUPPLY INTERRUPTIONS

Section IV has described the serious impact on the national economy and consequently on the national security of the winter 1973–1974 embargo. It is reasonable to expect similar or even worse effects of an interruption of supply in the future, particularly in light of increasing dependence on foreign sources of supply. U.S. production is declining[4] and alternative sources of energy supply require a long lead time for development.[5] Moreover, supplies from the most secure Western Hemisphere sources are likely to decline as illustrated by the Canadian action to reduce oil exports to the United States.

The Department of Defense has described the risks to our national security posed by the threat of a future supply interruption. The Department of Defense, in its memorandum to me of January 9, 1975, stated:

> The Department of Defense holds that this nation must have the capability to meet the essential energy requirements of its military forces and of its civil economy from secure sources not subject to military, economic or political interdiction. While it may be that complete national energy self-sufficiency is unnecessary, the degree of our sufficiency must be such that any potential supply denial will be sustainable for an extended period without degradation of military readiness or operations, and without significant impact on industrial output or the welfare of the populace. This is true because the national security is threatened when: (1) the national economy is depressed; (2) we are obliged to rely on non-secure sources for essential quantities of fuel; (3) costs for essential fuels are unduly high; and (4) we reach a point where secure available internal fuel resources are exhausted.

As you know, the Mandatory Oil Import Program was established in 1959 for the express purpose of controlling the quantity of imported oil which at that time had been found to threaten to impair the national security. In the intervening years we have observed with growing concern the decline in domestic and western hemisphere petroleum productive capacity in relation to demand. The result has been a rapid expansion in our dependence on eastern hemisphere sources for the oil which is so essential to our military needs and the nation's economy. By 1973 that dependence had reached a level which risked substantial harm to the national economy in event of a peacetime supply denial. In event of general war, those risks would be substantially greater because of the sharply increased level of military petroleum consumption which would require support from domestic petroleum resources. The 1973 Arab oil embargo offered proof, if proof were needed, of the deterioration in our national energy situation.

Energy conservation efforts and expanded use of alternate fuels halted the growth in crude oil and product imports during much of 1974. However, production of both oil and gas in the United States continues to decline, and indications are that import growth has resumed. Projections for 1975 indicate that imports may exceed seven million barrels a day, sharply higher than in 1974 and equal to near 19 percent of the probable total energy supply in 1975. To the extent that demand for petroleum imports causes increasing reliance on insecure sources of fuel, then such demand/reliance is a severe threat to our security.

Although oil exporters vary in their specific national goals and from time to time make unilateral decisions in regard to oil policies, oil exporters have the potential to bring about concerted actions which can explicitly deny the U.S. needed imports through such actions as last year's embargo. The loss in GNP growth and the significant unemployment created have on their face a significant impact in terms of the overall strength of the national economy. Continued reliance on foreign sources of supply leaves the U.S. economy vulnerable to further disruptive, abrupt curtailment or embargo of supplies, as well to further increases in prices. Consequently, it is only prudent from a national security standpoint to plan for the possibility that another embargo, or other type of supply interruption, could occur.

See footnotes at end of document.

VII. THE EXCESSIVE RELIANCE ON IMPORTED OIL AS A SOURCE OF WEAKNESS IN A FLEXIBLE FOREIGN POLICY

The dependence of the United States on imported petroleum can also adversely affect the ability to achieve our foreign policy objectives.

A healthy and vital domestic economy coupled with modern and adequate defense forces are the basic elements of strength in protecting our national security, but equally important in today's interdependent world is the continued smooth functioning of the international economic system and, in particular, the economic strength and viability of our Allies. The economies of many of these countries are almost totally dependent on imported oil and are therefore much more vulnerable to the threat of a new oil embargo. This could adversely affect the extent to which we can rely on those Allies in the event of a serious political or military threat to this country.

The risk to our Allies and to ourselves comes not only from the possibility of disruptions of supply and the impact this could have on foreign policies but also from the effect on their domestic economies of the high cost of oil imports. Individual consumer states faced with balance of trade deficits and having difficulties in financing them, could attempt to equilibrate their trade balances through "beggar-thy-neighbor" actions.

For example, deliberate measures could be taken to interfere with markets so as to increase exports and/or decrease imports from non-oil exporting countries. Specific examples would include export subsidies, import tariffs, quotas, and perhaps other non-tariff barriers to trade. Such action would, of course, be infeasible as a concerted policy by all deficit nations and therefore irrational. Indeed, should all embark on such a course, a severe economic loss would result through income reductions to all. Exports would be reduced for all oil importing countries with loss in economic activity.

A slowdown in economic growth and consequent unemployment resulting from such a course could have economic and social effects that could have serious political implications for our own security.

These potential problems could arise from the continued high levels of oil imports in conjunction with the price of oil, which generate large current account surpluses for OPEC. Given the limited absorptive capacity of some of these countries the increased oil revenues to these countries will not be immediately translated into increased imports. A recent estimate of the OPEC 1974 current account imbalance is about $60 billion. In contrast, the 1973 OPEC current account balance was only $13 billion. Projections of these balances through time indicate continued reserve accumulations at least until 1980, as some OPEC members will only gradually adjust their import levels to higher export revenues. An estimate of these accumulations as of 1980 is on the order of $200 to $300 billion (in terms of 1974 purchasing power) for OPEC as a group. Such a massive transfer of wealth would enhance the economic and political power of oil rich states which do not necessarily share our foreign policy objectives.

It is our expectation that these funds will be held and invested in a responsible manner. There is every economic incentive for the owners of these resources to take this course. The United States' basic economic position strongly favors maximum freedom for capital movements and we believe there is no reason to change this policy.

However, in view of the possible problems noted above, it is imperative that we join with our Allies in a concerted program of conservation, reduced reliance on imported sources of oil and development of alternative energy supplies. In this way we promote market forces that will work against further rises in already monopolistic oil prices, and exert some downward pressure on world oil prices.

The department of defense confirms these conclusions:

> The appropriate restriction of oil imports will also impact favorably on the balance of payments and, more importantly, will permit the United States to make a significant contribution to international efforts to reduce total world oil demand which, through its recent rapid growth, has contributed to harmful increases in world oil prices. Those increases have posed serious threats to the economic and military viability of NATO and other friendly nations, as well as to the United States. Reduced dependence on imported oil can also minimize the adverse impact on the United States, NATO and other friendly nations of boycotts such as that imposed by the Arab nations in 1973.

The Federal Energy Administration has pointed out that reduction of reliance on imported oil and conservation are essential to U.S. participation in the International Energy Program. Administrator Zarb states:

> Given the inability to create effective emergency supplies in the short run, it is important that the U.S. actively support and participate in international security agreements such as the International Energy Program (IEP), or a producer-consumer conference, with the objective of establishing future world oil prices acceptable to the U.S., the other importers, and the OPEC countries; and to decrease the likelihood of politically or economically motivated supply disruptions.
>
> The IEP particularly is an important component of the U.S. energy supply security program. It would coordinate the responses of most major oil importing nations to international supply disruptions, provide guidelines for conservation and stockpile release programs, and avoid competition for available supplies, and thus limit the oil price increases likely to result from an oil shortage.
>
> The IEP deters the imposition of oil export embargoes because it diminishes the ability of oil exporters to target oil shortfalls on particular oil importers, or greatly increases the cost of doing so. For example, under an IEP, a U.S. import shortfall of 3 MM B/D would require a much larger export cutoff, and increase the political and economic costs exporters would incur in imposing an embargo.
>
> These measures do not exhaust the options available to the U.S. Government. They seem to us, however, to be among the most effective programs which the U.S. can implement at this time, given the character of the international energy market. As such, these options offer attractive prospects for minimizing the threat to our national security resulting from our need to continue to rely on imported oil.

VIII. FINDINGS AND RECOMMENDATIONS

As a result of my investigation, I recommend that the following determinations and recommendations be made by the Secretary of the Treasury and forwarded to the President:

Findings. As a result of the investigation initiated by me, I have found that crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar are being imported into the United States in such quantities as to threaten to impair the national security. I further find that the foregoing products are being import into the United States under such circumstances as to threaten to impair the national security.

Recommendations. I therefore recommend that appropriate action be taken to reduce imports of crude oil, principal crude oil derivatives and products, and related products derived from natural gas and coal tar into the United States, to promote a lessened reliance upon such products, to reduce the payments outflow and to create incentives for the use of alternative sources of energy to such imports. I understand that a Presidential Proclamation pursuant to Section 232 of the Trade Expansion Act of 1962 is being drafted by the Federal Energy Administration consistent with these recommendations.

DAVID R. MACDONALD,
Assistant Secretary, (Enforcement, Operations, and Tariff Affairs).

FOOTNOTES

SECTION III

[1] Treasury sources, Office of Energy Policy.
[2] Treasury sources, Office of Energy Policy.
[3] Treasury estimate, Office of Energy Policy.
[4] Statement of Donald S. MacDonald, Minister of Energy, Mines and Resources, on Canadian Oil Supply and Demand. Press Release November 22, 1974.

SECTION IV

[1] Federal Energy Administration, Project Independence Report, Appendix at 284 (November 1974).
[2] *Ibid.* at 285.
[3] *Ibid.* at 289.
[4] *Ibid.* at 291.
[5] *Ibid.* at 296.
[6] Federal Energy Administration, Office of Economic Impact, The Potential Economic Costs of Future Disruptions of Crude Oil Imports, at 11 (December 23, 1974).
[7] *Ibid.* at 3.

SECTION V

[1] Federal Power Commission, Staff Report, Requirements and Curtailments of Major Interstate Pipeline Companies Based on Form 16 Report (November 15, 1974).
[2] Report of a subcommittee of the House Committee on Banking and Currency on Oil Imports and Energy Security: An Analysis of the Current Situation and Future

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Prospects; 93rd Cong., 2d Sess. at 28 (September 1974).

[3] Federal Energy Administration, Project Independence Report, at 30 (November 1974).

SECTION VI

[1] Federal Energy Administration, Project Independence Report at 5 (November 1974). See figures set forth in Annex F.

[2] See discussion of alternative energy sources in Section V. See also Federal Energy Administration, Project Independence Report at 6 (November 1974).

ANNEX A

THE SECRETARY OF THE TREASURY

MEMORANDUM FOR ASSISTANT SECRETARY MACDONALD

Subject: Request for Section 232 Investigation.

JANUARY 4, 1975.

Pursuant to my authority under Section 232 of the Trade Expansion Act, 76 Stat. 877 (19 U.S.C. 1862), I am requesting you to conduct an investigation under that section to determine the effects on the national security of imports of petroleum and petroleum products.

In my judgment, national security interests require that the procedures requiring public notice and opportunity for public comment or hearings, set forth in the Treasury regulations at 31 CFR Part 9, not be followed in this case. I further find that it would be inappropriate to hold public hearings, or otherwise afford interested parties an opportunity to present information and advice relevant to the investigation as provided by Section 232, as amended by the Trade Act of 1974. Therefore, I request that you proceed immediately with the investigation without doing so.

WILLIAM E. SIMON,
Secretary of the Treasury.

ANNEX B

THE SECRETARY OF STATE

JANUARY 11, 1975.

The Honorable WILLIAM E. SIMON,
Secretary of the Treasury

Dear Bill:

I am responding to your January 3 memorandum and that of David Macdonald requesting the view of the State Department as to the effect of petroleum imports on our national security.

The 1973–1974 oil embargo and production cutbacks demonstrated our vulnerability and that of other industrial nations to an interruption in foreign oil supplies. In addition to its direct economic cost in lost GNP and increased unemployment, the embargo stimulated massive and abrupt price increases which the producers have been able to maintain and increase. Without preventative action, OPEC's accumulation of financial assets will accelerate, reaching a total of about $400 billion in investable funds by the end of 1980. This massive transfer of wealth will greatly enhance the economic and political power of the oil rich states who do not share our foreign policy objectives. It will also cause a serious erosion of the political power of the United States and its allies relative to the Soviet Union and China.

Clearly, decisive action is essential. We have signalled our intention to move toward energy self-sufficiency. We must now demonstrate with action the strength of our commitment. In the short-term, our only viable economic policy option is an effective program of energy conservation. A vigorous United States lead on conservation will encourage similar action by other consuming nations. Consumer cooperation on conservation now and the development of new supplies over time will deter producer aggressiveness by demonstrating that consumers are capable of acting together to defend their interests.

From the national perspective, a major United States' conservation effort will:

—reduce OPEC's financial claims on United States resources and the transfer of economic and political power to the producers;

—reduce our vulnerability to supply disruptions;

—limit the effect of future OPEC price rises on United States growth and inflation; and

—exert some downward pressure on world oil prices.

We believe substantially higher import license fees will contribute to our conservation strategy. They should reduce our dependence on imported energy and demonstrate to other consumers and producers the seriousness of our commitment not to remain vulnerable to escalating oil prices and threat of supply interruptions.

Warm regards,

HENRY A. KISSINGER,
Secretary of State.

ASSISTANT SECRETARY OF DEFENSE

JANUARY 9, 1975.

Memorandum for The Assistant Secretary of the Treasury (Enforcement, Operations, and Tariff Affairs).

Subject: Section 232 Investigation on Petroleum Imports

Reference is made to your memorandum of 4 January 1975 in which you advised that the Department of the Treasury is conducting an investigation under Section 232, 76 Stat. 877 (19 U.S.C. 1862), to determine the effects on the national security of imports of petroleum and petroleum products. Department of Defense views on the security implications of current and projected oil import levels were solicited.

The Department of Defense holds that this nation must have the capability to meet the essential energy requirements of its military forces and of its civil economy from secure sources not subject to military, economic or political interdiction. While it may be that complete national energy self-sufficiency is unnecessary, the degree of our sufficiency must be such that any potential supply denial will be sustainable for an extended period without degradation of military readiness or operations, and without significant impact on industrial output or the welfare of the populace. This is true because the national security is threatened when: (1) the national economy is depressed; (2) we are obliged to rely on nonsecure sources for essential quantities of fuel; (3) costs for essential fuels are unduly high; and (4) we reach a point where secure available internal fuel resources are exhausted.

As you know, the Mandatory Oil Import Program was established in 1959 for the express purpose of controlling the quantity of imported oil which at that time had been found to threaten to impair the national security. In the intervening years we have observed with growing concern the decline in domestic and western hemisphere petroleum productive capacity in relation to demand. The result has been a rapid expansion in our dependence on eastern hemisphere sources for the oil which is so essential to our military needs and the nation's economy. By 1973 that dependence had reached a level which risked substantial harm to the national economy in event of a peacetime supply denial. In event of general war, those risks would be substantially greater because of the sharply increased level of military petroleum consumption which would require support for domestic petroleum resources. The 1973 Arab oil embargo offered proof, if proof were needed, of the deterioration in our national energy situation.

Energy conservation efforts and expanded use of alternate fuels halted the growth in crude oil and product imports during much of 1974. However, production of both oil and gas in the United States continues to decline, and indications are that import growth has resumed. Projections for 1975 indicate that imports may exceed seven million barrels a day, sharply higher than in 1974 and equal to near 19 percent of the probable total energy supply in 1975. To the extent that demand for petroleum imports causes increasing reliance on insecure sources of fuel, then such demand/reliance is a severe threat to our security. Given the gradual reduction in the quantity of petroleum available from relatively secure Western hemisphere sources, relative dependence on insecure sources in the eastern hemisphere will grow more rapidly than the overall growth in oil imports.

The exhaustion of our available internal fuel resources would pose an even greater threat to our security. Therefore, our petroleum policy should properly balance these opposing needs. That is to say, national security considerations would seem to require a proper balance of import restrictions with a decrease in demand. We recognize that the nation faces a period of several years during which dependence on insecure imported oil will exceed levels which we would consider acceptable from a national security viewpoint. Accordingly, we believe that every reasonable effort should be made to inhibit demand growth, and increase total internal energy supply while keeping the quantity of imports at the lowest level commensurate with the essential needs of national security and the civil economy.

The proper control of petroleum imports at minimum essential levels will provide assurance to those engaged in the development of conventional and non-conventional domestic energy resources that foreign oil, regardless of its availability and potential price competitiveness, will not be allowed to deny future markets to secure domestic energy supplies. The appropriate restriction of oil imports will also impact favorably on the balance of payments and, more importantly, will permit the United States to make a significant contribution to international efforts to reduce total world oil demand which, through its recent rapid growth, has contributed to harmful increases in world oil prices. Those increases have posed serious threats to the economic and military viability of NATO and other friendly nations, as well as to the United States. Reduced dependence on imported oil can also minimize the adverse impact on the United States, NATO and other friendly nations of boycotts such as that imposed by the Arab nations in 1973.

It is our conclusion that current and projected levels of demand and need for imported petroleum products and crude oil pose substantial risks to the national security of the United States. Additional growth in the need to import will result in further dependence on eastern hemisphere sources from which oil must move over long and vulnerable sea lanes. Moreover, it will depend predominantly on nations which have demonstrated the will and ability to employ their oil resources for political purposes. Further, the rapid growth in U.S. oil imports since 1970 has had, and will continue to have if it persists, a major role in creating and maintaining the conditions which led to the oil price rises of 1973 and 1974, and impaired the ability of our NATO allies to obtain their minimal oil needs in periods of supply disruption. Future growth will exacerbate those conditions. Increasing dependence on imported oil is inimical to the interests of the United States and should be subject to such controls as may be needed to insure that oil imports are properly balanced against our essential needs and reflect our development of additional energy resources.

Attached for your information are estimates of military petroleum requirements.

ARTHUR I. MENDOLIA,
Assistant Secretary of Defense,
(Installations & Logistics).

MILITARY PETROLEUM REQUIREMENTS

Estimated consumption, U.S. forces, FY 1975—558,000 barrels per day.[1]

Estimated consumption in general war—1,800,000 barrels per day.

In addition to purely military requirements there is a substantial additional need for direct and indirect use of petroleum by defense-related private industry. No data is available on the amount of petroleum involved, but broad estimates of total energy consumption by defense industry indicate that from 1.5 to 3.0 percent of total national energy consumption is currently required. That percentage would increase substantially in a protracted general war, probably largely due to conversion of industry to war production, without necessarily reflecting sharply increased energy requirements on a btu basis.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington, D.C., January 8, 1975.

Hon. DAVID R. MACDONALD, *Assistant Secretary, Enforcement, Operations and Tariff Affairs, Department of the Treasury, Washington, D.C.*

DEAR MR. MACDONALD: In response to your memorandum of January 4, 1975, relating to the request for investigation on petroleum imports under Section 232 of the Trade Expansion Act, we have enclosed some observations concerning the effects on the national security of imports of petroleum and petroleum products.

Sincerely yours,

JACK W. CARLSON,
Assistant Secretary of the Interior.

THE EFFECTS ON NATIONAL SECURITY ON IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

Imports of crude oil in the first nine months of 1974 averaged 3.3 million barrels per day, and imports of petroleum products and unfinished oils in petroleum averaged 2.6 million barrels per day. Total imports as a percent of supply accounted for 36 percent and demand for petroleum products in the same period averaged nearly 16.5 million barrels per day. In the first nine months of 1974, residual fuel oil accounted for 60.2 percent of our product imports and 61.3 percent of domestic residual fuel oil demand; distillate fuel oil, 9.3 percent of imports, and 8.6 percent of demand. Imports of gasoline constituted 6.4 percent of products, but only 3.4 percent of domestic demand; jet fuel, 6.3 percent of imports and 16.7 percent of demand. Imports of liquefied gases and ethane comprised 4.8 percent of products and 9 percent of demand. Other products, which include naphthas, kerosine, lubricants, waxes, asphalt, etc., aggregated 11.2 percent of product imports and 13.7 percent of domestic demand.

If crude oil imports were cut off, refining operations in the U.S. would have to be curtailed sharply. Based on average refinery yields (August 1974), domestic refineries obtained from the 3.3 million barrels a day of crude oil imported, nearly 1.6 million barrels a day of gasoline, nearly 700 thousand barrels a day of distillate fuel oil, and 274 thousand barrels a day of residual fuel oil.

Viewed narrowly, namely in terms of the probable needs of the Department of Defense under present conditions or in a major nuclear war, it would appear that petroleum importations at current levels would not jeopardize national defense per se. However, a cutoff of foreign supplies of crude petroleum and/or petroleum products would have a serious impact on the national economy, such as was demonstrated in the 1973–74 Arab Oil Embargo. Broadly viewed, a disruption of imports could have serious implications for the national security, as well, in that a strong and healthy economy is generally considered essential to our overall ability to maintain our free democratic institutions.

Still another consideration is the adverse impact petroleum products imports have on expansion of domestic refinery capacity. We cannot now meet our normal domestic needs from the full output of existing refinery capacity. An increase in imports of products would be harmful to national security because increasing dependence on such sources would not only make the United States more vulnerable to disruptions in supply flows, but also inhibit domestic refinery expansion.

Even without a further embargo, large imports pose an economic threat. The accompanying chart includes a 1974 estimated value of products and crude oil imports totaling $23.5 billion. Furthermore, in view of recent OPEC announcements, expenditures for petroleum imports could be even greater in 1975, and subsequent years. Therefore, this capital drain could have serious repercussions on the U.S. economy, and endanger the national security thereby. Moreover, large capital exports to nations not necessarily friendly to the objectives of the United States increases the potential for harm to ourselves or to our allies, and thus increases the threat to our security.

THE SECRETARY OF COMMERCE,
Washington, D.C., January 10, 1975.

Memorandum for the Secretary of the Treasury

Subject: Section 232 Investigation of Petroleum Imports

This is in response to your memorandum of January 4, 1975, concerning the investigation of oil imports being initiated under Section 232 of the Trade Expansion Act of 1962, as amended. Specifically, your memorandum forwarded the request of Assistant Secretary of the Treasury Macdonald for (a) any information this Department has bearing on the effects on the national security of imports of petroleum and petroleum products, and (b) advice as to whether petroleum and petroleum products are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Based on prior analyses and a brief review during the past five days, it is my opinion that there is no question that imports of petroleum at current volumes and circumstances, including the current level of OPEC prices, threaten to impair the national security. Under these circumstances, we recognize the threat posed by oil imports to the ability of the United States to produce goods and services essential for ensuring our national security preparedness. We recognize the additional threat posed by the possibility of an extended embargo of oil imports. Section 232 of the Trade Expansion Act, the basis for the present investigation, in fact requires that recognition be given to "the close relation of the economic welfare of the Nation to our national security."

As you know, the quota system of the Mandatory Oil Import Program, based on national security findings, was in effect from 1959 to early 1973. Its objective was to restrict imports of petroleum and petroleum products to 12.2 percent of domestic production in Districts I–IV (the Eastern 80 percent of the continental U.S.) and to no more than the difference between demand and domestic supply in District V (the West Coast). At that time, foreign oil was priced well below domestic oil and restrictions on imports were judged necessary to preserve a viable domestic crude oil producing industry. However, in recent years domestic consumption has increased much faster than production, and it has not been feasible to maintain the old formula. In early 1973, import quotas were replaced by the license fee program, and imports of crude petroleum and products by the end of 1974 reached a figure which amounted to slightly more than 35 percent of consumption. I am enclosing a publication from the Bureau of the Census in which import quantities for 1973 and 11 months of 1974 are given.

The experience of the Arab oil embargo last year, even though it halted only about one-half of our oil imports, confirms the risk of disruption to the economy which is implicit in dependence on imports of oil to this degree. The oil embargo is believed to have produced a reduction in U.S. GNP by some $10 to $20 billion. All sectors of the economy were adversely affected, with the consumer durables sector and housing construction most heavily hit. Further, it is estimated that a substantial part of the inflationary rise of prices during 1974, particularly in the first half, is attributable to the direct and indirect effects of the rise in overall energy costs which followed the rapid escalation of costs for Arab oil. In view of this record of injury caused by loss of foreign oil supply and our continuing vulnerability to future injury of even greater impact, it is my opinion that imports at current and projected levels do constitute a threat to impair the national security.

In summary, I perceive the threat as being based on two factors: the possibility of an extended embargo and the inflationary impact of higher prices and volumes. We certainly want to ensure, should a positive finding be determined, that any recommended course of action would address these factors. If I can be of any further assistance in your deliberations, please let me know.

FREDERICK B. DENT,
Secretary of Commerce.

DEPARTMENT OF LABOR,
Office of the Secretary, JANUARY 9, 1975.

Memorandum to David R. Macdonald, Assistant Secretary (Enforcement, Operations, and Tariff Affairs)

SUBJECT: Section 232 Investigation on Petroleum Imports

REFERENCES: Memorandum, January 4, 1975, above subject from Secretary of the Treasury, William E. Simon.

Memorandum, January 6, 1975, above subject, Assistant Secretary of the Treasury, David R. Macdonald.

The Department of Labor currently has no information available directly relating to whether petroleum or petroleum products are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Data usually provided by the Department of Labor for Section 232 investigations could not be collected and made available within the time required by Mr. Simon's memorandum of January 4. If you wish us to proceed

[1] Currently approximately 35% of consumption is obtained from foreign sources. No significant changes in consumption are projected through FY 1976.

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with the fully detailed Department of Labor portion of a Section 232 investigation, we would be pleased to consult with you on the matter.

As noted in the memorandum of January 4, some work has been done in the Department concerning the current effects of imports of petroleum and petroleum products, albeit not in relationship directly to national security. This work includes:

1. The *Secretary of Labor's Report on the Impact of Energy Shortages on Manpower Needs*, dated March 1974. This report, required under Section 506 of the Comprehensive Employment and Training Act of 1973, deals with the impact of energy shortages on current and future employment. A copy is enclosed.

2. *Labor Report*, a part of the *Project Independence Blueprint Task Force Report*, dated November 1974. This report is available from the Federal Energy Administration.

3. "The Effects of Oil Resource Allocation", an unpublished study recently completed by Professor Yoram Barzel of the University of Washington under contract to the Department of Labor. The study is currently being reviewed within the Department. If it appears that this study contains material relevant to the effect of petroleum and petroleum products imports on national security we will advise you.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
January 8, 1975.

HON. DAVID R. MACDONALD, *Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, Washington, D.C.*

DEAR MR. MACDONALD: Petroleum and petroleum products are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security.

The quantity of imports of petroleum and petroleum products is so large that these imports are essential to the continued functioning of our economy at acceptable levels of employment and output. Unless appropriate action is taken, petroleum and petroleum product imports would continue at current or higher levels, leaving the economy open to serious damage if those imports were interrupted.

The circumstances under which petroleum and petroleum products are being imported into the United States lead to a threat to national security. Foreign governments may interrupt the flow of petroleum and petroleum product imports to the United States to achieve economic or political ends. Oil-exporting nations whose exports are now essential to the continued security of the United States have agreed to act jointly in matters of oil exports. Collective action by some petroleum exporters reduced U.S. petroleum imports during 1973–1974 with serious damage to the economy and security of the United States. A threat to our national security will exist until the United States can absorb the effects of an embargo without damage to its vital economic and military interests.

The United States can absorb the effects of an embargo without serious damage only if imports from those countries which act jointly on petroleum matters are not essential to the United States. These imports would not be essential if the economy of the United States required only as much petroleum and petroleum products, or their substitutes, as could be produced within our borders or imported from nations which did not belong to the group which acted jointly on petroleum matters. Consequently, actions which cause the economy to adjust to the consumption of less energy in the form of petroleum and petroleum products, and/or which cause more petroleum products to be supplied by domestic sources, would lead to greater national security.

Alternatively, imports from those nations which act jointly on petroleum matters would not threaten the security of the United States if alternative sources of petroleum and petroleum products supply could easily and readily replace interrupted imports. At present such supplies do not exist, and consequently there is a threat to the national security of the United States.

In summary, petroleum and petroleum products are now being imported in quantities such that serious damage to national security would result from interruption of these imports. The circumstances under which petroleum and petroleum products are being imported makes those imports insecure. Consequently, petroleum and petroleum product imports threaten the national security.

Sincerely,

ALAN GREENSPAN,
Chairman, Council of Economic Advisers.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., January 11, 1975.

DAVID R. MACDONALD, *Assistant Secretary, Enforcement, Operations, and Tariff Affairs, U.S. Department of the Treasury, Washington, D.C.*

DEAR MR. MACDONALD: This is in response to your memorandum of January 4, 1975, concerning Treasury Department Section 232 Investigation on Petroleum Imports.

The Project Independence Report projected continued U.S. reliance on imported oil through 1980, given projected U.S. domestic supply/demand responses to world oil prices of $4–$11 per barrel.

It is our judgment that, whatever its source, imported oil is inherently less secure than domestic oil. Oil import shortfalls jeopardize the national security of the U.S. and other oil dependent nations because they impose severe economic costs. For that reason, the costs of offsetting that insecurity ought to be reflected explicitly in the domestic price of imported oil.

The future supply security of U.S. imports was a major focal point in the Project Independence Report. The International Assessment of that report assessed U.S. vulnerability to foreign political and economic coercion resulting from disruptions in the supply of imported crude. It should be noted, moreover, that a significant disruption in imports of certain finished products, such as residual fuel oil, could have major economic security implications for the country. For example, approximately 80 percent of residual fuel oil consumed in the U.S. is imported and most of it is consumed on the East Coast for the production of electricity and for industrial use. At the present time, very few of these users have the capability of converting to other fuels in the event of a temporary supply disruption lasting several months or longer.

The report evaluates a number of alternatives for offsetting the costs of oil import interruptions. The criteria for evaluating these options included their relative contribution to U.S. energy import supply security, their costs, and their impact on world oil prices. The most prominent options are: 1) Regulation of energy consumption during an oil import shortfall; 2) Alternative domestic emergency energy supplies; 3) International oil sharing. Each of these is discussed in greater detail below.

1. *Regulation of energy consumption.*—As was demonstrated during the 1973–74 embargo, government regulation of domestic fuel supplies can diminish the economic impact of an oil import embargo. FEA has estimated that an oil shortfall of approximately 1 million barrels/day can be managed by fuel allocation programs, without imposing prohibitive costs on the economy. In the short-term, 1975–76, this option is likely to remain effective. In the longer term, more efficient energy utilization will diminish the extent to which oil import shortfalls can be managed exclusively by relying on minimal cost fuel allocation programs.

2. *Alternative emergency energy supplies.*—In the short-term, 1975–76, emergency energy supply availability is limited to current inventories, domestic and international stocks, and any available production capacity of exporting states not participating in the embargo.

In the longer term, strategic petroleum reserves could be developed. For example, our assessment of current oil import security indicates the desirability of 1 billion barrels of crude oil, stored in U.S. salt-dome caverns as they become available. The amount could be adjusted as the threat assessment changes. Such a stockpile could offset a 3 MM barrel/day import cut for nearly one year. Given domestic conservation programs and alternate supply sources, however, the stockpile would most likely last longer than one year.

It will take several years to build strategic reserves to the desired level. In the meantime, the U.S. must consider ways to dampen the rate of increase in oil imports. We feel that, even at current world oil prices, the cost of using imported oil, i.e., the expected economic loss caused by an import shortfall, and/or the costs of emergency supply programs to diminish that loss, is currently not internalized by the U.S. economy. To this end, FEA feels a "security fee" on imported oil would be effective. This fee ($1 to $3 per barrel) could be used in part to finance the strategic reserve programs, and to encourage development of domestic energy resources.

3. *International energy agreements.*—Given the inability to create effective emergency supplies in the short run, it is important that the U.S. actively support and participate in international security agreements such as the International Energy Program (IEP), or a producer-consumer conference, with the objective of establishing future world oil prices acceptable to the U.S., the other importers, and the OPEC countries; and to decrease the likelihood of politically or economically motivated supply disruptions.

The IEP particularly is an important component of the U.S. energy supply security program. It would coordinate the responses of most major oil importing nations to international supply disruptions, provide guidelines for conservation and stockpile release programs, and avoid competition for available supplies, and thus limit the oil price increases likely to result from an oil shortage.

The IEP deters the imposition of oil export embargoes because it diminishes the ability of oil exporters to target oil shortfalls on particular oil importers, or greatly increases the cost of doing so. For example, under an IEP, a U.S. import shortfall of 3 MM B/D would require a much larger export cutoff, and increase the political and economic costs exporters would incur in imposing an embargo.

These measures do not exhaust the options available to the U.S. Government. They seem to us, however, to be among the most effective programs which the U.S. can implement at this time, given the character of the international energy market. As such, these options offer attractive prospects for minimizing the threat to our national security resulting from our need to continue to rely on imported oil.

We have enclosed a copy of the International Assessment chapter from the Project Independence Report together with a copy of the PIMS "U.S.-OPEC Petroleum Report," which provides OPEC export volume and pricing data for 1973 by individual member countries. The 1974 report has not yet been compiled.

We trust that this information will be helpful in the conduct of your investigation.

Sincerely,

FRANK G. ZARB,
Administrator, Federal Energy Administration.

ANNEX C.—*Crude petroleum and petroleum products*[1]

[1974 Data in 1,000 bbl/day]

Month	Domestic production	Crude imports	Product imports	Total imports	Domestic demand
January	8,907	2,382	2,973	5,455	17,270
February	9,156	2,248	2,973	5,271	17,371
March	8,950	2,462	2,753	5,215	16,045
April	8,952	2,267	2,703	5,970	15,919
May	8,903	3,748	2,454	6,202	15,624
June	8,777	3,957	2,218	6,175	16,459
July	8,893	4,167	2,143	6,310	16,156
August	8,918	3,905	2,286	6,190	16,332
8-month average	8,932	3,267	2,563	5,830	16,397
Imports as percent of demand—35.6 percent.					
LATEST DATA[2]					
4 weeks (ending Dec. 12)	8,661	4,047	3,360	7,407	18,742
Imports as percent of demand—39.5 percent.					

[1] FEA, Monthly Energy Review—October 1974.
[2] FEA, Petroleum Situation Report—Dec. 13, 1974.

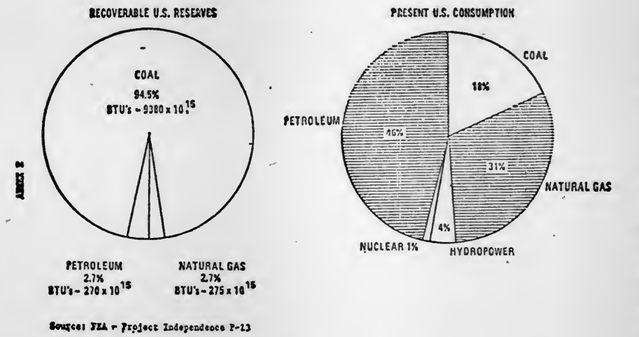
ANNEX D

U.S. IMPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS BY SOURCE, JANUARY THROUGH OCTOBER 1974, IN THOUSANDS BBL PER DAY

Country:	Total
Algeria	220
Egypt	14
Kuwait	2
Qatar	16
Saudi Arabia	382
United Arab Emirates	82
Major Arab OPEC countries	716
Ecuador	71
Indonesia	296
Iran	542
Nigeria	670
Venezuela	1,131
Gabon	33
Major OPEC countries	3,459
Canada	1,015
Netherland Antilles	494
Angola	50
Italy	100
Netherlands	52
Mexico	10
Bahamas	213
Trinidad	272
Others	178
Grand total	5,843

Source: Federal Energy Administration from Census Bureau FT-135 Report.

THE CRUX OF U.S. PROBLEM



Source: FEA - Project Independence P-13

ANNEX F

U.S. CRUDE OIL DAILY AVERAGES IN 1,000 BBL PER DAY PRODUCTION

Date:	Quantity[1]
1964	7,614
1965	7,804
1966	8,295
1967	8,810
1968	9,095
1969	9,238
1970	9,637
1971	9,462
1972	9,441
1973	9,187
4 weeks ending Dec. 13	[2] 8,661

[1] API Annual Statistical Review (Bu Mines) September 1974, p. 13.
[2] FEA Petroleum Situation Report Dec. 13, 1974.

[FR Doc.75-2868 Filed 1-29-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., 27–28 February 1975 to review the various tasks undertaken during the last four months to present them to the Director of Defense Research and Engineering for further action. The February 27 session will commence at 9 a.m. and the February 28 session at 8:30 a.m.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 27, 1975.

[FR Doc.75-2760 Filed 1-29-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON IDENTIFICATION FRIEND, FOE OR NEUTRAL

Advisory Committee Meeting

The Defense Science Board Task Force on Identificatton Friend, Foe or Neutral will meet in closed session on March 10, 1975, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to pro-

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vide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to the identification function and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In according with Pub. L. 92–463, section 10, Paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly paragraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 24, 1975.

[FR Doc.75–2761 Filed 1–29–75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"

Advisory Committee Meeting

A Defense Science Board Task Force on "Training Technology" will meet in closed session on 18–19 February 1975 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current effectiveness of DoD programs and management in the R&D area of Training Technology to serve as the basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 27, 1975.

[FR Doc.75–2803 Filed 1–29–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHEVRON OIL CO.

Notice of Application

JANUARY 24, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Chevron Oil Company has applied for a cathodic protection unit right-of-way upon the following lands:

BOISE MERIDIAN, IDAHO

T. 3 S., R. 7 E.,
Sec. 27, S½SW¼.

The proposed cathodic protection unit will serve the petroleum products pipeline granted under Right-of-Way Idaho 0602.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75–2741 Filed 1–29–75;8:45 am]

[ORV–1326–01–C]

WASHINGTON

Off-Road Vehicle Area Designation and Closure of Lands to Motorized Vehicles

JANUARY 24, 1975.

Notice is hereby given that in furtherance of the purpose of Executive Order 11644 (37 FR 2877, February 9, 1972) relating to the use of off-road vehicles on public lands and by authority of regulations under 43 CFR Part 6290 implementing Executive Order 11644, the following described lands under administration of the Bureau of Land Management are designated as closed to off-road motorized vehicles and motorized vehicle use excepting emergency, law enforcement, and Federal or other government vehicles while being used for official or emergency purposes.

The area affected by this designation and closure notice is located approximately six airmiles south of Friday Harbor on the southeast tip of San Juan Island, Washington, and is known as Cattle Point. The area is more specifically described as:

WILLAMETTE MERIDIAN

T. 34 N., R. 2 W.,
Sec. 8, Lot 7.

The described area aggregates approximately 33 acres in San Juan County.

The use of national resource lands at Cattle Point by motorized vehicles is damaging unstable sand dunes and fragile vegetative resources. It is concluded that closure of the area is necessary to prevent further destruction of soils and vegetation and permit the stabilization, recovery, and natural regeneration of those resources. The area was previously closed to off-road vehicle use by notice of the Bureau of Land Management, Spokane, Washington, District Manager dated June 7, 1974.

This notice and land closure shall become effective on January 30, 1975.

Common points of vehicular access to the area will be posted. Maps of the closed area are available at the Bureau of Land Management, Room 551, U.S. Courthouse, Spokane, Washington and the San Juan County Commissioner's office, Friday Harbor, Washington.

E. J. PETERSON,
Acting State Director.

[FR Doc.75–2740 Filed 1–29–75;8:45 am]

Fish and Wildlife Service

COLORADO DIVISION OF WILDLIFE

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:
Colorado Division of Wildlife
6060 Broadway
Denver, Colorado 80216
Mr. Jack R. Grieb, Director

OMB NO. 42-R1478

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
See Attachment

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Colorado Division of Wildlife
6060 Broadway
Denver, Colorado 80216
Phone: 303-825-1192

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.

DATE OF BIRTH	HEIGHT	WEIGHT
	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Colorado Division of Wildlife is a state agency charged with responsibility of protecting, preserving, enhancing and managing wildlife for public benefit.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Jack R. Grieb, Director 825-1192

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Throughout the State of Colorado

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Migratory Bird Banding Permit #20205

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Scientific Collecting Permit issued by Colorado Division of Wildlife

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10a. DESIRED EFFECTIVE DATE: Feb. 28, 1975

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachment

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Signed) Jack R. Grieb — DATE January 3, 1975

Jack R. Grieb

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60-750

APPLICATION FOR PERMIT TO CONTINUE RESEARCH ON ENDANGERED SPECIES

AMERICAN AND ARCTIC PEREGRINE FALCON

As required by the Endangered Species Act of 1973, the State of Colorado is making application to continue the research program on peregrine falcons. We are making application to engage in the following activities:

1. *Continue banding program.* Currently, authorization by the Banding Laboratory includes permission to band peregrine falcons. At this time we would like to have this authorization extended. Current knowledge of mortality factors, and chronology and extent of movement is practically nonexistent concerning the Rocky Mountain population. Primarily fledgling peregrines will be banded.

2. *Color marking system.* We are requesting clearance to use colored leg markers, similar to those developed by Dr. Scott Ward. The color scheme and coding will have to be designated by the Fish and Wildlife Service. The markers will be placed on fledglings only.

3. *Radio tagging.* This technique will be used to track movements of locally produced falcons. Migrant Arctic peregrines will also be radio tagged and followed as they move through the state. Hopefully, this will enable us to determine whether or not those peregrines present in Colorado during migration are truly migrant, important habitats utilized and the length of time they are present in the state.

4. *Collection of infertile eggs and shell fragments.* An intensive nesting survey supported by Pittman-Robertson funds is now entering its fourth year. In order for the project to proceed to completion, it will be necessary to continue to visit nest sites to determine productivity, band young, collect addled eggs and shell fragments and record prey items. Infertile eggs will be analyzed for pesticide residue and shell fragments will be measured for thinning. Analysis of egg contents appears to be the least disruptive technique to monitor the pesticide load carried by wild peregrines.

5. *Rehabilitation and salvage.* Over the past three years, we have picked up one dead and two injured peregrines. The injured peregrines were held and treated for broken wings. This indicates the need for authorization to hold and rehabilitate injured peregrines as well as collect carcasses to determine cause of mortality.

6. *'Double Clutching' to augment productivity.* In the very near future, probably the spring of 1975, we want to attempt to 'double clutch' several wild peregrine eyries which have had a history of failure. All eggs in the clutch would be removed within 7 to 10 days of completion of the clutch and artificially incubated. It has been found that the adult falcons will then recycle and lay a second clutch. Upon hatching, the artificially reared young would be placed in the wild, either in the original nest if it has failed, or other eyries.

7. *Placement of Captively Produced Young or Eggs in Wild Nests.* One and possibly two breeding projects in Colorado will be producing eggs or young peregrines of the *anatum* subspecies. Permission is requested to place eggs and/or young in wild peregrine eyries to augment natural production.

Mr. Gerald R. Craig, Raptor Specialist for the Division and Dr. James H. Enderson of Colorado College will be the prime parties operating under the authority of this permit.

Due to the approach of the nesting season, it is urgent that the Division receive a judgment on this request at the earliest possible date.

For additional information and project details please see Pittman-Robertson Project Document W–124–R and Colorado's Endangered Animals Cooperative Agreement Application.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: January 23, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–2640 Filed 1–29–75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–163]

FAIRVIEW COAL CO.

Petition for Modification of Application of Mandatory Safety Standard [1]

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Fairview Coal Company has filed an amended petition to modify the application of 30 CFR 75.1405 to its Fairview No. 5 Mine, Punxsutawney, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic cou-

[1] The original petition bearing docket number M 74–163 was published on July 17, 1974, in 39 FR 26182.

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plers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner's amendment provides additional detail to its original alternate method.

Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All cars in use at the subject mine for transporting coal and supplies will remain coupled together at all times until the car trip is brought to a complete stop. If it becomes necessary in the coal loading or dumping operation to couple or uncouple the cars it shall be performed in the following manner:

(1) The locomotive and the car trip shall be brought to a complete stop, and

(2) Only the motorman (the locomotive operator) Shall couple or uncouple the mine cars, and

(3) The motorman shall not position himself between the cars but shall lean over the small cars to align a link or to drop a pin in place.

All coupling and uncoupling of mine cars at petitioner's mine shall be performed in the foregoing manner.

Safety Considerations. The alternate method set forth above will provide no less than the same measure of protection to miners at the Fairview Coal Company No. 5 Mine than that sought to be afforded by section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used. This is because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and over-riding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

3. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. The coupling arrangement proposed in the alternate system involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

4. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. The coupling arrangement proposed in the alternate system involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

5. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 3, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JANUARY 23, 1975.

[FR Doc.75–2739 Filed 1–29–75;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, February 14, 1975, at 1:30 p.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Pub. L. 87–126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Proposed oversand vehicle regulations for 1975, and (2) Consideration of plans for Eastham beaches and parking areas. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617–349–3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: January 7, 1975.

DAVID A. RICHIE,
Acting Regional Director
North Atlantic Region.

[FR Doc.75–2924 Filed 1–29–75;8:45 am]

[Order 4]

CASTILLO DE SAN MARCOS NATIONAL MONUMENT, FLA.

Delegation of Authority; Administrative Officer

Delegation of authority regarding execution of contracts for supplies, equipment or services.

1. *Administrative officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Officer on behalf of any office or area administered by Castillo de San Marcos National Monument.

2. *Revocation.* This order supersedes Order No. 3 issued May 16, 1972 (37 FR 14820).

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 5 (37 FR 7721), as amended)

Dated: October 8, 1974.

GEORGE F. SCHESVENTER,
Superintendent.

[FR Doc.75–2727 Filed 1–29–75;8:45 am]

[Order No. 2]

THEODORE ROOSEVELT NATIONAL MEMORIAL PARK, N. DAK.

Delegation of Authority; Administrative Officer, et al.

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Maintenance Foreman (North Unit) and Management Assistant (Fort Union Trading Post National Historic Site).* The Maintenance Foreman (North Unit) and Management Assistant (Fort Union Trading Post National Historic Site) may issue purchase orders not in excess of $100.00 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 3. *Revocation.* This order supersedes Order No. 1 dated April 1, 1963 and published in 28 FR 4680 on May 9, 1963.

(National Park Service Order No. 77, (38 FR 7478) as amended; Rocky Mountain Regional Order No. 1 (39 FR 12369))

Dated: September 27, 1974.

JOHN O. LANCASTER,
Superintendent, Theodore Roosevelt National Memorial Park.

[FR Doc.75–2682 Filed 1–29–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation A130]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 34 counties in Minnesota as a result of damages and losses caused by various natural disasters. The following chart lists the counties, the natural disasters, and the dates on which the natural disasters occurred.

Minnesota—1974—34 Counties

County	Excessive rainfall	Flood	Drought	Frost and/or freeze	Other
Aitkin	June 1 to July 10	Apr. 27 to 30	July 11 to Sept. 1	Sept. 3	
Anoka				Sept 2 and 3	
Beltrami	Apr. 10 to June 10				
Benton				Sept. 1, 2, and 3	
Blue Earth	May 28		June 10 to Oct. 25	Sept. 3 and 22	Hail, May 28.
Carver				Sept. 2 and 22	
Chippewa			June 10 to Aug. 8	do	
Crow Wing	May 1 to June 10			do	
Dakota			June 15 to Aug. 15	Aug. 31 and Sept. 2.	
Dodge				Sept. 2, 22, and 23.	
Fillmore				Sept. 2 and 22	
Kanabec				Sept. 1, 2, and 3	
Kandiyohi	July 23		Apr. 1 to Sept. 30	Sept. 2 and 22	Hail, wind, July 22.
Lac qui Parle			June 10 to Aug. 10	do	Hail, June 18.
Le Sueur	June 3, 18, and 20			Sept. 3	Hail, June 3 and 18; hail, wind, June 20; severe hail, Aug. 1.
Lyon	June 10 to Aug. 10			Sept. 2 and 22	
Mille Lacs				Sept. 1, 2, and 3	
Mower	May 3 to June 10			Sept. 2 and 22	
Olmsted				do	
Otter Tail				Sept. 1, 2, and 22	
Pine				Sept. 1, 3, and 22	
Polk	Apr. 10 to June 6		June 15 to July 31		Cool, wet, Aug. 1 to Aug. 31.
Pope	May 1 to May 31		June 10 to July 14	Sept. 2 and 22	
Rice			June 15 to Aug. 15	Aug. 31 and Sept 2.	
Scott			do	do	
Sibley			July 1 to Aug. 31	Sept 3 and 22	
Stearns			do	Sept. 1, 3, and 22	Cold, Aug. 1 to Aug. 31.
Steele	May 10 to May 31		June 15 to Aug. 15	Aug. 31 and Sept 2.	
Stevens	May 8 to May 17		June 11 to July 11	Sept. 3	Cool, May 1 to May 31.
Swift	June 1 to Aug. 31			Sept. 3 and 22	
Todd	Apr. 15 to June 1		June 17 to July 25	Aug. 31, Sept. 1, and 2.	Cool, spring hail, June 17.
Wadena	May 1 to May 31		June 26 to July 20	Aug. 30, Sept. 1, 2, and 23.	Hail, July 13 and Aug. 24.
Wright			June 20 to Aug. 1	Sept. 2 and 22	
Yellow Medicine			June 10 to Aug. 8	do	

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of January 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–2846 Filed 1–29–75;8:45 am]

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[Notice of Designation Number A128]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following Texas Counties as a result of the natural disasters shown:

Texas—10 Counties

County	Drought	Excessive rainfall	Hailstorms	Below normal temperatures	Windstorms
Andrews	Aug. 1, 1973 to Aug. 14, 1974.	Aug. 15 to Nov. 6, 1974.			
Crosby	Oct. 1, 1973 to May 31, 1974.	June 1 to Nov. 15, 1974.	June 1, 2, 3, 1974, July 3, 1974.[2]	Sept. 1 to Oct. 31 1974.	
Dickens	Aug. 31, 1973 to Sept. 1, 1974.	June 3 1974, Sept. 1 to Nov. 1, 1974.	June 3, 1974.		
Gaines	Sept. 1, 1973 to Aug. 22, 1974.	Aug. 23 to Nov. 10, 1974.			
Glasscock	Oct. 1, 1973 to Sept. 15, 1974.				
Hall	Jan. 1 to Sept. 15, 1974.	May 20, 21, 22, 23, 24, 1974.	June 11, 1974, Oct. 21, 1974.		June 21, 22, 23, 1974.
Hockley	Oct. 1, 1973 to July 31, 1974.	Aug. 1 to Oct. 31, 1974.			
Lubbock	Aug. 1, 1973 to Aug. 20, 1974.	Aug. 21 to Oct. 31, 1974.[1]		Sept. 1 to Oct. 31, 1974.	
Midland	Aug. 1, 1973 to Sept. 14, 1974.	Sept. 15 to Oct. 31, 1974.	Oct. 30, 1974		
Yoakum	Aug. 1, 1973 to July 25, 1974.[1]	Sept. 1 to Nov. 8, 1974.		Sept. 1 to Nov. 8, 1974.	

[1] Also sandstorms.
[2] Also wind.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 1975 for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 23rd day of January 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–2532 Filed 1–29–75;8:45 am]

Soil Conservation Service

TYGARTS VALLEY SOIL CONSERVATION DISTRICT, W. VA.

Equipment Grant Eligibility Determination

Correction

In FR Doc. 75–2201 appearing on page 3793 in the issue for Friday, January 24, 1975, the third and fourth lines of the second paragraph now reading "property sources, and may be made on or before February 24, 1975", should read "property sources, and may be made after February 24, 1975."

INDIAN CREEK WATERSHED PROJECT, MICH.

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Indian Creek Watershed Project, Lapeer, Sanilac, and Tuscola Counties, Michigan, USDA–SCS–EIS–WS–(ADM)–74–29(F) MI.

The EIS concerns a plan for watershed protection, flood prevention and improved drainage. The planned works of improvement provide for conservation land treatment; 7.7 miles of multiple purpose channel work consisting of 4.9 miles of cleaning and snagging of existing channel and 2.8 miles of channel deepening and widening of existing channels; one rock drop grade stabilization structure; and one sediment basin.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 1405 South Harrison Road, East Lansing, Michigan 48823.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JANUARY 23, 1975.

[FR Doc.75–2737 Filed 1–29–75;8:45 am]

TWENTY-FIVE MILE STREAM WATERSHED PROJECT, ME.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Twenty-five Mile Stream Watershed Project, Waldo County, Maine, USDA–SCS–EIS–WS–(ADM)–75–1–(D)–ME.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by two water control structures and channel work. The channel work will involve intermittent clearing and snagging on 0.3 miles of existing channel and 1.8 miles of realignment and enlargement construction by excavation to provide improved water management. The 2.1 miles of work proposed will involve a stream with perennial flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, U.S.D.A. Office Building, Orono, Maine 04473

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Richard L. Duesterhaus, State Conservationist, Soil Conservation Service, U.S.D.A. Office Building, Orono, Maine 04473.

Comments must be received on or before March 18, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JANUARY 23, 1975.

[FR Doc.75–2738 Filed 1–29–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BOWMAN GRAY SCHOOL OF MEDICINE, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 19, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00301–33–77030. Applicant: Bowman Gray School of Medicine, 300 S. Hawthorne Road, Winston-Salem, N.C. 27103. Article: CPS Coherent NMR Spectrometer. Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of Article: The article is intended to be used to detect cancer by determining the differences in proton nuclear magnetic spin lattice relaxation time between blood of normal subjects and blood of cancer patients. Application Received by Commissioner of Customs: January 3, 1975.

Docket Number: 75–00302–33–90000. Applicant: Charlotte Memorial Hospital and Medical Center, 1000 Blythe Boulevard, P.O. Box 2554, Charlotte, North Carolina 28234. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article is intended to be used for computerized axial tomography of the brain for diagnosis and cure of diseases of the brain. The article will also be used for the training of neuroradiologists through study of patients with brain diseases and development of new materials and techniques for diagnosis by non-invasive methodology. Application Received by Commissioner of Customs: January 3, 1975.

Docket Number: 75–00303–33–90000. Applicant: Rockford Memorial Hospital Association, 2400 North Rockton Avenue, Rockford, Illinois 61101. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article is intended to be used in teaching residents and medical students by providing significantly improved diagnostic information for instruction in the areas of neurological, neurosurgical, and neuroradiological medicine. Application Received by Commissioner of Customs: January 3, 1975.

Docket Number: 75–00304–65–46040. Applicant: Rensselaer Polytechnic Institute, Materials Engineering Department, Troy, New York 12181. Article: Electron Microscope, Model JEM 100S. Manuafcturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used in research concerned with the investigation of the austenite variables of composition, defect structure, stacking fault energy, process history, and properties as coupled phenomena, and the relationship of these variables to the structure, transformation kinetics, and properties of the resultant martensite. Studies will be carried out in the area of corrosion fatigue of aluminum alloys and copper alloys requiring extensive transmission electron microscopy to determine changes in deformation substructures which accompany corrosive reactions. It is also planned to study phase separation in glasses and the graphite layer structure at the surface of high performance graphite fibers. Application Received by Commissioner of Customs: January 6, 1975.

Docket Number: 75–00305–65–46040. Applicant: Rensselaer Polytechnic Institute, Materials Engineering Department, Troy, New York 12181. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used in research concerned with the investigation of the austenite variables of composition, defect structure, stacking fault energy, process history, and properties as coupled phenomena, and the relationship of these variables to the structure, transformation kinetics, and properties of the resultant martensite. Studies will be carried out in the area of corrosion fatigue of aluminum alloys and copper alloys requiring extensive transmission electron microscopy to determine changes in deformation substructures which accompany corrosive reactions. It is also planned to study phase separation in glasses and the graphite layer structure at the surface of high performance graphite fibers. Other studies to be carried out include: (1) the effects of localized strain fields on the mechanical behavior of two phase alloys, and (2) grain boundary precipitation studies. Application Received by Commissioner of Customs: January 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–2743 Filed 1–29–75;8:45 am]

UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00120–01–07500. Applicant: University of Miami, Department of Pediatrics, School of Medicine, P.O. Box 520875, Miami, Fla. 33152. Article: LKB Batch Microcalorimeter, Model No. 10700–2. Manufacturer: LKB Produkter AB, Sweden, intended use of article: The article is intended to be used to determine the heat production of respiring mitochondria under different conditions. Of particular interest is the comparison of heat generation of the same mitochondrial suspension after application of different substrates and/or activators acting on the transport across the mitochondrial membrane. The article will also be used to train graduate students (medicine, biochemistry) and research workers in the field of chemistry of thermoregulations in humans and animals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities for operation in a differential mode and a sensitivity of one microcalorie. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated December 17, 1974 that the capabilities described above are pertinent to the applicant's intended purposes. HEW further advises that comparable domestic instruments do not operate in the differential mode and do not have equal sensitivity.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-2742 Filed 1-29-75;8:45 am]

UNIVERSITY OF SOUTHERN CALIFORNIA, ET. AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of § 701.11 is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 701.8 further provides:

> • • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 73-00219-65-46070. Applicant: University of Southern California, University Park, Los Angeles, California 9007. Article: Scanning Electron Miscroscope, Model S4-10. Date of Denial Without Prejudice to Resubmission: August 26, 1974.

Docket Number: 74-00446-33-46040. Applicant: Temple University, Department of Pathology, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Electron Microscope, Model HU-12A. Date of Denial Without Prejudice to Resubmission: August 7, 1974.

Docket Number: 74-00463-15-42900. Applicant: University of Minnesota, School of Physics and Astronomy, Minneapolis, Minnesota 55455. Article: Superconducting Magnet. Date of Denial Without Prejudice to Resubmission: August 20, 1974.

Docket Number: 74-00437-90-42600. Applicant: National Aeronautics and Space Administration, Langley Research Center (MS 146), Hampton, Virginia 23665. Article: Alphanumeric Display Device Made from a Two-Color-Monolithic Array of Light-Emitting Diodes. Date of Denial Without Prejudice to Resubmission: July 2, 1974.

Docket Number: 74-00503-33-46040. Applicant: New York State Veterinary College, Anatomy Department, MRW Building, Room 412B, Ithaca, N.Y. 14850. Article: Electron Microscope, Model EM 201. Date of Denial Without Prejudice to Resubmission: September 17, 1974.

Docket Number: 74-00505-33-46040. Applicant: New York State Veterinary College, Microbiology Department, MRW Building, Room 503B, Ithaca, New York 14850. Article: Electron Microscope, Model EM 201. Date of Denial Without Prejudice to Resubmission: September 17, 1974.

Docket Number: 75-00049-65-46070. Applicant: Washington University, Lindell and Skinker, St. Louis, Missouri 63130. Article: Scanning Electron Microscope, Model HHS-2R. Date of Denial Without Prejudice to Resubmission: September 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-2744 Filed 1-29-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL OF REVIEW OF INTERNAL ANALGESICS

Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of December 31, 1974 (39 FR 45309), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel of Review of Internal Analgesics scheduled for February 5, 6, and 7, 1975, has been canceled.

Dated: January 27, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2910 Filed 1-28-75;1:22 pm]

PSYCHOPHARMACOLOGICAL AGENTS ADVISORY COMMITTEE

Subcommittee Meeting Time Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of January 15, 1975 (40 FR 2734), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the time of the meeting of the Pediatric Subcommittee of Psychopharmacological Agents Advisory Committee scheduled for February 10 has been changed to begin at 8:30 a.m. instead of 10 a.m.

Dated: January 27, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2911 Filed 1-28-75;1:22 pm]

Office of the Secretary

INSTITUTE FOR SOCIAL RESEARCH, UNIVERSITY OF MICHIGAN

Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the award of the following contract funded under section 232 of the Act:

HEW-OS-74-25 to University of Michigan, Institute for Social Research, Ann Arbor, Michigan 48106, for a research project entitled, "Michigan Longitudinal Study." In this project, a national probability sample of about 5,750 families is interviewed once a year with emphasis on economic variables such as work hours and earnings, total income and expenditures of various kinds to determine the reasons for changes in family income, and income relative to needs, especially among those near or below the poverty level. Action has been taken to extend this research for an additional year (modification number 13 to the contract), at a cost of $525,000. Completion date of this extension is October 31, 1975.

Dated: January 27, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-2780 Filed 1-29-75;8:45 am]

LONGITUDINAL MANPOWER STUDY AND DATA PREPARATION

Notice of Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results, findings, data, or recommendations reported as a result of the activities associated with HEW project entitled "Longitudinal Manpower Study and Data Preparation."

The final report and addendum complete the preparation for analysis of the data collected under the OEO/DOL Longitudinal Manpower Study. The final products of this project were a computer tape and a technical description of that tape.

The contractor corrected, within the scope of his responsibilities, errors in 3,853 out of approximately 10,000 cases. In addition, lists of cases with errors beyond the scope of work were provided. Additional processing in HEW and the production of complete documentation are necessary before release of the tapes can be made to the public.

A copy of this report will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: January 27, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-2781 Filed 1-29-75;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Delegations of Authority

Notice is hereby given that the following delegation and redelegation of authority, with authority for further redelegation, have been made under the National Research Act (Pub. L. 93-348).

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities vested in the Secretary of Health, Education, and Welfare, by section 474(b) of the Public Health Service Act [42 USC 289*l*-3(b)], which was added to the Act by section 212(a) of the National Research Act (Pub. L. 93-348).

2. Redelegation from the Assistant Secretary for Health to the Director, National Institutes of Health, to perform all of the authorities delegated to the Assistant Secretary for Health under section 474(b) of the Public Health Service Act [42 USC 289*l*-3(b)], which was added to the Act by section 212(a) of the National Research Act (Pub. L. 93-348).

Dated: January 17, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-2782 Filed 1-29-75;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

That portion of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare devoted to the mission, organization, functions and order of succession for the Social Security Administration (33 FR 5828 et seq., April 16, 1968, as amended), is hereby revised to reflect the first phase of a reorganization of the Social Security Administration (SSA). This material describes a realignment of executive functions and top level organization structure in SSA, except for the Bureau of Health Insurance (BHI) and the Bureau of Hearings and Appeals (BHA). The mission, organization and functions for BHI and BHA remain the same as described in 33 FR 5834, dated April 16, 1968, and 36 FR 3478-3480, dated February 25, 1971, for BHI; and in 38 FR 22670, dated August 23, 1973, and 39 FR 11616 and 11617, dated March 29, 1974, for BHA. SSA's amended statement reads as follows:

SECTION 4-00-00 *Social Security Administration*—(Mission). The Social Security Administration (SSA) administers the Federal retirement, survivors, disability, and health insurance for the aged and disabled programs, as well as the program of supplemental security income for the aged, blind, and disabled. It performs certain functions with respect to the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended, pursuant to agreement with the Department of Labor. SSA is also responsible for studying the problems of poverty, insecurity, and health care for the aged, blind, and disabled; the contributions that can be made to the solution of these problems through social insurance and related programs; and for making recommendations as to the most effective methods of improving social and economic security through social insurance and related programs.

SEC. 4-00-10 *Social Security Administration*—(Organization). The Social Security Administration, under the supervision and direction of the Commissioner of Social Security, consists of the:

A. Office of the Commissioner

B. Office of Management and Administration

C. Office of Program Policy and Planning

D. Office of External Affairs

E. Office of Program Operations

F. Bureau of Health Insurance

G. Bureau of Hearings and Appeals

SEC. 4-00-20 *Social Security Administration*—(Functions). The functions performed by the SSA components enumerated in Section 4-00-10, except for the Bureau of Health Insurance and the Bureau of Hearings and Appeals, are described in Sections 4-01-00 through 4-05-00, which follow.

SEC. 4-01-00 *Office of the Commissioner*—(Mission). The Office of the Commissioner (OC) is directly responsible to the Secretary of Health, Education, and Welfare for all programs administered by SSA and provides executive leadership to SSA. It is responsible for policy determination; program interpretation and evaluation; research oriented to the study of the problems of poverty, insecurity and health care for the aged, blind, and disabled; and provision of recommendations on methods of advancing social and economic security through social insurance and related programs.

SEC. 4-01-10 *Office of the Commissioner*—(Organization). The Office of the Commissioner, under the leadership of the Commissioner of Social Security, consists of the:

A. Commissioner of Social Security

B. Deputy Commissioner of Social Security

C. Immediate Office of the Commissioner

D. Executive Secretariat

E. Advanced Operating Systems Staff

SEC. 4-01-20 *Office of the Commissioner*—(Functions). A. 1. *The Commissioner of Social Security* is directly responsible to the Secretary of Health, Education, and Welfare for performance of SSA's mission; provides executive leadership to SSA; and exercises general supervision over the major components of SSA.

2. During the absence or disability of the Commissioner of Social Security, or in the event of a vacancy in this position, the Deputy Commissioner shall act as Commissioner.

3. In the event of the absence or disability of both the Commissioner and the Deputy Commissioner, an SSA official designated by the Commissioner shall act as Commissioner.

4. Should both the positions of Commissioner and Deputy Commissioner of Social Security be vacant, an official designated by the Secretary of Health, Education, and Welfare shall serve as acting head of SSA.

B. *The Deputy Commissioner* of Social Security assists the Commissioner in carrying out his responsibilities and performs such other duties as the Commissioner may prescribe.

C. *The Immediate Office of the Commissioner* provides the Commissioner and Deputy Commissioner with staff assistance on the full range of their responsibilities.

D. *The Executive Secretariat:* 1. Is responsible for coordination, liaison, and workflow control services for the Office of the Commissioner.

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2. Monitors policy development and policy implementation activities.

3. Ensures that issues requiring the Commissioner's attention are developed on a timely and coordinated basis.

E. *The Advanced Operating Systems Staff:* 1. Plans, designs and develops longer-range SSA operating systems.

2. Assists the Commissioner and his Executive Staff in structuring the issues and options for long-range administrative and process developments as the framework of interaction between future systems.

3. Develops and maintains the total SSA operating systems plan, including planning and development of new, future SSA automated data processing systems; formulation and establishment of systems objectives, basic policies, timetables and measures of effectiveness; and development and integration of necessary subsystems.

4. Represents SSA in dealings with DHEW; other Federal agencies; and non-Federal organizations on matters related to long-range operating systems.

SEC. 4–02–00 *Office of Management and Administration*—(Mission). The Office of Management and Administration (OMA) provides overall management direction for the Commissioner in discharging responsibility for achieving the efficient, effective, and economical administration of SSA programs. It directs, on behalf of the Commissioner, a continuing evaluation and appraisal of the effectuation of SSA's statutory responsibilities, including the assurance of program quality and integrity and the statistical measurement and systematic evaluation of the effectiveness of program administration. OMA develops policy and guidelines to govern the exercise of SSA-wide management and administrative responsibilities in such areas as budget, systems, organization, personnel administration and management. It administers SSA-wide management and statistical data systems; budget and financial management, including policy guidance for and general oversight of financial arrangements with State agencies; the full range of SSA's human resources concerns encompassed by activities in the areas of personnel, labor-management relations, training and equal opportunity; organization and management analysis; administrative appraisal and planning; comprehensive operational planning; and general management support services, including procurement and supply; realty and space; forms and records; printing and graphics; employee safety; and physical security. The Office represents SSA in these areas of responsibility with DHEW, other Federal agencies, Congress and non-Federal organizations.

SEC. 4–02–10 *Office of Management and Administration*—(organization). The Office of Management and Administration, under the leadership of the Associate Commissioner for Management and Administration, consists of the:

A. Associate Commissioner for Management and Administration

B. Deputy Associate Commissioner for Management and Administration

C. Immediate Office of the Associate Commissioner for Management and Administration, which includes the:

1. OMA Executive Officer

2. Management Coordination and Special Projects Staff

3. Special Staff for Equal Opportunity

D. Office of Administrative Appraisal and Planning

E. Office of Data Development

F. Office of Financial Management

G. Office of Human Resources

H. Office of Operating Facilities

I. Office of Quality Assurance

SEC. 4–02–20 *Office of Management and Administration*—(Functions). A.1. *The Associate Commissioner for Management and Administration* is directly responsible to the Commissioner of Social Security for performance of OMA's mission and provides general supervision to each principal component of OMA.

2. During the absence or disability of the Associate Commissioner for Management and Administration, or in the event of a vacancy in this position, the Deputy Associate Commissioner for Management and Administration shall act as Associate Commissioner.

3. In the event of the absence or disability of both the Associate Commissioner and the Deputy Associate Commissioner for Management and Administration, an OMA executive designated by the Associate Commissioner shall serve as acting head of the Office of Management and Administration.

4. Should both the positions of Associate Commissioner and Deputy Associate Commissioner for Management and Administration become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of Management and Administration.

B. *The Deputy Associate Commissioner for Management and Administration* assists the Associate Commissioner in carrying out his responsibilities and performs such other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Management and Administration.*—1. *The OMA Executive Officer* assists the Associate Commissioner and Deputy Associate Commissioner in the overall management of OMA.

2. *The Management Coordination and Special Projects Staff:* a. Serves as the personal staff to the Associate Commissioner by aiding him in coordinating and integrating the many-faceted and interrelated activities of OMA, and by providing the Associate Commissioner with advice, assistance, problem identification, and recommendations for problem resolution with respect to projects, negotiations or work areas of special interest or concern to him.

b. Conducts or directs projects of major SSA-wide importance and significance on assignment by the Associate Commissioner.

3. *The Special Staff for Equal Opportunity:* a. Assists the Associate Commissioner in directing, coordinating, developing, and appraising the effectiveness of policies for SSA-wide programs of equal opportunity (EO), under Executive Orders 11246 and 11478, as amended by P.L. 92–261 and P.L. 93–259.

b. Reviews the employment posture of health insurance intermediaries under contract with SSA for compliance with the EO requirements of Executive Order 11246.

c. Conducts the SSA-wide Housing Service Program.

d. Carries out liaison with DHEW; other Federal agencies; and various other public and private organizations on matters concerning EO and civil rights.

D. *The Office of Administrative Appraisal and Planning:* 1. Directs the appraisal of total SSA administration and planning for efficient SSA organization and operations; and develops major operating and administrative goals and measures of effectiveness for SSA program administration.

2. Identifies current and emerging administrative problems; recommends remedial actions, and continually appraises organizational effectiveness.

3. Appraises the need for, develops, recommends and promulgates new and modified delegations of program and administrative authorities throughout SSA.

4. Conducts, coordinates, and integrates operational, organizational, and administrative planning; provides leadership in administrative planning for pending legislation; and develops consistent and progressive administrative policy and philosophy.

5. Represents SSA in dealings with the DHEW Audit Agency and General Accounting Office site audit teams; and coordinates and follows up on implementation of DHEW and GAO audit findings and recommendations.

6. Conducts an SSA historical research program and directs SSA emergency preparedness activities.

7. Directs and continually appraises the operation of the SSA Administrative Directives System; and conducts and coordinates the SSA Management Information System.

8. Represents SSA in dealings with DHEW; other Federal agencies; and various other public and private organizations on matters of concern to the administration of SSA programs and the fulfillment of the Office's mission.

E. *The Office of Data Development:* 1. Plans and manages a large scale computer system in support of a variety of SSA statistical and management information requirements and planning activities.

2. Provides systems, programming, methods and procedures, and machine operations for data retrieval, data compilation and data presentation.

3. Advises on technical and cost factors relative to SSA data development projects and to reimbursable work for other Federal and non-Federal agencies and organizations.

F. *The Office of Financial Management:* 1. Directs the financial management program of SSA; develops its financial management objectives, policies, standards, and procedures; provides financial advice on program matters; and initiates cost studies.

2. Plans, prepares, justifies, and executes the SSA budget; and prepares and justifies budget estimates to finance program and other legislative changes.

3. Conducts continuing evaluations of expenditures of funds; takes actions to improve fiscal effectiveness; conducts continuing evaluations of financial systems and implements improvements; and insures that financial systems are integrated within SSA and with DHEW.

4. Maintains administrative accounts and certain trust fund expenditure and receipt accounts; audits and certifies vouchers for administrative expenses; and prepares basic and required financial reports.

5. Represents SSA in financial management dealings with DHEW; other Federal agencies; and various other public and private organizations.

G. *The Office of Human Resources:* 1. Provides direction to the development, implementation, and maintenance of a totally integrated and coordinated SSA program responsive to the needs of SSA's human resources.

2. Represents SSA in dealings with DHEW, other Federal agencies, and sources outside the Federal establishment with respect to matters concerning personnel and human resources management programs.

3. Provides executive-level line direction and supervision to the SSA Employee Communications Staff; the SSA Employee Health Service; the Division of Training and Career Development; the Division of Personnel; and the Special Staff for Labor Relations.

H. *The Office of Operating Facilities:* 1. Directs the management support program of SSA and develops its management support objectives, policies, standards, and procedures.

2. Directs SSA activities with respect to the SSA library and related services; centralized headquarters secretarial, dictation, transportation and parking services; construction and leasing of buildings; space utilization; forms and records management; printing and graphics; audio-visual materials production; public information materials distribution; real and personal property management; procurement; supply and mail systems; employee safety; civil defense; physical security; and visitor reception and tours.

3. Provides SSA liaison with GSA on matters related to the maintenance and servicing of headquarters facilities, and with DHEW; other Federal agencies; and various other public and private organizations.

I. *The Office of Quality Assurance:* 1. Develops and administers an SSA program for evaluation of the quality of retirement, survivors and disability insurance claims processes; the supplemental security income claims process; and related processes.

2. Formulates criteria, techniques and systems for controlling the quality of these claims and related processes, and develops, installs and maintains programs for controlling quality and maintaining integrity against fraud and third-party abuse.

3. Develops, implements and maintains a system of continuous statistical evaluation and measurement of basic retirement, survivors and disability insurance claims; supplemental security income basic claims; and related policies and procedures; and identifies and analyzes problems and makes recommendations concerning their solutions.

4. Institutes and applies statistical and other measures of program performance and effectiveness; analyzes findings; and makes recommendations respecting the identification and correction of deficiencies.

5. Conducts and directs SSA's professional investigations activity.

SEC. 4–03–00 *Office of Program Policy and Planning*—(Mission). The Office of Program Policy and Planning (OPPP) directs the planning and analysis of programs administered by SSA and broadly formulates, promulgates and interprets program philosophy, objectives and policy. It directs studies and makes recommendations concerning problems of poverty, insecurity and health costs, and contributions that social insurance and related programs provide for solutions to these problems. OPPP directs the legislative planning and analysis program of SSA and conducts its broad research and statistical programs. It develops, recommends and issues program policies necessary for the consistent national administration of the retirement, survivors and disability insurance programs, and the supplemental security income program. The Office provides SSA-wide direction and coordination in the development and promulgation of regulations and program policy. It evaluates the effectiveness of national policies in meeting program goals. OPPP also provides overall administrative direction to the Office of the Actuary.

SEC. 4–03–10 *Office of Program Policy and Planning*—(Organization). The Office of Program Policy and Planning, under the leadership of the Associate Commissioner for Program Policy and Planning, consists of the:

A. Associate Commissioner for Program Policy and Planning

B. Immediate Office of the Associate Commissioner for Program Policy and Planning

C. SSA Policy Council Staff

D. Office of the Actuary

E. Office of Policy and Regulations

F. Office of Program Evaluation and Planning

G. Office of Research and Statistics

SEC. 4–03–20 *Office of Program Policy and Planning*—(Functions). A. 1. *The Associate Commissioner for Program Policy and Planning* is responsible to the Commissioner of Social Security for performance of OPPP's mission and provides general supervision to the principal components of OPPP.

2. In the event that the Associate Commissioner for Program Policy and Planning is absent or disabled, an OPPP executive designated by the Associate Commissioner shall serve as acting head of the Office of Program Policy and Planning.

3. Should the position of Associate Commissioner for Program Policy and Planning become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of Program Policy and Planning.

B. *The Immediate Office of the Associate Commissioner for Program Policy and Planning* assists the Associate Commissioner with the full range of his responsibilities and handles such other assignments as he may prescribe.

C. *The SSA Policy Council Staff:* 1. Provides staff support to the SSA Policy Council, which is an ex officio group composed of the Commissioner and/or Deputy Commissioner of Social Security; the four SSA Associate Commissioners, and other members of the SSA Executive Staff, as the subject matter under discussion makes appropriate.

2. Assures the systematic attention of the Policy Council to priority policy matters and the resolution of policy interface issues incident to their deliberations by assisting the Council in identifying issues deserving its consideration; establishing the relative priority of such issues; preparing agendas for Policy Council sessions and presenting issues for its consideration at these sessions; preparing a variety of reports of council deliberations, recommendations and decisions, and arranging for their dissemination; and coordinating the implementation of action directed by the Council and following up on the results of such implementation.

D. *The Office of the Actuary:* 1. Directs and conducts the actuarial program of SSA.

2. Performs actuarial and demographic research into social insurance and related programs and makes actuarial appraisals of existing and proposed programs.

3. Studies, for both the immediate and distant future, problems of financing program costs; estimates future workloads; and evaluates operations of the four Social Security Trust Funds.

4. Develops and analyzes actuarial data for benefit estimates and valuations in social insurance programs.

5. Provides technical and consultative services to the Commissioner and DHEW officials, and testifies concerning actuarial estimates before Congressional committees considering legislative changes in SSA-administered programs.

E. *The Office of Policy and Regulations:* 1. Provides leadership and direction to, and exercises overall responsibility for, SSA-wide program policy development and coordination, and for promulgation of program regulations.

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2. Conducts and directs the development, interpretation and evaluation of general program policies, and of program and claims policies and substantive program requirements for the retirement, survivors and disability insurance programs and the supplemental security income program, including detailed program and claims policy specifications for the use of the Office of Program Operations in deveioping implementing manual instructions.

3. Ensures that interrelated policy areas are meshed into well-coordinated overall policies; and represents SSA and acts as consultant on overall policy matters.

4. Coordinates its policy development and evaluation activities with the activities of the Office of Program Operations and with various Federal and State agencies.

5. Provides overall policy for coverage of State and local government employees, coordinating with the Office of Program Operations and the Office of External Affairs.

6. Develops and recommends the issuance of program regulations and rulings, and promulgates them.

7. Evaluates the effectiveness of program policies in meeting the goals and objectives of SSA, in terms of its Mission, and participates in legislative planning.

F. *The Office of Program Evaluation and Planning:* 1. Develops and conducts the legislative planning and analysis program of SSA.

2. Evaluates the effectiveness of programs administered by SSA in providing security through retirement, survivors, disability and health insurance, and supplemental security income for the aged, blind and disabled.

3. Develops and interprets overall program philosophy and objectives.

4. Develops and evaluates recommendations concerning legislative proposals for changes in programs administered by SSA, including means for program simplification.

5. Analyzes and develops recommendations on related income maintenance and health insurance proposals, particularly those which may involve coordination with SSA-administered programs, and on other methods of providing economic security.

6. Provides technical and advisory services to SSA and DHEW officials and, in coordination with the Office of External Affairs, to officials within the Executive Branch; Congressional committees and individual Congressmen; and private organizations interested in Social Security legislation.

G. *The Office of Research and Statistics:* 1. Develops and conducts the broad research program of SSA and conducts, directs and gives technical guidance to SSA's statistical program.

2. Conducts research relating to such matters as income security and health insurance; redistributive effects of social security and related benefits; methods of financing; adequacy of cash and health benefits; impact of existing and alternative health benefit arrangements on the availability, quality and cost of health care; relation of public and private income maintenance programs; and the economic situation of the low-income population.

3. Studies problems of poverty, insecurity and health costs and contributions that social insurance and related programs provide to their solutions.

4. Conducts national surveys of the aged, the disabled, families with children, and the low-income aged and disabled.

5. Establishes linkages of SSA data with data from other statistical and record systems; and designs, develops and uses economic models for a variety of simulations allowing dynamic analysis of the impact of present and projected program alternatives under various conditions.

6. Evaluates national policies in terms of program goals.

7. Publishes research findings; compiles and publishes statistical data; and provides SSA-wide statistical leadership and methodology.

8. Represents SSA on matters of research and statistics with DHEW and international organizations; within the academic community; and, in coordination with the Office of External Affairs, with other public and private agencies and organizations.

SEC. 4-04-00 *Office of External Affairs*—(Mission). The Office of External Affairs (OEA) plans and directs SSA's nationwide program for conducting effective relationships and communications with the public; Congress; other Federal and State agencies; community and private organizations; and other outside sources, regarding SSA-administered programs and services, and on related community services available to the public. It directs the development of programs and materials to assure public knowledge and understanding of protections, rights and responsibilities under programs administered by SSA. OEA provides SSA representation and viewpoints, at the national level, on activities designed to improve services, within or outside SSA, and to make SSA-administered programs more effective. The Office advises and coordinates with the Office of the Secretary; the Commissioner; and other DHEW and SSA components on SSA public affairs matters.

SEC. 4-04-10 *Office of External Affairs*—(Organization). The Office of External Affairs, under the leadership of the Associate Commissioner for External Affairs, consists of the:

A. Associate Commissioner for External Affairs

B. Immediate Office of the Associate Commissioner for External Affairs

C. Office of Public Affairs

D. Office of Public Inquiries

SEC. 4-04-20 *Office of External Affairs*—(Functions). A. 1. *The Associate Commissioner for External Affairs* is directly responsible to the Commissioner of Social Security for performance of OEA's mission and provides general supervision to the principal components of OEA.

2. In the event that the Associate Commissioner for External Affairs is absent or disabled, an OEA executive designated by the Associate Commissioner shall serve as acting head of the Office of External Affairs.

3. Should the position of Associate Commissioner for External Affairs become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of External Affairs.

B. *The Immediate Office of the Associate Commissioner for External Affairs* assists the Associate Commissioner in the performance of his responsibilities and handles such other assignments as he may prescribe.

C. *The Office of Public Affairs*: 1. Provides direction to SSA's programs for assuring public knowledge and understanding of protections, rights and responsibilities under programs administered by SSA.

2. Assesses public needs and interests and assures SSA responsiveness to them.

3. Maintains liaison with Congress; DHEW components; other Federal agencies; State governments and agencies; and community and private organizations, on matters concerning programs administered by SSA.

4. Develops and recommends SSA public affairs policies and standards.

5. Prepares, reviews and insures the high quality of informational materials distributed to the public and provides technical guidance for public affairs training in SSA.

D. *The Office of Public Inquiries*: 1. Establishes, promulgates and assesses SSA policy for processing public and Congressional correspondence.

2. Provides advice and assistance to SSA officials, and liaison with DHEW, on public correspondence matters.

3. Conducts training programs in SSA field and headquarters components to improve correspondence to the public.

4. Receives, analyzes and controls high priority written and telephone inquiries; replies to many of these inquiries; and reviews certain written replies to such inquiries prepared elsewhere at SSA headquarters.

SEC. 4-05-00 *Office of Program Operations*—(Mission). The Office of Program Operations (OPO) provides executive direction and coordination to all aspects of SSA's cash benefit program operations. It provides line direction to a nationwide field organization of 10 regional offices, 6 program centers and over 1200 local offices. The Office directs the operations of five Headquarters bureaus responsible for retirement, survivors, and disability insurance operations; supplemental security income operations; field operations; and data processing. It implements policy decisions and directives through development and issuance of procedures and program instructions for cash benefit operations. OPO plans and directs procedural, systems, and direct management support activities. It assures that regional offices provide effective leadership to field operations, relationships with States, and implementation of the SSA public affairs program. The Office is responsible for evaluating the operational effectiveness of all the above activities.

SEC. 4-05-10 *Office of Program Operations*—(Organization). The Office of Program Operations, under the leadership of the Associate Commissioner for Program Operations, consists of the:

A. Associate Commissioner for Program Operations

B. Immediate Office of the Associate Commissioner for Program Operations

C. Bureau of Retirement and Survivors Insurance

D. Bureau of Disability Insurance

E. Bureau of Supplemental Security Income

F. Bureau of Data Processing

G. Bureau of Field Operations

H. Office of the Regional Commissioner (located in each of SSA's ten geographical regions nationwide)

SEC. 4-05-20 *Office of Program Operations*—(Functions). A. 1. *The Associate Commissioner for Program Operations* is directly responsible to the Commissioner of Social Security for performance of OPO's mission and provides general supervision to the principal components of OPO.

2. In the event that the Associate Commissioner for Program Operations is absent or disabled, an OPO executive designated by the Associate Commissioner shall serve as acting head of the Office of Program Operations.

3. Should the position of Associate Commissioner for Program Operations become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting head of the Office of Program Operations.

B. *The immediate Office of the Associate Commissioner for Program Operations* assists the Associate Commissioner in carrying out his responsibilities and performs such other assignments as he may prescribe.

C. *The Bureau of Retirement and Survivors Insurance:* 1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, for carrying out the claims and benefit payment processes of the retirement and survivors insurance program, and evaluates the operational effectiveness for retirement and survivors claims and related actions.

2. Manages a network of six program centers responsible for review and authorization of retirement and survivors claims and for health insurance entitlement; supplementary medical insurance premium collection; certification of benefit payments; and maintenance of retirement and survivors insurance (RSI) benefit rolls; and directs RSI critical case and benefit accounting programs.

3. Develops, evaluates, and implements operating systems, methods and instructions governing the claims and post-adjudicative processes and folder control activities of the program centers.

4. Provides technical advice and guidance to SSA regional offices concerning the RSI determination process.

5. Coordinates program center operating procedures, including EDP operations, with other SSA components and Federal agencies having responsibility in related work areas.

6. Directs administration of the Social Security program abroad.

D. *The Bureau of Disability Insurance:* 1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, for carrying out the claims and benefit processes of the disability insurance program and related responsibilities for the supplemental security income and black lung programs; develops, coordinates and issues technical medical policies and standards for these programs; and evaluates the operational effectiveness for disability claims and related actions.

2. Manages central disability operations, including review and authorization of disability claims; certification of benefit payments; and maintenance of disability beneficiary rolls.

3. Develops, evaluates, recommends and coordinates operating systems, methods, procedures and instructions for central disability operations.

4. Provides technical guidance and advice to SSA regional offices concerning the disability determination process.

5. Develops, in cooperation with DHEW's Social and Rehabilitation Service, policies and procedures for administration of the disability beneficiary rehabilitation program; and maintains relationships with national organizations of State Vocational Rehabilitation Directors and other related organizations.

E. *The Bureau of Supplemental Security Income:* 1. Develops, coordinates and issues implementing instructions, consistent with program policy directives and specifications, applicable to the supplemental security income program and its claims and benefit payment processes.

2. In cooperation with the Office of External Affairs, provides a central focus for relationships and agreements with national welfare organizations, and organizations of State welfare agencies.

3. Provides technical advice and assistance to SSA regional offices in negotiations and continuing interfaces with State welfare agencies.

4. Manages the certification of Supplemental security income payments; and evaluates the operational effectiveness for supplemental security income claims and related actions.

F. *The Bureau of Data Processing:* 1. Manages SSA's operating EDP systems, including systems analysis and design; programming and computer and telecommunications operations.

2. Establishes and maintains the basic records supporting programs administered by SSA, including records and accounts for determining entitlement to and computation of cash benefits, and for determining entitlement to and utilization of health insurance benefits.

3. Develops earnings reporting standards and procedures for employers and the self-employed, and investigates and resolves reporting and earnings record discrepancies.

4. Furnishes necessary data to the Department of the Treasury for proper crediting of amounts to the Social Security Trust Funds.

G. *The Bureau of Field Operations:* 1. Develops and implements national operational and management plans for providing SSA direct service to the public.

2. Through 10 SSA regional offices, manages SSA's field operations and operational interfaces with States agencies administering social security coverage, State Disability Determination Sections and State Welfare Agencies.

3. Assures that field operations are effectively coordinated nationally with other operational requirements and policy directives.

4. Plans, develops and issues field operating policies, systems and procedures.

5. Provides central management support to regional offices.

H. *The Office of the Regional Commissioner:* 1. Serves as the principal agency component at the regional level and assures effective SSA interface with DHEW; other Federal agencies; and State Disability Determination Sections and State Welfare Agencies.

2. Implements national operational and management plans for providing SSA direct service to the public.

3. Manages and coordinates an effective SSA regional operation consistent with national and regional operational requirements, and systems and policy directives.

4. Directs a regionwide network of district offices, branch offices, and teleservice centers which serve as the interface between SSA and the public, and which have responsibility for informing people of the purposes and provisions of programs administered by SSA and their rights and responsibilities thereunder; assisting the public in filing claims for retirement, survivors, health and disability insurance benefits, black lung benefits, and supplemental security income; developing and adjudicating claims; assisting certain beneficiaries in claiming reimbursement for medical expenses; conducting development of cases involving earnings record, coverage and fraud-related questions; making rehabilitation service referrals; and assisting claimants in filing appeals on SSA determinations of benefit entitlement or amount.

5. Implements a regional SSA public affairs program; and provides management support to field operations.

Dated: January 24, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-2762 Filed 1-29-75;8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Dockets Nos. N–75–260; 74–144]

INDIAN MOUNTAIN

Hearing

Notice is hereby given that:

1. Park Development Company, Meridian Properties, Inc., W. H. Heidtbrink, Jr., Chairman of the Board, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated November 13, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Indian Mountain Filing 1–24 and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer December 4, 1974, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge Lewis P. Parker, in room 7233, Department of HUD Building, 451 7th Street, S.W., Washington, D.C. on February 12, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before February 5, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 21, 1975.

By the Secretary.

LEWIS F. PARKER,
Administrative Law Judge.

[FR Doc.75–2769 Filed 1–29–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[75–025]

DEEPWATER PORTS

Draft Environmental Impact Statement on Regulations

This notice extends the period for comment on the Draft Environmental Impact Statement (EIS) relating to proposed regulations to be issued under the Deepwater Port Act of 1974, Pub. L. 93–627, until 45 days after the publication of the proposed regulations. Notice of the draft EIS was published in the January 13, 1975, issue of the FEDERAL REGISTER (40 FR 2468). It is anticipated that the proposed regulations will be published about February 14, 1975.

Dated: January 21, 1975.

K. G. WIMAN,
Captain, U.S. Coast Guard,
Manager, Deepwater Ports Project.

[FR Doc.75–2853 Filed 1–29–75;8:45 am]

Federal Aviation Administration

[Docket Nos. 13243 and 14234; Reference Notice Nos. 74–39 & 74–40]

NOISE STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES AND NOISE ABATEMENT MINIMUM ALTITUDES FOR TURBOJET POWERED AIRPLANES IN TERMINAL AREAS

Public Hearings

The Federal Aviation Administration will hold public hearings March 3–5, 1975, on two proposed amendments to the Federal Aviation Regulations (14 CFR Chapter I) submitted to the FAA by the Environmental Protection Agency under section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Public Law 92–574). These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the substance and issues raised in the proposals contained in notice 74–39, "Noise Standards for Propeller Driven Small Airplanes" (40 FR 1061; January 6, 1975) and notice 74–40, "Noise Abatement Minimum Altitudes for Turbojet Powered Airplanes in Terminal Areas" (40 FR 1072; January 6, 1975).

These hearings will be conducted in the Auditorium on the 3rd Floor of the Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C., convening at 9 a.m. each day, according to the following schedule:

March 3 & 4, "Noise Standards for Propeller Driven Small Aircraft": Notice 74–39 (40 FR 1061; January 6, 1975; Docket No. 13243).

March 5, "Noise Abatement Minimum Altitudes for Turbojet Powered Airplanes in Terminal Areas": Notice 74–40 (40 FR 1072; January 6, 1975; Docket No. 14234).

In the event that there is response to this notice that exceeds the time allotted to either hearing, that hearing will be continued to March 6, 1975, in the FAA Auditorium.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At each hearing FAA spokesmen will make a brief opening statement regarding the proposals contained in the respective Notices. Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective proposals. Written statements should be submitted in duplicate and will be made a part of the regulatory docket of each proposed amendment. Persons wishing to make oral statements at one or both of the hearings must notify the FAA as to which proceeding and the date they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard should be addressed: "Attention: Presiding Officer, Public Hearing on Notice 74–("39" or "40," as may be appropriate), Office of the Chief Counsel, Rules Docket, AGC–24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591."

In addition to material presented for the purpose of the hearings, persons not participating in the hearings are invited to submit relevant written comments to the regulatory docket established for each Notice of Proposed Rule Making. As stated in those notices, such written comments should identify the notice or docket number and be submitted in duplicate to: Office of the Chief Counsel, Rules Docket, AGC–24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. The closing date for submitting written comments is March 7, 1975. All comments will be available for examination in the FAA Rules Docket both before and after the closing date for comments.

Notice 74–39 and Notice 74–40 were issued by the FAA in accordance with section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (PL 92–574). Each Notice contains proposed regulations submitted to the FAA by the Environmental Protection Agency to provide such control and abatement of aircraft noise as EPA determines is necessary to protect the public health and welfare. The Notices present the background of the respective proposals and contain the material that is the subject of the public hearing. While all relevant comments are of interest, the FAA specifically invites relevant statements or comments concerning the following:

(a) Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

(b) The views and positions of other Federal, State, and interstate agencies.

(c) Whether the proposed regulations would be consistent with the highest degree of safety in air commerce and air transportation in the public interest.

(d) Whether the proposed regulations would be—

(1) economically reasonable;

(2) technologically practicable; and

(3) appropriate for the particular types of aircraft, aircraft engine, appliance, or certificate to which they would apply.

(e) the extent to which the proposed regulations would contribute to providing protection to the public health and welfare and to carrying out the other purposes of section 611 of the Federal Aviation Act of 1958, as amended.

(f) The overall environmental impacts of the proposed regulations (including environmental factors other than noise).

Before taking further action under section 611(c) of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearings and all relevant written statements and comments submitted and made part of the regulatory dockets. The specific terms and substance of proposals contained in the respective notices may be changed in the light of those statements and comments presented.

A transcript of the hearings will be made and anyone may purchase a copy of them from the reporter. A transcript of the hearings will be available for examination in the respective rules dockets.

AUTHORITY: [Sec. 307(a) and (c), 313(a), 601, 603, 604, 605, and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a) and (c), 1354(a), 1421, 1423, 1424, 1425, and 1431(c)), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c), 5 U.S.C. 553(b) and (c), and 44 U.S.C. 1508].

Issued in Washington, D.C., on January 27, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR. Doc.75–2851 Filed 1–29–75;8:45 am]

ATOMIC ENERGY COMMISSION

LIQUID METAL FAST BREEDER REACTOR PROGRAM

Notice of Availability of Proposed Final Environmental Statement

Correction

FR Doc. 75–2041, which appeared at page 3804 of the issue for Friday, January 24, 1975, was inadvertently placed under the Nuclear Regulatory Commission. It should have been carried under the Atomic Energy Commission, as set forth above, and the last line of the document, reading "For the Nuclear Regulatory Commission." should read "For the Atomic Energy Commission".

CIVIL AERONAUTICS BOARD

[Docket No. 26510]

DOMESTIC NIGHT COACH FARE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 5, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before February 10, 1975, and the other parties on or before February 21, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–2832 Filed 1–29–75;8:45 am]

[Docket 23080–2; Order 75–1–105]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES

Order Reclassifying Stations

Issued under delegated authority January 27, 1975.

Order 74–9–83, dated Septemebr 24, 1974, and effective October 12, 1974, classified the stations for the purposes of the multielement service mail rate formulas applicable to the transportation of sack mail and for standard and daylight container mail. Upon review of the revenue tons enplaned by stations for the year ended September 30, 1974, the Board finds that certain stations require reclassification.

The multielement service mail rate formulas,[1] which were designed to provide a uniform rate of pay for like mail service, are comprised of a linehaul rate and a terminal charge which varies by class of station.[2] These are applicable to both sack and container mail.

The orders fixing the multielement service mail rates provide for the reclassification of stations, without disturbing the overall rate structure, when the revenue tons enplaned at the stations in question bring such stations within a different class.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.16(c); it is found that:

1. The present classification of stations should be amended, based on the volume of on-line revenue tons enplaned during the year ended September 30, 1974,[3] to bring certain stations within the new classifications shown in the Appendix.

2. Such reclassifications should be made effective February 1, 1975, which date will be the first day of the next 28-day U.S. Postal Service Accounting Period.

3. In view of the foregoing, the lists of stations included in the Appendix attached to Order 74–9–83 for the station classes should be amended to reflect the new classifications designated herein.

Accordingly, pursuant to the delegated authority referred to above,

It is ordered that: 1. Effective February 1, 1975, the stations included in each of the station classes should be as specified in the Appendix attached hereto, *provided* That any station not listed in the Appendix shall be classified as a Class Z station;

2. Effective February 1, 1975, the Appendix attached to Order 74–9–83 shall be superseded by the Appendix attached hereto; and

[1] Order 74–1–89, January 16, 1974, as amended, fixed temporary service mail rates for sack mail and for standard and daylight container mail, effective on and after March 28, 1973.

[2] As set forth in Order 74–5–82, May 16, 1974, and incorporated by reference in Order 74–9–83, the standards for station classification are as follows:

Class of stations:	*Total revenue tons enplaned per year*
X	27,000 and over.
Y	5,400 to 26,999.
Z	5,399 or less.

[3] Traffic data for 12 months ended September 30, 1974, cover the most recent 12-month period for which an official compilation is available.

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3. This order be served upon all parties in Docket 23080–2.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

CLASSIFICATION OF STATIONS FOR DETERMINATION OF AIR MAIL TERMINAL CHARGES

CLASS X STATIONS

Akron/Canton, Ohio
Albany, New York
Albuquerque, New Mexico
Anchorage, Alaska
Atlanta, Georgia
Austin, Texas
Baltimore, Maryland
Billings, Montana
Birmingham, Alabama
Boise, Idaho
Boston, Massachusetts
Buffalo and Niagara Falls, New York
Charleston, South Carolina
Charlotte, North Carolina
Chicago, Illinois
Cincinnati, Ohio
Cleveland, Ohio
Colorado Springs, Colorado
Columbia, South Carolina
Columbus, Ohio
Dallas and Ft. Worth, Texas
Dayton, Ohio
Denver, Colorado
Des Moines, Iowa
Detroit and Ann Arbor, Michigan
El Paso, Texas
Fairbanks, Alaska
Fort Lauderdale, Florida
Fresno, California
Grand Rapids, Michigan
Green Bay/Clintonville, Wis.
Greensboro/High Point, N.C.
Greenville and Spartanburg, S.C.
Hamilton, Bermuda
Harrisburg/York, Pa.
Hartford/Springfield/Westfield, Conn.
Hilo, Hawaii, Hawaii
Honolulu, Oahu, Hawaii
Houston, Texas
Indianapolis, Indiana
Jackson-Vicksburg, Miss.
Jacksonville, Florida
Kansas City, Missouri
Knoxville, Tennessee
Las Vegas, Nevada
Little Rock, Arkansas
Los Angeles/Long Beach, Calif.
Louisville, Kentucky
Madison, Wisconsin
Memphis, Tennessee
Mexico City, Mexico
Miami, Florida
Milwaukee, Wisconsin
Minneapolis/St. Paul, Minnesota
Moline, Illinois/Davenport, Iowa
Montreal, Quebec, Canada
Nashville, Tennessee
Nassau, Bahamas
Newark, New Jersey
New Orleans, Louisiana
New York, New York
Norfolk/Virginia Beach/Portsmouth, Va.
Oakland, California
Oklahoma City, Oklahoma
Omaha, Nebraska
Ontario & San Bernardino, Cal.
Orlando, Florida
Philadelphia, Pa./Camden, N.J.
Phoenix, Arizona
Pittsburgh, Pennsylvania
Portland, Oregon
Providence, Rhode Island
Raleigh/Durham, North Carolina
Reno, Nevada
Richmond, Virginia
Roanoke, Virginia
Rochester, New York
Sacramento, California
St. Louis, Missouri
Salt Lake City, Utah
San Antonio, Texas
San Diego, California
San Francisco, California
San Jose, California
San Juan, Puerto Rico
Sarasota/Bradenton, Florida
Seattle/Tacoma, Washington
Shreveport, Louisiana
Spokane, Washington
Syracuse, New York
Tampa & St. Petersburg/Clearwater & Lakeland, Fla.
Toledo, Ohio
Toronto, Ontario, Canada
Tucson, Arizona
Tulsa, Oklahoma
Vancouver, British Columbia, Canada
Washington, District of Columbia
West Palm Beach/Palm Beach, Fla.
Wichita, Kansas

CLASS Y STATIONS

Acapulco, Mexico
Agana Nas, Guam Island
Albany, Georgia
Alexandria, Louisiana
Allentown/Bethlehem/Easton, Pa.
Amarillo, Texas
Asheville, North Carolina
Ashland, Ky./Huntington, W. Va.
Augusta, Georgia
Bakersfield, California
Bangor, Maine
Baton Rouge, Louisiana
Binghamton/Endct/Jhnsn Cty, N.Y.
Bismarck/Mandan, North Dakota
Bristol/Knsprt/Jhnsn Cty, Tenn.
Brownsville, Texas
Burbank, California
Burlington, Vermont
Calgary, Alberta, Canada
Casper, Wyoming
Cedar Rapids/Iowa City, Iowa
Champaign/Urbana, Illinois
Charleston/Dunbar, West Virginia
Charlotte Amalie, Virgin Is., U.S.
Chattanooga, Tennessee
Christianstd, St. Croix, V.I., U.S.
Columbus, Georgia
Corpus Christi, Texas
Daytona Beach, Florida
Dothan, Alabama
Duluth, Minn./Superior, Wis.
Eglin Air Force Base, Florida
Elmira/Corning, New York
Erie, Pennsylvania
Eugene, Oregon
Eureka/Arcata, California
Evansville, Indiana
Fargo, N.D./Moorhead, Minnesota
Fayetteville, North Carolina
Flint, Michigan
Fort Myers, Florida
Fort Smith, Arkansas
Fort Wayne, Indiana
Freeport, Bahamas
Gainesville, Florida
Grand Forks, North Dakota
Grand Junction, Colorado
Great Falls, Montana
Gulfport/Biloxi, Mississippi
Huntsville & Decatur, Alabama
Idaho Falls, Idaho
Indio/Palm Springs, California
Islip, Long Island, New York
Joplin, Missouri
Juneau, Alaska
Kalamazoo-Battle Creek, Mich.
Ketchikan, Alaska
Kingston, Jamaica
Lafayette, Louisiana
Lansing, Michigan
Lexington/Frankfort, Kentucky
Lincoln, Nebraska
Lubbock, Texas
Lynchburg, Virginia
Macon, Georgia
Medford, Oregon
Melbourne, Florida
Midland/Odessa, Texas
Minot, North Dakota
Mission/McAllen/Edinburg, Texas
Missoula, Montana
Mobile, Alabama
Monroe, Louisiana
Montego Bay, Jamaica
Montgomery, Alabama
Muskegon, Michigan
Newport News/Hampton, Virginia
Oshkosh/Appleton, Wisconsin
Panama City, Florida
Pasco/Kennewick/Richland, Wash.
Pensacola, Florida
Peoria, Illinois
Portland, Maine
Rapid City, South Dakota
Rochester, Minnesota
Saginaw/Bay City/Midland, Mich.
Salinas/Monterey, California
Santa Ana/Laguna Beach, Calif.
Santa Barbara, California
Santo Domingo, Dominican Rep.
Savannah, Georgia
Scranton/Wilkes-Barre, Penna.
Sioux City, Iowa
Sioux Falls, South Dakota
South Bend, Indiana
Springfield, Illinois
Springfield, Missouri
Tallahassee, Florida
Traverse City, Michigan
Waterloo, Iowa
Wausau/Marshfield, Wisconsin
Wilmington, North Carolina
Winnipeg, Manitoba, Canada
Winston-Salem, North Carolina
Yakima, Washington
Youngstown, Ohio

CLASS Z STATIONS

Aberdeen, South Dakota
Aberdeen/Hoquiam, Washington
Abilene, Texas
Alamogordo/Holloman AFB, N. Mex.
Alamosa, Colorado
Alliance, Nebraska
Alpena, Michigan
Altoona, Pennsylvania
Anderson, South Carolina
Anniston, Alabama
Apple Valley, California
Aruba, Netherlands Antilles
Aspen, Colorado
Astoria/Seaside, Oregon
Athens, Georgia
Bridgetown, Barbados
Bartlesville, Oklahoma
Beaumont/Port Arthur, Texas
Beckley, West Virginia
Beloit/Janesville, Wisconsin
Bemidji, Minnesota
Bend/Redmond, Oregon
Benton Harbor/St. Joseph, Mich.
Big Spring, Texas
Bloomington, Illinois
Blythe, California
Bozeman, Montana
Bradford, Pennsylvania
Brainerd, Minnesota
Bridgeport, Connecticut
Brookings, South Dakota

Brownwood, Texas
Brunswick, Georgia
Burlington, Iowa
Butte, Montana
Cape Girardeau, Missouri
Carlsbad, New Mexico
Cedar City, Utah
Chadron, Nebraska
Charlottesville, Virginia
Cheyenne, Wyoming
Chico, California
Chisholm/Hibbing, Minnesota
Clarksburg/Fairmont, W. Virginia
Clarksvle/Ft. Cam/Hopksvle, Tenn.
Clinton, Iowa
Clovis, New Mexico
Columbia/Jefferson City, Mo.
Columbus, Mississippi
Columbus, Nebraska
Cordova, Alaska
Cortez, Colorado
Crescent City, California
Crossville, Tennessee
Curacao, Netherlands Antilles
Danville, Virginia
Decatur, Illinois
Devils Lake, North Dakota
Dubuque, Iowa
Durango, Colorado
Eau Claire, Wisconsin
El Centro, California
El Dorado/Camden, Arkansas
Elko, Nevada
Ely, Nevada
Enid, Oklahoma
Ephrata/Moses Lake, Washington
Escanaba, Michigan
Fairmont, Minnesota
Farmington, New Mexico
Fayetteville, Arkansas
Flagstaff, Arizona
Florence/Sheffeld/Tusc., Alabama
Florence, South Carolina
Fort De France, Martinique
Fort Dodge, Iowa
Fort Leonard Wood, Missouri
Gadsden, Alabama
Galesburg, Illinois
Gallup, New Mexico
Garden City, Kansas
Glasgow, Montana
Glendive, Montana
Glens Falls, New York
Goldsboro, North Carolina
Goodland, Kansas
Grand Canyon, Arizona
Grand Island, Nebraska
Greenbrier/Wh. Sulphur Spg., W. Va.
Greenville, Mississippi
Greenwood, Mississippi
Greenwood, South Carolina
Guadalajara, Mexico
Guaymas, Mexico
Gunnison, Colorado
Hancock/Houghton, Michigan
Harlingen/San Benito, Texas
Harrison, Arkansas
Hastings, Nebraska
Havre, Montana
Hays, Kansas
Helena, Montana
Hickory, North Carolina
Hobbs, New Mexico
Hot Springs, Arkansas
Hot Springs, Virginia
Huron, South Dakota
Hyannis, Massachusetts
Imperial, California
Independence/Cofyvle/Parsons, Kans.
International Falls, Minnesota
Iron Mountain/Kingsfd, Michigan
Ironwood, Mich./Ashland, Wis.
Ithaca/Cortland, New York
Jackson, Michigan
Jackson, Tennessee
Jackson, Wyoming
Jacksonville/Camp Lejeune, N.C.
Jamestown, New York
Jamestown, North Dakota
Johnstown, Pennsylvania
Jonesboro, Arkansas
Kalispell, Montana
Kearney, Nebraska
Keene, New Hampshire
Kingman, Arizona
Kinston, North Carolina
Kirksville, Missouri
Klamath Falls, Oregon
La Crosse, Wisconsin
Lafayette, Indiana
Lake Charles, Louisiana
Lake Havasu City, Arizona
Lake of the Ozarks, Missouri
Lake Tahoe, California
Lamar, Colorado
La Paz, Mexico
Laramie, Wyoming
Laredo, Texas
Laurel-Hattiesburg, Mississippi
Lawton/Fort Sill, Oklahoma
Lewiston, Idaho/Clarkston, Wash.
Lewistown, Montana
Liberal, Kan.–Guymon, Okla.
London/Corbin, Kentucky
Longview/Kilgor/Gladwatr, Texas
Lovell/Powell/Cody, Wyoming
Lufkin, Texas
Manchester/Concord, N. Hampshire
Manhattan/Jct. Cty/Ft. Rily, Kan.
Manistee/Ludington, Michigan
Manitowoc/Sheboygan, Wisconsin
Mankato, Minnesota
Marinette, Wis/Menominee, Mich.
Mafion/Herrin, Illinois
Marquette, Michigan
Martha's Vineyard, Massachusetts
Mason City, Iowa
Mattoon/Charleston, Illinois
Mazatlan, Mexico
McCook, Nebraska
Merced, California
Merida, Mexico
Meridian, Mississippi
Miles City, Montana
Mitchell, South Dakota
Moab, Utah
Modesto, California
Monterrey, Mexico
Montrose/Delta, Colorado
Morgantown, West Virginia
Moultrie/Thomasville, Georgia
Mount Vernon, Illinois
Muskogee, Oklahoma
Myrtle Beach, South Carolina
Nantucket, Massachusetts
Natchez, Mississippi
New Bedford/Fall River, Mass.
New Bern & Morehd Cty/Beaufrt, NC
New Haven, Connecticut
Norfolk, Nebraska
North Bend/Coos Bay, Oregon
North Platte, Nebraska
Olympia, Washington
Ottawa, Ontario, Canada
Ottumwa, Iowa
Owensboro, Kentucky
Paducah, Kentucky
Page, Arizona
Pago Pago, American Samoa
Palmdale/Lancaster, California
Paris, Texas
Parkersburg, W. Va./Marietta, Ohio
Pellston, Michigan
Pendleton, Oregon
Pierre, South Dakota
Pine Bluff, Arkansas
Plattsburgh, New York
Pocatello, Idaho
Pointe a Pitre, Guadeloupe
Ponape, Caroline Islands
Ponca City, Oklahoma
Ponce, Puerto Rico
Port au Prince, Haiti
Port of Spain, Trinidad & Tobago
Presque Isle/Houlton, Maine
Princeton/Bluefield, W. Virginia
Pueblo, Colorado
Puerto Vallarta, Mexico
Pullman, Wash/Moscow, Ida.
Quincy, Ill/Hannibal, Mo.
Red Bluff/Redding, California
Rhinelander, Wisconsin
Riverton/Lander, Wyoming
Rockford, Illinois
Rock Springs, Wyoming
Rocky Mount, North Carolina
Roswell, New Mexico
St. Johns, Antigua
St. Lucia British West Indies
St. Martin, Netherland Antilles
Salem, Oregon
Salina, Kansas
San Angelo, Texas
San Luis Obispo/Paso Robles, Cal.
Santa Maria, California
Santa Rosa, California
Saranac Lake/Lake Placid, N.Y.
Sault Ste. Marie, Michigan
Scottsbluff, Nebraska
Shelbyville/Tullahoma, Tenn.
Sheridan, Wyoming
Sidney, Montana
Sidney, Nebraska
Silver City/Hurley, New Mexico
Sitka, Alaska
Staunton, Virginia
Steamboat Springs/Hayden, Colo.
Sterling/Rock Falls, Illinois
Stillwater, Oklahoma
Stockton, California
Temple, Texas
Texarkana, Arkansas
Thief River Falls, Minnesota
Thunder Bay, Ontario, Canada
Tinian, Mariana Islands
Titusville, Florida
Topeka, Kansas
Tupelo, Mississippi
Tuscaloosa, Alabama
Twin Falls, Idaho
Tyler, Texas
University/Oxford, Mississippi
Utica/Rome, New York
Valdosta, Georgia
Vernal, Utah
Visalia, California
Waco, Texas
Walla Walla, Washington
Watertown, New York
Watertown, South Dakota
Wenatchee, Washington
West Yellowstone, Montana
White Plains, New York
White River Jun./Lebanon, New Hampshire
Wichita Falls, Texas
Williamsport, Pennsylvania
Williston, North Dakota
Wilmington, Delaware
Winslow, Arizona
Wolf Point, Montana
Worcester, Massachusetts
Worland, Wyoming
Worthington, Minnesota
Yakutat, Alaska
Yankton, South Dakota
Yuma, Arizona

[FR Doc.75–2834 Filed 1–29–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a Factfinding meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on February 20, 1975, in the Conference Room, Administration Building, School-

V4021 JAN30 75 XUM

craft Community College, Liberal Arts Theater, Livonia, Michigan 48151.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) testimony describing the new Community Development, (2) Demographic description of the Detroit suburb of Livonia, Michigan, (3) testimony describing the development of Livonia's official request for Community Development Block Grant funds, (4) testimony describing expert responses to Livonia's application for Community Development funds, etc.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 24, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-2765 Filed 1-29-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 707) notice is hereby given that the Michigan State Advisory Committee to the U.S. Commission on Civil Rights will meet in a closed session at 7 p.m., Wednesday, February 19, 1975, in the Conference Room, Administration Building, Schoolcraft Community College, Livonia, Michigan 48151.

The agenda will consist of discussions briefing Advisory Committee on anticipated testimony to be heard in open session on February 20, 1975.

I have determined that this meeting would fall within Exemption (5) of 5 U.S.C. 522 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on January 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-2766 Filed 1-29-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 12 noon, on February 26, 1975, at Phelps Stokes Fund 10 E. 87th Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to public hearing and follow-up to release of New York corrections report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 24, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-2767 Filed 1-29-75;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on February 20, 1975, at West Virginia State College, 227 Wallace Hall, Institute, West Virginia.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of the meeting is to discuss sub-committee reports on activities in Alderson, Parkersburg, Wheeling and Kanawha County. Also, to make final decision on the next project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 24, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-2768 Filed 1-29-75;8:45 am]

CIVIL SERVICE COMMISSION

DENTAL HYGIENIST

Establishment of Minimum Rate and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established a special minimum salary rate and rate range as follows:

[Table No. 354]

Occupational coverage. GS-682 Dental Hygienist.

Geographic coverage. Knoxville, Iowa.

Effective date. First day of the first pay period beginning on or after February 2, 1975.

Per Annum Rates

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$10,198	$10,481	$10,764	$11,047	$11,330	$11,613	$11,896	$12,179	$12,462	$12,745

Under the provisions of section 3-2b, Chapter 571, FPM, the agency may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-2602 Filed 1-29-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, March 5, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-2831 Filed 1-29-75;8:45 am]

COST ACCOUNTING STANDARDS BOARD

EVALUATION CONFERENCE ON PROMULGATED STANDARDS AND REGULATIONS

Establishment of Time and Place

Notice is hereby given of a Cost Accounting Standards Board Evaluation Conference on Promulgated Standards and Regulations. This notice states the procedures to be followed in that Conference, as well as establishing the time and place for it.

In its research preceding promulgation of Cost Accounting Standards and its rules and regulations, the Cost Accounting Standards Board invites public response to its proposals, and the Board receives numerous and detailed comments concerning them. Subsequently, as part of the annual reports made by relevant Federal agencies, the Board receives an evaluation of ways in which the agencies believe that the Board's Standards, rules and regulations might be revised to improve their effectiveness, to facilitate the conduct of negotiations, and to facilitate the effectiveness of the audit functions. The Board has periodically invited representatives of defense contractors and of professional and industry associations to Board meetings to discuss particular concerns of those representatives, including from time to time their evaluation of promulgated Standards and regulations.

The Board, however, does not have a formally established procedure for receiving evaluations of promulgated Standards and regulations from private firms, professional associations, or other associations and persons outside of the Government who are concerned with the effectiveness of the Board's Standards, rules and regulations. It is to provide for receiving such evaluations that the Board is conducting this Evaluation Conference on Promulgated Standards and Regulations.

Place, Time, and Duration of the Conference. The conference will be held at the Hyatt Regency O'Hare Hotel, River Road at Kennedy Expressway, Rosemont, Illinois 60018. This location is adjacent to O'Hare International Airport serving Chicago, Illinois.

The Conference will commence at 9 a.m. on June 11, 1975.

The Conference will last for two days.

General Scope of the Conference. The Conference is held to receive suggestions and recommendations for revising promulgated Cost Accounting Standards, rules and regulations of the Board, in order (1) to improve their effectiveness, (2) to facilitate the conduct of contract negotiations, and (3) to facilitate the effectiveness of the audit functions.

The Board desires that to the extent possible each suggestion or recommendation be substantiated through use of examples and actual data derived from experience to support the logic of the suggestions or recommendations.

The Board particularly desires to receive suggestions and recommendations from Government prime contractors and subcontractors, in keeping with the Board's desire to be informed of the actual impact of its regulations and Cost Accounting Standards in specific contractual situations.

Since the Board wishes the Conference to focus on experience in the use of promulgated Standards and regulations, the Conference will be limited to a review of the following Board Standards and regulations, all of which will have been effective for about one year prior to the time of the Conference:

Contract Regulation (4 CFR, Part 331)
Disclosure Regulation (4 CFR, Part 351)
Standard Number 401—CONSISTENCY IN ESTIMATING, ACCUMULATING AND REPORTING COSTS.
Standard Number 402—CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE.
Standard Number 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS.
Standard Number 404—CAPITALIZATION OF TANGIBLE ASSETS.
Standard Number 405—ACCOUNTING FOR UNALLOWABLE COSTS.
Standard Number 406—COST ACCOUNTING PERIOD.

Since the Board is interested in the impact and effectiveness of all of these Standards and regulations, participants are invited to discuss all six of these Standards and the two regulations indicated above.

Those Invited to Participate. Persons appearing on their own behalf or as representatives of firms, companies, colleges or universities, professional associations, departments or agencies of Government, or other interested groups may all participate.

Attendance at the Conference. The Conference shall be open to the public, and all interested persons are invited to attend. In order to allow the Board to make appropriate arrangements for the Conference meeting room, anyone who will attend the Conference, either as a participant or as an observer, is asked to notify the Administrative Officer of the Board of that fact prior to June 9, 1975. A record of the Proceedings will be kept and may be inspected at the Offices of the Board, 441 G Street, NW., Washington, D.C. 20548.

Written Presentations. Persons who do not wish to appear in person but who do wish to submit written statements to the Evaluation Conference may do so. Such statements must arrive at the office of the Board no later than June 10, 1975, in order to be included in the record of the Conference.

Oral Presentations. Oral presentations by participants shall be no more than 10 minutes in duration. Oral presentations may be followed by questions from Board Members and the Executive Secretary of the Board, for no more than 20 minutes.

Persons wishing to make an oral presentation at the Conference must notify the Executive Secretary of the Board in writing of this fact no later than April 21, 1975. After receipt of such notifications, the Executive Secretary will inform every person providing such a notification of the day and probable time of his appearance at the Conference.

Anyone making a presentation in person to the Conference must provide 10 written copies of his presentation to the Board by May 26, 1975. Examples and actual data to be used in the presentation should if possible be included.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2805 Filed 1-29-75;8:45 am]

INDEXES

Maintenance and Publication

Pub. L. 93-502 provides for maintenance and publication of indexes of certain materials as described in 5 U.S.C. 552(a)(2). At the present time, no such materials have been generated by the Cost Accounting Standards Board. Moreover, it is not anticipated that such material will be generated by the Board.

Accordingly it is hereby determined that publication in the FEDERAL REGISTER of indexes of the type described is unnecessary and impractical. Records of the Board nonetheless shall remain available for inspection and copying in accord with the Board's rules and regulation set out in 4 CFR Part 303.

(84 Stat. 796, sec. 103; 50 U.S.C. App. sec. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2857 Filed 1-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 328-3]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Agenda and Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the Effluent Standards and Water Quality Information Advisory Committee established pursuant to section 515 of the Federal Water Pollution Control Act, as amended ("the Act"), 33 U.S.C. 1375, Pub. L. 92-500, 86 Stat. 816.

On January 21, 1975, the Committee received notice from the Administrator of the Environmental Protection Agency of his intention to propose regulations providing standards of performance for new sources under section 306 of the Act for the source category of privately owned sewage treatment works which treat wastes from primarily domestic sources and to propose the application of these same standards to all non-federally funded publicly-owned treatment facilities. The statute authorizes the Chairman of the Committee to publish a notice of a public hearing within 10 days after receipt of such notice and to hold a public hearing within 30 days. The hearing, hereby, will be held on March 6, 1975 at 9 a.m. in the Conference Room 1112, Crystal Mall, Building #2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The hearing will be open to the public. The purpose of the hearing will be to elicit scientific and technical information as is pertinent to the determinations required to be made by the Administrator when proposing regulations to the categories referenced above.

Persons desiring to attend and/or present oral testimony may write to Dr. Martha Sager, Chairman, ES&WQIAC, Room 821, CM2, Washington, D.C. 20460 or call A.C. 703-557-7390 since space and time is limited. Written statements may be presented to the Committee Chairman at the hearing or mailed within 10 days after the hearing and will be made available to the public upon request pursuant to section 10(b) of the Federal Advisory Committee Act (Pub. L. 92-463) 86 Stat. 770 subject to provisions of section 552 of Title 5, U.S.C.

Dated: January 24, 1975.

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.75-2723 Filed 1-29-75;8:45 am]

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[FRL 328-2]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Meeting

Notice is hereby given of a series of meetings to be conducted throughout calendar year 1975 by the Effluent Standards and Water Quality Information Advisory Committee for the purpose of acquiring information on Best Available Technology (BAT) under Pub. L. 92-500.

The ES&WQIAC has statutory responsibilities under Pub. L. 92-500 to provide, assess and evaluate scientific and technical information for the Administrator of EPA to assist in development of industrial effluent limitations. In view of current developments, the Committee is focusing its primary attention on BAT. The Committee's objective is to develop comprehensive technical information which will; meet the objectives of Pub. L. 92-500, have wide industry acceptance, and be useful in guiding EPA's efforts in establishing BAT. Section 304 of Pub. L. 92-500 specifies that the regulations developed shall:

(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate; and

(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants.

The ES&WQIAC meetings are being designed to develop sources and information which will meet and assist in establishing the cited guidance. The Committee encourages all interested parties to contact the Committee offices with recommendations for specific meetings and program plans.

Call A.C. 703 557-7390 or write Dr. Martha Sager, Chairman, ES&WQIAC or Mr. Martin Brossman, Exec. Secretary, ES&WQIAC, Room 821, Crystal Mall, Building 2, Washington, D.C. 20460.

The first of the series of BAT sessions will discuss ALCOA's "Thermopure Process for Environmental Control and Energy Conservation." A brief synopsis follows:

The ALCOA Laboratories have developed water treatment processes which it believes can contribute significantly to the solution of major problems of concern to both industry and the community in the areas of water quality and supply, energy conservation, and environmental control. One of the processes, designated ALCOA Thermopure, will be discussed in detail because it offers a great deal of flexibility and has the broad capability of extracting potable water or high purity water from sea water, oily waste water, industrial waste water, or sewage effluent. This new system operates from low pressure steam which may be generated from convenient sources of waste heat such as stack gases. This ALCOA Thermopure Process has been under development with ALCOA for several years, and has demonstrated its practicability through pilot scale operations. The process employs conventional materials of construction and established mechanical and chemical engineering technology and operating practices. Thus, the ALCOA Thermopure Process is compatible with today's materials and engineering practices and warrants consideration for the many systems that require potable or high quality water, energy conservation, and environmental considerations. In effect, the ALCOA Thermopure Process can achieve the very desirable goals of a closed loop system. Water or other basic materials are recycled; use of waste heat conserves energy; and various kinds of pollutants may be concentrated either for recovery or ease of disposal. In addition to waste water treatment, the ALCOA Thermopure Process can be combined with electric power production into an industrial or community utility complex that would furnish the service needs of electrical heating, cooling and waste water treatment from a central and more efficient source.

The meeting will be held February 26, 1975, 9 a.m., Room 1112, Bldg. #2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Virginia. An opportunity will be provided in the afternoon session beginning at 1:30 p.m. for additional discussion of the morning's session and inputs to the ES&WQIAC for future sessions. The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write Dr. Martha Sager, Chairman, or Mr. Martin Brossman, Exec. Secty, ES&WQIAC, Room 821, CM 2, Wash., D.C. 20460—Tel: A.C. 703 557-7390.

Dated: January 24, 1975.

MARTHA SAGER,
Effluent Standards and Water Quality Information Advisory Committee.

[FR Doc.75-2573 Filed 1-29-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20323, 20324; File Nos. BPH-8857, BPH-8956]

CREST HILL COMMUNICATIONS, INC. AND NELSON BROADCASTING CO.

Order—Designating Applications for Consolidated Hearing

In re applications of Crest Hill Communications, Inc., Crest Hill, Illinois, requests: 98.3 MHz, #252, 3 kW(H&V); 300 feet; Woodrow D. Nelson and Vertel S. Nelson d/ba Nelson Broadcasting Company, Crest Hill, Illinois, requests: 98.3 MHz, #252, 3 kW(H&V); 300 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the two above-captioned applications which are mutually exclusive in that they seek the same channel in Crest Hill, Illinois.

2. In response to inquiries from the Commission's staff, Crest Hill Communications, Inc. [Crest Hill], assured the Commission that interviews have been conducted by the applicant with community leaders representing the interests of labor unions; however, no data was supplied to support this assertion.[1] Similarly, statements concerning additional interviews conducted with community leaders of areas to be served outside of the community of license were undocumented in the application. In light of these deficiencies, an issue will be included to determine whether the efforts of Crest Hill comport with the requirements of the Commission's *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971).

3. In addition, the Crest Hill application states that the individual responsible for the survey of the members of the general public had been hired specifically for the purpose of conducting this survey, and that "• • • she would be definately [sic] considered for future employment • • •" in the event that Crest Hill was successful in its application. The decision in *Voice of Dixie, Inc.*, 45 FCC 2d 1027 (1974), *recon. denied*, 47 FCC 2d 526 (1974), emphasized that the requirements of the Primer are "unequivocal"; the survey of the members of the general public is to be conducted by those individuals enumerated in question and answer 11(b) of the *Primer*—principals, employees, prospective employees, or a professional research or survey service. The underlying philosophy concerning provision of the *Primer* is to assure the Commission that those individuals responsible for the survey will be associated with the applicant; in this manner, the contact with the community initiated by the survey process will be a continuing one.[2] Accordingly, our understanding of the term "prospective employee" connotes one who will be an employee in the future—assuming the applicant is successful in acquiring the station—and not merely an individual who will be *considered* for employment. The assurance inherent in our understanding and use of the term "prospective employee" is lacking when individuals whose long-term connection with the applicant is so tenuous as to be only "considered" for future employment. Such a reading of "prospective employee," as urged by Crest Hill, would render the distinctions drawn in the *Primer* and discussed in *Voice of Dixie* meaningless, and would negate, to a large extent, the very purpose of the *Primer* in this regard. As this matter can be fully investigated within the scope of the issue specified in paragraph 2, above, no additional issue is warranted.

4. *By Memorandum Opinion and Order* in Docket No. 19550, FCC No. 73-1252, adopted on November 28, 1973, the Commission ordered Van Schoick Enterprises, Inc., the licensee of station WOLI (FM), in Ottawa, Illionis, to cease operation on channel 252A, effective December 1, 1973, and to apply for operation on channel 237A. This change would allow channel 252A to be assigned to Crest Hill, Illinois; authority for operation on this channel is the subject of the instant proceeding. In the event of a grant of either of the applications under consideration, the construction permit will be conditioned to specify that program tests will not be authorized, nor a license issued, until WOLI is licensed for operation and operating on channel 237A.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Crest Hill Communications, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

7. *It is further ordered*, That, in the event of a grant of either application, the construction permit shall contain the following condition:

Program test authority will not be issued, nor will a license be granted, until station WOLI(FM), Ottawa, Illinois, is licensed for and has commenced operation on channel 237A.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-2796 Filed 1-29-75;8:45 am]

[1] The Commission received a request from Crest Hill dated December 11, 1974, for additional time in which to respond to the matters raised in a Commission letter dated September 25, 1974. Attached to this request was a statement, signed by the president of the applicant, which attempted to answer some of the issues raised in the September 25 letter, but clearly stated that additional material was forthcoming. By letter dated January 2, 1975, the Commission noted that an opposition to this request for additional time had been received from the competing applicant, and, upon review, the request appeared unreasonable; the applications were to be processed in the normal course. Where possible, the information contained in the December 11 letter from Crest Hill was treated as an amendment to the application, and the information contained therein was incorporated into the application.

[2] An exception was made to allow the general public survey to be conducted by a professional research or survey service; see question and answer 11(b) of the *Primer* and the related discussion in the text of the *Report and Order, supra.*

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

As a matter of public notice, members of the Executive Committee of the Radio Technical Commission for Aeronautics will meet on administrative matters on February 28, 1975, in RTCA Conference Room 261, 1717 H Street NW., commencing at 9:30 a.m.

The Agenda for the meeting is:

Approval for publication of Environmental Conditions and Test Procedures for Airborne Electronics/Electrical Equipment and Instruments.

The meeting is open to the public on a space available basis. Any members of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring to attend the meeting or more specific information should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or phone area code 202/296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-2799 Filed 1-29-75;8:45 am]

PRIME TIME ACCESS RULE

Top 50 Markets

JANUARY 22, 1975.

For the purpose of the prime time access rule (§ 73.658(k)), the top 50 markets are determined on the basis of rankings according to prime time audience for all stations in the market, as listed each year in the Arbitron (American Research Bureau) publication *Television Market Analysis*, to apply in the broadcast year starting the following September. Arbitron issued its 1974 listing November 1, 1974. The list of top 50 markets for the year 1975-76 (starting September 8, 1975), in alphabetical order is as follows:

Albany-Schenectady-Troy
Atlanta
Baltimore
Birmingham
Boston
Buffalo
Charleston-Huntington, W. Va.
Charlotte
Chicago
Cincinnati
Cleveland
Columbus, Ohio
Dallas-Ft. Worth
Dayton
Denver
Detroit
Grand Rapids-Kalamazoo
Greensboro-Winston Salem-High Point
Greenville-Spartanburg-Asheville
Hartford-New Haven
Houston
Indianapolis
Kansas City
Los Angeles
Louisville
Memphis
Miami
Milwaukee
Minneapolis-St. Paul
Nashville
New Orleans
New York
Norfolk-Portsmouth-Newport News-Hampton
Oklahoma City
Orlando-Daytona Beach
Philadelphia
Phoenix
Pittsburgh
Portland, Oregon
Providence
Sacramento-Stockton
Salt Lake City
San Antonio
San Diego
San Francisco
Seattle-Tacoma
St. Louis
Tampa-St. Petersburg
Washington, D.C.
Wilkes Barre-Scranton

The rule applies to stations in the above markets which are network-owned or basically network-affiliated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-2798 Filed 1-29-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

GUIDELINES FOR ADJUSTMENTS AND ASSIGNMENTS OF PROPANE AND BUTANE TO PURCHASERS

Notice of Establishment

FEA hereby gives notice of guidelines to be used by the FEA National Office

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and the FEA Regional Offices in making adjustments and assignments of propane and butane pursuant to 10 CFR § 211.12(h). The guidelines are set forth in the Appendix to this notice.

Section 211.12(h) of the Mandatory Petroleum Allocation Regulations provides for adjustments of base period use and supplier assignments for wholesale purchaser-consumers and end-users which have been or may be denied access to a source of energy other than an allocated product as a consequence of curtailment under a plan filed in compliance with a rule or order of a Federal or State agency, or which are or may be unable to obtain such fuel by reason of an abandonment of service permitted or ordered by a Federal or State agency.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

JANUARY 25, 1975.

GUIDELINES FOR ADJUSTMENTS AND ASSIGNMENTS OF PROPANE AND BUTANE TO PURCHASERS WHOSE SUPPLIES OF A SOURCE OF ENERGY HAVE BEEN OR MAY BE CURTAILED AS PROVIDED BY 10 CFR § 211.12(h)

1. *Scope.* These guidelines are issued to provide a consistent basis for application of FEA regulations with respect to adjustments of base period uses of, and assignments of suppliers to, wholesale purchaser-consumers and end-users of propane or butane whose supplies of a source of energy have or may be subject to curtailment or abandonment of service pursuant to a plan filed in compliance with an order or rule of a Federal or State agency. See § 211.12(h) of the Mandatory Petroleum Allocation Regulations (10 CFR § 211.12(h)).

2. *General.* (a) These guidelines are to be used by FEA National and Regional offices in considering applications for adjustments and assignments pursuant to 10 CFR § 211.12(h). They do not constitute regulations, and thus an applicant not coming exactly within the scope of these guidelines should not assume that its application will necessarily be denied. Applicants whose applications are denied can seek review of such denials under 10 CFR Part 205, Subpart H, to urge that application of these guidelines to the particular case is contrary to 10 CFR § 211.12(h). Conversely, the FEA need not apply these guidelines to all applications covered herein, and non-application of these guidelines in such cases is not an adequate basis to support appeals from such decisions.

(b) In reviewing a request for an assignment or adjustment pursuant to § 211.12(h), consideration should be given to these guidelines and the criteria of 10 CFR Parts 211 and 205 (Subparts B and C). In so doing, it may not be possible in many cases to assign a supplier or grant an adjustment because of the effect of the assignment or adjustment upon available supplies of propane or butane.

(c) FEA Regional offices may make adjustments and assignments consistent with these guidelines and 10 CFR § 211.12(h) for propane except that approval from FEA National office should be obtained whenever an adjustment or assignment would result in a wholesale purchaser-consumer's or end-user's receiving in the aggregate 250,000 gallons or more of propane in any period corresponding to a base period. Requests for FEA National office approval should be addressed to Federal Energy Administration, Code 25, Washington, D.C. 20461, or submitted via TWX or FAX to the numbers specified in 10 CFR § 205.12(a).

(d) Adjustments and assignments consistent with these guidelines and 10 CFR § 211.12(h) for butane will be administered by the FEA National office.

(e) Adjustments and assignments of propane and butane to wholesale purchaser-consumers and end-users made pursuant to 10 CFR § 211.12(h) should be made pursuant to the appropriate sections of Subparts B and C of Part 205 of 10 CFR. Adjustment and assignment orders should be limited to a specific calendar year rather than for the duration of the Mandatory Petroleum Allocation Program unless the adjustment or assignment is temporary under the provisions of § 205.29 or § 205.39. Adjustments and assignments, other than temporary adjustments and assignments, for subsequent periods which correspond to a base period may be made through the period which ends December 31, 1975.

(f) Adjustments to and assignments of base period use should not only take into account the applicant's need for a product but also the effect that an adjustment or assignment will have upon the base period supplier's or assigned base period supplier's allocation fraction in order to mitigate any significant adverse impact upon a supplier's other customers.

(g) Previous guidelines with respect to assignment of suppliers (including those published at 39 FR 13585, April 15, 1974) shall be followed in determining whether a supplier shall be assigned.

(i) For both permanent and interim assignments FEA should consider the following:

(i) Goal of equalizing allocation fractions among suppliers;

(ii) Capability of supplier to supply new customers on short notice. (Logistical problems; available inventories in the purchaser's area.)

(2) FEA should weigh the relative allocation fractions heavily in selection of a supplier for assignment orders. The two or three available suppliers with the highest fractions should receive the major share of the assignments in each region. Obviously, other suppliers may have to share if the volume is so great that logistical problems are raised by assigning to only two or three companies. In some cases it may not be possible to assign a supplier or make an adjustment because of the impact of such an assignment or adjustment upon available supplies.

(h) Assignments and adjustments pursuant to 10 CFR § 211.12(h) shall not be made for purchasers in circumstances where no curtailment specified in 10 CFR § 211.12 (h) has occurred or may occur. End-users and wholesale purchaser-consumers which have not been curtailed as specified in 10 CFR § 211.12(h) shall be assigned and adjusted as permitted by 10 CFR §§ 211.12(e), 211.12(f) and 211.13.

(i) End-users and wholesale purchaser-consumers should be advised of the availability of the State set-aside for propane to meet hardship and emergency requirements as provided by 10 CFR § 211.17.

(j) In evaluating an applicant's requirements for the purpose of assigning or adjusting its base period use, each use that the applicant has for the fuel should be separately assessed in accordance with appropriate allocation levels in determining whether and the extent to which the assignment or adjustment can be made in light of prevailing supply conditions and the effect such assignments and adjustments would have upon other purchasers of a supplier.

(k) Applicants for assignments and adjustments should be strongly urged to seek immediate assistance in obtaining supplies of natural gas from the Federal and State agencies which have regulatory authority over suppliers or supplies of natural gas and to take adequate steps to protect themselves from future curtailments by installing an energy system which is capable of being fueled by an energy source other than natural gas, propane or butane.

3. *Allocation levels.* As noted, care should be taken to ascertain the proper allocation level for the end-user or wholesale purchaser-consumer. It is anticipated that most applicants will have access only to the allocation levels for industrial use as a process or plant protection fuel or where no substitute for propane or butane is available, or for standby volumes (10 CFR § 211.83 and § 211.93). Both of these levels are expressed in terms of base period use rather than current requirements and both are subject to a supplier's allocation fraction. The regulatory definitions of the terms used in these allocation levels are set forth in subparagraph (b)(ii)(A) below.

(a) Allocation levels not subject to an allocation fraction.

(1) Agricultural production. (A) Assignments of base period suppliers for end-users and wholesale purchaser-consumers without a base period supplier with access to the allocation level for agricultural production should be made in accordance with the general guidelines.

(B) Since this allocation level is expressed in terms of current requirements, an adjustment of base period use pursuant to 10 CFR § 211.12(h) cannot be made. Ordinarily the applicant will not apply for increased current requirements, since his supplier will have certified those requirements pursuant to 10 CFR § 211.12(d). Thus, FEA will generally be involved only to the extent that a dispute as to whether a claim for increased requirements is valid (10 CFR § 211.12(d)(4)). Usual validation procedures should be pursued in those instances to determine the extent of any increased current requirements for agricultural production. Care should be taken to be certain that the applicant's use is, in fact, for agricultural production.

(ii) Department of Defense use. All assignments for Department of Defense use as specified in § 211.26 shall be made by the FEA National office in accordance with the general principles of these guidelines.

(b) Allocation levels subject to an allocation fraction.

(i) One hundred percent of current requirements subject to an allocation fraction.

(A) A decision to assign a base period supplier to an applicant which does not have a base period supplier of propane or butane and which is entitled to an allocation level of one hundred percent of current requirements subject to an allocation fraction should be made in accordance with the general guidelines for assigning suppliers.

(B) Since end-users and wholesale purchaser-consumers entitled to this allocation level do not have base period uses, they will not receive adjustments pursuant to 10 CFR § 211.12(h). To the extent that these users have increased current requirements they will follow the procedures under 10 CFR § 211.12(d) which requires that the user certify its increased requirements to its base period supplier. Ordinarily, FEA or the appropriate State office will be involved only if a validation of such increased current requirements is requested.

(ii) Percent of base period use subject to a fraction.

(A) As previously pointed out, FEA anticipates that substantially all assignments and adjustments will be under allocation levels expressed as a percentage of base period use. The most important of these allocation levels are industrial use as a process fuel or plant protection fuel or where no substitute for propane is available, and standby volumes. These terms are defined as follows:

"Plant protection fuel" means the use of propane [butane] in the minimum volume required to prevent physical harm to plant facilities or danger to plant personnel. This includes the protection of such material and equipment which would otherwise be damaged, but does not include sufficient quantities of propane [butane] required to maintain plant production. Propane [butane] may not be considered plant protection fuel if an alternate fuel is available and technically feasible for substitution.

"Process fuel" means propane [butane] used to convert a substance from one form to another such as in applications requiring precise temperature controls or precise flame characteristics. Propane [butane] may not be considered process fuel if an alternate fuel is available and technically feasible for substitution.

"Standby volumes" means those volumes of propane [butane] used by an industry as a temporary substitute for another product (such as natural gas) in times of shortage or curtailment of the other product. Volumes of propane [butane] which are used as a temporary substitute for a process fuel or plant protection fuel art not considered standby volumes for purposes of this subpart.

"Where no substitute for propane [butane] is available" means those circumstances in which no alternate fuel is available or in which a firm has historically relied upon propane [butane] as its sole fuel source.

(B) Assignments of a supplier and a base period use may be made if the applicant does not have a base period supplier and base period use. The applicant's curtailment of a source of energy below his base period use of the curtailed source of energy should be converted to propane or butane on an equivalent BTU basis and the assignment should reflect this amount.

(C) If the applicant has an established base period use for propane or butane, an adjustment may be made if circumstances permit. The adjustment should generally reflect the increase in the current curtailment over the curtailment in effect for the applicant at the time the base period use was established, and assurance should be obtained that no substitute for propane or butane is available. In those cases where an adjustment is to be made, the volume of the curtailed source of energy shall be converted to propane or butane on an equivalent BTU basis, the established base period use for propane or butane should be subtracted from the total, and the adjustment shall be the difference.

[FR Doc.75-2776 Filed 1-27-75;3:38 pm]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

In the matter of the city of Oakland and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Yamashita-Shinnihon Steamship Co., Ltd.

Notice of agreement filed by:

J. Kerwin Rooney, Esq.
Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607.

Agreement No. T–2836–2, between the City of Oakland (City) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd. and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) modifies the parties' basic agreement providing for the 3 year nonexclusive preferential assignment of certain marine terminal facilities at Oakland, California, which the Lines currently use for handling containerized traffic. The purpose of this modification is to facilitate the transfer of the Lines' activities from the premises encompassed by the said agreement to the premises described in the nonexclusive containership preferential assignment between the parties, otherwise known as Federal Maritime Commission Agreement No. T–3040. The term of the lease for Parcels A, B, and C will be extended conditionally, as provided by this amendment. It is the parties' intention for this agreement, as amended, to cease upon the commencement date of Agreement No. T–3040.

Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2810 Filed 1-29-75;8:45 am]

NIAGARA FRONTIER TRANSPORTATION AUTHORITY AND MARINE INTERCONTINENTAL TERMINALS OF BUFFALO, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y.; New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David F. Mix, Esq.
Niagara Frontier Transportation Authority
1600 Statler Hilton Hotel
Buffalo, New York 14202.

Agreement No. T–3028, between the Niagara Frontier Transportation Authority (Niagara) and Marine Intercontinental Terminals of Buffalo, Inc. (Terminals), provides for the 53-month lease (with renewal options) to Terminals of certain premises at Terminals A and B, Buffalo, New York, to be operated as a public terminal warehouse and dock facility. Terminals is granted the use of Niagara's dock and berth for the loading and unloading at the premises of vessels carrying cargo to be stored on the premises. Terminals shall establish rates, competitive with U.S. Great Lakes Ports, for the stevedoring and warehousing of all marine commodities, subject to Niagara's approval. Terminals shall pay Niagara top wharfage of $1.00 per ton for all cargo except items requiring only outside storage for which the wharfage shall be $.50 per ton. Fees for dockage shall be computed in accordance with Niagara's tariff. Tariff rates shall apply for the storage of all marine cargo, and other warehouse rates shall be such as from time to time may be set by Terminals. As compensation for rented space, Terminals shall pay Niagara $.045 per month per square foot. In addition, Niagara's rental receipts for open storage within the leased premises will be 50% of rental received by Terminals for such space. No other stevedore shall operate at the leased premises without prior approval of Terminals and Niagara.

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Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2808 Filed 1-29-75;8:45 am]

PORT OF SEATTLE AND KERR STEAMSHIP COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Ms. Evelyn Odell
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111.

Agreement No. T-3052, between the Port of Seattle (Port) and Kerr Steamship Company, Inc. (Kerr), provides for the month-to-month lease of office space at Terminal 46, Seattle, Washington. As compensation, Kerr shall pay Port a total rental of $20,125 per annum. Pending approval by the Federal Maritime Commission, Kerr will be assessed rental pursuant to the Port tariffs.

Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2809 Filed 1-29-75;8:45 am]

PORT OF SEATTLE AND KERR STEAMSHIP COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Ms. Evelyn Odell
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111.

Agreement No. T-2785-1, between the Port of Seattle (Port) and Kerr Steamship Company, Inc. (Kerr), modifies the basic agreement which provides for the 5-year lease (with renewal options) of a building which Kerr will utilize as a shop for general equipment repair. The purpose of the modification is to enlarge the leased premises by 12,000 square feet and to increase the monthly rental from $740 to $1,220.

Dated: January 27, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2812 Filed 1-29-75;8:45 am]

PUERTO RICO MARINE MANAGEMENT, INC. AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 10, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mario F. Escudero
General Counsel
Puerto Rico Maritime Shipping Authority
G.P.O. Box 71105
San Juan, Puerto Rico 00936.

By orders dated October 15, 1974, and December 23, 1974, the Commission has approved Agreement No. DC-75, in each case for terms not to exceed sixty (60) days from the dates of said orders. The agreement, which is between Sea-Land Service, Inc., (Sea-Land) and Puerto Rico Marine Management, Inc., (PRMM) as approved by the Puerto Rico Maritime Shipping Authority (Authority), is an interim services and facilities subcontract wherein Sea-Land will provide PRMM with virtually any services it would require for the performance of its contract to manage the Authority's recently inauguarated common carrier service between U.S. Atlantic and Gulf coast ports and Puerto Rico. Included within the scope of Agreement No. DC-75 are facilities for providing berthing and terminal services, repair and maintenance services and A & G functions.

Current Commission approval of Agreement No. DC-75 expires February, 21, 1975. The parties to the agreement have advised us, however, that despite their progress to date toward the goal of self-sufficiency in performing all aspects of the Authority's common carrier service, there remain essentially three areas in which the Authority and PRMM must continue to contract with Sea-Land on an interim basis: (1) operations of the Puerto Nuevo terminal facilities at San Juan; (2) operations of a New Orleans terminal; and (3) terminal facilities at Port Elizabeth, New Jersey. Accordingly, the parties have requested that we extend our approval of this agreement for these limited purposes for an additional period of not more than sixty (60) days.

Dated: January 27, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2807 Filed 1-29-75;8:45 am]

VIRGINIA PORT AUTHORITY AND TIDEWATER STEVEDORING CORP.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Robert Bray, Counsel
Virginia Port Authority
1600 Maritime Tower
Norfolk, Virginia 23510.

Agreement No. T-3050 between the Virginia Port Authority (Port) and Tidewater Stevedoring Corporation (Tidewater) provides for the 2-year lease to Tidewater of property known as Pier 8 located at Newport News, Virginia. The leased premises will be operated as a public marine facility in accordance with rates, charges and regulations as established by Tidewater provided that such charges are comparable to those prevailing at other marine terminals, competitive with the Virginia ports. Revenues derived from the operation of the said premises shall be divided between Port and Tidewater as further provided by the basic agreement.

Dated: January 27, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2811 Filed 1-29-75;8:45 am]

[Amdt. 1]

ORGANIZATION AND FUNCTIONS

Organization and Functions of the Federal Maritime Commission. Commission Order 1 (Revised) is hereby amended as follows:

Section 2—Organization of the Federal Maritime Commission. Subsection 2.03 of the Revised Order is amended to combine the Offices of Financial Analysis and Sealift Procurement Studies and then establish the Office of Data Systems. The revised subsection is amended to read:

2.03—*Organizational Components.* The Federal Maritime Commission has the following major organizational components:

1. Office of the Chairman of the Federal Maritime Commission.
2. Offices of the Members of the Federal Maritime Commission.
3. Managing Director.—(1) Bureau of Compliance: a. Office of Agreements, b. Office of Tariffs and Intermodalism, c. Office of Domestic Commerce.
(2) Bureau of Industry Economics: a. Office of Economic Analysis, b. Office of Financial Analysis, c. Office of Data Systems.
(3) Bureau of Certification and Licensing: a. Office of Water Pollution Responsibility, b. Office of Freight Forwarders, c. Office of Passenger Vessel Certification.
(4) Bureau of Hearing Counsel.
(5) Office of Personnel.
(6) Office of Budget and Finance.
(7) Division of Office Services.
(8) Field Offices.
4. Office of the Secretary.
5. Office of the General Counsel.
6. Office of Administrative Law Judges.

Section 5—Specific Functions of the Organizational Components of the Federal Maritime Commission. Subsection 5.03(2) is revised to substitute the Office of Data Systems for the Office of Sealift Procurement Studies and subsections 5.03(2)(b) and 5.03(2)(c) are revised to describe the program activities of the expanded Office of Financial Analysis and the new Office of Data Systems. The revised subsections are amended to read:

2. The *Bureau of Industry Economics* is responsible for program development administration, and activities in connection with the procurement, compilation, interpretation, and analysis of all essential data to establish with validity the economic implication and significance of the Commission's actions in administering its functions and regulatory authorities.

The Bureau develops long-range programs, new or revised policies and standards, and rules and regualtions, with respect to the program activities of the Bureau.

The program activities of the Bureau of Industry Economics are carried out by the Office of Economic Analysis, the Office of Financial Analysis, and the Office of Data Systems as outlined below:

a. The *Office of Economic Analysis* (1) conducts research and economic studies necessary to the Commission in the fulfillment of its regulatory responsibilities and compiles, interprets, and analyzes economic data essential to the study of freight rate structures and levels; (2) conducts studies leading to determinations as to the reasonableness of specific cargo rates in the ocean trades of the United States; (3) studies the economic implications of shipping practices; (4) studies the economic implications of trends of commodity movement, worldwide; (5) analyzes costs attributable to the movement of cargoes in the oceanborne foreign and domestic offshore commerce of the United States; and (6) conducts related studies and analyses requisite to rendering by the Commission of sound economic judgments and decisions.

b. The *Office of Financial Analysis* (1) makes recommendations with respect to annual and special financial reports to be submitted by common carriers and other persons subject to the Act to bring about accurate, uniform, and comprehensive disclosure of financial data to the Commission; (2) recommends accounting and reporting instructions; (3) conducts examinations of the accounts, records, reports, and financial statements of such carriers to obtain and ascertain compliance with Commission regulations; (4) analyzes justification for increased or lowered rates of common carriers and other persons subject to the Act; (5) develops and administers a continuing program for the audit both in Washington, D.C., and in the field of financial accounts and records of common carriers and other persons subject to the Commission's regulatory authorities; (6) develops cost formulas and related financial reporting requirements for application to the movement of waterborne commerce in the domestic and foreign commerce of the United States; (7) prepares reports and appears in rate proceeding and/or proceedings where rates and/or costs are a paramount issue; (8) conducts studies, as appropriate, for the purpose of determining classes of depreciable property, depreciation percentages, replacement costs, reasonable overhead, etc.; (9) analyzes, summarizes and prepares studies and analytical reports of the financial statements filed with the Commission by common carriers and other persons subject to the Act; and (10) conducts special studies, audits, and analyses of a financial nature for other branches of the Commission.

In addition to the above the *Office of Financial Analysis* (11) develops and administers a continuing program for the audit both in Washington, D.C., and in the field of the financial accounts and records of common carriers involved in carrying military cargoes; (12) promulgates and revises the accounting regulations of the Commission prescribing uniform systems of accounting for common carriers carrying military cargo; (13) plans and develops cost formulas for application to the movement of waterborne military cargo; (14) develops costs for use in cases or proceedings to determine whether particular rates on military cargo may be detrimental to commerce; (15) renders interpretations of accounting regulations and effects the correction or adjustment of deviations; (16) makes continuing studies to determine classes of depreciable property, depreciation percentages, and reasonable allocation procedures of nondirect costs; (17) develops annual and special financial reports to be submitted by common carriers carrying military cargo; and (18) prepares analytical reports for consideration of the Commission and the staff related to the review and analysis of the costs and rate structures of carriers participating in the carriage of military cargo.

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c. The *Office of Data Systems* (1) develops data processing systems within the Federal Maritime Commission; (2) secures, maintains, and controls data; (3) develops new and/or revised data sources; (4) controls and operates FMC leased and/or owned computer equipment; (5) develops specifications for new and/or revised data processing procedures and equipment acquisitions; (6) develops technical material required for system development and operations; (7) trains other bureau employees in use of output reports and input data preparation; (8) provides special data reports as needed to all bureaus and the Managing Director; (9) provides professional expert advice in computer capabilities to all levels of Commission personnel; (10) conducts demonstrations in the use of current data systems and develops suggested further data uses for appropriate Commission activity; (11) provides the sole source of professional expertise relating to all Commission ADP activities; (12) provides contact and professional liaison outside of the agency relating to computer activities; (13) participates in the development of ADP contract specifications and in the contract negotiations; and (14) monitors contractual progress and quality under ADP contracts.

Subsection 5.03(8) is revised to remove the responsibility for the field audit program and to substitute a financial survey program instead. The revised subsection is amended to read:

8. The *Field Offices* represent the Federal Maritime Commission within their respective geographic areas; provide liaison between the industry and the shipping public and FMC headquarters, conveying pertinent information, highlighting regulatory problem areas, and recommending courses of action and solutions; furnish information, advice, counsel, and access to Commission public documents to the various segments of the regulated shipping industry and others evincing interest and concern in the Commission's work; receive informal complaints involving shippers and the regulated industry and take appropriate action thereon; provide advisory, consultative, and investigative services in support of substantive programs within the cognizance of the various bureaus of the Commission; plan and conduct investigations of alleged violations of the Shipping Acts, investigations of freight forwarders, compliance checks, background surveys, financial surveys, and other studies; and recommend policies to strengthen enforcement of the shipping laws.

The organizational designations within the Bureau of Industry Economics as they appear elsewhere in the Manual of Orders are hereby changed to be consistent with this Order.

Effective January 19, 1975.

HELEN DELICH BENTLEY,
Chairman.

[FR Doc.75-2806 Filed 1-29-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Order Rejecting Proposed Settlement Agreement and Remanding Proceedings

JANUARY 23, 1975.

On July 23, 1973, Cities Service Gas Company (Cities) filed for a jurisdictional rate increase of $20,990,103 based on the twelve months ending March 31, 1973. This proposed rate went into effect on January 23, 1974, at the end of the five month suspension period. During the April 1974 pre-hearing conference, settlement discussions were initiated but not culminated. On September 10, 1974, the parties presented a settlement (Exhibit 35) to Presiding Administrative Law Judge William Jensen, who certified it to the Commission on September 12, 1974. Comments and reply comments have been received.[1]

The settlement lowers the jurisdictional rate increase sought to $11,529,722, and it is accepted in toto by all commenting parties except for MIG, which objects to the rate design, and Staff, which objects to rate design, cost classification and allocation, as well as rate of return. The September 10, 1974, settlement, now Exhibit 35 and entitled "Stipulation and Agreement," provides for inter alia the following: a revision of tariff sheet; overall rate of return of 8.975 percent and return on common equity of 9.60 percent; cost classification and allocation according to unmodified Seaboard; basic settlement rates reflecting a 3.30 cents per Mcf increase on volumetric rates and Schedules F, C, I, LVS-2, P, E and IRG-1; total jurisdictional revenues of $135,441,298, an increase of $11,529,722, of which all but $7,476,850 reflects increased purchased gas costs.

Although most of the parties to this settlement are in full agreement with it, the methods of cost classification, cost allocation and rate design employed therein have been contested by Staff, with MIG also opposing rate design. While the record does not adequately document the method used, it appears that the dollars allocated between jurisdictional and nonjurisdictional business reasonably represent the unmodified Seaboard methodology. On the other hand, the settlement rates do not follow unmodified Seaboard costs, particularly the interruptible rates. Moreover, there is serious question as to whether the circumstances in this case warrant utilization of the unmodified Seaboard methodology. We are particularly concerned with the increasing gas supply shortage and have expressed our intent to use rate techniques to assign more costs to industrial usage in an effort to reduce consumption (see United Gas Pipe Line Company, Opinion No. 671, Docket No. RP72-75, issued October 31, 1973, 50 FPC 1348). We conclude that the record in this case would not support the employment of the unmodified Seaboard methodology. Therefore, we are remanding the settlement agreement for full consideration in an evidentiary hearing of the issues related to cost classification, cost allocation and rate design.

We do not object to the settlement cost of service. Staff objected to the rate of return included in the settlement. However, we are satisfied that both the overall return and the return on equity are reasonable. Our only objections to the settlement concern the cost classification, cost allocation and rate design methods employed.

The Commission further finds: It is necessary that the proposed settlement of September 10, 1974, be rejected and that it be remanded to the Presiding Administrative Law Judge for further proceedings as hereinbefore set out.

The Commission orders: (A) The proposed settlement is hereby rejected.

(B) These matters are hereby remanded to the Presiding Administrative Law Judge for further proceedings consistent with this order.

(C) A public hearing on these matters shall be commenced February 4, 1975 at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(D) Administrative Law Judge William Jensen shall preside at the hearing on February 4, 1975.

(E) The parties and Commission Staff shall present any additional testimony and evidence they deem necessary on or before January 27, 1975, and shall serve it upon all other parties, as well as Commission Staff and the Presiding Administrative Law Judge.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2748 Filed 1-29-75;8:45 am]

[1] They were filed by Cities, Staff, Missouri Public Service Company (MPS), Gas Service Company, Kansas Municipal Intervenors Group (MIG), Midwest Gas Users Association and Armco Steel Corporation (Midwest-Armco), and Kansas State Corporation Commission (Kansas).

[2] Commissioner Brooke, dissenting, filed a separate statement which is filed as part of the original document.

[Project No. 2393]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Notice of Extension of Time

JANUARY 23, 1975.

On January 20, 1975, Columbus and Southern Ohio Electric Company filed a motion to extend the time for responding to the motion of Staff Counsel filed January 9, 1975 to dismiss application for major license in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing a response to the above motion is extended to February 20, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2749 Filed 1-29-75;8:45 am]

[Docket No. E-9002]

COMMONWEALTH EDISON CO.

Extension of Procedural Dates

JANUARY 23, 1975.

On January 13, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 29, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 6, 1975; Service of Intervenor's Testimony, May 20, 1975; Service of Company Rebuttal, June 3, 1975; Hearing, June 17, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2750 Filed 1-29-75;8:45 am]

[Docket No. CP75-96, etc]

EL PASO ALASKA CO. ET AL.

Order Consolidating Proceedings, Prescribing Procedures, Directing Completion of Application, and Establishing Prehearing Conference

JANUARY 23, 1975.

In the matter of El Paso Alaska Company, Docket No. CP75-96; Alaskan Arctic Gas Pipeline Company, Docket Nos. CP74-239, CP74-240; Pacific Gas Transmission Company, Docket Nos. CP74-241, CP74-242, CP71-182; Northern Border Pipeline Company, Docket Nos. CP74-290, CP74-291; Interstate Transmission Associates (Arctic), Pacific Interstate Transmission Company, and Northwest Energy Company, Docket Nos. CP74-292, CP74-293.

This order disposes first of a procedural matter relating to the responsibilities of the Federal Power Commission and the Department of the Interior (Interior) over a pipeline project which will cross public lands in Alaska.

El Paso Alaska on September 24, 1974, filed its application in Docket No. CP75-96 under section 7 of the Natural Gas Act seeking a certificate for the construction and operation of a pipeline from Prudhoe Bay on the Alaskan North Slope to Gravina Point, Alaska, and an LNG tanker transport system capable of delivering the gas to the California coast. The application on March 21, 1974, by Alaskan Arctic Gas Pipeline Company in Docket No. CP74-239 (Alaskan Arctic) may be a competing application, which proposes a pipeline from Prudhoe Bay through Canada to the lower 48 states. Other applications associated with that of Alaskan Arctic cover projects to carry the North Slope gas to the east and west coast, as listed above.

In order to define the responsibilities of the FPC Staff and Interior in the preparation of an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA), 42 USC section 4321 et seq., for the proposed natural gas transportation from the Prudhoe Bay area to and in the lower United States the Secretary of the Interior and the Chairman of the Commission entered into a memorandum of understanding dated May 15, 1974.[1] The memorandum referred to Alaska Arctic's application for Federal permits and a certificate was expected from El Paso Alaska. The memorandum provided in some detail for an interagency task force, use of personnel, joint responsibility for those sections relating to liquefaction, ocean transport and gasification, and Interior responsibility for land transportation across federal lands. El Paso Alaska applied for a certificate from the Commission but filed no application for Federal permits to cross public lands, informing Interior on September 23, 1974, that no application would be made until it obtained a certificate.

On November 12, 1974, by letter from Under Secretary Whitaker, Interior requested that El Paso Alaska be notified that its FPC application was incomplete and that it be given 15 days to file an application with Interior or its application would be dismissed. Interior says that El Paso Alaska's failure to file with it raises questions about Interior spending appropriated funds on studies connected with the El Paso application now pending before the FPC. Interior also points out that the decision regarding use of Federal lands rests primarily with it but it can make no determination until an application is filed. If El Paso Alaska waits until it receives a certificate, it says, Interior would have to prepare a supplemental EIS with a delay of a year or more.

The Staff comments that El Paso Alaska's failure to file with Interior will be detrimental (1) to the Staff's ability to function within the memorandum, (2) to the Commission's ability to consider the two proposals on a comparative basis and (3) to the public need for energy. Staff says that if the situation remains unchanged the joint interagency task force can consider only the Alaskan Arctic proposal and Staff will have to make a separate environmental evaluation of the El Paso Alaska proposal. Staff thinks that the need for El Paso Alaska to obtain Interior approval for its project has a direct bearing on whether it is "able and willing properly" to do the acts and perform the services proposed under section 7(e) of the Natural Gas Act. Staff suggests that the Commission advise El Paso Alaska that its application is deficient and that no further action can be taken until appropriate filings are made with Interior.

El Paso Alaska, on the other hand, argues that the Commission should exercise the primary role, and that the basic problem is whether it will be obligated to pay the expenses of Interior for its activities in connection with the FPC application. It contends that Interior's ability to expend appropriated funds is not dependent upon an El Paso Alaska application, and quotes from representations of Interior to Congress in requesting an appropriation for studies of several arctic pipeline projects, and notes that no restriction was placed upon Interior appropriations in this respect.[2] It points out further that the Trans-Alaskan Pipeline Authorization Act[3] provides that the Secretary of the Interior is authorized and directed to study the feasibility of one or more oil or gas pipelines from the North Slope. It suggests that the Commission proceed with the applications, requesting the assistance of Interior, and afterwards, Interior could adopt the approved EIS as its own.

El Paso Alaska further says that underlying the dispute between El Paso Alaska and Interior is a desire by Interior to charge El Paso Alaska for studies in connection with the case relying upon section 28(1) of the Mineral Leasing Act, 30 U.S.C. section 185(1) providing that the applicant for a right-of-way shall reimburse the United States for administrative costs. The Company says no obligation to reimburse the government should be imposed for those services which benefit the public at large and the applicant should not be taxed unless the grant is made. It quotes a representation made by Interior to Congress that costs associated with making investigations and studies of the Alaskan gas pipeline projects will be charged to the applicant as each right-of-way is granted (Hearings p. 1010). The Company also says that the Regulations of the Commission do not support Interior's position that the application is incomplete citing §§157.5, 157.6(b)(5) and 157.14.

Finally, the Company contends that frustration of the joint study of the two projects under the memorandum is not necessary or permissible. It says the Commission has full power to proceed to a comparative evaluation of the proposals; NEPA requires that Interior assist the Commission; and the Commission is under a statutory duty to consider alternative plans.

Alaskan Arctic contends that preparing the EIS statements above would impose a tremendous burden upon the Commission and would delay the project. It therefore urges that the Commission reject the El Paso Alaska application and hold it in abeyance until El Paso Alaska cures its deficiencies. Natural Gas Pipeline Company of America and Northern Border Pipeline Company support Alaskan Arctic.

Section 7(e) of the Natural Gas Act sets forth the standards for the issuance of certificates of public convenience and necessity including the requirement that the applicant be able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Act and the regulations and that the proposal is required by the present or future public convenience and necessity. At this stage, however, we are not concerned with these ultimate determinations but with a procedural question as to whether we should require El Paso Alaska to apply to Interior before we proceed to hearing or consider the merits of this application along with other applications.

A review of the Commission's regulations relating to certificate applications, including §§ 157.5, 157.6(b)(5) and 157.14 cited by the Company, shows no requirement that the approval of another government agency be obtained to complete the application. Section 157.6(b)(5)

[1] 39 FR 26481, July 19, 1974.

[2] Hearings before Subcommittee of the Committee on Appropriations, House of Representatives, 93rd Cong. 2d Sess., Part 4, pp. 998, 1009; P.L. 93-404, 93rd Cong., 2d Sess. 88 Stat. 803.

[3] P.L. 93-153, 87 Stat. 567 et. seq. Section 302(a).

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merely requires a statement as to whether any other application must be or is to be filed with another regulatory body. It is argued, however, by Alaskan Arctic that the memorandum, published in the FEDERAL REGISTER, established a procedural rule for applications to transport gas from Alaska's north slope. In our opinion the memorandum provided a procedure governing the two agencies. It contemplated that El Paso Alaska would file with Interior but did not require it, nor could it do so as it was in no sense a rule-making binding private parties.

Apart from the regulations, the Commission, of course, can reject or defer action on an application which is defective on its fact and can dismiss applications that fail to meet certain criteria. Here there is no disagreement that in order to build the line El Paso Alaska must have a Federal permit from Interior, but it clearly intends to file an application for such a permit when and if it obtains an FPC certificate. There is, therefore, no basis for saying, as Staff argues, that El Paso Alaska is not "able and willing properly" to do the acts proposed. In fact, we make no requirements that applicants for certificates bring proceedings to acquire rights of way or file applications to cross Federal lands in advance of acquiring certificates.[4] It would be discriminatory to do so here even though some 80 percent of the land required is federally owned.

Furthermore, El Paso Alaska's proposal provides an alternative to the Alaskan Arctic pipeline through Canada. In order to permit us to approve a project most in accord with the public convenience and necessity a comparative hearing with the several projects before us is essential and in accord with Ashbacker Radio Corp. v. FPC, 3260 section 327 (1945), unless, of course, it should be demonstrated that sufficient Alaska reserves exist to justify both proposals. Also, under NEPA we are required to study, develop and describe appropriate alternatives to recommended courses of action [section 102(d)]. To prevent or delay consideration of El Paso Alaska's project would prevent such a comparative hearing or comparative study in view of the present gas shortage and would be detrimental to the public interest to delay consideration of Alaskan Arctic and other projects.

In these circumstances we shall deny Interior's request and proceed to a comparative hearing, phased in two parts as described below. As required by our Regulations (§ 157.14(a)(6-d)) El Paso Alaska has filed an extensive environmental report with its application. Under § 2.82(b) of our General policy and Interpretations the report will assist our staff in preparing an analysis and draft environmental impact statement prior to hearing on a pipeline application. Under the memorandum of understanding with Interior it is contemplated that an interagency task force will participate in the analysis of environmental data, including that submitted by the parties, and jointly prepare an environmental impact statement with Interior responsible for land transportation across federal lands. While Interior raises a question whether it can spend appropriated funds on such studies in the absence of an application from El Paso Alaska, we hope that Interior personnel can continue to cooperate with our staff in the manner stated in the memorandum. If not, our staff will prepare a draft environmental impact statement on the basis of the information available, and we shall proceed with a comparative hearing and consideration of the applications before us and will prepare the necessary detailed environmental impact statement in connection with the issuance of any certificates.

Having resolved the procedural matter with respect to El Paso Alaska, we turn now to the proposal which constitutes one of the largest construction proposals which this commission has entertained. On March 21, 1974, Alaskan Arctic Gas Pipeline Company (Alaskan Arctic) filed in Docket No. CP74–239 an application for a certificate of public convenience and necessity requesting authorization to construct and operate approximately 195 miles of 48-inch pipeline from Prudhoe Bay on the North Slope of Alaska to the Alaskan-Canadian Border at an estimated cost of $575 million in order to deliver Alaskan gas to the Canadian Alaskan international border for further transportation of gas through Canada for delivery to the lower 48 states. Concurrently therewith Alaskan Arctic filed in Docket No. CP74–240 an application requesting a Presidential Permit to construct and operate facilities at the international border between Alaska and the Yukon Territory of the Dominion of Canada pursuant to Executive Order No. 10485.[5] On November 15, 1974 and December 30, 1974, Alaskan Arctic supplemented its application in Docket No. CP74–239 by submitting certain of the required exhibits missing from its original application.

A number of other pipeline companies have filed applications for the construction and operation of facilities to transport Alaskan and Canadian Arctic gas once it arrives in the contiguous 48 states through the Alaskan Arctic proposal. In this regard, Pacific Gas Transmission Company (PGT) proposes in Docket No. CP74–241 to construct and operate approximately 618 miles of 42-inch pipeline parallel to its existing mainline from the Idaho border near Kingsgate, British Columbia, to the interconnection with the facilities of Pacific Gas and Electric Company at the Oregon-California border in order to transport 1,000,000 Mcf of gas per day which will be attributed to Arctic production and 200,000 Mcf/d of gas attributable to currently contracted sources in Alberta, Canada. PGT also filed an application in Docket No. CP74–242 requesting a Presidental Permit for the construction and operation of facilities at the United States-Canadian border near Kingsgate, British Columbia.[6] In Docket No. CP71–182 PGT has requested authorization pursuant to section 3 of the Natural Gas Act to import into the United States from Canada the said 200,000 Mcf of gas per day from Alberta.[7] Northern Border Pipeline Company, a partnership to be succeeded by Northern Border Pipeline Corporation (Northern Border) filed in Docket No. CP74–290 an application for a certificate requesting authorization to construct and operate approximately 1,619 miles of 48, 42, 36, and 26-inch diameter pipeline, including thirty compressor stations from a point on the Montana-Canadian boundary near Monchy, Saskatchewan, to a terminus near Delmont, Pennsylvania, at a total estimated cost of $1.8 billion, in order to transport Alaskan and Canadian Arctic gas being delivered through the Alaskan Arctic project. Northern Border also filed an application in Docket No. CP74–291 for a Presidential Permit for the construction and operation of facilities at the United States-Canadian border near Monchy, Saskatchewan.[8] Interstate Transmission Associates (Arctic), Pacific Interstate Transmission Company and Northwest Energy Company (ITA) in Docket No. CP74–292 have requested authorization to construct and operate approximately 373 miles of 42-inch diameter pipeline from the Idaho-Canadian boundary near Kingsgate, British Columbia to Rye Valley, Oregon, and approximately 504 miles of 36-inch pipeline from Rye Valley to a point on the California-Nevada border near Oasis, California in order to transport Alaskan and Canadian Arctic gas received at Kingsgate. Likewise this group of pipeline companies have requested a Presidential Permit in Docket No. CP74–293 for the construction and operation of facilities at the United States-Canadian border near Kingsgate, British Columbia.[9] On November 15, 1974, ITA and Northern Border filed supplements to their applications in Docket Nos. CP74–290 and CP74–292 by submitting some of the required exhibits missing from their original applications.

[4] See for example: *Arkansas Louisiana Gas Company*, 47 FPC 583 (1972); *Stingray Pipeline Company, et al.* ——FPC. . . . Opinion No. 693, Docket No. CP73–27, *et al.*, May 6, 1974; Section 15720 of our Regulations under the Natural Gas Act.

[5] Notice of Alaskan Arctic's original applications was given by publication in the FEDERAL REGISTER on April 15, 1974 (39 FR 13590).

[6] Notice of PGT's original applications in Docket Nos. CP74–241 and 242 was given by publication in the FEDERAL REGISTER on April 15, 1974 (39 FR 13596).

[7] Notice of PGT's application in Docket No. CP71–182 was given by publication in the FEDERAL REGISTER on January 26, 1971 (36 FR 1231).

[8] Notice of Border Pipeline's original applications was given by publication in the FEDERAL REGISTER on June 14, 1974 (39 FR 20819).

[9] Notice of ITA's original applications was given by publication in the FEDERAL REGISTER on June 5, 1974 (39 FR 19992).

In Docket No. CP75–96 El Paso Alaska Company (El Paso Alaska) filed an application seeking authorization to construct and operate a combination chilled vapor pipeline totaling approximately 809 miles and LNG ocean common carrier transport system capable of delivering Alaskan North Slope gas to the California coast for ultimate delivery to all of the major continental natural gas market areas by a combination of displacement reverse flow on its existing east-west pipeline and the construction of new connecting transmission facilities. El Paso Alaska proposes as the southern terminus of its project the Point Conception California LNG terminal proposed to be constructed and owned by Western LNG Terminal Company (Western Terminal). In Docket No. CP75–83 Western Terminal has proposed to use sites located at Los Angeles, Oxnard, and Point Conception, California to receive, unload, store and vaporize liquefied natural gas. Western Terminal in said docket does not indicate any specific sources for the LNG to be delivered at such terminals; however, El Paso Alaska in the above mentioned application proposes to utilize most of the planned capacity at the Point Conception Terminal.[10]

The Alaskan Arctic and the El Paso Alaska proposals with their related applications represent projects to bring Alaskan gas from the North Slope into the continental United States. Both Alaskan Arctic and El Paso Alaska intend to operate as contract carriers of natural gas and not as pipeline purchasers of gas since both applications rely on Prudhoe Bay gas as their primary source of transportation gas, the applications may be mutually exclusive. We believe therefore that these projects including the aforesaid related applications of other pipelines may involve common questions of law and fact and that these applications should be consolidated for disposition and hearing on all issues arising thereunder, pursuant to § 1.20(b) of the Commission's rules of practice and procedure.

Although we are consolidating these applications now all proposals before the Commission are deficient. Neither the Alaskan Arctic group nor the El Paso Alaska proposal include all of the necessary exhibits as prescribed by § 157.14 of the Commission's regulations under the Natural Gas Act, which are needed to make a complete and thorough analysis of the feasibility of each project. In this regard we note that, inter alia, the following exhibits are missing from some of these applications:

H—Total Gas Supply Data
I—Market Data
K—Cost of Facilities
L—Financing
N—Reserves—Expenses—Income
O—Depreciation and Depletion
P—Tariff

El Paso Alaska has submitted only a very limited amount of information in respect to the ocean transport phase of its application. Additionally the application in Docket No. CP71–182 has not been updated since it was filed on January 13, 1971, to reflect recent events.

The continuing natural gas shortage faced by this nation threatens the economic and social well being of the United States in an almost unprecedented manner. It requires this Commission, jurisdictional pipe line companies, and natural gas producers to take vigorous and imaginative steps to replenish our natural gas resources and to insure that the public obtains needed gas supplies within the bounds of public convenience and necessity and our statutory duty under the Natural Gas Act. With this in mind, we note that both proposals are deficient and ordinarily hearings on these applications would be held in abeyance pending submittal of missing information. While we emphasize this would be our usual course, the unusual circumstances herein require us to proceed without delay. The American public and this Commission expect a best efforts attempt by the Applicants to complete their applications and remedy all deficiencies on or before March 3, 1975, inclusive of the filing of all interrelated applications effectuating the sale, transportation and resale of the natural gas herein involved. We shall take the extraordinary step of ordering formal hearings, subject to the full cooperation of all applicants and shall further direct our Staff to file and serve on all parties on March 20, 1975, a report of any outstanding deficiencies for our consideration.

Since the subject proposals may be competitive and are extremely important because of the issues they raise, it is almost axiomatic that consolidated formal hearings are required to develop an evidentiary record. In this regard the hearing will be phased for testimony, but not for decision or briefing. Our Staff is currently in the process of preparing an environmental impact statement, as required by the National Environmental Policy Act, in conjunction with the Department of the Interior, and the final statement may not be ready by the beginning of the hearing herein scheduled. Thus, the first phase of the hearing should be concerned with the usual prerequisites by Applicants establishing a prima facie case under section 7 and section 3; inter alia, gas supply, markets, cost of facilities, financing, reserves, expenses, income, tariff, system design, and environmental reports.

Phase II of the hearing shall be concerned only the issues raised by Staff's Final Environmental Impact Statement. Environmental testimony from interested parties including the Commission Staff shall begin after the Staff's Final Environmental Impact Statement is issued and notice of its availability is published in the FEDERAL REGISTER. The Presiding Administrative Law Judge is instructed to set a date for the filing of environmental testimony within 30 days from the issuance of Staff's final statement giving due regard to the needs of all parties for time to evaluate the statement. Environmental testimony by all parties and Staff in support of Staff's statement shall be heard first and at the close of this testimony the Administrative Law Judge shall set dates for the filing of answering and rebuttal testimony. Under no circumstances should the Presiding Judge permit this record to be closed prior to insertion of the Final Environmental Impact Statement of the Commission Staff.

In regard to the first phase of the hearing, we find it necessary to establish certain procedures for the orderly presentation of evidence. A pre-hearing conference shall be convened on April 7, 1975, at which time any party desiring to make an opening statement of position shall submit such statement in writing for transcription into the record. No oral statements of position will be permitted.

At such pre-hearing conference, in addition to the matters specified in § 1.8(g) and 1.18(b) of the rules of practice and procedure, the Presiding Judge should consider a procedure for the numbering of exhibits and items by reference, order of witnesses, order of cross-examination and such other matters as will facilitate the smooth and orderly course of the hearing.

The applicants shall submit their prepared testimony as to Phase I on or before March 24, 1975, with a formal hearing scheduled to commence on May 5, 1975. At the close of the applicants' evidence the designated Presiding Administrative Law Judge shall set dates for the submittal of any intervener's and the Commission Staff's testimony and rebuttal evidence by the applicants.

A number of parties have already been permitted to intervene in Docket Nos. CP74–239, CP74–240, CP74–241, CP74–242, CP74–290, CP74–291, CP74–292, CP 74–293, and CP71–182. Any petitioner who has previously been permitted to intervene in any one of these proceedings is deemed an intervener in all dockets concerned herein.

The Commission further finds: (1) It is necessary and appropriate in the administration of the Natural Gas Act that Interior's request that El Paso Alaska be required to file an application with Interior be denied.

(2) It is necessary and appropriate that the proceedings relating to the transportation of natural gas from Prudhoe Bay to the lower 48 states should be consolidated for hearing.

The Commission orders: (A) Interior's request that El Paso Alaska be required to file an application with Interior is denied.

(B) Pursuant to § 1.20(b) of the Commission's rules of practice and procedure, the proceedings in El Paso Alaska Company, Docket No. CP75–96; Alaskan Arctic Pipeline Company, Docket Nos. CP74–239 and CP74–240; Pacific Gas Transmission Company, Docket Nos. CP74–241, CP74–242, and CP71–182; Northern Border Pipeline Company, Docket Nos. CP 74–290 and CP74–291; and Interstate Transmission Associates (Arctic), Pacific Interstate Transmission Company, and Northwest Energy Company, Docket Nos. CP74–292 and CP74–293 are consolidated for hearing and decision.

[10] Notice of El Paso Alaska's original application was given by publication in the FEDERAL REGISTER on November 13, 1974 (39 FR 40075).

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(C) A pre-hearing conference is to be convened on April 7, 1975 in a Federal building to be designated by the Presiding Administrative Law Judge to discuss procedural issues as noted in this order. Parties planning to attend this conference shall notify the Administrative Law Judge's office by letter at least two weeks prior to such a date. In the event that a hearing room of the Federal Power Commission cannot be utilized, the designated Administrative Law Judge shall notify all parties of the place and address of the conference at least a week prior to such conference.

(D) A formal hearing in the subject proceedings shall commence on May 5, 1975, concerning the issues designated herein as Phase I, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C., 20426, at 10 a.m. (e.s.t.).

(E) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(F) The direct case of Applicants as to all issues to be considered in Phase I shall be filed and served on all parties of record including the Commission Staff on or before March 24, 1975. Following the conclusion of cross-examination thereon, the Presiding Law Judge shall set such dates as are reasonable for the submission of testimony from interveners and Commission Staff and of answering and rebuttal cases, if any, for Phase I. The Administrative Law Judge shall set dates for the submittal of environmental testimony in Phase II as heretofore outlined.

(G) The record of this proceeding shall remain open until the submission of the Commission Staff's final environmental impact statement and environmental testimony is heard, and no initial decision shall be issued by the Administrative Law Judge until inclusion of the environmental impact statement in the record and appropriate consideration thereof.

(H) El Paso Alaska shall within three days of this order tender for payment any delinquent fees prescribed by § 159.2 (a) of the Commission's Regulations for its application filed in Docket No. CP75-96.

(I) Applicants in this consolidated proceeding shall perfect their applications on or before March 3, 1975.

(J) All petitioners heretofore granted interventions in one or more of the instant dockets we deemed to be interveners in all of the dockets herein consolidated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2751 Filed 1-29-75;8:45 am]

[Docket No. RP72-150, etc.]

EL PASO NATURAL GAS CO.

Further Extension of Procedural Dates

JANUARY 23, 1975.

On December 3, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 8, 1974, as most recently modified by notice issued July 29, 1974, in the above-designated matter. On December 10, 1974, El Paso Natural Gas Company filed an answer to the above motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, April 4, 1975.
Service of Intervenor's Testimony, April 25, 1975.
Service of Company Rebuttal, May 16, 1975.
Prehearing Conference, May 22, 1975 (10 a.m. e.d.t.).
Hearing, June 3, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2752 Filed 1-29-75;8:45 am]

[Docket No. CI75-409]

ESTATE OF A. V. CORPENING, JR.

Notice of Application

JANUARY 23, 1975.

Take notice that on January 13, 1974, The Estate of A. V. Corpening, Jr., Deceased (Applicant), 1308 Continental National Bank Building, Fort Worth, Texas 76102, filed in Docket No. CI75-409 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) in Gaines County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it commenced within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) on September 9, 1974, the emergency sale to Northern of gas purchased by Applicant in Gaines County from the producer thereof and proposes to continue said sale until March 15, 1975, at a total price of 56.5 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. Applicant estimates monthly sales volume at 30,000 Mcf.

Applicant states that it has continued the sale of the subject gas beyond the sixty-day emergency period provided for in § 157.29 in order to prevent wasteful flaring and to comply with the regulations of the Texas Railroad Commission. Applicant further states that its contract with the producer of the subject gas expires on March 15, 1975, and that Applicant will no longer have the gas available for sale to Northern after that date, but that Applicant is advised that the producer has entered into, or will soon enter into, a contract with Northern providing for direct sale to Northern to commence on March 15, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2753 Filed 1-29-75;8:45 am]

[Docket No. CI75-360]

W. V. HARLOW, ET AL.

Supplement To Application

JANUARY 23, 1975.

Take notice that on January 15, 1975, W. V. Harlow, Jr., d/b/a W. V. Harlow, et al. (Applicant), 501 Amarillo Petroleum Building, Amarillo, Texas 79101, filed in Docket No. CI75-360 a supplement to his application filed on December 6, 1974, in said docket requesting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by revising his original application to provide for the applicable national rate promulgated by § 2.56a of the Commission's General Policy and Interpretations, all as more fully set forth in the supplement to the application, which is on file with the Commission and open to public inspection.

In his original application Applicant proposes to sell gas commencing January 22, 1975 for one year with pregranted abandonment authorization at the price of 55 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot with an upward adjustment limitation of 1,200 Btu per cubic foot. Applicant now states he is willing to accept a certificate at the national rate as promulgated by § 2.56a.

Any person desiring to be heard or to make any protest with reference to said supplement to the application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2754 Filed 1-29-75;8:45 am]

[Docket No. E-8863]

LONG SAULT, INC.

Initial Export Rate Schedule

JANUARY 23, 1975.

Take notice that Long Sault, Inc. (Long Sault) on June 13, 1974 submitted for filing a copy of the Agreement dated January 1, 1974 (Agreement) between Cedars Rapids Transmission Company, Limited (Cedars), a Canadian corporation, as party of the first part, and Aluminum Company of America and Long Sault, as parties of the second part, providing, in general, for the sale, purchase and delivery of electric energy flowing unscheduled or inadvertently between the contracting parties as the result of maintaining the connection of certain 115 kv overhead transmission facilities of Long Sault with similar facilities of Cedars at a point located on the international border between the United States and Canada and over the St. Lawrence River in the vicinity of Massena, New York and Cornwall, Ontario. Inadvertent energy flowing from the United States to Canada by means of such interconnection of facilities is to be sold by Long Sault to Cedars at a rate of 4.25 mills per kwh as specified in the Agreement.

By Commission order issued July 3, 1962 in Docket Nos. E-7022 et al. (28 FPC 13), Long Sault and Niagara Mohawk Power Corporation were authorized to transmit electric energy from the United States to Canada in an amount not in excess of 12,000,000 kwh per year at a transmission rate not to exceed 50,000 kw for sale and delivery to Cedars over the above-described facilities of Long Sault located at the United States-Canadian border. Long Sault's facilities are covered by its permit signed by the Chairman of the Commission on September 26, 1955, as amended by the above-mentioned Commission order of July 3, 1962, Docket No. E-6632. Cedars, which furnishes electric energy to St. Lawrence Power Company (St. Lawrence) for the purpose of rendering electric service in and around Cornwall, Ontario, purchases and takes energy from Long Sault for resale to St. Lawrence during emergencies created by reason of energy not being available to Cedars from its regular sources of electric supply. The rates and charges for Long Sault's emergency energy sales to Cedars are included in Long Sault's Export Rate Schedule FPC No. 1.

Long Sault states that it does not anticipate the inadvertent energy sold to Cedars under the Agreement and the emergency deliveries of energy to Cedars will exceed, in the aggregate, the 12,000,000 kwh per year authorized for exportation by the Commission in its July 3, 1962 order referred to above.

The copy of the Agreement is being treated as an initial export rate schedule tendered for filing by Long Sault in Docket No. E-8863 pursuant to Part 35 of the Commission's regulations under the Federal Power Act, particularly §§ 35.12 and 35.20 thereof.

Any person desiring to be heard or to make any protest with reference to said Agreement should on or before February 14, 1975 file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The copy of the Agreement, as tendered for filing with the Commission, is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2755 Filed 1-29-75;8:45 am]

[Docket No. RI75-101]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 22, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly Sections 4 and 15 the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
R175-101	Shell Oil Co.	253	15	El Paso Natural Gas Co. (Los Mendanos (James Ranch) Field, Eddy County, N. Mex.) (Permian Basin).	$3,183	12-23-74	----	Aug. 18, 1975	[1] 31.15	[2] 32.50	RI74-165.

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Previously reported as 29.3172 cents per Mcf exclusive of Btu adjustment.
[2] Includes upward Btu adjustment.

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The proposed rate increase of Shell Oil Company exceeds the applicable area ceiling in Opinion No. 662 and is suspended for five months from the contractual effective date.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75-2582 Filed 1-29-75;8:45 am]

[Docket No. E-8823]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Postponement of Hearing

JANUARY 23, 1975.

Notice is hereby given that due to schedule conflicts of the Administrative Law Judges, the hearing in the above-designated matter, fixed by notice issued December 17, 1974, is postponed until February 25, 1975, at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2757 Filed 1-29-75;8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Notice of Filing of Supplemental Data

JANUARY 23, 1975.

Take notice that on January 20, 1975, Wisconsin Power and Light Company (WP&L) tendered for filing supplemental data intended to make complete its original filing of December 30, 1974. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission dated January 10, 1975.

To supplement WP&L's filing, WP&L has tendered a document entitled "Work Papers Based on Estimates for Period II (the "Test Period") for Statements *A* Through *O*, in Connection with the Filing of Proposed Rate Schedule Changes for Service to Certain Utility Customers at Wholesale for Resale."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person who has petitioned to intervene pursuant to the Notice issued on January 8, 1975, will be considered to have petitioned to intervene in this docket with regard to this supplemental filing. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2759 Filed 1-29-75;8:45 am]

[Rate Schedule Nos. 54, et al.]

RATE CHANGE FILINGS

JANUARY 22, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 6, 1975	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	54	Natural Gas Pipeline Co. of America.	Texas Gulf Coast.
Do	do	60	do	Do.
Do	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	26	Columbia Gas Transmission Corp.	South Louisiana.
Do	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	2	Transcontinental Gas Pipeline Corp.	Do.
Do	do	3	do	Do.
Do	do	4	do	Do.
Do	do	5	do	Do.
Do	do	6	do	Do.
Jan. 8, 1975	Eason Oil Co., P.O. Box 18755, Oklahoma City, Okla. 73118.	59	Texas Gas Transmission Corp.	Other Southwest Area.
Jan. 9, 1975	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	105	El Paso Natural Gas Co.	Permian Basin.
Jan. 10, 1975	Pecos Co., P.O. Box 1492, El Paso, Tex. 79999.	8	do	Do.
Jan. 13, 1975	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	99	Texas Gas Transmission Corp.	Other Southwest.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	16	El Paso Natural Gas Co.	Permian Basin.
Do	Burmah Oil & Gas Co., P.O. Box 94193, Houston, Tex. 77018.	30	Lone Star Gas Co.	Other Southwest.
Do	Rudco Oil & Gas Co., P.O. Box 2018, Tyler, Tex. 75701.	2	Texas Gas Transmission Corp.	Do.
Jan. 16, 1975	Devon Corp., 3300 Liberty Tower, Oklahoma City, Okla. 73102.	34	do	Do.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	77	United Gas Pipe Line Co.	Do.

[FR Doc.75-2534 Filed 1-29-75;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 104]

OMAHA, NEBR.

Resolution and Order Approving Application

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended, (19 U.S.C. 81a–81u) the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Dock Board of the City of Omaha, Nebraska, filed with the Foreign-Trade Zones Board (the Board) on July 26, 1974, requesting a grant of authority for the establishing, operating and maintaining of a foreign-trade zone in Omaha, Nebraska, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application. The grantee shall notify the Board's Executive Secretary for clearance prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to issue an appropriate grant of authority and Board Order.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN OMAHA, NEBRASKA

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Dock Board of the City of Omaha, State of Nebraska, (hereinafter referred to as "the Grantee"), has made application (filed July 26, 1974) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Omaha, Nebraska;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 19, at the location mentioned above and more particularly described on the maps accompanying the application requesting authority for a foreign-trade zone in Omaha, Nebraska, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operations of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick B. Dent, at Washington, D.C., this 24th day of January 1975, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
FREDERICK B. DENT,
Chairman and Executive Officer.

[FR Doc.75-2775 Filed 1-29-75;8:45 am]

GENERAL ACCOUNTING OFFICE

CIVIL AERONAUTICS BOARD

Receipt and Approval of Regulatory Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on December 23, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

CIVIL AERONAUTICS BOARD

Request for clearance of an amendment to Part 298 of the Board's Economic Regulations which deletes the requirements for reporting rotary-wing and all-cargo operations by air taxi operators on CAB Form 298–D.

Inasmuch as this amendment deletes a reporting requirement for certain types of air taxi operators, the agency requested expedited clearance of the change to the Form so that respondents could be relieved of the requirement as soon as possible.

GAO reviewed the request and determined that since the only change was a reduction of the number of respondents who had to complete the Form, expeditious clearance should be immediately granted.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2856 Filed 1-29-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Receipt and Approval of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 6, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this information in the FEDERAL REGISTER is to inform the public of such receipt and action taken by GAO.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL ENERGY ADMINISTRATION

Request for approval of two new repetitive FEA forms, Old Oil Entitlement Program/Refiners Monthly Report (P102–M–0) and Old Oil Entitlement Program/Importers Monthly Report (P104–M–0).

Form P102–M–0 is a monthly report required to be filed by petroleum refiners listing receipts of old oil and crude runs to stills. Respondents to this form are approximately 136 refiners; respondent burden is estimated to be 7 man-hours per monthly report.

Form P104–M–0 is a monthly report to be filed by refiners and certain eligible importers of No. 2 fuel oil and residual fuel oil. There are approximately 211 respondents; respondents burden is estimated to be 4 man-hours per monthly report.

We were advised by FEA representatives on December 6, 1974, that:

(1) our clearance was needed by December 9, 1974, in order to meet the first collection deadline of December 28;

(2) extensive efforts had been made to solicit comments from interested parties and to resolve the issues raised;

(3) the information requested is readily available from the respondents and to provide it will not cause undue burden upon them; and

(4) the information requested is not already available within the Federal government.

In view of the urgency to obtain the information, we provided an interim clearance of the forms on December 9, 1974. However, to allow adequate time to properly evaluate the forms, we limited our clearance to the first three collection periods through February 28, 1975.

In order for GAO to give full consideration to an extension of our clearance beyond February 28, 1975, we are now inviting written comments on the two FEA forms from all interested persons, organizations, public interest groups, and affected businesses. We request that these comments be limited to (1) duplication, (2) excessive burden, and (3) appropriateness and understandability of the forms and definitions currently in use. Comments must be received by February 21, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW, Washington, D.C. 20548.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2855 Filed 1-29-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. E–37]

ITEMS AVAILABLE FROM GSA STOCK

Optional Procurement

1. *Purpose.* This regulation establishes the policy that GSA will not be a mandatory source of supply for domestic activities for items listed in the GSA Stock Catalog when the value of the requirement for the item is less than $10.

2. *Effective date.* This regulation is effective January 30, 1975.

3. *Expiration date.* This regulation expires June 30, 1975, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies except those subordinate elements which are located outside the conterminous United States, Hawaii, and Alaska.

5. *Acquisition of GSA stock items.* a. GSA is a non-mandatory source of supply for activities in the conterminous United States, Hawaii, and Alaska for items listed in Section 1, Volume 1, of the GSA Stock Catalog when the total value of the line item requirement is less than $10.

b. Executive agencies shall continue to requisition from GSA items listed in Section 1, Volume 1, of the GSA Supply Catalog when the total value of the line item requirement is $10 or more.

c. As in the past, GSA will process all requisitions for stock items, regardless of value, from activities electing not to exercise the option provided by this regulation.

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6. *Agency comments.* Comments concerning the effect or the impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, DC 20406, no later than February 28, 1975, for possible inclusion in the permanent regulation.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 23, 1975.

[FR Doc.75-2733 Filed 1-29-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-34]

CONVERTIBLE GAME TABLES AND COMPONENTS

Denial of Petition for Rehearing

On January 20, 1975 the United States International Trade Commission denied the petition for rehearing filed with it on January 13, 1975 by respondent Armac Enterprises, Inc.

The reasons given for the Commission's action are as follows:

(1) Respondent Armac Enterprises, Inc. had numerous opportunities to present the matters contained in its petition for a rehearing to the Commission during the course of the investigation, but failed to avail itself of these opportunities.

(2) Respondent Armac Enterprises, Inc. has offered no satisfactory explanation for its having failed to present the matters contained in its petition for a rehearing to the Commission during the course of the investigation;

(3) The matters contained in the petition for rehearing filed by respondent Armac Enterprises, Inc., with the exercise of a reasonable amount of diligence and effort, could have been brought to the attention of the Commission during the course of the investigation; and

(4) The matters contained in the petition for rehearing filed by respondent Armac Enterprises, Inc. present no convincing basis for ordering a Commission rehearing.

By order of the Commission.

Issued: January 27, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-2850 Filed 1-29-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-4]

RAW LIQUID WASTE TREATMENT SYSTEM

Withdrawal As Being Available for Licensing

A notice was published in the FEDERAL REGISTER dated December 12, 1973, page 34218, announcing as available for licensing the following invention under the cognizance of the National Aeronautics and Space Administration: Patent Application 390,467: Raw Liquid Waste Treatment System and Process, Filed 22 Aug. 73. This invention was also announced as available for licensing in *NTIS Government Inventions For Licensing* dated December 10, 1973, page 162, and the *Official Gazette* dated January 8, 1974, page 521, both published by the U.S. Department of Commerce.

An announcement of the availability for licensing of a related invention was published in *NTIS Government Inventions For Licensing* dated December 9, 1974, page 676. This invention, also under the cognizance of the National Aeronautics and Space Administration, is: Patent Application 501,014: Raw Liquid Waste Treatment System and Process, Filed 27 Aug. 74.

Notice is hereby given that the above identified inventions are withdrawn as being available for exclusive or nonexclusive licensing from the National Aeronautics and Space Administration for a period of nine months from the date of this announcement. The inventions are withdrawn pending completion of a market and applications analysis of waste treatment systems embodying the subject inventions, and a determination by the Administrator whether the public interest would be best served by waiving patent rights to the California Institute of Technology, pursuant to the NASA Patent Waiver Regulations, 14 CFR 1245.1.

Written inquiries concerning these inventions may be addressed to the Chairman, Inventions and Contributions Board, NASA Washington, D.C., 20546.

Dated: January 24, 1975.

R. TENNEY JOHNSON,
General Counsel.

[FR Doc.75-2777 Filed 1-29-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-527-A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed in April 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-527-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75-1301 Filed 1-15-75;8:45 am]

[Docket No. P-556-A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, Docket No. P-556-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1-2, Directorate of Licensing.

[FR Doc.75-1302 Filed 1-15-75;8:45 am]

[Docket No. P-537-A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-537-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1823 Filed 1-22-75;8:45 am]

[Docket No. 50-423]

NORTHEAST NUCLEAR ENERGY CO., ET AL.[1]

Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permit No. CPPR-113 issued to the Northeast Nuclear Energy Company, et al. The amendment reflects a change in ownership of Millstone Nuclear Power Station, Unit No. 3 (the facility), located in New London County, Connecticut. The amendment is effective as of its date of issuance.

The amendment permits the City of Holyoke, Massachusetts Gas and Electric Department to become one of the joint owners of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 19, 1974, (2) Amendment No. 1 to Construction Permit No. CPPR-113, and (3) the Commission's related Safety Evaluation contained in the Commission's letter to Northeast Nuclear Energy Company. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director of the Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of January, 1975.

[1] Construction Permit No. CPPR-113 was issued to the following: Ashburnham Municipal Light Plant, Boylston Municipal Lighting Plant, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, City of Burlington, Vermont, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, The Hartford Electric Light Company, Marblehead Municipal Light Department, Middleton Municipal Light Development, Montaup Electric Company, New England Power Company, North Attleborough Electric Department, Northeast Nuclear Energy Company, Paxton Municipal Light Department, Peabody Municipal Light Plant, Public Service Company of New Hampshire, Shrewsbury Light Plant, Templeton Municipal Lighting Plant, Town of South Hadley Electric Light Department, The United Illuminating Company, Vermont Electric Power Company, Inc., Wakefield Municipal Light Department, West Boylston Municipal Lighting Plant, Western Massachusetts Electric Company, Westfield Gas and Electric Light Department.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Division of Reactor Licensing.

[FR Doc.75-2836 Filed 1-29-75;8:45 am]

TENNESSEE VALLEY AUTHORITY; HARTSVILLE NUCLEAR PLANT A, UNITS 1 AND 2; HARTSVILLE NUCLEAR PLANT B, UNITS 1 AND 2

Special Prehearing Conference

In the matter of Tennessee Valley Authority (Hartsville Nuclear Plant A Units 1 and 2), (Hartsville Nuclear Plant B Units 1 and 2); Docket Nos. STN 50-518, STN 50-519, STN 50-520, STN 50-521.

On October 25, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 38013) "Notice of Hearing on Application for Construction Permits." Said notice was dated October 16, 1974. It provided inter alia that the Atomic Safety and Licensing Board established for the above described proceeding "will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene or their counsel for the purpose of dealing with matters specified in 10 CFR 2.751a."

Accordingly, a Special Prehearing Conference will be held in the United States Courthouse, 8th Ave. and Broad Street, Nashville, Tennessee 37203, commencing at 10 a.m. on Tuesday, February 25, 1975.

It will be the purpose of the February 25th conference to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

All hearings in this proceeding will be public unless otherwise ordered by the Commission. The public is invited to attend the Special Prehearing Conference on February 25, 1975. However, no limited appearance statements will be accepted at this Special Prehearing Conference. Statements by members of the public making limited appearances will be received at the commencement of Evidentiary Hearings which will be scheduled at a later date.

It is so ordered.

Issued at Bethesda, Maryland this 27th day of January, 1975.

For the Atomic Safety and Licensing Board.

JOHN F. WOLF,
Chairman.

[FR Doc.75-2837 Filed 1-29-75;8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 24, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Oil Company Report, F.R. 580, monthly, oil companies, Hulett, D. T., 395-4730.

ENVIRONMENTAL PROTECTION AGENCY

Quality assurance performance audit for NASN for total suspended particulates, quarterly, State & local agencies, Weiner, N., 395-4890.

OTHER AGENCIES

License proposal requirements, none, single-time, manufacturers, Lowry, R. L., 395-3772.

GENERAL SERVICES ADMINISTRATION

Contract delivery status record, GSA 1678, monthly, Federal supply contractors, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Survey of VA pensioners age 72 or over, none, single-time, VA pensioners age 72 and over, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Notification of the membership of adult education, State advisory councils, OE-395, on occasion, adult education State educational agencies, Lowry, R. L., 395-3772.

Financial status report & performance report—handicapped children's early education program, OE-9037-2, annually, SEA's, LEA's institutions of higher education, Lowry, R. L., 395-3772.

Longitudinal evaluation of ESAA pilot and basic programs, OE 393-1, thru -6, annually, school staff, students & coordinators, Human Resources Division, 395-3532.

Institutional release of Federal funds/request for additional Federal funds under the CWS program, OE-1286-1, on occasion, institutions of higher education, Human Resources Division, 395-3532.

Office of the Secretary: Letter survey of school superintendents of selected school districts, OS-4-75, single-time, superintendents of selected school districts, Human Resources Division, 395-3532.

Food and Drug Administration: Study of tartrazine aspirin hypersensitivity, FDA 0114, single-time, patients who are hypersensitive to tartrazine or aspirin, Hall, George, 395-4697.

Social and Rehabilitation Service: Development of a functional classification system for long-term care: ages 0-17 years, single-time, caretakers of children who are in long term care, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Cadastral surveyor questionnaire, 9180-37, on occasion, private surveying and engineering firms, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Producer report of acreage, ASCS-580, annually, farms, Lowry, R. L., 395-3772.

Economic Research Service: Farm & rural land market survey, ERS (FPED) 7, semi-annually, real estate brokers, rural bankers & fib managers, Lowry, R. L., 395-3772.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Finance rates on consumer mobile home instalment credit contracts; worksheet; state worksheet; finance rates on other companies, FR 635, other (see SF-83), Evinger, S. K., 395-3648.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Offeror's analysis of cost proposal, 1420-18, on occasion, contractors for contracts over $100,000, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2929 Filed 1-29-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 01/27/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Beneficiary designation form—Veterans Group Life Insurance SGLI—retired reservists, 29-8721, on occasion, veterans and retired reservists, Caywood, D. P., 395-3443.

SMITHSONIAN INSTITUTION

The National Registry of Traveling Exhibition Sources, Cover Letter and Questionnaire, SI-3084, SI-2084A, SI-2084B single-time, Museums and Exhibition Services, Planchon, P., 395-3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Evaluation of Utah Medex-Impact on Health Care, HRABHSR1230, single-time, Physician Assistants, Patients and M.D.'s, Human Resources Division, 395-3532.

Office of Education:

Interview Guide for the Evaluation of Title IV of Civil Rights Act of 1964, OE 388-9-15, single-time, project staff Lea Staff, Community & Veterans Affairs Division, 395-3532.

Evaluation of School Team Approach for Drug Abuse, Prevention and Early Intervention, OE 394-1 TH, single-time, Students and School Staff, Planchon, P., 395-3898.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: SIC 372 deferred payment survey—17 cents deferred, payments follow-up survey, BLS3029 X&Y, single-time, aircraft and parts manufacturers, Strasser, A., 395-3880.

REVISIONS

DEPARTMENT OF THE TREASURY

Departmental and other unit of local government planned use report-revenue sharing, on occasion, economics & general government division, 395-3451.

EXTENSIONS

ATOMIC ENERGY COMMISSION

Access permit status report (holders of permits to use restricted data), AEC-249, annually, business firms, Evinger, S. K., 395-3648.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife:

Fish tag recovery report, 3-224, on occasion, fishermen, Evinger, S. K., 395-3648.

Report of migratory birds taken, 3-430A, annually, scientific collecting permits, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-2928 Filed 1-29-75;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 1 p.m., in the Eighth Floor Conference Room of the Communications Satellite Corporation, 950 L'Enfant Plaza South, SW., Washington, D.C., on Wednesday, February 19, 1975.

The principal agenda items will be: (1) a discussion of the preparatory work that is just starting for the 1979 ITU World General Radio Conference, (2) review of the results of the OTP sponsored biological side effects symposium, (3) impact of electric power facilities on terrestrial communications systems, (4) a career development program for spectrum management personnel in the Federal Government, and (5) a discussion on radio receiver characteristics.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: JANUARY 24, 1975.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.75-2735 Filed 1-29-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

JANUARY 23, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 24, 1975 through February 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2814 Filed 1-29-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

JANUARY 23, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 23, 1975 through midnight (e.s.t.) on January 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2815 Filed 1-29-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2816 Filed 1-29-75;8:45 am]

[811-1867]

HYPERION FUND, INC.

Notice of Proposal To Terminate Registration

JANUARY 23, 1975.

Notice is hereby given That the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (the "Act"), to declare by order on its own motion that Hyperion Fund, Inc. (the "Fund"), 126 Barker Street, Mount Kisco, New York, 10549, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on May 22, 1969. Information in the Commission's files indicates that on June 4, 1974, pursuant to the terms of a plan of reorganization, the Fund transferred all of its assets to First Multifund of America, Inc. ("Multifund"), in exchange for shares of Multifund which were distributed pro rata to Fund shareholders in exchange for their shares. The Fund has no assets and has ceased doing business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given That any interested person may, not later than February 23, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon.

Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following February 23, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2822 Filed 1-29-75;8:45 am]

[811-1778]

IMA FUND, INC.

Notice of Proposal To Terminate Registration

JANUARY 24, 1975.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that IMA Fund, Inc. ("IMA"), c/o National Bank, 1101 Euclid Avenue, Cleveland, Ohio 44115, registered under the Act as an open-end investment company, has ceased to be an investment company as defined in the Act.

IMA was organized under the laws of the State of Ohio on July 19, 1968. It registered under the Act on December 2, 1968, and it filed a registration statement

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on Form S–5 (File No. 2–30926) under the Securities Act of 1933 which became effective on December 17, 1969. An amendment to the registration statement filed on March 22, 1972, became effective on April 28, 1972. No further amendments were filed. On March 21, 1974, shareholders voted to dissolve IMA. The appraised value of IMA's assets on September 30, 1974, was $1,573.21; and its remaining common stock outstanding is held by 13 persons, none of whom are corporations.

Section 3(c)(1) of the Act provides, among other things, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given That any interested person may not later than February 19, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon IMA Fund., Inc., at the address stated above. Proof of such (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authoriy.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2823 Filed 1–29–75;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2817 Filed 1–29–75;8:45 am]

[File No. 24B–1888]

NICOA CORP.

Order Temporarily Suspending Exemption

JANUARY 23, 1975.

I. Nicoa Corporation ("Nicoa" or "issuer") One Exchange Place, Jersey City, New Jersey 07302, is a Massachusetts corporation presently located at One Exchange Place, Jersey City, New Jersey 07302. It was organized on May 18, 1972 to engage in the manufacture of a Nitinol alloy and the application of such alloy for use in temperature sensing, indicating and monitoring devices.

On November 17, 1972, Nicoa filed a notification pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its $.01 par value common stock at $5 a share. The offering was to be conducted by Ferkauf, Roggen Incorporated as underwriter on a "best efforts all or none" basis for an offering period of up to 90 days. The offering commenced on March 20, 1973.

On August 13, 1973, Nicoa filed post-effective amendment number 1 to the notification, changing the terms of the offering to a "best efforts, 50% or none" basis. Under post-effective amendment number 2, filed on November 26, 1973, Shoenberg, Hieber, Inc., of New York, New York was substituted as underwriter, and provision was made for a new offering on a "best efforts, 50% or none" basis, for a period of up to sixty days. Post-effective amendment number 3, filed on January 16, 1974, provided for an offering period of up to 120 days. The offering re-commenced on January 31, 1974.

On April 18, 1974, Nicoa filed a Form 2–A Report pursuant to Rule 260 of Regulation A, indicating that the offering was completed on April 1, 1974 with the sale of 54,523 shares.

On June 18, 1974, the Commission suspended the over-the-counter trading in all securities of Nicoa for a ten-day period, because of questions raised by the after market trading activities in the issuer's common stock (Securities Exchange Act of 1934, Release No. 10864). The suspension has been renewed continuously for successive ten-day periods and is still in effect.

II. The Commission on the basis of information reported to it by its staff, has reason to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in the following respects:

1. The failure to accurately disclose the manner of distribution of the securities;

2. The failure to disclose Philip S. Budin ("P. Budin"), David Budin ("D. Budin") and David Hugh Treherne-Thomas ("Thomas") as underwriters of the offering;

3. The failure to disclose the purchase of shares of the issuer by P. Budin and Thomas;

4. The statement that Neil E. Rogen, the president of the issuer, owned 130,000 shares of the issuer's common stock when, in fact, he owned only 100,000 shares;

5. The statement that D. Budin owned 2,500 shares of the issuer's common stock when, in fact, such shares were owned by P. Budin; and

6. The failure to accurately state the jurisdictions in which the securities were proposed to be offered.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. In at least one instance a copy of the issuer's offering circular was not delivered to a prospective purchaser.

2. The Form 2–A Report failed to indicate the actual termination date of the offering;

3. The offering circular inaccurately sets forth the manner of distribution of the securities;

4. The notification and offering circular fail to disclose P. Budin, D. Budin and Thomas as underwriters of the offering;

5. The notification and offering circular fail to disclose the purchase of securities of the issuer by P. Budin and Thomas;

6. The notification and offering circular inaccurately set forth the number of shares owned by Neil E. Rogen, the president of the issuer;

7. The notification inccurately sets forth the ownership of shares by D. Budin which were, in fact, owned by P. Budin; and

8. The notification inaccurately sets forth the jurisdictions in which the securities were to be offered.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, That the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, pursuant to Rule 7 of the Commission's rules of practice, That the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given, That any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2824 Filed 1–29–75;8:45 am]

[File No. 500–1]

NICOA CORP.

Suspension of Trading

JANUARY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 24, 1975 through February 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2818 Filed 1–29–75;8:45 am]

[File No. 500–1]

PALISADE MINING AND MILLING CO.

Suspension of Trading

JANUARY 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Palisade Mining and Milling Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m. (est) on January 23, 1975 through midnight (est) on February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2819 Filed 1–29–75;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS.
Secretary.

[FR Doc.75–2820 Filed 1–29–75;8:45 am]

[File No. 500–1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

JANUARY 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 27, 1975 through February 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–2821 Filed 1–29–75;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

Approval of Equal Employment Opportunity Plan

1. *Background.* 41 CFR 60–1.4(b)(2) (39 FR 2365, January 21, 1974) proscribes procedures whereby State and local governments intending to impose affirmative action hiring or training requirements on Federally-assisted construction already subject to Federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to Federally-assisted construction contracts unless the Office of Federal Contract Compliance (OFCC), or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the Federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 60–1.4(b)(2), on July 21, 1974, the Metropolitan Atlanta Rapid Transit Authority (MARTA) submitted its Appendix A Equal Employment Opportunity Plan and Bid Conditions for construction projects in the Atlanta Metropolitan area to the Director of OFCC. The MARTA equal employment opportunity provisions are applicable to all construction work performed under contracts with the Metropolitan Atlanta Rapid Transit Authority. In relevant part, the plan requires all bidders to submit with their bids projections of the percentage of manhours to be worked by minority persons on all of the contractor's projects, private and public, within the Atlanta area including the MARTA project. For projects covered by the Atlanta Plan, contractor's projections of minority manpower utilization must be at least equal to the ranges included in the Atlanta Plan for the ten (10) trades covered by that Plan. For administrative job classifications and those trades not covered by the Atlanta Plan, contractors must submit reasonable and meaningful goals where minorities are underutilized. The Plan includes a document entitled Guidelines

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for the Determination of Underutilization. This document lists nine (9) factors which the contractor must consider in submitting "reasonable and meaningful" goals. The goals for those ten (10) trades covered by the Atlanta Plan are non-negotiable. The goals submitted for administrative job classifications and for those trades not covered by the Atlanta Plan, may be the subject of negotiations between MARTA and the apparent low bidder.

The MARTA Plan adopts the three (3) methods of compliance listed in section 2(a)–(c) of Appendix A of the Atlanta Plan. In the event a contractor fails to meet his commitment to the goals of the MARTA Plan, a determination of good faith is made based on his efforts to comply. Good faith is determined by the contractor's efforts to comply with the sixteen (16) good faith steps listed in the MARTA Bid Conditions. When a contractor meets his goals he is deemed to be in compliance with the MARTA Plan. When the contractor fails to meet his goals, the Authority may proceed with formal sanction proceedings. Upon a showing that the contractor has failed to meet his goals, the contractor must then present evidence to show that he or his labor union has met the good faith requirement of the MARTA Plan.

Compliance with the MARTA Plan is monitored by monthly reports on OFCC Form 66. Failure to report in a timely manner may result in a finding of noncompliance for failure to submit the required information.

The MARTA Plan includes extensive requirements covering the utilization of minority business enterprises. These requirements do not include goals and timetables. They are efforts which contractors must make to apprise prospective minority subcontractors of the contractor's interest in doing business with minority enterprises.

Copies of the Metropolitan Atlanta Rapid Transit Authority EEO Plan and Bid Conditions may be obtained from the Metropolitan Atlanta Rapid Transit Authority, Suite 1300, 100 Peachtree Street NW., Atlanta, Georgia 30303, or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue, NW., Washington, D.C. 20210.

2. After careful review of the Metropolitan Atlanta Rapid Transit Authority EEO Plan and Bid Conditions, in accordance with the provisions of 41 CFR 60–1.4 (b)(2), I have determined that the MARTA EEO Plan and Bid Conditions are not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of the Federal Atlanta Plan. Accordingly, I have approved the MARTA EEO Plan and Bid Conditions, and the Authority may include such requirements in Federally-assisted construction contracts.

3. *Right of appeal.* On Monday, January 20, 1975, in accordance with 41 CFR 60–1–4(b)(2), I communicated my determination to Mr. John L. Cole, Assistant to the General Manager for Equal Employment Opportunity by registered mail, return receipt requested.

Pursuant to 41 CFR 60–4 (b)(2), any person or groups affected by my determination, including construction contractors, labor organizations, or other organizations or construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, by requesting a hearing on or before February 20, 1975. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by my determination their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within eighty (80) days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C., this 20th day of January 1975.

PHILIP J. DAVIS,
Director, Office of Federal Contractor Compliance.

[FR Doc.75–2771 Filed 1–29–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CONCORD DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Concord District Advisory Council will meet at 10:30 a.m., Eastern Standard Time, Thursday, February 13, 1975, in the Convention Center of the Sheraton Wayfarer Motor Inn, Bedford Interchange, Bedford, New Hampshire, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Bert Teague, Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301 (603) 224–7724.

Dated: January 23, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75–2734 Filed 1–29–75;8:45 am]

SELECTIVE SERVICE SYSTEM

RANDOM SELECTION SEQUENCE FOR INDUCTION OF REGISTRANTS

Lottery Drawing

By virtue of the authority vested in me by § 1631.1 of Selective Service regulations (32 CFR 1631.1), a drawing will be conducted in the Department of Commerce Auditorium, Washington, D.C., on March 12, 1975, beginning at 10 a.m., e.s.t., to establish a random selection sequence for induction of registrants who during the calendar year 1975 have attained their 19th but not their 20th year of age.

BYRON V. PEPITONE,
Director.

JANUARY 24, 1975.

[FR Doc.75–2746 Filed 1–29–75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on February 6, 1975, at 10 a.m., the VARO Cleveland Station Committee on Educational Allowances shall at Room 1183, Anthony J. Celebrezze Federal Building, 1240 East Ninth Street, Cleveland, Ohio 44199, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Akron Aviation Company, Akron Municipal Airport, Akron, Ohio 44303, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: January 23, 1975.

L. M. MERRITT,
Director, VA Regional Office.

[FR Doc.75–2787 Filed 1–29–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 685]

ASSIGNMENT OF HEARINGS

JANUARY 27, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 531 Sub 299, Younger Brothers, Inc., now assigned January 28, 1975 at Dallas, Texas is postponed indefinitely.

MC 117165 Sub 37, C. J. Davis dba St. Louis Freight Lines, now assigned February 20, 1975 at Chicago, Illinois, is cancelled and the application is dismissed.

MC 114273 Sub 182, Cedar Rapids Steel Transportation, Inc., now assigned January 29, 1975 at Denver, Colo., is cancelled and the application is dismissed.

MC 107515 Sub 941, Refrigerated Transport Co., Inc., MC 114273 Sub 216, Cedar Rapids Steel Transportation, Inc., MC 138018 Sub 8, Refrigerated Foods, Inc., and MC 138018 Sub 15, Refrigerated Foods, Inc., now being assigned March 17, 1975, (1 week), at Denver, Colo., in a hearing room to be designated later.

F.D. 27827, Southern Railway Company Change in Service of Trains Nos. 1 and 2 Between Atlanta, Georgia and Birmingham, Alabama to Three Days a Week; and F.D. 27828, Southern Railway Company—Discontinuance of Operation of Trains Nos. 5 and 6 Between Charlotte, N.C. and Atlanta, Ga., and Change of Service Between Washington, D.C. and Charlotte, N.C., now being assigned March 11, 1975 (2 days), at Atlanta, Ga.; March 13, 1975 (1 day), at Anniston, Ala.; March 14, 1975 (1 day), at Birmingham, Ala., March 17, 1975 (1 day), at Greenville, S.C., and March 18, 1975 (1 day), at Charlotte, N.C., in hearing rooms to be designated later.

F.D. 27829, Southern Railway Company Discontinuance of Trains Nos. 7 and 8 Between Washington, D.C. and Lynchburg, Va., now being assigned March 17, 1975 (2 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.; March 19, 1975 (1 day), at Charlottesville, Va.; and March 20, 1975 (1 day), at Lynchburg, Va., in hearing rooms to be designated later.

MC 1263 Sub 18, McCarty Truck Line, Inc., now being assigned March 10, 1975 (1 week) at Lincoln, Nebraska, in a hearing room to be later designated.

MC 108340 (Sub-No. 27), Haney Truck Line, now being assigned March 17, 1975 (1 week) at Portland, Oregon, in a hearing room to be later designated.

MC 53965 Sub 95, Graves Truck Line, Inc., now being assigned March 18, 1975 (3 days) at Denver, Colorado, in a hearing room to be designated later.

MC 41432 Sub 143, East Motor Freight Lines, Inc., MC 48958 Sub 121, Illinois-California Express, Inc. and MC 108461 Sub 122, now being assigned March 10, 1975 (1 week) at Salt Lake City, Utah, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2839 Filed 1–29–75;8:45 am]

[Rule 19; Ex Parte 241; Rev. Exemption 88, Amdt. 2]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Revised Exemption No. 88, issued November 25, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Revised Exemption No. 88 to the Mandatory Car Service Rules, ordered in Ex Parte No. 241, be, and it is hereby amended to expire February 28, 1975.

This amendment shall become effective January 15, 1975.

Issued at Washington, D.C., January 14, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–2842 Filed 1–29–75;8:45 am]

[Rule 19; Ex Parte 241; Exemption 93]

GRAND TRUNK WESTERN RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That the Grand Trunk Western Railroad Company (GTW), and the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC), have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the GTW and the PC without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks				
GTW	PC			
	B&A	NH	PCB	TOC
	BWC	NYC	P&E	
	CASO	PC	PRR	
		PCA		

Effective January 15, 1975.

Expires April 15, 1975.

Issued at Washington, D.C., January 15, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–2840 Filed 1–29–75;8:45 am]

[Order No. 117, Amdt. 2; Rev. S.O. 994]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 117 (the New York, Susquehanna and Western Railroad Company), and good cause appearing therefor:

It is ordered, that: I.C.C. Order No. 117 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PHALER,

[FR Doc.75–2841 Filed 1–29–75;8:45 am]

[Docket No. 31358]

CHICAGO, BURLINGTON & QUINCY RAILWAY CO., ET AL. vs. NEW YORK, SUSQUEHANNA & WESTERN RAILROAD CO., ET AL.

Filing of Petition

Notice is hereby given that the Florida East Coast Railway Company (FEC) filed on January 15, 1975 a petition for order interpreting prior decision in this cause. The FEC seeks an interpretation by the Commission as to whether AAR Circular No. OT–37–A, which establishes a procedure for adjusting the values of rehabilitated second hand cars, is contrary to the intent and the specific language of the Commission's orders in this case. It is the contention of the FEC that AAR Circular OT–37–A has inflated the values of rehabilitated cars and has caused the FEC and other similarly situated railroads to pay higher per diem rates.

Any interested party may file a reply to the FEC's petition with the Commission no later than March 5, 1975. Interested parties may obtain copies of the petition upon request from the Commission or by contacting Charles B.

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Evans, attorney for the F.E.C., One Malaga Street, St. Augustine, Florida 32084.

Issued in Washington, D.C., January 23, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2838 Filed 1-29-75;8:45 am]

[Notice 10]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1975.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before February 14, 1975. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Sub-No. 13TA), filed January 17, 1975. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, Pa. 15136. Applicant's representative: Samuel P. Delisi, 530 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration; and (2) *Frozen fish and agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Act in mixed loads with the commodities in (1) above, in vehicles equipped with mechanical refrigeration, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Roanoke County, Va., for 180 days. Supporting shipper: Crafton Distribution and Storage, Inc., 295 W. Steuben Street, Pittsburgh, Pa. 15205. Send protests to: John N. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 8973 (Sub-No. 36TA), filed January 15, 1975. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pellets* (in bulk), (2) plastic hose, in mixed loads with plastic pellets, in bulk, and (3) materials, equipment, and supplies, used in the manufacture and sale of plastic articles (except liquid commodities, in bulk, in tank vehicles), between the facilities of Colorite Plastics Co., Division of Dart Industries, Inc., at Ridgefield, N.J., on the one hand, and, on the other, points in the United States, in and east of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Texas (except points in New Jersey, New Hampshire, and Maine), for 180 days. Supporting shipper: Colorite Plastic Co., Div., of Dart Ind., 101 Railroad Avenue, Ridgefield, N.J. 07657. Send protests to: R. E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 81908 (Sub-No. 5TA), filed January 17, 1975. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, Ohio 45840. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bags or in bulk; *herbicides, insecticides, and pesticides*, when moving in mixed shipments with dry fertilizer or dry ingredients; and animal and poultry feed and animal and poultry feed ingredients, restricted against the shipment of commodities in bulk in tank vehicles, (1) from the plantsite and warehouse facilities of The Andersons, a partnership, located at or near Maumee, Ohio, to points in the States of Michigan, Illinois, Indiana, Wisconsin, Pennsylvania, Kentucky, and New York; and (2) from the plantsite and facilities of Wegro, Inc., a Corporation, located at or near Grand Rapids, Ohio, to points in the States of Michigan, Illinois, Wisconsin, Indiana, Pennsylvania, Kentucky, and New York, for 180 days. Supporting shippers: The Andersons, P.O. Box 119, Maumee, Ohio 43537; Wegro, Inc., P.O. Box 82, Grand Rapids, Ohio 43522. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 41951 (Sub-No. 26 TA), filed January 21, 1975. Applicant: WHEATLEY TRUCKING, INC., Cambridge, Md. Applicant's representative: M. Bruce Mordan, 201 Azar Bldg., Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cartons*, knocked down flat, except corrugated in boxes, from Atlanta, Ga., to Cambridge, Md., for 180 days. Supporting shipper: RJR Foods, Inc., Woods Road, Cambridge, Md. Send protests to: W. C. Hersman, District Supervisor, Room 317, Interstate Commerce Commission, Bureau of Operations, 12 & Constitution Ave. NW., Washington, D.C. 21432.

No. MC 87379 (Sub-No. 12 TA), filed January 20, 1975. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Avenue, Uhrichsville, Ohio 44638. Applicant's representative: Boyd B. Ferris, Esq., Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except earthenware, pottery, stoneware, and chinaware), from Tuscarawas County, Ohio, to points in Iowa, Maine, Minnesota, Missouri, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shippers: Beldon Brick Company, 1401 Beldon Drive, Uhrichsville, Ohio 44683. Evans Clay Products Company, P.O. Box 261, Midvale, Ohio 44653. Larson Clay Pipe Company, P.O. Box 431, Uhrichsville, Ohio 44683. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 100666 (Sub-No. 289 TA), filed January 15, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, prefinished wall panels, prefinished gypsum panels, adhesives, moldings and accessories incidental to the installation thereof*, from the plant site and facilities of the United States Gypsum Company, at Pittsburg, Kansas to points in Missouri, west of a line beginning at the junction of the Arkansas-Missouri state line and Missouri Highway 19, thence along Missouri Highway 19 to the junction of Missouri Highway 19 and Missouri Highway 106, thence along Missouri Highway 106 to the junction of Missouri Highway 106 and Missouri Highway 21, thence along Missouri 21 to the junction of Missouri Highway 47, thence along Missouri 47 to the junction of Missouri Highway 47 and U.S. Highway 61, thence along U.S. Highway 61 to the Missouri-Iowa state line, for 180 days. Supporting shipper(s): United States Gypsum Company, 101 South Wacker Drive, Chicago, Ill. 60606. Robert F. Tabor, Traffic Manager, Industrial Products. Send protests to: Ray C. Armstrong, Jr., Interstate Commerce Commission, Room T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 100666 (Sub-No. 290 TA), filed January 20, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 N.W. 58th Street, Oklahoma City, Okla. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Pallets*, from Winona, Mo., to Memphis, Tenn., and points in Tennessee on and north of a line, from the Virginia-Tennessee State line along U.S. Highway 11-E to the Junction of Knox County, thence north of Knox, Rome, Rhea, Bledsoe, Van Buren, Warren, Coffee, Bedford, Marshall, Maury, Hickman, Perry, Decatur, Carroll, Gibson, and Dyer Counties, for 180 days. Supporting shipper: Kerr-McGee Chemical Corp., Wood Products Division, P.O. Box 25861, Kerr-McGee Center, Oklahoma City, Okla. 73102. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La.

No. MC 107002 (Sub-No. 459 TA) (Amendment), filed October 8, 1974, published in the FEDERAL REGISTER issue of October 29, 1974, and republished as amended this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80W, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shipper: Ralston Purina Company, 1725 Airways Blvd., Memphis, Tenn. 38114. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

NOTE.—The purpose of this republication is to change the commodity description, and to add The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201, as another supporting shipper.

No. MC 108676 (Sub-No. 74 TA) (Correction), filed November 29, 1974, published in the FEDERAL REGISTER issue of December 12, 1974, and republished as corrected this issue. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from Kingsport and Greenland, Tenn., to points in Arizona, Colorado, New Mexico, and Utah, for 180 days. Supporting shipper: ASG Industries, Inc., P.O. Box 929 Kingsport, Tenn. 37662. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., U.S. Court House, Suite A422, 801 Broadway, Nashville, Tenn. 37203.

NOTE.—The purpose of this republication, is to change the name of the supporting shipper, which was previously published in error.

No. MC 114457 (Sub-No. 219 TA), filed January 15, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides and chemicals*, other than in bulk, from the plantsite of Monsanto Company, at or near Muscatine, Iowa to destinations, in the States of Alabama, Arkansas, Connecticut, Georgia, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh, St. Louis, Mo. 63166. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 220 TA), filed January 15, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Laminated particleboard furniture*, in cartons, with or without electronical and electronical equipment and clocks, from the facilities of Chetek Furniture Company and A.B.C. Chetek, Inc., at Chetek, Wisconsin to points in the United States, restricted to the transportation of traffic originating at the above-named facilities and destined to the named destination states, for 180 days. Supporting shipper: A.B.C. Chetek, Inc., Chetek Furniture Co. 625 4th Street, Chetek, Wis. 54728. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Bldg., and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114965 (Sub-No. 56) (Correction), filed December 26, 1974 published in the FEDERAL REGISTER issue of January 10, 1975, and republished as corrected this issue. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Moderngas, Inc., at or near LeCompton, Kans., and from Conway and Hutchinson, Kans., to points in Missouri, for 180 days. Supporting shipper: Moderngas, Inc., P.O. Box 886, Lawrence, Kans. 66044. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

NOTE.—The purpose of this republication is to clarify the requested authority, which was previously published in error.

No. MC 116763 (Sub-No. 301 TA), filed January 14, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, and materials and supplies* used in the manufacture, installation and distribution of carpet (except commodities in bulk), between Bristow, Okla., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Sikes Corporation, 608 Prospect Street, Lakeland, Fla. 33802. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B FOB, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123872 (Sub-No. 43 TA), filed January 20, 1975. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides and chemicals* (other than in bulk), from the plantsite of Monsanto Company, at or near Muscatine, Iowa to points in the states of Alabama, Arkansas, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Monsanto Company, 800 N. Lindbergh, St. Louis, Mo. 63116. Send protests to: Terrell Price, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte. N.C. 28205.

No. MC 133492 (Sub-No. 12TA), filed January 17, 1975. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of the Pabst Brewing Co., in Houston County, Ga., to points in Maryland, for 180 days. Supporting shipper: Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wis. 53201. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 135616 (Sub-No. 5TA), filed January 15, 1975. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43551. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, and materials, equipment and supplies*, used in the manufacture, production and distribution of glass, be-

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tween Upper Sandusky, Ohio on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 60 days. Supporting shipper: Guardian Industries Corp., 14600 Romine Road, Carleton, Mich. 48117. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 136246 (Sub-No. 7TA), filed January 17, 1975. Applicant: GEORGE BORS, INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Marshall D. Becker, Suite 530 Unicac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, from York, Willow Island, and Minatare, Nebr., to points in Kansas, for 180 days. Supporting shipper: Mid West PMS, Kenneth M. Green, General Mgr., Box 366, Minatare, Nebr. 69356. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg. and U.S. Courthouse, 129 North Tenth Street, Lincoln, Nebr. 68501.

No. MC 138807 (Sub-No. 7TA), filed January 16, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wocott (Watkins & Daniell), 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel*, from Hattiesburg, Miss., to points in Calif., for 180 days. Supporting shipper: Big Yank Corporation, 1300 Edwards Street, Hattiesburg, Miss. 39401. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 139010 (Sub-No. 2TA), filed January 15, 1975. Applicant: BLACKLINE AMERICAN CORPORATION, 1918 W. Grant Street, Phoenix, Ariz. 85009. Applicant's representative: Michael McLaughlin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roofing tile, and related accessories*, as manufactured by the Monier-Raymond Tile Company, Phoenix, Ariz., (except commodities in bulk), from the plantsite of Monier-Raymond Tile Co., Phoenix, Ariz., to points in New Mexico, Utah, Colorado, Nevada, California, and Texas, for 180 days. Supporting shipper: Monier-Raymond Tile Co., 1212 E. 6th Street, Corona, Calif. Send protests to: Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 139987 (Sub-No. 1TA) (Correction), filed December 18, 1974, published in the FEDERAL REGISTER issue of January 10, 1975, and republished as corrected this issue. Applicant: MILTON B. ANDERSON AND MELVIN K. ANDERSON, doing business as OVERLAND EXPRESS, 790 East Glendale Road, Sparks, Nevada 89431. Applicant's representative: Michael J. Stecher, Esq., 140 Montgomery Street, 4th floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, and Classes A and B poisons), limited to 70 pounds per package, not to exceed 200 pounds per shipment, between points in Nevada on and north of Interstate Highway 80 (U.S. Highway 40) and between points on and north of Interstate Highway 80 (U.S. Highway 40), on the one hand, and, on the other, points in Lincoln County, Nev., for 180 days. Supporting shippers: There are approximately 42 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Bldg., 705 North Plaza Street, Carson City, Nev., 89701.

NOTE.—Applicant states it will interline at Reno, Wells, and Elko, Nev., with common carriers. The purpose of this republication is to correct the restriction and to change the tacking statement which was previously published incorrect.

APPLICATION OF PASSENGERS

No. MC 138297 (Sub-No. 2TA), filed January 17, 1975. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 3844, Cocoa, Fla. 32922. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Bowling Green, Ohio, and Flint, Mich., and extending to Cocoa, Fla. Restriction: The authority under (1) above is restricted to the transportation of passengers having an immediately prior movement in a passenger automobile tendered to carrier for transportation on separate automobile transporters, pursuant to the authority set forth in part (2) hereof. (2) *Passengers automobiles* in secondary movements in truckaway service, between the points set forth in (1) above. Restriction: The authority granted under (2) above is restricted to the transportation of automobiles tendered to carrier by those passengers moving pursuant to the authority set out in part (1) above. Supporting shipper: Senior Travelers, Inc., 2302 Brookside Drive, Flint, Mich. 48503. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

WATER CARRIER APPLICATION

No. W-1284TA, filed December 30, 1974. Applicant: FLORIDA BARGE & FERRY LINE, INC., Suite 200, 200 SE. First Street, Miami, Fla. 33131. Applicant's representative: Maurice M. Diliberto, Esq. (same address as applicant). By order entered December 30, 1974, the Motor Carrier Board granted Florida Barge & Ferry Line, Inc., 180-day temporary authority to engage in the business of transportation in interstate or foreign commerce, as a *common carrier*, by water, in the transportation of *general commodities*, in trailers and/or containers, between Port Everglades and Miami, Fla., on the one hand, and, on the other, Key West and Marathon, Fla. Any interested person may file a petition for reconsideration within 20 days of the date of this publication.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-2843 Filed 1-29-75;8:45 am]

[Notice No. 8]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

No. MC 2202 (Sub-No. 474), filed January 6, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Grand Gulf Nuclear Station near Port Gibson, Miss., and Port Gibson, Miss., as off-route points in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., New Orleans, La., or Washington, D.C.

No. MC 2900 (Sub-No. 271), filed January 6, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative S. E. Somers, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Heflin, Dubberly, and Sterlington, La., as off-route points in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Shreveport, La., or Washington, D.C.

No. MC 3468 (Sub-No. 166), filed January 8, 1975. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 S. Dort Highway, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles:* (1) in initial and secondary movements, from Chesapeake, Va., to points in the United States including Alaska, but excluding Hawaii; and (2) in secondary movements, from Portsmouth, Va., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 13095 (Sub-No. 12), filed December 26, 1974. Applicant: WUNNICKE TRANSFER LINES, INC., 101 S. Buchanan Street, Boscobel, Wis. 53805. Applicant's representative: Glen L. Gissing, 8 South Madison Street, Evansville, Wis. 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used or useful in the manufacture and distribution of cheese, from points in Wisconsin to Mission, S. Dak., and (2) *cheese, including cheese food*, from Mission, S. Dak., to points in Wisconsin, under a continuing contract with Borden, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Madison, Wis., Milwaukee, Wis., or Columbus, Ohio.

No. MC 13250 (Sub-No. 128), filed January 6, 1975. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments, and accessories* for the commodities described in (1) above: (a) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; (b) from ports of entry in California, Oregon, and Washington, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (c) from ports of entry on the International Boundary Line between the United States and Canada, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 14702 (Sub-No. 68), filed December 27, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery Co., Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal food, and equipment, materials, and supplies*, used in the manufacture of canned animal foods (except commodities in bulk), between Sebring, Ohio, on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85 (except Alaska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21866 (Sub-No. 79), filed January 3, 1975. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries, and materials and supplies used or useful in the manufacture or distribution of electric storage batteries*, between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to facilities of General Battery Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 29555 (Sub-No. 81), filed January 6, 1975. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (except those requiring temperature control)), serving the plantsite of E. R. Squibb Distribution Center, at Rolling Meadows, Ill., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 29555 (Sub-No. 82), filed January 6, 1975. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and

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those requiring special equipment (except those requiring temperature control)), serving the plantsite of Schultz Bros. Co. at Lake Zurich, Ill., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 321), filed January 6, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, engines and generators combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above: (a) From ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin; and (b) from ports of entry in Wisconsin, Illinois, Michigan, and Ohio, to points in the United States, restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 34027 (Sub-No. 7), filed December 30, 1974. Applicant: GREETINGS, INC., 214 South Clark, P.O. Box 82, Pella, Iowa 50219. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, between Pella, Iowa, on the one hand, and, on the other, Oklahoma City, Okla., and Findlay, Dayton, and Cincinnati, Ohio, restricted to shipments originating at and destined to the named origins and destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 35334 (Sub-No. 76), filed January 7, 1975. Applicant: COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Cheswold, Del., as an off-route point in connection with applicant's authorized regular route operations to and from Philadelphia, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 414), filed January 2, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Rochester, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 162), filed January 6, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material:* (a) From Fort Worth, Tex., to Ft. Smith, Hot Springs, Little Rock and Pine Bluff, Ark.; and Bartlesville, Enid, Hugo, McAlester, Muskogee, Okmulgee, Ponca City, Poteau, Shawnee, and Tulsa, Okla.; and (b) from Memphis, Tenn., to Alamosa, Colo.; and (2) *empty containers*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Wichita, Kans.

No. MC 59583 (Sub-No. 149), filed January 6, 1975. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Robert G. Olterman, P.O. Box 343, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, pipe, fittings, valves, hydrants, and equipment, materials and supplies*, used or useful in the installation thereof, from the plantsite and storage facilities of Mueller Co., located at points in Marshall County, Ala., and Hamilton County, Tenn., to points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment, and supplies*, used in the manufacture and sale of the commodities described in (1) above (except commodities in bulk, and those which because of size, shape and weight require the use of special equipment), from points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the plantsite and storage facilities of Mueller Co., located at points in Marshall County, Ala., and Hamilton County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemd necessary, the applicant requests it be held at Chattanooga, Tenn., or Washington, D.C.

No. MC 60272 (Sub-No. 9), filed December 12, 1974. Applicant: HANSON TRANSPORT, INC., Mayville, N. Dak. 58257. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) Between Fargo, N. Dak., and Mayville, N. Dak.: From Fargo over Interstate Highway 29 to junction North Dakota Highway 200, thence over North Dakota Highway 200 to Mayville, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak.

No. MC 63792 (Sub-No. 24), filed Jan. 9, 1975. Applicant: TOM HICKS TRANSFER COMPANY, INC., Box 16006, Houston, Tex. 77022. Applicant's representative: C. W. Ferebee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite and storage facilities of Romar Steel, Inc., at New Orleans, and Morgan City, La.; Birmingham, Ala.; and Houston, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, Florida, Tennessee, Missouri, Texas, Oklahoma, Kansas, New Mexico, and Colorado.

NOTE.—If a hearing is deemd necessary, applicant requests it be held at Houston, Tex.

No. MC 69492 (Sub-No. 44), filed December 31, 1974. Applicant: HENRY EDWARDS, a Proprietorship d.b.a. HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising materials:* (A) From Detroit, Mich., to Dresden, Dyersburg, and Jackson, Tenn.; (B) From Peoria, Ill., to Martin, Tenn.; and (C) From St. Joseph, Mo., to Memphis, Tenn.; and (2) *lime*, in bulk, from Jonesboro, Ill., to points in Obion County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis or Nashville, Tenn., or Louisville, Ky.

No. MC 82492 (Sub-No. 116), filed December 27, 1974. Applicant: MICHIGAN AND NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris, P.O. Box 2853, Kalamazoo, Mich. 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from Plymouth, Ind., and points in the lower peninsula of Michigan, to Spring Valley, Ill., and points in Minnesota, North Dakota, South Dakota, and Wisconsin; and (2) *drugs, plastic articles, and rubber articles* (except commodities in bulk), when in mixed shipments with foodstuffs, from points in the lower peninsula of Michigan, to points in Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit or Lansing, Mich.

No. MC 82841 (Sub-No. 148), filed December 20, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, flakeboard, and hardboard*, from Flagstaff, Ariz., and Santo Domingo, N. Mex., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 82841 (Sub-No. 149), filed December 27, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, and fittings and accessories* therefor, from the plant site of American Cast Iron Pipe Company at or near Merriam, Kans., to points in Colorado, Iowa, Minnesota, Nebraska, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 83539 (Sub-No. 402), filed January 2, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled cranes;* (2) *material handling equipment;* and (3) *accessories, attachments, and parts*, when moving in mixed loads with the commodities described in (1) and (2) above, from Merriam, Kans., to points in the United States (including Alaska, but excluding Hawaii and Kansas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95876 (Sub-No. 166), filed Dec. 30, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Ind. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, marble, slate, and stone and equipment, materials and supplies*, used in the quarrying, manufacturing, and installation of granite, marble, slate, and stone (except commodities in bulk), between points in Pontotoc County, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 95920 (Sub-No. 35), filed January 6, 1975. Applicant: SANTRY TRUCKING COMPANY, a Corporation, 11552 SW. Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, P.O. Box 88968—Tukwila Branch, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc* (except in bulk), from Dillon, Mont., to ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, Oroville, and Sumas, Wash., and Eastport, Idaho, under a continuing contract or contracts with Van Waters & Rogers, Inc.

NOTE.—Applicant holds common carrier authority in MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 100439 (Sub-No. 4), filed December 23, 1974. Applicant: DAVID W. HASSLER, INC., R.D. #8, York, Pa. 17403. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petro-chemicals), in bulk, from Baltimore, Md., to points in Adams, Berks, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Northumberland, Perry, Snyder, Union, and York (except York and Red Lion) Counties, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Washington, D.C. or Baltimore, Md.

No. MC 103051 (Sub-No. 318), filed August 9, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam cylinder oil*, in bulk, in tank vehicles, from Memphis, Tenn., to Wyandotte, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103051 (Sub-No. 335), filed January 2, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from West Point, Miss., to Tampa, Fla.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at either Nashville, Tenn., or Atlanta, Ga.

No. MC 103993 (Sub-No. 848), filed Jan. 6, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Houses and buildings, complete, knocked down, and in sections; and wall, roof, and floor sections*, from points in Chester County, S.C., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Chester County, S.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 105375 (Sub-No. 56), filed Jan. 8, 1975. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid animal feed, and liquid animal feed ingredients*, in bulk, in tank vehicles, from Clarence, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 105457 (Sub-No. 83), filed December 16, 1974. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, P.O. Box 10638, Charlotte, N.C. 28234. Applicant's representative: J. V. Luckadoo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Corinth, Miss., and Aberdeen, Miss.: From Corinth over U.S. Highway 45 to Aberdeen, and return over the same route, serving all intermediate points; (2) Between Walnut, Miss., and Houston, Miss.: From

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Walnut over Mississippi Highway 15 to Houston, and return over the same route, serving all intermediate points; (3) Between the junction of Alternate U.S. Highway 45 and U.S. Highway 45 at or near Shannon, Miss., and the junction of Mississippi Highway 32 and Mississippi Highway 15: From the junction of Alternate U.S. Highway 45 and U.S. Highway 45 over Alternate U.S. Highway 45 to Okolona, Miss., thence over Mississippi Highway 32 to junction Mississippi Highway 15, and return over the same route, serving all intermediate points; (4) Between Memphis, Tenn., and Tupelo, Miss.: From Memphis over U.S. Highway 78 to Tupelo, and return over the same route, serving all intermediate points between Tupelo and the Benton-Union County Boundary line; (5) Between Tupelo, Miss., and Cullman, Ala.: From Tupelo over U.S. Highway 78 to junction U.S. Highway 278 at or near Hamilton, Ala., thence over U.S. Highway 278 to Cullman, and return over the same route, serving all intermediate points between Tupelo and the Mississippi-Alabama State Boundary line; (6) Serving points in Alcorn, Chickasaw, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tippah, Tishomingo, and Union Counties, Miss., as off-route points in connection with applicant's regular route operations requested in (1) through (5) above; and (7) Between Atlanta, Ga., and the junction of U.S. Highway 41, Interstate Highway 75, and Georgia Highway 20: From Atlanta over U.S. Highway 41 (also over Interstate Highway 75) to junction Georgia Highway 20, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it commence at Tupelo, Miss., and end at Atlanta, Ga.

No. MC 106497 (Sub-No. 106), filed Dec. 31, 1974. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte. I–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage lift stations;* and (2) *equipment and parts*, for sewage lift stations, in mixed loads with sewage lift stations, between points in Sumner County, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 106674 (Sub-No. 148), filed December 26, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of soybeans, and materials, supplies, and ingredients* used in the processing thereof, in bulk, between the plantsite and or warehouse facilities of Krause Milling Co. located at or near Logansport, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsite and or warehouse facilities of Krause Milling Co. located at or near Logansport, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 756), filed January 8, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced plywood panels* and *materials and supplies* used in the manufacture and distribution of fiberglass reinforced plywood panels (except commodities in bulk), from points in Iowa, Missouri, Arkansas, Minnesota, Michigan, Illinois, Louisiana, New York, Massachusetts, Rhode Island, Delaware, Mississippi, Tennessee, Alabama, Kentucky, Indiana, Ohio, Wisconsin, Vermont, Connecticut, New Jersey, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Pennsylvania, New Hampshire, Maine, and Maryland, to the plantsite and warehouse facilities of Cor Tec, Inc., at Washington Court House, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 109397 (Sub-No. 309), filed January 3, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Bus Rte. I–44 east), Joplin, Mo. 64801. Applicant: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building, earthmoving, construction equipment, cranes, and attachments, accessories, and parts*, of such commodities; and (2) *parts, materials, and supplies*, used in construction of items in (1) above, between the plantsites and warehouse facilities of Grove Manufacturing Company, at Shady Grove, Pa., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 109533 (Sub-No. 67) (Partial Correction), filed October 21, 1974, published in the FEDERAL REGISTER issues of November 27, 1974, December 19, 1974, and January 16, 1975, and in Fourth publication as corrected, this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: E. T. Llipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Jacksonville, Fla., and Houston, Tex., serving all intermediate points and the off-route points of Gonzales, Fla., Port Arthur and Port Neches, Tex., Lemoyne, Ala., Calvert, Ala., and the plant site of Dow Badische Company at or near Calvert, Ala.: From Jacksonville over Interstate Highway 10 and also U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Opelousas, La., thence over U.S. Highway 167 to Lafayette, La., thence over Interstate Highway 10 and also U.S. Highway 90 to Houston, and return over the same route.

NOTE.—The purpose of this partial republication is to correct Route No. 1. The rest of the notice remains as originally published. If a hearing is deemed necessary applicant requests it be held at either Atlanta, Ga., or New Orleans, La.

No. MC 110325 (Sub-No. 61), filed January 7, 1975. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Jerome Biniasz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving the plant and warehouse sites of Western Electric Company, Inc., at or near the junction of New York Highway 422 and Maple Street, Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 110410 (Sub-No. 15), filed December 23, 1974. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. 30313. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, between Atlanta, Ga., on the one hand, and, on the other, Ailey, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 110563 (Sub-No. 152), filed December 26, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 60602. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Northen Packing Co., Inc. (Subsidiary of the Kroger Co.), located at or near Milwaukee, Wis., to points in Maryland, Massachusetts, Virginia, New Jersey, New York, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Cincinnati or Columbus, Ohio.

No. MC 111545 (Sub-No. 208), filed December 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, from the plantsite and warehouse facilities of FMC Corporation, Crane and Excavator Division located at or near Lexington, Ky., to points in Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, Louisiana, Florida, and Texas.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Louisville, Ky.; Atlanta, Ga., or Washington, D.C.

No. MC 111729 (Sub-No. 492), filed Dec. 31, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory samples, and specimens, including human tissue samples, blood, and blood specimens*, between Sioux Falls, S. Dak., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and North Dakota; (2) *laboratory samples and specimens, including culture and urine specimens, tissue samples, and blood*, between Des Plaines, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, and Wisconsin; (3) *business papers, records, and audit and accounting media of all kinds*, (a) between Sioux Falls, S. Dak., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and North Dakota; (b) between Des Plains, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, and Wisconsin; and (c) between Milwaukee, Wis., on the one hand, and, on the other, Henderson and Paducah, Ky.; Moorehead and New Ulm, Minn.; and points in Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota; and (4) *garments*, restricted against the transportation of packages and articles weighing in the aggregate more than 50 pounds, from one consignor to one consignee, on any one day, between Milwaukee, Wis., on the one hand, and, on the other, Henderson and Paducah, Ky.; Moorehead and New Ulm, Minn.; and points in Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC–112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11220 (Sub-No. 142), filed January 8, 1975. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38101. Applicant's representative: Jay C. Miner, P.O. Box 59, Memphis, Tenn. 38101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and facility of General Cable Corporation, located in Anderson County, Ky., approximately 3 miles north of Lawrenceburg, Ky., on U.S. Highway 127 bypass, as an off-route point in connection with carrier's authorized regular-route operations from and to Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 112617 (Sub-No. 323), filed December 31, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to points in Iowa; and (2) *inedible liquid flavoring compound, and distilled spirits*, in straight and mixed shipments, in bulk, in tank vehicles, from Bardstown, Ky., to Los Angeles, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 113678 (Sub-No. 576), filed December 24, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, (1) from the Port of New York, located at or near New York City, N.Y.; the Port of Newark, located at or near Newark, N.J.; Port Elizabeth, located at or near Elizabeth, N.J.; and Hazelton, Pa., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; (2) from Detroit, Mich., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; (3) from Minneapolis, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (4) from Chicago, Ill., to points in Colorado, Utah (except Salt Lake City), and Wyoming, restricted to traffic originating at the plantsite and warehouse facilities of Cadbury Corp., and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., Washington, D.C., or Denver, Colo.

No. MC 113325 (Sub-No. 140), filed December 27, 1974. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in St. Charles County, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113459 (Sub-No. 95), filed January 6, 1975. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other applications requesting similar authority.

No. MC 113678 (Sub-No. 578), filed January 2, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite of Mrs. Smith's Pies, at or near Pottstown, Pa., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minne-

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sota, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Oregon, Utah, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., Washington, D.C., or Denver, Colo.

No. MC 113828 (Sub-No. 226), filed January 6, 1975. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, in bulk, from Painesville, Ohio, to Charlottesville, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113861 (correction) (Sub-No. 61), filed November 22, 1974. Published in the FEDERAL REGISTER issue of December 19, 1974, and republished as corrected this issue. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles from Memphis and Nashville, Tenn., to points in Kentucky.

NOTE.—The purpose of this republication is to add Nashville, Tenn., as a point of origin, omitted in the original notice. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 113908 (Sub-No. 331), filed December 30, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite clay and processed clay*, in bulk, from the plantsite of American Colloid Company located near Lovell, Wyoming, to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Arkansas, Missouri, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Minnesota, Iowa, Oklahoma, North Dakota, South Dakota, Nebraska, Kansas, Louisiana, Texas, and the District of Columbia; (2) *bentonite clay, foundry molding sand treating compound*, in bulk, from the plantsite of American Colloid Company located near Belle Fourche, S. Dak., and Upton, Wyo., to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Arkansas, Missouri, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Indiana, Michigan, and the District of Columbia; and (3) *foundry molding sand treating compound and foundry sand*, in bulk, from the plantsite of American Colloid Company located near Granite City, Ill. to points in Alabama, Mississippi, Nebraska, Minnesota, Michigan, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Kansas City, Mo.; Chicago, Ill., or Washington, D.C.

No. MC 114004 (Sub-No. 153), filed January 3, 1975. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Watercraft and watercraft parts and accessories*, in mixed loads, from points in Gasconade County, Mo., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 114457 (Sub-No. 218), filed December 30, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumber goods*, from Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Washington, Montana, Wyoming, and Colorado, restricted to traffic originating at the plantsite and facilities of Universal-Rundle located at Ottumwa, Iowa and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Pittsburgh, Pa.

No. MC 11545 (Sub-No. 209), filed January 6, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above: (a) From ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; (b) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin; and (c) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 115162 (Sub-No. 303), filed January 3, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *agricultural hand tools, rakes, hoes, spades and accessories;* and (2) *materials and supplies*, used in the manufacture of agricultural hand tools, rakes, hoes, spades and accessories, (1) from St. Louis, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115180 (Sub-No. 94), filed December 31, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th St., New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and related items, and premiums and advertising materials* when moving with the above named commodities (except commodities in bulk), from Freehold, N.J., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, Iowa, Texas, and points in Pennsylvania on and west of the Susquehanna River.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 115669 (Sub-No. 149), filed January 8, 1975. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, Nebr. 68933. Applicant representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry petroleum pitch*, in bulk (except in tank vehicles) from Sioux City, Iowa, and Granite City, Ill., to Belle Fourche, S. Dak.; (2) *bentonite clay and processed clay*, from the plant site of the American Colloid Company at or near Lovell, Wyo., to points in Kansas; (3) *bentonite clay*, in bags, from the plantsites of American Colloid Company at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Nebraska (except Omaha) and points in Kansas on, east and north of a line beginning at the Kansas-Nebraska State Boundary line and extending south along U.S. Highway 75 to junction U.S. Highway 56, thence east along U.S. Highway 56 to Olathe, Kans., thence east along Kansas Highway 150 to the Kansas-Missouri State Boundary line; and (4) *supplies* used in the installation of water impedance boards when shipped with water impedance boards, from the plant site of the American Colloid Company at or near Belle Fourche, S. Dak., to points in Iowa, Kansas, Nebraska, and Oklahoma.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 495), filed January 2, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products* (except commodities in bulk), from Lake City, Pa., to points in Arizona, California, Colorado, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Erie, Pa., or Buffalo, N.Y.

No. MC 116073 (Sub-No. 314), filed December 30, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Ave. South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, (1) From points in Gregg County, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee; and (2) From points in McLennan County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee; and (3) From points in Williams County, Ohio, and Montgomery and Clinton Counties, Ind., to points in Alabama, Arkansas, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, or Kansas City, Mo.

No. MC 116763 (Sub-No. 300), filed January 8, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Muscatine and Iowa City, Iowa, Dixon, Ill., Geneva, Ohio, and North East, Pa., to the facility of Heinz U.S.A. at Jacksonville, Fla.; (2) from Dixon, Ill., Coloma, Mich., North East, Pa., and Geneva, Ohio, to the facility of Heinz U.S.A. at Arlington, Tex.; (3) from Dixon, Ill., to the facilities of Heinz U.S.A. at Harrison, N.J., and Mechanicsburg, Pa.; (4) from Dixon, Ill., Coloma, Mich., North East, Pa., and Geneva, Ohio, to the facility of Heinz U.S.A. at Greenville, S.C.; and (5) from the facility of Heinz U.S.A. at Greenville, S.C., to the facilities of Heinz U.S.A. at Arlington, Tex., Mechanicsburg, Pa., Iowa City, Iowa, Toledo, Ohio, Harrison, N.J., and points in Florida and North Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 117304 (Sub-No. 35), filed December 18, 1974. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th St. North, Lewiston, Idaho 83501. Applicant's representative: George R. LaBissoniere, Suite 101 Andover Bldg., 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste, scrap, scrap metals, pulp and rags* for recycling or reuse, from points in Montana and Idaho, to those points in Oregon on and west of U.S. Highway 97, and points in California and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 118142 (Sub-No. 86), filed December 23, 1974. Applicant: M. BRUENGER AND CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aerosol products, cleaning compounds*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Ft. Lauderdale, Fla., to points in Arizona, California, Nevada, Utah, Oregon, Idaho, and Washington.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Wichita, Kans.

No. MC 118202 (Sub-No. 43), filed December 26, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products;* and (2) *children's benches, blackboards, chalkboards, desks, sand boxes, and tables*, from St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 134631 Sub 4, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118431 (Sub-No. 19) (correction), filed December 10, 1974, published in the FEDERAL REGISTER issue of January 3, 1975 and, republished, as corrected, this issue. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, Little Rock, Ark. 72209. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, and ingredients*, as are used in the food processing industry, from points in Colorado, Connecticut, Delaware, Illinois (except points in the Chicago Commercial Zone), Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Deerfield and Chicago, Ill. restricted, (1) against the transportation of commodities in bulk, bananas, frozen and canned citrus products; (2) to shipments destined to the plantsites and facilities utilized by Kitchens of Sara Lee; and (3) to a transportation service to be performed under a continuing contract or contracts with Kitchens of Sara Lee.

NOTE.—The purpose of this republication is to add the destination points erroneously omitted in the original notice. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118431 (Sub-No. 20), filed January 6, 1975. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, Little Rock, Ark. 72209. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (except in bulk), from Hammondsport, N.Y., to points in Illinois, Indiana, Wisconsin, North Carolina, South Carolina, Michigan, and Alabama, under a continuing contract with the Taylor Wine Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be at either Little Rock, Ark., or Rochester, N.Y.

No. MC 118861 (Sub-No. 4), filed December 23, 1974. Applicant: H. L. DRAPER TRUCKING, INC., Box 187, Falls

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Creek, Pa. 15840. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders, sand, gravel, stone, and slag, and cinders, sand, gravel, stone, and slag* when coated with asphalt, in bulk, in dump vehicles, from points in Erie County, N.Y., to points in Crawford, Erie, and Warren Counties, Pa., with no transportation for compensation on return except as otherwise authorized.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 119493 (Sub-No. 134), filed January 6, 1975. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated, non-carbonated beverage concentrates, beverage flavoring compounds, and beverage preparations*, from Lenexa, Kans., to points in Missouri, Iowa, Nebraska, Oklahoma, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119777 (Sub-No. 313), filed January 2, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: John B. Ratliff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lifting, towing hoisting, and material handling trucks;* and (2) *parts and accessories*, for (1) above, (A) between the plant, warehouse, and storage facilities of Clark Equipment Company, located at or near Georgetown, Ky., on the one hand, and, on the other, points in Michigan; and (B) from the plant, warehouse, and storage facilities of Clark Equipment Company, located at or near Georgetown, Ky., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 126970, Subs 1 and 3 thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 119988 (Sub-No. 74) (Correction), filed November 25, 1974, and published in the FEDERAL REGISTER issue of December 27, 1974, as No. MC 140271 (Sub-No. 1), and republished as corrected this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylics* and *materials, equipment, and supplies* used in the manufacture thereof (except in bulk), between Hackensack, N.J., Stamford, Conn., and Dallas, Tex., on the one hand, and, on the other, points in and west of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

NOTE.—The purpose of this correction is to indicate that the correct docket number assigned to this application is MC 119988 (Sub-No. 74) in lieu of MC 140271 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 121470 (Sub-No. 9), filed January 2, 1975. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation of the commodities listed above; and (4) *metal pre-fabricated structural components and panels*, from the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and (B) *materials, equipment, and supplies* used in the manufacture of the commodities listed in (A) (1) through and including (B) (4), above from points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, to the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., restricted to the transportation of traffic originating at or destined to the plantsite and storage facilities of Kirby Building Systems, Inc.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at either Nashville, Tenn., or Louisville, Ky.

No. MC 123407 (Sub-No. 219), filed January 6, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coverings, facings, floor rolls, felt base carpeting, asphalted and decorated linoleum*, from Salem, N.J., to points in Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemd necessary, the applicant requests it be held at either Madison, Wis., or Washington, D.C.

No. MC 123872 (Sub-No. 41), filed December 23, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denver, Colo., to points in North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at either Hickory or Charlotte, N.C.

No. MC 124078 (Sub-No. 628), filed January 2, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar, and liquid sugar and blends of corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Illinois, and Indiana; (2) *ground limestone*, in bulk, in tank vehicles, from Gantts Quarry, Ala., to points in Oklahoma; and (3) *nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to points in Iowa.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub-68, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Atlanta, Ga.

No. MC 124170 (Sub-No. 49), filed Jan. 8, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, Food products, and food ingredients*, from points in Mobile County, Ala., to points in Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Nebraska, Iowa, Missouri, Kansas, South Dakota, and North Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 124679 (Sub-No. 62), filed January 3, 1975. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, supplies and equipment*, in vehicles equipped with mechanical refrigeration, between Teterboro, N.J., on the one hand, and, on the other, Salt Lake City, Utah; Glendale and Brisbane, Calif.; Denver, Colo.; Chicago, Ill.; Atlanta, Ga.; Milwaukee, Wis.; and Dallas, Tex.

NOTE.—Applicant holds contract carrier authority in MC 128813 Subs 2, 4, and 6, thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124692 (Sub-No. 142), filed December 16, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except in bulk), from the facilities of Witco Chemical Corporation at Bradford, Pa., to points in Montana, Idaho, Utah, Nevada, New Mexico, Arizona, California, Oregon, and Washington, restricted to shipments originating at the facilities of Witco Chemical Corporation at Bradford, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Chicago, Ill.

No. MC–124947 (Sub-No. 35), filed January 6, 1975. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, Suite 223, Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (a) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, New Mexico, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; and (b) from ports of entry in Wisconsin, Illinois, Michigan, and Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 83), filed January 3, 1975. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, *and related advertising materials*, from the plantsite of Pabst Georgia Brewing Company, at or near Perry (Houston County), Ga., to points in Kentucky; and (2) *empty malt beverage containers*, from points in Kentucky, to the plantsite of Pabst Georgia Brewing Company, at or near Perry (Houston County), Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 128012 (Sub-No. 3), filed January 3, 1975. Applicant: R. E. McCORMACK AND D. L. McCORMACK, a partnership, doing business as McCORMACK TRUCK LINES, 2608 Eagle Lane, P.O. Box 74937, Oklahoma City, Okla. 73127. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Cameron, Hidalgo, Starr, and Willacy Counties, Tex., to points in Arizona, Arkansas, California, Kansas, Louisiana, New Mexico, Nevada, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 128273 (Sub-No. 165), filed December 26, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, publications, and exempted printed matter*, as described by Section 203(b)(7) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with printed matter and publications; and (2) *materials and supplies* used in maintenance and operaion of printing plants, between plant sites and warehouse facilities of R. R. Donnelley & Sons Company and/or its subsidiaries at or near Glasgow, Ky., Gallatin, Tenn., and Chicago and Mattoon, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 128638 (Sub-No. 8) filed January 3, 1975. Applicant: CENTRAL GRAIN HAULERS, INC., Route No. 1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Carter, Elliott, Martin, Johnson, Floyd, Magoffin, Perry, Breathitt, Wolfe, Menifee, Powell, Lee, and Owsley Counties, Ky., to points in Kentucky, Ohio, Indiana, West Virginia, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lexington or Louisville, Ky.

No. MC 133965 (Sub-No. 4), filed January 2, 1975. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, in bulk, in tank vehicles, (1) from Phoenix, Ariz., to Grandview, Tex.; and (2) from Grandview, Tex., to Los Angeles, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 134197 (Sub-No. 2), filed December 30, 1974. Applicant: JACKSON & JOHNSON, INC., West Church Street, Box 7, Savannah, N.Y. 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Radisson, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *materials, supplies and equipment*, used in the manufacture, sale and distribution of malt beverages, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Radisson, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 136342, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Syracuse, or Buffalo, N.Y.

No. MC 134478 (Sub-No. 7), filed December 26, 1974. Applicant: CONNOLLY CARTAGE CORP., P.O. Box 3660, 1088 Snelling Avenue, St. Paul, Minn. 55156. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Black River Falls and Connersville, Wis., to points in Scott County, Minn., restricted to the traffic destined to plantsite and facilities of Certain Teed Products Corporation, at Scott County, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 134599 (Sub-No. 117), filed Dec. 11, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products and equipment, chemicals, and materials and supplies*, used in the manufacture and production of rubber products (except commodities in bulk, or which, because of size or weight, require special handling), from Chicopee Falls, Mass., to points in Arizona, Arkansas, California, Colorado, Iowa, Louisiana, Minnesota, Missouri, New Mexico, Oklahoma, Oregon, Texas, and Washington, under contract with Uniroyal, Inc.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134816 (Sub-No. 4), filed December 31, 1974. Applicant: EDWARD C. WARD, Route 1, Box 107, Tyner, N.C. 27980. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Suite 634, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishmeal*, between Reedville and Cape Charles, Va., and Wilmington, N.C.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135486 (Sub-No. 7) (correction), filed November 6, 1974, published in the FEDERAL REGISTER issue of December 12, 1974, and republished, as corrected, this issue. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products and advertising and display material* in connection therewith, from the facilities of The Kroger Company at Solon, Ohio, to the facilities of The Kroger Company at Ft. Wayne, Ind., under a continuing contract or contracts with The Kroger Company.

NOTE.—The purpose of this republication is to indicate the correct contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135486 (Sub-No. 8) (correction) filed November 6, 1974, published in the FEDERAL REGISTER issue of December 12, 1974 and republished, as corrected, this issue. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration, from the facilities of the Kroger Company at Columbus and Cincinnati, Ohio, to the facilities of the Kroger Company at Dallas and Houston, Tex., under a continuing contract or contracts with The Kroger Company.

NOTE.—The purpose of this republication is to indicate the correct contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135486 (Sub-No. 9), filed January 8, 1975. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in packages, from the facilities of Inter-State Canning Company at Louisville, Ky., to the facilities of The Kroger Company at Cincinnati and Columbus, Ohio and Indianapolis, Ind.; under a continuing contract or contracts with The Kroger Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 32), filed Dec. 26, 1974. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building parts and materials, equipment and supplies*, used in the manufacture and erection of metal buildings (except commodities in bulk, and commodities which because of size and weight require the use of special equipment), from the facilities of Jeanway Industries, Inc., at Humble, Tex., to points in the United States (except Alaska, Hawaii, and Texas).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Tulsa, Okla.

No. MC 136166 (Sub-No. 13), filed Dec. 19, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid meat, fish and poultry solubles*, in bulk, in tank vehicles from Warrenton, Oreg., to Jefferson, Wis., and St. Joseph, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or Los Angeles, Calif.

No. MC 136212 (Sub-No. 12), filed January 2, 1975. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's representative: Lonnie Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites of Heinz U.S.A., Division of H. J. Heinz Company at Iowa City and Muscatine, Iowa, to points in Colorado, and points in Kansas and Nebraska on and west of U.S. Highway 81.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa., or Dallas, Tex.

No. MC 136318 (Sub-No. 30), filed January 2, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Appomattox, Va., to points in California, Idaho, Montana, Nevada, North Dakota, and South Dakota, under contract with Thomasville Furniture Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Charlotte, N.C.

No. MC 136420 (Sub-No. 5), filed December 9, 1974. Applicant: OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 13 North 7th Street, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Tulsa, Okla., and Bentonville, Ark., serving the intermediate points of Springdale and Rogers, Ark., and the off-route point of Fayetteville, Ark.: From Tulsa, Okla., over Oklahoma Highway 33 to junction U.S. Highway 59, thence over U.S. Highway 59 to Siloam Springs, Ark., thence over Arkansas Highway 68 to Springdale, Ark., thence over U.S. Highway 71 to Rogers, Ark., thence over U.S. Highway 71 to Bentonville, Ark., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fort Smith, Ark., or Tulsa, Okla.

No. MC 138021 (Sub-No. 3), filed December 26, 1974. Applicant: STAND, INC., Box 57, Port Washington, Ohio 43837. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and lumber*, from Strongsville, Ohio and points in Guernsey, Noble, Coshocton, and Holmes Counties, Ohio, to points in Indiana, Kentucky, Michigan, and Pennsylvania, under a continuing contract with Hinchcliff Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 138054 (Sub-No. 6), filed January 8, 1975. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron, plastic articles, vents, ventilators, ceiling grids, shutters, louvers, and parts and accessories* used in the manufacturing, sale, and installation of the commodities named above (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment): (1) from the plantsite of Leslie-Locke, Division of Questor, at Fort Worth, Tex., to points in Arizona and New Mexico; and (2) from the plantsite of Leslie-Locke, Division of Questor, at Tifton, Ga., to points in Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Alabama, Georgia, Mississippi, Florida, Louisiana, Oklahoma, Texas, and Arkansas, under a continuing contract or contracts with Leslie-Locke, Division of Questor.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 138415 (Sub-No. 11) (Correction), filed August 5, 1974, published in the FEDERAL REGISTER issue of September 12, 1974, and republished as corrected, this issue. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder, Box 321, Topeka, Ind. 46571. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camping trailers* including folding camping trailers (tent campers), fifth wheel travel trailers, travel trailers, and truck campers, from the plantsite of Vega Corporation in Syracuse (Kosciusko County), Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract with Vega Corporation.

NOTE.—The purpose of this republication is to indicate the correct address of the applicant and applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Indianapolis, Ind.

No. MC 138820 (Sub-No. 2), filed January 3, 1975. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, from Ellensburg, Wash., to points in Oregon, under contract with Schaake Packing Company.

NOTE.—Applicant holds common carrier authority in MC 129516, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 138941 (Sub-No. 5), filed December 30, 1974. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Lowell, Mass., and Stratford, Conn., to points in Illinois, under contract with Mobil Chemical Company, Division Mobil Oil Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139584 (Sub-No. 4), filed December 16, 1974. Applicant: JOHN BUSCH, P.O. Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, and *related advertising matter*, from the plantsite of Cadbury Corporation, Humbolt Industrial Park, Hazle Township, Pa., to Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif., restricted to shipments originating at the above origin point, and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139771 (Sub-No. 3), filed December 27, 1974. Applicant: GAFCO, INC., 1040 West 45th Street, Norfolk, Va. 23508. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marine paint*, in containers, from Bayonne, N.J., to port facilities located at Baltimore, Md.; Norfolk, Va.; Wilmington, N.C.; Charleston, S.C.; Savannah, Ga.; Tampa, Jacksonville, Miami, and Port Canaveral, Fla.; Mobile, Ala.; New Orleans, La.; Houston, Tex.; Los Angeles and San Francisco, Calif.; Portland, Oreg.; and Seattle, Wash., under a continuing contract or contracts with Hempel Marine Paints, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140016 (Sub-No. 4), filed Dec. 26, 1974. Applicant: TRANSPORTATION SERVICES, INC., 1285 Glendale Road, Sparks, Nev. 89431. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, other malt beverages, and related advertising materials*, in temperature-controlled equipment, from points in Los Angeles County, Calif., to points in Nevada on and north of U.S. Highway 6.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Reno or Carson City, Nev.

No. MC 140022 (Sub-No. 2) (Amendment), filed October 29, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished as amended this issue. Applicant: DONOVAN P. RODRIGUEZ, doing business as MICHIGAN TRUCKING SERVICE, 4630 Benzie Hwy., Benzonia, Mich. 49616. Applicant's representative: James R. Davis, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet stock* in mixed shipments with pallets on flat bed equipment, (1) between points in Michigan and points in Indiana on and north of Interstate Highway 70; and (2) between points in Michigan (except those points located east of U.S. Highway 127 and south of Michigan Highway M-21) on the one hand, and, on the other, points in Ohio on and north of Interstate Highway 70.

NOTE.—The purpose of this republication is to amend the territorial description in (2) above. If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 140089, filed July 22, 1974. Applicant: LIONEL THERIAULT, INC., P.O. Box 239, Water Street, Caribou, Maine 04736. Applicant's representative: Arthur A. Wentzell, P.O. Box 764, Worcester, Mass. 01613. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump vehicles, from Caribou, Houlton, and Fort Kent, Maine, to points in Maine, under contract with The Chemical Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 140149 (Sub-No. 2), filed December 23, 1974. Applicant: M. C. BUNCH, doing business as M. C. BUNCH TRUCKING CO., 1500 Garland, Jonesboro, Ark. 72401. Applicant's representative: John R. Henry, P.O. Box 906, Harrisburg, Ark. 72432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicles and scrap metal* for recycling, from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, and Tennessee, to Alton, Chicago, East St. Louis, and Rockford, Ill., Indianapolis, Ind., Beloit and Madison, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Little Rock, Ark., Washington, D.C., or Fort Worth, Tex.

No. MC 140277 (Sub-No. 1), filed Jan. 2, 1975. Applicant: BILL BALL, doing business as BILL BALL TRUCKING, 1703 Industrial Avenue, Sioux Falls, S. Dak. 57104. Applicant's representative: Bill Ball (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, packets and pouches, and wrappers, flat, folded flat, and in rolls*, requiring separation into individual units, with and without complement of bag ties, from the plantsite and storage facilities of American Western Corporation, at Sioux Falls, S. Dak., to Phoenix, Ariz., and points in California, under contract with American Western Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 140296 (Sub-No. 1), filed January 8, 1975. Applicant: SANDNER BROTHERS TRANSPORT LTD., P.O. Box 40, Christine Lake, B.C., Canada VOH 1EO. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, from ports of entry on the International Boundary line between the United States and Can-

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ada, at or near Laurier, Wash., to Anaconda, Mont., under contract with Granby Mining Company Ltd.

NOTE.—Applicant holds common carrier authority in MC 133239 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140430 (Correction), filed November 18, 1974, published in the FEDERAL REGISTER issue of December 27, 1974, and republished as corrected, this issue. Applicant: DELLON R. CAPPER AND ROBERT M. NAWFEL, doing business as B and B LEASING COMPANY, Miami, Ariz. 85539. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and accompanying advertising material*; between Van Nuys, Calif., on the one hand, and, on the other, Globe, Miami, and Safford, Ariz.; and *empty pallets and refillable bottles* on return, under a continuing contract or contracts with Cactus Liquor Sales, Inc. and Jim Hafer Distributor.

NOTE.—The purpose of this republication is to indicate applicant's correct address. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 140416 (Sub-No. 1), filed January 2, 1975. Applicant: BOOCHER TRUCKING, INC., Rural Route 2, North Manchester, Ind. 46962. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except liquid feed and liquid feed ingredients, in bulk, in tank vehicles), from the facilities of Ralston Purina Company located near Milford, Ind., to Allen, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, Ohio, and Van Buren, Cass, Berrien, St. Joseph, Kalamazoo, and Branch Counties, Mich., restricted to a contract with Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 140474 (Sub-No. 2), filed January 2, 1975. Applicant: C. E. JOHNSON, an individual, 704 North First, Osborne, Kans. 67473. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, parts, and materials* to be used in the manufacture of agricultural machinery, from Fort Morgan, Colo.; Chicago, Freeport, Fulton, Galesburg, Plainfield, and Quincy, Ill.; Elkhart, Ind.; Boone and Marshalltown, Iowa; Maple Plains, Minn.; Kansas City and St. Louis, Mo.; Grand Island and Valley, Nebr.; Fargo, N. Dak.; Fort Worth, Tex.; and Milwaukee, Wis., to the plant and or warehouse facilities of Osborne Manufacturing Co., Inc. located at/or near Osborne, Kans., and the plant and/or warehouse facilities of Gilmore-Tatge Mfg. Co., located at/or near Clay Center, Kans.; and (2) *agricultural machinery and parts*, from the plant and/or warehouse facilities of Osborne Manufacturing Co., Inc. and/or near Osborne, Kans., and the plant and/or warehouse facilities of Gilmore-Tatge Mfg. Co., Inc. located at/or near Clay Center, Kans., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, parts (1) and (2) under a continuing contract with Osborne Manufacturing Co., Inc. and Gilmore-Tatge Mfg. Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140480 (Sub-No. 2), filed January 3, 1975. Applicant: EDWIN J. MEIERS, doing business as GRAPHIC ARTS EXPRESS, R.F.D. 1, Oregon, Ill. 61061. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rotogravure cylinders*, between Mt. Morris, Ill., and New Berlin and Milwaukee, Wis., under contract with Kable Printing Company, at Mt. Morris, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140481 (Sub-No. 1), filed January 6, 1975. Applicant: A.M.S. MOTOR SERVICE, INC., 132 West 154th Street, South Holland, Ill. 60473. Applicant's representative: Irving Stillerman, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and concrete block*, from the plantsites and warehouse sites of Illinois Brick Company, Division of Old Fort Industries, Inc., located in the Chicago, Ill., Commercial Zone, to points in Wisconsin, Michigan, and Indiana, under a continuing contract or contracts with Illinois Brick Company, Division of Old Fort Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140513, filed December 27, 1974. Applicant: LUMBER SPECIALTY TRANSPORT, INC., 82 South Broadway, Salem, N.H. 03079. Applicant's representative: James Troisi (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden fencing and wooden pallets*, from points in Clinton County, N.Y., and points in Maine, New Hampshire, and Vermont, to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under a continuing contract or contracts with New England Lumber Sales Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 140514, filed December 27, 1974. Applicant: GELLO BROS. INCORPORATED, 18 Duncan Street, Wallingford, Conn. 06492. Applicant's representative: Salvatore R. Gello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed vehicles*, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., New York, N.Y., or Boston, Mass.

No. MC 140525, filed Dec. 31, 1974. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickled products*, in containers, from the plantsite of Vlasic Foods, Inc., at or near Greenville, Miss., to points in the United States (except Alaska and Hawaii); and (2) *supplies and materials*, used in the processing and manufacture of pickle products, from points in the United States (except Alaska and Hawaii), to the plantsite of Vlasic Foods, Inc., at or near Greenville, Miss., under contract with Vlasic Foods, Inc., at or near Greenville, Miss.

NOTE.—Applicant holds common carrier authority in MC 112617 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 140532, filed January 3, 1975. Applicant: HAROLD GENE SPARKS, doing business as INTERSTATE MOBILEHOME TOWING, 1223 Mull Street, Jacksonville, Fla. 32205. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, modular homes and buildings, complete, knocked down, in sections, loaded and unloaded, and their component parts and accessories*, when transported in connection therewith, (1) from points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Putnam, St. Johns, and Union Counties, Fla., to points in Georgia; and (2) from points in Brantley, Camden, Charlton, Clinch, Glynn, Liberty, Long, Pierce, McIntosh, Ware, and Wayne Counties, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

PASSENGER APPLICATION(S)

No. MC 140282 (Sub-No. 1), filed January 3, 1975. Applicant: COMMUNITY COACH, INC., 315 Howe Avenue, Passaic, N.J. 07055. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers*, between points in the Boroughs of Manhattan and Bronx, New York, N.Y., on the one hand, and, on the other, the plantsite of Kohner Bros., Inc., at Elmwood Park, N.J., under a continuing contract, or contracts, with Kohner Bros., Inc., at Elmwood Park, N.J.; and (2) *passengers*, between the Borough of Bronx, New York, N.Y., on the one hand, and, on the other, the plantsite of the Duralite Company, Inc., at Passaic, N.J., under a continuing contract, or contracts, with Duralite Company, Inc., at Passaic, N.J.

NOTE.—Applicant holds common carrier authority in MC 76022, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

BROKER APPLICATION(S)

No. MC 130288, filed December 26, 1974. Applicant: RICHARD L. MORGAN AGENCY, a Partnership, Bldg. D, Room 314, 1401 Fairfax Trafficway, Kansas City, Kans. 66115. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Kansas City, Kans., to sell or offer to sell the transportation of: *General commodities* (except Classes A and B explosives and household goods), by motor common and contract carriers, between points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Topeka, Kans.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-2709 Filed 1-29-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

JANUARY 27, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before March 3, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 5470 (Sub-No. 93G), filed June 4, 1974. Applicant: TAJON, INC., R.D. No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Uniontown, Pa., to Perth Amboy, N.J. The purpose of this filing is to eliminate the gateway of Oil City, Pa.

No. MC 7573 (Sub-No. 5G), filed June 4, 1974. Applicant: LEHMAN CARTAGE, INC., 1821 Middle Ave., Elyria, Ohio 44035. Applicant's representative: John P. McMahon, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special lading), between points in Ohio on and north and east of a line beginning at U.S. Highway 40 from the Ohio-West Virginia State line and extending westward to junction Interstate Highway 77 and U.S. Highway 21, thence extending northward along Interstate Highway 77 or U.S. Highway 21 to Canton, Ohio, thence westward along U.S. Highway 30 from Canton through Wooster, Mansfield, Bucyrus, and Upper Sandusky, Ohio to junction U.S. Highway 30 and 68, thence along U.S. Highway 68 northward to Findlay, Ohio, and junction U.S. Highway 68 and Interstate Highway 75 or U.S. Highway 25, and thence northward along Interstate Highway 75 or U.S. Highway 25 of Toledo, Ohio, on the one hand, and, on the other, points in that part of Indiana on and east of U.S. Highway 31 between the Indiana-Michigan State line and Indianapolis, and on and north of U.S. Highway 40 between Indianapolis and the Indiana-Ohio State line, those in that part of Michigan on and east of U.S. Highway 23 between the Michigan-Ohio State line and Flint, and on and south of Michigan Highway 21 between Flint and Port Huron, and those in that part of West Virginia on and north of U.S. Highway 60 between Huntington and Gauley Bridge, and on and west of West Virginia Highway 39 (formerly U.S. Highway 19) between Gauley Bridge and Summersville, via Belva, thence on and west of U.S. Highway 19 between Summersville, and the West Virginia-Pennsylvania State line near Maidsville, W. Va. The purpose of this filing is to eliminate the gateway of Elyria (Lorain County), Ohio.

No. MC 13134 (Sub-No. 38G), filed June 4, 1974. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products, glassware, and clay refractory products*, between points in Ohio, on the one hand, and, on the other, points in West Virginia; (restricted as to refractories against the transportation of (1) commodities in bulk, and (2) lime, limestone, and lime and limestone products between Washington, Pa., and points within 5 miles thereof, on the one hand, and, on the other, points in Ohio and West Virginia. The purpose of this filing is to eliminate the gateways of Washington, Pa., and points in Pennsylvania within 5 miles of Washington, Pa.

(2) *clay products and refractories* (except furnace and stone lining shapes and plastic brick), from Oak Hill, Ohio, and points within 14 miles of Oak Hill, to points in Florida, Georgia, North Carolina, South Carolina and Louisiana. The purpose of this filing is to eliminate the gateway of Ironton, Ohio.

(3) *clay products and refractories* (except furnace and stone lining shapes and plastic brick), from the plant site of the Esso-Ramtite Co., near Siloam, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, Maine, New Hampshire, Texas, Vermont and the District of Columbia. The purpose of this filing is to eliminate the gateways of Ironton, Ohio and Oak Hill, Ohio and points in Ohio within 14 miles of Oak Hill, Ohio.

(4) *clay products and refractories*, from the plantsite of the Lawrence Refractories Clay Company in Elizabeth Township, Lawrence County, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia and Wisconsin. The purpose of this filing is to eliminate the gateway of Ironton, Ohio.

(5) *iron and steel articles*, from the plantsite of the Bethlehem Steel Corporation, at Burns Harbor, Porter County, Ind., to points in Washington County, Pa. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 36616 (Sub-No. 4G), filed June 4, 1974. Applicant: PAUL A. HARRINGTON AND ALLEN F.

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BIEBERSTEIN, doing business as HARRINGTON & COMPANY, 830 Broadway, Stowe Township (McKees Rocks, P.O.), Pa. 15136. Applicant's representative: Paul A. Harrington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Allegheny County, Pa. and Vandergrift, Pa. and points within 15 miles thereof and points in Connecticut, District of Columbia, Florida, Georgia, Massachusetts, Maine, New Hampshire, North Carolina, Rhode Island, South Carolina and Vermont. The purpose of this filing is to eliminate the gateway of points in Middlesex County, N.J., those points in Somerset County, N.J. on and east of U.S. Highway 206, and on and south of New Jersey Highway 28 and Monmouth and Ocean Counties, N.J.

No. MC 37203 (Sub-No. 10G), filed June 5, 1974. Applicant: MILLSTEAD VAN LINES, INC., Drawer 878, Second and Park Ave., Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) Between points in Kansas, on the one hand, and, on the other, points in Missouri; (2) between points in Oklahoma, Kansas, and Texas, on the one hand, and, on the other, points in Tennessee; (3) between points in Colorado, on the one hand, and, on the other, points in Texas, Oklahoma, and Kansas; (4) between points in Kansas, on the one hand, and, on the other, points in Illinois; (5) between New Mexico, on the one hand, and, on the other, points in Kansas; (6) between points in Nebraska, on the one hand, and, on the other, points in Kansas; and (7) between points in Kansas, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways at points in Oklahoma within 150 miles of Shawnee in (1) through (6) above; and in (2) points in McLean County, Ill.; in (7) points within 80 miles of Tulsa, Okla.

No. MC 47800 (Sub-No. 6G), filed June 4, 1974. Applicant: THE SUDLER MOVING & STORAGE COMPANY, a Corporation, doing business as ALLSTATES VAN & STORAGE, 2171 Druid Park Dr., Baltimore, Md. 21211. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Virginia, West Virginia and the District of Columbia, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; (2) between points in New Jersey, on the one hand, and, on the other, points in Connecticut, New York, Pennsylvania and Rhode Island, (3) between points in Delaware, on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, Pennsylvania and Rhode Island, (4) between points in Pennsylvania, on the one hand, and, o the other, points in New York, and (5) between points in Maryland within 50 miles of Baltimore, Md., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Concordville, Pa., and Norwich, Conn.

No. MC 49052 (Sub-No. 7G), filed June 4, 1974. Applicant: MACON TRADING POST, INC., doing business as, TRADING POST, 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky and Virginia. The purpose of this filing is to eliminate the gateways of points in Georgia within 25 miles of Columbus, Ga. and Bibb, Monroe, Jones, Jasper, Baldwin, Oconee, Peach, Lee, Dougherty, Twiggs, Bleckley, Dodge, Pulaski, Dooly, Houston, Crawford, Tift, Wilcox, Crisp, Ben Hill, and Telfair Counties, Ga.

No. MC 114604 (Sub-No. 29G), filed October 23, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Bldg. 33, Forest Park, Ga. 30050. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Charleston, S.C., Brunswick and Savannah, Ga., Miami, Jacksonville, Port Everglades and Tampa, Fla., and Gulfport, Miss., to points in Alabama, Georgia, South Carolina and Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115841 (Sub-No. 476G), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Rd., Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packinghouses, and dairy products*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods and candy, and foodstuffs*, when moving in mixed loads with the foregoing commodities listed above (except liquid commodities, in bulk), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and points in its Commercial Zone, to points in Alabama. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 120737 (Sub-No. 29G), filed June 4, 1974. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), from Chicago, and West Chicago, Ill. and Eau Claire, Wis., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Arkansas, Mississippi, Kentucky, Indiana, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine; and (2) *agricultural implement parts, tractor parts and tractor attachments*, from Louisville, Ky., to points in Chicago, West Chicago, Libertyville and Melrose Park, Ill. The purpose of this filing is to eliminate the gateways at Louisville, Ky. and Fulton County, Ill.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

JANUARY 27, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 25798 (Sub-No. E30) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER June 27, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, not canned and not frozen*, from points in Florida east and southeast of the Eastern boundary of Jefferson County to points in Oregon and points in Washington on and west of a line formed by

Washington Highway 11, beginning at the Washington-Oregon State line, thence along Washington Highway 11 to U.S. Highway 12, thence along U.S. Highway 12 to Washington Highway 240, thence along Washington Highway 240 to Washington Highway 243, thence along Washington Highway 243 to Interstate Highway 90, thence along Interstate Highway 90 to Washington Highway 281, thence along Washington Highway 281 to Washington Highway 28, thence along Washington Highway 28 to U.S. Highway 2, thence along U.S. Highway 2 to Interstate Highway 5, thence along Interstate Highway 5 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Raymondsville, Tex. The purpose of this correction is to clarify the territorial description.

No. MC 31462 (Sub-No. E23), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri; and (2) Omaha, Nebr., or any point in Nebraska within 100 miles thereof.

No. MC 31462 (Sub-No. E26), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E27), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in that part of Minnesota or Iowa on and north of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E28), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E29), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Idaho State line, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River; and (3) any point in North Dakota within 200 miles of Williston, N. Dak.

No. MC 31462 (Sub-No. E30), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E31), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and south of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 5 to junction U.S. Highway 62, thence along U.S. Highway 62 to Harrison, Ark., thence along Arkansas Highway 7 to junction Arkansas Highway 28, thence along Arkansas Highway 28 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Michigan on, east, and south of a line beginning at Marquette, Mich., thence along U.S. Highway 41 to Escanaba, Mich. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E32), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E33), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point with-

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in 25 miles thereof; and (2) St. Louis, Mo., and East St. Louis, Ill., or any point within 50 miles of St. Louis, Mo., and East St. Louis, Ill., respectively.

No. MC 31462 (Sub-No. E34), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of any point in Missouri within 45 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E35), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E36), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 25 to Hoxie, Ark., thence along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction U.S. Highway 31, thence along U.S. Highway 31 to Columbia, Tenn., thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Tennessee Highway 130, thence along Tennessee Highway 130 to junction Tennessee Highway 64, thence along Tennessee Highway 64 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E37), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 25 to Hoxie, Ark., thence along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Georgia on and east of a line beginning at the Georgia-Tennessee State line, thence along Interstate Highway 75 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along Interstate Highway 75 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) any point in Tennessee.

No. MC 31462 (Sub-No. E38), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 25 to Hoxie, Ark., thence along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along Interstate Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 27, thence along U.S. 27 to junction Florida Highway 349, thence along Florida Highway 349 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E39), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Arkansas-Missouri State line, thence along Interstate Highway 55 to Blytheville, Ark., thence along Arkansas Highway 18 to Jonesboro, Ark., thence along Arkansas Highway 39 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E41), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and east of a line beginning at the Mississippi River, thence along Arkansas Highway 198 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Arkansas Highway 42, thence along Arkansas Highway 42 to junction Arkansas Highway 149, thence along Arkansas Highway 149 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas Highway 261, thence along Arkansas Highway 261 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., thence along Arkansas Highway 15 to El Dorado, Ark., thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E42), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E43), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E44), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E45), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E46), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E47), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicants representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E48), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E49), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E50), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E102), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E103), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on, east, and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 36 to Boulder, Colo., thence along Colorado Highway 119 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line on U.S. Highway 75, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along the Indian Nation Turnpike to Hugo, Okla., thence along U.S. Highway 271 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E104), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on, north, and east of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 36 to Boulder, Colo., thence along Colorado Highway 119 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line on U.S. Highway 271, thence south along U.S. Highway 271 to Paris, Tex., thence along Texas Highway 19 to junction Texas Highway 154, thence along Texas Highway 154 to junction Texas Highway 37, thence along Texas Highway 37 to junction U.S. Highway 69, thence along U.S. Highway 69 to Lufkin, Tex., thence along U.S. Highway 59 to junction Texas Highway 146, thence along Texas Highway 146 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Farm Highway 562, thence along Farm Highway 562 to Galveston Bay, Tex. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Okmulgee County.

No. MC 31462 (Sub-No. E105), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on

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the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E106), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on and south of a line beginning at the Colorado-Kansas State line on U.S. Highway 50, thence along U.S. Highway 50 to La Junta, Colo., thence along Colorado Highway 10 to Walsenburg, Colo., thence along U.S. Highway 160 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in that part of Mississippi, on and east of a line beginning at the Arkansas-Mississippi State line on U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Mississippi Highway 17, thence along Mississippi Highway 17 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction U.S. Highway 49, thence along U.S. Highway 49 to Gulfport, Miss. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E107), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Colorado, to points in Ohio. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Illinois within 50 miles of St. Louis, Mo.; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E108), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 50 to LaJunta, Colo., thence along Colorado Highway 10 to Walsenburg, Colo., thence along U.S. Highway 160, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 25 miles of Cairo, Ill.; and (3) Gulfport, Miss., or any point within 35 miles thereof.

No. MC 35890 (Sub-No. E5) (CORRECTION), filed May 3, 1974, republished in the FEDERAL REGISTER July 31, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (C) *New furniture*, uncrated, from points in Iowa, Minnesota, and Wisconsin, to points in Delaware. The purpose of this filing is to eliminate the gateways of Grand Rapids, Mich., and Warren County, Pa. The purpose of this partial correction is to correct (C) in the previous publication. The remainder of the letter-notice remains as previously published.

No. MC 43283 (Sub-No. E4), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Arkansas, on the one hand, and, on the other, points in that part of West Virginia on and east of a line running from the Virginia-West Virginia State line north along U.S. Highway 52 to Bluefield, thence along U.S. Highway 19 to Summersville, thence east along West Virginia Highway 39 to Marlington, thence north along U.S. Highway 219 through Elkins to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 43283 (Sub-No. E5), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in West Virginia, on the one hand, and, on the other, points in that part of Arkansas lying on the east of a line running from the Oklahoma-Arkansas State line along Interstate Highway 40 to Little Rock, thence along U.S. Highway 70 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 43283 (Sub-No. E7), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Illinois, on the one hand, and, on the other, points in New Jersey and points in New York and Pennsylvania lying east of a line running north from the Pennsylvania-West Virginia State line along U.S. Highway 119 to Indiana, Pa., thence northeast along Pennsylvania Highway 286 to U.S. Highway 219, thence along U.S. Highway 219 to Grampian, Pa., thence along Pennsylvania Highway 879 to Pennsylvania Highway 144, thence north along Pennsylvania Highway 144 to Galeton, Pa., thence east along U.S. Highway 6 to Stokesdale, Pa., thence north along Pennsylvania Highway 287 to Tioga, Pa., thence north along U.S. Highway 15 across the Pennsylvania-New York State line to New York Highway 17, thence east along New York Highway 17 to New York Highway 13, thence north along New York Highway 13 through Cortland, N.Y., to Interstate Highway 81, thence north along Interstate Highway 81 to New York Highway 80, thence north along New York Highway 80 to New York Highway 30A, thence north along New York Highway 30A to NewYork Highway 29, thence east along New York Highway 29 to U.S. Highway 9, thence north along U.S. 9 to the International Boundary line between the United States and Canada, including all points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E8), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Indiana, on the one hand, and, on the other, points in New Jersey and points in that part of New York and Pennsylvania east of a line running north from the Pennsylvania-West Virginia State line along U.S. Highway 119 to U.S. Highway 30, thence east along U.S. Highway 30 to Pennsylvania Highway 271, thence east along Pennsylvania Highway 271 to U.S. Highway 22, thence east along U.S. Highway 22 to Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to U.S. Highway 15, thence along U.S. Highway 15 to U.S. Highway 220, thence along U.S. Highway 220 across the Pennsylvania-New York State line to New York Highway 17, thence east along New York Highway 17 to Binghamton, N.Y., thence northeast along New York Highway 7 to U.S. Highway 20, thence along U.S. Highway 20 to Albany, N.Y., thence along U.S. Highway 4 to New York Highway 2, thence east to the New York-Massachusetts State line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Maryland.

Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant representative: J. Sewell Elliott, Suite 506, American Federal Building, Macon, Ga. 31201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Indiana, on the one hand, and, on the other, points in New Jersey and points in that part of New York and Pennsylvania east of a line running north from the Pennsylvania-West Virginia State line along U.S. Highway 119 to U.S. Highway 30, thence east along U.S. Highway 30 to Pennsylvania Highway 271, thence east along Pennsylvania Highway 271 to U.S. Highway 22, thence east along U.S. Highway 22 to Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to U.S. Highway 15, thence along U.S. Highway 15 to U.S. Highway 220, thence along U.S. Highway 220 across the Pennsylvania-New York State line to New York Highway 17, thence east along New York Highway 17 to Binghamton, N.Y., thence northeast along New York Highway 7 to U.S. Highway 20, thence along U.S. Highway 20 to Albany, N.Y., thence along U.S. Highway 4 to New York Highway 2, thence east to the New York-Massachusetts State line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of Maryland.

No. MC 95540 (Sub-No. E447), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE., Suite 212, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except canned goods as set forth in List C of the Appendix), from those points in Ohio on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to its junction with Interstate Highway 76, thence along Interstate Highway 76 to its junction with Ohio Highway 21, thence along Ohio Highway 21 to its junction with Ohio Highway 585, thence along Ohio Highway 585 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 25/42, thence along U.S. Highway 25/42 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from all points in the Continental United States on and east of a line beginning at Corpus Christi, Tex., extending along Interstate Highway 37 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Kansas State line, thence west along such State line to U.S. Highway 281, thence north along U.S. Highway 281 to its junction with U.S. Highway 20, thence east along U.S. Highway 20 to Chicago, Ill., except points within the Upper Peninsula of Michigan, to points in California. The purpose of this filing is to eliminate the gateways of McPherson, Kans., and Waco, Tex.

Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Corpus Christi, Galveston, and Houston, Tex., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Baytown, Tex.

No. MC 106497 (Sub-No. E11), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformers*, which because of their size or weight requires the use of special equipment, from points in Louisiana to points in Alaska, Arizona, California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Utah, Washington, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the General Electric Company at Shreveport, La.

No. MC 106497 (Sub-No. E13), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformers*, which because of their size or weight requires the use of special equipment, from points in Texas north of a line extending along U.S. Highway 80 from the United States-Mexico International Boundary line to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line, and from points in Colorado, Kansas, New Mexico, Oklahoma, Oregon, Washington, and Wyoming, to points in Mississippi, Alabama, Georgia, and Florida on and south of a line beginning at the Louisiana-Mississippi State line, extending along Interstate Highway 20 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to its junction with U.S. Highway 280, thence along U.S. Highway 280 to its junction with Georgia Highway 26, thence along Georgia Highway 26 to its junction with U.S. Highway 341, thence along U.S. Highway 341 to its junction with U.S. Highway 280, thence along U.S. Highway 280 to its junction with Interstate Highway 16, thence along Interstate Highway 16 to Savannah, Ga. The purpose of this filing is to eliminate the gateway of the State of Wyoming and the plant site of the General Electric Company at Shreveport, La.

No. MC 106497 (Sub-No. E15), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformers*, the transportation of which because of size or weight requires the use of special equipment, from Pine Bluff, Ark., to points in Florida on and south of a line extending along Interstate Highway 4 from Daytona Beach to its junction with Florida Highway 60, thence along Florida Highway 60 to Clearwater, to points in Nebraska, North Dakota, and South Dakota on and west of U.S. Highway 83, and to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of the plant site of the General Electric Company at Shreveport, La.

No. MC 106920 (Sub-No. E1), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin to points in Alabama east of a line beginning at the Alabama-Tennessee State line extending along Interstate Highway 65 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 21, thence along Alabama Highway 21 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties.

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No. MC 106920 (Sub-No. E3), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Wisconsin on and west of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 45 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction Wisconsin Highway 51, thence along Wisconsin Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction of Wisconsin Highway 104, thence along Wisconsin Highway 104 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateway of Wellston, Ohio.

No. MC 106920 (Sub-No. E4), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Minnesota to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E5), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk, processed or unprocessed*, from points in Missouri to points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 69 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E6), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products* as defined by the Commission, from Elmira, N.Y., to points in Tennessee west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction U. S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E9), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as defined by the Commission, from Elmira, N.Y., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E10), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Elmira, N.Y., to points in Texas. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E11), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E14), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 46 M.C.C. 23, from Elmira, N.Y., to points in Kentucky west of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction Kentucky Highway 32, thence along Kentucky Highway 32 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, and east of a line beginning at the Missouri-Kentucky State line and extending along U.S. Highway 60 to junction U.S. Highway 42, thence along U.S. Highway 42 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E15), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products* as defined by the Commission, from Elmira, N.Y., to points in Georgia beginning at the Georgia-Tennessee State line and extending along U.S. Highway 19 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 41 at Perry, Ga., thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line. The purpose of this filing is to elminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E17), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Elmira, N.Y., to points in Mississippi. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 113843 (Sub-No. E223) (correction), filed May 12, 1974, republished in the FEDERAL REGISTER September 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and edible meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in that part of Connecticut on, east, and north of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 7 to junction Connecticut Highway 63, thence along Connecticut Highway 63 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction U.S. Alternate Highway 44, thence along U.S. Alternate Highway 44 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Connecticut Highway 87, thence along Connecticut Highway 87 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateway of Detroit, Mich. (via Canada). The purpose of this correction is to clarify the territorial description.

No. MC 113495 (Sub-No. E31) (correction) filed June 3, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Trucks* designed for off-highway use, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, in initial movements in truckaway service; (b) *related parts* for the above-specified commodities, moving in connection therewith, from Decatur, Morton, and Joliet, Ill., to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Russell, Wayne, and Whitney Counties, Ken., restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers; (2) *Trucks* designed for off-highway use, which may be included in heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment, in initial movements, in truckaway service (excluding any transportation in connection with the stringing or picking up of pipepline materials or equipment), from Decatur, Ill., to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Russell, Wayne, and Whitney Counties, Ky. The purpose of this filing is to eliminate the gateway of points in Tennessee. The purpose of this correction is to correct the origin and destination points.

No. MC 113855 (Sub-No. E160) (correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which because of size or weight, require the use of special handling), in flat bed trailers only, between ports of entry on the United States-Canada International Boundary line at or near Sweetgrass, Mont., and Portal, N. Dak., on the one hand, and, on the other, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Indiana (except points in Hammond, Whiting, East Chicago, and Gary), Michigan (except Battle Creek and Benton Harbor), Delaware, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, and Rhode Island; and (2) *Road construction machinery*, between ports of entry on the United States-Canada International Boundary line at or near Sweetgrass, Mont., and Portal, N. Dak., on the one hand, and, on the other, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Caroline, Tennessee, Kentucky, Virginia, Indiana, Michigan, Delaware, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut and Rhode Island restricted in (1) and (2) to transportation of shipments in foreign commerce. The purpose of this filing is to eliminate the gateway of points in Wisconsin within 15 miles of the Minneapolis-St. Paul commercial zone. The purpose of this correction is to clarify the authority sought.

No. MC 114211 (Sub-No. E462), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements* and *parts* thereof from a point in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along Kansas Highway 63 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 13, thence along Kansas Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Kansas Highway 2, thence along Kansas Highway 2 to junction Kansas Highway 8, thence along Kansas Highway 8 to the Kansas-Oklahoma State line to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 74 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Ohio State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E470), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65, to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 175, thence along Minnesota Highway 175 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Minnesota-Canada International Boundary line to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 24 to the Illinois-Ohio State line. The purpose of this filing is to eliminate the gateway Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E471), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, from points in that part of Iowa on and northeast of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 214, thence along Iowa Highway 214 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line to points in Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E472), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420,

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Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, from points in that part of Iowa on and north-east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to points in that part of Texas on and south of a line beginning at the Louisiana-Texas State line thence along U.S. Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 53, thence along Texas Highway 53 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E473), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except the transportation of commodities which, because of size or weight, requires the use of special equipment or special handling), from points in that part of Iowa on the south of a line beginning at the Illinois Iowa State line, thence along Interstate Highway 80 to the Iowa Nebraska State line, thence along the Iowa Nebraska State line to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa Missouri State line to points in that part of Nebraska on and north of a line beginning at the Nebraska Kansas State line, thence along U.S. Highway 34 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska Iowa State line and points in Wyoming and South Dakota restricted against the transportation of those commodities described in Mercer Extension Oil Field Commodities, 74, M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E474), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *implements*, other than hand, as described in Section 1(b) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and parts therefor, when their transportation is incidental to the transportation of the machinery and implements; and *tractors* and *tractor engines* (not including tractors with vehicle beds, bed frames, or fifth wheels) and *parts* and *attachments therefor* when their transportation is incidental to the transportation of tractors, from points in that part of Minnesota State line, thence along U.S. Highway 169 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota Canada International Boundary line to points in Texas and New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E475), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors equipment* and *supplies*, from points in that part of Minnesota on and southwest of a line beginning at the South Dakota-Minnesota State line, thence along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota-Iowa State line and to points in New York with no transportation for compensation except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E478), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, storage bins, grain driers*, and *corn cribs*, knocked down or in sections, and, when shipped with said *commodities, component parts, materials, supplies, fixtures* and *accessories* used in their construction and erection, *ventilators*, and *irrigation well casing*, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and northeast of a line beginning at the Wyoming-Nebraska State line, thence along U. S. Highway 30 to junction Nebraska Highway 21, thence along Nebraska Highway 21 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U. S. Highway 81, thence along U. S. Highway 81 to the Nebraska-South Dakota State line to points in that part of Iowa on and southeast of a line beginning at the Nebraska-Iowa State line, thence along Interstate Highway 80 to the Iowa-Illinois State line and to points in Missouri, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Columbus, Nebr.

No. MC 114211 (Sub-No. E480), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural and industrial implements and parts and attachments*, from Glencoe, Minn., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Wyoming, and Montana, with no transportation for compensation on return except as otherwise authorized restricted to the transportation of shipments originating at the above named origin. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E481), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Iowa on and northeast of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 169 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 54 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Martin City, Mo.

No. MC 114211 (Sub-No. E482), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Illinois to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E483), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 31, thence along Kansas Highway 31 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Oklahoma State line to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Wisconsin Highway 25 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 23 to Sheboygan, Wis., with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E484), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative Kenneth R Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line to points in Illinois, Indiana, Ohio, and Michigan, with no transportation on return except as otherwise authorized restricted against movements to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E485), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction Kansas Highway 24, thence along Kansas Highway 24 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line to points in Wisconsin restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E486), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities, which because of size or weight, require the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 75 to the Kansas-Oklahoma State line to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line, thence long Interstate Highway 40 to junction Arkansas Highway 130, thence along Arkansas Highway 130 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, and to points in that part of Mississippi on and south of a line beginning at the Arkansas-Mississippi State line, thence along U.S. Highway 49 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line, and to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 78 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction Alabama Highway 20, thence along Alabama Highway 20 to the Alabama-Georgia State line, and to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 20 to junction Georgia Highway 369, thence along Georgia Highway 369 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line, and to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to the South Carolina-North Carolina State line, and to points in that part of North Caorlina on and south of a line beginning at the South Carolina-North Carolina State line, thence along Interstate Highway 85 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 62, thence along North Carolina Highway 62 to the North Carolina-Virginia State line, and to points in Louisiana and Florida. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E487), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractor show displays and experimental farm tractors*, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in that part of Iowa on and south of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E488), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Illinois and points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 169 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line to points in that part of Montana

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on and west of a line beginning at the Montana-Canada International Boundary line, thence along Montana Highway 242 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line, and to points in that part of Wyoming on and west and south of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 87 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line, restricted to the transportation of traffic originating at the plant sites, warehouses sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E489), filed June 4, 1974: Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled sweepers*, from points in that part of Minnesota on and west of a line beginning at the Wisconsin-Minnesota State line, thence along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 109, thence along Minnesota Highway 109 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 694, thence along Interstate Highway 694 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E491), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's represenative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from points in that part of Minnesota on and west of a line beginning at the Wisconsin-Minnesota State line, thence along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 109, thence along Minnesota Highway 109 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Interstate Highway 494 thence along Interstate Highway 494 to junction Interstate Highway 694, thence along Interstate Highway 694 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in Connecticut and Massachusetts, with no compensation for transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E493), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and north and east of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 4 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line to points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 169 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E494), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of South Dakota on and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 12 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 28, thence along South Dakota Highway 28 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in that part of Minnesota on and south of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in Minnesota within 25 miles of Nassau, Minn.

No. MC 114211 (Sub-No. E495), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and except the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in that part of Wyoming on and west of a line beginning at the Colorado-Wyoming State line, thence along Interstate Highway 25 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 131, thence along Wyoming Highway 131 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 89, thence along Wyoming Highway 89 to the Wyoming-Utah State line, on the one hand, and, on the other, to points in North Dakota on and east of a line beginning at the Minnesota-North Dakota State line, thence along North Dakota Highway 34 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to the North Dakota-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Milbank, S. Dak.

No. MC 114211 (Sub-No. E496), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and north and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction Iowa Highway 3, thence along Iowa Highway 3 to the South Dakota-Iowa State line to points in Missouri. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E497), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and except the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to the Nebraska-Kansas State line on the one hand, and, on the other, points in that part of North Dakota on and north and west of a line beginning at the South Dakota-North Dakota State line extending along North Dakota Highway 31 to junction North Dakota Highway 21, thence along North Dakota Highway 21 to junction North Dakota Highway 6, thence along North Dakota Highway 6 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line and to points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Nassau, Minn., and Milbank, S. Dak.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards and Proposed Guidelines and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 328-4]

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On June 26, 1974, EPA promulgated a regulation adding Part 408 to Title 40 of the Code of Federal Regulations (39 FR 23134). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved seafood processing point source category. The regulation set forth below will amend 40 CFR, Part 408—canned and preserved seafood processing point source category by revising § 408.10 of the farm-raised catfish processing subcategory (Subpart A), § 408.20 of the conventional blue crab processing subcategory (Subpart B), § 408.30 of the mechanized blue crab processing subcategory (Subpart C), § 408.40 of the non-remote Alaskan crab meat processing subcategory (Subpart D), § 408.50 of the remote Alaskan crab meat processing subcategory (Subpart E, § 408.60 of the non-remote Alaskan whole crab and crab section processing subcategory (Subpart F), § 408.70 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), § 408.80 of the dungeness and tanner crab processing in the contiguous States subcategory (Subpart H), § 408.90 of the non-remote Alaskan shrimp processing subcategory (Subpart I), § 408.100 of the remote Alaskan shrimp processing subcategory (Subpart J), § 408.110 of the northern shrimp processing in the contiguous States subcategory (Subpart K), § 408.120 of the southern non-breaded shrimp processing in the contiguous States subcategory (Subpart L), § 408.130 of the breaded shrimp processing subcategory (Subpart M), and § 408.140 of the tuna processing subcategory (Subpart N) to expand the applicability thereof; and by adding thereto effluent limitations and guidelines for existing sources for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U) non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) pursuant to sections 301, 304 (b) and (c) of the Federal Water Pollution Control Act as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c) 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

(a) Legal Authority

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steam/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the Federal Register regulations are proposed in fulfillment of these requirements.

(b) Summary and Basis of Interim Final Effluent Limitations Guidelines for Existing Sources and Proposed Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources

(1) General methodology.

The effluent limitations, guidelines and standards of performance set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, and noise were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category:

(i) Categorizaiton. For the purpose of studying waste treatment and proposing effluent limitations, the fish meal, salmon, bottom fish, clam, oyster, sardine, scallop, herring and abalone segments of the canned and preserved seafood processing category were divided into 19 discrete subcategories which were based on the form and quality of finished product; manufacturing processes and subprocesses utilized; waste water characteristics (particularly water consumption, total suspended solids, BOD5, and grease and oil); geographical location; and production capacity of plants as outlined in the report entitled, "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring and Abalone Segments of the Canned and Preserved Seafood Processing Industry." Several other factors, such as variability in raw product supply and production, condition of raw product on delivery to the processing plant, variety of species being processed, harvesting method, degree of pre-processing, age of plant, water availability, and amenability of waste to treatment were also considered. It was determined that these factors were highly correlated with one or more of the foregoing factors. Consideration of the economic impact of the proposed effluent limitations required provisions to be made in several subcategories to account for the size of the processing facility. Provisions have been established to account for differences due to processing plant locations in Alaska. The isolated location of some Alaskan seafood processing plants eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation during extended severe sea or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions.

(1) Subpart O—Fish Meal Processing Subcategory: This subpart is limited to the major portion of the fish meal processing industry which encompasses the reduction of menhaden and anchovy to meal, oil and solubles. The menhaden processing industry is located predominately on the Gulf and Atlantic Coasts, whereas the anchovy processing industry is located on the West Coast.

(2) Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory: This subpart is limited to hand-butchered fresh/frozen and canned salmon processing in Alaska. Because of short seasons (one to two months) and the large volume of fish to be processed, the Alaska salmon plants are typically larger and operate longer hours than salmon plants in the contiguous states. Moreover, geographical differences based on considerations of climate, topography, relative isolation of the processing plants in Alaska, land and water availability and soil conditions further justify a distinction between Alaskan operations and those in the contiguous states.

Hand-butchered salmon processing results in significantly different waste characteristics and volumes when compared to mechanized salmon processing. For example, the water use per kilogram of salmon processed using mechanized butchering is 6 times the water use of the hand-butchered process; the total suspended solids ratio is about 15 times greater; and the 5-day biochemical oxygen demand (BOD5) approaches 25 times that of the hand-butchered salmon process. A provision has been established to account for differences due to processing plant locations in Alaska. The isolated location of some Alaskan seafood processing plants, compared to those in processing or population centers, eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation disposal alternatives during extended severe sea or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions. However, those plants located in population or processing centers have access to more reliable, cost-effective alternatives such as solids recovery techniques or other forms of solids disposal such as barging.

(3) Subpart Q—Alaskan Mechanized Salmon Processing Subcategory: Mechanized butchering of salmon, as discussed above, causes significant differences in waste water characteristics and volumes when compared to the hand-butchered salmon operation.

Geographical differences such as those discussed in the previous section justify a distinction between Alaskan operations and those in the contiguous states.

Again, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(4) Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory: The West Coast hand-butchered salmon processing industry is similar to the Alaskan industry in terms of processing technology and waste water characteristics. However, geographical differences such as those listed previously justify a distinction between Alaskan

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processing and processing in the contiguous states.

(5) Subpart S—West Coast Mechanized Salmon Processing Subcategory: The West Coast mechanized salmon processing industry is similar to the Alaskan industry in terms of processing technology and waste water characteristics. However, geographical differences such as those listed previously justify a distinction between Alaskan processing and processing in the contiguous states.

(6) Subpart T—Alaskan Bottom Fish Processing Subcategory: This subpart is limited to conventional processing, in Alaska, of bottom fish such as halibut. A conventional process is defined as one in which the unit operations are carried out essentially by hand and with a relatively low water volume. Geographical differences such as those listed previously justify a distinction between Alaskan processing and processing in the contiguous states.

Again, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(7) Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory: This subpart is limited to conventional bottom fish processing in the contiguous states. A conventional process is defined as one in which the unit operations are carried out essentially by hand and with a relatively low water volume. Significant differences in waste water characteristics exist between this subcategory and the non-Alaskan mechanized bottom fish processing subcategory. For example, the mechanized bottom fish process BOD5 is nearly 4 times that of the conventional bottom fish, the mechanized bottom fish total suspended solids is about 7 times as high as the conventional bottom fish, and the water use is approximately 2.5 times as high as the conventional bottom fish process.

(8) Subpart V—Non-Alaskan Mechanized Bottom Fish Subcategory: The Mechanized non-Alaskan bottom fish processing industry utilizes machines for many of the unit operations such as rinsing, descaling, skinning and butchering. As noted previously, significant differences in waste water characteristics exist between mechanized and conventional bottom fish processing.

(9) Subpart W—Hand-Shucked Clam Processing Subcategory: The majority of the clam harvest, approximately 90 percent, occurs in the mid-Atlantic States with the New England States accounting for the major portion of the remainder. The hand-shucked clam processing plants tend to be small operations in comparison to mechanized processing plants. The hand-shucked clam operation is characterized by significantly lower flow and BOD5 ratios. The water use for the hand-shucked operations is approximately 25 percent of the water use for the mechanized clam operation; the BOD5 is about 40 percent of the mechanized clam processing BOD5.

(10) Subpart X—Mechanized Clam Processing Subcategory: The mechanized clam processing plants tend to be large operations in comparison to the hand-shucked clam processing facilities. The hand shucking operations generally use a hot water cooker before removing the clam from the shell. The mechanical operations generally use a steam cooker or a shucking furnace prior to separating the meat in a brine flotation tank. As discussed previously, significant differences in waste water characteristics exist between mechanized and hand-shucked clam processing.

(11) Subpart Y—Pacific Coast Hand-Shucked Oyster Processing Subcategory: This subpart is limited to hand-shucked oyster processing facilities which utilize oysters harvested off the Pacific Coast. As noted in the next section, significant differences in waste water characteristics exist between Pacific Coast and Atlantic and Gulf Coast hand-shucked oyster processing.

(12) Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory: Processing of the Atlantic and Gulf Coast oysters is accomplished using either manual or mechanical methods, although plants utilizing manual operations are more prevalent. Manual or hand-shucked operations are relatively small in size in comparison to mechanized operations. This subpart is limited to the Atlantic and Gulf Coast hand-shucked oyster operations because of the differences in waste characteristics in comparison to the Pacific Coast hand-shucked oyster operations. The higher waste load of the Pacifict Coast Oyster is attributable to the fact that the Pacific Coast species is larger and tends to break up easier during handling. For example, the total suspended solids and oil and grease loadings of the Pacific oyster are about 2.5 times that of the Atlantic oyster, and the BOD5 loading is about 1.6 times the Atlantic oyster.

(13) Subpart AA—Steamed/Canned Oyster Processing Subcategory: The steam/canned oyster processor first mechanically shucks the oysters to jar the shells far enough apart to allow steam to enter during cooking. After steam cooking, the meat is separated using brine flotation tanks, washed and canned. Unlike the effluent characteristics of the hand-shucked oyster processes, there is no significant difference between the characteristics of Pacific Coast steamed/canned oyster process effluents when compared to those of the East Coast steamed/canned oyster process. Therefore, this subcategory covers both geographic regions.

(14) Subpart AB—Sardine Processing Subcategory: This subpart is limited to the canning of sardines or sea herring substituted for sardines. The sardine canning process is essentially the same from plant to plant and is located in one geographic region of New England.

(15) Subpart AC—Alaskan Scallop Processing Subcategory: This subpart is limited to the processing of scallops in Alaska. As noted previously, geographical differences based on consideration of climate; topography, relative isolation of the processing plants in Alaska, land and water availability and soil conditions justify a distinction between Alaskan processing and processing in the contiguous states.

Moreover, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(16) Subpart AD—Non-Alaskan Scallop Processing Subcategory: The non-Alaskan bay and sea scallop processing industry in the contiguous states is similar to the Alaskan scallop processing industry in terms of processing technology. However, the geographical differences such as those listed in Subpart AC, above, justify a distinction between Alaskan processing and processing in the contiguous states.

(17) Subpart AE—Alaskan Herring Fillet Processing Subcategory: Sea herring fillets are produced on both the East and West Coasts, with the processing centers located in Southeastern Alaska and in New England. The sea herring filleting operation is a relatively recent development which utilizes filleting machines. Geographical differences based on considerations of climate, topography, relative isolation of the processing plants in Alaska, land and water availability and soil conditions justify a distinction between the Alaskan operations and those in the contiguous states.

Moreover, a provision of the effluent limitations accounts for differences in plant locations for isolated Alaskan plants as opposed to plants in a population or processing center.

(18) Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory: The sea herring filleting process in the contiguous states is similar to the Alaskan operation in terms of processing technology and waste characteristics. However, the geographical differences listed previously justify a distinction between Alaskan processing and processing in the contiguous states.

(19) Subpart AG—Abalone Processing Subcategory: Abalone are found off the West Coast of the United States, ranging from Sitka, Alaska to Baja California. However, this subpart is limited to the commercially important species which are processed in the California area from Monterey to San Diego.

(ii) Waste Characteristics. Pollutants contained in waste waters resulting from seafood processing are measured by biochemical oxygen demand, chemical oxygen demand, settleable solids, total suspended solids, oil and grease, total Kjeldahl nitrogen (organic nitrogen and ammonia), nitrate, phosphorus, colliform bacteria, pH and temperature. Of the foregoing pollution parameters, biochemical oxygen demapd, total suspended solids, and oil and grease have been selected as significant parameters for the establishment of effluent limitations. The pH parameter is included also as an effluent limitation which must fall within an acceptable range of values. The remaining parameters are so closely related to those selected as to be effectively controlled due to the specified limitations, or are present at levels that are not significant.

(iii) Origin of waste water pollutants. Generally, waste water flows within the seafood processing industry originate at the receiving, pre-processing, evisceration, pre-cooling, picking and cleaning, shucking, preserving, canning, freezing, plant cleanup and by-product operations of the manufacturing process.

(iv) Treatment and Control Technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Present control and treatment practices are generally inadequate within the fish meal, salmon, bottom fish, clam, oyster, sardine, scallop, herring, and abalone processing segments of the canned and preserved seafood processing industry. Processors employ few, if any, waste water treatment facilities at the full scale plant operational level. Consequently, with the exception of screening and solids recovery, the majority of the waste water treatment alternatives are based on pilot plant studies, full scale demonstration treatment systems, transferable technology from the meat processing industry, municipal waste treatment systems, as well as other segments of the seafood and the food processing industry.

The available alternatives include in-plant controls such as water conservation and dry capture of solids to minimize raw waste loads from processing. The end-of-process physical and chemical treatment technologies include screen, sedimentation, air flotation, and concentration. The end-of-process biological treatment alternatives include activated sludge, extended aeration, rotating biological contactors, high-rate trickling filters, stabilization ponds, and aerated lagoons.

The following discussion of treatment technology provides the basis for the economic impact analysis and the effluent limitations guidelines. This discussion does not preclude the selection of other waste water treatment alternatives which provide equivalent or better levels of treatment.

(1) Treatment for the fish meal processing subcategory:

Fish meal processing plants which utilize solubles recovery units provide a good example of exemplary plant operation in the seafood processing industry. Their "total resource" or raw material utilization eliminates almost all contact waste water and pollutant discharge except for a small amount of carry-over in the non-contact barometric condenser waters.

For plants with solubles recovery units, the best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, and by controlling leaks in the evaporator bodies and boil-over into condensate water. For plants without solubles recovery units, the best practicable control technology currently available consists of barging stickwater and recycled bail water to sea or to other facilities with solubles recovery units.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of appropriate process design, including installation of solubles recovery units, to provide for by-product recovery and more efficient inplant water use.

(2) Treatment for the Alaskan Hand-butchered salmon processing subcategory:

The best practicable control technology currently available for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

The best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

(3) Treatment for the Alaskan mechanized salmon processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants through the use of comminutors or grinders to reduce particle sizes.

For the non-remote Alaskan processors the best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent prior to dissolved air flotation. For the remote Alaskan processors, the best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote Alaskan processors the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. For the remote Alaskan processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of physical treatment of the pollutants through the use of comminutors or grinders to reduce particle sizes.

(4) Treatment for the West Coast hand-butchered salmon processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and treatment by dissolved air flotation in addition to screening.

(5) Treatment for the West Coast mechanized salmon processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by dissolved air flotation in addition to screening.

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able demonstrated control technology, processes, operating methods or other alternatives for new sources consist of, in addition to the aforementioned treatment, appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(6) Treatment for the Alaskan bottom fish processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

The best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

(7) Treatment for the non-Alaskan conventional bottom fish processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology in addition to aerated lagoon systems and appropriate process design to provide more efficient inplant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(8) Treatment for the non-Alaskan mechanized bottom fish processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and extended aeration systems in addition to the aforementioned treatment technology.

(9) Treatment for the hand-shucked clam processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and extended aeration systems in addition to the aforementioned treatment technology.

(10) Treatment for the mechanized clam processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and aerated lagoon systems in addition to the aforementioned treatment technology.

(11) Treatment for the Pacific Coast hand-shucked oyster processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and extended aeration systems in addition to the aforementioned treatment technology.

(12) Treatment for the Atlantic and Gulf Coast hand-shucked oyster processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and extended aeration systems in addition to the aforementioned treatment technology.

(13) Treatment for the steamed/canned oyster processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, and aerated lagoon systems in addition to the aforementioned treatment technology.

(14) Treatment for the sardine processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, treatment of the pre-cook water through oil skimming and screening, and

treatment of all other process waste water by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology with additional treatment of the precook water and can wash water by dissolved air flotation, and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(15) Treatment for the Alaskan scallop processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

The best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

For the non-remote processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. The same level of technology for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

(16) Treatment for the non-Alaskan scallop processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

(17) Treatment for the Alaskan herring fillet processing subcategory:

The best practicable control technology currently available (BPCTCA) for the non-remote processors, involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. BPCTCA for the remote processors consists of physical treatment of the pollutants to reduce particle sizes through the use of comminutors or grinders.

For the remote processors, the best available technology economically achievable consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent; for the non-remote processors, the effluent limitations are based on dissolved air flotation in addition to the aforementioned technology.

For the non-remote Alaskan processors the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water, by-product recovery or ultimate disposal of solids, and screening of the waste water effluent. For the remote Alaskan processors, the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consists of physical treatment of the pollutants through the use of comminutors or grinders to reduce particle sizes.

(18) Treatment for the non-Alaskan herring fillet processing subcategory:

The best practicable control technology currently available involves "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent by screening.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods or other alternatives for new sources consist of the aforementioned treatment technology and appropriate process design to provide more efficient in-plant water use which reduces leaching of solubles and entrainment of solids in the contact process water.

Solid Waste Control: Solids currently being wasted in many plants can often be reclaimed in the form of protein foods, supplementary additives, and non-edible products, depending on the particular raw material. Solids from the following sources can be economically processed to yield protein foods, supplementary additives, or non-edible products.

a. Carcasses, frames and trimmings from filleting operations.

b. Ground fish too small to economically fillet.

c. Trimmings portions from butchering operation normally not included in the primary end product.

d. Whole or portions of industrial fish not suitable for human consumption.

e. Trimmings and waste portions from frozen fish, fish blocks, or other forms of seafood that are being trimmed or processed in the frozen state.

f. Frozen sawdust from sawing frozen fish into steaks or other products.

g. Fresh or frozen shrimp too small for peeling.

h. Fresh or frozen waste portions from shrimp cleaning and peeling operations.

i. Dark meat fish that cannot be sold for fillets but that can be added to extruded products in some predetermined percentage.

j. Waste from butchering after precooling.

k. Shrimp, crab and other shell containing meat after the primary extraction process.

l. Combined solids reclaimed from effluent streams after screening.

m. Solids, reclaimed from effluent streams by flocculation, precipitation or other techniques.

n. Crab and shrimp shell residues from processing operations.

A very high degree of product recovery is practiced by industries in locations where solubles and meal plants are available. The pet food, animal food and bait industries also use a considerable amount of solids from some industries. Where such facilities do not exist, alternative methods of solids disposal must be considered, such as incineration, sanitary landfill and ocean disposal.

Incineration of seafood solids wastes has not been tried in most fish industries. However, incineration wastes beneficial nutrients while leaving an ash which requires ultimate disposal. Fuel costs are also high and air pollution control equipment must be installed to minimize emissions.

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Sanitary landfills are most suitable for stabilized (digested) sludges and ash. In some regions, disposal of seafood waste solids in a public landfill is unlawful. Where allowed and where land is available, private landfill may be a practical method of ultimate disposal. Land application of unstabilized putrescible solids as a nutrient source may be impractical because of the nuisance odor conditions which may result. The application of stabilized sludges as soil conditioners should be feasible in many locations.

The practicality of landfill or surface land disposal is dependent upon both the absence of a solids reduction facility, and the presence of a suitable disposal site. The nutritive value of the solids indicates that such methods are among the least cost-efficient currently available.

Nevertheless, best practicable control technology and best available control technology as they are known today may require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates if they are not recovered as by-products. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate; the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

In addition to placement in or on the land and dispersal in the atmosphere (after incineration), the third (and only remaining) ultimate disposal alternative is dispersion in the waters. Ocean disposal of fish wastes does not subject the marine environment to the potential hazards of toxicity and pathogens associated with the dumping of human sewage sludges, municipal refuse and many industrial wastes. The disposal of seafood wastes in deep water can be a practical and possibly beneficial method of ultimate disposal.

(v) Cost estimates for control of waste water pollutants.

The cost associated with the control and treatment technologies have been considered in an economic impact analysis discussed in (vii) below. The costs for in-plant controls are largely those associated with capital investment for process and equipment modifications discussed in detail in Section VII and VIII of the Development Document. Potential realization of profits obtained from product loss reduction, by-product recovery, and reduced treatment costs may well result in a net gain to the processor.

The costs associated with end-of-pipe treatment include amortization of capital expenditures over a ten-year period, debt servicing, and operation and maintenance.

Self-monitoring costs are not included because historically the seafood industry has not been required to collect frequent self-monitoring samples.

(vi) Energy requirements and non-water quality environmental impacts.

The energy requirements associated with the control and treatment technologies have been considered. The estimated energy consumption of the recommended technologies is discussed and listed in Section VIII of the Development Document. The added energy requirements associated with the operation of the treatment facilities are expected to constitute only a small fraction of total plant energy consumption.

The maintenance of air quality, in terms of particulates, will be unaffected by the recommended waste water treatment technologies. Odor from landfills can be a problem, and from lagoons and oxidation ponds when not operated or maintained properly. However, covers or enclosures can be used in some cases if a localized problem exists.

Principal noise sources at treatment facilities are mechanical aerators, air compressors, and pumps. By running air compressors for diffused air systems below their rated critical speed and by providing inlet and exhaust silencers, noise effects can be combated effectively. In no proposed installation would noise levels exceed the guidelines established in the Occupational Safety and Health Standards of 1972.

(vii) Economic impact analysis.

The economic impact of the internal and external costs of the effluent limitations guidelines contained herein for the canned and preserved seafood processing industry is considered to be at an acceptable level. The internal costs are defined as investment and annual cost (operating costs plus the cost of capital and depreciation) for a typical plant. The total internal costs are the total investment and total annual cost for all plants in the industry. The total internal cost of the 1977 guidelines is $6.1 million investment with $1.3 million annual cost. The 1983 standards will require an additional $8.2 million investment and in additional $1.7 million annually. The required investment and annual costs for the 1977, 1983, and New Source standards appear to post no significant industry-wide problems.

External cost deals basically with the assessment of the economic impact of the internal costs discussed above in terms of price increases, production curtailments or plant closures, resultant unemployment, community and regional impacts, international trade, and future industry growth. The proposed effluent limitations will not significantly affect the economic viability of the industry. The proposed limitations for 1977 will have a minor effect on prices as price increases generally in the range of 0.3 to 0.5 percent are projected. Although price increases in this industry will, of course, be affected by foreign competition, the generally small magnitude of the projected price increases is not expected to cause any important international trade effects. A number of small plants are projected to be adversely affected by these guidelines, but the domestic industry capacity is not expected to be affected by the potential closure of these particular small plants.

Only the Alaskan hand-butchered (fresh-frozen) salmon processing segment is of concern with twelve out of 31 exclusive plants possibly threatened economically by the 1977 interim-final guidelines. There are strong indications that this projected impact is overstated because of three factors: a) overestimation of actual treatment costs for small processors, b) overestimation of the actual number of small plants, and c) underestimation of the number of plants with (or soon to have) best practicable control technology in place. The Agency is reevaluating the economic impact analysis projections before issuing final regulations.

The 1983 standards are projected to result in price increases typically in the range 0.5 to 1.5 percent (including the 1977 increase). An additional number of generally small plants are projected to be adversely affected by these 1983 guidelines, but, again, the domestic industry capacity is not anticipated to be affected by the potential closure of these small plants. No significant international trade effects of the 1983 guidelines are projected.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia, 22151.

(c) SUMMARY OF PUBLIC PARTICIPATION

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards for the canned and preserved seafood processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the National Marine Fisheries Service, U.S. Department of Commerce; (4) U.S. Department of the Interior; (5) U.S. Department of Health, Education, and Welfare; (6) the Water Resources Council; (7) the American Society of Mechanical Engineers; (8) the American Frozen Food Institute; (9) the National Canners Association; (10) the National Fisheries Association; (11) Chesapeake Bay Seafood Industries, Association, Inc.; (12) The Conservation Foundation; (13) Environmental Defense Fund, Inc.; (14) Natural Resources Defense Council; (15) The American Society of Civil Engineers; (16) Water Pollution Control Federation; (17) National Wildlife Federation; (18) U.S. Department of Agriculture; (19) Virginia Seafood Council; (20) The National Fish Meal and Oil Association; (21) Maine Sardine Council; (22) Shellfish Institute of North America; (23) University of Maryland, Natural Resources Institute, Seafood Processing Laboratory; (24) Kodiak Seafood Processors Association; and (25 Massachusetts Seafood Council.

The following responded with comments: (1) Virginia Seafood Council; (2) Maine Department of Environmental Protection; (3) Hawaii Department of Health; (4) United States Water Resources Council; (5) Government of American Samoa; (6) The National Fish Meal and Oil Association; (7) California State Water Resources Control Board; (8) Maine Sardine Council; (9) Shellfish Institute of North America; (10) State of Washington, Department of Ecology; (11) National Canners Association; (12) American Institute of Chemical Engineers, Puget Sound Section; (13) Virginia State Water Control Board; (14) National Marine Fisheries Service; (15) U.S. Food and Drug Administration; and (16) U.S. Department of the Interior.

Numerous comments were in many respects virtually identical to those received in response to the proposed regulations for the catfish, crab, shrimp, and tuna segment of the canned and preserved seafood processing industry (39 FR 4708). The Agency's response to them appeared in the subsequent promulgated regulations for the catfish, crab, shrimp and tuna processing segment (39 FR 23134). However, for ease of reference these comments and responses are included below.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) A number of commenters feel that EPA has failed to adequately justify treatment of all seafood process wastes prior to their return to the ocean environment because fish waste provides nutrients to the receiving water ecosystem.

The disposal of seafood processing waste waters in limited areas, frequently estuaries or coastal areas, does affect the ecosystem of the receiving waters. Moreover, under the Act, it is not necessary that a showing be made regarding the effect of the pollutional discharge upon the quality of the receiving water on a case-by-case basis. Under sections 301, 304(b) and (c), 306(b) and (c), and 307 (c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations guidelines are to be based upon defined levels of technology which are specified in the Act itself. Nevertheless, effluent limitations derived from water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where technology-based effluent limitations are not stringent enough to provide for the achievement of water quality standards.

Contrary to the assumption of many commenters, Water Quality Criteria are not established on an industry-by-industry basis, but rather on a pollutant parameter basis. Notice of publication for the "Proposed Criteria for Water Quality, Volume I" was contained in the October 26, 1973 FEDERAL REGISTER and the "Proposed Water Quality Information, Volume II," in the October 29, 1973 FEDERAL REGISTER. Information may be obtained from the Director, Water Quality Criteria Staff; Environmental Protection Agency; Waterside Mall East, Room 737, 401 M Street, S.W., Washington, D.C. 20460.

(2) A comment was made that the regulations and Development Document do not provide the means to determine subcategory classification for multi-product plants with respect to establishing effluent limitations.

A primary reason for establishing effluent limitations guidelines on the basis of production of raw material or final product, is to provide the means to consider the single product as well as the multi-product seafood processor without setting separate guideline numbers for every possible combination of species and processing rates.

When a plant is subject to effluent limitations covering more than one subcategory, the plant's effluent limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory. For example, if a plant processes several species concurrently, then the plant's effluent limitation may be the sum of the multiple of the volume of each species (or final product) processed and the respective effluent limitation. If a plant processes several species in series, then the effluent limitation may be based on the subcategory classification of the individual species while it is being processed. In other words, the aggregate effluent limitation guideline number may vary as a function of the commodity mix at any particular point in time.

Section VII of the Development Document discusses a "conservation of mass" approach to evaluating the waste characteristics of the multi-product processing plant as it affects the selection of in-plant and end-of-pipe pollution control technology.

As forecast in the preamble of the promulgated regulations contained in the June 26, 1974, FEDERAL REGISTER (39 FR 23134), the Agency now expands the applicability of the effluent limitations to multi-product plants which were excluded from coverage.

The promulgated effluent limitations limited the guidelines to those plants processing any combination of catfish, crab, shrimp, or tuna providing that the total throughput of these commodities amounts to eighty percent or more of the plants's seasonal or yearly production. At the time of promulgation the Agency had not been able to determine satisfactorily the possible economic impact of extending the guidelines to cover all plants which process some percentage of these species but also process significant quantities of other species. However, the current economic impact analysis indicates that the promulgated regulations (39 FR 23134) and the interim final regulations contained herein may apply to any facility processing a commodity encompassed by the regulations without the need for a product-mix or percentage throughput constraint.

(3) Some commenters criticized as inadequate the data base upon which the raw waste loads and effluent reductions were calculated.

The Agency is well aware that the amount of information available on raw waste loadings and treatment efficiencies is less than that which would exist in ideal circumstances. However the historical data on expected raw waste loads is of diminished utility because of the variability due to sampling methods previously employed and the even smaller amount of data on treatment plant efficiencies is due to the generally inadequate level of treatment which has prevailed historically in the industry.

The time constraints imposed by the statutory deadlines precluded the Agency

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from conducting an exhaustive sampling program. Nevertheless in the time available, the contractor (a recognized authority on waste management in the seafood processing industry) carried out the first national scale empirical study of the industry's waste characteristics and treatment. All samples were flow-proportioned, composite samples in order to reflect as accurately as possible the actual pollutant characteristics of the industry's effluent. The existing scientific literature was also reviewed but because of the variability referred to above, the results were less useful than EPA's own sampling program.

As far as the effluent limitations guidelines themselves are concerned, the effluent reductions expected are based predominantly upon: (1) the performance of systems now in operation in the industry; (2) the results of research demonstration projects; (3) Agency studies on seafood waste and on the results of other federal agency programs (such as the National Marine Fisheries Service pilot plant studies of air flotation); and (4) the informed advice of consultants on treatment of seafood processing wastes. The effluent reductions obtained by specific treatment technologies as applied to waste water with similar pollutant characteristics in other food processing industries were also considered in developing the effluent limitation guidelines.

(4) A number of commenters suggested that the technology specified as best available technology economically achievable had not been adequately demonstrated for this industrial category.

The Agency recognizes that the technology specified herein as best available technology economically achievable has not been demonstrated for every subcategory in day-to-day operations in this industrial category. In making the judgment as to whether or not the technology is "available," the Agency examined a wide range of information, including the use of the technology to treat similar wastes in other industrial categories, pilot plant and demonstration projects, and laboratory and other experimental data on various waste treatment processes. Based on such data and information, and the application of the Agency's best judgment, the technology specified herein was determined to constitute the best available technology economically achievable.

It is recognized that in some cases the industry must perform some of the pilot plant and other developmental work which will be necessary to bring the technology into full utilization. This does not, however, alter the Agency's judgment that the technology is "available," is "economically achievable" and can be brought on line in time to achieve full compliance by 1983, as required by the Act.

The technology which forms the basis for the effluent limitations guidelines is used only as a point of reference for available treatment systems. The industry may select alternative methods as discussed in the Development Document to meet the effluent limitations.

(5) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee's proposal is under evaluation as a contribution toward future refinements of guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(6) One commenter suggests that, contrary to the provisions of the Act, in-plant process changes form the basis for both the 1977 and 1983 effluent limitations guidelines.

The 1977 effluent limitations guidelines are based on end-of-pipe treatment and "good housekeeping" practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles. The limitations do not reflect any significant in-plant equipment or process changes. The large variation in water usage for the same process configuration among different plants indicates that there is ample opportunity for the reduction of water usage without adversely affecting the quality of the product.

The emphasis in the Development Document on adequate in-plant control and process changes which substantially reduce the end-of-pipe waste load and flow as well as the associated waste treatment cost, is intended for those processors who recognize the possible cost trade-offs between end-of-pipe treatment and in-plant changes or recovery techniques.

The 1983 guidelines and new source standards include consideration of in-plant process changes to effect water use reductions, as provided by the Act.

(7) A number of commenters suggest that neither the effluent limitations guidelines nor the economic justification for mandatory installation of pollution control technology should be based on the recovery of by-products, because of fluctuating market potentials.

The technical and economic analyses were not based on by-product recovery techniques. The purpose of the by-product recovery discussion in the Development Document is to outline several of the major developments that are currently in use, ready for use, or will be available within the next few years.

(8) The suggestion was made that EPA should use the COD test instead of the BOD5 test because it is faster, easier and less expensive to run, and more reproducible than the BOD5 test.

The BOD5 test is widely used to determine the pollutional strength of domestic and industrial wastes in terms of the oxygen these wastes will require if discharged into natural watercourses in which aerobic conditions exist. Furthermore, current engineering practice utilizes BOD5 as a principal design parameter, especially for biological waste treatment systems.

The possibility of substituting the COD parameter for the BOD5 parameter was investigated during this study. The BOD5 and corresponding COD data from industrial fish, finfish, and shellfish waste waters were analyzed to determine if COD is an adequate predictor of BOD5 for any or all of these groups of seafood. The analysis presented in Section VI of the Development Document indicates that the COD parameter is not a reliable predictor of BOD5.

The relationship between COD and BOD5 before treatment is not necessarily the same after treatment. Therefore, the effluent limitations guidelines will include the BOD5 parameter, since insufficient information is available on the COD effluent levels after treatment.

(9) One commenter suggested that the effluent limitations should be modified to include a range of numbers for the BOD5, total suspended solids, and oil and grease parameters. The range should include that attainable by screening at one extreme and air flotation or its equivalent at the other.

The available data do not indicate significant differences attributable to age and size of plant and other factors that would justify further subcategorization of the industry or establishment of ranges of limitations.

The present guidelines take differences within the seafood processing industry into account through subcategorization, rather than by use of ranges of numbers to be varied at the discretion of the permit issuing authority.

Section 306 of the Act separates several broad industrial groups into 27 subgroups. For example, the food processing industry has been divided into the meat products and rendering, dairy products, canned and preserved fruits and vegetables, grain mills, canned and preserved seafood, and sugar processing categories. The canned and preserved seafood processing category has been further subdivided as given in the regulation promulgated on June 26, 1974 (39 FR 23134) into four segments (catfish, crab, shrimp and tuna) within which 14 subcategories have been established on the basis of such factors as size and location of plants, and types of products processed. The proposed limitations presented herein further subdivides the category into an additional 20 subcategories enumerated above.

(10) The comment was made that the practice of screening the raw waste waters with a 20-mesh Tyler sieve prior to laboratory analysis does not measure the real organic waste load of the untreated effluent. Therefore, EPA is in error by using this data for establishing further reductions through employment

of subsequent waste water treatment under commercial plant operating conditions. The samples should have been ground prior to analysis in order to measure the total BOD demand by the effluent in the environment even if it does require a long time for such biological degradation.

As discussed in the Development Document, the sampling effort was designed to identify the constitutents of the waste waters which should be subject to effluent limitations and to minimize the complexity of reducing the effluent pollution to acceptable levels.

The practice of utilizing a 20-mesh Tyler sieve has been used in previous waste water characterization research in both the seafood and the fruits and vegetable fields. It serves to remove the larger solid particles (such as crab legs, some shrimp shell, fish parts, etc.) and thereby greatly reduce the resultant "scatter" of the data points. The method is especially valuable in developing a precise base-line value for each parameter from a limited number of samples.

The problem of collecting representative samples when large solid particles are contained in the effluent becomes rather complex without knowing the underlying frequency distribution of the number and size of the particles. Extremely large volumes of waste water would be necessary for a representative raw waste effluent sample. Because the basis for the minimum treatment effort included screening for most processors, data based on ground effluent samples would have no relationship to commonly accepted engineering design parameters.

(11) It was suggested that the Alaskan subcategories should have been further subdivided to account for the isolated plants which do not have dependable access to landfills or ocean barging in order to dispose of screened wastes by biologically degradable techniques or by dispersion over large areas through ocean disposal because of adverse climatic and geologic conditions.

After assessing the available information provisions have been established to account for differences due to seafood processing plant locations in Alaska.

There is substantial evidence that processors in isolated and remote areas of Alaska are at a comparative economic disadvantage to the processors located in population or processing centers regarding attempts to meet the proposed effluent limitations guidelines. The isolated location of some Alaskan seafood processing plants eliminates almost all waste water treatment alternatives because of undependable access to ocean, land, or commercial transportation disposal methods during extended severe sea or weather conditions, and the high costs of eliminating the engineering obstacles due to adverse climatic and geologic conditions. However, those plants located in population or processing centers have access to more reliable, cost-effective alternatives such as solids recovery techniques or other forms of solids disposal such as landfill or barging.

(12) The comment was made that the technology of dissolved air flotation cannot be transferred from one type of food processing or even fishery species to another. Moreover, EPA has not identified the degree of effluent reduction by best practicable control technology currently available from adequate plant and demonstration studies for the seafood subcategories.

A determination of the effluent limitations guidelines study was that the existing level of waste treatment throughout seafood processing industry was generally inadequate. With the exception of operations engaged in fish meal processing, the prevalent form of plant waste water treatment technology for the fish and seafood processing industry is screening or direct discharge.

EPA has reassessed the available data and consulted recognized seafood waste water treatment experts. The Agency has concluded that air flotation technology is currently available for the fish and seafood processing industry because of its use in other related industries with simillar wastes and because of its current use in several segments of the seafood processing industry. Dissolved air flotation is an established technology for the seafood industry though not as yet in common practice. The Fisheries Research Board of Canada and the Fisheries Association of British Columbia designed and erected a full scale demonstration dissolved air flotation waste water treatment plant which accommodates salmon canning, herring roe recovery, and ground fish filleting effluents. Full scale dissolved air flotation systems have also been installed within the menhaden, sardine, and tuna processing industries. Pilot plant studies have been conducted on shrimp processing effluents in Alaska and Louisiana, and on crab processing effluents in Alaska. Section VII of the Development Document includes a discussion of dissolved air flotation technology and tables listing by species the degree of removal of various parameters attained by pilot plant and full scale air flotation systems. Appendices to the Development Document include a bibliography of air flotation studies for the seafood industry, a listing of sources on the application of air flotation technology to other related industries such as meat packing and poultry processing, and a list of waste water treatment equipment manufacturers that produce air flotation units.

(13) The criticism was made that there are no data which support the statement that dissolved air flotation operated as a physical system will achieve the reductions assumed in the draft Development Document.

EPA recognizes that almost all pilot plant and full-scale air flotation systems operating in the seafood industry rely on chemical addition and optimization to achieve the highest levels of pollution abatement or by-product recovery. The Agency expects the dissolved air flotation systems to include chemical addition. The capital cost estimates and operation and maintenance costs used in the economic impact analysis for air flotation equipment include the costs for chemical addition for both the 1977 and 1983 estimates. However, optimization of dissolved air flotation performance is not required until 1983 because the technology is relatively new for most of the seafood processing industry and requires careful selection of chemicals and dosages, as well as skilled operation for optimum pollution abatement. Those 1977 guidelines which are based on dissolved air flotation reflect the Agency's best engineering assessment of the effluent reduction attainable by this technology without chemical optimization.

(14) One commenter suggested that adequate attention had not been given to the sludge disposal or recovery problems of the dissolved air flotation system.

Conventional methods of sludge handling and disposal are available and demonstrated to be effective. For example, the sludge from the Canadian dissolved air flotation system is presently being dewatered by centrifuging and recovered as a supplement to poultry feed. A conclusion of the "Draft Shrimp Canning Waste Treatment Study" (EPA Project S800 904) states that dewatering of dissolved air flotation sludge will be necessary for economical disposal. Centrifugation of the sludge was demonstrated to decrease the volume by 4:1 and increase the total solids dry weight by 2:1.

(15) A number of comments reflected concern that the effluent limitations guidelines should be applied on a net rather than a gross basis to allow for pollutants which may be present in the plant intake-water.

The effluent limitations guidelines have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which provide a plant's intake water supply in significant concentrations which may not be removed to the levels specified in the guidelines by the application of treatment technology contemplated by best practicable control currently available.

Accordingly, the Agency has developed amendments to its NPDES permit regulations (40 CFR Part 125) which specifies the situations in which the Regional Administrator may allow a credit for such pollutants. The proposed amendment appeared in the October 18, 1974, FEDERAL REGISTER (39 FR 37215).

(16) Many commenters stated that the summary "raw waste" data presented in the draft development document were too variable to be used as a basis for proposed effluent standards.

An examination of the method of calculation of the summary "raw waste" averages revealed that the logarithmic-normal frequency distribution provides a better fit of the data than the arithmetic-normal frequency distribution.

The observation that many of the arithmetic-normal, summary standard deviations exceeded fifty percent of the mean value, supports the notion that the data does not fit the arithmetic-normal distribution. The logarithmic-normal

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distribution fits data which tends to skew toward the right, away from zero, which is the case with the plant summary data presented in the Development Document.

To further equalize the summary statistics, individual plant averages were weighted by the number of samples collected per plant and the individual plant temporal variances.

The effect of the logarithmic-normal statistical analysis raises some summary means, lowers others, and leaves other summary means relatively unchanged from the draft development document.

(17) One commenter feels it would be more equitable to base the oyster effluent limitations on the tonnage of raw product processed rather than the shucked weight of the oyster.

The effluent limitations guidelines are expressed in terms of the shucked weight of the oysters rather than the weight of the raw material as received at the plant because the relation of input shell weight to final product weight was too variable for accurate measurements. This is partially due to empty or loose shell in the raw material at the 14 plants sampled and the fact that accurate records were available for the shucked weights of the oysters rather than raw material weights because the shuckers are usually paid for the amount of shucked oyster produced.

The Agency believes this to be an equitable approach. For example, suppose that a plant produces two tons of shucked oysters from 25 tons of raw material with a total waste load of 100 pounds of BOD5 for the day's production. Then the waste load expressed in terms of raw material is 4 lbs. of BOD5 per ton of raw material; the identical waste load expressed in terms of final product is 50 lbs of BOD5 per ton of product.

The Agency realizes that the oyster guidelines derived from raw waste load ratios based on product weight instead of raw material weight is inconsistent with other subcategories and therefore, during the comment period, requests data which could be used to establish a more accurate basis for shucked oyster production and effluent limitations.

(18) One commenter felt that the Gulf Coast oyster processors should be exempt from effluent limitations because the Gulf Coast oyster processing facilities were not among those specifically sampled.

As discussed in the development document, the Agency believes that the Gulf Coast oyster processors can be grouped with the East Coast oyster processors because the same species of oysters are processed and the same processing methods are utilized in both areas.

(19) Several commenters feel that industry expansion will be inhibited in remote areas of Alaska if the new source performance standards are based on screening instead of comminutors or grinders which provides the basis for the July 1, 1977, standards.

After reassessing the available information and comments submitted by interested parties, the technology basis for new source performance standards was changed from screening to comminutors or grinders because it can be argued that the adverse climatic and geologic conditions of many isolated areas of Alaska eliminates almost all waste water treatment alternatives.

In addition, the agency proposes amendments to §§ 408.55, 408.75, and 408.105 of the promulgated effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved seafood processing point source category (39 FR 23134) to reflect this change.

(20) Several commenters suggest that the cost of collecting self-monitoring samples should be an integral part of the economic analysis since it may have a significant impact on the small processing facilities.

Self-monitoring costs are not included because historically the small-to-medium sized plants in the seafood processing industry have not been required to collect frequent self-monitoring samples. In general, the sampling frequency has fallen within once every three to six months with no less than one sample per year. Assuming that such monitoring requirements will continue, the cost of monitoring for a typical plant is considered to be negligible for the economic impact analysis. However, the self-monitoring sampling frequency may increase for (a) large plants, (b) facilities affected by water quality criteria, or (c) plants with unique waste loads.

(21) Several commenters requested allowances within the hand-shucked oyster subcategories to accommodate possible processing changes which may be necessary to meet forthcoming Food and Drug Administration regulations.

Even though the Agency appreciates the fact that the raw waste loads may change as a result of future process alterations, the effluent limitations contained herein are based on waste loads resulting from current industry processing configurations. When the Food and Drug Administration promulgates regulations affecting the hand-shucked oyster processing subcategory, the Agency will reevaluate the effluent limitations. However, an individual processor may petition the permit issuing authority for an allowance in the waste load to account for such processing changes.

(22) Even though the regulations contained herein do not apply to non-traditional fishery resources or to new or experimental processes, one commenter is concerned that the new source performance standards will be extrapolated to new pilot or demonstration plants before adequate economic data materializes.

The Agency's intrepretation of section 306(a)(2) of the Act does not consider a new seafood processing facility a "new source" if the processing facility is not covered by the regulations set forth in Part 408 of Title 40 of the Code of Federal Regulations. In developing effluent limitations for sources not covered by guidelines the permit issuing authority would be expected to consider all available information of a technical and economic nature pertaining to the proposed facilities and not just simply extrapolate new source performance standards from categories covered by guidelines.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v *Train* et. al. (Civ. No. 1609–73) which requires the promulgation of regulations for this industry category no later than January 3, 1975. This order also requires than such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective on January 30, 1975.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 3, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulation.

In consideration of the foregoing, 40 CFR Part 408 is hereby amended as set forth below.

Dated: January 17, 1975.

Effective date: January 30, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—the farm raised catfish processing subcategory is amended by revising § 408.10 to read as follows:

§ 408.10 Applicability; description of the farm raised catfish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of farm-raised catfish by existing facilities which process more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart B—the conventional blue crab processing subcategory is amended by revising § 408.20 to read as follows:

§ 408.20 Applicability; description of the conventional blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which manual picking or separation of crab meat from the shell is utilized. The effluent limitations contained in Subpart B are applicable to existing facilities processing more than 1362 kg (3000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart C—the mechanized blue crab processing subcategory is amended by revising § 408.30 to read as follows:

§ 408.30 Applicability; description of the mechanized blue crab processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of blue crab in which mechanical picking or separation of crab meat from the shell is utilized.

Subpart D—the non-remote Alaskan crab meat processing subcategory is amended by revising § 408.40 to read as follows:

§ 408.40 Applicability; description of the non-remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart D are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart E—the remote Alaskan crab meat processing subcategory is amended by revising § 408.50 to read as follows:

§ 408.50 Applicability; description of the remote Alaskan crab meat processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king crab meat. The effluent limitations contained in Subpart E are applicable to facilities not covered under Subpart D.

Subpart F—the non-remote Alaskan whole crab and crab section processing subcategory is amended by revising § 408.60 to read as follows:

§ 408.60 Applicability; description of the non-remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in non-remote Alaska, of dungeness, tanner and king whole crab and crab sections. The effluent limitations contained in Subpart F are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart G—the remote Alaskan whole crab and crab section processing subcategory is amended by revising §408.70 to read as follows:

§ 408.70 Applicability; description of the remote Alaskan whole crab and crab section processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing, in remote Alaska, of dungeness, tanner, and king whole crab and crab sections. The effluent limitations contained in Subpart G are applicable to facilities not covered under Subpart F.

Subpart H—the dungeness and tanner crab processing in the contiguous States subcategory is amended by revising § 408.80 to read as follows:

§ 408.80 Applicability; description of the dungeness and tanner crab processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of dungeness and tanner crab in the contiguous States.

Subpart I—the non-remote Alaskan shrimp processing subcategory is amended by revising § 408.90 to read as follows:

§ 408.90 Applicability; description of the non-remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in non-remote Alaska. The effluent limitations contained in Subpart I are applicable to facilities located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg.

Subpart J—the remote Alaskan shrimp processing subcategory is amended by revising § 408.100 to read as follows:

§ 408.100 Applicability; description of the remote Alaskan shrimp processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in remote Alaska. The effluent limitations contained in Subpart J are applicable to facilities not covered under Subpart I.

Subpart K—the northern shrimp processing in the contiguous States subcategory is amended by revising § 408.110 to read as follows:

§ 408.110 Applicability; description of the Northern shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of shrimp in the Northern contiguous States, including Washington, Oregon, California, Maine, New Hampshire, and Massachusetts. The effluent limitations contained in Subpart K are applicable to existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart L—the southern non-breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.120 to read as follows:

§ 408.120 Applicability; description of the Southern non-breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of non-breaded shrimp in the Southern contiguous States, including North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The effluent limitations contained in Subpart L are applicable to existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart M—the breaded shrimp processing in the contiguous States subcategory is amended by revising § 408.130 to read as follows:

§ 408.130 Applicability; description of the breaded shrimp processing in the contiguous States subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of breaded shrimp in the contiguous States by existing facilities processing more than 908 kg (2000 lbs) of raw material per day on any day during a calendar year and all new sources.

Subpart N—the tuna processing subcategory is amended by revising § 408.140 to read as follows:

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§ 408.140 Applicability; description of the tuna processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of tuna.

The following new subparts are added to 40 CFR Part 408:

Subpart O—Fish Meal Processing Subcategory

Sec.
408.150 Applicability; description of the fish meal processing subcategory.
408.151 Specialized definitions.
408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory

408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.
408.161 Specialized definitions.
408.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.
408.171 Specialized definitions.
408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.
408.181 Specialized definitions.
408.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart S—West Coast Mechanized Salmon Processing Subcategory

408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.
408.191 Specialized definitions.
408.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart T—Alaskan Botton Fish Processing Subcategory

408.200 Applicability; description of the Alaskan bottom fish processing subcategory.
408.201 Specialized definitions.
408.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.
408.211 Specialized definitions.
408.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.
408.221 Specialized definitions.
408.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart W—Hand-Shucked Clam Processing Subcategory

408.230 Applicability; description of the hand-shucked clam processing subcategory.
408.231 Specialized definitions.
408.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart X—Mechanized Clam Processing Subcategory

Sec.
408.240 Applicability; description of the mechanized clam processing subcategory.
408.241 Specialized definitions.
408.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart Y—Pacific Coast Hand-Shucked Oyster Processing Subcategory

408.250 Applicability; description of the Pacific Coast hand-shucked oyster processing subcategory.
408.251 Specialized definitions.
408.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory

408.260 Applicability; description of the Atlantic and Gulf Coast hand-shucked oyster processing subcategory.
408.261 Specialized definitions.
408.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AA—Steamed/Canned Oyster Processing Subcategory

408.270 Applicability; description of the steamed/canned oyster processing subcategory.
408.271 Specialized definitions.
408.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AB—Sardine Processing Subcategory

408.280 Applicability; description of the sardine processing subcategory.
408.281 Specialized definitions.
408.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AC—Alaskan Scallop Processing Subcategory

Sec.
408.290 Applicability; description of the Alaskan scallop processing subcategory.
408.291 Specialized definitions.
408.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AD—Non-Alaskan Scallop Processing Subcategory

408.300 Applicability; description of the non-Alaskan scallop processing subcategory.
408.301 Specialized definitions.
408.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AE—Alaskan Herring Fillet Processing Subcategory

408.310 Applicability; description of the Alaskan herring fillet processing subcategory.
408.311 Specialized definitions.
408.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.
408.321 Specialized definitions.
408.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application control technology currently available.
408.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart AG—Abalone Processing Subcategory

408.330 Applicability; description of the abalone processing subcategory.
408.331 Specialized definitions.
408.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
408.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart O—Fish Meal Processing Subcategory

§ 408.150 Applicability; description of the fish meal processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil and solubles.

§ 408.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any menhaden or anchovy fish meal reduction facility which utilizes a solubles plant to process stick water or bail water shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.7	3.5
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.7	3.5
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

(2) Any menhaden or anchovy fish meal reduction facility not covered under § 408.152(b)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	3.5	2.8
TSS	2.6	1.7
Oil and grease	3.2	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	3.5	2.8
TSS	2.6	1.7
Oil and grease	3.2	1.4
pH	Within the range 6.0 to 9.0.	

§ 408.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

Salmon Processing Subcategory

§ 408.160 Applicability; description of the Alaskan hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the hand-butchering of salmon in Alaska.

§ 408.161 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shell fish, to be processed, in the form in which it is received at the processing plant.

§ 408.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors, such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any hand-butchered salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	

(2) Any hand-butchered salmon processing facility not covered under § 408.162 (b)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily value for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/100 lb of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

§ 408.170 Applicability; description of the Alaskan mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon in Alaska.

§ 408.171 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(Englisb units) lb/1000 lb of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.172 (b)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.173(a)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

§ 408.180 Applicability; description of the West Coast hand-butchered salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the hand-butchering of salmon on the West Coast.

§ 408.181 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.7	1.4
Oil and grease	0.20	0.17
pH	Within the range 6.0 to 9.0.	

§ 408.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this

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section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	1.2	1.0
TSS	0.15	0.12
Oil and grease	0.02	0.02
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	1.2	1.0
TSS	0.15	0.12
Oil and grease	0.02	0.02
pH	Within the range 6.0 to 9.0.	

Subpart S—West Coast Mechanized Salmon Processing Subcategory

§ 408.190 Applicability; description of the West Coast mechanized salmon processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the mechanized butchering of salmon on the West Coast.

§ 408.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any mechanized salmon processing facility which processes more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	41	34
TSS	8.2	6.7
Oil and grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	41	34
TSS	8.2	6.7
Oil and grease	4.0	1.6
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.192 (b) (1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	27	22
Oil and grease	27	10
pH	Within the range 6.0 to 9.0.	

§ 408.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	16	13
TSS	2.6	2.2
Oil and grease	2.6	1.0
pH	Within the range 6.0 to 9.0.	

Subpart T—Alaskan Bottom Fish Processing Subcategory

§ 408.200 Applicability; description of the Alaskan bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish such as halibut in Alaska.

§ 408.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to

the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.9	1.7
Oil and grease	0.11	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.9	1.7
Oil and grease	0.11	0.09
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.202 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	

Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory

§ 408.210 Applicability; description of the non-Alaskan conventional bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations are carried out predominantly through manual methods. The provisions of this subpart apply to the processing of currently, commercially processed species of bottom fish such as flounder, ocean perch, haddock, cod, sea catfish, sole, halibut, and rockfish. These provisions apply to existing facilities processing more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.211 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	2.1	1.6
Oil and grease	0.55	0.40
pH	Within the range 6.0 to 9.0.	

§ 408.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkq of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	

Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory

§ 408.220 Applicability; description of the non-Alaskan mechanized bottom fish processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of bottom fish outside of Alaska in which the unit operations are carried out predominately through mechanized methods. The provisions of this subpart apply to the processing of bottom fish such as whiting and croaker.

§ 408.221 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	14	10
Oil and grease	5.7	3.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	14	10
Oil and grease	5.7	3.3
pH	Within the range 6.0 to 9.0.	

§ 408.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	6.5	5.3
TSS	1.1	0.82
Oil and grease	0.46	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	6.5	5.3
TSS	1.1	0.82
Oil and grease	0.46	0.26
pH	Within the range 6.0 to 9.0.	

Subpart W—Hand-Shucked Clam Processing Subcategory

§ 408.230 Applicability; description of the hand-shucked clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing hand-shucked clam processing facilities which process more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year and all new sources.

§ 408.231 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	30	19
Oil and grease	0.20	0.10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	30	19
Oil and grease	0.20	0.10
pH	Within the range 6.0 to 9.0.	

§ 408.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	

Subpart X—Mechanized Clam Processing Subcategory

§ 408.240 Applicability; description of the mechanized clam processing subcategory.

The provisions of this subpart are applicable to discharges resulting from mechanized clam processing.

§ 408.241 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested persons may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	7.7	6.1
Oil and grease	0.55	0.43
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	7.7	6.1
Oil and grease	0.55	0.43
pH	Within the range 6.0 to 9.0.	

§ 408.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	

Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory

§ 408.250 Applicability; description of the Pacific Coast hand shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing Pacific Coast hand-shucked oyster processing facilities which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.251 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharged effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	37	35
Oil and grease	1.7	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	

Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory

§ 408.260 Applicability; description of the Atlantic and Gulf Coast hand-shucked oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from existing hand-shucked oyster processing facilities on the Atlantic and Gulf Coasts which process more than 454 kg (1000 lbs) of product per day on any day during a calendar year and all new sources.

§ 408.261 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be

discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	19	15
Oil and grease	0.77	0.70
pH	Within the range 6.0 to 9.0.	

§ 408.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	

Subpart AA—Steamed/Canned Oyster Processing Subcategory

§ 408.270 Applicability; description of the steamed/canned oyster processing subcategory.

The provisions of this subpart are applicable to discharges resulting from oysters which are mechanically shucked.

§ 408.271 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the oyster meat after shucking.

§ 408.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment, technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	54	36
Oil and grease	1.6	1.3
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	54	36
Oil and grease	1.6	1.3
pH	Within the range 6.0 to 9.0.	

§ 408.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	

Subpart AB—Sardine Processing Subcategory

§ 408.280 Applicability; description of the sardine processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the canning of sardines or sea herring for sardines.

§ 408.281 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Admin-

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istrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/pkg of seafood		
TSS	4.2	3.3
Oil and grease	2.9	1.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	4.2	3.3
Oil and grease	2.9	1.6
pH	Within the range 6.0 to 9.0.	

§ 408.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkq of seafood		
BOD5	5.3	4.6
TSS	2.2	1.8
Oil and grease	1.7	0.87
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	5.3	4.6
TSS	2.2	1.8
Oil and grease	1.7	0.87
pH	Within the range 6.0 to 9.0.	

Subpart AC—Alaskan Scallop Processing Subcategory

§ 408.290 Applicability; description of the Alaskan scallop processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of scallops in Alaska.

§ 408.291 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the scallop meat after processing.

§ 408.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	

(2) any Alaskan scallop processing facility not covered under § 408.292(b)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

Subpart AD—Non-Alaskan Scallop Processing Subcategory

§ 408.300 Applicability; description of the non-Alaskan scallop processing subcategory.

With the exception of land-based processing of calico scallops, the provisions of this subpart are applicable to discharges resulting from the processing of scallops outside of Alaska.

§ 408.301 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean the weight of the scallop meat after processing.

§ 408.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.82	0.62
Oil and grease	0.63	0.32
pH	Within the range 6.0 to 9.0.	

§ 408.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

Subpart AE—Alaskan Herring Fillet Processing Subcategory

§ 408.310 Applicability; description of the Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets in Alaska.

§ 408.311 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of

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the best practicable control technology currently available:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	

(2) any Alaskan herring fillet processing facility not covered under § 408.312 (b) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan herring fillet processing facility not covered under § 408.312(a)(1) shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

§ 408.320 Applicability; description of the non-Alaskan herring fillet processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of herring fillets outside of Alaska.

§ 408.321 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	25	24
Oil and grease	8.4	6.9
pH	Within the range 6.0 to 9.0.	

§ 408.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	8.6	6.7
TSS	1.9	1.7
Oil and grease	3.1	1.2
pH	Within the range 6.0 to 9.0.	

Subpart AG—Abalone Processing Subcategory

§ 408.330 Applicability; description of the abalone processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of abalone in the contiguous states.

§ 408.331 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "seafood" shall mean the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

§ 408.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	11	9.2
Oil and grease	1.2	0.98
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	11	9.2
Oil and grease	1.2	0.98
pH	Within the range 6.0 to 9.0.	

§ 408.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 408]

[FRL 328-5]

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Standards of Performance for New Sources and Pretreatment Standards for Existing and for New Sources

Notice is hereby given that standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On June 26, 1974, EPA promulgated a regulation adding Part 408 to Title 40 of the Code of Federal Regulations (39 FR 23134). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved seafood processing point source category. The regulation proposed below will amend 40 CFR 408—canned and preserved seafood processing point source category by revising § 408.55 of the remote Alaskan crab meat processing subcategory (Subpart E), § 408.75 of the remote Alaskan whole crab and crab section processing subcategory (Subpart G), and § 408.105 of the remote Alaskan shrimp processing subcategory (Subpart J) to change the standards of performance for new sources based on screening to standards based on comminutors or grinders; and by adding thereto §§ 408.154, 408.155 and 408.156 to the fish meal processing subcategory (Subpart O), §§ 408.164, 408.165 and 408.166 to the Alaskan hand-butchered salmon processing subcategory (Subpart P), §§ 408.174, 408.175 and 408.176 to the Alaskan mechanized salmon processing subcategory (Subpart Q), §§ 408.184, 408.185 and 408.186 to the West Coast hand-butchered salmon processing subcategory (Subpart R), §§ 408.194, 408.195 and 408.196 to the West Coast mechanized salmon processing subcategory (Subpart S), §§ 408.204, 408.205 and 408.206 to the Alaskan bottom fish processing subcategory (Subpart T), §§ 408.214, 408.215 and 408.216 to the non-Alaskan conventional bottom fish processing subcategory (Subpart U), §§ 408.224, 408.225 and 408.226 to the non-Alaskan mechanized bottom fish processing subcategory (Subpart V), §§ 408.234, 408.235 and 408.236 to the hand-shucked clam processing subcategory (Subpart W), §§ 408.244, 408.245 and 408.246 to the mechanized clam processing subcategory (Subpart X), §§ 408.254, 408.255 and 408.256 to the Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), §§ 408.264, 408.265 and 408.266 to the Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), §§ 408.274, 408.275 and 408.276 to the steamed/canned oyster processing subcategory (Subpart AA), §§ 408.284, 408.285 and 408.286 to the sardine processing subcategory (Subpart AB), §§ 408.294, 408.295 and 408.296 to the Alaskan scallop processing subcategory (Subpart AC), §§ 408.304, 408.305 and 408.306 to the non-Alaskan scallop processing subcategory (Subpart AD), §§ 408.314, 408.315 and 408.316 to the Alaskan herring fillet processing subcategory (Subpart AE), §§ 408.324, 408.325 and 408.326 to the non-Alaskan herring fillet processing subcategory (Subpart AC), §§ 408.304, 408.305 and and 408.336 to the abalone processing subcategory (Subpart AG) pursuant to sections 306(b) and 307(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; P.L. 92–500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) *Legal Authority.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the canned and preserved seafood processing category. The regulations proposed herein set forth the standards of performance applicable to new sources for fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 408.156, 408.166, 408.176, 408.186, 408.196, 408.206, 408.216, 408.226, 408.236, 408.246, 408.256, 408.266, 408.276, 408.286, 408.296, 408.306, 408.316, 408.326, and 408.336 proposed below, provide pretreatment standards for new sources within the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 408.154, 408.164, 408.174, 408.184, 408.194, 408.204, 408.214, 408.224, 408.234, 408.244, 408.254, 408.264, 408.274, 408.284, 408.294, 408.304, 408.314, 408.324, and 408.334 proposed below provide pretreatment standards for existing sources within the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V),

hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category.

(b) *Summary and Basis of Proposed Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R), West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133. Sections 408.154, 408.164, 408.174, 408.184, 408.194, 408.204, 408.214, 408.224, 408.234, 408.244, 408.254, 408.264, 408.274, 408.284, 408.294, 408.304, 408.314, 408.324, and 408.334 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the fish meal processing subcategory (Subpart O), Alaskan hand-butchered salmon processing subcategory (Subpart P), Alaskan mechanized salmon processing subcategory (Subpart Q), West Coast hand-butchered salmon processing subcategory (Subpart R) West Coast mechanized salmon processing subcategory (Subpart S), Alaskan bottom fish processing subcategory (Subpart T), non-Alaskan conventional bottom fish processing subcategory (Subpart U), non-Alaskan mechanized bottom fish processing subcategory (Subpart V), hand-shucked clam processing subcategory (Subpart W), mechanized clam processing subcategory (Subpart X), Pacific Coast hand-shucked oyster processing subcategory (Subpart Y), Atlantic and Gulf Coast hand-shucked oyster processing subcategory (Subpart Z), steamed/canned oyster processing subcategory (Subpart AA), sardine processing subcategory (Subpart AB), Alaskan scallop processing subcategory (Subpart AC), non-Alaskan scallop processing subcategory (Subpart AD), Alaskan herring fillet processing subcategory (Subpart AE), non-Alaskan herring fillet processing subcategory (Subpart AF), and abalone processing subcategory (Subpart AG) of the canned and preserved seafood processing point source category being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a

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standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 3, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated January 17, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend 40 CFR Part 408 as set forth below:

Subpart E—the remote Alaskan crab meat processing subcategory is amended by revising § 408.55 to read as follows:

§ 408.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants of pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart G—the remote Alaskan whole crab and crab section processing subcategory is amended by revising § 408.75 to read as follows:

§ 408.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

Subpart J—the remote Alaskan shrimp processing subcategory is amended by revising § 408.105 to read as follows:

§ 408.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

The table of contents to 40 CFR Part 408 is amended by adding the following sections to the indicated subparts:

Subpart O—Fish Meal Processing Subcategory

Sec.
408.154 Pretreatment standards for existing sources.
408.155 Standards of performance for new sources.
408.156 Pretreatment standards for new sources.

Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory

408.164 Pretreatment standards for existing sources.
408.165 Standards of performance for new sources.
408.166 Pretreatment standards for new sources.

Subpart Q—Alaskan Mechanized Salmon Processing Subcategory

408.174 Pretreatment standards for existing sources.
408.175 Standards of performance for new sources.
408.176 Pretreatment standards for new sources.

Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory

408.184 Pretreatment standards for existing sources.
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Subpart AB—Sardine Processing Subcategory

408.284 Pretreatment standards for existing sources.
408.285 Standards of performance for new sources.
408.286 Pretreatment standards for new sources.

Subpart AC—Alaskan Scallop Processing Subcategory

408.294 Pretreatment standards for existing sources.
408.295 Standards of performance for new sources.
408.296 Pretreatment standards for new sources.

Subpart AD—Non-Alaskan Scallop Processing Subcategory

408.304 Pretreatment standards for existing sources.
408.305 Standards of performance for new sources.
408.306 Pretreatment standards for new sources.

Subpart AE—Alaskan Herring Fillet Processing Subcategory

408.314 Pretreatment standards for existing sources.
408.315 Standards of performance for new sources.
408.316 Pretreatment standards for new sources.

Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory

408.324 Pretreatment standards for existing sources.
408.325 Standards of performance for new sources.
408.326 Pretreatment standards for new sources.

Subpart AG—Abalone Processing Subcategory

408.334 Pretreatment standards for existing sources.
408.335 Standards of performance for new sources.
408.336 Pretreatment standards for new sources.

The following new sections are added to Subpart O—Fish Meal Processing Subcategory:

§ 408.154 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	4.0	2.9
TSS	2.3	1.3
Oil and grease	0.80	0.63
pH	Within the range 6.0 to 9.0.	

§ 408.156 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the fish meal processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory.

§ 408.164 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.165 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any hand-butchered salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.5	1.2
Oil and grease	0.18	0.15
pH	Within the range 6.0 to 9.0.	

(2) Any hand-butchered salmon processing facility not covered under Sec. 408.165(a)(1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.166 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart Q—Alaskan Mechanized Salmon Processing Subcategory.

§ 408.174 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.175 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

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(1) Any mechanized salmon processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Peterburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	26	21
Oil and grease	26	10
pH	Within the range 6.0 to 9.0.	

(2) Any mechanized salmon processing facility not covered under § 408.175 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.176 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory.

§ 408.184 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	1.7	1.4
TSS	0.46	0.37
Oil and grease	0.03	0.02
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	1.7	1.4
TSS	0.46	0.37
Oil and grease	0.03	0.02
pH	Within the range 6.0 to 9.0.	

§ 408.186 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast hand-butchered salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart S—West Coast Mechanized Salmon Processing Subcategory.

§ 408.194 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	39	32
TSS	7.9	6.5
Oil and grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	39	32
TSS	7.9	6.5
Oil and grease	3.8	1.5
pH	Within the range 6.0 to 9.0.	

§ 408.196 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the West Coast mechanized salmon processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart T—Alaskan Bottom Fish Processing Subcategory.

§ 408.204 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.205 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) Any Alaskan bottom fish processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	1.1	1.0
Oil and grease	0.07	0.06
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan bottom-fish processing facility not covered under § 408.205 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.206 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.214 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.215 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	

§ 408.216 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan conventional bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned

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treatment works by a source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory.

§ 408.224 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.225 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	9.1	7.4
TSS	3.3	2.5
Oil and grease	0.66	0.39
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	9.1	7.4
TSS	3.3	2.5
Oil and grease	0.66	0.39
pH	Within the range 6.0 to 9.0.	

§ 408.226 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan mechanized bottom fish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart W—Hand-Shucked Clam Processing Subcategory.

§ 408.234 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.235 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TS8	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TS8	29	18
Oil and grease	0.28	0.18
pH	Within the range 6.0 to 9.0.	

§ 408.236 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the hand-shucked clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart X—Mechanized Clam Processing Subcategory.

§ 408.244 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory.

§ 408.254 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.245 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	2.9	2.7
TSS	7.4	3.7
Oil and grease	0.18	0.09
pH	Within the range 6.0 to 9.0.	

§ 408.246 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the mechanized clam processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart Y—Pacific Coast Hand Shucked Oyster Processing Subcategory.

§ 408.254 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.255 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.6	3.5
TSS	8.7	8.3
Oil and grease	0.78	0.26
pH	Within the range 6.0 to 9.0.	

§ 408.256 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Pacific Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart Z—Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory.

§ 408.264 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Atlantic and Gulf Coast hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.265 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	2.5	2.3
TSS	4.5	3.6
Oil and grease	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 408.266 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Atlantic and Gulf Coast

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hand-shucked oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AA—Steamed/Canned Oyster Processing Subcategory.

§ 408.274 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the steamed/canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	

§ 408.275 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	7.4	5.2
TSS	22	11
Oil and grease	0.56	0.28
pH	Within the range 6.0 to 9.0.	

§ 408.276 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the steamed/canned oyster processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AB—Sardine Processing Subcategory.

§ 408.284 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	7.1	6.2
TSS	2.9	2.1
Oil and grease	1.8	0.97
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	7.1	6.2
TSS	2.9	2.1
Oil and grease	1.8	0.97
pH	Within the range 6.0 to 9.0.	

§ 408.285 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.286 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the sardine processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AC—Alaskan Scallop Processing Subcategory.

§ 408.294 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.295 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) any Alaskan scallop processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan scallop processing facility not covered under § 408.295(a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.296 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AD—Non-Alaskan Scallop Processing Subcategory.

§ 408.304 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.80	0.60
Oil and grease	0.62	0.31
pH	Within the range 6.0 to 9.0.	

§ 408.305 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.306 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan scallop processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	Pretreatment Standard
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AE—Alaskan Herring Fillet Processing Subcategory.

§ 408.314 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

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Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.315 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) any herring fillet processing facility located in population or processing centers including but not limited to Anchorage, Cordova, Juneau, Ketchikan, Kodiak and Petersburg shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	19	17
Oil and grease	6.7	5.2
pH	Within the range 6.0 to 9.0.	

(2) Any Alaskan herring fillet processing facility not covered under § 408.315 (a) (1) shall meet the following limitations: No pollutants may be discharged which exceed 1.27 cm (0.5 inch) in any dimension.

§ 408.316 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory.

§ 408.324 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.325 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
BOD5	21	16
TSS	5.6	5.2
Oil and grease	3.3	1.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
BOD5	21	16
TSS	5.6	5.2
Oil and grease	3.3	1.4
pH	Within the range 6.0 to 9.0.	

§ 408.326 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the non-Alaskan herring fillet processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

The following new sections are added to Subpart AG—Abalone Processing Subcategory.

§ 408.334 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

§ 408.335 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of seafood		
TSS	10	8.7
Oil and grease	1.1	0.93
pH	Within the range 6.0 to 9.0.	

§ 408.336 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the abalone processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property:	*Pretreatment Standard*
BOD5	No limitation.
TSS	No limitation.
pH	No limitation.
Oil and grease	No limitation.

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PART III

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

MARINE SANITATION DEVICES

Certification Procedures and Design and Construction Requirements

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Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-83]

PART 159—MARINE SANITATION DEVICES

These regulations establish certification procedures and design and construction requirements for marine sanitation devices. The regulations apply to vessel owners, manufacturers of vessels, and manufacturers of marine sanitation devices (MSD's).

Interested parties were notified of the opportunity to participate in this rule making proceeding by the notice of proposed rule making published in the FEDERAL REGISTER of March 1, 1974 (39 FR 8038). Over 280 comments were received and a public hearing was held in Washington, D.C., on May 1, 1974. Statements made at the public hearing and all written comments received were considered by the Coast Guard in promulgating these regulations. Except as noted and discussed in the following paragraphs, the regulations as proposed have been adopted without substantive changes.

Comments were received requesting that promulgation of final regulations be delayed. Issuance of these regulations is necessary to give effect to the purposes and goals of the Federal Water Pollution Control Act (FWPCA). The purpose of section 312 of FWPCA is to prevent the discharge of untreated or inadequately treated sewage from vessels into or upon United States waters. The use of marine sanitation devices that operate in compliance with the Environmental Protection Agency (EPA) discharge standards will accomplish this purpose and thus further the national goal stated in section 101 of FWPCA to eliminate the discharge of pollutants into United States waters by 1985.

Several comments on the Notice of Proposed Rule Making recommended that the Coast Guard waive the applicability of the EPA no-discharge standard for marine sanitation devices used on recreational craft. Some comments also urged that the Coast Guard waive the applicability of the EPA discharge criteria in 40 CFR 140.3(c) for discharge treatment devices used on recreational craft. Most of the latter comments suggested that large commercial vessels are the primary source of sewage discharge into United States waters. Section 312(c)(2) of FWPCA authorizes the Coast Guard after consultation with the EPA to waive the applicability of EPA standards whenever necessary or appropriate for "classes, types, and sizes of vessels • • •." After consideration of these comments, the Coast Guard has concluded that the class of recreational craft is so broad, that a waiver of EPA discharge standards for these vessels would be inappropriate. The waiver would apply to such large number of vessels that the purpose of section 312 of FWPCA to prevent the discharge of untreated and inadequately treated sewage from vessels into United States waters would not be accomplished.

Several comments were received questioning the legality and appropriateness of the EPA no-discharge standard regardless of class or type. One of these comments noted that if a no-discharge standard is imposed, adequate pump out facilities should be required or a waiver from compliance with the standard should be granted under section 312(c)(2) of FWPCA. The Coast Guard has no authority to require that pump out facilities be established. However, requests for waivers under section 312(c)(2) will be fully considered.

Over 150 comments were received concerning EPA's discharge standards in 40 CFR 140(c). Review of these comments by both the Coast Guard and EPA resulted in the formation of a joint working group tasked with reassessing the existing no-discharge standard. The working group upon completion of their reassessment recommended to the Administrator of EPA that the Standard (40 CFR 140) be revised to permit the installation of certified flow through devices which provide adequate treatment on both new and existing vessels. While existing vessels are permitted to install flow through devices in accordance with the 3-year incentive provision of the existing Standard (40 CFR 140.3(c)), this provision was not applicable to the new vessels. Based on the probable adoption of the recommended revision of EPA's Standard, during the next 12 months, § 159.13 (Waiver for New Vessels) is added to permit certified flow-through devices to be installed on new vessels for 1 year. This effectively treats a vessel constructed during this 1-year period as an "existing vessel".

Some other comments asked whether a discharge type device can be used in a no-discharge zone established by a state before the effective date of the regulations in this document if the device complies with the regulations in this document. A state cannot enforce a no-discharge prohibition on United States waters against vessels with a certified device until a no-discharge prohibition is established under section 312(f)(3) or (4).

Section 312(f)(3) and (4) of FWPCA provides, in part, that after the effective date of the regulations in this document a state may prohibit the discharge of sewage, whether treated or not, into some or all of its waters if the EPA has determined "that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available" for the waters in which the no-discharge prohibition is to apply. Thus, the use of a discharge treatment device, which is certified pursuant to the regulations in this document, can be prohibited under section 312(f)(3) and (4) in designated state waters.

Several comments asked whether a toilet bowl is a part of a marine sanitation device. A toilet bowl will not be tested as part of the device unless it is a part of the container enclosing the device or unless it is bolted to or otherwise fastened to the device.

Several comments were received asking whether a device that is designed to retain sewage on board a vessel which also has a through-hull fitting for use in discharging sewage into the water can be certified pursuant to the regulations in this document. The regulations in this document do not preclude the use of a through-hull fitting. However, a device furnished with a through-hull fitting will not be certified unless there is some means of preventing discharge of sewage through the fitting.

Comments were received requesting that separate regulations be issued for each class of vessel. The design and equipment requirements in the final rules apply to devices used on board all vessels regardless of class. However, because a particular test required by these regulations may not be necessary or appropriate for an MSD to be used on a particular class of vessel, § 159.19 in the final regulations allows the manufacturer of a device to apply for authorization to delete a test which is not applicable or to perform an equivalent test in lieu of the required test.

One comment recommended that a device certified pursuant to the regulations in this document be tested at some time after installation on a vessel to ensure that it continues to be operable. A program for inspecting representative devices will be established. If these inspections show that devices are not being manufactured substantially the same as the test device, the manufacturer's letter of authorization, issued under § 159.16, will be suspended or terminated.

One comment asked that the term "territorial seas" in § 159.1 be defined as a fixed distance from the shore. The FWPCA, under which these rules are promulgated, defines "territorial seas," in 33 U.S.C. 1362(8), and this definition is added to the definitions in these regulations.

Several comments requested that the applicability of the regulations be clarified. Since the distinction between a "new vessel" and an "existing vessel" is important to the applicability of these regulations to vessel operators, the definitions from the FWPCA are added to § 159.3.

One comment contended that built-in holding tanks are not marine sanitation devices. The definition of "marine sanitation device" in 33 U.S.C. 1322(a)(5) includes any equipment installed on a vessel which is designed to retain sewage. If there is a problem with testing a built-in holding tank, the manufacturer may request an equivalent test under § 159.19. Several comments were received which requested a determination as to applicability of these regulations to "portable devices" such as those self contained units capable of being carried on and off a vessel. These regulations are not applicable to such "portable devices".

One comment requested that proposed § 159.3(f) specify that sewage is only waste from toilets and not from showers or washbasins. The definition of sewage does not include the normal effluents from washbasins or showers, and the definition is considered to be clear without change.

Several comments requested clarification of the effective dates of the regulations. Section 159.5 is being changed by adding the effective dates for new and existing vessels. One comment asked whether proposed §§ 159.5 and 159.7 are effective immediately. These sections are effective January 30, 1977, for new vessels and January 30, 1980, for existing vessels.

Though the rules speak to certification procedures and design and construction requirements for marine sanitation devices, the Coast Guard believes that this preamble is an appropriate place to clarify the operator requirements for the carriage of marine sanitation devices. These requirements were prescribed in part, in section 312 of the FWPCA and in EPA's regulations of June 23, 1972, adopting the no-discharge standard. The following information is an attempt to provide that clarification.

Vessel type	Must be equipped with a—	Except when the vessel is equipped with—
Existing—A vessel whose construction was initiated [1] before January 30, 1975.	Coast Guard certified no-discharge MSD on and after January 30, 1980.	A Coast Guard certified discharge type MSD installed on or before January 30, 1978. This MSD can be used as long as it operates properly; or A Coast Guard certified discharge type MSD installed after January 30, 1978, but before January 30, 1980. This MSD can be used until January 30, 1983. After January 30, 1983, a Coast Guard certified no-discharge MSD is required.
New—A vessel whose construction was initiated [1] after January 30, 1975.	Coast Guard certified no-discharge MSD on and after January 30, 1977.	A Coast Guard certified discharge type MSD installed on or before January 30, 1976. This MSD can be used as long as it operates properly.

[1] For many years the Coast Guard has considered the initiation or commencement of construction to be the laying of a keel or similar stage of construction.

Section 159.12 is added to the final rule in response to comments concerned with the problem of vessels presently equipped with no-discharge type MSD's and equipping vessels with MSD's before certified and labeled devices are available under these regulations. All no-discharge type devices installed prior to January 30, 1975, are considered certified but will not be labeled. During the interim between promulgation of these regulations and the time when there will be recognized facilities to certify devices, the Coast Guard will certify devices that meet EPA standards. There will also be no label required on these certified devices. The Coast Guard will compile and distribute lists of the MSD models that have been certified by this method.

Several comments concerned what facilities would be recognized to test MSD's. The Coast Guard intends to recognize any facility that meets the requirements in subpart D of the regulations for a recognized facility.

Several comments suggested that manufacturers be required to furnish proof of product liability insurance or to warrant their product. The Coast Guard does not have the authority to require this.

One comment suggested the addition of a provision that states that the information that is required is considered proprietary. Section 312(g)(3) of the FWPCA states that any information that relates to a trade secret or other matter that is referred to in 18 U.S.C. 1905 shall be considered confidential. Therefore, it is unnecessary to include this provision.

One comment states that appeal by a manufacturer of a denial of certification by the Coast Guard should be an adjudicatory proceeding under 5 U.S.C. 556. The appeal procedures in 46 CFR 2.75 that are referenced in paragraph (d) apply to all marine equipment that the Coast Guard approves for use on inspected vessels and provides the necessary procedural protection.

The heading of § 159.16 is changed to reflect the contents of the section. The letter of authorization authorizes a manufacturer to certify by labeling that these devices are in all material respects substantially the same as the test device certified by the U.S. Coast Guard pursuant to Section 312 of the FWPCA Amendments of 1972.

Section 159.17, "Changes to certified devices," does not preclude a manufacturer or recognized facility from recommending which additional tests may be required by the changes in the device; however, the Coast Guard makes the final determination.

Many comments asked what data is acceptable as equivalent testing under § 159.19. The Coast Guard will consider any data that is submitted by a manufacturer in the determination of equivalency. For example, proof of satisfactory performance of a device that has been in use may be considered equivalent to the mechanical tests that are required by the regulations. Biological tests during development of the device may be acceptable.

Comments questioned tests of holding tanks that are an integral unit of the vessel. If it can be determined from a vessel's plans or design criteria that the tank is capable of the necessary performance, no tests are required; however, final determination depends upon the performance of the device as a system after installation and service on the vessel.

If it is impractical to test an entire system as a unit, selected components may be tested; however, final determination depends upon the performance of the unit after installation and service on the vessel.

Several comments requested that § 159.55 require only information on the device itself that would identify it. The information required in § 159.55, as it appeared in the Notice of Proposed Rule Making, was meant to aid the user in the operation of the device. The requirement of this information has been moved to § 159.57. This change results in a smaller information plate on the device, while at the same time still providing the used with the needed information in the operating instructions.

The reference in proposed § 159.55(a)(14) has been moved to § 159.55(a)(5). The information required by this section is intended to indicate whether the device is to be installed on an inspected or an uninspected vessel and the language used in the proposed rule has been changed in the final rule to reflect this intent.

Several comments noted that the method outlined in § 159.55(b) of affixing the information required by § 159.55(a) to the device might result in leakage problems for tanks constructed of certain materials. Section 159.55(b) has been changed in the final rule to allow for lettering the required information on the device itself as long as the procedure used makes the lettering resistant to the marine environment and the chemicals used in the marine sanitation device and as long as it will be obvious if the information is altered or removed.

The intent of proposed § 159.59 was that the required placard accompany each device. The wording in the final rule has been changed to make this intent clear.

Several comments noted that all vents will clog under certain circumstances and, therefore, it would be impossible to design a vent that would comply with the requirements of proposed § 159.61. The final rule has been changed to require a design that will minimize the occurrence of clogging.

Section 159.65 is being changed to create an alternative method of indicating the amount of chemical supply needed to operate a device. Under the proposed rule, the device had to be designed to indicate the supply of chemicals in the divice at all times. The final rule allows this method, but also allows a method that will indicate when chemicals must be added to the device for its proper continued operation.

Proposed §159.71 required wire to be stranded "when subject to vibration • • •." One comment noted the difficulty in determining which devices would be subject to vibration. Vibration is a force inherent in the marine environment and unstranded wire would be subject to breakage when introduced into that environment. the language of § 159.71 has been changed in the final rule to require all electrical wiring to be stranded.

One comment noted that baffles having openings to allow liquid and vapor to flow freely across the top and bottom of the tank would be ineffective in minimizing short circuiting of sewage. A distinction must be made between tank baffles

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and tank partitions. Tank baffles are fitted into tanks of large surface area to hinder the motion of liquid when the tank is subjected to dynamic motion. Tank partitions subdivide a tank and control the access of liquid from one section to another. Tank partitions would be used in the sewage processing. Section 159.81 does not apply to tank partitions.

Section 159.83 is changed in light of comments from continuous level indication to an indication of the level in the system when the holding tank or tanks should be emptied.

Section 159.85 is being changed to require that nearly all of the material can be emptied. This change reflects the difficulty in pumping a tank completely dry, but the intent of this section is still to require a complete pump out.

One comment requested that the size of the pipe in § 159.87 be deleted from the regulations. The individual making the comment uses a pipe size between those in the section. Adapters are available to bring the fitting to the required size and thus the sizes are retained in the section. The sizes in the section are recommended in the International Convention for the Prevention of Pollution from Ships, 1973.

Several comments asked what duration of time was intended in § 159.89. A momentary loss of power with immediate resumption of power is intended. A total loss of power is covered in § 159.53.

Several comments stated that proposed § 159.91, which required a means to obtain a sample of effluent, is unnecessary. This section has been deleted.

Sections 159.95(a)(1) and (2) are being changed in response to comments pointing out that toxic gases are unavoidably generated in certain treatment methods. Fire protection aboard vessels is the subject of a continuing Coast Guard research and development study and fire protection regulations may be promulgated later.

Several comments requested that proposed § 159.101 be changed to allow some deterioration of a device after all the tests are completed. Section 159.101 is changed to require that there be no deterioration of the device affecting its operation or safety after each test. The change is consistent with the objective of the testing sections to ensure that the device operates properly and safely. Cosmetic cracking which does not impair the operation or safety of the device is not within the scope of these regulations.

Sections 159.103 through 159.105 are clarified to require that liquid retention components be filled with water to one-half of their volume. This requirement is applicable to all liquid retention components, including those that are full during normal operation. Although the size and shape of the components materially affect the severity of the tests upon the devices under §§ 159.103 through 159.107, requiring the components to be filled to one half of their volume is expected to ensure a sufficiently severe test for each device.

In response to comments requesting that the number of shocks a device must be subjected to in proposed § 159.105 be reduced, the section is changed to require 1000 shocks rather than the proposed 5000. Comments requesting that the force and duration of the shocks in proposed § 159.105 be reduced are not adopted in the regulations. The test force of 10g's for 20–25 milliseconds is similar to the force in the Underwriters' Laboratories, Inc. test for fuel tanks.

Section 159.109 is changed to more accurately reflect a pressure test.

Section 159.111 is changed to require a positive displacement pump to empty the tank. This positive displacement pump ensures a vacuum in the tank after it is emptied during the Pressure and Vacuum Pulse Test.

Proposed § 159.117(a) is changed to require the chemical resistance test for materials that come into contact with vapors in the normal operation of the device. Contact with vapors makes the test necessary because vapors might dissolve certain materials.

Proposed § 159.117(b)(3) is changed to expand the submersion requirement to chemicals used or emitted, in addition to those produced in the operation of the device.

Proposed § 159.119 is changed by substituting operating-fluid temperature for water temperature. This change recognizes the fact that some devices operate with fluid other than water.

Proposed § 159.121(b) is changed by dropping the requirement that a filter cigarette be processed by the device. Several comments requested this change. The intent of the processing test is to find out if a device will operate normally. Processing a cigarette is beyond the scope of this test.

Several comments requested that the amount and type of human sewage to be processed in proposed § 159.121(c) be more clearly defined. This paragraph is changed in light of these comments to require a urination to defecation ratio of four to one and require at least one defecation per test person per day. The amount of sewage required for each device each day is the amount required to be specified in § 159.57(b)(8).

One comment noted that the minimum of 500 milligrams suspended solids required in the fresh domestic sewage in proposed § 159.121(d) is an unrealistically high density. This paragraph has been changed in response to this comment to allow primary sludge to be added to the domestic sewage to bring its amount of suspended solids up to a point that will duplicate the shipboard wastes which are generally more concentrated than domestic sewages.

A comment from EPA requested that the number of samples required in §§ 159.123 through 159.127 be increased from 30 to 40. This comment is adopted in this regulation and 40 samples will be required in these sections. The larger number of samples required should provide a greater statistical confidence in the tests.

Proposed § 159.123(b) is changed to require that four samples be taken each day. Also added is the requirement that one of these four samples be taken after the peak capacity processing period. This sample will help determine the effect of the high loading of the device.

Several comments stated that the turbidity test for visible floating solids in § 159.125 was not valid and was too severe, and recommended that the screening test, that was included in the advance notice, be reinstated. In consideration of these comments the Coast Guard consulted with the EPA and is reinstating a screening test as the test for visible floating solids under § 159.125. Section 159.125 requires the flush of the MSD to be poured expeditiously through a U.S. Sieve #12. The material caught on the screen is dried and weighed. This weight, expressed in the form of milligrams per liter, is compared to the total suspended solids of a like sample of flush. The material on the screen, expressed in the form of milligrams per liter, cannot exceed 10 percent of the total suspended solids in the sample flush. This test must be repeated 40 times. This test is intended to measure when individual particles are too small to be easily visible in water. Any large particles that exist after maceration will be caught on the screen and therefore will be measured. This is a definitive, easily repeatable test which can give an objective measurement of visible floating solids.

One comment questioned the Coast Guard's authority to regulate, in § 159.127, the fecal coliform bacteria count for recirculating devices. The comment stated that this requirement establishes operating standards that are beyond the scope of mechanical safety. Section 312(b)(1) of the FWPCA directs the Coast Guard to promulgate regulations that are consistent with maritime safety to govern "the design, construction, installation, and operation of any marine sanitation device" on board a vessel. Control of this bacteria count is consistent with the maritime safety considerations. EPA recommended that 1000 fecal coliform bacteria count is too high from a sanitation standpoint, accordingly it is reduced to 240.

Several comments requested that a device not intended to be installed in an explosive atmosphere be exempted from § 159.129. These comments are adopted in this regulation.

Several comments stated that there are no standards for the approval of recognized facilities. The final rule is changed accordingly. A set of criteria needed to become a recognized facility is included in subpart D. This change sets down in specific terms the general requirements in proposed § 159.33.

In consideration of the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended by adding a new part 159 to read as follows:

Subpart A—General

Sec
159.1 Purpose.
159.3 Definitions.
159.5 Requirements for vessel manufacturers.
159.7 Requirements for vessel operators.

Subpart B—Certification Procedures

Sec
159.11 Purpose.
159.12 Regulation for certification of existing devices.
159.13 Waiver for new vessels manufactured before 30 January 1976.
159.14 Application for certification.
159.15 Certification.
159.16 Authorization to label devices.
159.17 Changes to certified devices.
159.19 Testing equivalency.

Subpart C—Design, Construction, and Testing

159.51 Purpose and scope.
159.53 General requirements.
159.55 Identification.
159.57 Installation, operation, and maintenance instructions.
159.59 Placard.
159.61 Vents.
159.63 Access to parts.
159.65 Chemical level indicator.
159.67 Electrical component ratings.
159.69 Motor ratings.
159.71 Electrical controls and conductors.
159.73 Conductors.
159.75 Overcurrent protection.
159.79 Terminals.
159.81 Baffles.
159.83 Level indicator.
159.85 Sewage removal.
159.87 Removal fittings.
159.89 Power interruption: discharge devices.
159.93 Independent supporting.
159.95 Safety.
159.97 Safety: inspected vessels.
159.101 Testing: general.
159.103 Vibration test.
159.105 Shock test.
159.107 Rolling test.
159.109 Pressure test.
159.111 Pressure and Vacuum Pulse test.
159.115 Temperature range test.
159.117 Chemical resistance test.
159.119 Operability test; temperature range.
159.121 Sewage processing test.
159.123 Coliform test: discharge devices.
159.125 Visible floating solids: discharge devices.
159.127 Safety Coliform count: recirculating devices.
159.129 Safety: Ignition prevention test.
159.131 Safety: Incinerating device.

Subpart D—Recognition of Facilities

159.201 Application.
159.205 Criteria for recognition.

AUTHORITY: Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322(b)(1); 49 CFR 1.45(b) and 1.46 (*l*) and (m).

Subpart A—General

§ 159.1 Purpose.

This part prescribes regulations governing the design and construction of marine sanitation devices and procedures for certifying that marine sanitation devices meet the regulations and the standards of the Environmental Protection Agency promulgated under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322), to eliminate the discharge of untreated sewage from vessels into the waters of the United States, including the territorial seas. Subpart A of this part contains regulations governing the manufacture and operation of vessels equipped with marine sanitation devices.

§ 159.3 Definitions.

In this part:

(a) "Coast Guard" means the Commandant or his authorized representative.

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pouring, pumping, emitting, emptying, or dumping.

(c) "Existing vessel" includes every vessel, the construction of which was initiated before promulgation of the standards and regulations in this part.

(d) "Inspected vessel" means any vessel that is required to be inspected under 46 CFR Chapter I.

(e) "Manufacturer" means any person engaged in manufacturing, assembling, or importing of marine sanitation devices or of vessels subject to the standards and regulations promulgated under section 312 of the Federal Water Pollution Control Act.

(f) "Marine sanitation device" and "device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

(g) "New vessel" includes any vessel, the construction of which is initiated after promulgation of the standards and regulations in this part.

(h) "Person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

(i) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(j) "Recognized facility" means any laboratory or facility listed by the Coast Guard as a recognized facility under this part.

(k) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(l) "Territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles.

(m) "Uninspected vessel" means any vessel that is not required to be inspected under 46 CFR Chapter I.

(n) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(o) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters.

§ 159.5 Requirements for vessel manufacturers.

(a) After January 30, 1977, no manufacturer may manufacture for sale, or distribute for sale or resale any new vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type marine sanitation device that has a label placed on it under § 159.16, or that is certified under § 159.12.

(b) After January 30, 1980, no manufacturer may sell, or offer for sale, or distribute for sale or resale any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1980, that has a label placed on it under § 159.16 or that is certified under § 159.12.

(c) After January 30, 1983, no manufacturer may sell, or offer for sale, or distribute for sale or resale any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

§ 159.7 Requirements for vessel operators.

(a) After January 30, 1977, no person may operate any new vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type marine sanitation device that has a label placed on it under § 159.16, or that is certified under § 159.12.

(b) After January 30, 1980, no person may operate any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1980, that has a label placed on it under § 159.16 or that is certified under § 159.12.

(c) After January 30, 1983, no person may operate any existing vessel, except a vessel not equipped with installed toilet facilities, unless it is equipped with:

(1) An operable no-discharge type device that has a label placed on it under § 159.16 or that is certified under § 159.12, or

(2) An operable discharge type device installed on the vessel prior to January 30, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

Subpart B—Certification Procedures

§ 159.11 Purpose.

This subpart prescribes procedures for certification of marine sanitation devices and authorization for labels on certified devices.

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§ 159.12 Regulations for certification of existing devices.

(a) The purpose of this section is to provide regulations for certification of existing devices until manufacturers can design and manufacture devices that comply with this part and recognized facilities are prepared to perform the testing required by this part.

(b) Any no-discharge type device which was installed on an existing vessel prior to January 30, 1975, is considered certified.

(c) Any person may apply to the Commandant (G–MMT/82), U.S. Coast Guard, Washington, D.C. 20590 for certification of a marine sanitation device manufactured before January 30, 1976. The Coast Guard will issue a letter certifying the device if the applicant shows that the device meets § 159.53 of this part by:

(1) Evidence that the device meets state standards at least equal to the standards in § 159.53, or

(2) Test conducted under this part by a recognized laboratory, or

(3) Evidence that the device is substantially equivalent to a device certified under this section, or

(4) A Coast Guard field test if considered necessary by the Coast Guard.

(d) The Coast Guard will maintain and make available a list that identifies each device certified under this section.

(e) Devices certified under this section in compliance with § 159.53 need not meet the other regulations in this part and may not be labeled under § 159.16.

§ 159.13 Waiver for new vessels manufactured before January 30, 1976.

(a) The Commandant hereby waives the requirements of §§ 159.5(a) and 159.7(a) for new vessels until January 30, 1976, if the manufacturer or operator applies to and receives from Commandant (G–MMT/82), U.S. Coast Guard, Washington, D.C. 20590 certification under this section. The Coast Guard will issue a letter certifying the device if it is shown that the device meets § 159.53(b) by:

(1) Evidence that the device meets state standards at least equal to the standards in § 159.53(b), or

(2) Test conducted under this part by a recognized laboratory, or

(3) Evidence that the device is substantially equivalent to a device certified under this section, or

(4) A Coast Guard field test if considered necessary by the Coast Guard.

(b) The Coast Guard will maintain and make available a list that identifies each device so certified under this section.

(c) Devices certified under this section in compliance with § 159.53(b) need not meet the other regulations in this part and may not be labeled under § 159.16.

§ 159.14 Application for certification.

(a) Any manufacturer may apply to any recognized facility for certification of a marine sanitation device. The application for certification must indicate if the device will be used aboard all vessels or only aboard uninspected vessels.

(b) An application may be in any format but must be in writing and must be signed by an authorized representative of the manufacturer and include or be accompanied by:

(1) A complete description of the manufacturer's production quality control and inspection methods, record keeping systems pertaining to the manufacture of marine sanitation devices, and testing procedures;

(2) The design for the device, including drawings, specifications and other information that describes the materials, construction and operation of the device;

(3) The installation, operation, and maintenance instructions for the device; and

(4) The name and address of the applicant and the manufacturing facility.

(c) The manufacturer must furnish the recognized facility one device of each model for which certification is requested and samples of each material from which the device is constructed, that must be tested destructively under § 159.117. The device furnished is for the testing required by this part except that, for devices that are not suited for unit testing, the manufacturer may submit the design so that the recognized facility may determine the components of the device and materials to be submitted for testing and the tests to be performed at a place other than the facility. The Coast Guard must review and accept all such determinations before testing is begun.

(d) At the time of submittal of an application to a recognized facility the manufacturer must notify the Coast Guard of the type and model of the device, the name of the recognized facility to which application is being made, and the name and address of the manufacturer, and submit a signed statement of the times when the manufacturer will permit designated officers and employees of the Coast Guard to have access to the manufacturer's facilities and all records required by this part.

§ 159.15 Certification.

(a) The recognized facility must evaluate the information that is submitted by the manufacturer in accordance with § 159.14(b) (1), (2), and (3), evaluate the device for compliance with § 159.53 through § 159.97, test the device in accordance with § 159.101 and submit to the Commandant (G–MMT/82), U.S. Coast Guard, Washington, D.C. 20590 the following:

(1) The information that is required under § 159.14(b);

(2) A report on compliance evaluation;

(3) A description of each test;

(4) Test results; and

(5) A statement, that is signed by the person in charge of testing, that the test results are accurate and complete.

(b) The Coast Guard certifies a test device, on the design of the device, if it determines, after consideration of the information that is required under paragraph (a) of this section, that the device meets the requirements in Subpart C of this part.

(c) The Coast Guard notifies the manufacturer and recognized facility of its determination under paragraph (b) of this section. If the device is certified, the Coast Guard includes a certification number for the device. If certification is denied, the Coast Guard notifies the manufacturer and recognized facility of the requirements of this part that are not met. The manufacturer may appeal a denial to the Commandant (G–MMT/82), U.S. Coast Guard, Washington, D.C. 20590.

(d) If upon re-examination of the test device, the Coast Guard determines that the device does not in fact comply with the requirements of Subpart C of this part, it may terminate the certification.

§ 159.16 Authorization to label devices.

(a) When a test device is certified under § 159.15(b), the Coast Guard will issue a letter that authorizes the manufacturer to label each device that he manufactures with the manufacturer's certification that the device is in all material respects substantially the same as a test device certified by the U.S. Coast Guard pursuant to section 312 of the Federal Water Pollution Control Act Amendments of 1972.

(b) Certification placed on a device by its manufacturer under this section is the certification required by section 312(h)(4) of the Federal Water Pollution Control Act Amendments of 1972, which makes it unlawful for a vessel that is subject to the standards and regulations promulgated under the Act to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to section 312 of the Act.

(c) Letters of authorization issued under this section are valid for 5 years, unless sooner suspended, withdrawn, or terminated and may be reissued upon written request of the manufacturer to whom the letter was issued.

(d) The Coast Guard, in accordance with the procedure in 46 CFR 2.75, may suspend, withdraw, or terminate any letter of authorization issued under this section if the Coast Guard finds that the manufacturer is engaged in the manufacture of devices labeled under this part that are not in all material respects substantially the same as a test device certified pursuant to this part.

§ 159.17 Changes to certified devices.

(a) The manufacturer of a device that is certified under this part shall notify the Commandant (G–MMT/82), U.S. Coast Guard, Washington, D.C. 20590 in writing of any change in the design of the device.

(b) A manufacturer shall include with a notice under paragraph (a) of this section a description of the change, its advantages, and the recommendation of the recognized facility as to whether the device remains in all material respects substantially the same as the original test device.

(c) After notice under paragraph (a) of this section, the Coast Guard notifies the manufacturer and the recognized facility in writing of any tests that must be made for certification of the device or for any change in the letter of authorization. The manufacturer may appeal this determination to the Commandant (G–MMT/82), U.S. Coast Guard, Washington, D.C. 20590.

§ 159.19 Testing equivalency.

(a) If a test required by this part may not be practicable or necessary, a manufacturer may apply to the Commandant (G–MMT/82), U.S. Coast Guard, Washington, D.C. 20590 for deletion or approval of an alternative test as equivalent to the test requirements in this part. The application must include the manufacturer's justification for deletion or the alternative test and any alternative test data.

(b) The Coast Guard notifies the manufacturer of its determination under paragraph (a) of this section and that determination is final.

Subpart C—Design, Construction, and Testing

§ 159.51 Purpose and scope.

(a) This subpart prescribes regulations governing the design and construction of marine sanitation devices.

(b) Unless otherwise authorized by the Coast Guard each device for which certification under this part is requested must meet the requirements of this subpart.

§ 159.53 General requirements.

A device must either:

(a) Be designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage; or

(b) Under the test conditions described in §§ 159.123 and 159.125 be capable of providing a degree of treatment that will reduce fecal coliform bacteria to no more than 1,000 per 100 milliliters and prevent the discharge of an effluent with visible floating solids.

§ 159.55 Identification.

(a) Each production device must be legibly marked in accordance with paragraph (b) of this section with the following information:

(1) The name of the manufacturer.

(2) The name and model number of the device.

(3) The month and year of completion of manufacture.

(4) Serial number.

(5) Whether the device is certified for use on an inspected or an uninspected vessel.

(b) The information required by paragraph (a) of this section must appear on a nameplate attached to the device or in lettering on the device. The nameplate or lettering stamped on the device must be capable of withstanding without loss of legibility the combined effects of normal wear and tear and exposure to water, salt spray, direct sunlight, heat, cold, and any substance listed in § 159.117 (b) and (c). The nameplate and lettering must be designed to resist efforts to remove them from the device or efforts to alter the information stamped on the nameplate or the device without leaving some obvious evidence of the attempted removal or alteration.

§ 159.57 Installation, operation, and maintenance instructions.

(a) The instructions supplied by the manufacturer must contain directions for each of the following:

(1) Installation of the device in a manner that will permit ready access to all parts of the device requiring routine service and that will provide any flue clearance necessary for fire safety.

(2) Safe operation and servicing of the device so that any discharge meets the requirements of §§ 159.123 and 159.125.

(3) Cleaning, winter layup, and ash or sludge removal.

(4) Installation of a vent or flue pipe.

(5) The type and quantity of chemicals that are required to operate the device, including instructions on the proper handling, storage and use of these chemicals.

(6) Recommended methods of making required plumbing and electrical connections including fuel connections and supply circuit overcurrent protection.

(b) The instructions supplied by the manufacturer must include the following information:

(1) The name of the manufacturer.

(2) The name and model number of the device.

(3) Whether the device is certified for use on an inspected, or uninspected vessel.

(4) A complete parts list.

(5) A schematic diagram showing the relative location of each part.

(6) A wiring diagram.

(7) A description of the service that may be performed by the user without coming into contact with sewage or chemicals.

(8) Average and peak capacity of the device for the flow rate, volume, or number of persons that the device is capable of serving and the period of time the device is rated to operate at peak capacity.

(9) The power requirements, including voltage and current.

(10) The type and quantity of fuel required.

(11) The duration of the operating cycle for unitized incinerating devices.

(12) The maximum angles of pitch and roll at which the device operates in accordance with the requirements of §§ 159.123 and 159.125.

(13) Whether the device is designed to operate in salt, fresh, or brackish water.

(14) The maximum hydrostatic pressure at which a pressurized sewage retention tank meets the requirements of § 159.111.

(15) The maximum operating level of liquid retention components.

§ 159.59 Placard.

Each device must have a placard suitable for posting on which is printed the operating instructions, safety precautions, and warnings pertinent to the device. The size of the letters printed on the placard must be one-eighth of an inch or larger.

§ 159.61 Vents.

Vents must be designed and constructed to minimize clogging by either the contents of the tank or climactic conditions such as snow or ice.

§ 159.63 Access to parts.

Each part of the device that is required by the manufacturer's instructions to be serviced routinely must be readily accessible in the installed position of the device recommended by the manufacturer.

§ 159.65 Chemical level indicator.

The device must be equipped with one of the following:

(a) A means of indicating the amount in the device of any chemical that is necessary for its effective operation.

(b) A means of indicating when chemicals must be added for the proper continued operation of the device.

§ 159.67 Electrical component ratings.

Electrical components must have current and voltage ratings equal to or greater than the maximum load they may carry.

§ 159.69 Motor ratings.

Motors must be rated to operate at 50° C ambient temperature.

§ 159.71 Electrical controls and conductors.

Electrical controls and conductors must be installed in accordance with good marine practice. Wire must be copper and must be stranded. Electrical controls and conductors must be protected from exposure to chemicals and sewage.

§ 159.73 Conductors.

Current carrying conductors must be electrically insulated from non-current carrying metal parts.

§ 159.75 Overcurrent protection.

Overcurrent protection must be provided within the unit to protect subcomponents of the device if the manufacturer's recommended supply circuit overcurrent protection is not adequate for these subcomponents.

§ 159.79 Terminals.

Terminals must be solderless lugs with ring type or captive spade ends, must have provisions for being locked against movement from vibration, and must be marked for identification on the wiring diagram required in § 159.57. Terminal blocks must be nonabsorbent and securely mounted. Terminal blocks must be provided with barrier insulation that prevents contact between adjacent terminals or metal surfaces.

§ 159.81 Baffles.

Baffles in sewage retention tanks, if any, must have openings to allow liquid

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and vapor to flow freely across the top and bottom of the tank.

§ 159.83 Level indicator.

Each sewage retention device must have a means of indicating when the device is more than ¾ full by volume.

§ 159.85 Sewage removal.

The device must be designed for efficient removal of nearly all of the liquid and solids in the sewage retention tank.

§ 159.87 Removal fittings.

If sewage removal fittings or adapters are provided with the device, they must be of either 1½" or 4" nominal pipe size.

§ 158.89 Power interruption: discharge devices.

A discharge device must be designed so that a momentary loss of power during operation of the device does not allow a discharge that does not meet the requirements in §§ 159.123 and 159.125.

§ 159.93 Independent supporting.

The device must have provisions for supporting that are independent from connecting pipes.

§ 159.95 Safety.

(a) Each device must—

(1) Be free of design defects such as rough or sharp edges that may cause bodily injuries or that would allow toxic substances to escape to the interior of the vessel;

(2) Be vented or provided with a means to prevent an explosion or over pressurization as a result of an accumulation of gases; and

(3) Meet all other safety requirements of the regulations applicable to the type of vessel for which it is certified.

(b) A chemical that is specified or provided by the manufacturer for use in the operation of a device and is defined as a hazardous material in 46 CFR Part 146 must be certified by the procedures in 46 CFR Part 147.

(c) Current carrying components must be protected from accidental contact by personnel operating or routinely servicing the device. All current carrying components must as a minimum be of drip-proof construction or be enclosed within a drip-proof compartment.

§ 159.97 Safety: inspected vessels.

The design and construction of a device to be certified for installation and operation on board an inspected vessel must be shown by tests and reports of inspection to be consistent with applicable marine engineering requirements in Subchapter F of Title 46, Code of Federal Regulations, and with applicable electrical engineering requirements in Subchapter J of Title 46, Code of Federal Regulations.

§ 159.101 Testing: general.

Unless otherwise authorized by the Coast Guard, a recognized facility must perform each test described in §§ 159.103 through 159.125. The same device must be used for each test and tested in the order in which the tests are described. There must be no cracking, softening, deterioration, displacement, breakage, leakage or damage of components or materials that affects the operation or safety of the device after each test described in §§ 159.103 through 159.117 and § 159.121, and the device must remain operable after the test described in § 159.119. The device must be set up in a manner simulating installation on a vessel in accordance with the manufacturer's instructions with respect to mounting, water supply, and discharge fittings.

§ 159.103 Vibration test.

The device, with liquid retention components, if any, filled with water to one-half of their volume, must be subjected to a sinusoidal vibration for a period of 12 hours, 4 hours in each of the x, y, and z planes, at the resonant frequency of the device (or at 55 cycles per second if there is no resonant frequency between 10 to 60 hertz) and with a peak amplitude of 0.019 to 0.021 inches.

§ 159.105 Shock test.

The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 1,000 vertical shocks that are ten times the force of gravity (10g) and have a duration of 20–25 milliseconds measured at the base of the half-sine shock envelope.

§ 159.107 Rolling test.

(a) The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 100 cycles with the axis of rotation 4 feet from the centerline of the device, no more than 6 inches below the plane of the bottom of the device, and parallel to any tank baffles. The device must then be rotated 90 degrees on its vertical axis and subjected to another 100 cycles. This testing must be repeated with the liquid retention components filled to the maximum operating level as specified by the manufacturer in § 159.57.

(b) Eighty percent of the rolling action must be approximately 15 degrees on either side of the vertical and at a cyclic rate of 3 to 4 seconds. Twenty percent motions must be approximately 30 degrees, or the maximum angle specified by the manufacturer under § 159.57, whichever is greater, on either side of the vertical at a cyclic rate of 6 to 8 seconds.

§ 159.109 Pressure test.

Any sewage retention tank that is designed to operate under pressure must be pressurized hydrostatically at a pressure head of 7 feet or to 150 percent of the maximum pressure specified by the manufacturer for operation of the tank, whichever is greater. The tank must hold the water at this pressure for 1 hour with no evidence of leaking.

§ 159.111 Pressure and Vacuum Pulse test.

Liquid retention components of the device with manufacturer specified venting installed must be subjected to 50 fillings of water at a pressure head of 7 feet or the maximum pressure specified by the manufacturer for operation of the device, whichever is greater, and then emptied with a 45 gallon per minute or larger positive displacement pump that remains in operation 30 seconds after emptying the tank at the end of each cycle.

§ 159.115 Temperature range test.

(a) The device must be held at a temperature of 60° C or higher for a period of 16 hours.

(b) The device must be held at a temperature of −40° C or less for a period of 16 hours following winterization in accordance with manufacturers' instructions.

§ 159.117 Chemical resistance test.

(a) In each case where the recognized facility doubts the ability of a material to withstand exposure to the substances listed in paragraphs (b) and (c) of this section a sample of the material must be tested.

(b) A sample referred to in paragraph (a) of this section must be partially submerged in each of the following substances for 100 hours at an ambient temperature of 22° C.

(1) Sewage.

(2) Any disinfectant that is required in the operation of the device.

(3) Any chemical compound in solid, liquid or gaseous form, used, emitted or produced in the operation of the device.

(4) Fresh or salt (3.5 percent Sodium Chloride) flush water.

(5) Toilet bowl cleaners.

(6) Engine Oil (SAE # 30).

(7) Ethylene Glycol.

(8) Detergents (household and bilge cleaning type).

(c) A sample of the material must be doused 20 times, with a 1 hour drying period between dousings, in each of the following substances:

(1) Gasoline.

(2) Diesel fuel.

(3) Mineral spirits.

(4) Turpentine.

(5) Methyl alcohol.

§ 159.119 Operability test; temperature range.

The device must operate in an ambient temperature of 5° C with inlet operating fluid temperature varying from 2° C to 32° C and in an ambient temperature of 50° C with inlet operating fluid temperature varying from 2° C to 32° C.

§ 159.121 Sewage processing test.

(a) The device must process human sewage in the manner for which it is designed when tested in accordance with this section. There must be no sewage or sewage-treating chemicals remaining on surfaces or in crevices that could come in contact with a person using the device or servicing the device in accordance with the instructions supplied under § 159.57(b)(7).

(b) During the test the device must be operated and maintained in accordance with the manufacturer's instructions. Any initial start-up time specified by the manufacturer must be allowed before tests periods begin. For 1 hour of each 8-hour test period, the device must be tilted to the maximum angles specified by the manufacturer under §§ 159.55 and 159.57.

(c) Except for devices described in paragraph (d) of this section, the devices must process and discharge or store human sewage over at least an 8-consecutive hour period on at least 10 days within a 20-day period. The device must receive human sewage consisting of fecal matter, urine, and toilet paper in a ratio of four urinations to one defecation with at least one defecation per person per day. Devices must be tested at their average rate of capacity as specified in § 159.57. In addition, during three periods of each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity.

(d) A device that processes and discharges continuously between individual use periods or a large device, as determined by the Coast Guard, must process and discharge sewage over at least 10-consecutive days at the average daily capacity specified by the manufacturer. During three periods of each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity. The sewage for this test must be fresh, domestic sewage to which primary sludge has been added, as necessary, to create a test sewage with a minimum of 500 milligrams of suspended solids per liter.

§ 159.123 Coliform test: discharge devices.

(a) The arithmetic mean of the fecal coliform bacteria in 38 of 40 samples of effluent discharged from a discharge device during the test described in § 159.121 must be less than 1000 per 100 milliliters when tested in accordance with 40 CFR 140.5.

(b) The 40 samples must be taken from the device as follows: During each of the 10-test days, one sample must be taken at the beginning, middle, and end of an 8-consecutive hour period with one additional sample taken immediately following the peak capacity processing period.

§ 159.125 Visible floating solids: discharge devices.

During the sewage processing test (§ 159.121) 40 effluent samples of approximately 1 liter each shall be taken at the same time as samples taken in § 159.123 and passed expeditiously through a US Sieve No. 12 as specified in ASTM E–11–70. The weight of the material retained on the screen after it has been dried to a constant weight in an oven at 103° C must be divided by the volume of the sample and expressed as milligrams per liter. This value must be 10 percent or less of the total suspended solids of at least 38 of the 40 samples as determined in the 13th edition of "Standard Methods For the Examination of Water and Wastewater."

NOTE: 33 U.S.C. 1321(b)(3) prohibits discharge of harmful quantities of oil into or upon the navigable waters of the United States or adjoining shorelines or into or upon the waters of the contiguous zone. Under 40 CFR 110.3 and 110.4 such discharges of oil include discharges which:

(a) Violate applicable water quality standards, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If a sample contains a quantity of oil determined to be harmful, the Coast Guard will not certify the device.

§ 159.127 Safety Coliform count: recirculating devices.

Thirty-eight of forty samples of flush fluid from a recirculating device must have less than 240 fecal coliform bacteria per 100 milliliters. These samples must be collected in accordance with § 159.123(b) and tested in accordance with 40 CFR 140.5.

§ 159.129 Safety: Ignition prevention test.

(a) Components of a device that are a potential ignition source in an explosive atmosphere must pass the test in paragraph (b) or (c) of this section or meet the requirements of paragraph (d) or have a specific warning in the instruction manual required by § 159.57 that the device should not be installed in an explosive atmosphere.

(b) Components protected by vapor exclusion must be placed in a chamber filled with a rich mixture of gasoline or propane in air with the pressure being varied from 0 to 2 psig once an hour for 8 hours. Vapor readings must be taken in the void being protected and must indicate a leakage less than 20 percent of the lower explosive limit of the mixture in the chamber.

(c) Components providing ignition protection by means other than vapor exclusion must be fitted with an ignition source, such as a spark plug, and a means of injecting an explosive mixture of gasoline or propane and air into the void that protects the component. Connections must be made so as to minimize any additional volume added to the protected void by the apparatus delivering the explosive mixture. The component must be placed in a chamber filled with an explosive mixture and there must be no ignition of the explosive mixture surrounding the component when the following tests are conducted:

(1) Using any overload protection that is part of the device, the potential ignition source must be operated for one half hour at 110 percent of its rated voltage, one half hour at 50 percent of its rated voltage and one half hour at 100 percent of its rated voltage with the motor or armature locked, if the potential ignition source is a motor or part of a motor's electrical circuit.

(2) With the explosive mixture in the protected void, the test installed ignition source must be activated 50 times.

(3) The tests (1) and (2) must be repeated with any plugs removed.

(d) Components that are certified as being intrinsically safe in accordance with the Instrument Society of American (RP 12.2) or explosion proof in accordance with the Underwriters Laboratories STD 698 in Class I, Group D hazardous locations (46 CFR 111.80–5(a)) need not be subjected to this testing.

§ 159.131 Safety: Incinerating device.

An incinerating device must not incinerate unless the combustion chamber is closed, must purge the combustion chamber of combustible fuel vapors before and after incineration must secure automatically if the burner does not ignite, must not allow an accumulation of fuel, and must neither produce a temperature on surfaces adjacent to the incineration chamber higher than 67° C nor produce a temperature on surfaces in normal body contact higher than 41° C when operating in an ambient temperature of 25° C. Unitized incineration devices must completely burn to a dry, inert ash, a simultaneous defecation and urination and must not discharge fly ash, malodors, or toxic substances.

Subpart D—Recognition of Facilities

§ 159.201 Application.

(a) To apply for listing as a recognized facility under this part, a facility must apply to the Commandant (G–MMT/82), U.S. Coast Guard Headquarters, Washington, D.C. 20590 and include:

(1) Name and address;

(2) A description of the applicant's capability to perform the tests and evaluations that are required by this part, including information on personnel qualifications, equipment, materials, and facilities; and

(3) A signed statement that the Coast Guard may inspect the facility to verify its qualification and inspect the records on certification of marine sanitation devices.

(b) An applicant under paragraph (a) of this section must submit any other information the Coast Guard requests for the determination of the facility's qualification as a recognized facility.

§ 159.205 Criteria for recognition.

To qualify for and retain recognition as a recognized facility, a facility must meet the criteria in this section.

(a) The facility must maintain an organization chart that shows the personnel structure and the relationship between administration, operation, and quality control for the testing of marine sanitation devices.

(b) The facility must maintain a quality control program and a quality control manual that describes that program and the responsibilities of personnel for the testing of marine sanitation devices, including:

(1) Receiving, handling, and shipping procedures;

(2) Test procedures;

(3) The calibration system;

(4) The test report system;

(5) Certification procedures and standards;

(6) The record and filing system; and

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(7) The standards and filing system for subcontracts.

(c) The facility must maintain a master file that contains the Coast Guard standards, reference standards, and the facility's test standards that apply to the testing of marine sanitation devices.

(d) The facility must maintain the shipping and receiving information for each device, including—

(1) The date of receipt;

(2) The name of the manufacturer;

(3) The type of device;

(4) A record of the visible condition of the device upon receipt; and

(5) Any other information that is necessary to accurately record and positively identify each device that is received.

(e) The facility must follow written procedures for tests of devices. These written procedures must be available for examination upon the request of the Coast Guard.

(f) The facility must maintain data sheets and test equipment lists for all inspections and tests of devices. These must be in sufficient detail for complete verification and evaluation of the operations and objectives, including:

(1) The date and name of the test, the name of the supervising engineer, the manufacturer and description of the test device;

(2) A detailed explanation of the results of each phase of tests and any unusual occurrences; and

(3) The signature of the technician who performs each test.

(g) The facility must maintain a list of the test equipment that it uses and the date of the last calibration of that equipment.

(h) The facility must maintain and document a calibration program and ensure the degree of accuracy as follows:

(1) The accuracy of all measurement instrument standards must be traceable to the primary standards of the National Bureau of Standards. This traceability may be through reference standards that are certified for accuracy and stability by the National Bureau of Standards.

(2) The normal accuracy of the reference standard must be at least four times as great as that of the facility's instrument that is being calibrated. All equipment must be calibrated at least once a year or in accordance with the recommended schedule of the instrument manufacturer of the National Bureau of Standards.

(3) The facility must maintain documentation of the calibration standards and test equipment.

(4) If the facility performs its own calibration, it must maintain written calibration procedures, maintenance information, a record of the values that are recorded during calibration, and the standards and equipment that are used for the calibration.

(5) If the facility does not perform its own calibration, it is responsible for the accuracy of the calibrations.

(i) The facility must have no conflict of interest. The Coast Guard's determination on the conflict of interest questions is final. Except as provided in paragraph (j) of this section, conflict of interest is defined as follows:

(1) The loss or award of a specific contract to test marine sanitation devices is not a substantial factor for the financial well being of the facility;

(2) The facility's personnel are free of the influence or control of manufacturers, suppliers, or vendors; and

(3) The facility is not involved in the promotion of a marine sanitation device.

(j) If the uniqueness or size of a device requires testing by a facility that may not meet all the criteria for conflict of interest in paragraph (i) of this section, a manufacturer may apply to the Commandant (G-MMT/82), U.S. Coast Guard Washington, D.C. 20590 to allow the facility to conduct the tests.

(k) If a recognized facility subcontracts for any testing, it must apply to the Commandant (G-MMT/82), U.S. Coast Guard, Washington, D.C. 20590 for authorization and include the justification for the subcontracting. The recognized facility is responsible for the accuracy and completeness of all tests by a subcontractor.

(Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322 (b)(1); 49 CFR 1.45(b) and 1.46 (l) and (m)))

Effective date. This amendment is effective on January 30, 1975.

Dated: January 27, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.75-2852 Filed 1-29-75;8:45 am]

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Title 3—The President

MEMORANDUM OF JANUARY 29, 1975

Sale of Common Stock of the Student Loan Marketing Association

Memorandum for Chairman of the Board, Student Loan Marketing Association

THE WHITE HOUSE,
Washington, January 29, 1975.

Pursuant to the authority vested in me by the Education Amendments of 1972 (P.L. 92–318), I hereby determine that sufficient common stock of the Student Loan Marketing Association has been purchased by educational institutions and banks or other financial institutions, and that therefore the holders of common stock which are educational institutions may elect seven members of the Board of Directors, and the holders of common stock which are banks or other financial institutions may elect seven members of the Board of Directors.

I shall appoint seven directors to represent the general public in advance of the first meeting of the new Board.

You are requested on my behalf to convey this determination to the holders of common stock in the Student Loan Marketing Association.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75–3030 Filed 1–29–75;2:57 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the following title change from Deputy Under Secretary for Legislative Affairs to the Assistant to the Secretary for Congressional Affairs and the position of Commissioner General of the International Exposition on the Environment is no longer excepted under Schedule C.

Effective on January 31, 1975, § 213.3314(m) (15) is revoked and (a) (26) is amended as set out below.

§ 213.3314 **Department of Commerce.**

(a) Office of the Secretary. • • •

• • • • • •

(26) Assistant to the Secretary for Congressional Affairs.

• • • • • •

(m) *Office of the Assistant Secretary for Domestic and International Business.* • • •

• • • • • •

(15) [Revoked]

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–2983 Filed 1–30–75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 726—BURLEY TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

BASIS AND PURPOSE

Section 726.11 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to determine and announce for burley tobacco the amounts of the national marketing quota and the national reserve, and the national factor for the 1975–76 marketing year. The material previously appearing in this section under centerhead Determinations and Announcements—1974–75 Marketing Year remains in full force and effect as to the crop to which it was applicable.

Section 319(c) of the Act provides that the national marketing quota determined under such section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed five per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary, in his discretion, may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of one per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms.

Section 319(e) provides, in part, that the 1975 farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for 1975: *Provided*, that such national factor shall not be less than 95 percent.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The reserve supply level is 1,701 million pounds, based upon a normal year's domestic consumption of 538 million pounds and a normal year's exports of 85 million pounds. The average domestic usage for the past 10 marketing years amounts to 531 million pounds. Domestic use has averaged 519 million pounds during the past five marketing years and is expected to be about 545 million pounds for the 1974–75 marketing year. The 10 year average exports amounted to 61 million pounds. Exports have averaged 72 million pounds during the past three marketing years and are expected to be about 90 million pounds during the 1974–75 marketing year. In view of these data and estimates, a reserve supply level of 1,701 million pounds appears reasonable.

The total supply for the 1974–75 marketing year, October 1 carryover stocks plus estimated production of the 1974 crop, is 1,655 million pounds. This is 46 million pounds below the reserve supply level. Total disappearance for the 1975–76 marketing year is estimated at 650 million pounds. Because it is desirable to maintain an adequate supply, an upward adjustment of 20 million pounds has been made. Accordingly, the National Marketing Quota for burley tobacco for the marketing year beginning October 1, 1975 is determined to be 670 million pounds. The sum of the preliminary farm marketing quotas for the 1975–76 marketing year is 606,496,227 pounds. The quota of 670 million pounds, less a national reserve of 2,800,000 pounds results in a national factor of 1.100.

Public notice was given (39 FR 44455) that the Secretary was preparing to determine a national marketing quota for burley tobacco for the marketing year beginning October 1, 1975. Due consideration has been given to views and recommendations received pursuant to the notice.

In view of the fact that farmers are preparing for the production of the 1975 burley crop and need to know as soon as possible the 1975 farm marketing quotas for their farms, it is hereby determined that compliance with the 30 day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this document shall be effective January 30, 1975.

Section 726.11 is revised to read as follows:

§ 726.11 **Burley tobacco.**

(a) *National marketing quota.* A national marketing quota for burley tobacco on a poundage basis for the marketing year beginning October 1, 1975, as hereby

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determined and announced in the amount of 670 million pounds. This quota is based upon utilization and exports of 650 million pounds with an upward adjustment of 20 million pounds which is determined to be desirable for the purpose of maintaining an adequate supply.

(b) *National factor.* The national factor determined to be necessary to apportion the 1975 national quota to farms as provided in section 319(e) of the Act, is 1.100.

(c) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms is 2,800,000 pounds.

(Sec. 301, 319, 375, 52 Stat. 38, as amended, 65 Stat. 23, 52 Stat. 66, as amended (7 U.S.C. 1301, 1314e, 1375)).

Effective date: January 30, 1975.

Signed at Washington, D.C. on: January 28, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-2941 Filed 1-30-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 677]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period February 2-8, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.977 Lemon Regulation 677.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is fairly steady but continues to ease on 115's and larger fruit, because markets are oversupplied with large sizes. Average f.o.b. price was $4.90 per carton the week ended January 25, 1975, compared to $4.87 per carton the previous week. Track and rolling supplies at 130 cars were down 2 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 28, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 2, 1975, through February 8, 1975, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: January 29, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-3073 Filed 1-30-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Docket Nos. AO-160-A50-RO1, et al.]

MILK IN THE MIDDLE ATLANTIC, AND CERTAIN OTHER MARKETING AREAS

Emergency Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1004	Middle Atlantic	AO-160-A50-RO1
1001	Boston Regional	AO-14-A55-RO1
1002	New York-New Jersey	AO-71-A67-RO1
1006	Upper Florida	AO-356-A13
1007	Georgia	AO-366-A13
1011	Appalachian	AO-251-A18
1012	Tampa Bay	AO-347-A17
1013	Southeastern Florida	AO-286-A25
1015	Connecticut	AO-305-A33-RO1
1030	Chicago Regional	AO-361-A13
1032	Southern Illinois	AO-313-A27
1033	Ohio Valley	AO-166-A47
1036	Eastern Ohio-Western Pennsylvania	AO-179-A41
1040	Southern Michigan	AO-225-A30
1044	Michigan Upper Peninsula	AO-299-A22
1046	Louisville-Lexington-Evansville	AO-123-A43
1049	Indiana	AO-319-A25
1050	Central Illinois	AO-355-A18
1060	Minnesota-North Dakota	AO-360-A10-RO1
1061	Southeastern Minnesota-Northern Iowa (Dairyland)	AO-367-A9-RO1
1062	St. Louis-Ozarks	AO-10-A49
1063	Quad Cities-Dubuque	AO-105-A41
1064	Greater Kansas City	AO-23-A48
1065	Nebraska-Western Iowa	AO-86-A31
1068	Minneapolis-St. Paul, Minn.	AO-178-A33-RO1
1069	Duluth-Superior	AO-153-A22-RO1
1070	Cedar Rapids-Iowa City	AO-229-A30
1071	Neosho Valley	AO-227-A31
1073	Wichita	AO-173-A32
1075	Black Hills, S. Dak	AO-248-A17
1076	Eastern South Dakota	AO-260-A21-RO1
1078	North Central Iowa	AO-272-A25
1079	Des Moines, Iowa	AO-245-A30
1080	Chattanooga, Tenn	AO-256-A20
1091	New Orleans, La	AO-103-A37
1096	Northern Louisiana	AO-257-A25
1097	Memphis, Tenn	AO-219-A31
1098	Nashville, Tenn	AO-184-A38
1099	Paducah, Ky	AO-183-A31
1101	Knoxville, Tenn	AO-195-A24
1102	Fort Smith, Ark	AO-237-A25
1104	Red River Valley	AO-238-A25
1106	Oklahoma Metropolitan	AO-210-A38
1108	Central Arkansas	AO-243-A29
1120	Lubbock-Plainview, Tex	AO-328-A18
1121	South Texas	AO-364-A8-RO1
1124	Oregon-Washington	AO-368-A8
1125	Puget Sound, Wash	AO-226-A28
1126	North Texas	AO-231-A41-RO1
1127	San Antonio, Tex	AO-232-A27-RO1
1128	Central West Texas	AO-238-A30-RO1
1129	Austin-Waco, Tex	AO-256-A23-RO1
1130	Corpus Christi, Tex	AO-259-A27-RO1
1131	Central Arizona	AO-271-A19
1132	Texas Panhandle	AO-262-A27
1133	Inland Empire	AO-275-A28
1134	Western Colorado	AO-301-A16
1136	Great Basin	AO-309-A22
1137	Eastern Colorado	AO-329-A20
1138	Rio Grande Valley	AO-335-A33
1139	Lake Mead, Nev	AO-374-A4

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Middle Atlantic and certain other marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at the U.S. Department of Agriculture, Washington, D.C., pursuant to notice thereof issued on January 14, 1975 (40 FR 2589).

The material issues on the record relate to:

1. Basic formula prices for pricing Class I milk for February and March 1975.

2. Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I prices.* The orders affected herein should be amended to provide that the Class I prices from the effective date hereof in February and for March 1975 should be computed from the basic formula price of the preceding month.

Presently, Class I prices of all orders are determined by adding a specified differential to a basic formula price, which is the average of prices paid during the second preceding month for manufacturing grade milk in Minnesota and Wisconsin. (The Red River Valley order does not have a basic formula provision. Class I prices under this order are tied to the Oklahoma Metropolitan order. Class I prices under the Southern Illinois order are similarly tied to the St. Louis-Ozarks order.)

As stated in the hearing notice, the purpose of the hearing was to receive evidence with respect to the economic and emergency marketing conditions that relate to the need for providing that Class I prices under all Federal orders for February and March 1975 reflect immediately any price increases for manufacturing milk that may result from the recently announced higher support price for manufacturing milk. The specific proposal considered was to "establish an appropriate basic formula price for determining the Class I prices for the months of February and March 1975 consistent with the adjustment made to the level of price supports announced by the Secretary of Agriculture effective on January 4, 1975."

Witnesses representing producer cooperative associations comprising a substantial proportion of the producers associated with all Federal milk orders proposed several alternatives to assure that the Class I prices of all orders for the entire months of February and March 1975 reflect more promptly any increase in manufacturing milk values resulting from the January 4 increase in the support price for manufacturing grade milk.

Briefly stated, producers proposed alternative actions that would:

(1 Amend the Class I price provisions to provide that the basic formula price be the support price for manufacturing milk containing 3.5 percent butterfat in computing the Class I prices for February and March 1975.

(2) Remove for February and March 1975 the word "second" from the Class I price provision. This would establish the Class I price at the basic formula price for the preceding month, rather than the second preceding month, plus the Class I differential.

Proponents indicated at the hearing that item 1 above could be accomplished only by amending the orders, whereas item 2 could be accomplished by amendment, by temporary suspension, or by a combination of both. Producer representatives stressed, however, the need for immediate action of some type, including a temporary suspension of affected provisions, by February 1, 1975, to adjust the February and March Class I prices as proposed.

Handler witnesses also testified in support of implementing the price support action of the Secretary. However, they differed from producers in the procedural method to be followed. They proposed that the orders be amended on an emergency basis by February 1 to continue the January Class I price into February. Their proposal was based on their estimate that the Minnesota-Wisconsin price for January 1975 would be little different from the price of $6.76 for November 1974. Thus, emergency amendatory action on the basis they proposed would not, in their view, disrupt the handlers' need to know at least two weeks in advance what the Class I price would be for preparing price schedules to customers and carrying out contractual commitments. They proposed further that if additional price action appeared necessary for late February and for March when the January Minnesota-Wisconsin price is announced by February 5, further emergency amendment action should be taken but with at least 15 days' notice to handlers.

An overriding consideration in this proceeding is that all participants were united in proposing that appropriate action is necessary for February and March 1975 to reflect in the Class I prices of all orders the price support action taken by the Department effective January 4, 1975. The price support action was appropriate and necessary because farm milk prices have declined while costs have remained at high levels. This marketing situation was documented fully by exhibits introduced at the hearing. Without the price support action, farm milk prices would have dropped further in the coming months at a time when milk producers must feed greater quantities of grain and high-priced, commercially-prepared concentrate feeds. Under these circumstances it was anticipated that many producers would leave dairying and that the future production of milk and dairy products would decline.

The higher price support level can be expected to increase farm prices for both manufacturing grade milk and milk approved for fluid consumption. Under Federal orders, however, the immediate impact of the price support action will be limited to milk used in manufactured products. This is because Class I prices are based on manufacturing milk values for the second preceding month. With about one-third of the milk produced in the United States being priced as Class I milk under Federal orders, a very substantial part of the nation's milk production will not be immediately affected by the price support action unless the Class I price formulas of the orders are changed.

Because of the limited time available for completing amendatory procedures, temporary suspension action was taken on January 24 to assure that Class I prices for all of February would be brought in line immediately with the earlier price support action. The action taken through this decision would provide on an amendatory basis the pricing procedures implemented through the suspension of certain provisions.

The amendments adopted herein will result in Federal orders continuing to base Class I prices on the competitive market values of manufacturing grade milk, whatever their level. Use of the new support price level (about $7.10 on a 3.5 percent butterfat basis) as the basic formula price, which was one of the pricing alternatives suggested by producers, would deviate from this basic pricing concept previously established for all Federal order markets. This also would be the case if the January 1975 Class I price level were extended into February on a fixed basis, as proposed by handlers. Present marketing conditions do not require that a fixed price level be incorporated in the Class I price formulas. It is consistent with the intent of the price support action, however, to have Class I prices reflect on an immediate basis the increase in manufacturing milk values that is expected to result from the higher support level.

2. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and an opportunity for exceptions thereto with respect to Issue No. 1. The continued orderly marketing of milk in the respective areas requires that the attached order be made effective on January 31, 1975. Handlers, cooperative associations and others should know promptly and with certainty the basis of pricing Class I milk through March 1975, the period covered by the order amendments contained herein.

The hearing notice stated that consideration would be given to the emergency marketing conditions relating to proposal No. 1. Action under the procedure described above was supported at the hearing and in briefs submitted by participants at the hearing.

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It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a *marketing agreement* regulating the handling of milk, and an *Order* amending the order regulating the handling of milk in the aforesaid marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

July 1974 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid marketing areas is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on January 28, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] amending the orders, regulating the handling of milk in certain specified marketing areas.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended as follows:

PART 1004—MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.50, paragraph (a) is revised as follows:

§ 1004.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.78.

* * * * * * *

2. In § 1004.53, paragraph (a) is revised as follows:

§ 1004.53 Announcement of class prices and producer butterfat differential.

* * * * * * *

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for that month;

* * * * * * *

PART 1001—BOSTON REGIONAL MARKETING AREA

1. In § 1001.32, paragraph (j) (1) (i) is revised as follows:

§ 1001.32 Additional duties of the market administrator.

* * * * * * *

(j) * * *

(1) * * *

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * * * *

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

2. In § 1001.61, paragraph (a) is revised as follows:

§ 1001.61 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.58: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.58.

* * * * * * *

PART 1002—NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) (1) (i) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

* * * * * * *

(m) * * *

(1) * * *

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 at such zones and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month at such zones.

* * * * * * *

2. In § 1002.50a, paragraph (a) is revised as follows:

§ 1002.50a Class prices.

* * * * * * *

(a) For Class I–A milk the price shall be the basic formula price for the second preceding month plus $2.40: *Provided*, That from the effective date hereof through March 1975 the Class I–A price shall be the basic formula price for the preceding month plus $2.40.

* * * * * * *

PART 1006—UPPER FLORIDA MARKETING AREA

1. In § 1006.50, paragraph (a) is revised as follows:

§ 1006.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.85.

* * * * * * *

2. In § 1006.53, paragraph (a) is revised as follows:

§ 1006.53 Announcement of class prices and handler butterfat differentials.

* * * * * * *

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * * * *

PART 1007—GEORGIA MARKETING AREA

1. In § 1007.50, paragraph (a) is revised as follows:

§ 1007.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.30.

* * * * * * *

2. Section 1007.53 is revised as follows:

§ 1007.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for that month.

PART 1011—APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) (1) (i) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

* * * * * * *

(k) * * *

(1) * * *

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for the current month;

* * * * * * *

2. Section 1011.51 is revised as follows:

§ 1011.51 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.13: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.13.

* * * * * * *

PART 1012—TAMPA BAY MARKETING AREA

1. In § 1012.50, paragraph (a) is revised as follows:

§ 1012.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.95.

* * * * * * *

2. In § 1012.53, paragraph (a) is revised as follows:

§ 1012.53 Announcement of class prices and handler butterfat differentials.

* * * * * * *

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

* * * * * * *

PART 1013—SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.50, paragraph (a) is revised as follows:

§ 1013.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $3.15.

* * * * * * *

2. In § 1013.53, paragraph (a) is revised as follows:

§ 1013.53 Announcement of class prices and handler butterfat differentials.

* * * * * * *

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

* * * * * * *

PART 1015—CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) (1) (i) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

* * * * * * *

(g) * * *

(1) * * *

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market adminis-

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trator shall publicly announce the Class I price for that month;

. . . . . .

2. In § 1015.61, paragraph (a) is revised as follows:

§ 1015.61 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.98: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.98.

. . . . . .

PART 1030—CHICAGO REGIONAL MARKETING AREA

1. In § 1030.50, paragraph (a) is revised as follows:

§ 1030.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.26.

. . . . . .

2. Section 1030.53 is revised as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1032—SOUTHERN ILLINOIS MARKETING AREA

1. Section 1032.53 is revised as follows:

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1033—OHIO VALLEY MARKETING AREA

1. In § 1033.27, pargaraph (k) (1) (i) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

. . . . . .

(k) . . .

(l) . . .

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

. . . . . .

2. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

. . . . . .

PART 1036—EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.50, paragraph (a) is revised as follows:

§ 1036.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.85: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.85.

. . . . . .

2. Section 1036.53 is revised as follows:

§ 1036.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1040—SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.50, paragraph (a) is revised as follows:

§ 1040.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

. . . . . .

2. Section 1040.53 is revised as follows:

§ 1040.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1044—MICHIGAN UPPER PENINSULA MARKETING AREA

1. In § 1044.22, paragraph (i) (1) (i) is revised as follows:

§ 1044.22 Additional duties of the market administrator.

. . . . . .

(i) . . .

(1) . . .

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

. . . . . .

2. In § 1044.51, paragraph (a) is revised as follows:

§ 1044.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price for plants located in Zone 1 shall be the basic formula price for the second preceding month plus $1.15. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2: *Provided,* That from the effective date hereof through March 1975 the Class I price for plants in Zone 1 shall be the basic formula price for the preceding month plus $1.15.

. . . . . .

PART 1046—LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.50, paragraph (a) is revised as follows:

§ 1046.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.49: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.49.

. . . . . .

2. Section 1046.53 is revised as follows:

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1049—INDIANA MARKETING AREA

1. In § 1049.50, paragraph (a) is revised as follows:

§ 1049.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.47.

. . . . . .

2. Section 1049.53 is revised as follows:

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1050—CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.50, paragraph (a) is revised as follows:

§ 1050.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.39: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.39.

. . . . . .

2. Section 1050.53 is revised as follows:

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1060—MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.50, paragraph (a) is revised as follows:

§ 1060.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.30: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.30.

. . . . . .

2. Section 1060.53 is revised as follows:

§ 1060.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1061—SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.50, paragraph (a) is revised as follows:

§ 1061.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.06.

. . . . . .

2. Section 1061.53 is revised as follows:

§ 1061.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof, the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1062—ST. LOUIS-OZARKS MARKETING AREA

1. In § 1062.50, paragraph (a) is revised as follows:

§ 1062.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

. . . . . .

2. Section 1062.53 is revised as follows:

§ 1062.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1063—QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.50, paragraph (a) is revised as follows:

§ 1063.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.33.

. . . . . .

2. Section 1063.53 is revised as follows:

§ 1063.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1064—GREATER KANSAS CITY MARKETING AREA

1. In § 1064.50, paragraph (a) is revised as follows:

§ 1064.50 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.74: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.74.

. . . . . .

2. Section 1064.53 is revised as follows:

§ 1064.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth

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day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1065—NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.50, paragraph (a) is revised as follows:

§ 1065.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2, and plus $1.75 in Zone 3: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2, and plus $1.75 in Zone 3.

* * * * * * *

2. Section 1065.53 is revised as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class I and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1068—MINNEAPOLIS-ST. PAUL, MINNESOTA MARKETING AREA

1. In § 1068.50, paragraph (a) is revised as follows:

§ 1068.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.06.

* * * * * * *

2. Section 1068.53 is revised as follows:

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1069—DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.50, paragraph (a) is revised as follows:

§ 1069.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.10: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.10.

* * * * * * *

2. Section 1069.53 is revised as follows:

§ 1069.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1070—CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.50, paragraph (a) is revised as follows:

§ 1070.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.33.

* * * * * * *

2. Section 1070.53 is revised as follows:

§ 1070.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1071—NEOSHO VALLEY MARKETING AREA

1. In § 1071.50, paragraph (a), the introductory text is revised as follows:

§ 1071.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.54, except that from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.54: *Provided*, That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than, the lower of the following:

* * * * * * *

2. Section 1071.53 is revised as follows:

§ 1071.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1073—WICHITA, KANSAS MARKETING AREA

1. In § 1073.50, paragraph (a) is revised as follows:

§ 1073.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.80, except that from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.80. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

* * * * * * *

2. Section 1073.53 is revised as follows:

§ 1073.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1075—BLACK HILLS, SOUTH DAKOTA MARKETING AREA

1. In § 1075.27, paragraph (j) (1) (i) is revised as follows:

§ 1075.27 Additional duties of the market administrator.

* * * * * * *

(j) * * *

(1) * * *

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * * * *

2. In § 1075.51, paragraph (a) is revised as follows:

§ 1075.51 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

* * * * * * *

PART 1076—EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.50, paragraph (a) is revised as follows:

§ 1076.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.50: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.50.

* * * * * * *

2. Section 1076.53 is revised as follows:

§ 1076.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1078—NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.50, paragraph (a) is revised as follows:

§ 1078.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.25: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.25.

* * * * * * *

2. Section 1078.53 is revised as follows:

§ 1078.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1079—DES MOINES, IOWA MARKETING AREA

1. In § 1079.50, paragraph (a) is revised as follows:

§ 1079.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.40.

* * * * * * *

2. Section 1079.53 is revised as follows:

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1090—CHATTANOOGA, TENNESSEE MARKETING AREA

1. In § 1090.50, paragraph (a) is revised as follows:

§ 1090.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.15: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.15.

* * * * * * *

2. Section 1090.53 is revised as follows:

§ 1090.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1094—NEW ORLEANS, LOUISIANA MARKETING AREA

1. In § 1094.50, paragraph (a) is revised as follows:

§ 1094.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.85.

* * * * * * *

2. Section 1094.53 is revised as follows:

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1096—NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.50, paragraph (a) is revised as follows:

§ 1096.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.47.

* * * * * * *

2. Section 1096.53 is revised as follows:

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1097—MEMPHIS, TENNESSEE MARKETING AREA

1. In § 1097.50, paragraph (a) is revised as follows:

§ 1097.50 Class prices.

* * * * * * *

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(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.94.

• • • • •

2. Section 1097.53 is revised as follows:

§ 1097.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1098—NASHVILLE, TENNESSEE MARKETING AREA

1. In § 1098.50, paragraph (a) is revised as follows:

§ 1098.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.58: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.58.

• • • • •

2. Section 1098.53 is revised as follows:

§ 1098.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1099—PADUCAH, KENTUCKY MARKETING AREA

1. In § 1099.50, paragraph (a) is revised as follows:

§ 1099.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

• • • • •

2. Section 1099.53 is revised as follows:

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1101—KNOXVILLE, TENNESSEE MARKETING AREA

1. In § 1101.22, paragraph (j) (1) (i) is revised as follows:

§ 1101.22 Additional duties of the market administrator.

• • • • • •

(j) • • •

(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • •

2. In § 1101.51, paragraph (a) is revised as follows:

§ 1101.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

• • • • •

PART 1102—FORT SMITH, ARKANSAS MARKETING AREA

1. In § 1102.50, paragraph (a) is revised as follows:

§ 1102.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

• • • • •

2. Section 1102.53 is revised as follows:

§ 1102.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1104—RED RIVER VALLEY MARKETING AREA

1. Section 1104.53 is revised as follows:

§ 1104.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1106—OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.50, paragraph (a) is revised as follows:

§ 1106.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.98: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.98.

• • • • •

2. Section 1106.53 is revised as follows:

§ 1106.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1108—CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.50, paragraph (a) is revised as follows:

§ 1108.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.94.

• • • • •

2. Section 1108.53 is revised as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price

for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1120—LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

1. In § 1120.50, paragraph (a) is revised as follows:

§ 1120.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.42: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.42.

• • • • •

2. Section 1120.53 is revised as follows:

§ 1120.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1121—SOUTH TEXAS MARKETING AREA

1. In § 1121.50, paragraph (a) is revised as follows:

§ 1121.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.68: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.68.

• • • • •

2. Section 1121.53 is revised as follows:

§ 1121.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1124—OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (i) (1) (i) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

• • • • • •

(i) • • •

(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • •

2. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

• • • • •

PART 1125—PUGET SOUND, WASHINGTON MARKETING AREA

1. In § 1125.50, paragraph (a) is revised as follows:

§ 1125.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.85: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price of the preceding month plus $1.85.

• • • • •

2. Section 1125.53 is revised as follows:

§ 1125.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1126—NORTH TEXAS MARKETING AREA

1. In § 1126.50, paragraph (a) is revised as follows:

§ 1126.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.32.

• • • • •

2. Section 1126.53 is revised as follows:

§ 1126.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1127—SAN ANTONIO, TEXAS MARKETING AREA

1. In § 1127.50, paragraph (a) is revised as follows:

§ 1127.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.74: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.74.

• • • • •

2. Section 1127.53 is revised as follows:

§ 1127.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1128—CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.50, paragraph (a) is revised as follows:

§ 1128.50 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.57: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.57.

• • • • •

2. Section 1128.53 is revised as follows:

§ 1128.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day

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of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1129—AUSTIN-WACO, TEXAS MARKETING AREA

1. In § 1129.50, paragraph (a) is revised as follows:

§ 1129.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.70.

• • • • • •

2. Section 1129.53 is revised as follows:

§ 1129.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1130—CORPUS CHRISTI, TEXAS MARKETING AREA

1. In § 1130.50, paragraph (a) is revised as follows:

§ 1130.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.07: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $3.07.

• • • • • •

2. Section 1130.53 is revised as follows:

§ 1130.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1131—CENTRAL ARIZONA MARKETING AREA

1. In § 1131.50, paragraph (a) is revised as follows:

§ 1131.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.52: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.52.

• • • • • •

2. Section 1131.53 is revised as follows:

§ 1131.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1132—TEXAS PANHANDLE MARKETING AREA

1. In § 1132.50, paragraph (a) is revised as follows:

§ 1132.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.25: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.25.

• • • • • •

2. Section 1132.53 is revisd as follows:

§ 1132.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* that on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1133—INLAND EMPIRE MARKETING AREA

1. In § 1133.50, paragraph (a) is revised as follows:

§ 1133.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

• • • • • •

2. In § 1133.53, paragraph (a) is revised as follows:

§ 1133.53 Announcement of class prices and handler butterfat differentials.

• • • • • •

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

• • • • • •

PART 1134—WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) (1) (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

• • • • • •

(i) • • •
(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • • •

2. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.00: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.00.

• • • • • •

PART 1136—GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) (1) (i) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

• • • • • •

(k) • • •
(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • • •

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

• • • • • •

(a) *Class I price.* Th) Class I price shall be the basic formula price for the second preceding month plus $1.90; *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.90.

• • • • • •

PART 1137—EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i) (1) (i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

• • • • • •

(i) • • •
(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • • •

2. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.30.

• • • • • •

PART 1138—RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.50, paragraph (a) is revised as follows:

§ 1138.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.35: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.35.

• • • • • •

2. Section 1138.53 is revised as follows:

§ 1138.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1139—LAKE MEAD MARKETING AREA

1. In § 1139.50, paragraph (a) is revised as follows:

§ 1139.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

• • • • • •

2. In § 1139.53, paragraph (a) is revised as follows:

§ 1139.53 Announcement of class prices and handler butterfat differentials.

• • • • • •

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month;

• • • • • •

[FR Doc.75-2903 Filed 1-30-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the States of Missouri and Nebraska

Statement of Considerations. Sections 202 and 203 of the Federal Meat Inspection Act (21 U.S.C. 642, 643) provide for recordkeeping, access, and related requirements; and registration requirements; with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b) and (c) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The States of Missouri and Nebraska have been designated, pursuant to section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act, for the application, to intrastate activities of Titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act, and said provisions are now applicable to such activities in Missouri and Nebraska. The Secretary, after consultation with the appropriate advisory committee, has now determined that Missouri and Nebraska are not exercising, in a manner to effectuate the purpose of said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202 and 203 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, Missouri and Nebraska are hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202 and 203 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

§ 331.6 [Amended]

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended as follows:

1. Missouri and Nebraska are added in alphabetical order to the list of States in which the provisions of sections 202 and 203 of the Federal Meat Inspection Act and related regulations are applicable.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with Missouri and Nebraska in both places.

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584, 21 U.S.C. 621, 645; 37 FR 464, 28477)

§ 381.224 [Amended]

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

1. Missouri and Nebraska are added in alphabetical order to the list of States in which the provisions of sections 11 (b) and (c) of the Poultry Products Inspec-

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tion Act and related regulations are applicable.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with Missouri and Nebraska in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 FR 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and Section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agricultures access to places of business engaged in intrastate activities and otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective January 31, 1975.

Done at Washington, D.C., on: January 24, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-2848 Filed 1-30-75;8:45 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the States of Minnesota, Montana, Nevada, Oregon, and Washington

Statement of Considerations. Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The States of Minnesota, Montana, Nevada, Oregon, and Washington have been designated, pursuant to section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act, for the application, to intrastate activities, of Titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act, and said provisions are now applicable to such activities in said States.

The Secretary, after consultation with the appropriate advisory committee, has now determined that said States are not exercising, in a manner to effectuate the purposes of the said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, said States are hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

§ 331.6 [Amended]

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended as follows:

1. In the "State" column, "Minnesota, Montana, Nevada, Oregon, and Washington" are added in alphabetical order in all three places.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with "Minnesota, Montana, Nevada, Oregon, and Washington" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584 (21 U.S.C. 621, 645); 37 FR 28464, 28477)

§ 381.224 [Amended]

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is ameded as follows:

1. In the "State" column, "Minnesota, Montana, Nevada, Oregon, and Washington" are added in alphabetical order in both places.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with "Minnesota, Montana, Nevada, Oregon, and Washington" in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 FR 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and to otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective January 31, 1975.

Done at Washington, D.C., on January 24, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-2849 Filed 1-30-75;8:45 am]

[No. 75-56]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 564—SETTLEMENT OF INSURANCE

Corrective Amendment Relating to Updating of Examples of Insurance Coverage

JANUARY 24, 1975.

The Federal Home Loan Bank Board hereby amends Board Resolution No. 74-1177 (FR Document No. 74-27654, 39 FR 41243, November 26, 1974, which amended Part 564 of the rules and regulations for insurance of accounts, 12 CFR Part 564, by updating the Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation, published as an Appendix to said Part 564 to reflect the increases in maximum insurance authorized in Pub. L. 93-495) by correcting a typographical error in Example 3 (deleting the last reference to "$40,000" in the Answer and substituting "$80,000") under *B. Testamentary accounts* of said Appendix so, that said Example will read:

EXAMPLE 3

Question: H invests $40,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $40,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $40,000 maximum. (§ 564.4(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $40,000 in the aggregate, leaving $80,000 uninsured. (§ 564.4(b)).

(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended (12 U.S.C. 1724, 1725, 1726, 1728) Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–1948, Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-2872 Filed 1-30-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-WE-7-AD; Amdt. 39-2081]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model L-1011-385-1 Airplanes

During evaluation system operation tests at Lockheed and periodic maintenance checks conducted by the airlines, there have been numerous malfunctions of the passenger evacuation system resulting in degraded and/or unuseable evacuation slides.

Since these malfunctions are likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require numerous modifications of the passenger evacuation system on all Lockheed Model L-1011 airplanes. These modifications to the passenger evacuation system will substantially reduce the possibility of similar malfunctions and improve the overall reliability of the passenger evacuation system.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Model L-1011-385-1 airplanes certificated in all categories

Compliance required as indicated.

To prevent possible malfunctions resulting in unusable passenger evacuation slides and slide/rafts and improve the overall reliability of the passenger evacuation system, accomplish the following:

(a) Within the next 30 days' calendar time after the effective date of this AD, unless already accomplished, rework the escape slides and slide/raft primary valise release cables and inspect slide/raft packs for steel reinforcing plate delamination in accordance with Lockheed Service Bulletin 093-25-206, dated January 10, 1975, or later FAA-approved revisions, or equivalent inspections and/or modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within the next 180 days' calendar time after the effective date of this AD, unless already accomplished, replace escape slide release pin assemblies in accordance with Air Cruisers Service Bulletin 25-16, dated March 22, 1974, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Within the next 180 days' calendar time after the effective date of this AD, unless already accomplished, inspect for proper escape slide girt extension and pack height in accordance with Lockheed Service Bulletin 093-25-205, dated January 10, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Within the next 180 days' calendar time after the effective date of this AD, unless already accomplished, install heat shrinkable tubing on escape slide and slide/raft release pin assemblies in accordance with Lockheed Service Bulletin 093-25-212, dated January 10, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Upon completion of above Service Bulletins listed in paragraphs (a) through (d) above, re-identify escape slides and slide/rafts in accordance with Lockheed Service Bulletin 093-25-210, dated January 21, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Aircraft may be flown to a base for performance of the maintenance required per this AD in accordance with FAR's 21.197 and 21.199.

This amendment becomes effective March 5, 1975.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, January 23, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-2870 Filed 1-30-75;8:45 am]

[Docket No. 14292; Amdt. No. 953]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective March 13, 1975*

Austin, Tex.—Robert Mueller Municipal Arpt., VORTAC Rwy 12R, Amdt. 3.
Austin, Tex.—Robert Mueller Municipal Arpt., VORTAC Rwy 16R, Amdt. 2.
Bethpage, N.Y.—Grumman-Bethpage Arpt., VOR-A (TAC), Amdt. 6.
Columbia, Mo.—E. W. Cotton Woods Memorial Arpt., VOR-A, Amdt. 1.
Columbia, Mo.—Columbia Regional Arpt., VOR Rwy 20, Amdt. 5.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., VOR Rwy 17 (TAC), Amdt. 19.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., VORTAC Rwy 35, Amdt. 4.
Hibbing, Minn.—Chisholm-Hibbing Arpt., VOR Rwy 13, Amdt. 7.
Hibbing, Minn.—Chisholm-Hibbing Arpt., VOR Rwy 31, Amdt. 11.
Jefferson, Ga.—Jackson Co. Arpt, VOR/DME Rwy 34, Amdt. 2, cancelled.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR-A, Orig., cancelled.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR Rwy 4, Amdt. 2, cancelled.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR Rwy 27, Orig.
Mena, Ark.—Mena Municipal Arpt., VOR/DME-A, Amdt. 1.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., VOR Rwy 6, Amdt. 2, cancelled.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., VOR Rwy 24, Amdt. 2, cancelled.

• • • *effective February 20, 1975.*

Brewton, Ala.—Brewton Municipal Arpt., VOR Rwy 30, Amdt. 2.

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• • • *effective February 13, 1975.*

Louisville, Ky.—Standiford Arpt., VOR Rwy 19 (TAC), Orig., cancelled.

• • • *effective January 17, 1975.*

Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 13, Amdt. 5.

Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 20R, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective March 13, 1975.*

Albany, Ga.—Albany-Dougherty County Arpt., LOC (BC) Rwy 22, Orig.
Columbia, Mo.—Columbia Regional Arpt., LOC (BC) Rwy 20, Amdt. 2.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., Loc (BC) Rwy 31, Amdt. 5.
Hibbing, Minn.—Chisholm-Hibbing Arpt., LOC (BC) Rwy 20, Amdt. 2.

• • • *effective February 27, 1975.*

Homer, Alaska—Homer Arpt., LOC/DME Rwy 3, Amdt. 1.

• • • *effective February 13, 1975.*

Louisville, Ky.—Standiford Field, LOC Rwy 19, Amdt. 1.

• • • *effective January 16, 1975.*

Miami, Fla.—Miami Int'l. Arpt., LOC (BC) Rwy 9L, Amdt. 3.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 13, 1975.*

Austin, Tex.—Robert Mueller Municipal Arpt., NDB Rwy 30L, Amdt. 26.
Columbia, Mo.—Columbia Regional Arpt., NDB Rwy 2, Amdt. 2.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., NDB Rwy 13, Amdt. 17.
Hudson, N.Y.—Columbia Co. Arpt., NDB–A, Orig.
Jackson, Minn.—Jackson Municipal Arpt., NDB Rwy 13, Amdt. 2.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., NDB Rwy 24, Amdt. 28.

• • • *effective February 13, 1975.*

Los Angeles, Calif.—Los Angeles Int'l. Arpt., NDB Rwy 24L/R, Amdt. 9.

• • • *effective January 17, 1975.*

Carbondale-Murphysboro, Ill.– Southern Illinois Arpt., NDB Rwy 18, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 13, 1975.*

Austin, Tex.—Robert Mueller Municipal Arpt., ILS Rwy 30L, Amdt. 26.
Columbia, Mo.—Columbia Regional Arpt., ILS Rwy 2, Amdt. 3.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., ILS Rwy 13, Amdt. 16.
Hibbing, Minn.—Chisholm-Hibbing Arpt., ILS Rwy 31, Amdt. 4.
Santa Ana, Calif.—El Toro MCAS Arpt., ILS Rwy 34R, Amdt. 5, cancelled.

• • • *effective February 13, 1975.*

Fairbanks, Alaska—Fairbanks Int'l. Arpt., ILS/DME Rwy 1L, Orig., cancelled.

• • • *effective January 22, 1975.*

Chicago, Ill.—Chicago Midway Arpt., ILS Rwy 4R, Amdt. 1.

• • • *effective January 17, 1975.*

Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., ILS Rwy 18, Amdt. 1.

• • • *effective January 16, 1975.*

Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 9L, Amdt. 20.
Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 27R, Amdt. 5.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective January 22, 1975.*

Savannah, Ga.—Savannah Municipal Arpt., RADAR–A, Amdt. 6.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective March 13, 1975.*

Chapel Hill, N.C.—Horace Williams Arpt., RNAV Rwy 8, Orig.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., RNAV Rwy 30L, Amdt. 2.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510) and sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)) and (5 U.S.C 552(a)(1)))

Issued in Washington, D.C., on January 23, 1975.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.75-2871 Filed 1-30-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 923—COASTAL ZONE MANAGEMENT PROGRAM APPROVAL REGULATIONS

PART 926—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS, ALLOCATION OF FUNDS TO STATES

Correction and Redesignation

In the FEDERAL REGISTER of April 2, 1974, on page 11999, a new Part 923—Coastal Zone Management Program Development Grants, Allocation of Funds to States, was added to 15 CFR Chapter IX (FR Doc. 74–7596). It has become necessary to redesignate this part as Part 926—Coastal Zone Management Program Development Grants, Allocation of Funds to States.

This redesignation is necessary because a new Part 923—Coastal Zone Management Program Approval Regulations, was adopted in the FEDERAL REGISTER of January 9, 1975, on page 1683 (FR Doc. 75–738). These regulations constitute a new part distinct from Part 923 as published on April 2, 1974, but do not supersede those regulations in any way.

Therefore, the regulations published on April 2, 1974, are hereby redesignated as Part 926—Coastal Zone Management Program Development Grants, Allocation of Funds to States, and all references within the text of this part are redesignated accordingly. Part 923—Coastal Zone Management Program Approval Regulations, as published on January 9, 1975, remains unchanged.

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Labeling Requirements for Noncomplying Packaging

The purpose of this CPSC document is to promulgate a regulation (16 CFR 1700.5) to govern the labeling of noncomplying packages of substances subject to child-protection packaging requirements under the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76) and its regulations (16 CFR Part 1700). Child-protection packaging is also referred to herein as "child-resistant packaging" and "special packaging," which is defined in section 2(4) of the act (repeated in 16 CFR 1700.1(a)(4)).

Section 4(a) of the act provides that for the purpose of making any product which is subject to child-protection packaging requirements available to elderly or handicapped persons who would be unable to use such product in child-resistant packaging, the manufacturer or packer may package the product in noncomplying packaging in a single size if (1) the manufacturer or packer also supplies the product in child-resistant packaging and (2) the noncomplying package is clearly and conspicuously labeled with the statement "This package for households without young children." Section 4(a) also provides that a substitute labeling statement may be prescribed by regulation for noncomplying packages too small to accommodate said statement.

BACKGROUND

In the FEDERAL REGISTER of October 18, 1972 (37 FR 22001), the Food and Drug Administration (then responsible for administering the act) proposed a regulation (21 CFR 295.8) to (1) specify the circumstances under which products used by elderly or handicapped persons would be exempt from the child-protection packaging requirements; (2) establish specific requirements for the size, contrast, and placement of the labeling statement required to appear on noncomplying packages; and (3) prescribe the wording for a shorter, substitute labeling statement and the conditions under which it could be used.

On May 14, 1973, functions under the Poison Prevention Packaging Act of 1970 were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)).

Subsequently, in the FEDERAL REGISTER of August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 (21 CFR Part 295 became 16 CFR Part 1700). Accordingly, proposed 21 CFR 295.8 is acted upon below as 16 CFR 1700.5.

RESPONSE TO PROPOSAL

In response to the proposal of October 18, 1972, ten comments were received, each stating one or more objections. Six were from manufacturers of products subject to child-protection packaging requirements, two were from associations of manufacturers of such products, one was from an association of pediatricians, and one was from a member of the public. The principal issues raised in those comments and the Commission's conclusions thereon are as follows:

A. *Conditions for noncompliance.* Proposed § 295.8(a) set forth six conditions a manufacturer or packer would be required to meet in order to market products subject to special packaging requirements in noncomplying packaging for use by the elderly or handicapped.

Proposed § 295.8(a)(1) specified that the special packaging must create "significant difficulty in use" for the elderly or handicapped. An association of manufacturers comments that this requirement is inconsistent with section 4(a) of the act which states that manufacturers and packers are authorized to use noncomplying packaging in a single size to make products, subject to special packaging requirements, available to elderly or handicapped persons "unable to use" such products in special packaging. The association adds that the term "significant difficulty" is imprecise and conjectural.

Proposed § 295.8(a)(2) specified that special packaging must be supplied by the manufacturer or packer in "popular sizes."

Proposed § 295.8(a)(3) required as a condition to the use of noncomplying packaging that the manufacturer adequately distribute and advertise the specially packaged substance. A manufacturer states that the advertising requirements could create a hardship for small companies that engage in little or no advertising.

Proposed § 295.8(a)(4) specified that the noncomplying packaging must be "a size most likely to be used" by the elderly or handicapped. A manufacturer comments that this could conflict with the requirement of proposed § 295.8(a)(2) that special packaging be available in "popular sizes," contending that a size "most likely to be used" by elderly or handicapped persons could also be a "popular size." A trade association states that proposed § 295.8(a)(4) would require the manufacturer to determine the single size most likely to be used by the elderly or handicapped in order to use noncomplying packaging.

An association of manufacturers and two manufacturers state that one or more of the requirements of proposed § 295.8(a)(1) through (4) would impose limitations on marketing household substances in noncomplying packaging that are not prescribed by section 4 of the act and that promulgation of such requirements would be beyond the Commission's authority.

Proposed § 295.8(a)(5) specified that the noncomplying package must be labeled in accordance with proposed § 295.8(b) or (c). Section 295.8(a)(6) stated that the manufacturer or packer must not have been ordered under proposed § 295.8(e) to use special packaging exclusively for the product. No responses objected to proposed § 295.8(a)(5) and (6).

The Commission concludes that to the extent that proposed § 295.8(a)(3) would require a manufacturer or packer to advertise the availability of a subject product in special packaging before the product could be packaged in noncomplying packaging of a single size, the regulation would impose an inappropriate obligation on the manufacturer or packer.

Regarding the remaining conditions in proposed § 295.8(a) (1) through (6), the Commission concludes that section 4 of the act prescribes with sufficient precision the conditions under which a manufacturer or packer of any substance subject to child-protection packaging requirements may package that substance in a noncomplying package. Accordingly, the general requirements of proposed § 295.8(a) (1) through (6) have not been included in the regulation promulgated below except for the requirement that the noncomplying package bear the labeling statement required by the act or the shorter, substitute statement required by the regulation (§ 1700.5(a)(1) and (b) below). Manufacturers and packers, however, must also meet all conditions specified in section 4(a) of the act to be authorized to use noncomplying packaging for any product subject to child-protection packaging requirements.

B. *Labeling statement.* Proposed § 295.8(b)(1) specified a labeling statement that must appear conspicuously on all noncomplying packages, reading "This Package for Households Without Young Children." An association of pediatricians and a manufacturer object to the wording of the statement because it does not give the reason why the noncomplying package is intended only for households without young children. Another manufacturer comments that the statement could be confusing to the elderly or handicapped who have difficulty using specially packaged substances but who live in households with young children. Section 4(a)(2) of the act, however, prescribes the labeling statement specified in proposed § 295.8(b)(1). Accordingly, the Commission does not have the authority to change the statement's wording (§ 1700.5(a)(1) below).

Proposed § 295.8(b)(2) and (5)(iii) contained language which could be confusing where a product is marketed in an immediate container as well as in an outer container. Although no comments were received on this point, the language has been changed to more clearly express the requirement that the noncomplying packaging labeling is required on the immediate container as well as on the outer container or wrapping used in the retail display of the substance. This change is consistent with section 2(3) of the Act which includes outer containers or wrappings in the definition of "package" when the term is used in the context of noncomplying packaging (§ 1700.5(a)(2) and (5)(a)(5)(ii) below).

C. *Substitute labeling statement.* Section 4(a)(2) of the act authorizes the Commission to specify the language of a substitute labeling statement for packaging too small to accommodate the statutorily required labeling statement. Proposed § 295.8(c) specified as the substitute labeling statement "Caution: This Package Is Not Child-Safe." A manufacturer suggests deleting the word "Caution," noting that this word is required to appear on the labeling of certain products regulated under the Federal Hazardous Substances Act (15 U.S.C. 1261–74) which products are also subject to regulation under the Poison Prevention Packaging Act of 1970. The manufacturer observes that using "Caution" at two different places on the packaging of one product might cause confusion. Another manufacturer suggests that the statement "Cap Not Child Safe" would be shorter and more accurate.

The Commission observes that the labeling statement specified by section 4(a) of the act and § 1700.5(a)(1) below contains seven words and that the substitute labeling statement in proposed § 295.8(c) contains six words. The Commission also observes that the substitute labeling statement declares that the noncomplying package is not "Child-Safe," thereby suggesting that special packaging is unconditionally safe when placed in the hands of young children. Section 2(4) of the act defines "special packaging" as packaging designed to be "significantly difficult" but not impossible for young children to open.

The Commission concludes that a shorter and more accurate substitute labeling statement than the one initially proposed should be adopted; specifically, "Package Not Child-Resistant" (§ 1700.5(b) below).

D. *Labeling size and other display requirements.* 1. Provisions of proposed § 295.8(b) (2) through (5) specified the manner of placement of the labeling statement on packaging; required the statement to appear within a square or rectangle enclosed within a ruled border; required the statement to be printed in capital letters in distinct contrast by typography, layout, color, or embossing with other matter on the package; and specified minimum sizes for the labeling statement in relation to the size of the package's principal display panel. Two associations of manufacturers and three manufacturers question the Commission's authority to promulgate those requirements.

Two comments observe that the proposal's preamble stated in effect that the specifications on labeling conspicuous-

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ness were based on regulations issued by FDA pursuant to the Fair Packaging and Labeling Act. The Commission finds that the intention, however, was to indicate that the requirements concerning labeling statement conspicuousness were similar to labeling requirements promulgated under the Fair Packaging and Labeling Act; not that the authority in this matter was derived from the Fair Packaging and Labeling Act.

Two others cite sections 3(d) and 4(a)(2) of the act as indicative that the Commission lacks authority to promulgate regulations specifying size, placement, and contrast of the labeling statement on noncomplying packaging. Section 3(d) of the act provides that with the exception of authority granted in section 4(a)(2), nothing in the act gives the Commission authority to prescribe specific labeling. Section 4(a)(2) provides that for the purpose of making any household substance, which is subject to a special packaging standard, available to elderly or handicapped persons, a manufacturer or packer may package that substance in noncomplying packaging of a single size if it bears conspicuous labeling stating "This package for households without young children," except that the Commission may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such statement. Thus, section 4(a)(2) not only authorizes the Commission to prescribe a substitute labeling statement, but also requires noncomplying packaging to bear a "conspicuous labeling statement." Provisions of proposed § 295.8 (b) and (c) concerning size, placement, and content of the labeling statement are clearly related to obtaining a conspicuous display of the labeling statement and are therefore authorized by section 4(a)(2) and are not affected by section 3(d)'s prohibiting of specific requirements for packaging designs, product content, package quantity, or labeling. Accordingly, those provisions appear in § 1700.5(a)(2) through (5) below.

2. A manufacturer comments that the schedule of type sizes in proposed § 295.8(b)(4) was undesirable because the labeling statement that would be required for a package with a principal display panel slightly larger than 5 square inches would occupy approximately one-fourth of the panel. The Commission agrees and the schedule has been modified by introducing one intermediate type size and by altering the schedule of area sizes for the principal display panel to eliminate the problem (§ 1700.5(a)(4) below).

3. Four manufacturers state that one or more of the requirements in proposed § 295.8(b)(2) through (5) regarding the size, placement, and contast of the labeling statement on noncomplying packaging would be unnecessarily burdensome. They suggest that the public could be given adequate notice about the absence of special packaging if one or more of those requirements were eliminated. A member of the public comments that the provisions of proposed § 295.8(b)(2) through (5) are inadequate because they do not require the labeling statement to appear in a standardized shape printed in a specified color against a specified background.

The Commission concludes that the provisions of proposed § 295.8(b)(2) through (5), with the modification discussed in paragraph 2 above, are necessary and will be adequate to alert the consuming public to the absence of special packaging and should not be unnecessarily burdensome to manufacturers and packers. Accordingly, those provisions appear in § 1700.5(a)(2) through (5) below.

4. A member of the public suggests that a provision be added to prohibit the sale of any subject substance in noncomplying packaging at a price lower than the same size of that substance when sold in special packaging. The Commission finds that it lacks authority to promulgate such a requirement.

E. *Prescription drugs.* Section 4(b) of the act provides that a substance subject to special packaging requirements that is dispensed at the order of a licensed medical practitioner authorized to prescribe may be dispensed in noncomplying packaging only (1) at the order of the prescribing medical practitioner or (2) at the request of the purchaser. Proposed § 295.8(d) was intended to include this requirement. The Commission observes that proposed § 295.8(d) does not clarify or interpret section 4(b) of the act and has, accordingly, concluded that including such provision in the regulation below is unnecessary.

The Commission also observes that section 4(b) does not require substances that are subject to special packaging requirements and are dispensed in noncomplying packaging at the order of the prescribing medical practitioner, or at the request of the purchaser, to bear any labeling statement. The Commission notes, however, that the substitute labeling statement prescribed by § 1700.5(b) below is suitable for the size of noncomplying packages of substances dispensed under authority of section 4(b) of the act and for the circumstances under which such packages will be used, and encourages pharmacists and others who dispense at the order of a licensed medical practitioner to use that statement on such noncomplying packages.

F. *Exclusive use of special packaging.* Section 4(c) of the act authorizes the Commission to require a manufacturer or packer of any substance subject to special packaging requirements to use special packaging exclusively if (1) the substance is packaged in noncomplying packaging under section 4(a) of the act and (2) the Commission determines that the substance is not also supplied by the manufacturer or packer in packages of a popular size complying with the special packaging requirements and (3) the manufacturer or packer has been given an opportunity to comply with the purposes of the act and (4) the Commission, after giving opportunity for a hearing, determines that exclusive use of special packaging is necessary to accomplish the purposes of the act. Proposed § 295.8(a)(5) and (e) set forth these provisions of section 4(c) without clarification or interpretation. Accordingly, the Commission finds such inclusion unnecessary and these provisions do not appear below.

G. *Effective date.* Although no comments addressed the specific issue of effective date of the regulation, two manufacturers and a trade association state that some products that would be affected by the labeling requirements of proposed § 295.8 (b) and (c) are also subject to labeling requirements issued under other Federal laws including the Fair Packaging and Labeling Act, the Federal Hazardous Substances Act, and the Federal Food, Drug, and Cosmetic Act. These commenters express concern that manufacturers will experience difficulty complying with the labeling requirements of proposed § 295.8 in addition to the other labeling requirements already in effect.

The Commission concludes that through July 30, 1975, is an adequate and reasonable period of time for redesign of labels for noncomplying packaging and for the use of stocks of existing labels now on hand. Section 4(a) of the act requires that any noncomplying package of any household substance subject to special packaging requirements must bear conspicuous labeling stating "This package for households without young children." This requirement has been in effect since the date of enactment of the act, and is not suspended or in any way altered by the effective date of the regulation issued by this notice. However, the Commission has concluded that notwithstanding the delayed effective date of this regulation, manufacturers and packers may use the substitute labeling statement prescribed by paragraph (b) of the regulation issued below at any time after publication of this notice in the FEDERAL REGISTER if they meet all of the conditions prescribed in the regulation for use of the substitute labeling statement.

Therefore, having evaluated the comments received and other relevant material, the Commission concludes that the proposed regulation, with changes, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (sec. 4, 84 Stat. 1671; 15 U.S.C. 1473) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), a new section is added to 16 CFR Part 1700, as follows:

§ 1700.5 Noncomplying package requirements.

To make household substances that are subject to requirements for special packaging readily available to elderly or handicapped persons who are unable to use those substances in special packaging, section 4(a) of the act authorizes manufacturers and packers to package such substances in noncomplying packaging of a single size provided that complying packaging is also supplied and the noncomplying packages are conspicuously labeled to indicate that they should not be used in households where young children are present. The purpose of this § 1700.5 is to implement section 4(a) of

the act by prescribing requirements for the labeling of noncomplying packages.

(a) *Labeling statement.* (1) The statement "This Package for Households Without Young Children" shall appear conspicuously, and in accordance with all of the requirements of paragraph (a) of this section, on the package of any household substance subject to the special packaging requirements of this Part 1700 that is supplied in noncomplying packaging under section 4(a) of the act, unless the package bears the substitute labeling statement in accordance with all of the requirements of paragraph (b) of this section.

(2) The statement required by paragraph (a)(1) of this section shall appear on the principal display panel of the immediate container as well as on the principal display panel of any outer container or wrapping used in the retail display of the substance. If a package bears more than one principal display panel, the required statement shall appear on each principal display panel of the immediate container as well as on each principal display panel of any outer container or wrapping used in the retail display of the substance. The principal display panel is the part of the labeling most likely to be displayed, presented, shown, or examined.

(3) The required labeling statement shall appear within the borderline of a square or rectangle on the principal display panel in conspicuous and easily legible capital letters, shall be in distinct contrast, by typography, layout, color, or embossing, to other matter on the package, and shall appear in lines generally parallel to the base on which the package rests as it is designed to be displayed.

(4) The declaration shall be in letters in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type-size specifications:

(i) Not less than 1/10 inch in height on packages the principal display panel of which has an area of 7 square inches or less.

(ii) Not less than 3/32 inch in height on pacakages the principal display panel of which has an area of more than 7 but not more than 15 square inches.

(iii) Not less than 1/8 inch in height on packages the principal display panel of which has an area of more than 15 but not more than 25 square inches.

(iv) Not less than 3/16-inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(v) Not less than 1/4-inch in height on packages the principal display panel of which has an area of more than 100 square inches.

(5) (i) For the purposes of obtaining uniform type size for the required statement for all packages of substantially the same size, the area of the principal display panel is the area of the side or surface that bears the principal display panel, which shall be:

(A) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel, the product of the height times the width of that side.

(B) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference.

(C) In the case of any other shape of container, 40 percent of the total surface of the container; however, if such container presents an obvious principal display (such as the top of a triangular or circular package), the area shall consist of the entire area of such obvious principal display panel.

(ii) In determining the area of the principal display panel exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, the labeling statement required by this section to appear on the principal display panel shall appear within that 40 percent of the circumference most likely to be displayed, presented, shown, or examined.

(b) *Substitute labeling statement.* If the area of the principal display panel, as determined in accordance with paragraph (a)(5) of this section, is too small to accommodate the statement required by paragraph (a)(1) using the type size required by paragraph (a)(4), the substitute statement "Package Not Child-Resistant" may be used. This substitute statement must comply with all of the requirements for size, placement, and conspicuousness prescribed by paragraph (a) of this section.

Effective date. The regulation promulgated above (16 CFR 1700.5) shall become applicable to any substance subject to any special packaging standard prescribed by 16 CFR Part 1700 that is packaged in noncomplying packaging on or after July 30, 1975, except for any provision of 16 CFR 1700.5 that is already in effect as a provision also of the Poison Prevention Packaging Act of 1970. Manufacturers and packers may use the substitute labeling statement prescribed by paragraph 1700.5(b) at any time after publication of this notice in the FEDERAL REGISTER if they meet all of the conditions prescribed in § 1700.5 for use of the substitute labeling statement.

(Sec. 4, 84 Stat. 1671 (15 U.S.C. 1473))

Dated: January 28, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-2923 Filed 1-30-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

COMMISSIONER OF FOOD AND DRUGS

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to incorporate a delegation of authority to the Commissioner from the Assistant Secretary for Health relating to acceptance of volunteer services under section 223 of the Public Health Services Act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.120 by revising paragraph (c) to read as follows:

§ 2.120 Delegations from the Secretary and Assistant Secretary.

* * * * *

(c) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs, with authority to redelegate, the authority delegated to him by the Assistant Secretary for Administration and Management: (1) To certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or to certify the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.

(2) To establish volunteer service programs and accept volunteer services for use in the operation of a health care facility or the provision of health care under section 223 of the Public Health Services Act (42 U.S.C. 217b).

Effective date. This order shall be effective January 31, 1975.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: JANUARY 24, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 75-2912 Filed 1-30-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL FLOOD HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On November 25, 1972 at 37 FR 25040, the Federal Insurance Administrator published a list of communities with Special Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated areas of Blue Earth County, Minnesota, as an eligible community and included maps No. H 27 013 000 01–14 which indicate that the Village of Skyline is, in its entirety within the Special Flood Hazard Area. A review of the above map by the Federal Insurance Administration indicates that the Village of Skyline is an incorporated area of Blue Earth County. Accordingly, effective November 25, 1972, maps No.

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H 27 013 000 01-14 are hereby corrected by deleting the Village of Skyline in its entirety.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 406-410, Pub. L. 91-152, December 24, 1969) (42 U.S.C. 4001-4127, January 24, 1974))

Issued: December 31, 1974.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2913 Filed 1-30-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On July 31, 1971, in 36 FR 14182, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Mesquite, Texas, as an eligible community and included map No. H 48 113 4530 04 which indicates that Skyline No. 5 subdivision, Mesquite, Texas, as recorded in Volume 72085 at page 2255 of the records of the County Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in view of additional, recently acquired flood information, that, with the exception of Block A, Lot No. 1, the above property is not within the Special Flood Hazard Area. Accordingly, effective August 7, 1970, Map No. H 48 113 4530 04 is hereby corrected to reflect that, except for Block A, Lot No. 1, the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, December 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2914 Filed 1-30-75;8:45 am]

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION

[Docket No. R-75-254]

PART 2200—FEDERAL DISASTER ASSISTANCE

Repair and Replacement of Facilities

Section 45 of the Water Resources Development Act of 1974 (88 Stat. 12, Pub. L. 93-251) amends the Disaster Relief Act of 1970 (84 Stat. 1744, Pub. L. 91-606) by adding section 252(d). The amendment provides that the cost of restoration of certain public facilities shall include the cost of obtaining substitute services insofar as they exceed those costs which would have been incurred but for the major disaster. An amendment to the Federal Disaster Assistance Administration Regulations, Part 2200 of Title 24 of the Code of Federal Regulations, is required to implement section 45 of Public Law 93-251.

On July 12, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 25667) proposing an amendment to the FDAA Regulations by adding a new § 2200.11(d) to implement section 45 of Public Law 93-251. Interested persons were invited to submit written data, views, or arguments regarding the proposed regulations. A number of responses were received and individual replies are being made.

Considering the proposed amendment within the context of section 252 of Public Law 91-606, the reference to a public utility in paragraph (d) of the interim regulations is unnecessary and confusing. Therefore, the words, "A public utility's", were deleted from this paragraph in the final regulations.

The substance of the comments and the office's response thereto is summarized below:

The majority of comments were in reference to § 2200.11(d) which limits Federal reimbursement to public utilities for the excess costs they incurred in providing services, such as water and power. The comments indicated that reimbursement should be extended to include all public or private non-profit facilities, particularly private non-profit hospitals, which incurred excess costs in providing medical services. However, private non-profit medical care facilities are eligible for Federal disaster assistance only under section 255 of Public Law 91-606, as amended. Section 45 of Public Law 93-251, which this regulation implements, applies only to section 252 of Public Law 91-606 concerning State and local government facilities. Since private medical care facilities are not eligible for Federal disaster assistance under section 252 of Public Law 91-606, as amended by section 45 of Public Law 93-251, they cannot be eligible under this new regulation, § 200.11(d). The legislative history supports this limitation to services such as water and power. Therefore, no change has been made.

Two comments were in reference to § 2200.11(d)(7) regarding customer reimbursement prior to Federal reimbursement. Existing regulations provide for an advance of funds, which may be used to alleviate the applicant's cash flow problem. Since an administrative procedure may be employed to remedy this situation, no change has been made.

One comment indicated that the need for all health-related services may increase as the result of a major disaster, and these disaster-related costs should likewise be considered eligible. Since austere and conservative usage will normally be required by a local or State government, the overall requirement for services may not be necessary. Priority may be assigned to critical needs of customers, such as hospitals, during emergencies. These priority customers are eligible under these regulations for reimbursement of the increased utility costs if the applicant incurs excess costs in obtaining substitute services. No change appears necessary to the proposed amendment as the result of this comment.

One comment addressed the applicability of this amendment with reference to specific cases of eligibility. Since existing Federal regulations and handbooks provide adequate coverage of eligibility, no change has been made.

In consideration of the foregoing, and for the reasons given in R-74-254, § 2200.11 of Title 24 of the Code of Federal Regulations is amended by adding the following:

§ 2200.11 Repair and replacement of facilities.

* * * * *

(d) **Federal reimbursement of costs** actually incurred in replacing services, such as water and power, with services from other sources during the period of restoration of such facility may be based on the following criteria:

(1) Such services must be essential to the health and well-being of the community.

(2) Federal reimbursement shall not exceed the amount of such costs in excess of costs which would have been incurred in providing such services but for the major disaster.

(3) Such reimbursable services shall not exceed those services provided for a like period prior to the major disaster by the facility eligible for repair or replacement as a result of the major disaster.

(4) The applicant shall consider all alternate methods available for providing the interim services to select the most economical method. The applicant shall provide justification for such selection in submitting his project application for Federal assistance.

(5) As soon as possible the applicant shall submit a schedule for repair or replacement of the facility to the Governor's Authorized Representative with his project application for approval by the Regional Director. For all retroactive project applications, the applicant shall submit his project application and accompanying schedule on or before June 2, 1975.

(6) Payment shall be based on auditable cost records and clear documentation and justification of each element of cost, provided by the applicant.

(7) If excess costs have been paid by the customers of the services based on regular billing for these services, no reimbursement of such costs shall be made by the Federal government until the applicant has reimbursed such costs to the customers involved.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)), 79 Stat. 670; Disaster Relief Act of 1970, 84 Stat. 1744.

Effective date: This amendment shall be effective for all major disasters declared under Public Law 91-606, as amended, subsequent to August 1, 1969.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-2936 Filed 1-30-75;8:45 am]

Title 25—Indians

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

On page 40030 of the FEDERAL REGISTER of November 13, 1974, there was published a notice of intention to modify § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season 1975 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change as set forth below.

Section 221.12 is revised to read as follows:

§ 221.12 Charges.

In compliance with the provisions of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1975 and subsequent years until further notice, are hereby fixed as follows:

	Per acre
For the assessable nondistrict area under constructed works on all Government-operated units expecting Coburn Ditch	$4.60
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit	2.39
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit	1.40
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Work; for operation of said works	.20
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932)	.85

On page 40031 of the FEDERAL REGISTER of November 13, 1974, there was published a notice of intention to modify § 221.13a, 221.13b, and 221.13c, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. Purpose of this assessment is to establish the assessment charges for the season 1975 and thereafter until further notice, and which charges are applicable to all irrigation districts organization that are subject to the jurisdiction of the three irrigation districts.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Part 221 is amended by revising §§ 221.13a, 221.13b and 221.13c as follows:

§ 221.13a Charges, Big Horn Irrigation District.

Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 221.13b Charges, Lower Little Horn and Lodge Grass Irrigation District.

(a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve the portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1961, a notice is hereby given that an assessment of twenty cents ($.20) per acre is hereby fixed for the season of 1975 and subsequent years until further notice for the operation and maintenance of the Willow Creek storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation Districts.

§ 221.13c Charges, Upper Little Horn Irrigation District.

(a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of twenty cents (0.20) per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitutions to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

GEORGE A. LAVERDURE,
Superintendent, Crow Agency.

[FR Doc.75-2875 Filed 1-30-75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER H—PROCUREMENT SYSTEM FOR THE U.S. POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Patent Rights Policy

On June 14, 1974, the Postal Service published in the FEDERAL REGISTER (39 FR 20849) a notice of proposed rulemaking on this subject setting forth a proposed amendment to section 9 of the Postal Contracting Manual, Publication 41, adding a new paragraph 9-105. The proposal would adopt a new patent policy providing for the acquisition and management of patent rights so as to foster economy in providing postal services. Interested persons were invited to submit written data, views, or arguments concerning the proposed policy at any time on or before July 19, 1974.

After giving due consideration to all comments received, the Postal Service has determined to adopt the proposed policy, with certain changes. The text of the new regulation is set forth below.

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Comments received fundamentally disagreed as to the extent to which the Postal Service should reserve all right, title, and interest in inventions funded entirely or principally with Postal Service funds, contending either that the proposed policy did not go far enough or that it went too far. On the one hand, it was asserted that to the extent that the regulations would allow a contractor to acquire rights greater than a nonexclusive license, they would be unconstitutional; that on the authority of litigation involving patent regulations of the General Services Administration, only Congress can authorize the extension of such rights in federally financed inventions. We believe that these arguments overlook the decisive distinction between the comparatively limited statutory authority of GSA under section 203 of the Federal Property and Administrative Services Act to dispose of surplus property and the quite broad authority of the Postal Service over its contracts and the disposition of its property under 39 U.S.C. 401. However, as a policy matter, we agree that the public interest in assuring full value for Postal Service dollars funding contracts which produce inventions normally will be served if the Postal Service takes all rights in such inventions other than a non-exclusive, revenue-bearing license for the contractor. The principal purpose of this new regulation is to effectuate that policy.

From another perspective, several comments urged that the policy presently in force, under which a contractor takes title while the Postal Service takes an irrevocable, non-exclusive, royalty-free license, should be continued: or at least, that the contractor should take title where he has displayed technical or commercial competence in the field of technology in which the invention is discovered. Since we continue to believe that the financial benefit of inventions created through Postal Service funding should accrue to the Postal Service, and thereby to the public, we have rejected these recommendations to perpetuate the practices which the new patent policy is designed to correct. The principal justification cited for these recommendations is the argument that the proposed policy is noncommercial, so that potential contractors would decline to compete for postal contracts. This criticism overlooks the fact that the policy permits contractors to acquire greater than normal rights, where such an exception can be shown to be in the interest of the public and the Postal Service. 9–105.4–5.

In addition, recommendations that contractors be permitted greater than normal rights were considered persuasive with respect to certain situations appearing after contract performance is underway. It was suggested that the contractor be granted title where the invention is constructively reduced to practice prior to award but actually reduced to practice during contract performance; and that the contractor be granted title and the Postal Service take, for Postal Service purposes only, no more than an irrevocable, non-exclusive, royalty-free license, where the contractor demonstrates the existence of background rights. We also determined that provision should be made for the situation where granting the contractor greater rights than usual is necessary in order to attract the private risk capital and expense needed to bring the invention to the point of practical application. In order to accomplish these changes, original paragraph 9–105.2(b) dealing with conditions under which the Postal Service would take only a license, to which all comments objected, has been deleted. In its place new paragraph 9–105.2(b), entitled "Contractor's Rights", provides that contractors normally will receive a non-exclusive, royalty-bearing license. It provides further that "greater rights" normally will be granted when the conditions set out in paragraph (h) of the revised Patent Rights Clause (January, 1975), provided in 9–105.10(a), are met.

Several further changes have been made to reflect recommendations judged worthy of adoption:

(1) The provision in the original Patent Rights Clause which authorized the contracting officer to direct the contractor to prepare patent applications for Postal Service filing has been deleted.

(2) The Patent Rights Clause now provides that the contractor taking a license from the Postal Service is authorized to sublicense existing and future associated and affiliated companies.

(3) So much of the original Patent Rights Clause as provided for equal sharing of royalties received by the contractor from other licenses where the contractor takes title and the Postal Service takes a license has been deleted, and the matter left open to negotiation under the new version of the clause.

(4) Paragraphs 9–105.1, *Background;* 9–105.2, *Policy;* 9–105.4, *Deviations;* and 9–105.5, *Contractor Acceptance,* have been modified for further emphasis of the principle that promoting the public welfare through encouraging early public use of Postal Service patents is a prime consideration underlying the need for acquisition and business-like management of such patents by the Postal Service. Promoting early public use of inventions developed from Federally-sponsored research is a basic consideration under the President's Statement of Government Patent Policy. 36 FR 16889 (1971) and should also, in our view, be a prime concern of the Postal Service.

The remainder of the changes are minor, technical, or editorial in nature.

The following additional recommendations were not considered worthy of adoption:

(1) It was recommended that where the Postal Service takes title the contractor should not be required to pay a royalty for a license granted by the Postal Service, since "the contractor should not have to pay for rights to its own inventions." We believe that where the contractor's "own inventions" are funded by the Postal Service, the Postal Service should enjoy all rights of ownership, including the payment of royalties by all licensees, except as otherwise required by special circumstances.

(2) It was recommended that contractors not be required to divulge plans for commercial use of an invention nor make pertinent books, records, etc., available for examination by the Postal Service, in order to prevent possible compromise of such information by the Postal Service. We believe that these requirements are necessary to protect the interests of the Postal Service and are consistent with similar provisions in the Armed Services Procurement Regulation. Nothing in the Patent Rights Clause authorizes the Postal Service to disclose unfairly any information received in this manner.

(3) With respect to the Intellectual Property Rights Clause contained in 9–105.10(c), it was recommended that the Postal Service receive sole rights only to the total end product delivered under the contract, and that the contractor receive the right to use previously developed concepts and techniques employed by the contractor in creating the end product. While a particular contractor might be able to establish his entitlement to such rights under the deviation provisions of the Patent Policy, we do not consider these recommendations appropriate as a standard rule for contracts with experts and consultants, for which the Intellectual Property Rights Clause is principally intended.

In view of the considerations discussed above, the Postal Service hereby adopts the following amendments of the Postal Contracting Manual:

In section 9 of the Postal Contracting Manual, add new 9–105, as follows:

9–105 *Patent Rights.*

9–105.1 *Background.* The Postal Service is under Congressional mandate to provide prompt, reliable, efficient, and economical postal service. Accordingly, businesslike management of all Postal Service property, including patent rights, will promote the public use and welfare.

9–105.2 *Policy.* Patent rights shall be acquired and managed in such manner as to promote the early public use and welfare and the economic, operational, and competitive well-being of the Postal Service. In furtherance of this general policy, the following specific policies apply:

(a) *Postal Service Title.* The entire right, title, and interest shall be acquired in and to any invention under applicable contracts (see 9–105.3) except as prescribed in (b) and (c) below.

(b) *Contractor Rights.* A nonexclusive and royalty bearing license normally shall be reserved to the Contractor under every contract, a purpose of which is research, development, or engineering; however, greater rights normally shall be granted under the conditions described in paragraph (h) of the clause in 9–105.10(a).

(c) *Early Public Use.* To insure the early public use of Postal Service patent rights, commercial license or sale at fair market value shall be actively promoted on a nonexclusive basis.

9–105.3 *Application.* The applicable patent rights clause set forth in 9–105.10 shall be included in every contract, a purpose of which is research, development or engineering; architect-engineer or other personal or professional services; or other similar work.

9–105.4 *Deviations.* Notwithstanding the provisions of 1–109, approval of the Assistant Postmaster General, Procurement and Supply Department, is required for any proposed deviation to this 9–105. Proposed deviations shall be supported by a written justification,

reviewed by the Patent Rights Board (see 9–105.6(d)) and signed by the contracting officer, clearly demonstrating that the deviation will be in the overall best interest of the public and the Postal Service.

9–105. *Contractor Acceptance.* Where a prospective contractor is unwilling to accept, requires revisions to, or proposes profit or other concessions concerning inclusion of a required patent rights clause, an analysis, including any necessary discussions, shall be conducted to determine the course of action which is in the overall best interest of the public and the Postal Service. The analysis shall include consideration of such factors as obtaining the work from other sources, the estimated fair market value of any probable patent rights, possible effect on early public use, possible effect on the competitive position of the Postal Service, and the contractor's absorption of equivalent costs of contract performance. Should the prospective contractor's position prevail, in whole or in part, it shall be considered a deviation and processed in accordance with 9–105.4.

9–105.6 *Responsibilities.*

(a) *Technical Personnel.* Technical personnel are responsible for determining that the contractor has identified and reported all inventions, and for analyzing the potential application and value of each invention.

(b) *Contracting Officer.* The contracting officer is responsible for including the appropriate patent rights provisions in the contract, for conducting all negotiations for purchase, sale, royalty, use and other agreements thereon, and for administering contracts, licenses and agreements therefor in such manner that the Postal Service receives full compliance and benefits thereunder.

(c) *Law Department.* The Law Department is responsible for maintaining the Postal Service patent rights portfolio and insuring that all appropriate patent applications, licenses, agreements and similar safeguards are properly filed and prosecuted.

(d) *Patent Rights Board.* A Patent Rights Board consisting of one representative of the Procurement and Supply Department, who shall be the chairman, and one representative each of the Law Department, Finance Department, Planning and New Development Department, Postal Engineering Systems Office, Customer Services Department, and Real Estate and Buildings Department shall be responsible for the overall business management and commercial promotion of the Postal Service patent rights portfolio.

9–105.7 *Approval.* Approval in accordance with the procedures of 9–105.4 is required, except where patent rights are obtained through use of the clauses in 9–105.10, for all acquisition or disposition of patent rights. Examples are:

(i) Specific acquisition of patents rights by contract, license, or agreement,

(ii) Specific disposition of patent rights by contract, license, or agreement, and

(iii) Granting of greater contractor rights under paragraph (h), of the Patent Rights clause in 9–105.10(a).

9–105.8 *Consideration.* Fair market value shall be obtained for all disposition of patent rights, except that lesser or no consideration, as appropriate, may be obtained from Governmental and non-profit organizations or where greater contractor rights are granted under paragraph (h) of the Patent Rights clause in 9–105.10(a).

9–105.9 *Joint Arrangements.* Notwithstanding any other provisions of this 9–105, joint ventures, joint ownership of patent rights, or other joint arrangements may be entered into with contractors when approved in accordance with 9–105.4.

9–105.10 *Clauses.*

(a) *Research, Development or Engineering.* The following clause shall be included in every contract, a purpose of which is research, development, or engineering.

PATENT RIGHTS (JANUARY 1975)

(a) *Definitions Used in This Clause.*

(1) *Subject Invention* means any invention or discovery whether or not patentable, conceived or first actually reduced to practice in the course of or under this contract. The term "Subject Invention" includes, but is not limited to, any art, method, process, machine, manufacture, design or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(2) *Postal Service purpose* means the right of the Postal Service to practice and have practiced (make or have made, use or have used, sell or have sold) any Subject Invention throughout the world by or on behalf of the Postal Service.

(3) *Contract* means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Postal Service where a purpose of the contract is the conduct of experimental, developmental, research or engineering work.

(4) *Subcontract and subcontractor* means any subcontract or subcontractor of the Contractor, any lower-tier subcontract or subcontractor under this contract.

(5) *To bring to the point of practical application* means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine or system and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(b) *Rights Granted to the Postal Service.* Except as provided in (e) and (h) of this clause, the Contractor agrees to grant the Postal Service all right, title and interest in and to each Subject Invention (made by the Contractor), subject to the reservation of a nonexclusive and royalty-bearing license to the Contractor (with the royalty to be established at fair market value). The license shall extend to existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part and shall be assignable to the successor of that part of the contractor's business to which such Invention pertains. Nothing contained in this Patent Rights clause shall be deemed to grant any rights with respect to any invention other than a Subject Invention.

(c) *Invention Disclosures and Reports.*

(1) With respect to Subject Inventions (made by the Contractor), except those which are obviously unpatentable under the patent laws of the United States, the Contractor shall furnish to the Contracting Officer:

(i) A written disclosure of each invention promptly after conception or first actual reduction to practice, whichever occurs first under this contract, sufficiently complete in technical detail to convey to one skilled in the art to which the Invention pertains a clear understanding of the nature, purpose, operation, and to the extent known the physical, chemical, or electrical characteristics of the Invention; when unable to submit a complete disclosure, the Contractor shall within three (3) months thereof submit a disclosure which includes all such technical detail then known to him and shall, unless the Contracting Officer authorizes a different period, submit all other technical detail necessary to complete the disclosure within three (3) additional months.

(ii) Interim reports at least every six (6) months, the initial period of which shall commence with the date of this contract, each report listing all such Inventions conceived or first actually reduced to practice more than three (3) months prior to the date of the report and not listed on a prior interim report, or certifying that there are no such unreported Inventions;

(iii) Prior to final settlement of this contract, a final report listing all such Inventions including all those previously listed in interim reports, or certifying that there are no such unreported Inventions (This Final Report and any Interim Report under (ii) above shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer);

(iv) Information in writing, as soon as practicable, of the date and identity of any public use, sale, or publication of such Invention made by or known to the Contractor or of any contemplated publication by the Contractor;

(v) Upon request, such duly executed instruments and other papers (prepared by the Postal Service) as are deemed necessary to vest in the Postal Service the rights granted it under this clause and to enable the Postal Service to apply for and prosecute any patent application, in any country, covering such Invention where the Postal Service has the right under this clause to file such application; and

(vi) Upon request, an irrevocable power of attorney to inspect and make copies of each United States patent application filed by, or on behalf of, the Contractor covering any such Invention.

(2) With respect to each Subject Invention in which the Contractor has been granted greater rights under paragraph (h) of this clause, the Contractor agrees to provide written reports at reasonable intervals, when requested by the Postal Service as to:

(i) The commercial use that is being made or is intended to be made of such Invention;

(ii) The steps taken by the Contractor to bring the Invention to the point of practical application, or to make the Invention available for licensing.

(d) *Subcontracts.*

(1) The Contractor shall, unless otherwise authorized or directed by the Contracting Officer, include a patent rights clause containing all the provisions of this Patent Rights clause except provision (g) in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, research or engineering work. In the event of refusal by a subcontractor to accept this Patent Rights clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not, in any subcontract or by using such a subcontract as consideration thereof, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Postal Service in the performance of this contract). Reports, instruments, and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of such a patent rights clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be fur-

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nished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent rights clause, furnish to the Contracting Officer a copy of such subcontract, and notify him when such subcontract is completed. It is understood that the Postal Service is a third party beneficiary of any subcontract clause granting rights to the Postal Service in Subject Inventions, and the Contractor hereby assigns to the Postal Service all the rights that the Contractor would have to enforce the subcontractor's obligations for the benefit of the Postal Service with respect to Subject Inventions. If there are no subcontracts containing patent rights clauses, a negative report is required. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligations of the subcontractor to the Postal Service in regard to Subject Inventions.

(e) *Domestic Filing of Patent Applications by Contractor.*

(1) If greater rights are granted in and to a Subject Invention pursuant to paragraph (h) (1) of this clause, to the extent that the Contractor may claim the Invention, the Contractor shall file in due form and within six (6) months of the granting of such greater rights a United States Patent application claiming the Invention referred to in said paragraph, and shall furnish, as soon as practicable, the serial number and filing date of each such application and the patent number of any resulting patient. As to each Invention in which the Contractor has been given greater rights, the Contractor shall notify the Contracting Officer at the end of the six (6) month period if he has failed to file or caused to be filed a patent application covering such invention. If the Contractor has filed or caused to be filed such an application within the six (6) month period, but elects not to continue prosecution of such application, he shall notify the Contracting Officer not less than sixty (60) days before the expiration of the response period. In either of the situations covered by the two immediately-preceding sentences, the Postal Service shall be entitled to all rights, title and interest in such Invention subject to the reservation to the Contractor of a license as specified in paragraph (b).

(2) The following statement shall be included within the first paragraph of any patent application filed and any patent issued on an Invention which was made under Postal Service contract or subcontract thereunder: "The Invention herein described was made in the course of or under a contract or subcontract thereunder (or grant) with the United States Postal Service."

(f) *Foreign Filing of Patent Applications.*

(1) If the Contractor acquires greater rights in a Subject Invention pursuant to paragraph (h) of this clause and has filed a United States patent application claiming the Invention, the Contractor, or those other than the Postal Service deriving rights from the Contractor, shall as between the parties hereto, have the exclusive right, subject to the rights of the Postal Service under paragraph (i) of this clause, to file applications on the Inventions in each foreign country within:

(i) Six (6) months from the date a corresponding United States patent application is filed; or

(ii) Such longer period as may be approved by the Contracting Officer.

The Contractor shall notify the Contracting Officer of each foreign application filed and, upon written request of the Contracting Officer, furnish an English translation of such application, and, convey to the Postal Service the entire right, title and interest in the Invention in each foreign country in which an application has not been filed within the time specified above, subject to the reservation of a license as specified in paragraph (b).

(2) If the Contractor does not acquire greater rights pursuant to paragraph (h) of this clause and the Postal Service determines not to file a patent application on any Subject Invention (made by the Contractor) in any particular foreign country, the Contracting Officer, upon request of the Contractor, may authorize the Contractor to file a patent application on such Invention in such foreign country and retain ownership thereof, subject to an irrevocable, nonexclusive and royalty-free license to practice and have practiced such Subject Invention throughout the world for Postal Service purposes, including the practice of each such Subject Invention (i) in the manufacture, use, and disposition of any article or material, (ii) in the use of any method, or (iii) in the performance of any service, acquired by or for the Postal Service or with funds otherwise derived through the Postal Service.

(g) *Withholding of Payment.*

(1) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer the final report required by (c) (1) (iii), all written invention disclosures required by (c) (1) (i), and all information as to subcontractors required by (d) (2).

(2) If at any time before final payment under this contract the Contractor fails to deliver an interim report required by (c) (1) (ii), or a written invention disclosure required by (c) (1) (i), the Contracting Officer shall withhold from payment $50,000 or ten percent (10%), of the amount of this contract whichever is less (or whatever lesser sum is available if payments have exceeded ninety percent (90%) of the amount of this contract) until the Contractor corrects all such failures.

(3) After payments total eighty percent (80%) of the amount of this contract, and if no amount is required to be withheld under (2) above, the Contracting Officer may, if he deems such action warranted because of the Contractor's performance under the Patent Rights clause of this contract or other known Postal Service contracts, withhold from payment such sum as he considers appropriate, not exceeding $50,000 or ten percent (10%), of the amount of this contract whichever is less, to be held as a reserve until the Contractor delivers all the reports, disclosures, and information specified in (1) above. Subject to the ten percent (10%) or $50,000 limitation, the sum withheld under this subparagraph (3) may be increased or decreased from time to time at the discretion of the Contracting Officer.

(4) No amount shall be withheld under this paragraph (g) while the amount specified by this paragraph is being withheld under other provisions of this contract. The total amount withheld under (1), (2) and (3) above shall not exceed $50,000 or ten percent (10%), of the amount of this contract whichever is less. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provision of a subcontract. As used in this paragraph (g), "this contract" means "this contract as from time to time amended." In cost-type contracts, "amount of this contract" means "estimated cost of this contract."

(h) *Contractor's Request for Greater Rights.* The Contractor at the time of first disclosing a Subject Invention pursuant to paragraph (c) (1) (i) of this clause, but not later than three (3) months thereafter, may submit in writing to the Contracting Officer, in accordance with applicable regulations, a request for greater rights than the license reserved to the Contractor in paragraph (b) of this clause if:

(i) The Invention is not a primary object of this contract; and either

(ii) The acquisition of such greater rights is a necessary incentive to call forth private risk capital and expense to bring the Invention to the point of practical application, or

(iii) The Contractor had constructively reduced the Invention to practice prior to the time of contract award.

The Contracting Officer will review the Contractor's request for greater rights and will notify the contractor whether such request is granted in whole or in part. Any rights granted to the contractor shall be subject to, but not necessarily limited to, the provisions of paragraph (i) of this clause.

(i) *Reservation of Rights to the Postal Service.*

(1) In the event greater rights in any Subject Invention are vested in or granted to the Contractor pursuant to paragraph (h) above, such greater rights shall, as a minimum, be subject to an irrevocable, nonexclusive and royalty-free license to practice and have practiced each such Subject Invention (made by the Contractor) throughout the world for Postal Service purposes, and including the practice of each such Subject Invention (i) in the manufacture, use, and disposition of any article or material, (ii) in the use of any method, or (iii) in the performance of any service, acquired by or for the Postal Service or with funds otherwise derived through the Postal Service.

(2) In the event greater rights are vested in the Contractor, the Contractor further agrees to and does hereby grant to the Postal Service the right to require the granting of a license to an applicant under any such Invention:

(i) On a nonexclusive, royalty-free basis, unless the Contractor, his licensee, or his assignee demonstrates to the Postal Service, at its request, that effective steps have been taken within three (3) years after a patent issues on such Invention to bring the Invention to the point of practical application or that the Invention has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the title should be retained for a further period of time; or

(ii) royalty-free or on terms that are reasonable in the circumstances to the extent that the Invention is required for public use by Postal Service regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the Schedule of this contract.

(j) *Right to Disclose Subject Inventions.* The Postal Service may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this Patent Rights clause.

(k) *Forfeiture of Rights in Unreported Subject Inventions.* The Contractor shall forfeit to the Postal Service all rights in any Subject Invention which he fails to report to the Contracting Officer at or prior to the time he (i) files or causes to be filed a United States or foreign application thereon, or (ii) submits the final report required by (c) (iii) of this clause, whichever is later, *provided* that the Contractor shall not forfeit rights in a Subject Invention if (A) contending that the invention is not a Subject Invention, he nevertheless reports the invention and all the facts pertinent to his contention to the Contracting Officer within the time specified in (i) or (ii) above, or (B) he establishes that the failure to report was due entirely to causes beyond his control and without his fault or negligence. The Contractor shall be deemed to hold any such forfeited Subject Invention, and the patent applications and patents pertaining thereto, in trust for the Postal Service pending written assignment of the Invention. The rights accruing to the Postal Service under this paragraph shall be in addition to and shall not supersede any other rights which the Postal Service may have in relation to unreported Subject Inventions. Nothing contained herein shall be construed to require the Contractor to report any invention which is not in fact a Subject Invention.

(l) *Examination of Records Relating to Inventions.* The Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to compliance by the Contractor with the requirements of this clause.

(b) *Architect-Engineer.* Clause 7 of PS Form 7490 shall be included in every contract, a purpose of which is architect-engineer services. That clause reads as follows:

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF POSTAL SERVICE (JANUARY 1975)

(a) All designs, drawings, specifications, notes, and other work developed in the performance of this contract shall be and remain the sole property of the Postal Service and may be used on any other work without additional compensation to the Architect-Engineer. With respect thereto, the Architect-Engineer agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of 3 years after completion of the project agrees to furnish and provide access to all retained materials on the request of the Contracting Officer. Unless otherwise provided in this contract, the Architect-Engineer shall have the right to retain copies of all such materials beyond such period. Prior to final settlement of this contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(b) The Postal Service shall have the right to assign this contract or any part hereof, including the transfer of the aforementioned documents. Any such assignment, however, shall not release the Postal Service from any of its obligations under this coutract.

(c) *Other Personal or Professional Services.* Except for (a) and (b) above, the following clause shall be included in every contract, a purpose of which is personal or professional services.

INTELLECTUAL PROPERTY RIGHTS (JANUARY 1975)

All intellectual property rights evolving from studies, reports, or other data delivered under this Contract shall be the sole property of the Postal Service. The Contractor agrees to make, execute and deliver to the Postal Service any and all papers or other instruments in such terms and contents as may be required for the filing of any required instrument necessary for preserving an intellectual property right and does hereby assign and transfer to the Postal Service the entire right, title and interest in and to said intellectual property rights. Prior to final settlement of this Contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(d) *Other Contracts.* One of the foregoing clauses shall be included in all other contracts where a patent rights clause is considered appropriate.

The above amendment is effective immediately.

A Postal Contracting Manual transmittal letter making this change in the pages of the Postal Contracting Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER, as prescribed in 39 CFR 601.105. (39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.75-2880 Filed 1-30-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 328-8]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbofuran

A petition (PP 4F1482) was filed (39 FR 20538) by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl - 3 - hydroxy - 7 - benzofuranyl-*N*-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3 - dihydro - 2,2 - dimethyl - 3,7 - benzofurandiol in or on the raw agricultural commodity strawberries at 0.5 part per million (of which no more than 0.2 part per million is carbamates).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.254 is amended by adding the following new paragraph after the paragraph "1 part per million • • •":

§ 180.254 Carbofuran; tolerances for residues.

• • • • • •

0.5 part per million in or on strawberries (of which no more than 0.2 part per million is carbamates).

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before March 3, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 31, 1975.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated January 23, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2959 Filed 1-30-75;8:45 am]

[FRL 328-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Desmedipham

A petition (PP 4F1459) was filed (39 FR 11626) by NOR-AM Agricultural Products, Inc., Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sugar beets (roots and tops) at 0.2 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended by adding the following new section to Subpart C:

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§ 180.353 **Desmedipham; tolerances for residues.**

A tolerance of 0.2 part per million is established for negligible residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sugar beets (roots and tops).

Any person who will be adversely affected by the foregoing order may at any time on or before March 3, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of he order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 31, 1975.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated January 23, 1975.

LOWELL E. MILLER,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2958 Filed 1-30-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1043, 5th Rev., Amdt. 3]

PART 1033—CAR SERVICE
Return of Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of January 1975.

Upon further consideration of Fifth Revised Service Order No. 1043 (38 FR 18659, 35001 and 39 FR 24373), and good cause appearing therefor:

It is ordered, That:

§ 1033.1043 S.O. 1043.

Regulations for return of hopper cars. Fifth Revised Service Order No. 1043 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2953 Filed 1-30-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 215]

WITHHOLDING OF CITY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

Notice of Proposed Rulemaking

The Department of the Treasury finds it necessary to promulgate a new regulation to implement Pub. L. 93–340 which added a new section 5520 to title 5 of the United States Code entitled "Withholding of city income or employment taxes," and to implement the authority delegated to the Secretary of the Treasury by section 6 of Executive Order 11833, January 13, 1975, entitled "Withholding of City Income or Employment Taxes by Federal Agencies" (40 FR 2673). The Law and Executive order direct the Secretary of the Treasury to enter into an agreement with a qualified city for the withholding of city income or employment taxes from the compensation of Federal employees subject thereto.

The proposed regulations prescribe the necessary technical provisions. The proposal also sets out the text of a standard form agreement between the Secretary of the Treasury and a qualified city. This Department intends thereby to standardize the agreement form to make it applicable to all qualified cities and to expedite and simplify the process of entering into city tax withholding agreements. The Treasury does not intend to vary the agreement terms except in extraordinary circumstances.

Prior to adoption of the proposed regulations, consideration will be given to views submitted in writing to the Commissioner of the Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20220, and received not later than March 3, 1975.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the amendment of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations by the addition of a new part, designated Part 215, to read as follows:

PART 215—WITHHOLDING OF CITY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

Subpart A—General Information

Sec.
215.1 Scope of regulations.
215.2 Definitions.

Subpart B—Procedures

215.3 Procedure for standard agreement.
215.4 Procedure for agreement other than standard agreement.

Subpart C—Standard Agreement Text

215.5 Parties.
215.6 Compliance by agencies.
215.7 Employee withholding certificates.
215.8 Agency withholding procedures.
215.9 Miscellaneous provisions.
215.10 Amendment; cancellation.
215.11 Effective date; commencement of withholding.

AUTHORITY: 5 U.S.C. 5520 and section 6 of Executive Order 11833, January 13, 1975 (40 FR 2673), unless otherwise noted.

Subpart A—General Information

§ 215.1 **Scope of regulations.**

The regulations in this part govern agreements between the Secretary of the Treasury (hereinafter referred to as the Secretary) and qualified cities for the withholding of city income or employment taxes from the compensation of Federal employees subject to those taxes. Subpart A is informational. Subpart B prescribes the procedures to be followed in entering into an agreement for the withholding of such city taxes. Subpart C is the Standard Agreement which the Secretary will enter into with any qualified city. The Department of the Treasury intends to adhere to the Standard Agreement and, thus, will not agree to other provisions which may be proposed by a qualified city unless the city's unique circumstances require such provisions.

§ 215.2 **Definitions.**

As used in this part:

(a) "Agency" means (1) an Executive agency as defined in section 105 of Title 5 of the United States Code, (2) the judicial branch, and (3) the United States Postal Service;

(b) "Armed Forces" means all regular and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard;

(c) "Employee" as applied to employees of an agency includes officers and means individuals (1) appointed by a Federal officer or employee acting in his official capacity, (2) engaged in the performance of a Federal function under authority of law or an Executive act, and (3) subject to the supervision of the Federal officer or employee in the performance of the duties of his position. The term does not include retired personnel, pensioners, annuitants or similar beneficiaries of the Federal Government who are not performing acts of service, or persons receiving remuneration for services on a contract-fee basis;

(d) "City" means a city which is duly incorporated under the laws of a State, and, on the date of the agreement with the Secretary, has within its political boundaries 500 or more employees who are regularly employed by all agencies of the Federal Government;

(e) "City income or employment taxes" means any form of tax for which, in accordance with an ordinance of the city, collection is provided by imposing on employers generally the duty of withholding sums from the compensation of employees and making returns of the sums to the city, regardless of whether the tax is described as an income, wage, payroll, earnings, occupational license tax, or otherwise;

(f) "Regular place of Federal employment" means the official duty station where an employee regularly reports for duty to actually perform his services, irrespective of his residence, except when such services are performed in a travel or temporary duty status, in which case his "regular place of Federal employment" will be the official duty station to which he will normally be expected to proceed for the purpose of performing further services in connection with his Federal employment on the termination of travel or temporary duty status;

(g) "Compensation" as applied to employees of an agency shall mean "wages" as defined in section 3401(a) of the Internal Revenue Code of 1954, and regulations issued thereunder.

Subpart B—Procedures

§ 215.3 **Procedure for standard agreement.**

(a) A city which has an ordinance which provides for a city income or employment tax and wishes to enter into the Standard Agreement as set out in Subpart C shall, by a letter addressed to the Fiscal Assistant Secretary, Department of the Treasury, Washington, D.C. 20220, and signed by an appropriate city official, state its agreement to be bound by all of the provisions of the Standard Agreement set forth below. Copies of all applicable city ordinances, regulations, instructions, and forms shall be enclosed. The letter shall also state the title and address of the official whom the agencies may contact to obtain forms and other information necessary to implement withholding.

(b) Within 120 days of the receipt of the letter from the city official, the Fiscal Assistant Secretary or his designee will by letter notify the city either (1) that the Standard Agreement has been entered into as of the date of the Fiscal Assistant Secretary's letter, or (2) that an agreement cannot be entered into with the city and the reasons for that determination.

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§ 215.4 Procedure for agreement other than standard agreement.

(a) If a city which has an ordinance which provides for a city income or employment tax proposes an agreement which varies from the Standard Agreement, the city shall follow the procedure in section 215.3, except that its letter shall state which provisions of the Standard Agreement are not acceptable, propose substitute provisions, and give the reasons therefor.

(b) Within 60 days, the Fiscal Assistant Secretary or his designee will notify the city which substitute provisions may be included in the agreement. The city shall, by letter, notify the Fiscal Assistant Secretary if it accepts such an agreement. When accepted by the city, the effective date of that agreement shall be the date such acceptance is received by the Fiscal Assistant Secretary.

Subpart C—Standard Agreement Text

§ 215.5 Parties.

The parties to this agreement are the Secretary of the Treasury, acting through his designee, and the city which has entered into this agreement pursuant to 31 CFR 215.3 or 215.4.

§ 215.6 Compliance by agencies.

Except as otherwise provided in this agreement, the head of each agency of the United States shall comply with all ordinances of the city which provide for a city income or employment tax, and all regulations and procedural instructions issued thereunder, with respect to employees of the agency who are subject to the tax and whose regular place of Federal employment is within the territorial jurisdiction of the city.

§ 215.7 Employee withholding certificates.

Each agency may require its employees to complete a withholding certificate as the basis for calculating the amount to be withheld regularly from each employee's compensation. The agency may rely on the information in the certificate, unless it is contrary to information in the possession of the agency. The agency may use the certificate which the city has prescribed, if any, or any other certificate, approved by the Department of the Treasury, which the agency finds suitable. Copies of such certificates will be provided to cities by agencies upon request.

§ 215.8 Agency withholding procedures.

(a) Where it is the practice of an agency to file returns and make payments of the Federal income tax withheld, on an estimated basis, subject to later adjustments based on audited figures, such practice may be followed in the withholding of city income or employment taxes if the agency has made appropriate arrangements with the city.

(b) In calculating the amount to be withheld from an employee's compensation, each agency shall use the method prescribed by the city, or any percentage or formula method which produces at a minimum approximately the tax required to be withheld by the city ordinance.

(c) Procedures for the withholding, the filing of returns, and the payment of tax to the city shall conform to the usual fiscal practices of agencies.

(d) Federal Form W–2, "Wage and Tax Statement," may be used by agencies for the reporting of withheld taxes to the city.

(e) Agencies shall not withhold the city income or employment tax from the unpaid compensation of a deceased employee.

§ 215.9 Miscellaneous provisions.

(a) This agreement does not (1) allow agencies to collect delinquent city taxes or penalties from Federal employees, (2) apply to pay for service as a member of the Armed Forces, or (3) permit the withholding of city income or employment taxes from the pay of a Federal employee who is not a resident of the State in which the city is located unless the employee consents to the withholding.

(b) Agencies may not accept pay from the city for services performed in withholding the city income or employment tax.

§ 215.10 Amendment; cancellation.

The Secretary of the Treasury or his designee may at any time amend or waive any part of this agreement, which is also subject to the provisions of 5 U.S.C. 5520 and other applicable laws, and any rules or regulations issued thereunder, including amendments to such provisions occurring after the effective date of this agreement. Either the Secretary (or his designee) or the city may cancel this agreement at any time after 30 days written notice to that effect has been given to the other party.

§ 215.11 Effective date; commencement of withholding.

(a) The effective date of this agreement shall be:

(1) In the case of a city accepting all of the provisions of this agreement, the date of the letter to the city from the Fiscal Assistant Secretary of the Treasury, or his designee stating that the agreement has been entered into, or

(2) In the case of an agreement which varies from this Standard Agreement, the date that the Fiscal Assistant Secretary receives the letter from the city accepting the Department's determination as to the inclusion of such variations.

(b) The withholding of the city income or employment tax shall commence within ninety days after the effective date of this agreement.

Dated: January 27, 1975.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75–2902 Filed 1–30–75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

TAKING AND IMPORTING OF MARINE MAMMALS

Proposed Policy on Applications and Restrictions

The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), expressed the finding of Congress that marine mammals should be protected and encouraged to develop to the greatest extent feasible, commensurate with sound policies of resource management, with the primary object of such management being to maintain the health and stability of the marine ecosystem.

Section 102(b) of the Act (16 U.S.C. 1372(b)), provides in part that, except for scientific purposes, it is unlawful to import a marine mammal into the United States, if such mammal was (1) pregnant at the time of taking; or (2) nursing at the time of taking or less than eight months old, whichever occurs later.

The National Marine Fisheries Service (NMFS) proposes to establish a policy under which the above conditions will also be applied to the taking of marine mammals on the high seas and in waters or on lands subject to the jurisdiction of the United States. This policy will be utilized by the NMFS in considering all permit applications; all applications for a waiver of the moratorium; and foreign programs with respect to taking marine mammals.

Interested persons may submit comments concerning the proposed policy to the Director, National Marine Fisheries Service, NOAA, U.S. Department of Commerce, Washington, D.C. 20235. All material received on or before February 20, 1975, will be considered. All coments in response to this Notice will be available for public inspection during normal business hours at the foregoing address.

The proposed policy is set forth below:

The National Marine Fisheries Service will not determine to be consistent with the purposes and policies of the Marine Mammal Protection Act of 1972 (the Act), nor issue a permit for, any taking of marine mammals which are:

1. Pregnant at the time of taking; or,

2. Nursing at the time of taking, or less than eight months old, whichever occurs later; except in the following situations:

a. Such taking is for the purpose of public display, will further the education of the public, and will not be detrimental to the health and well-being of animals taking into captivity; or

b. Such taking is determined by the Director in consultation with the Marine Mammal Commission to be a part of a resource management program which is consistent with the purposes and policies set forth in Section 2 of the Act; or

c. Such taking is for approved scientific purposes.

For purposes of this policy, and for the purpose of applying restrictions on importation set forth in section 102(b) of the Act, "nursing" means nursing which is obligatory for the health and development of the nursing animal.

Dated: January 28, 1975.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.75–2937 Filed 1–30–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 75–81]

FEDERAL SAVINGS AND LOAN SYSTEM

Amended Proposal Relating to Interest on Escrow Funds

JANUARY 24, 1975.

The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions of the regulations.

I. *Maximum amount to be held in escrow account.* A. Under present regulation—one-twelfth of estimated charge for all escrow accounts

B. Under present proposal—limits on escrow accounts for loans secured by single-family owner-occupied dwellings: detailed provisions taken from the new Real Estate Settlement Procedures Act, basically one-twelfth of estimated charges plus any amount accrued between last payment and settlement date

II. *Interest on escrow accounts.* A. Under present regulation—no provision.

B. Under earlier proposal—only if contracted for by Federal association and borrower

C. Under present new proposal. (1) Only if contracted for by Federal association and borrower, except if the loan:

(a) is made on a single-family dwelling to be occupied by borrower,

(b) the dwelling is located in a State where State-chartered thrift institutions generally are so required, and

(c) the loan is made on or after the effective date of the regulation (except for loans made pursuant to commitments outstanding before the effective date)

(2) If interest payment required, payment shall be at not less than State rate but not in excess of passbook rate.

The Federal Home Loan Bank Board on October 24, 1974, proposed an amendment to § 545.6–11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–11) for the purpose of making clear that the amount of escrowed funds may not exceed an amount, calculated on a reasonable basis, necessary to assure payment of charges on the real estate security, and that payment of interest on such escrowed funds is a matter of contract between a Federal association and the borrowers therefrom. (Board Resolution No. 74–1111, October 24, 1974; FR Doc. No. 27684, November 27, 1974; 30 FR 41386). The comment period for submission of views by interested persons closed on December 31, 1974. In view of the enactment on December 22, 1974, of the Real Estate Settlement Procedures Act of 1974, and in light of the Board's consideration of comments received on the proposal, the Board considers it desirable to withdraw the proposal as originally drawn and to propose new amendments to § 545.6–11, as described below.

The present proposal would group the provisions of § 545.6–11 into three paragraphs. The first paragraph, entitled "Required and authorized provisions," would contain all of the existing language of § 545.6–11 with the exception of the fifth sentence, which would be omitted. The second paragraph would be entitled "Escrow accounts" and would authorize Federal associations to require certain advance payments of charges on the property; the third paragraph would set out provisions regarding payment of interest on such accounts.

Present § 545.6–11 requires that loan contracts shall provide full protection to Federal associations. In particular, § 545.6–11 requires that the loan contract shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs. In that regard, § 545.6–11 permits Federal associations to require borrowers to pay in advance the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security to enable the association to pay such charges as they become due from the funds so received. Federal associations are permitted but not required to establish escrow accounts in connection with such advance payments.

Paragraph (b) of the present proposal would continue to allow Federal associations to establish escrow accounts for any loan, but for loans secured by homes (1–4 family dwellings) the amount of the escrow could not exceed the limitations established by section 10 of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533; December 22, 1974). Basically, section 10 limits the advance payment of charges to those payable or accrued at the time of the loan settlement plus one-twelfth of the estimated amount of such charges as will become payable during the 12-month period following the loan settlement date.

Present § 545.6–11 does not contain a specific reference to payment of interest on escrow accounts which a Federal association might choose to establish. The previous proposal would have provided that such payment in all cases would depend upon the provisions contained in the mortgage contract. Paragraph (c) of the present proposal would continue to look to the agreement of the parties, except that a requirement to pay interest on escrow would be imposed if: (1) the security property is located in a State which has in effect a specific statutory provision or provisions by or under which all State-chartered thrift institutions are generally required to pay interest on escrow accounts, including payment of interest on escrow accounts if mortgage interest rates exceed certain percentages; (2) the security property is a single-family dwelling to be occupied by the borrower; and (3) the loan is made by the Federal association on or after the effective date of the final regulation (unless the loan is made on or after that date pursuant to a bona fide commitment outstanding before that date).

The formula for payment of interest on escrow accounts, when such payment is required by the proposed regulation, is set out in paragraph (c) (2) of the proposal: the interest rate shall be not less than the rate required to be paid by State-chartered institutions, but not to exceed the passbook rate.

Accordingly, the Board hereby proposes to amend § 545.6–11 to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by March 4, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 05.6).

§ 545.6–11 Loan contract.

(a) *Required and authorized provisions.* Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful and appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(b) *Escrow accounts.* A Federal association may require that all or any por-

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tion of the estimated annual taxes, assessments, insurance premiums, and other charges on any loan, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. With regard to any loan on the security of a home made in whole or in part by the association, the association shall not require that the borrower:

(1) deposit in any escrow account which may be established in connection with such loan for the purpose of assuring payment of taxes, assessments, insurance premiums, and other charges with respect to the property, prior to or upon the date of settlement, an aggregate sum for such purpose in excess of:

(i) in any jurisdiction where such charges are postpaid, the total amount of such charges which will actually be due and payable on the date of settlement and the pro rata portion thereof which has accrued, plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement, or

(ii) in any jurisdiction where such charges are prepaid, a pro rata portion of the estimated charges corresponding to the number of months from the last date of payment to the date of settlement, plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement; or

(2) deposit in any such escrow account in any month beginning after the date of settlement a sum (for the purpose of assuring payment of such charges) in excess of one-twelfth of the total amount of the estimated charges which will become due and payable during the twelve-month period beginning on the first day of such month, except that in the event the association determines there will be a deficiency on the due date it shall not be prohibited from requiring additional monthly deposits in such escrow account of pro rata portions of the deficiency corresponding to the number of months from the date of the association's determination of such deficiency to the date upon which such charges become due and payable.

(c) *Payment of interest on escrow accounts.* A Federal association may pay interest on escrow accounts solely as a matter of contract between the association and borrowers therefrom, except that, on or after [effective date of regulation], an association which makes a loan on the security of a single-family dwelling occupied or to be occupied by the borrower (except such a loan for which a bona fide commitment was made before that date) shall pay interest on any escrow account maintained in connection with such a loan (1) if there is in effect a specific statutory provision or provisions of the State in which such dwelling is located by or under which State-chartered savings and loan associations, mutual savings banks and similar institutions are generally required to pay interest on such escrow accounts, and (2) at not less than the rate required to be paid by such State-chartered institutions but not to exceed the rate being paid by the Federal association on its regular accounts (as defined in § 526.1 of this chapter).

(Sec. 5, 48 Stat., 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–2946 Filed 1–30–75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–5/10]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Notice of Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Advisory Committee on the Law of the Sea will hold both closed and open meetings on Friday, February 28 and Saturday, March 1, 1975, in the International Conference Room, Room 1309, U.S. Department of State, Washington, D.C. The open session of the meeting will take place on Saturday, March 1, 1975, at 2:00 p.m.

The purpose of the closed meeting is to discuss specific conference issues and formal planning and policy preparations for the U.S. Delegation to the 1975 Geneva Session of the Third United Nations Conference on the Law of the Sea. During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

These documents, which contain new substantive proposals as well as revisions of earlier policy statements, relate to the issues which the United States will be negotiating at the Conference. The documents are exempt under 5 USC 552 (b)(1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, the establishment of a deep seabeds mining regime, the breadth of the continental margin, the juridical content of the economic zone, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues to be considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

Dated: January 20, 1975.

OTHO E. ESKIN,
Staff Director, NSC Interagency Task Force on the Law of the Sea.

[FR Doc.75–2931 Filed 1–30–75;8:45 am]

DEPARTMENT OF THE TREASURY

CUSTOMS SERVICE

[T.D. 75–33]

Preclearance Operations

REIMBURSABLE EXCESS COSTS

JANUARY 24, 1975.

Notice is hereby given that pursuant to § 24.18(d), Customs regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 16, 1975.

Installation:	*Biweekly excess cost*
Montreal, Canada	$8,538
Toronto, Canada	16,125
Kindley Field, Bermuda	5,662
Nassau, Bahama Islands	7,703
Vancouver, Canada	1,446
Winnipeg, Canada	1,386

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75–2945 Filed 1–30–75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "SYSTEMS VULNERABILITY"

Advisory Committee Meeting

A Defense Science Board Task Force on "Systems Vulnerability" will meet in closed session on 18–19 February 1975 at the Air Force Weapons Laboratory, Albuquerque, New Mexico.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The Task Force will provide an assessment of current and future EMP simulators and the impact these simulators will have upon strategic systems.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in Section 522(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 28, 1975.

[FR Doc.75–2942 Filed 1–30–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR) Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will hold meetings on February 18 and February 25, 1975, at 10:30 a.m. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida.

The meetings will be open to the public and a brief period will be set aside at each meeting for public comments and questions. The agenda of each meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to each meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: January 28, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75–2949 Filed 1–30–75;8:45 am]

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Forest Service

EAGLE CREEK PLANNING UNIT, MT. HOOD NATIONAL FOREST, OREG.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Eagle Creek Planning Unit, Mt. Hood National Forest, Oregon: USDA-FS-FES-(Adm)-74-60.

This statement proposes a management plan for approximately 75,260 acres of National Forest land in Multnomah and Hood River Counties, Oregon. This proposal includes allocation of 40,900 acres as a New Study Area, to be studied for wilderness suitability, and 26,940 acres to be classified as a Special Interest Zone-Scenic. An additional 2,910 acres would be managed in conformance with Special Interest Zone-Scenic management direction for ten years, and 4,510 acres would be managed under the Landscape Management Zone concept. The proposed allocation of a New Study Area and classification as a Special Interest Zone-Scenic Area would replace the past administrative classifications of Columbia Gorge Park Division and Eagle Creek Limited Area.

This final environmental statement was transmitted to CEQ on January 24, 1975.

Copies are available for inspection at all local universities, colleges and public libraries, and during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA Forest Service
Pacific Northwest Region
319 S.W. Pine
Portland, Oregon 97204

Mt. Hood National Forest
2440 S.E. 195th Ave.
Portland, Oregon 97233

Columbia Gorge Ranger Station
Route 3, Box 44A
Troutdale, Oregon 97060

Hood River Valley Ranger Station
Route 1, Box 573
Parkdale, Oregon 97047

A limited number of single copies are available upon request to Wright T. Mallery, Supervisor, Mt. Hood National Forest, 2440 S.E. 195th Ave., Portland, Oregon 97233.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

WRIGHT T. MALLERY,
Forest Supervisor,
Mt. Hood National Forest.

JANUARY 24, 1975.

[FR Doc.75-2874 Filed 1-30-75;8:45 am]

Packers and Stockyards Administration

ARIZONA LIVESTOCK AUCTION, INC., PHOENIX, ARIZONA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting	
AZ-100	Arizona Livestock Auction, Inc., Phoenix, Ariz., Nov. 5, 1957.
KS-154	Leavenworth Livestock Auction Co., Leavenworth, Kans., July 22, 1968.
KS-198	Arkansas Valley Community Sale, Wichita, Kans., Mar. 22, 1973.
MS-105	Clarksdale Livestock Sales Co., Clarksdale, Miss., Jan. 13, 1959.
MO-169	Farmers Auction Company, Mountain View, Mo., May 21, 1959.
OH-139	Tiffin Livestock, Tiffin, Ohio, Mar. 20, 1964.
TN-147	Union Stock Yards, Nashville, Tenn., Nov. 1, 1921.
VA-102	Bedford Livestock Market, Inc., Bedford, Va., Mar. 11, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective January 31, 1975.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 27th day of January, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-2905 Filed 1-30-75;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP.

Draft Environmental Impact Statement

On October 9, 1974 the Rural Electrification Administration announced its intent to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for a loan guarantee for Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420, "which will provide for the installation of new generation facilities and possibly some transmission and terminal facilities." (FEDERAL REGISTER, Vol. 39, No. 197-Wednesday, October 9, 1974).

Subsequent to October 9, 1974 as a result of studies it was determined that additional transmission facilities would be required consisting of approximately 50 miles of 161 kV transmission line originating at the proposed location for the new generating units at the site of the existing Robert Reid Station 2.5 miles northeast of Sebree, Kentucky, and terminating at the existing Kenneth C. Coleman Station located in Hancock County, four miles downstream from Hawesville, Kentucky. The proposed transmission line and related terminal facilities will be located in McLean, Daviess, and Hancock Counties.

The Rural Electrification Administration intends to include these transmission facilities in the Environmental Impact Statement that is being prepared for the proposed generation facilities.

Additional information may be obtained at the borrower's office during regular business hours.

Interested parties are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator-Electric Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address is given.

Dated at Washington, D.C., this 24th day of January.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.75-2906 Filed 1-30-75;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Wednesday, March 19, 1975 in Room 218-A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: January 28, 1975.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.75-2950 Filed 1-30-75;8:45 am]

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 9 a.m., February 20, 1975, in Room 509A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: January 28, 1975.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.75-2951 Filed 1-30-75;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Notice of Public Meetings

The Census Advisory Committee of the American Statistical Association will convene on March 6 and 7, 1975 at 9:00 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919 to advise the Director, Bureau of the Census in all aspects of the Bureau's statistical programs, and to respond to the Bureau's requests for opinions and judgments in the whole area of its operations.

The Committee is composed of 14 members appointed by the President of the American Statistical Association.

The agenda for the March 6 meeting is: 1) Topics of current Census Bureau interests including: major budget program developments, status of Black and Spanish Advisory Committees, National Academy of Science studies on confidentiality, survey on business use of statistics, and the year 2000 planning program, 2) The statistical system planning process, including 1975 program planning for 1977 and interagency task forces on technical problems in statistics, 3) Planning for long-range computer needs, 4) Current technical issues, and 5) Current status and proposed improvements in the Manufactures, Shipments, Inventories and Orders Survey.

The agenda for the March 7 meeting, which will adjourn at 12:30 p.m., is: 1) Overview of Demographic Surveys, 2) Overview of Economic Surveys, and 3) Discussion of future agenda items.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside on March 7 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3581, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301-763-7134.

Dated: January 28, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75-2971 Filed 1-30-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

OFFICE OF CAREER EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2-B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to attain the purposes of the Education Amendments of 1974, section 406, by establishing an Office of Career Education. Therefore previously published statements in the FEDERAL REGISTER are hereby amended as follows:

The statement published in the FEDERAL REGISTER on November 21, 1973 at 38 FR 32154 is amended by addition of a new statement after the statement following the Office of the Commissioner, Right to Read Program, to read as follows:

OFFICE OF CAREER EDUCATION

Plans, develops and coordinates all career education conceptualization, policy formulation and program activity within the Office of Education designed to improve the prospects of all Americans to have a successful life by enhancing the educational experience with career options. Develops objectives and plans for career education activities, coordinates activities that implement and support those efforts and administers assigned programs of grants and contracts.

The statement published in the FEDERAL REGISTER on April 26, 1974 at 39 FR 14738 is amended by deletion of the words "career education" from the statement immediately following the heading Bureau of Occupational and Adult Education. Also, the heading Bureau of Occupational and Adult Education, Division of Career Education Programs and the statement following immediately thereafter are deleted in their entirety.

Dated: January 24, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-2939 Filed 1-30-75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION VI, DALLAS, TEXAS

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete Sections 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713), 8/13/74. Section 1E80, Assistant Regional Director for Human

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Development (38 FR 17262), 6/29/73, is retained and redesignated 1R95. New Sections are added for the several regions. Section 1E86.10 reflects the official organization of the Office of the Regional Director, Region VI, whose headquarters is Dallas, Texas. The new chapter reads as follows:

Section 1E86.00 Mission. The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

Section 1E86.10 Organization. The Office of the Regional Director, Region VI, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following:

Office of the Regional Director
Regional Director
Deputy Regional Director
Executive Secretariat
Assistant Regional Director/Administration and Management
  Surplus Property Division
  Facilities Engineering and Construction Division
Assistant Regional Director/Financial Management
Assistant Regional Director/Program Coordination
Assistant Regional Director/Intergovernmental Operations
  Special Assistant to Regional Director for Regional Council
Assistant Regional Director/Public Affairs
Assistant Regional Director/Human Development
Office of the Regional Attorney
Office of Audit Agency
Office for Civil Rights
Office of Long Term Care Standards Enforcement
Equal Employment Opportunity/FWPC/Spanish-speaking

Section 1E86.20 Functions. A. Regional Director (1E86101).

The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of The Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, including major disasters under Public Law 865; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. Deputy Regional Director (1E86102). Serves as Acting Regional Director in the absence or disability of the Regional Director or in the event of a vacancy in the Office of the Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. Executive Secretariat (1E86105). Monitors the decision-making process for the Regional Director and facilitates the internal processes of coordination and communication, as follows:

1. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items. Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

2. Operates a comprehensive system for tracking action items and ensures that the Regional Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed responses from various offices into a single document for outgoing correspondence going to the Secretary and other Headquarters units, and for Regional Director's decision memoranda.

3. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming requests from the Secretary, various elected officials, and regional staff.

D. Office of the Regional Attorney (1E86103). The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities with the region; on all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director;

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solutions;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports and interpretative analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. Office of Equal Opportunity (1E86104). Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the OS EEO complaint system and issues proposed dispositions on all OS formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. Office of Long Term Care Standards Enforcement (1E86171). Performs these functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the issuance of Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establish and maintain close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and ICFs. Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' implementation of the ICF regulations.

3. Participate in the negotiations of budgets with State survey agencies for their services and review those portions of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommend to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participate with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develop and implement procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provide technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assist State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assist States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Review complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiate appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate provide information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, make recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provide data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provide reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Work with and provide information as requested to, the Social Security Administration, on the following SNF related activities:

a. Utilization review processes of SNFs;

b. Change of provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNF's as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Work with, and provide information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Work with, and provide information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinate with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinate, under the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinate, under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinate with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. Office of the Assistant Regional Director for Public Affairs (1E86151). 1. Serves as the principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues, and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward inter-agency coordination and decentralization.

2. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

3. Serves as a central point of communication with all news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

4. Is responsible for the overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

5. Provides briefings for field trips by the President, Vice President, Secretary and Under Secretary, and as appropriate, for Members of Congress.

6. Administers the Freedom of Information Act and under Departmental Regulations is the only official on the Regional level with authority to deny requests for information.

7. Maintains liaison with governors' offices, appropriate state agencies, regional governmental entities and national, regional, state and local non-governmental organizations as a means of communication to assure a broad scope of mutual exchange concerning Departmental policies, programs and procedures.

8. As prescribed in the Departmental Public Affairs Manual, sets procedures for planning, production, clearance, release, and distribution of all material prepared within the Region for release through Government channels.

9. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

10. Performs other duties and responsibilities as outlined in the Departmental Public Affairs Manual.

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H. Office of the Assistant Regional Director for Planning and Evaluation (Program Coordination) (1E86161).

(Reserved)

I. Office of the Assistant Regional Director for Intergovernmental Affairs (Intergovernmental Operations) (1E86141).

(Reserved)

J. Office of the Assistant Regional Director for Financial Management. (1E86121)

1. Provides financial management support to the Regional Director and regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter-of-credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs regional accounting and reporting activities: accounting, controlling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: Prepares the regional budget for activities for which the Regional Director has delegated authority and assists other regional staffs in developing their budgets; prepares consolidated regional budget estimates and justifications and assists the Regional Director and regional agency heads in advocating program budget priorities for centralized and decentralized programs based on regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other regional activities, reviews these plans, and provides comments to the Regional Director and other regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for regional programs; and receives regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and regional agency heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. Office of the Assistant Regional Director for Administration and Management (1E86111).

1. Serves as the principal adviser to the Regional Director on and directs or participates actively in all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paperwork management.

2. Directs and coordinates the regional activities related to the operation of the Operational Planning System. Assume the effective interphasing of the OPS with related program and budgetary operations.

3. Serves as the principal advisor to the Regional Director on all aspects of personnel management. Administers the regional program, including the classification of positions, the processing of appointments, and selected on-the-job training activities.

4. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

5. Administers the Regional Surplus Property Utilization program.

6. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

7. Conducts periodic inspections of regional space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

8. Provides office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

9. Assures the delivery of the total architectural/engineering services in support of HEW grant and loan and direct Federal construction programs and of HEW owned and utilized facilities.

L. Office of the Assistant Regional Director for Human Development. (See Chapter 1R95, HEW Organization Manual (38 FR 17262 6/29/73) (formerly numbered as 1E80).)

Section 1E8.30 Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff. Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Section 1E8.40 Order of Succession. In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director. In the temporary short-time absence of the Regional Director and Deputy Regional Director, the Regional Director will designate someone on his staff to serve as the Acting Regional Director.

Section 1E86.50 Delegations of Authority. The delegations of authority of the Regional Directors are:

A. *Surplus Property Utilization*

1. Regional Directors have been delegated certain authority which may not be redelegated as follows.

a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement costs of property was less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal Agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)a above; except in those cases provided for in a(1)a(3);

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition costs;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representative; the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State Agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b), (c) and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for education, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State Agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State Agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes;

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State Agencies for surplus property: Provided, however, that disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization; the authority may be redelegated in writing to the Assistant Regional Representative;

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State Agency.

B. *Human Development*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under Section 222(a)(1) of the Economic Opportunity Act of 1964 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make, amend, suspend, and cancel the grants and contracts authorized in "a." and "b." above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

C. *Long Term Care Standards Enforcement*

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State Agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in Section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in Section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a) that State Agency survey reports (including reports of followup reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of Section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which

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pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1905(b) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

Dated: January 24, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-2938 Filed 1-30-75;8:45 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to reflect the reorganization of the Medical Services Administration. For such purposes, section 5-B is amended as follows:

By striking out all that follows under the heading "Medical Services Administration" and inserting in lieu thereof the following:

"The mission of the Medical Services Administration is to provide leadership in the planning, development, coordination, and administration of the programs under title XIX of the Social Security Act, as amended.

Office of the Commissioner—5301. The Commissioner, directs the planning, coordination, and development of the programs under title XIX of the Social Security Act, as amended, and the coordination between these programs and other federally supported health and health related programs.

Within broad Department of Health, Education, and Welfare and Social and Rehabilitation Service policy and guidelines and subject to the health policy direction and other authority of the Assistant Secretary for Health, the Medical Services Administration establishes program goals and objectives; develops policies, standards, and guidelines to accomplish stated goals; provides program management guidance to the regional office staffs and coordinates with the Regions on individual State problems; develops modifications and innovations in program and in administration; works with and coordinates with other Social and Rehabilitation Service organizations and related health components of the Department to organize training programs to promote and provide skilled medical and medically related manpower to better assist the needy; obtains, analyzes, and provides information related to medical assistance; maintains relationships with a variety of governmental and non-governmental organizations which have an interest in the health and welfare of the Nation and which have an impact on Medical Services Administration programs; evaluates progress in administration of the title XIX programs and takes required action to direct or redirect efforts to achieve program objectives; proposes legislation to provide for changing needs of program directions and for financing of better health care to program recipients; promotes experimental programs in financing of health delivery systems; provides administrative management services; conducts program and administrative budget activities; and coordinates its activities and programs with other concerned SRS organizations.

Division of Program Planning and Evaluation—5321. Develops policies and plans for the administration and coordination of financing aspects of the Federal/State medical care programs for persons eligible under applicable titles of the Social Security Act. Determines statistical data to be collected. Develops the program budget for title XIX programs. Conducts studies of the economy with emphasis on areas relating to the medical aspects of the title XIX programs. Coordinates with all other health-related Department of Health, Education, and Welfare policymaking agencies and other governmental and nongovernmental organizations interested in health care for the poor. Develops legislative proposals for improvements in medical assistance to the needy; serves as the focus in Medical Services Administration for activities related to support of the Department's legislative objectives. Develops objectives and goals for Medical Services Administration; guides program and administrative planning; reviews total program effort and prepares appraisal of programs of national impact; serves as a focus for Medical Services Administration research and evaluation activities.

Division of Policy and Standards—5315. Develops and prepares policies, standards and guides for program participation, operations, and administration relating to amount, duration, and scope of services; assures that program policies, standards, and other issuances are consistent with others such as those of the Health Services Administration and with the Social Security Administration; develops reimbursement standards for skilled nursing facilities, hospitals, and other providers of medical care under title XIX programs; coordinates with Regions on individual State problems.

Division of Long-Term Care—5318. Develops and prepares in coordination with the Office of Nursing Home Affairs standards and guides for program participation, operations, and administration relating to long-term care, which includes skilled nursing facilities, intermediate care facilities, home health care and licensure of nursing home administrators; provides technical assistance and consultation to the Regions on individual State problems; proposes legislation to provide for changing needs in long-term care; participates in manpower development and training programs relating to long-term care.

Division of Program Monitoring—5317. Provides technical assistance, instruction and guidance to regions in monitoring and review of State administration of the Medicaid program; analyzes the adequacy of Medicaid monitoring and reporting activities; acts as the focal point in the Medical Services Administration for HEW and General Accounting Office audits and assures that corrective action is carried out; participates with other SRS and HEW elements in developing principles and guidelines for combined health program monitoring systems and audits.

Division of Early and Periodic Screening, Diagnosis and Treatment—5319. Directs the planning and implementation of the national effort on Early and Periodic Screening, Diagnosis and Treatment (EPSDT); advises on major developments and problems; works closely with SRS Regional Offices in interpretation of regulations and development and implementation of Regional work plans; directs the development of program goals, regulations and guidelines; develops overall strategy and monitors implementation of the enforcement of the EPSDT penalty regulations; serves as liaison with other SRS offices, with other HEW agencies and assists SRS Regional Commissioners in their coordination with other HEW Regional Office agencies; acts as focal point in contact with State and professional organizations on EPSDT related matters.

Division of Utilization Control—5320. Directs the planning and implementation of Federal initiatives for improving utilization of services of the Federal-State medical assistance program. Responsible for the development and preparation of utilization review and control policies standards and guidelines to accomplish program goals and objectives. Provides program management guidance to the Regional Offices and coordinates with the Regions on individual State problems relating to Utilization Control (UC). Responsible for consultation and technical assistance to the Regional Offices on UC. Develops plans and policies to assure compatability of State Utilization Review (UR) and UC activities with PSRO functions. Represents SRS in inter-agency relationships regarding the PSRO program. Responsible for development, testing, technical advice and consultation to the Regional Offices on the surveillance and utilization review and management and administrative reporting subsystems of the Medicaid Management Information System. Maintains liaison with other related SRS activities and other DHEW agencies concerned with utilization control activities.

Dated: January 24, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-2940 Filed 1-30-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TRUCKS ON INTERSTATE SYSTEM HIGHWAYS

Maximum Weight; Interpretation

Correction

In FR Doc. 1820, appearing at page 3329 in the issue of Tuesday, January 21, 1975, make these changes:

On page 3330, below the signature, the following material at the beginning of the first paragraph and the end of the second and third paragraphs should be italicized:

Construction of the "Grandfather Clause" in 23 U.S.C. 127 As Amended by Section 106(b) of the Federal-Aid Highway Amendments of 1974.

• • • • • • • • • *except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974,* • • •

• • • • • • • • • *except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974.*

• • • • •

Federal Highway Administration

OUTDOOR ADVERTISING AND JUNKYARD CONTROL PROGRAMS

Federal-Aid Highway Amendments of 1974

1. *Purpose.* The FHWA hereby gives notice of amendments to the Highway Beautification Act of 1965 regarding compliance with the outdoor advertising and junkyard control programs and indicates interim changes in existing FHWA procedures necessitated thereby, pending the publication of revised rules.

2. *Background.* The Federal-Aid Highway Amendments of 1974 include the following amendments to the Highway Beautification Act of 1965 relating to outdoor advertising and junkyard control:

a. *Outdoor Advertising Control.* (i). Section 131(b) of Title 23, U.S.C., is amended by inserting after "main traveled way of the system" the following:

and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way. • • •

This language was originally proposed by the House Committee on Public Works. In explaining this amendment, the House report [H.R. No. 93-1567, 93d Cong., 2d Sess. 4 (1974)] states:

Extending controls to include such signs outside of urban areas is necessary to prevent the mushrooming of giant billboards which are being erected beyond the present 660 feet limit to circumvent the intention of the Beautification Act. In determining whether State controls over signs located beyond 660 feet from the right-of-way are in compliance with the requirements of this bill the Committee believes that the Secretary should be able to exercise a certain amount of discretion and flexibility. For instance, he might approve a State law which extended controls to a specified distance beyond 660 feet, if it could be demonstrated that such a limit, combined with restrictions on the size of signs, would in effect eliminate the possibility of signs being visible, and erected with the purpose of being read, from the main-traveled ways of the controlled roadway.

The effect of this amendment is that the States do not have to literally track the language of the Federal amendment to comply as long as the intent of the legislation is achieved.

An "urban area" as defined in Section 101 of Title 23, U.S.C., is governing for the purpose of this amendment.

(ii) Section 131(c) has similarly been amended to extend control beyond 660 feet by the following language:

and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way.

Thus, the States will have until July 1, 1975, or the end of the next legislative session commenced after the effective date of the Federal-Aid Highway Amendments of 1974 (January 4, 1975), whichever is later, to adopt controls for signs which fall into the new category.

(iii) Section 131(c) is further amended to add the following category of permitted signs:

(4) Signs lawfully in existence on October 22, 1965, determined by the State, subject to approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purpose of this section.

This language was originally proposed by the Senate Committee on Public Works. In explaining this amendment, the Senate Report [S. 93-1111, 93d Cong., 2d Sess. 14 (1974)] states:

While a major objective of the highway beautification program is the control of outdoor advertising; including the removal of billboards, there are some types of outdoor advertising of a unique character that justify preservation. Some firms advertise their products or services exclusively with signs painted on the sides of rural barns. Others have their messages displayed on rocks in natural settings. Some of this advertising has been utilized for many years and has become a part of the American folk heritage.

Under the Highway Beautification Act, signs of a particular artistic or historic character, including those of such character on barns and natural surfaces, are not differentiated from the majority of outdoor advertising which the Act is intended to control. The bill, therefore, authorizes the Secretary to exempt from removal those types of signs if they were erected before October 22, 1965.

(iv) Section 131(g) is amended by striking out the first sentence and inserting the following:

Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law.

This language was proposed by both the House and Senate Public Works Committees except that the Senate bill would have been limited to signs lawfully erected under State law "prior to the date of enactment of the Federal-Aid Highway Amendments of 1974." Both the House and the Senate reports explain this amendment. The House report states:

Third, subsection (g) of section 131 would be amended to assure that just compensation will be paid for all signs required to be removed which were lawfully erected under State law. This amendment would eliminate the previous ambiguities by assuring that all lawfully erected signs will be treated alike.

The Senate report states in further detail:

Another significant provision of the Committee bill would provide compensation for those signs lawfully erected under State law after October 22, 1965, and before January 1, 1968. This is the so-called 'hiatus period' in the beautification program, which has resulted in some severe hardship to the States and to sign owners.

Present law limits signs eligible for Federal participation in compensation payments to those lawfully in existence on October 22, 1965, or which were lawfully erected after January 1, 1968. A problem has risen because of a misunderstanding over the meaning of the term 'lawfully erected.' The Committee feels that fairness requires that the test of whether a sign was 'lawfully erected' after October 22, 1965, and prior to the enactment of this Act is State, not Federal law, and if signs were lawful under State law during this period, just compensation should be paid for them.

Unless Federal participation is available to help compensate for removal of these signs, some States could be faced with an unduly heavy burden of paying 100 percent of the cost of removal of signs erected after 1985. In other States, signs erected after 1965 may not be removed because the State law provides that no sign need be removed to comply with the Highway Beautification Act of 1965 unless Federal participation is available for compensation for removal.

The effect of this amendment is to provide just compensation for all signs which become nonconforming and subject to removal under State law enacted for the purpose of complying with the

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Highway Beautification Act. It does not provide compensation for signs which are illegal under State law.

(v) Originally the House and Senate bills had proposed amendment to section 131(d) to cover the extended control area. The Conference Report on S. 3934 [H.R. 93–1622, 93rd Cong. 2d Sess. 21 (1974)] states that the House amendment would have amended section 131 (d) "• • • to assure that outdoor advertising in areas zoned industrial or commercial will be permitted in the extended control zone."

It is significant to note that section 131(d) was not amended. Therefore, signs may continue to be permitted in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way adjacent to Interstate and Primary Systems. However, signs may not be permitted in commercial and industrial areas in the extended control area beyond 660 feet outside of urban areas. As a result, no State/Federal agreement executed pursuant to Section 131(d) will require amendment.

b. *Junkyard Control.* Section 136(j) of Title 23, U.S.C., is amended by striking out the first sentence and inserting in lieu thereof the following:

(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law.

The effect of this amendment is to remove the so-called "hiatus period" in the same manner as the corresponding amendment to section 131(g) on outdoor advertising control.

c. *Authorization for Appropriations.* The Act authorized the appropriation of $50 million for outdoor advertising control, $15 million for junkyard control, and $10 million for landscaping and scenic enhancement for fiscal year 1975 out of general funds in the Treasury.

These funds are available under the same rules as Federal-aid primary highway funds which means that they continue to be available for a period of 2 years after the close of the fiscal year for which they are authorized.

3. *Action.* a. Guidelines and other changes required by the 1974 amendments will be incorporated in revised directives.

b. Landmark signs are permitted provided they were lawfully in existence on October 22, 1965. States electing to permit this type of sign by appropriately amending State legislation or State rules and regulations may submit a one-time list to FHWA for approval. The list shall identify the sign as being in the 1966 inventory. In the event a sign was omitted in the 1966 inventory, the State may submit other evidence to support a determination that the sign was in existence on October 22, 1965. States not electing to permit this type of sign are requested to submit a negative statement.

c. A majority of States will require amended State legislation to comply with the Federal-Aid Highway Amendments of 1974. Each State is urged to seek amendments, if needed, in the following areas during the 1975 regular legislative session:

(i). Control beyond 660 feet,

(ii). Removal and compensation authority for signs and junkyards lawfully erected or established after October 22, 1965, and before January 1, 1968, or the effective date of State compliance legislation, whichever was later,

(iii). Removal and compensation authority for signs lawfully erected beyond 660 feet outside of urban areas,

(iv). Authority to allow landmark signs to remain provided they were lawfully in existence on October 22, 1965.

d. Each State is requested to update its 1966 sign inventory and cost estimate and advise FHWA no later than May 31, 1975. The data should be broken down into the following categories:

(i). Number of and cost to remove remaining nonconforming signs in the State prior to the 1974 amendments.

(ii). Number of and cost to remove signs erected in the so-called "hiatus period."

(iii). Number of and cost to remove signs erected beyond 660 feet outside of urban areas.

The cost of the above-mentioned inventory is eligible for Federal reimbursement. Illegal signs should not be included. Detailed data which parallels the 1966 inventory and identifies the signs covered above should be retained in the division office and State files. It is suggested that each State which does not presently control signs beyond 660 feet outside of urban areas develop a reporting system to identify signs erected in such areas in the interim period between this inventory and the passage of amendatory State legislation.

Signs erected by a sign owner before the passage of a State amendment and after January 5, 1975, beyond 660 feet, are deemed to be erected with the knowledge that the law will require removal after July 1, 1975, or the end of the next State legislative session after January 4, 1975. These signs will be considered on the basis that the owner knew and expected this change in the legality of the site for outdoor advertising purposes and may not have acted in good faith.

e. Upon receipt of additional fiscal year 1975 obligational authority from OMB, funds will be allocated and obligational authority released to the States in accordance with existing procedures on State requests for funds.

Effective date. This notice will become effective on the date it is issued.

Issued on: JANUARY 23, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75–2876 Filed 1–30–75;8:45 am]

APPLICATION OF AIR QUALITY GUIDELINES FOR USE IN FEDERAL-AID HIGHWAY PROGRAMS

Indirect Source Review

On December 30, 1974 (39 FR 45014) the Environmental Protection Agency (EPA) amended its regulation relating to the review of indirect sources contained in 40 CFR 52.22(b). 40 CFR 52.22 (b) establishes Federal indirect source review regulations that are applicable in those States that have failed to develop their own indirect source review procedures, as required by 40 CFR 51.18.

The amendment suspended implementation of the Federal indirect source review requirements in § 52.22(b) pending further notice. It also provided that an indirect source that commences modification or construction prior to July 1, 1975, is not subject to the Federal indirect source review requirements.

Federal Highway Administration Air Quality Guidelines, 23 CFR Part 770, provide that preferred project alternatives shall be submitted to the appropriate indirect source review agency for review and approval where required by EPA regulations, 40 CFR 51.18. Until Federal indirect source review requirements are promulgated by EPA, the provisions of the Federal Highway Administration Air Quality Guidelines relating to review and approval by indirect source review agencies can only be applied in States that have their own approved indirect source review regulations. Currently, these States include Alabama, Florida, North Carolina, Kentucky, Washington, and the territory of Guam.

Issued on: January 23, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75–2877 Filed 1–30–75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Joint Meeting of Highway Environment and Vehicle Subcommittees

On February 18 and 19, 1975 the Highway Environment and Vehicle Subcommittees of the National Highway Safety Advisory Committee will hold open meetings at the DOT Headquarters Building, 400 Seventh Street, SW, Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

On February 18 at 9 a.m. in room 4234 of the DOT Headquarters Building the Highway Environment and Vehicle Subcommittees will meet with the following agenda:

Roadside Safety Projects as a Public Works Program
Improving Roadside Safety Before Expanding New Highway Construction
Briefing on "The Yellow Book Road" Report on Implementation of Roadside Safety Programs
Briefings and Reports on Large Truck Safety Research and Statistics
Discussion of Proposed Legislation to Delete Increase in Truck Weights Allowed by Federal-Aid Highway Amendments of 1974
Discussion of National Uniform Limits for Truck Size and Weight

On February 19 beginning at 9 a.m. in room 4234 the Highway Environment and Vehicle Subcommittees will meet with the following agenda:

Overview of Federal Highway Administration's Three Plus Highway Safety Standards and Possible Modification Thereof:
Identification and Surveillance of Accident Locations;
Highway Design, Construction and Maintenance;
Traffic Engineering Services; and
The Engineering and Traffic Control Devices Portions of the Pedestrian Safety Standard
Old Business/New Business

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW, Washington, D.C. 20590, telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: January 28, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75–3018 Filed 1–30–75;8:45 am]

National Highway Traffic Safety Administration

EFFECTIVE DATE OF HYDRAULIC BRAKE SYSTEMS STANDARD

Notice of Public Meeting

This notice announces that the National Highway Traffic Safety Administration will hold a public meeting to permit interested persons to present oral and written views on petitions for postponement of the September 1, 1975, effectiveness of Standard No. 105–75, *Hydraulic brake systems.*

Standard No. 105–75 was published as a final rule on September 2, 1972 (37 FR 17970), to upgrade passenger car braking performance and to establish minimum braking performance standards for multipurpose passenger vehicles, trucks, and buses. Several amendments of the standard have been made since that date in response to petitions and comments of interested parties.

The NHTSA has now received petitions for delay or revocation of the standard from Chrysler Corporation, General Motors Corporation, the American Trucking Associations, Ford Motor Company, International Harvester, and Midland-Ross Corporation. These petitions raise issues of the standard's reasonableness, its possible inflationary effects, and added vehicle weight in the heavier vehicle categories. These petitions appear in the Public Docket, Room 5108, 400 Seventh Street SW., Washington, D.C. In the interest of furthering the prompt resolution of these petitions, the NHTSA has scheduled a public meeting at which the issues raised by these petitions and other issues that bear on the advisability of delay or cancellation of the standard can be addressed.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Vern Bloom, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (telephone 202–426–2153), before February 10, 1975, so that limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street SW., Washington, D.C., approximately 3 days after the meeting.

The meeting will be held at the Departmental Auditorium, Constitution Avenue NW. (between 12th and 14th Streets), Washington, D.C. The meeting will be in session from 8:30 a.m. to 5 p.m. on February 11, 1975, and, depending on the requests for time, during the same hours on February 12, 1975.

The Department of Transportation regrets the administrative delays which resulted in less than the usual 15 days notice for this meeting.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 29, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75–3086 Filed 1–30–75;8:36 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26348; Order 75–1–35]

INSTITUTIONAL CONTROL OF AIR CARRIERS

Procedures for Investigation

Correction

In FR Doc. 75–1322 appearing at page 2745 in the issue for Wednesday, January 15, 1975, add the following phrase to the second line of the first paragraph: ", on the ninth day of January, 1975."

[Docket No. 26494; Order 75–1–67]

JOINT TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to South Pacific Air Fares Agreement

Correction

In FR Doc. 75–1769 appearing at page 3330 in the issue for January 21, 1975, the following statement should appear at the beginning of the text: "Issued under delegated authority January 14, 1975."

[Docket Nos. 25280, 25513, 26494; Agreements C.A.B. 24006 R–15, 24024 R–5, 24233 R–6, 24265 R–5; Order 75–1–104]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Currency Matters Over and Within North/Central Pacific; Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of January, 1975.

By a petition filed December 19, 1974, Japan Air Lines Company, Ltd. (JAL) requests reconsideration of Order 74–11–153 (November 29, 1974), which disapproved several agreements among the carrier members of the International Air Transport Association (IATA) providing for a 3 percent surcharge on westbound North/Central Pacific passenger fares and cargo rates paid in United States dollars.[1]

In support of its petition, JAL contends that the Board used an arbitrary yen/dollar exchange rate (October 12, 1974) as the current exchange rate for comparison with the monthly average exchange rate from January 1, 1972 through February 12, 1973, whereas the current average exchange rate since the 1973 devaluation should be used as long as the rate continues to fluctuate since the impact of devaluation is felt over time and not on a single day; that the Board has drawn erroneous conclusions from data previously submitted by JAL in support of the surcharge; and that a correct interpretation of JAL's position demonstrates that the surcharge is still warranted. JAL states that its previous submissions reflected revenues and expenses only from passenger service and all-cargo operations, and excluded belly cargo carried in combination service. JAL's total revenues earned in the United States from April 1973 through March 1974 were $116,612,000 while expenses were $75,252,000, for a margin of $41,360,000 or 12,489,000,000 yen at the pre-devaluation exchange rate of 301.96 yen=$1.00.[2] At the post-devaluation rate

[1] The Flying Tiger Line Inc. filed an answer in support of JAL's petition on December 31, 1974.

[2] Monthly average of the official Rate of Exchange from January 1, 1972 through February 12, 1973.

V40122 JAN31 75 XUM

of 279.528 yen=$1.00,[3] this margin was reduced to 11,561,000,000 yen, for a net decline in JAL's profit position of 927,000,000 yen. This would require $3,320,000 in additional revenue at the average post-devaluation exchange rate. The three percent surcharge produces $3,382,000 in additional revenue, only $62,000 in excess of that required to offset the effects of devaluation. JAL contends that a slight fluctuation in revenues, costs, or exchange rates could easily erase that excess.[4]

Upon full consideration of JAL's petition, and all other relevant factors, the Board has concluded to deny the petition. The Board is unable to concur in JAL's exclusive use of monthly averages of the yen/dollar exchange rate. The currency surcharges in various world areas were adopted by IATA as a direct result of the February 1973 devaluation of the U.S. dollar, at a time when the dollar was worth considerably less relative to most other currrencies than before devaluation. Accordingly, more dollars were necessary to purchase the same transportation value. The surcharges were approved by the Board on this basis. When current exchange rates indicate that the dollar has regained most of its previous value vis-a-vis a particular foreign currency, there is no longer justification for continuing a surcharge on dollar fares from the U.S. to that country. This is now the case with Japan.

Even accepting, arguendo, JAL's use of average exchange rates for the years preceding and following devaluation, its revenues and expenses from April 1973 through March 1974 indicate that it has already more than recouped through the surcharge the decline in its annual yen profit attributable to devaluation. Based on current exchange rates the windfall to JAL would be even greater. Moreover, JAL has apparently ignored the effects of the recently approved four percent increase in yen fares and rates from Japan to the U.S., adopted as a result of the recent depreciation of the yen.[5]

Accordingly, it is ordered, That:

The petition of Japan Air Lines Company, Ltd. for reconsideration of Order 74–11–153 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–2943 Filed 1–30–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

TEXAS STATE ADVISORY COMMITTEE

Meeting; Change of Date and Place

The meeting of the Texas State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for February 1–2, 1975 has been changed to February 2, 1975 and at the Villa Capri changed to the Sheraton-Crest Inn Room 206, 111 East First Street, Austin, Texas 78701. The notice referred to was previously published on page 3033 in the FEDERAL REGISTER on Friday, January 17, 1975 (39 FR Doc. 75–1623).

Dated at Washington, D.C. on January 28, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–3028 Filed 1–30–75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Additions

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on December 24, 1974 (39 FR 44485).

Pursuant to the above notice the following commodities are added to the Procurement List.

Pen, Stick-Type, Ballpoint with Imprinting (IB)		Price
RAD 19019	doz	$0.74
RAD 19022	do	0.74

By the Committee.

E. R. ALLEY, JR.,
Acting Executive Director.

[FR Doc.75–2926 Filed 1–30–75;8:45 am]

PROCUREMENT LIST 1975

Additions

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on December 10, 1974 (39 FR 43102).

Pursuant to the above notice the following commodities are added to the Procurement List.

Strap, Tie, Mail Carrier's, Nylon (IB)		Price
D–1216AX	Each	$0.392
D–1216BX	do	0.415
D–1216CX	do	0.515

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–2927 Filed 1–30–75;8:45 am]

PROCUREMENT LIST 1975

Deletions

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on November 22, 1974 (39 FR 40973).

Pursuant to the above notice the following commodities and service are deleted from the Procurement List.

CLASS 7210

MATTRESS (IB)
Cotton-Felt
7210–00–205–3574
7210–00–205–3575
7210–00–205–3576
7210–00–205–3579
7210–00–252–9628
7210–00–274–3780
7210–00–205–3581
7210–00–531–6477
7210–00–205–3906
7210–00–205–3907
7210–00–253–4649
7210–00–253–4648
7210–00–205–3904
7210–00–205–3905
7210–00–205–3902
7210–00–205–3900
Innerspring
7210–00–205–3535
7210–00–551–5497
7210–00–205–3488
7210–00–205–3489
7210–00–205–3490
7210–00–205–3893
7210–00–680–0938
7210–00–205–3894
7210–00–205–3899
7210–00–716–0500
7210–00–274–7001
7210–00–205–3485
7210–00–531–6480
7210–00–205–3532
7210–00–205–3454
7210–00–205–3455
7210–00–269–0198
7210–00–205–3915
7210–00–205–3916
7210–00–205–3913
7210–00–205–3896

INDUSTRIAL CLASS 8231

Lending Library (CP)
50 States, Washington, D.C., and the Commonwealth of Puerto Rico (Domestic Portion Only)

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–2925 Filed 1–30–75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from January 20 through January 24, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 17, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250, (202) 447–3965.

FOREST SERVICE

Final

Proposed Land Exchange, Superior N.F., St. Louis, Lake, and Cook Counties, Minn., January 23: Proposed is an exchange of lands between the Inland Steel Company and the Federal government. Inland Steel would receive 3,080 acres of National Forest lands, which would be used for overburden waste dumps and a tailings basin for its taconite mining operation. The Forest Service would receive 6,500 acres, which will aid in Forest consolidation (81 pages). Comments made by: DOT, EPA, ISDA, and state agencies. (ELR Order No. 50110.)

SOIL CONSERVATION SERVICE

Draft

Twenty-five Mile Stream Watershed Project, several counties in Maine, January 20: The statement refers to watershed protection and flood prevention in Waldo, Kennebec, Penobscot and Somerset Counties, Maine. The project provides for accelerating the installation of land treatment measures, the construction of structural measures, and channel enlargement and realignment. The project will reduce flood frequency and lower ground water table on about 800 acres of wetland. (ELR Order No. 50102.)

Final

Indian Creek Watershed, Lapeer, Sanilac, and Tuscola Counties, Mich., January 24: The statement refers to a project which is intended to provide watershed protection, flood prevention, and improved drainage on lands of the Indian Creek Watershed. Project measures will include land treatment and multiple—purpose channel work. Impact will include the conversion of 220 acres of grassland—brushland wildlife habitat to cropland, and the conversion of 17.1 acres of forest to grassland (117 pages). Comments made by: COE, HEW, DOI, DOT, EPA, AHP, FPC, GLBC, and one state agency. (ELR Order No. 50114.)

Chicod Creek Watershed (2), Pitt, and Beaufort Counties, N.C., January 20: The revised statement refers to a watershed protection project on the Chicod Creek Watershed. Project measures will include land treatment; 66 miles of stream channel work; two wildlife wetland preservation areas; one warmwater impoundment; eleven rock structures; 30 watercontrol structures; and 10 sediment traps. Adverse impact will include the commitment of 76 acres of cropland, 140 acres of upland forest; and 360 acres of hardwood wildlife habitat to project measures; and the reduction of carrying capacity on 657 acres of wetland habitat and 14 miles of stream fishery (four volumes). Comments made by: DOC, HEW, COE, USCG, EPA, DOI, and state and local agencies and concerned citizens. (ELR Order No. 50099.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967–4335.

Draft

Proposed NOAA Western Regional Headquarters, King County, Wash., January 22: The National Oceanic and Atmospheric Administration (NOAA) proposes to construct a Western Regional Headquarters facility on a 100-acre site in the northwest portion of the 312-acre former Sand Point Naval Air Station, Seattle. Facilities would include research laboratories, administrative offices, storage facilities, a Weather Service forcast office, a cafeteria and auditorium. Approximately 1,100 parking spaces will be needed. Adverse impacts will result from dredging and construction activities (86 pages). (ELR Order No. 50109.)

Interim Convention on Conservation of N. Pacific Fur Seals, January 24: The statement refers to the renegotiation of the present Interim Convention on Conservation of North Pacific Fur Seals. The United States intends to negotiate a new convention which will essentially continue the present management arrangements and amend the management objectives, as stated in the Convention, to provide for the maintenance of the health and stability of the marine ecosystem and in other ways bring the language of the Convention into conformity with the Marine Mammal Protection Act of 1972. (ELR Order No. 50130.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693–7168.

Draft

Provincetown Harbor Permit Application, Massachusetts, January 22: The statement refers to the reinstatement of a suspended permit to the Cee-Jay Corporation for the construction and maintenance of a steel sheet pile, solid fill pier, floats, mooring piles and floating breakwater. An irregularly shaped area 1400'×530' will be dredged to a depth of 14.0 MLW. The production of the marine organisms in the area to be dredged (17 acres) will be altered and will be eliminated in the fill area (3.5 acres). Structures on the marina will pose an aesthetic change to the waterfront area (Waltham District). (ELR Order No. 50106.)

Freeport Harbor Maintenance Dredging, Brazoria County, Tex., January 20: Proposed is the widening and deepening of Freeport Harbor, Texas, by periodic removal of shoal deposits from the harbor. Dredge material will be deposited in leveed land areas and in the Gulf of Mexico. Adverse impacts include removal of bottom dwelling organisms, destruction of vegetation used for fishery resource habitat, high localized turbidity, and objectionable odors from land disposal operations (Galveston District). (ELR Order No. 50103.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Earnest E. Sligh, Director, Environmental Impact Division, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C., (202) 961–6214.

Draft

Coal Conversion Program, January 24: The statement analyses FEA's proposed strategy for the implementation of the Energy Supply and Environmental Coordination Act of 1974. The eis presents the methodology by which major fuel burning installations will be selected to receive an order prohibiting the use of natural gas or petroleum products as the primary energy source. The procedures which may be used are described, along with the impacts associated with differing degrees of program implementation. Impacts of the proposal include those generally associated with coal burning, and vary in degree from site to site: 1) temporary increases in air pollution emissions; 2) increases in solid waste generation; 3) potential increases in land requirements; 4) increases in water pollution; 5) increases in coal mining, processing, and transport. The statement deals with the overall program impacts rather than those of specific sites. In order to give the agency more time to review comments received on the draft, and in order to meet the statutory deadline for agency action by June 30, 1975, the Council has granted the agency's request for a waiver of a portion of the thirty day waiting period on the final statement. The waiting period after the final statement will be twenty rather than thirty days. (ELR Order No. 50116.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343–4161.

Draft

Alabama Army Ammunition Plant Disposal, Talladega County, Ala., January 21: Proposed is the disposal of 1354 acres of land at the Alabama Army Ammunition Plant, Childersburg, Alabama. Disposal will be by negotiated sale to the Kimberly-Clark Company. The statement indicates that conveyance of the property would result in significant lessening of the impacts on the area with respect to air and water pollution. (ELR Order No. 50105.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240 (202) 343–3891.

BUREAU OF LAND MANAGEMENT

Final

Livestock Grazing on National Resource Lands January 23: The statement analyzes the livestock grazing management program on lands administered by the BLM. The analysis includes the improvement of rangeland conditions for watersheds and wildlife habitat, and provision of a sustained yield of livestock forage consistent with environmental protection and enhancement. About 20,000 livestock operations and 13 million animal unit months annually are involved. Among the impacts of the program are continued competition for forage among livestock, wildlife, and wild horses and burros; and the effects of fence, water facility, and land treatment developments (3 volumes). Comments made by: USDA, EPA, ASC, DOI, and state agencies. (ELR Order No. 50108.)

Phoenix-Tucson Transmission Lines, Maricopa, Pinal, and Pima Counties, Ariz., January 20: The statement refers to the proposed granting of rights-of-ways across Federal and Indian lands for the purpose of constructing two 345 kV transmission lines from Phoenix to Tucson. The lines would extend the power distribution system from the

[3] Monthly average of the official Rate of Exchange from February 13, 1973 through October 1974.

[4] In further support of its petition, JAL reiterates arguments advanced in a previous motion to stay the effectiveness of Order 74–11–153. These points have been adequately dealt with in Order 74–12–51 (December 13, 1974) denying JAL's motion to stay, and will not be treated herein.

[5] As noted in Order 74–11–153 approving the four percent increase from Japan, the second-round fuel-related increase in North/Central Pacific fares was limited to three percent to/from Japan because of the currency situation at that time, while other fares were increased by seven percent. Thus, the four percent increase in yen fares realigned yen fares with the general level of Pacific fares based on current exchange relationships.

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Navajo Generating Plant. Impacts of the action would include intrusion into a wild area; possible loss or degradation of archeological artifacts; and intrusion and possible negative effects to Indian cultural values (241 pages). Comments made by: DOI, USDA, DOT, COE, USCG, HEW, FPC, HUD, AHP, EPA, and state and local agencies. (ELR Order No. 50104.)

Fort Mohave Land Transfer, Clark County, Nev., January 24: The statement refers to the proposed transfer of 9,000 acres of public domain adjacent to the Colorado River to the Colorado River Commission of Nevada. Several alternative uses of the land are evaluated, including high and low density development, retention of the flood plain in public ownership, and no action, among others (280 pages). Comments made by: DOI, AEC, EPA, DOC, and state and local agencies and concerned citizens. (ELR Order No. 50111.)

BUREAU OF RECLAMATION

Final

Unit 2, Huntington Canyon, and Transmission Line, Emery County, Utah, January 24: Proposed is Federal approval, (because of the terms of a water sale contract), for the addition of a 415 MW coal burning generating unit to the Utah Power & Light Co.'s Huntington Station. There will also be 75 miles of 345 kV transmission line constructed in conjunction with the plant. Operation of the unit would require an additional 1.4 million tons of coal annually from Deer Creek Mine. There will be emissions of particulates, sulfur dioxide. The transmission lines will interfere with deer and elk range lands. Comments made by: AHP, USDA, DOC, EPA, FPC, DOI, DOT, AEC, HEW, TVA, and state agencies and concerned citizens. (ELR Order No. 50113.)

NUCLEAR REGULATORY COMMISSION

Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, NRC, Washington, D.C. 20545, (301) 973-7373.

Draft

Skagit Nuclear Project, Units 1 and 2, Skagit County, Wash., January 22: Proposed is the issuance of construction permits to four power utilities for the joint construction of a two unit plant. Each unit will employ a boiling water nuclear reactor with maximum expected thermal power levels of 4100 MWt. At the initial 3800 MWt power level, the net electrical capacity of each unit will be 1288 MWe. Exhaust steam will be cooled by hyperbolic-natural draft towers, with makeup water drawn from the Skagit River. Approximately 1750 acres of forested and agricultural land will be removed from production; 380 acres of this land will be diverted to industrial use. (ELR Order No. 50107.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Chesapeake Municipal Airport, Virginia, January 20: The statement refers to the construction of a new general aviation airport to serve the city of Chesapeake and other Tidewater communities. First-stage construction consists of a paved runway and parallel taxiway, paved apron, hangar space, and medium intensity lighting. Adverse impacts are increased noise pollution, some displacement of wildlife from the 140 acres to be cleared, and lowering of the ground water tables. Comments made by: EPA, DOI, DOT, DOC, HEW, and State agencies. (ELR Order No. 50100.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-88, Schenectady and Albany Counties, Supplement, Schenectady and Albany Counties, N.Y., January 24: The statement is a draft supplement to a final statement submitted to CEQ June 26, 1972. Proposed is the construction of an 18-mile segment of I-88 from the Schoharie-Schenectady County line to the New York State Thruway (I-90). The number of families and businesses displaced varies with alternative. 4(f) determinations are necessary concerning the Duane Mansion, the Dellamont-Wemple House, and Quaker Street Hamlet (3 volumes). (ELR Order No. 50115.)

Final

Tehama Bridge, Aramayo Way, F.A.S. 1079, Tehama County, Calif., January 24: Proposed is the replacement of the Tehama Bridge on Aramayo Way, F.A.S. Route 1079. Depending upon the alternative chosen, the project will require between one and seven acres of right of way, and the displacement of a small number of mobile homes. Between 0.42 and 1.56 miles of new roadway would be constructed. Comments made by: USDA, DOI, and state and local agencies and concerned citizens. (ELR Order No. 50112.)

Monroe Bypass, STH 11, Green County, Wis., January 20: The project involves the completion of a northerly bypass of the city of Monroe in Green County. The project length is 4.8 miles. Adverse impacts include the use of 226 acres of land, temporary stream sedimentation, increased air pollution, and normal negative impacts, associated with construction (64 pages). Comments made by: DOI, EPA, HEW, and state agencies. (ELR Order No. 50101.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-2922 Filed 1-30-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 329-1]

AMERICAN CYANAMID CO.

Extension of Temporary Tolerances

American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, was granted temporary tolerances for residues of the herbicide difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl - 1*H* - pyrazolium methyl sulfate) (formerly 1,2-dimethyl-3,5-diphenylpyrazolium methyl sulfate) in or on the raw agricultural commodities barley straw at 0.5 part per million and in or on barley grain and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million (negligible residue) on May 8, 1974, in connection with Pesticide Petition No. 4G1453 (notice was published in the FEDERAL REGISTER of May 15, 1974 (39 FR 17346)). These temporary tolerances expire May 8, 1975.

The company has requested a 1-year extension of the temporary tolerances for residues of the herbicide in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million (negligible residue) and at higher levels of 20 parts per million in or on barley straw and 0.2 part per million in or on barley grain to obtain additional experimental data.

It is concluded that such extension of the temporary tolerances will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the American Cyanamid Co. name.

These temporary tolerances expire January 24, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: January 24, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2964 Filed 1-30-75;8:45 am]

[FRL 329-4]

DIAMOND SHAMROCK CHEMICAL CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1572) has been filed by Diamond Shamrock Chemical Co., 1100 Superior Avenue, Cleveland, OH 44114, proposing establishment of tolerances (40 CFR Part 180) for the combined residues of the herbicide cisanilide (*cis*-2,5-dimethyl-*N*-phenyl-1-pyrrolidinecarboxamide) and its phenyl urea-containing metabolites (calculated as cisanilide) in or on the raw agricultural commodities field corn fodder and forage at 1.0 part per million; field corn grain at 0.1 part per million (negligible residue); and in eggs; milk; and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure in which aniline is derivatized with trichloroacetyl chloride to trichloroacetylaniline, which is determined by an electron-capture detector.

Dated: January 27, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-2962 Filed 1-30-75;8:45 am]

[FRL 329-3]

NATIONAL CANNERS ASSOCIATION

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5072) has been filed by the National Canners Association, 1133 20th Street, NW., Washington, DC 20036, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide toxaphene (chlorinated camphene containing 67-69 percent chlorine) in dried tomato pomace for livestock feed at 100 parts per million when present therein as a result of application of the fungicide to tomatoes.

Dated: January 27, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-2963 Filed 1-30-75;8:45 am]

[FRL 321-7]

RENEWAL OF ADVISORY COMMITTEES SCHEDULED TO TERMINATE JANUARY 5, 1975

Certification Notice

Pursuant to section 7(a) of OMB Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the following nonstatutory advisory committees is in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law. Charters are on file at the Library of Congress continuing these committees for the periods indicated below, unless otherwise sooner terminated.

Air Pollution Chemistry and Physics Advisory Committee (2 years)
Environmental Radiation Exposure Advisory Committee (2 years)
National Air Pollution Manpower Development Advisory Committee (1 year)
President's Advisory Committee on the Environmental Merit Awards Program (2 years)

RUSSELL E. TRAIN,
Administrator.

JANUARY 27, 1975.

[FR Doc.75-2966 Filed 1-30-75;8:45 am]

[FRL 329-2]

VOLUNTARY SELF-CERTIFICATION PROGRAM FOR CERTAIN AFTERMARKET PARTS

Extension of Comment Period on Advance Notice of Proposed Guidelines

Several requests for an extension of comment period for the proposed self-certification program for automotive after-market parts (39 FR 40192 (1974)) have been received by the Agency. In view of the importance of this program to the automotive industry and the relatively short original comment period, this request has been viewed favorably. Therefore, the comment period for the proposed program is hereby extended two (2) months from the original January 31, 1975, deadline.

Additional comments received from persons who have previously submitted comments will be treated as being supplementary to or superseding earlier comments, as desired by the person commenting. Comments should be addressed to: Mobile Source Enforcement Division (EG-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. They should reach the Agency no later than March 31, 1975.

Dated: January 27, 1975.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.75-2965 Filed 1-30-75;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD. AND EVERETT ORIENT LINE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 10, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

D. J. Morris
Assistant Director of Pricing
American President Lines
601 California Street
San Francisco, California 94108

Agreement No. 10094-1, between American President Lines, Ltd. and Everett Orient Line, modifies Article 1 of the basic agreement by adding Singapore as a transshipment port.

By Order of the Federal Maritime Commission.

Dated: January 28, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2035 Filed 1-30-75;8:45 am]

NEW ZEALAND RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 10, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street, NW
Washington, D.C. 20036

Agreement No. 9831-2, among the member lines of the New Zealand Rate Agreement, modifies the approved basic agreement by expanding the ports of discharge under the agreement to include ports in Puerto Rico and the Virgin Islands either direct or via transshipment, and to provide that whenever the term "United States" is used in the agreement it shall include Puerto Rico and the Virgin Islands.

By Order of the Federal Maritime Commission.

Dated: January 28, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2934 Filed 1-30-75;8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Business Advisory Council on Federal Reports to be held in Room 10103, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on February 27, 1975, at 9:30 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's Report, Membership Committee Report, and Council budget; to hear remarks from the Deputy Associate Director for Statistical Policy; and to receive reports of recent actions by the Office of Management and Budget which affect the burden on business firms of reporting to Federal agencies. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-3730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-2930 Filed 1-30-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI75-102, RI75-103]

SOUTHERN UNION PRODUCTION CO. AND AUSTRAL OIL CO., INC.

Order on Proposed Rate Changes [1]

JANUARY 23, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [1]		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI75-102..	Southern Union Production Co.	3	34	Southern Union Gathering Co. (Rocky Mountain Area).	$16,050	12-27-74	.....	6-27-75	[4] 24.98	[5] 25.48	R174-151.
RI75-103..	Austral Oil Co., Inc.	21	10	Northwest Pipeline Corp. (Rocky Mountain Area).	669	12-30-74	.....	6-30-75	[3] 24.9907	[5] 25.5007	
	....do.....	22	8	....do.....	4,623	12-30-74	.....	6-30-75	[3] 24.9907	[5] 25.5007	
	....do.....	24	9	El Paso Natural Gas Co. (Rocky Mountain Area).	1,748	12-30-74	.....	6-30-75	[3] 24.9907	[5] 25.5007	
	....do.....	[6] 36	9	Northwest Pipeline Corp. (Rocky Mountain Area).	.....	12-30-74	.....	6-30-75	[3] 24.9907	[5] 25.5007	
	....do.....	26	12	El Paso Natural Gas Co. (Rocky Mountain Area).	405	12-30-74	.....	6-30-75	[3] 24.9907	[5] 25.5007	
	....do.....	[6] 37	12	Northwest Pipeline Corp. (Rocky Mountain Area).	.....	12-30-74	.....	6-30-75	[3] 24.9907	[5] 25.5007	

[1] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[3] Rate suspended in Docket No. RI75-16.
[3] Base rate—subject to applicable taxes and Btu adjustment.
[4] Excludes production under supplemental agreement dated Dec. 2, 1968, and filed as Supplement No. 26.
[5] Rate schedule established by Commission order issued Dec. 31, 1974, in Docket No. G-4547, et al., Atlantic Richfield Co., et al.

The proposed rate increases of Southern Union and Austral Oil exceed the applicable area ceiling rate in Opinion No. 658 and are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75-2758 Filed 1-30-75;8:45 am]

[Docket No. E-9046]

MONTAUP ELECTRIC CO.

Refiling of Agreement

JANUARY 28, 1975.

Take notice that on January 17, 1975, Montaup Electric Company (Montaup) retendered for filing, appurtenant to an Application for Rehearing, amendments to a rate schedule for service to the Narragansett Electric Company (Narragansett). The amendments, originally filed on October 1, 1974, were rejected as being contractually barred [1] by Commission Order dated December 18, 1974 in the above-referenced docket. Montaup states that in the event its Application for Rehearing on the Mobile-Sierra issue is denied, the above-mentioned rate schedule (contract) will nevertheless terminate on April 30, 1975 pursuant to contractual notice (dated October 29, 1974), and that Montaup seeks, by this filing, to have the revised rates for service to Narragansett that it originally proposed, made effective subject to refund on May 19, 1975, the same date the rates to other customers filed in this proceeding will become effective subject to refund. Montaup further states that in addition to its retender for filing of the amendatory agreement as previously tendered, it has added a supplement expressly permitting changes in rates by unilateral filing in accordance with Section 205 of the Federal Power Act.

[1] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

Montaup requests that the requirements of § 35.3(a) of the Commission's regulations be waived so as to allow this filing to be tendered more than ninety days before its proposed effective date.

Montaup states that copies of this filing have been sent to Narragansett, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2878 Filed 1-28-75;11:13 am]

[Docket Nos. RP75-16-13 [1] etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND SOUTH JERSEY GAS CO. ET AL.

Notice of Motions and Petitions

In the matter of Transcontinental Gas Pipe Line Corp. and South Jersey Gas Co., Eastern Shore Natural Gas Company and Stauffer Chemical Company (Docket Nos. RP75-16-1, RP75-17-1); Penn Fuel Gas, Inc. and New Jersey Zinc Company (Docket No. RP75-16-4); City of Linden, Alabama, Marengo Corporation, and Gulf States Paper Corporation (Docket No. RP75-16-5); City of Danville, Virginia (Docket No. RP75-16-6); The Commission of Public Works of the City of Laurens, South Carolina (Docket No. RP75-16-7); North Carolina Natural Gas Company and Farmers Chemical Association, Inc. (Docket No. RP75-16-8).

MOTIONS TO REINSTATE PROCEEDING AND TO CONSOLIDATE AND PETITIONS TO INTERVENE OUT OF TIME

JANUARY 27, 1975.

Take notice that on January 17, 1975, South Jersey Gas Company (South Jersey) filed in Docket No. RP75-16-13, pursuant to §§ 1.7, 1.8, and 1.11 of the Commission's rules of practice and procedure (18 CFR 1.7, 1.8, 1.11), a motion to reinstate South Jersey's petition for extraordinary relief and to consolidate that petition with those petitions for extraordinary relief in Docket Nos. RP75-16-1, et al., and to grant South Jersey's petition to intervene out of time in Docket No. RP75-16-1, et al., so that it is made a party in that proceeding, with full rights to have notice of and participate in hearings, to present evidence, cross-examine witnesses, file briefs and participate in oral argument, if any, all as more fully set forth in the motion in this proceeding which is on file with the Commission and open to public inspection.

On October 17, 1974, South Jersey filed a petition for extraordinary relief on behalf of nineteen large firm industrial customers and on November 25, 1974, moved that it be granted interim extraordinary relief pendente lite. On December 23, 1974, interim relief was denied and the case was set for hearing on January 21, 1975. South Jersey states that subsequent to the issuance of the Commission's order, it was able to arrange for the procurement of synthetic natural gas (SNG) and propane-air from three other New Jersey utilities to offset the projected shortfall between its winter supply and its essential firm requirements caused by the greatly increasing curtailments by Transcontinental Gas Pipe Line Corporation (Transco). South Jersey states that the price for such relief was dear but that since it has sufficient gas to meet the firm requirements of its industrial customers and prevent widespread unemployment in its service area, it filed a notice of withdrawal of its petition for extraordinary relief in Docket No. RP75-16-3. By order of January 16, 1975, the Commission stated that this withdrawal would become effective February 6, 1975, and cancelled the hearing thereon.

South Jersey asserts that in withdrawing its petition for extraordinary relief, it believed that if a petitioner could receive natural gas, no matter what the price, it would be ineligible to receive extraordinary relief from curtailment under § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78). However, South Jersey alleges that it now appears that the Commission is willing to consider petitions for extraordinary relief where SNG and other high-priced alternative supplies are available, on the basis that it is unconomical for a petitioner to purchase such supplies.[2] South Jersey submits that the SNG and propane-air which it must purchase during the winter season to offset Transco's curtailment are also extremely uneconomical and will place a tremendous financial strain upon its customers and that since this SNG and propane-air amount to nearly one-seventh of its entire winter sendout, it will increase its systemwide cost of service by $1.05 per Mcf. South Jersey further alleges that while it is not certain at this time how this greatly increased cost will be passed through to its consumers, these purchases of SNG and propane-air may result in residential consumers' paying an increased rate of up to $71 on an average bill over a four-month period.

South Jersey further states that in his initial remarks in Docket No. RP75-16-1, et al., the Presiding Judge stated that it was his tentative disposition to grant extraordinary relief pendente lite to all petitioners, but on condition that all grantees of extraordinary relief pay for the SNG available on a pro rata basis. South Jersey asserts that since it purchased 2.32 million Mcf of SNG and propane-air to avoid extraordinary relief, the issue of whether these other grantees should be forced to pay their pro rata share of South Jersey's cost of these purchases should also be considered in these proceedings. South Jersey avers that since the issue of whether extraordinary relief from Transco's curtailment plan is necessary because the purchase of SNG or propane air would be uneconomical to the ultimate end-user is common to South Jersey's petition and the petitions in Docket No. RP75-16-1, et al., and since the issue of whether grantees of extraordinary relief should pay on a pro rata basis for all SNG available to avoid extraordinary relief are common issues to both South Jersey's petition and the other mentioned petitions, it is appropriate to consolidate these proceedings.

South Jersey states that it is aware that the proceedings are already under way in Docket No. RP75-16-1, et al., but that it has been advised that they will go on for several more days. South Jersey is willing to present testimony and evidence in support of its position after other petitioners have presented their cases. Therefore, South Jersey requests an immediate hearing, at least as to its request for relief pendente lite, so that an initial decision could still be issued within the same timetable set for the Presiding Judge's decision in Docket No. RP75-16-1, et al. South Jersey states that in view of the common facts and issues involved in all of these petitions for extraordinary relief, it submits that such a procedure is in keeping with administrative common sense and at the same time could provide expeditious relief to all petitioners, including South Jersey.

[1] South Jersey Gas Company's motion and petition were filed originally in Docket No. RP75-16-3; however, said motion and petition have been given the new docket number RP75-16-13.

[2] South Jersey cites the Commission's order issued January 9, 1975, in Docket No. RP75-16-1, *et al.*

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Further, South Jersey states that since any grant of extraordinary relief to the petitioners in Docket No. RP75–16–1, et al., may adversely affect South Jersey's gas supply, South Jersey has a vital interest in these proceedings which cannot be adequately represented by any other party. South Jersey states that it is willing to take the record as it stands in this case and submits that its participation herein will not unduly delay or hinder these proceedings.

Take further notice that on January 20, 1975, Kerr Glass Manufacturing Corporation, Certain-Teed Products Corporation, Owens-Illinois, Inc., Star City Glass Company, Anchor Hocking Corporation, and Johns-Manville Fiber Glass, Inc., each being customers of South Jersey, filed in Docket No. RP75–16–13, pursuant to §§ 1.7, 1.8, and 1.11 of the Commission's rules of practice and procedure (18 CFR 1.7, 1.8, 1.11), motions to reinstate South Jersey's petition for extraordinary relief and to consolidate that petition with those petitions for extraordinary relief in Docket No. RP75–16–1, et al., and to grant each company's petition to intervene out of time in Docket No. RP75–16–1, et al., all as more fully set forth in the motions in this proceeding which are on file with the Commission and open to public inspection. Each company essentially asserts the same allegations set forth in South Jersey's motion.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said motions should on or before February 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2879 Filed 1–28–75;11:13 am]

FEDERAL POWER COMMISSION

[Docket No. CP73–30]

LONE STAR GAS CO.

Order to Answer Complaint

JANUARY 21, 1975.

By order of November 2, 1973, the Commission granted, pursuant to section 7(b) of the Natural Gas Act, permission for and approval of the abandonment of certain facilities in the Aylesworth Southeast Field Area, Bryan County, Oklahoma, as sought by Lone Star Gas Company (Lone Star) in its application in Docket No. CP73–30. Lone Star proposed in its application to abandon by sale to Pioneer Gas Products Company (Pioneer) approximately 3.56 miles of 6-inch transmission line and approximately 0.25 mile of 3-inch and 4-inch transmission line. Lone Star also proposed to abandon by removal and salvage approximately 3.74 miles of 10-inch pipeline.

The Commission received on November 5, 1974, a complain from Mr. and Mrs. Robert J. Davis, et al. (Davis),[1] in the form of a letter to the Commission's Secretary dated October 29, 1974, with supporting documents, alleging that they are customers whose service will be terminated by Lone Star under authorizations granted in Docket No. CP73–30. Davis states that there are seven customers on the lines to be abandoned by Lone Star, but that Lone Star's application stated that no consumer would be affected. According to the complaint, five consumers are connected to a pipeline that Lone Star intends to remove and salvage and two customers are on a small spur of that pipeline, thus making service to them impossible. In light of the alleged intended removal of the pipeline, Davis questions the statement by Lone Star in its application that under its agreement with Pioneer, Pioneer will process gas and sell it back to Lone Star for resale to the same customers now receiving that gas.

Davis further states that one of the complainants, Alpha Lamar, was told by Lone Star that the spur which services his house will be used to carry sour gas. The complainants conclude from this that domestic service will cease when the pipeline begins to carry sour gas. Davis also alleges that Alpha Lamar has been told by Lone Star that Lone Star does not own the portion of the pipeline to which Lamar's house is connected although he is billed by Lone Star for gas.

Divid states that Lone Star has told them that through Lone Star's contract with Stone Propane Company, propane is available to the complainants at approximately the same cost as natural gas. The Davis complaint doubts the availability of the supply of propane as well as the price compared with natural gas.

Davis concludes by contending that the FPC order granting permission for and approval of the abandonment in Docket No. CP73–30 was obtained by Lone Star under a false premise and further that Lone Star made deliberate misrepresentation of the status of its pipelines to prevent the affected customers from being heard by the FPC. The complaint asks the Commission to order Lone Star to cease and desist the alleged harassment of the complainants.

The Commission by this order directs Lone Star to provide written answer to the Davis complaint as provided for in § 1.6(a) of the Commission's rules of practice and procedure (18 CFR 1.6(a)). In its answer, Lone Star should supply information to the Commission concerning ownership of the pipelines in question, the exact location of the pipelines, whether those pipelines are the same as those authorized to be abandoned in Docket No. CP73–30, whether the pipelines have in fact been abandoned as authorized by sale or removal, and whether the complaining customers are affected customers whose service will be terminated under authorizations granted in Docket No. CP73–30 and who therefore should have been referred to in Lone Star's application in that Docket. Lone Star should give its reasons for the omission of such affected customers from its application. Each of the other allegations as discussed above and set forth more fully in the complaint should be answered and supporting information and explanations should be supplied to the Commission.

The Commission finds. It is necessary and proper in the public interest to require that Lone Star answer the complaint filed by Davis.

The Commission orders. On or before March 3, 1975, Lone Star is hereby directed to file a written answer to the attached Davis complaint and supporting documents answering the allegations as discussed above and set forth more fully in the complaint in accordance with § 1.6(a) of the Commission's rules of practice and procedure (18 CFR 1.6(a)).

By the Commission.[2]

KENNETH F. PLUMB,
Secretary.

[SEAL]

[FR Doc.75–2889 Filed 1–30–75;8:45 am]

[Docket No. E–8721]

NEVADA POWER CO.

Order Granting Interventions

JANUARY 24, 1975.

On April 9, 1974, the Nevada Power Company (Nevada) tendered for filing a proposed change in rate schedule for California-Pacific Utilities Company.

Nevada's filing was noticed by the Commission on April 9, 1974, with protests and petitions to intervene due on or before April 29, 1974.

An untimely notice of intervention was filed by the Public Utilities Commission of the State of California.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious position of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[SEAL]

[FR Doc.75–2890 Filed 1–30–75;8:45 am]

[Docket No. E–9204]

NIAGARA MOHAWK POWER CORP.

Notice of Cancellation

JANUARY 21, 1975.

Take notice that Niagara Mohawk Power Corporation, on January 2, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, No. 78. The proposed change is the cancellation of the transmission agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. for the transmission of up to 480 Mw of Consolidated Edison Company of New York, Inc.'s proportionate power interests in the Roseton Electric Generating Plant between Niagara Mohawk Power Corporation's Leeds Substation connection with the Roseton Electric Generating Plant and Niagara Mohawk Power Corporation's transmission interconnections with Consolidated Edison Company of New York, Inc.'s Pleasant Valley Substation.

The transmission agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. was effective on September 14, 1974 and terminated November 25, 1974.

Copies of the filing were served upon Consolidated Edison Company of New York, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2891 Filed 1–30–75;8:45 am]

[Docket Nos. RP74–91–15, etc.]

TENNESSEE GAS PIPELINE CO. AND EAST TENNESSEE NATURAL GAS CO.

Order Consolidating Proceedings, Modifying Previous Order, Denying Interim Relief Pendente Lite, Denying Motion and Granting Interventions

JANUARY 24, 1975.

By order issued January 17, 1975,[1] the Commission, inter alia, consolidated Docket Nos. RP74–91–16, RP74–91–17, RP74–91–18, RP75–41–1, RP75–41–2, RP75–41–3, and RP75–41–4, ordered a formal hearing to convene on January 28, 1975, and prescribed procedures to be followed therein. This action was taken in response to the many petitions filed with this Commission seeking extraordinary relief from the curtailments imposed by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) and its subsidiary, East Tennessee Natural Gas Company (East Tennessee). To date, petitions seeking relief from the curtailment imposed by Tennessee have been filed by Humphrey's County Utility District of Tennessee (Humphrey's County), East Tennessee, Pennsylvania Gas and Water Company (Penn Gas) and Kerr-McGee Chemical Corporation (Kerr-McGee). Since East Tennessee is totally dependent on Tennessee for its supply of natural gas, the initiation of curtailment by Tennessee has required East Tennessee to curtail deliveries to its customers. The following customers of East Tennessee have filed petitions requesting extraordinary relief from curtailment: Natural Gas Utilities District of Hawkins County (Hawkins County), Colonial Natural Gas Company (Colonial), the Atomic Energy Commission (AEC), the Aluminum Company of America (Alcoa), and the East Tennessee Group.

By order of January 2, 1975, in Docket No. RP74–91–15, the Commission granted Kerr-McGee, Tennessee's sole direct industrial customer, temporary extraordinary relief, ordered a formal hearing to convene on February 12, 1975, and granted interventions. Since the issues of law and fact raised by Kerr-McGee's petition are similar to the petitions filed in the aforementioned consolidated proceedings, we shall, as hereinafter ordered, consolidate Kerr-McGee's petition with those listed above, and further modify the procedural dates in our January 2, 1975, order to conform to those as set forth in our January 17, 1975, order.

Subsequent to the issuance of the Commission's January 17, 1975 order (see footnote 1, supra), the East Tennessee Group,[2] filed on January 20, 1975, in Docket No. RP75–41–5, a petition requesting extraordinary relief from the curtailment imposed by their sole supplier of natural gas, East Tennessee. The East Tennessee Group states in its petition that East Tennessee informed it on December 13, 1975, that effective December 16, 1975, new curtailment period quantity entitlements (CPQE's) would be in effect until April 1, 1975. The East Tennessee Group states that the new CPQE's have eliminated all interruptible sales for the December 16, 1974—April 1, 1975, period and have impaired deliveries to firm residential, commercial and industrial customers. Accordingly, the East Tennessee Group requests the Commission grant it extraordinary relief from curtailment and interim relief pendente lite for eighteen (18) of its members totalling 897, 688 Mcf for the December 16, 1974—April 1, 1975, curtailment period. (See Appendix A). We shall deny, without prejudice, the East Tennessee Group's request for interim relief pendente lite, since it failed to provide the information required by Order No. 467–C (18 CFR 2.78(k)). We note, however, that the issues raised by the East Tennessee Group's petition for extraordinary relief are similar to those raised in the above referenced dockets. We shall, therefore, consolidate the East Tennessee Group's filing for permanent extraordinary relief in Docket No. RP75–41–5 with the filings in Docket Nos. RP74–91–16, et al.

On January 17, 1975, Holliston Mills, Inc., and Kingsport Press, Inc., filed a Motion for Consolidation and Motion for Postponement of Hearing. Holliston and Kingsport requested that the Commission consolidate the proceedings in Docket Nos. RP75–41–1, RP75–41–2, RP75–41–3, and RP75–41–4, since such action would ". . . eliminate unnecessary and time-consuming evidentiary duplication . . ." Holliston's and Kings-

[1] Order Granting Motion for Consolidation of Proceedings, Consolidating Proceedings, Modifying Previous Order, Granting Temporary Relief, Setting Formal Hearing, Establishing Procedures, Permitting Interventions, and Denying Request for Rehearing of Notice, Docket No. RP74–91–16, et al.

[2] East Tennessee Group is comprised of twenty-two (22) private and municipal gas companies as follows: Athens Utilities Board, Citizens Gas Utility District, Cookeville Gas Department, The Elk River Public Utility District, Etowah Utilities Department, Fayetteville Gas System, Gallatin Natural Gas System, Harriman Utility Board, Knoxville Utilities Board, Lenoir City Utilities Board, Lewisburg Gas Department, Loudon Utilities Board, Madisonville Gas System, First Utility District of Maury County, Middle Tennessee Utility District, Rockwood Natural Gas Company, Marion Natural Gas System, Sweetwater Board of Public Utilities, Jefferson Cocke County Utility District, Sevier-County Utility District, Volunteer Natural Gas Company, and United Cities Gas Company. Citizens Gas, Cookeville Gas, Elk River, and United Cities are not seeking relief at this time, but join in seeking the relief requested by various parties under the conditions prescribed herein. Hawkins County Utility District, another member of the Group, has already filed a request for emergency relief in Docket No. RP75–41–1.

[1] The other complainants are Elmer Nelson, Mr. and Mrs. Sam Goodwin, Roy Cox, Alpha Lamar, and Lloyd Lamar.

[2] Complainants statements filed as part of the original document.

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port's motion has been mooted by our order of January 17, 1975, and need not be considered further.

On January 17, 1975, Hollister Mills and Kingsport Press also filed a Motion for Postponement of the hearing scheduled for January 28, 1975. The motion is hereby denied, since its primary goal, the avoidance of a piecemeal view and approach to the problem, has, in our view, been resolved by our January 17, 1975, order.

Petitions to intervene in one or more of these consolidated proceedings were filed by:

Gould, Incorporated
Consolidated Edison Company of New York, Inc.
The Secretary of the Army
Hollister Mills, Inc.
Chattanooga Gas Company
General Shale Products Corporation
White Motor Corporation
The Commonwealth of Virginia
Columbia Gas Transmission Corporation
Lynchburg Foundry Company
Corning Glass Works
Aluminum Company of America
Natural Gas Utilities District of Hawkins County
Kingsport Press, Inc.
Westinghouse Electric Corporation
Knoxville Utilities Board, et al.[3]
Burlington Industries, Inc.
ASG Industries, Inc.
Schott Optical Glass, Inc.
Congressman Joseph McDade
Corning Glass Works
Texas Gas Transmission Corporation

A statement in support of Colonial Natural Gas Company's petition for emergency relief (Docket No. RP75–41–2) was filed by Sundstrand Corporation, and shall be treated as a petition to intervene.

A notice of intention was filed by the State Corporation Commission of the Commonwealth of Virginia.

The Commission finds. (1) The participation of the above-named persons who filed petitions to intervene may be in the public interest.

(2) The proceedings involved in Docket Nos. RP74–91–15 and RP75–41–5, contain common questions of law and fact with the proceedings in Docket Nos. RP74–91–16, et al., consequently, good cause exists to consolidate these proceedings and to set that consolidated proceedings for formal hearing to convene on January 28, 1975.

(3) Good cause exists to deny without prejudice the East Tennessee Group's petition for interim relief, pendente lite.

(4) Good cause exists to modify the procedural dates set forth in the Commission's Order of January 2, 1975, in Docket No. RP74–91–15.

(5) Good cause exists to deny Hollister Mills, Inc., and Kingsport Press, Inc.'s motion to postpone the January 28, 1975, hearing.

[3] See footnote 2, supra, for a listing of the customers comprising Knoxville Utilities Board, et al.

The Commission orders. (A) The above-named parties are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene and *Provided further,* that the admission of such petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings. Parties who filed petitions or notices of intervention in one or more of the instant docketed proceedings are deemed to be interveners in all of the consolidated proceedings.

(B) The proceedings involved in Docket Nos. RP74–91–15 and RP75–41–5 are hereby consolidated with the proceedings in Docket Nos. RP74–91–16, et al., for purposes of hearing and decision.

(C) The procedural dates set forth in our order of January 2, 1975, in Docket No. RP74–91–15 are hereby modified; Kerr-McGee and the East Tennessee Group shall file and serve their evidence on all parties including Commission Staff at the start of the hearing on January 28, 1975, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(D) The East Tennessee Group's petition for interim relief pendente lite is hereby denied.

(E) The motion of Hollister Mills, Inc., and Kingsport Press, Inc. to postpone the January 28, 1975, hearing in the instant proceeding, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Quantity of gas required by East Tennessee Group—Gas available and deficiency for curtailment period Dec. 16, 1974, through Mar. 31, 1975*

Customers	Test period requirement for firm customers (thousands of cubic feet)	CPQE for period of Dec. 16, 1974, through Mar. 31, 1975 (thousands of cubic feet)	Deficiency (thousands of cubic feet)
1	2	3	4
Athens Utilities Board	266,597	242,902	23,695
Etowah Utilities Department	83,000	73,419	9,581
Fayetteville Gas System	164,750	157,637	7,113
Gallatin Natural Gas System	291,521	241,172	50,349
Harriman Utility Board	180,841	147,987	32,854
Knoxville Utilities Board	2,785,550	2,490,552	274,998
Lenoir City Utilities Board	145,750	115,092	30,658
Lewisburg Gas Department	175,504	145,849	29,655
London Utilities Board	106,346	87,715	18,631
Madisonville Gas System	43,901	41,581	2,320
Pine Utility District of Maury County	46,079	43,731	2,348
Middle Tennessee Utility District	913,148	826,923	86,225
Rockwood Natural Gas Co	110,439	86,345	24,094
Marion Natural Gas System	199,674	151,987	47,687
Sweetwater Board of Public Utilities	107,763	95,634	12,099
Jefferson-Cocke County Utility District	315,551	275,388	40,163
Sevier County Utility District	123,068	118,697	4,371
Volunteer Natural Gas Co	1,029,948	829,071	200,877
Total	7,069,370	6,171,682	897,688

[FR Doc.75–2899 Filed 1–30–75;8:45 am]

[Docket Nos. RP71–131 and RP72–61]

ALGONQUIN GAS TRANSMISSION CO.

Extension of Time

JANUARY 17, 1975.

On January 14, 1975, Algonquin Gas Transmission Company filed a motion to extend the date for filing briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued December 4, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions is extended to and including February 3, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2881 Filed 1–30–75;8:45 am]

[Docket No. E–8953]

SUPERIOR WATER, LIGHT AND POWER CO.

Order Granting Late Intervention

JANUARY 24, 1975.

On August 2, 1974, Superior Water, Light and Power Co. (SWL&P) tendered for filing a proposed rate increase[1] for electric service to Dahlberg Light and Power Co. Notice of SWL&P's filing was issued on August 12, 1974, with comments or protests and petitions to intervene due on or before August 23, 1974. An untimely notice of intervention was filed by the Public Service Commission of the State of Wisconsin.

[1] Superior Water, Light & Power Company, Supplement No. 2 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 12).

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2898 Filed 1–30–75;8:45 am]

[Docket No. RM74–8]

TIDAL TRANSMISSION CO.

Request for Waiver of Requirement; Findings and Order

JANUARY 24, 1975.

The Commission's Order No. 498, Docket No. RM74–8, issued on December 21, 1973, requires all Class A and B pipelines to report on January 1 and July 1 each year on what actions have been taken by them and their customers to conserve natural gas, the quantities of natural gas estimated to be conserved by such actions during the 12 months following the report date, and an estimate of the volume of gas actually conserved during the 12 months prior to the report date.

Tidal Transmission Co. (Tidal), a Class B pipeline, has requested by letter dated September 30, 1974, that it be granted a waiver of the reporting requirement of Order No. 498. Tidal acts solely as a gas transporter for its only customer Natural Gas Pipeline Co. of America; Tidal does not own, purchase or sell natural gas in interstate commerce. In conformance with the reporting requirement Tidal submits that 1) it presently has no non-essential uses of gas in company facilities nor does it operate any gas-driven facilities, 2) it has had no pipeline leaks or losses and has an ongoing preventative maintenance program to prevent the same, 3) it neither owns nor leases company buildings other than home office space, which is well insulated, and 4) it has no gas lights on company property. Tidal requests waiver with respect to future reports on the grounds that its operations are not of the magnitude evidently contemplated by Order No. 498.

Order No. 498 was promulgated to focus attention on the need for gas conservation in this period of gas shortage and to enlist the assistance of all Class A and B pipelines to that end. No distinction was made in that order as to the size of the responding pipeline operations. Other pipelines with operations similar to those of Tidal have reported conservation measures of the type envisioned by Order No. 498, such as increased efforts to detect and eliminate pipeline leaks, improved maintenance techniques, and minimization of the amount of gas wasted in blowing down lines. We believe Tidal should continue to comply with the reporting requirements of Order No. 498.

The Commission finds:

Tidal has failed to demonstrate good cause for waiver of the reporting requirement under Order No. 498 to file semi-annual reports on conservation measures.

The Commission orders:

The request by Tidal for waiver of the reporting requirement under Order No. 498 is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2901 Filed 1–30–75;8:45 am]

[Docket No. E–9223]

IDAHO POWER CO.

Filing of Amendatory Agreement

JANUARY 24, 1975.

Take notice that on January 20, 1975, the Idaho Power Company (Idaho) tendered for filing an Amendatory Agreement dated January 13, 1975 between it and the City of Weiser, Idaho. Idaho states that this agreement amends the agreement between parties dated April 4, 1963, as amended January 19, 1971 and identified as Rate Schedule FPC No. 42 and Supplement No. 1 thereto.

Idaho states that the rate in the existing contract has remained in effect since April 10, 1971. Proposed new and additional facilities, referred to in the Company's filing letter dated February 5, 1971, required to provide the electric service requirements of the City, have now been installed. The added investment for these plant additions amounted to approximately $89,400. Idaho also states that further changes in the substation facilities will be required and are proposed in 1975 and 1976.

Idaho states that the increase for the twelve months preceding the proposed effective date is $14,638 (6.7%) and the estimated increase for the twelve months succeeding the effective date is $15,734 (7.0%). The rate proposed is a special rate arrived at through negotiations. Idaho states that they do not have a similar wholesale service rate providing for deliveries of power at distribution voltage.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2888 Filed 1–30–75;8:45 am]

[Docket No. E–9222]

GULF STATES UTILITIES CO.

Filing of an Agreement for Wholesale Electric Service

JANUARY 24, 1975.

Take notice that on January 20, 1975, the Gulf States Utilities Company (GSU) tendered for filing an Agreement for Wholesale Electric Service with the Town of Gueydan, Louisiana. The contract is for a three year period to continue thereafter on a year to year basis. The rate schedules included in this agreement are the schedules currently being considered in FPC Docket No. E–8721 and thus subject to be changed as a result of such proceeding. GSU states that the new contract form contains the same language as the agreement with Kirbyville Light and Power Company (FPC Schedule 110) which was accepted for filing by the Commission by letter dated July 1, 1974 under Docket No. E–8817.

GSU requests that the current agreement dated February 3, 1959, be cancelled concurrently with the acceptance of the agreement herein submitted.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2887 Filed 1–30–75;8:45 am]

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[Docket No. E-8170, etc.]

GEORGIA POWER CO.

Denial of Waiver and Omission of Intermediate Decision Procedure

JANUARY 24, 1975.

On January 16, 1975, the Presiding Administrative Law Judge filed, pursuant to § 1.30(c) of the Commission's rules of practice and procedure, a motion made at the close of the hearing, and supported by all parties, to waive and omit the intermediate decision procedure in the above-designated matter.

Notice is hereby given that the motion for waiver and omission of the intermediate decision is denied.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2886 Filed 1-30-75;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Order Setting Hearing

JANUARY 24, 1975.

On November 18, 1974, Washington Gas Light Company (WGLC) filed a "Petition for Reconsideration and Complaint". Reconsideration was asked of the Commission order in this proceeding. That order granted the motion of Columbia Gas Transmission Corporation (Columbia) to extend its interim curtailment plan until April 30, 1975, or such earlier date as the Commission shall make final decision upon a permanent curtailment plan.[1] The WGLC filing also constituted a complaint under Section 5(a) of the Natural Gas Act. On November 22, 1974, Delegate Walter Fauntroy petitioned to intervene out of time. Answers in opposition to WGLC's petition were filed on November 25, 1974, by UGI Corporation (UGI), on December 4, 1974, by New York State Electric and Gas Corporation (NYSEG), on December 16, 1974, by Roanoke Gas Company (Roanoke), on December 17, 1974, by Columbia Gas Distribution Companies (Distribution), and on December 18, 1974, by Baltimore Gas and Electric Company (BG&E), Orange and Rockland Utilities, Inc. (O&R), Columbia and (jointly) by The Cincinnati Gas & Electric Company and The Union Light, Heat and Power Company (Cinncinnati and Union). Answers in support of the petition were filed December 18, 1974, by The Apartment and Office Building Association of Metropolitan Washington, Inc. (Association), Cities of Charlotte and Richmond (Cities), and Felmont Oil Corporation (Felmont),[2] and on December 19, 1974, by the Public Service Commission of the District of Columbia (PSC).

WGLC and PSC contend that in its order in *Transcontinental Gas Pipe Line Corporation (Transco)*, Docket No. RP72-99, issued on November 12, 1974, this Commission found that a plan paralleling that of Columbia was unlawful. Transco's existing interim plan provides for 50 percent end use and 50 percent pro rata curtailment with exemptions to meet firm service. A company taking exemption gas pays either 50 cents or 75 cents per Mcf (depending on circumstances) and a company releasing exemption gas receives a corresponding credit. The Commission found that this was unlawful in the absence of a filing under Section 4 of the Natural Gas Act, and that any customer engaging in such a transaction would have to first obtain a certificate under Section 7(c) of the Act.

Columbia's interim curtailment plan is a pro rata plan curtailing each Columbia customer proportionately but with a provision for exemptions by distribution companies which need gas to serve residential and commercial loads. A company taking such exemptions must pay compensation of $1.65 for each Mcf of exemption gas. This is credited to other customers who sustain curtailment in excess of their pro rata curtailment as a result of exemption gas being taken.

WGLC and PSC also state curtailment projections have increased from 8.1 percent estimated at the time of the June 6 order to 18.5 percent now and between 24 and 25 percent by April 1, and that this constitutes a change of circumstances necessitating relief to Columbia's customers. They ask that an end use plan in accordance with the priorities established in Order No. 467-B be substituted for the present pro rata plan.

UGI agrues that the June 6 order is final, rehearing was not sought, and the present petition is a collateral attack on the prior order seeking relief WGLC has no standing to seek or the Commission to grant. UGI also attempts to distinguish the Transco plan.

NYSEG and O&R state that WGLC's petition is in effect a complaint under Section 5 of the Act, and relief cannot be granted until a full hearing has been had and the existing plan found to be unjust and unreasonable, citing State of Louisiana v. F.P.C., —— F.2d—— (CA5, November 8, 1974). O&R points out the Commission has twice approved the Columbia plan. NYSEG also attempts to distinguish the Transco plan.

Distribution and Columbia repeat the arguments of UGI and NYSEG. BG&E adopts UGI's answer in principle. BG&E adds that the record shows cost and market value of supplemental sources and peaking gas far exceeds the $1.65 per Mcf which the Columbia interim plan provides as compensation to those whose allotments are taken by others. BG&E also contends reallocation of gas without compensation to customers disproportionately curtailed is in violation of the Natural Gas Act and the due process clause, and is discriminatory.

Roanoke also argues that reallocation without compensation violates the Act and the due process clause, and that the Commission has no statutory or inherent authority to indirectly exercise the power of eminent domain without just compensation. Roanoke also states that the Commission should review the justness and adequacy of the $1.65 per Mcf compensation, since peaking gas and supplemental sources cost far more. Roanoke states it now purchases SNG from a Columbia affiliate at $4.05 per Mcf, and liquifies pipeline natural gas at a cost and market value above $1.65 per Mcf.

Roanoke also states that a change to the 467-B type plan would require implementation on the basis of Exhibit 18 in these proceedings, but that exhibit has not been admitted in evidence, is not sponsored by any witness yet, and is based on "untested and admittedly inaccurate information". Cincinnati and Union also use this argument. They state they would both be less curtailed under a 467-B type plan than the existing interim plan, but still oppose WGLC's petition. They state that the interim plan is not unlawful. They say it has been in effect for some time and all customers have pegged their operations to the allocations made by the plan. "Any adverse curtailment effects can be foreseen in advance and steps can be taken early enough to alleviate the problems". (p. 2) They add that WGLC's concern with the added expense of serving exemption gas could be taken care of by a purchased gas adjustment clause.

The Association, supporting WGLC's petition, states that as of December 16, 1974, WGLC will cease gas service to interruptible customers, even though they use gas for human needs (apartment and office heating). While the interruptible customers have alternative fuels capability, the Association says such alternative fuels cannot always be utilized, because of non-availability or high pollution characteristics. Under the interim pro rata plan, the Association and PSC say some industrial interruptible customers elsewhere will receive gas, while human needs interruptible customers served by WGLC get none.

Felmont is a manufacturer of anhydrous ammonia at Olean, New York, using gas as feedstock. It takes over 50 per cent of the industrial sales by Columbia Gas of New York, Inc., which receives its gas from Columbia. A curtailment of 18.5 per cent on the Columbia system resulted, Felmont says, in a 50 per cent curtailment for industrial customers of Columbia of New York. The projected curtailment of 23 per cent will result in a 75 per cent curtailment of Felmont in January 1975. Felmont says it has a minimum turndown range precluding operations below 60 per cent of capacity. It has maintained operations by drawing gas from its storage field, but that is designed only to help out on peak cold days, not for an entire winter. Felmont says it accounted for 23 per cent of nitrogen used by farmers

[1] The interim plan had previously been approved by the Commission by order of September 29, 1972.

[2] Felmont petitioned on November 12, 1974, for leave to intervene in this proceeding.

in the northeast in the year ending June 30, 1974. It asks that a 467-B plan be substituted for the Columbia pro rata plan so it can continue operations. Columbia of New York has informed Felmont "its commitment to the present pro rata precludes it from requesting a deviation from this plan by filing of a petition for extraordinary relief . . . to maintain Felmont's ammonia production".

The applications to intervene of Delegate Fauntroy and Felmont will be granted.

Pursuant to the provision of Section 5(a) of the Natural Gas Act that the Commission may act thereunder only after hearing to change any rate, charge or classification, a hearing will be ordered. The Administrative Law Judge presiding is directed to require the utmost expedition of all participants, and to conclude the hearing as rapidly as possible. The initial decision shall be waived.

The Commission concluded in Transco, in its orders of November 12, 1974, and January 10, 1975, that a compensation plan similar to the one now before us was unacceptable as a matter of law because it is discriminatory, fixes rates unrelated to costs, and does not comply with the filing reqirements of Sections 4 and 7 of the Natural Gas Act because the transfers would involve sales. It was further concluded that the compensation plan was unacceptable as a matter of policy because of its inherent inequity. The Commission recognized, however, that its position was subject to judicial review, and provided that notwithstanding the Commission's views as to unlawfulness the plan should remain in effect as provided by the Court of Appeals pending further order. Pending hearing and final decision, no change in Columbia's rates shall be effective, nor any transfer of entitlements among Columbia's customers be effectuated unless and until appropriate certificate and rate filings have been made and approved in accord with Sections 4 and 7 of the Act.

The Commission orders:

(A) The applications to intervene of Delegate Fauntroy and Felmont are granted.

(B) Hearing shall be held upon the complaint of WGLC at the Federal Power Commission, 825 North Capitol Street, Washington, D.C. on February 28, 1975.

(C) Direct evidence shall be served and filed with the Commission not later than February 14, 1975.

(D) The initial decision shall be waived.

(E) Briefs shall be served not more than seven days from the conclusion of the hearing, and reply briefs not more than ten days after such service.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2885 Filed 1-30-75;8:45 am]

[3] Commissioner Brooke's dissenting statement filed as part of the original document.

[Docket No. RP75-32]

ARKANSAS LOUISIANA GAS CO.

Tender of Revised Tariff Sheet

JANUARY 24, 1975.

Take notice that on January 14, 1975, Arkansas Louisiana Gas Co. (Arkla) tendered for filing copies of First Revised Sheet No. 5, superseding Original Sheet No. 5 of Arkla's FPC Gas Tariff, First Revised Volume No. 2. Said revised sheet is applicable solely to transportation of gas by Arkla for Reynolds Metals Company (Reynolds). This revised sheet contains an increased transportation charge from $0.045 per Mcf to $0.1895 per Mcf.

According to Arkla, the Company filed on November 5, 1974, a notice of change in Rate Schedule XT-17 to reflect provisions of the modified contract with Reynolds executed on July 1, 1974. Said modified contract extended the term of the contracted transportation service at a higher transportation charge and on a slightly modified basis, and specified an effective date of January 1, 1975. Arkla states that the Commission rejected Arkla's November 5 filing "because the amendment of July 1, 1974 included references to conditions of service in addition to the rate increase . . ." Therefore, says Arkla, the instant filing covers only the per Mcf rate increase in order that it can be placed into effect as soon as possible. Arkla states that "Just as soon as an application can be prepared and filed, Arkla will file an application for an appropriate order relating to the conditions of service referred to in the Commission's rejection letter of December 31, 1974."

Arkla has requested waiver of the 30 day notice requirement to permit the tendered revised tariff sheet to be made effective retroactively to January 1, 1975, consistent with the terms of the contract executed with Reynolds, as well as Arkla's request in the November 5 filing.

Arkla states that a copy of the filing has been mailed to Reynolds.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2883 Filed 1-30-75;8:45 am]

[Docket No. RP74-92]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JANUARY 24, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on January 8, 1975 tendered for filing Third Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed to reflect higher purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), on February 1, 1975. Algonquin Gas requests that the Commission waive the requisite notice and grant special permission to permit such Third Revised Sheet No. 10 to become effective on February 1, 1975, which will synchronize Algonquin Gas' rates with those of Texas Eastern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2882 Filed 1-30-75;8:45 am]

[Docket No. CP75-85]

NORTHWEST PIPELINE CORP.

Order Granting Late Intervention

JANUARY 24, 1975.

On September 17, 1974, Northwest Pipeline Corp. (Northwest) filed an application pursuant to Section 7 of the Natural Gas Act for permission and approval to partially abandon the sale and delivery of natural gas to Utah Gas Service Co. (Utah) at Vernal, Utah, and for a certificate of public convenience and necessity authorizing the sale and delivery of said volumes of natural gas to Utah for delivery to Rio Algom Corp. and to Wyoming Industrial Gas Co. Northwest's filing was noticed by the Commission on September 25, 1974, with protests or petitions to intervene due on or before October 17, 1974.

A late petition to intervene in the above docket was filed by Rio Algom Corp. on January 7, 1975. Having re-

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viewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds. (1) Since participation by the aforesaid petitioner will not delay the instant proceeding, good cause exists for accepting its late petition to intervene.

(2) Participation by the aforesaid petitioner may be in the public interest.

The Commission orders. (A) The above-named petitioner, Rio Algom Corporation, is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding; and *Provided, further,* That participation by such intervener shall not serve as justification for modifying the procedural schedule already established in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2893 Filed 1-30-75;8:45 am]

[Docket No. RP74-49]

NORTHWEST PIPELINE CORP.

Order Disapproving Settlement and Granting Intervention

JANUARY 23, 1975.

Pending determination as to a permanent curtailment plan Northwest Pipeline Corp. (Northwest) (as successor to El Paso Natural Gas Co.) filed an interim curtailment plan. After hearing on the interim plan commenced before Administrative Law Judge Martin E. Rendelman, a proposed settlement agreement was received. All parties approved (or did not oppose) the settlement except Reichhold Chemical, Inc. (Reichhold) and Midland-Ross Corp. (Midland) both of whom have petitioned for intervention, and Staff, which approved subject to adoption of Amendment Two described hereafter. Judge Rendelman certified the matter to the Commission November 11, 1974.

The original interim plan is not ripe for consideration, as the hearing thereon has not been completed. We are concerned here only with the interim plan set forth in the settlement.

The settlement plan proposes:

(1) No curtailment of DS-1 (small volume distribution customers) and SG-1 (storage service).

(2) Initial pro rata curtailment of interruptible customers.

(3) Thereafter, pro rata curtailment of firm customers, except for the exemptions in (4).

(4) Any resale customer, except two partial requirements customers, may request exemption from curtailment to service, in the order named, (a) residential and small commercial uses, (b) large commercial uses for plant protection, feedstock and process needs, and storage injection, and (c) other firm industrial uses except boiler fuel above 15,000 therms a day. No curtailments are to be imposed until all resale customers entitled to exemptions have requested them for priority 1 or 2 uses. Exemption volumes must be repaid, and no interruptible sales may be made by a customer prior to such repayment.

(5) For exemption gas, in addition to returning it, the taker must pay 30 cents per therm ($3.11 per Mcf) above the regular rate to be credited to customers losing the gas. Staff, saying this is illegal under the Commission order of November 12, 1974, in Transcontinental Gas Pipeline Corp., Docket No. RP72-99, put in an alternative (Amendment 2) that Northwest's customers undertake between themselves sales at 30 cents per therm pursuant to § 2.68 of the Commission's General Policy and Interpretations.

Midland says it manufactures in Portland highly metalized iron pellets, used as raw material for special steel in the Alaska Pipeline and for air defense contracts. It uses gas as a feedstock and says it cannot operate without it, but it will have to shut down if it must pay exemption gas costs. It argues that the payment is illegal and would allot gas on the ability to pay rather than on the basis of priorities. It says the Transcontinental order held these payments illegal under either alternative.

Northwest first construed [1] its proposed scheme of compensation as a "buy-and-sell arrangement(s)" but stated that it did not constitute a sale or exchange in interstate commerce between its customers. Yet, as we stated in our order of November 12, 1974, Transcontinental Gas Pipeline Corp., Docket No. RP72-99, such compensation schemes result in the brokering of contract entitlements between customers of a pipeline with a resulting change in jurisdictional rates and, in our judgment, such interstate brokering of contractual entitlements is, in economic effect, a sale for resale of natural gas in interstate commerce." As such we held that a customer who engaged in such a transaction would be required to obtain prior certificate authority under Section 7(c) of the Act.[2]

Following our November 12, 1974 order Northwest argued [3] that its proposed compensation scheme would not result in a wholesale brokering of contractual entitlements but instead is merely a billing arrangement which is similar to a peak shaving arrangement. We disagree. Our reason for our opposition to compensation schemes of this type is that they are not just billing arrangements but constitute sales of gas between customers on a pipeline. Indeed, Northwest, prior to our November 12, 1974 order in Transcontinental, supra, termed its compensation scheme "buy and sell arrangements." To now allege, as does Northwest, that such a scheme is merely a billing arrangement overlooks the very nature and result of the proposed transactions that would occur as a result of its implementation. In fact, the result of the proposed compensation scheme would be that one customer would purchase from another customer volumes of gas at an agreed upon price and such sale could take place in interstate commerce without certificate or rate approval by the Commission.

In sum we find Northwest's attempt to distinguish Transcontinental, supra, unsuccessful. Our orders of November 12, 1974, and January 10, 1975, clearly rejected any such compensation arrangements as part of any curtailment plans. For the reasons there stated, the similar provisions of the settlement plan must be rejected and the proposed settlement should not be approved.

Northwest has moved to eliminate the price term from Alternative 2, leaving the parties free to negotiate as to price. This motion was opposed by the Oregon Public Utilities Commissioner who noted that any sales between customers were made in interstate commerce and, therefore, subject to Commission jurisdiction. Northwest's motion, if granted, would not eliminate the impropriety of the proposed sales between Northwest's customers. The issue, therefore, is moot.

The rejection of the settlement curtailment plan leaves in effect the curtailment plan embodied in the existing tariff. It is appropriate to reiterate the statement at page 3 of the order of January 18, 1974, in this proceeding:

> It should be noted that the Commission interprets the provisions of the existing tariff, particularly Section 13.3 *Curtailment Procedures*, of the *General Terms and Conditions*, to require Northwest to insure the maintenance of high priority service (i.e. priority 1 and 2) within the limits of available supply.

The petitions to intervene of Reichhold and Midland will be granted.

The Commission finds. The proposed interim curtailment plan settlement contains provisions both unlawful and contrary to the public interest, and should be disapproved.

The Commission orders. (A) The petitions to intervene of Reichhold and Midland are granted.

(B) The proposed settlement is disapproved.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2892 Filed 1-30-75;8:45 am]

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[1] See Stipulation And Agreement As To Curtailment Rules Of Northwest Pipeline Corporation, Docket No. RP74-49, filed November 7, 1974.

[2] 15 U.S.C. § 717f(c).

[3] See Comments Of Northwest Pipeline Corporation In Support Of Interim Settlement Agreement, Docket No. RP74-49, filed December 4, 1974.

[4] Commissioner Brooke's dissenting, statement filed as part of the original document.

[Docket No. E-8928]

PACIFIC GAS AND ELECTRIC CO.

Extension of Procedural Dates

JANUARY 24, 1975.

On January 16, 1975, The Northern California Power Agency and the Cities of Alameda, Lodi, Lompoc, Santa Clara, and Ukiah, California collectively filed a motion to extend the procedural dates fixed by order issued August 22, 1974, as most recently modified by notice issued November 26, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, March 4, 1975.
Service of Co. Rebuttal, April 1, 1975.
Hearing, April 22, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2894 Filed 1-30-75;8:45 am]

[Docket Nos. RP71-119; RP74-31-24]

PANHANDLE EASTERN PIPE LINE CO.

Order Granting Temporary Extraordinary Relief, Consolidating Proceedings, Setting Hearing, Interventions and Prescribing Procedures

JANUARY 24, 1975.

On December 12, 1974, Anchor Hocking Corp. (Anchor Hocking) filed a petition pursuant to § 1.7(b) of the Commission's Rules for temporary and permanent extraordinary relief from the natural gas curtailments imposed upon the natural gas deliveries to its Winchester, Indiana plant under the presently effective 467-B interim curtailment plan filed by Panhandle Eastern Pipe Line Co. (Panhandle) on November 6, 1973.

Anchor Hocking requests that it be afforded immediate temporary relief pending hearing in order to avoid irreparable injury. It asserts in its petition that the relief sought is limited to the volume of gas needed for certain essential process operations which require gas as a fuel and for which there is no alternate fuel. It requests that it be afforded 790 Mcf of gas on an average day for these essential process operations and up to 875 Mcf on a peak day.

Anchor Hocking contends in its petition that it is evident that curtailments will deepen this winter on the Panhandle system and that less than the average of 790 Mcf per day it requires to maintain operations at its Winchester, Indiana plant will be made available to it.[1]

Anchor Hocking asserts that it employs some 1,084 persons at its Winchester plant which has an annual payroll of about $11,200,000. It urges that its ability to stay in operation is of paramount importance in the town of Winchester which has a population of about 5,500. It stresses that in addition to the adverse economic impact that a loss of employment would have on the town itself it would also anticipate extensive injury and food spoilage due to the unavailability of glass containers, on a dependable basis, by the food processing industry.

Anchor Hocking further indicates in this petition that it would be willing to repay such gas that it might receive under its curtailment entitlements from time to time from Panhandle in excess of this essential 790 Mcf per day in order to offset any relief from Panhandle's interim curtailment plan made available to it by the Commission.

Several petitions to intervene in the matter relating to Anchor Hocking's petition for extraordinary relief in Docket No. RP74-31-24 have been filed with the Commission.[2]

Michigan Gas Storage Co. also filed a protest to Anchor Hocking's petition for extraordinary relief in which it voiced its opposition to any grant of relief to that company either on a temporary or permanent basis. Michigan Consolidated Gas Co. in its petition to interevene also urged that Anchor Hocking's motion for temporary relief, pendente lite, was unnecessary since it had obtained emergency relief from Panhandle. The latter company further requests that if such relief is granted it should only be afforded with a condition requiring full repayment of all volumes taken above curtailed entitlements.

The request for interim relief is justified as hereinafter conditioned. The grant of emergency relief provided by Panhandle to Anchor Hocking was for a 60 day period commening on December 1, 1974. Subsequent to that time, Anchor Hocking will not be receiving further emergency relief from Panhandle. Under the projected curtailment levels for this period of time it will probably be forced to shut down, at least in part, if the requested volumes are not made available to it.

The petitions to intervene filed in this proceeding raise legal and factual issues that require development in an evidentiary proceeding. We will, therefore, set the petition for extraordinary relief for formal hearing.

The petitioners seeking intervention have already been permitted to intervene in the proceeding relating to a permanent curtailment plan for Panhandle in Docket No. RP71-119. Since many of the parties in the latter docket may also wish to participate herein, they shall also be deemed parties in Docket No. RP74-31-24 with all of the attendant rights attached thereto. However, in order to maintain orderly procedures any intervener desiring to record objections and protests to the requested relief must file a formal protest to the notice of the petition stating with particularity the nature of its objections.

The Commission orders. (A) The petition for extraordinary relief filed by Anchor Hocking is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of temporary relief in ordering paragraph (A) is conditioned as follows:

(1) That Anchor Hocking shall be required to repay any volumes of gas taken under this grant as may be determined appropriate in any final determination rendered by the Commission in this proceeding.

(2) Anchor Hocking's usage of the gas granted hereunder shall be considered as Category 2 and shall be subject to curtailment along with other Category 2 requirements.

(3) This grant shall be effective until a final curtailment plan is established for Panhandle Eastern Pipeline Company in Docket No. RP71-119.

(4) This grant shall be effective as long as the volumes provided for herein are delivered to Anchor Hocking.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly Sections 4, 5, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing March 4, 1975, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, concerning the application for interim and permanent extraordinary relief filed in this proceeding by Anchor Hocking.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR § 3.4(d)] shall preside at the hearings in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(E) All parties including interveners and staff will file and serve on all other parties their direct evidence and testimony on or before February 25, 1975.

(F) Cross-examination shall commence on March 4, 1975.

(G) Petitioners seeking permission to intervene in the proceeding entitled Panhandle Eastern Pipeline Company (Anchor Hocking Corporation) in Docket No. RP74-31-24 along with all other parties previously granted intervention in the proceeding entitled Panhandle Eastern Pipeline Co. in Docket No. RP71-119 are permitted to intervene in and participate in the above styled-proceeding relating to the petition for extraordinary relief filed by Anchor Hocking Corpora-

[1] Panhandle's most recent projections indicate curtailment into Category 2 of 40.9 percent in January; 18.8 percent in February and 7.7 percent in March. The facts reflected in Anchor Hocking's petition tend to support the proposition that under the current projected curtailment levels it will be forced to shut down, at least in part, its Winchester, Indiana plant unless afforded temporary relief pending hearing.

[2] Petitions to intervene in this proceeding have been filed by Central Illinois Public Service Company, Central Indiana Gas Company, Inc., City of Indianapolis, Indiana, Columbia Gas Transmission Corporation, General Motors Corporation, Michigan Consolidated Gas Company, Michigan Gas Storage Company, Michigan Gas Utilities Company, Missouri Public Service Company, and Ohio Valley Gas Corporation.

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tion in Docket No. RP74-31-24 subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene: *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that subject intervener might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2895 Filed 1-30-75;8:45 am]

[Docket No. CP75-207]

UNION GAS SYSTEM, INC. AND CITIES SERVICE GAS CO.

Application

JANUARY 24, 1975.

Take notice that on January 17, 1975, Union Gas System, Inc. (Applicant), P.O. Box 347, Independence, Kansas 67301, filed in Docket No. CP75-207 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Respondent) to connect its facilities with those of Applicant to sell and deliver to Applicant 1,560 Mcf of natural gas per day at a point on Respondent's 12-inch transmission line in Chautauqua County, Kansas, and 480 Mcf of gas per day at a point on Respondent's 26-inch transmission line in Montgomery County, Kansas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the subject interconnections are required to improve Applicant's deliverability and service to its customers and to meet declining local production, but that no additional gas will be purchased from Respondent. Peak day and annual requirements for each of the first three years of service at the Chautauqua County delivery point are estimated to be 1,560 Mcf and 127,855 Mcf of gas, respectively. Peak day requirements for each of the first three years of service at the Montgomery County delivery point are estimated to be 480 Mcf of gas and annual requirements at that delivery point for the first year of service are estimated to be 40,880 Mcf of gas. The application indicates that the gas will be used to serve residential and small commercial consumers.

Applicant estimates the cost of plant and equipment to provide service for customers connected to its distribution system at $38,023, to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2884 Filed 1-30-75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ALABAMA BANCSHARES, INC.

Proposed Acquisition of First Alabama Life Insurance Company

First Alabama Bancshares, Inc., Montgomery, Alabama, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First Alabama Life Insurance Company, Phoenix, Arizona. Notice of the application was published on December 24, 1974 in The Alabama Journal, a newspaper circulated in Montgomery, Alabama, and on December 20, 1974, in The Phoenix Gazette, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance which is directly related to extensions of credit by its bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 22, 1975.

Board of Governors of the Federal Reserve System, January 22, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-2932 Filed 1-30-75;8:45 am]

FOREIGN CLAIMS SETTLEMENT COMMISSION

CLAIMS AGAINST THE GERMAN DEMOCRATIC REPUBLIC BY NATIONALS OF THE UNITED STATES

Notice of Registration

Notice is hereby given that the Foreign Claims Settlement Commission of the United States is conducting a registration of claims against the German Democratic Republic for property losses including the nationalization, confiscation, or other taking of property of nationals of the United States which occurred prior to or after 1945 in the territory of the German Democratic Republic, commonly referred to as East Germany. The period for this registration begins on February 1, 1975, and ends on July 1, 1975.

This registration is being conducted at the request of the United States Department of State for the purpose of obtaining information for use in negotiations with representatives of the German Democratic Republic for the settlement of property claims as agreed to during discussions preceding the recent establishment of diplomatic relations between the two Governments.

The registration of a claim at this time will not constitute the filing of a formal claim against the German Democratic Republic nor will it ensure that such a claim will be covered by any future agreement. However, failure to register will preclude the presentation of full information in any negotiation.

All interested parties are urged to register their claims on or before the deadline, July 1, 1975. Registration forms and additional information may be obtained by contacting directly the Foreign Claims Settlement Commission, Washington, D.C. 20579.

WAYLAND D. MCCLELLAN,
General Counsel.

[FR Doc.75-1922 Filed 1-30-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 27, 1975. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 18, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for review and clearance of a new FCC reporting requirement under FCC Rules (Section 15.34)-Certification of Low Power Communication Devices. It is now required that low power communication devices be submitted to the FCC for certification prior to marketing of such devices. A grant of certification will be based on a review of test data and other relevant information as required by FCC Rules (Section 15.34). FCC Form 722, Application for Equipment Certification, must be submitted to the Commission as part of the certification reporting requirements for the certification of low power communication devices as required by FCC Rules (Section 15.34). This certification requirement is mandatory under the Communications Act of 1934 as amended (47 USC 302). Frequency of reporting is on occasion. For each different piece of equipment to be certificated, a separate application must be submitted. FCC estimates 500 applications will be submitted for a one-year period. Potential respondents are manufacturers of low power communication devices and respondent burden is estimated to average 16 man-hours per response.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new single time statistical survey—Corporate Patterns Report Forms S, 1 and 2. The survey will principally collect data on value of shipments in manufacturing by 5-digit product class, sales in nonmanufacturing activities by Standard Industrial Classification, ownership interests of reporting companies in majority-owner companies and minority-interests in domestic manufacturing companies; interests in and activities of joint ventures engaged in domestic manufacturing activities. Reporting is mandatory under the authority of the Federal Trade Commission Act (15 U.S.C. 46). Potential respondents are 1200 companies with largest domestic manufacturing activities during 1972, plus approximately 75 companies which were among the 1,000 largest manufacturing companies of 1950 but no longer ranked among the 1,000 largest companies during 1972. A screening form will also be sent to as many as 300 manufacturing companies and 100 nonmanufacturing companies to determine whether any of these companies were large enough manufacturers in 1972 to have ranked among the 1,000 largest companies. Respondent burden is positively related to the size, industrial diversification, and complexity of corporate structure of the reporting company. FTC estimates that some companies may require as few as four to six man-hours to complete CPR Forms 1 and 2. These would be companies with activities in only two or three product classes in manufacturing and relatively simple corporate structures. At the opposite extreme, some companies may require as many as 100 man-hours to complete the survey form. FTC pledges confidentiality until January 1, 1976.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2948 Filed 1-30-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-527-A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed in April 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-527-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75-1301 Filed 1-15-75;8:45 am]

V 40 22 JAN 31 75 XUM

[Docket No. P–556–A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part, of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20545, Docket No. P–556–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1–2, Directorate of Licensing.

[FR Doc.75–1302 Filed 1–15–75;8:45 am]

[Docket No. P–537–A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P–537–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Directorate of Licensing.

[FR Doc.75–1823 Filed 1–22–75;8:45 am]

[Docket No. 70–1701]

NUCLEAR FUEL SERVICES, INC. (UF, PLANT)

Availability of Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Nuclear Fuel Services, Inc., has filed an environmental report, docketed October 24, 1974, in support of their application to construct and operate the UF, Plant to be located in Ashford Town, Cattaraugus County, New York. The report, which discusses environmental considerations related to the construction and operation of the proposed plant, is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the report are also available for public inspection in the local public document rooms established at the Memorial Library of Little Valley, Main Street, Little Valley, New York, and at the Town of Concord Public Library, 23 N. Buffalo Street, Springville, New York, and at the following clearinghouses: State Clearinghouse, New York State Office of Planning Services, 488 Broadway, Albany, New York; and the Regional Clearinghouse, Southern Tier West Regional Planning Board, 15 Main Street, Salamanca, New York.

After the environmental report has been analyzed by the Nuclear Regulatory Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies, and state and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 24th day of January, 1975.

For the Nuclear Regulatory Commission.

RICHARD B. CHITWOOD,
Chief, Technical Support Branch, Office of Nuclear Material Safety and Safeguards.

[FR Doc.75–2835 Filed 1–30–75;8:45 am]

[Docket No. P–351–A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102. Docket No. P–351–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Directorate of Licensing.

[FR Doc.75–1355 Filed 1–16–75;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued three new guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.19, "Information for Safety Analysis Reports—Steam Generators;" Regulatory Guide 1.70.20, "Information for Safety Analysis Reports—Reactor Coolant Pressure Boundary Materials and Inservice Inspection;" and Regulatory Guide 1.70.21, "Information for Safety Analysis Reports—Reactor Vessels," identify information that is needed in safety analysis reports at the construction permit and operating license stages of review.

These guides are three of a number being issued in the 1.70.X series to identify information that has often been mising from applicants' safety analysis reports or to present revisions necessary to make a portion of the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," Revision 1, October 1972 (Regulatory Guide 1.70), consistent with the appropriate Standard Review Plan. Standard Review Plans (SRPs) are being prepared by the NRC staff for the guidance of staff reviewers who perform the detailed safety review of applications to construct or operate nuclear power plants. A primary purpose of SRPs is to improve the quality and uniformity of staff reviews and to provide a well-defined base from which to evaluate proposed changes in the scope and requirements of reviews. A complete Revision 2 of the Standard Format incorporating the changes presented in this 1.70.X series will be issued following completion of publication of the SRPs.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.70.19, 1.70.20, and 1.70.21 will, however, be particularly useful in developing the forthcoming revision of the Standard Format if received by March 31, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Md. this 23rd day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director of Standards Development.

[FR Doc.75–2944 Filed 1–30–75;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEES

Charter Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463), the Veterans Administration announces the renewal by the Administrator of Veterans Affairs the following committees for an additional period of two years.

Name of committee	Original expiration date	New expiration date
Education and Training Review Panel.	Dec. 31, 1974	Dec. 31, 1976
Career Development Committee.	Jan. 4, 1975	Jan. 4, 1977

Dated: January 24, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75–2933 Filed 1–30–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN FM RADIO

Official List of Stations Within 200 Miles of Mexican-U.S.A. Border

JANUARY 15, 1975.

An official list of Mexican FM Radio Stations within 200 miles of the Mexican-U.S.A. border, has been issued by the FCC. Compiled from information supplied by the Department of Radio Frequencies of Mexico, the list reflects all additions, changes, corrections, and deletions made up to September 1, 1974.

Further additions, changes, corrections, and deletions will be issued as reported to the Commission by the Mexican Department of Radio Frequencies.

Copies of the list may be obtained from ABS Duplicators, Inc., 1732 Eye Street, NW, Washington, D.C. 20006, Telephone (202) 298–5537.

The attached list of Mexican FM Radio Station Assignments contains details supplied by the Department of Radio Frequencies of Mexico in accordance with Sections B and C, Article 12, Part VI of the Agreement between the Mexican United States and the United States of America, concerning frequency modulation broadcasting in the 88 to 108 MHz band.

The list reflects all the additions, changes, corrections and deletions notified to the Commission up to the above date and supersedes the previous Initial List which is included in the Agreement. Further additions, changes, corrections and deletions will be issued as reported to the Commission by the Mexican Department of Radio Frequencies.

Official list of assignments in Mexico, in accordance with sections B and C, Article 12, Part VI, of the agreement between the Mexican United States and the United States of America, concerning frequency modulation broadcasting in the 88 to 108 MHZ band, signed in Washington, D.C., November 9, 1972.

MHz—Megahertz
kW—Kilowatt
ERP—Effective radiated power
H—Horizontal polarization
V—Vertical polarization
AHAAT—Height of the radiation center of the antenna above average terrain (2–10 miles)
MSL—Height of the radiation center of the antenna above mean sea level
ND—Omnidirectional or nondirectional antenna
DA—Directional antenna
PO—Present operation
PN—Previously notified but not implemented
VIDE—See the assignment on

MEXICAN FM RADIO ASSIGNMENT: WITHIN 200 MILES OF THE UNITED STATES

(Listed by Channel)
List Number 1:
SEPTEMBER 1, 1974.

V 40122 JAN 31 75 XUM

Call sign	Location	Antenna: Effective radiated power (kW)	Class	Directivity	Height above m.s.l. (feet)	Height above terrain (feet)	Expected commencement date of operation
		CHANNEL No. 210 (89.9 MHz)					
XHFE-FM	Mexicali, B.C., N. 32°40'02", W. 115°26'58"	0.9 (H+V)	B	ND	111.59	111.59	Feb. 5, 1975.
		CHANNEL No. 211 (90.1 MHz)					
XHXL-FM	Monterrey, N.L., N. 25°38'10", W. 100°19'16"	1.632 (H+V)	A	ND	2,011.87	−246.15	Now in operation.
		CHANNEL No. 212 (90.3 MHz)					
XHIS-FM	Tijuana, B.C., N. 32°34'24.6", W. 117°00'35.2"	93.12 (H+V)	C	DA	876.29	456.20	Do.
		CHANNEL No. 216 (91.1 MHz)					
XETRA-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	100 (H)	C	DA	1,982.33	805.73	Do.
		CHANNEL No. 218 (91.5 MHz)					
XHJC-FM	Mexicali, B.C., N. 32°40'00", W. 115°27'00"	9.393 (H+V)	B	ND	130.62	104.37	Jan. 10, 1975.
		CHANNEL No. 220 (91.9 MHz)					
XHEC-FM	Sabinas, Coah., N. 27°50'34", W. 100°59'22"	4 (H+V)	B	ND	1,247.16	101.74	Now in operation.
		CHANNEL No. 222 (92.3 MHz)					
XHMMF-FM	Mexicali, B.C., N. 32°40'00", W. 115°27'00"	18.45 (H+V)	B	ND	164.1	70.89	June 3, 1975.
		CHANNEL No. 223 (92.5 MHz)					
XHRM-FM	Tijuana, B.C., N. 32°31'25", W. 117°03'56"	4.6 (H+V)	B	ND	549.74	203.48	Now in operation.
XHSRO-FM	Monterrey, N.L., N. 25°40'33", W. 100°18'32"	6.5 (H+V)	B	ND	1,906.68	−121.96	Do.
		CHANNEL No. 227 (93.3 MHz)					
XHQQ-FM	Monterrey, N.L., N. 25°36'00", W. 100°18'00"	2.4 (H+V)	B	ND	3,807.12	518.56	Do.
		CHANNEL No. 231 (94.1 MHz)					
XET-FM	Monterrey, N.L., N. 25°41'14.7", W. 100°18'49.9"	1.9475 (H) 1.994 (V)	B	ND	2,231.76	79.75	Do.
XHNOE-FM	Nuevo Laredo, Tams., N. 27°29'14", W. 99°30'01"	0.890 (H+V)	A	ND	502.15	100.10	Do.
		CHANNEL No. 233 (94.5 MHz)					
XHTY-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	3.3	A2	ND	597.32	182.97	Feb. 15, 1975.
XHTA-FM	Piedras Negras, Coah., N. 28°42'35", W. 100°31'05"	0.885	A	ND	833.63	111.59	July 10, 1975.
		CHANNEL No. 234 (94.7 MHz)					
XHRP-FM	Saltillo, Coah., N. 25°26'37", W. 100°59'22"	2.964 (H+V)	A	ND	5,375.92	−558.46	Now in operation.
		CHANNEL No. 235 (94.9 MHz)					
XHNL-FM	Monterrey, N.L., N. 25°10'11", W. 100°18'26"	6.685 (H+V)	A	ND	1,620.98	−394.36	Mar. 15, 1975.
		CHANNEL No. 238 (95.5 MHz)					
XHRG-FM	Cd. Acuna, Coah., N. 29°13'23", W. 100°55'51"	3.690 (H+V)	B	ND	1,099.47	156.58	Jan. 1, 1975.
		CHANNEL No. 239 (95.7 MHz)					
XHRK-FM	Monterrey, N.L., N. 25°40'11", W. 100°18'26"	0.850 (H)	B	ND	1,764.07	−567.79	Now in operation.
XHQS-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	2.82 (H+V)	A	ND	731.89	295.38	Feb. 2, 1975.
		CHANNEL No. 247 (97.3 MHz)					
XHSR-FM	Monterrey, N.L., N. 25°10'11", W. 100°18'26"	18.860 (H+V)	B	ND	1,822.89	−345.59	Jan. 15, 1975.
		CHANNEL No. 251 (98.1 MHz)					
XHRL-FM	Monterrey, N.L., N. 25°39'03", W. 100°18'38"	10 (H+V)	A	ND	2,536.0	−469.33	Now in operation.
		CHANNEL No. 252 (98.3 MHz)					
XHPX-FM	Cd. Juarez, Chih., N. 28°38'12", W. 106°04'40"	4.09 (H+V)	C	ND	3,810.40	−101.74	Do.
		CHANNEL No. 255 (98.9 MHz)					
XHQF-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	3.625 (H+V)	A	ND	293.90	115.76	Feb. 15, 1975.
XHJD-FM	Monterrey, N.L., N. 25°40'11", W. 100°18'26"	3.45 (H+V)	B	ND	2,500.13	−135.32	June 15, 1975.
		CHANNEL No. 256 (99.1 MHz)					
XHSL-FM	Piedras Negras, Coah., N. 28°42'26", W. 100°31'07"	0.969 (H+V)	A	ND	862.51	107.32	Jan. 2, 1975.
		CHANNEL No. 257 (99.3 MHz)					
XHNK-FM	Nuevo Laredo, Tams., N. 27°29'34", W. 99°30'29"	0.850 (H+V)	B1	ND	564.50	147.69	Now in operation.
		CHANNEL No. 258 (99.5 MHz)					
XHMS-FM	Monclova, Coah., N. 26°54'14" W. 101°25'08"	0.383 (H+V)	B	ND	2,034.84	−200.20	Do.

Call sign	Location	Antenna: Effective radiated power (kW)	Class	Directivity	Height above m.s.l. (feet)	Height above terrain (feet)	Expected commencement date of operation
		CHANNEL No. 259 (99.7 MHz)					
XHPL-FM	Cd. Acuna, Coah., N. 29°19'33", W. 100°55'51"	0.823 (H+V)	A	ND	722.04	70.07	Do.
XHSP-FM	Monterrey, N.L., N. 25°40'01", W. 100°18'55"	1.800 (H+V)	B	ND	1,919.97	−403.83	Do.
		CHANNEL No. 260 (99.9 MHz)					
XHSG-FM	Piedras Negras, Coah., N. 28°42'26", W. 100°31'07"	0.392 (H+V)	A	ND	853.32	132.92	Apr. 10, 1975.
		CHANNEL No. 262 (100.3 MHz)					
XHTF-FM	Monclova, Coah., N. 26°54'14", W. 101°25'08"	0.362 (H+V)	A	ND	2,166.12	−152.28	Now in operation.
		CHANNEL No. 263 (100.5 MHz)					
XHMG-FM	Monterrey, N.L., N. 25°40'04", W. 100°18'31"	3.813 (H+V)	A	ND	1,785.08	−394.36	Do.
		CHANNEL No. 264 (100.7 MHz)					
XHII-FM	Cd. Juarez, Chih., N. 31°57'18", W. 106°28'11"	0.286 (H+V)	C	ND	3,774.3	−137.52	Do.
		CHANNEL No. 267 (101.3 MHz)					
XHIL-FM	Monterrey, N.L., N. 25°40'38", W. 100°19'24"	3.824 (H+V)	B	ND	1,806.74	−431.58	Feb. 20, 1975.
		CHANNEL No. 268 (101.5 MHz)					
XHMLS-FM	Matamoros, Tams., N. 25°52'45", W. 97°31'09"	3.348 (H+V)	A	ND	208.51	170.95	Now in operation.
		CHANNEL No. 270 (101.9 MHz)					
XHPF-FM	Mexicali, B.C., N. 32°40'00", W. 115°27'02"	1. (H+V)	B	ND	147.69	147.03	June 15, 1975.
		CHANNEL No. 274 (102.7 MHz)					
XHQT-FM	Nogales, Son., N. 31°19'50", W. 110°56'40"	4.0 (H+V)	B	ND	4,086.09	−278.97	Feb. 2, 1975.
		CHANNEL No. 277 (103.3 MHz)					
XHVG-FM	Mexicali, B.C., N. 32°43'00", W. 115°27'00"	9.568 (H+V)	B	ND	158.95	138.80	Now in operation.
		CHANNEL No. 278 (103.5 MHz)					
XHEM-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'12"	2.302 (H+V)	A	ND	3,918.38	−17.36	Do.
XHRZ-FM	Nogales, Son., N. 31°19'28", W. 110°56'47"	0.940 (H+V)	B	ND	4,078.87	−93.14	Do.
		CHANNEL No. 282 (104.3 MHz)					
XHTO-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'15"	9.460 (H+V)	B	ND	607.99	−117.17	Do.
		CHANNEL No. 283 (104.5 MHz)					
XHERS-FM	Tijuana, B.C., N. 32°34'24.6", W. 117°00'35.2"	57.295 (H+V)	B1	ND	790.47	351.17	Do.
		CHANNEL No. 285 (104.9 MHz)					
XHMC-FM	Mexicali, B.C., N. 32°40'02", W. 115°26'58"	.970 (H+V)	A	ND	213.33	180.51	Jan. 15, 1975.
		CHANNEL No. 286 (105.1 MHz)					
XHIM-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'15"	0.94 (H+V)	A	ND	3,931.51	−17.36	May 15, 1975.
		CHANNEL No. 288 (105.5 MHz)					
XHRE-FM	Piedras Negras, Coah., N. 28°42'24", W. 100°31'00"	1.888 (H+V)	B	ND	853.32	106.99	Now in operation.
		CHANNEL No. 290 (105.9 MHz)					
XHGH-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'15"	3.396 (H+V)	B	ND	3,872.76	−223.18	Feb. 10, 1975.
		CHANNEL No. 291 (106.1 MHz)					
XHSU-FM	Chihuahua, Chih., N. 28°38'10", W. 106°04'25"	0.956 (H+V)	C	ND	4,793.13	−99.90	Now in operation.
		CHANNEL No. 295 (106.9 MHz)					
XHPJ-FM	Monterrey, N.L., N. 25°40'40", W. 100°17'11"	0.850 (H+V)	B	ND	1,764.07	−567.79	May 2, 1975.
		CHANNEL No. 297 (107.3 MHz)					
XHFG-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	4.550 (H+V)	A	ND	1,411.26	984.6	Mar. 1, 1975.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.75-2797 Filed 1-30-75;8:45 am]

V40122 JAN31 75 XUM

INTERSTATE COMMERCE COMMISSION

[Notice No. 686]

ASSIGNMENT OF HEARINGS

JANUARY 28, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 3647 Sub 448, Transport of New Jersey, now being assigned continued hearing March 19, 1975 (2 days), at Newark, N.J.; in a hearing room to be designated later.

MC 127274 Sub 44, Sherwood Trucking, Inc., now being assigned March 24, 1975 (1 day), at Chicago, Illinois; in a hearing room to be designated later.

MC 128375 Sub 112, Crete Carrier Corp., now being assigned March 25, 1975 (2 days), at Chicago, Illinois; in a hearing room to be designated later.

MC 119656 Sub 27, North Express, Inc., now being assigned March 27, 1975 (2 days), at Chicago, Illinois; in a hearing room to be designated later.

MC 109533 (Sub-No. 60), Overnite Transportation Company, now being assigned March 10, 1975, at Hagerstown, Maryland, at The Venus Motel, 431 Dual Highway.

FF-347 (Sub-No. 1), Sal, Inc., now assigned February 4, 1975, at Chicago, Ill., postponed indefinitely.

MC 52709 Sub 324, Ringsby Truck Lines, Inc., now assigned February 5, 1975, at Denver, Colo., is postponed to March 17, 1975 (1 week), at Denver, Colo.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2952 Filed 1-30-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 28, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42930—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A. (No. 14), for itself and interested rail carriers. Rates on general commodities, between rail terminals on the U.S. Pacific, Gulf, and Atlantic Coasts, and ports in the United Kingdom, Continental Europe, Japan, and Taiwan.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S. A., tariffs I.C.C. Nos. 3, 16, and 17; also I.C.C. No. 2 (Seatrain Pacific S. A. Series).

Rates are published to become effective on February 16, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2957 Filed 1-30-75;8:45 am]

[No. 36108]

LOUISIANA INTRASTATE RAIL FREIGHT Rates and Charges, 1974

JANUARY 28, 1975.

By a joint petition authorized under section 13(3) of the Interstate Commerce Act, filed December 17, 1974, petitioners, sixteen common carriers by railroad[1] subject to Part I of the Interstate Commerce Act and also operating in intrastate commerce in the State of Louisiana, request that this Commission institute an investigation of their Louisiana intrastate freight rates and charges on bagasse, raw sugar and sugar cane under sections 13 and 15a of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 295, Increased Freight Rates and Charges, 1973, 344 I.C.C. 589 (1973).

On March 13, 1974, the Louisiana Public Service Commission approved an increase on Louisiana intrastate rail freight rates and charges corresponding to the increases approved for interstate application in Ex Parte No. 295, except on the commodities of bagasse, raw sugar and sugar cane.

Under section 13(4) of the Interstate Commerce Act and judicial authority[2] this Commission is directed to institute an investigation of the lawfulness of intrastate rail freight rates and charges upon the filing of a petition by the carrier concerned pursuant to section 13(3) of the Interstate Commerce Act, regardless of the prior or pending consideration of such rate and charges by any State agency.

Petitioners contend that the Louisiana intrastate freight rates and charges on bagasse, raw sugar and sugar cane do not and will not contribute their fair share of revenues required by the carriers to meet increased expenses and costs incurred in handling all traffic and cause unjust discrimination against and an undue burden on interstate commerce, in violation of section 13 of the Interstate Commerce Act, to the extent those rates and charges do not include the increases authorized in Ex Parte No. 295 on the involved commodities.

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Louisiana intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference or prejudice as between persons and localities in intrastate commerce and those in intrastate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the increases on bagasse, raw sugar and sugar cane authorized for interstate application by this Commission in Ex Parte No. 295; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden or other violation of the law found to exist.

It is further ordered, That all carriers by railroad operating in the State of Louisiana, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the Federal Register publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

[1] Alabama Great Southern Railroad; Arkansas & Louisiana Missouri Railway Company; Chicago, Rock Island & Pacific Railroad Company; Atchison, Topeka and Santa Fe Railway Company; Illinois Central Gulf Railroad Company; Kansas City Southern Railway Company; Louisiana & Arkansas Railway Company; Louisiana Southern Railway Company; Louisville and Nashville Railroad Company; Missouri Pacific Railroad Company; New Orleans & Lower Coast Railroad Company; New Orleans Terminal Company; St. Louis Southwestern Railway Company; Southern Pacific Transportation Company; The Texas & Pacific Railway Company; and Tremont & Gulf Railway Company.

[2] See Intrastate Freight Rates and Charges, 1969, 339 I.C.C. 670 (1971) affm'd sub nom. State of N.C. ex rel. North Carolina Utilities Com'n. v. I.C.C., 347 F. Supp. 103 (E.D.N.C., 1972), affm'd sub nom. North Carolina Utilities Commission et al. v. Interstate Commerce Commission, et al. 410 U.S. 919 (1973).

And it is further ordered, That a copy of this order be served upon each of the petitioners herein; that the State of Louisiana be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Louisiana and the Louisiana Public Service Commission, Baton Rouge, Louisiana; and that further notice of this proceeding be given to the public by deposting a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2956 Filed 1-30-75;8:45 am]

[Ex Parte 299]

INCREASE IN FREIGHT RATES AND CHARGES TO OFFSET RETIREMENT TAX INCREASES, 1973

Order

JANUARY 28, 1975.

It appearing, That pursuant to section 15a (4)(b) of the Interstate Commerce Act, the Commission has approved an interim increase of 2.8 percent in the railroad petitioners' general level of rates and charges to offset increased expenses experience as a result of the Railroad Retirement Amendments of 1973, Pub. L. 93-69, 87 Stat. 162;

It further appearing, That the order served January 8, 1975, in this proceeding, the Class I line haul railroad petitioners were directed to file by February 10, 1975, certain data and information relating to the said increases in rates and charges;

And it further appearing, That on January 13, 1975, the railroads filed a request for extension of time, partial grant of which is justified, due to the filing dates for source materials from which the required data will be obtained;

Wherefore, and for good cause:

It is ordered, That the Class I line-haul railroad petitioners are directed to file, by March 14, 1975, the data and information required in the first ordering paragraph of the said order served January 8, 1975.

And it is further ordered, That notice of the entry of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission and by filing a copy with the Office of the Federal Register for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (See Environmental Threshold Assessment Survey issued in this proceeding and Ex Parte No. 303 Increased Freight Rates and Charges, 1974, Nationwide, on December 3, 1974, and attached as an appendix to our order in Ex Parte No. 303 served December 4, 1974). Nor will the proposed action, limited as it is to the application of the Railroad Retirement Amendments of 1973, Pub. L. 93-69, 87 Stat. 162, serve as a precedent for Commission action not directly related to the Railroad Retirement Amendments of 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2955 Filed 1-30-75;8:45 am]

[Ex Parte No. 279]

PUBLIC OFFERINGS

Securities Regulations; Correction

JANUARY 21, 1975.

The Report of the Commission on Reconsideration decided August 6, 1974, and reported at 347 I.C.C. 443, was published with several inadvertent omissions and typographical errors. The correct text is set forth below with appropriate item references and pages of the printed report.

1. Item 7(d)(1), page 477, should read:

The financial representations contained in the offering circular should conform to generally accepted principles of accounting. The form and content of the financial representations shall conform to Regulation S-X and the Accounting Series Releases of the Securities and Exchange Commission, unless the Commission has published a ruling making Regulation S-X or the Accounting Series Releases inapplicable to all or part of the financial representations in the offering circular. Where generally accepted accounting principles permit the presentation of an item using alternative methods of computation, and one of such alternatives is prescribed by the Commission's Uniform System of Accounts, 49 CFR 1200-1219, the item should be computed in accordance with the Uniform System of Accounts. Where there is a dissimilarity between a figure included in the offering circular which is accounted for pursuant to generally accepted accounting principles and the figure which would be produced under the Uniform System of Accounts, the difference should be explained by footnoting the item under consideration. The footnote should fully disclose the effect of the use of generally accepted accounting principles rather than the Uniform System of Accounts, with each individual item affected, including net income, computed in accordance with the Uniform System of Accounts. Any such footnote should be in language which adequately explains the reason for the difference.

2. The word "registered" in the third sentence of item XII.3., page 486, line 13, should be changed to "issued".

3. The words "to item" should be inserted in item XVIII(b), page 492, line 5, in order to read: "(b) Any security holder named in answer to item XVII (a); or".

4. The first paragraph of item XIX, page 493, should read:

XIX. OTHER FINANCIAL STATEMENTS

These instructions specify the financial statements required to be filed as a part of the offering circular. The financial statements should also conform to the instructions in item 7(d)(1). If the profit and loss statements and retained earnings statements required below are included in their entirety in the summary of earnings required by item XII hereof, the statements so included need not be otherwise included in the offering circular.

5. Item XIX.A.2., page 493, should read:

2. Profit and loss statements of the applicant.—The applicant shall file in columnar form a profit and loss statement for each of the 3 fiscal years preceding the date of the latest balance sheet filed, and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements shall be certified up to the date of the latest certified balance sheet filed.

6. The following paragraph should be inserted after item XIX.A.3. and before item XIX.B., page 494:

4. Source and application of funds statement of the applicant.—The applicant shall file in columnar form a source and application of funds statement for each of the 3 fiscal years preceding the date of the latest balance sheet filed, and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements shall be certified up to the date of the latest certified balance sheet filed.

7. Item XIX.D.16., page 496, should read:

16. Filing of other statements in certain cases.—The Commission may, upon the request of the applicant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2954 Filed 1-30-75;8:45 am]

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federal register

FRIDAY, JANUARY 31, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 22

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

■

HEAD START PROGRAMS

Proposed Performance Standards

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

[45 CFR Part 1304]

HEAD START PROGRAMS

Proposed Performance Standards for Operation by Grantees and Delegate Agencies

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to issue regulations prescribing goals, component objectives and program performance standards for the operation of Head Start programs by grantee and delegate agencies and for their enforcement. The standards are designed and intended to inform grantees and delegate agencies of basic program requirements and to enable them to achieve component objectives and program goals. The standards apply to the four basic components of the Head Start program, i.e., Education Services, Health Services (including Medical and Dental, Mental Health and Nutrition), Social Services, and Parent Involvement. To accomplish this it is proposed to add Part 1304 to Chapter XIII, Subtitle B, Title 45, Code of Federal Regulations.

The performance standards reflect more than seven years experience with prior requirements and field testing of changes and innovations during FY 1973–1974. They pertain to the methods and processes by which Head Start programs meet the needs of children as distinguished from measuring the outcomes or performances of children.

Proposed subpart A sets forth overall goals of Project Head Start, the necessary implementation of the performance standards including the identifying and remedying of deficiencies, methods of assistance and enforcement by Office of Child Development, and time for compliance.

Proposed subpart B covers the objectives and performance standards for the Education Services component of a Head Start program.

Proposed subpart C covers the objectives and performance standards for the Health Services component of a Head Start program.

Proposed subpart D covers the objectives and performance standards for the Social Services component of a Head Start program.

Proposed subpart E covers the objectives and performance standards for the Parent Involvement component of a Head Start program.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed Part 1304 to the Acting Director, Office of Child Development, Department of Health, Education, and Welfare, 400 6th Street, SW, Washington, D.C. 20201, on or before March 3, 1975. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202 755–7518).

(Catalog of Federal Domestic Assistance Programs No. 13,600, Child Development—Head Start)

Dated: January 27, 1975.

CASPER W. WEINBERGER,
Secretary.

Subtitle B of 45 CFR Chapter XIII is amended by adding Part 1304 as follows:

Subpart A—General

Sec.
1304.1–1 Purpose and application.
1304.1–2 Definitions.
1304.1–3 Head start program goals.
1304.1–4 Performance standards plan development.
1304.1–5 Performance standards implementation and enforcement.

Subpart B—Education Services Objectives and Performance Standards

1304.2–1 Education services objectives.
1304.2–2 Education services plan content: operations.
1304.2–3 Education services plan content: facilities.

Subpart C—Health Services Objectives and Performance Standards

1304.3–1 Health services general objectives.
1304.3–2 Health Services Advisory Committee.
1304.3–3 Medical and dental history, screening, and examination.
1304.3–4 Medical and dental treatment.
1304.3–5 Medical and dental records.
1304.3–6 Health education.
1304.3–7 Mental health objectives.
1304.3–8 Mental health services.
1304.3–9 Nutrition objectives.
1304.3–10 Nutrition services.

Subpart D—Social Services Objectives and Performance Standards

1304.4–1 Social services objectives.
1304.4–2 Social services plan content.

Subpart E—Parent Involvement Objectives and Performance Standards

1304.5–1 Parent involvement objectives.
1304.5–2 Parent involvement plan content; parent participation policy.
1304.5–3 Parent involvement plan content; enhancing development of parenting skills.
1304.5–4 Parent involvement plan content; communications among program management, program staff, and parents.

AUTHORITY: Sec. 602(n), 79 Stat. 530 (42 U.S.C. 2942(n)); Delegation of Authorities to Secretary of Health, Education, and Welfare, 34 FR 11,898.

Subpart A—General

§ 1304.1–1 Purpose and application.

This part sets out the goals of the Head Start program as they may be achieved by the combined attainment of the objectives of the basic components of the program, with emphasis on the program performance standards necessary and required to attain those objectives. With the required development of plans covering the implementation of the performance standards, grantees and delegate agencies will have firm bases for operations most likely to lead to demonstrable benefits to children and their families. While compliance with the performance standards is required as a condition of Federal Head Start funding, it is expected that the standards will be largely self-enforcing. This part applies to all Head Start grantees and delegate agencies.

§ 1304.1–2 Definitions.

As used in this part:

(a) The term "OCD" means the Office of Child Development, Office of Human Development in the U.S. Department of Health, Education, and Welfare, and includes appropriate regional office staff.

(b) The term "responsible HEW official" means the official who is authorized to make the grant of assistance in question, or his designee.

(c) The term "Director" means the Director of the Office of Child Development.

(d) The term "grantee" means the public or private non-profit agency which has been granted assistance by OCD to carry on a Head Start program.

(e) The term "delegate agency" means a public or private nonprofit organization or agency to which a grantee has delegated the carrying on of all or part of its Head Start program.

(f) The term "goal" means the ultimate purpose or interest toward which total Head Start program efforts are directed.

(g) The term "objective" means the ultimate purpose or interest toward which Head Start program component efforts are directed.

(h) The term "program performance standards" or "performance standards" means the Head Start program functions, activities and facilities required and necessary to meet the objectives and goals of the Head Start program as they relate directly to children and their families.

(i) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

§ 1304.1–3 Head Start Program goals.

(a) The Head Start Program is based on the premise that all children share certain needs, and that children of low income families, in particular, can benefit from a comprehensive developmental program to meet those needs. The Head Start program approach is based on the philosophy that:

(1) A child can benefit most from a comprehensive, interdisciplinary program to foster development and remedy problems as expressed in a broad range of services, and that

(2) The child's entire family, as well as the community must be involved. The program should maximize the strengths and unique experiences of each child. The family, which is perceived as the principal influence on the child's development, must be a direct participant in the program. Local communities are allowed latitude in developing creative program designs so long as the basic goals, objectives and standards of a comprehensive program are adhered to.

(b) The overall goal of the Head Start program is to bring about a greater degree of social competence in children of low income families. By social competence is meant the child's everyday effectiveness in dealing with both present environment and later responsibilities in school and life. Social competence takes into account the interrelatedness of cognitive and intellectual development, physical and mental health, nutritional needs, and other factors that enable a child to function optimally. The Head Start program is a comprehensive developmental approach to helping children achieve social competence. To the accomplishment of this goal, Head Start objectives and performance standards provide for:

(1) The improvement of the child's health and physical abilities, including appropriate steps to correct present physical and mental problems. The improvement of the family's attitude toward future health care and physical abilities.

(2) The encouragement of self-confidence, spontaneity, curiosity, and self-discipline which will assist in the development of the child's social and emotional health.

(3) The enhancement of the child's mental processes and skills with particular attention to conceptual and verbal skills.

(4) The establishment of patterns and expectations of success for the child, which will create a climate of confidence for present and future learning efforts and overall development.

(5) An increase in the ability of the child and the family to relate to each other and to others.

(6) The enhancement of the sense of dignity and self-worth within the child and his family.

§ 1304.1–4 Performance standards plan development.

Each grantee and delegate agency shall develop a plan for implementing the performance standards prescribed in Subparts B, C, D, and E of this part for use in the operation of its Head Start program (hereinafter called "plan," or "performance standards plan"). The plan shall provide that the Head Start program covered thereby shall meet or exceed the performance standards. The plan shall be in writing and shall be developed by the appropriate professional Head Start staff of the grantee or delegate agency with cooperation from other Head Start staff, with technical assistance and advice as needed from personnel of the Regional Office and professional consultants, and with the advice and concurrence of the policy council or policy committee. The plan must be reviewed by grantee or delegate agency staff and the policy council or policy committee at least annually and revised and updated as may be necessary.

§ 1304.1–5 Performance standards implementation and enforcement.

(a) Grantees and delegate agencies must be in compliance with or exceed the performance standards prescribed in Subparts B, C, D, and E of this part at the commencement of the program year next following the effective date of the regulations in this part or 6 months, which ever is later, and thereafter, unless the period for full compliance is extended in accordance with paragraph (f) of this section.

(b) If the responsible HEW official as a result of information obtained from program self-evaluation, pre-review, or routine monitoring, is aware or has reason to believe that a Head Start program, with respect to performance standards other than those for which the time for compliance has been extended in accordance with paragraph (f) of this section, is not in compliance with performance standards, he shall notify the grantee promptly in writing of the deficiencies and inform the grantee that it, or if the deficiencies are in a Head Start program operated by a delegate agency, the delegate agency, has a period stated in the notice not to exceed 90 days to come into compliance. If the notice is with respect to a delegate agency, the grantee shall immediately notify the delegate agency and inform it of the time within which the deficiencies must be corrected. Upon receiving the notice the grantee or delegate agency shall immediately analyze its operations to determine how it might best comply with the performance standards. In this process it shall review, among other things, its utilization of all available local resources, and whether it is receiving the benefits of State and other Federal programs for which it is eligible and which are available. It shall review and realign where feasible program priorities, operations, and financial and manpower allocations. It shall also consider the possibility of choosing an alternate program option for the delivery of Head Start Services in accordance with OCD Notice M–30–334–1, Program Options for Project Head Start, attached hereto as Appendix A, which the grantee, with OCD concurrence, determines that it would be able to operate as a quality program in compliance with performance standards.

(c) The grantee or delegate agency shall report in writing in detail its efforts to meet the performance standards within the time given in the notice to the responsible HEW official. A delegate agency shall report through the grantee. If the reporting agency, grantee or delegate agency, determines that it is unable to comply with the performance standards, the responsible HEW official shall be notified promptly in writing by the grantee, which notice shall contain a description of the deficiencies not able to be corrected and the reasons therefor. If insufficient funding is included as a principal reason for inability to comply with performance standards, the notice shall specify the exact amount, and basis for, the funding deficit and efforts made to obtain funding from other sources.

(d) The responsible HEW official on the basis of the reports submitted pursuant to paragraph (c) of this section, will undertake to assist grantees, and delegate agencies through their grantees, to comply with the performance standards, including by furnishing or by recommending technical assistance.

(e) If the grantee or delegate agency has not complied with the performance standards, other than those for which the time for compliance has been extended in accordance with paragraph (f) of this section, within the period stated in the notice issued under paragraph (b) of this section, the grantee shall be notified promptly by the responsible HEW official of the commencement of suspension or termination proceedings or of the intention to deny refunding, as may be appropriate, under Part 1303 of this chapter.

(f) The time within which a grantee or delegate agency shall be required to correct deficiencies in implementation of the performance standards may be extended by the responsible HEW official to a maximum of one year, only with respect to the following deficiencies:

(1) The space per child provided by the Head Start program does not comply with the Education Services performance standard but there is no risk to the health or safety of the children;

(2) The Head Start program is unable to provide Medical or Dental Treatment Services as required by Health Services Performance Standards because funding is insufficient and there are no community or other resources available;

(3) The services of a mental health professional is not available or accessible to the program as required by the Health Services Performance Standards; or

(4) The deficient service is not able to be corrected within the 90 days notice period, notwithstanding full effort at compliance, because of lack of funds and outside community resources, but it is reasonable to expect that the services will be brought into compliance within the extended period, and, the overall high quality of the Head Start program otherwise will be maintained during the extension. Under no circumstances may further extension be granted beyond the one year maximum period.

Subpart B—Education Services Objectives and Performance Standards

§ 1304.2–1 Education services objectives.

The objectives of the Education Service component of the Head Start program are to:

(a) Provide children with a learning environment and the varied experiences which will help them develop socially, intellectually, physically, and emotionally in a manner appropriate to their age and stage of development toward the overall goal of social competence.

(b) Integrate the educational aspects of the various Head Start components in the daily program of activities.

(c) Involve parents in educational activities of the program to enhance their role as the principal influence on the child's education and development.

(d) Assist parents to increase knowledge, understanding, skills, and experience in child growth and development.

(e) Identify and reinforce experience which occur in the home that parents

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can utilize as educational activities for their children.

§ 1304.2–2 Education services plan content: operations.

(a) The education services component of the performance standards plan shall provide strategies for achieving the education objectives. In so doing it shall provide for program activities that include an organized series of experiences designed to meet the individual differences and needs of participating children, the special needs of handicapped children, the needs of specific educational priorities of the local population and the community. In addition, the plan shall provide methods for assisting parents in understanding and using alternative ways to foster learning and development of their children.

(b) The education services component of the plan shall provide for:

(1) *A supportive social and emotional climate* which:

(i) Enhances children's understanding of themselves as individuals, and in relation to others, by providing for individual, small group, and large group, activities;

(ii) Gives children many opportunities for success through program activities;

(iii) Provides an environment of acceptance which helps each child build ethnic pride, a positive self-concept, enhance his individual strengths, and develop facility in social relationships.

(2) Development of intellectual skills by:

(i) Encouraging children to solve problems, initiate activities, explore, experiment, question, and gain mastery through learning by doing;

(ii) Promoting language understanding and use in an atmosphere that encourages easy communication among children and between children and adults;

(iii) Working toward recognition of the symbols for letters and numbers according to the individual developmental level of the children;

(iv) Encouraging children to organize their experiences and understand concepts; and

(v) Providing a balanced program of staff directed and child initiated activities.

(3) Promotion of physical growth by:

(i) Providing adequate indoor and outdoor space, materials, equipment, and time for children to use large and small muscles to increase their physical skills; and

(ii) Providing appropriate guidance while children are using equipment and materials in order to promote children's physical growth.[1]

(c) The education services component of the plan shall provide for a program which is individualized to meet the special needs of children from various populations by:

(1) Having a curriculum which is relevant and reflective of the needs of the population served (bilingual/bicultural, multi-cultural, rural, urban, reservation, migrant, etc.);

(2) Having staff and program resources reflective of the racial and ethnic population of the children in the program.

(i) Including persons who speak the primary language of the children and are knowledgeable about their heritage; and, at a minimum, when a majority of the children speak a language other than English, at least one teacher or aide interacting regularly with the children must speak their language; and,

(ii) Where only a few children or a single child speak a language different from the rest, one adult in the center should be available to communicate in the native language;

(3) Including parents in curriculum development and having them serve as resource persons (e.g., for bilingual-bicultural activities).

(d) The education services component of the plan shall provide procedures for on-going observation, recording and evaluation of each child's growth and development for the purpose of planning activities to suit individual needs. It shall provide, also, for integrating the educational aspects of other Head Start components into the daily education services program.

(e) The plan shall provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program. These shall include:

(1) Parent participation in planning the education program, and in center, classroom and home program activities;

(2) Parent training in activities that can be used in the home to reinforce the learning and development of their children in the center;

(3) Parent training in the observation of growth and development of their children in the home environment and identification of and handling special developmental needs;

(4) Participation in staff and staff-parent conferences and the making of periodic home visits (no less than two) by members of the education staff;

(5) Staff and parent training, under a program jointly developed with all components of the Head Start program, in child development and behavioral developmental problems of preschool children; and

(6) Staff training in identification of and handling children with special needs and working with the parents of such children, and in coordinating relevant referral resources.

§ 1304.2–3 Education services plan content: facilities.

(a) The education services component of the plan shall provide for a physical environment conducive to learning and reflective of the different stages of development of the children. Home-based projects must make affirmative efforts to achieve this environment. For center-based programs, space shall be organized into functional areas recognized by the children, and space, light, ventilation, heat, and other physical arrangements must be consistent with the health, safety, and developmental needs of the children. To comply with this standard:

(1) There shall be a safe and effective heating system;

(2) No highly flammable furnishings or decorations shall be used.

(3) Flammable and other dangerous materials and potential poisons shall be stored in locked cabinets or storage facilities accessible only to authorized persons;

(4) Emergency lighting shall be available in case of power failure;

(5) An approved, working fire extinguisher shall be readily available;

(6) Indoor and outdoor premises shall be kept clean and free, on a daily basis, of undesirable and hazardous material and conditions;

(7) Outdoor play areas shall be made so as to prevent children from leaving the premises and getting into unsafe and unsupervised areas;

(8) Paint coatings in premises used for care of children shall be determined to assure the absence of a hazardous quantity of lead;

(9) Rooms shall be well lighted;

(10) A source of water approved by the appropriate local authority shall be available in the facility; and adequate toilets and handwashing facilities shall be available and easily reached by children;

(11) All sewage and liquid wastes shall be disposed of through a sewer system approved by an appropriate, responsible authority, and garbage and trash shall be stored in a safe and sanitary manner until collected;

(12) There shall be at least 35 square feet of indoor space per child available for the care of children (i.e., exclusive of bathrooms, halls, kitchen, and storage places). There shall be at least 75 square feet per child outdoors; and

(13) Adequate provisions shall be made for handicapped children to ensure their safety and comfort.

Evidence that the center meets or exceeds State or local licensing requirements for similar kinds of facilities for fire, health and safety shall be accepted as prima facie compliance with the fire, health and safety requirements of this section.

(b) The plan shall provide for appropriate and sufficient furniture, equipment and materials to meet the needs of the program, and for their arrangement in such a way as to facilitate learning, assure a balanced program of spontaneous and structured activities, and encourage self-reliance in the children. The equipment and materials shall be:

(1) Consistent with the specific educational objectives of the local program;

(2) Consistent with the cultural and ethnic background of the children;

(3) Geared to the age, ability, and developmental needs of the children;

(4) Safe, durable, and kept in good condition;

(5) Stored in a safe and orderly fashion when not in use;

(6) Accessible, attractive, and inviting to the children; and

(7) Designed to provide a variety of learning experiences and to encourage experimentation and exploration.

Subpart C—Health Services Objectives and Performance Standards

§ 1304.3–1 Health services general objectives.

The general objectives of the health services component of the Head Start program are to:

(a) Provide a comprehensive health services program which includes a broad range of medical, dental, mental health and nutrition services to preschool children, including handicapped children, to assist the child's physical, emotional, cognitive and social development toward the overall goal of social competence.

(b) Promote preventive health services and early intervention.

(c) Provide the child's family with the necessary skills and insight and otherwise attempt to link the family to an ongoing health care system to ensure that the child continues to receive comprehensive health care even after leaving the Head Start program.

§ 1304.3–2 Health Services Advisory Committee.

The plan shall provide for the creation of a Health Services Advisory Committee whose purpose shall be advising in the planning, operation and evaluation of the health services program and which shall consist of Head Start parents and health services providers to the program who are either general practitioners or specialists in the various health disciplines.

§ 1304.3–3 Medical and dental history, screening, and examinations.

(a) The health services component of the performance standards plan shall provide that for each child enrolled in the Head Start program a complete medical, dental and developmental history will be obtained and recorded, a thorough health screening will be given, and medical and dental examinations will be performed. The plan will provide also for advance parent or guardian authorization for all health services under this subpart.

(b) Health screenings shall include:

(1) Growth assessment (head circumference up to two years old, height, weight, and age).

(2) Vision testing.

(3) Hearing testing.

(4) Hemoglobin or hematocrit determination.

(5) Tuberculin testing one year of age approximately.

(6) Urinalysis.

(7) Based on community health problems, other selected screenings where appropriate, e.g., sickle cell anemia, lead poisoning, and intestinal parasites.

(8) Assessment of current immunization status.

(9) At the time of health screening, procedures must be in effect for identifying speech problems, determining their cause, and providing services.

(10) Identification of the special needs of handicapped children.

(c) Medical examinations for children shall include:

(1) Examination of all systems or regions which are made suspect by the history or screening test.

(2) Search for certain defects in specific regions common or important in this age group, i.e., skin, eye, ear, nose, throat, heart, lungs, and groin (inguinal) area.

(d) The plan shall provide, also, that employed program staff have initial health examinations, periodic check-ups, and are found to be free from communicable disease; and, that volunteer staff be tested initially and annually for tuberculosis.

§ 1304.3–4 Medical and dental treatment.

The plan shall provide for treatment and follow-up services which include:

(1) Obtaining or arranging for treatment of all health problems detected. (Where funding is provided by non-Head Start funding suorces there must be written documentation that such funds are used to the maximum feasible extent. Head Start funds may be used only when no other source of funding is available).

(2) Completion of all recommended immunizations—diptheria, pertussis, tetanus (DPT), polio, measles, German measles.

(3) Obtaining or arranging for basic dental care services as follows:

(i) Dental examination.

(ii) Services required for the relief of pain or infection.

(iii) Restoration of decayed primary and permanent teeth.

(iv) Pulp therapy for primary and permanent teeth as necessary.

(v) Extraction of non-restorable teeth.

(vi) Dental prophylaxis and instruction in self-care oral hygiene procedures.

(vii) Application of topical fluoride in communities which lack adequate fluoride levels in the public water supply.

§ 1304.3–5 Medical and dental records.

The plan shall provide for: (a) the establishment and maintenance of individual health records which contain the child's medical and developmental history, screening results, medical and dental examination data, and evaluation of this material, and up-to-date information about treatment and follow-up; (b) forwarding, with parent consent, the records to either the school or health delivery system or both when the child leaves the program; and (c) giving parents a summary of the record which includes information on immunization and follow-up treatment; and (d) utilization of the Health Program Assessment Report (HPAR); and (e) assurance that in all cases parents will be told the nature of the data to be collected and the uses to which the data will be put, and that the uses will be restricted to the stated purposes.

§ 1304.3–6 Health education.

(a) The plan shall provide for an organized health education program for program staff, parents and children which ensures that:

(1) Parents are provided with information about all available health resources;

(2) Parents are encouraged to become involved in the health care process relating to their child. One or both parents should be encouraged to accompany their child to medical and dental exams and appointments;

(3) Parents and staff are taught principles of preventive health, emergency first-aid measures, and safety practices;

(4) Health education is integrated into on-going classroom and other program activities.

(5) The children are familiarized with all health services they will receive prior to the delivery of those services.

§ 1304.3–7 Mental health objectives.

The objectives of the mental health part of the health services component of the Head Start program are to:

(a) Assist all children participating in the program in emotional, cognitive and social development toward the overall goal of social competence in coordination with the education program and other related component activities;

(b) Provide handicapped children and children with special needs with the necessary mental health services which will ensure that the child and family achieve the full benefits of participation in the program;

(c) Provide staff and parents with an understanding of child growth and development, an appreciation of individual differences, and the need for a supportive environment;

(d) Provide for prevention, early identification and early intervention in problems that interfere with a child's development;

(e) Develop a positive attitude toward mental health services and a recognition of the contribution of psychology, medicine, social services, education and other disciplines to the mental health program; and

(f) Mobilize community resources to serve children with problems that prevent them from coping with their environment.

§ 1304.3–8 Mental health services.

(a) The mental health part of the plan shall provide that a mental health professional shall be available, at least on a consultation basis, to the Head Start program and to the children. The mental health professional shall:

(1) Assist in planning mental health program activities;

(2) Train Head Start staff;

(3) Periodically observe children and consult with teachers and other staff;

(4) Advise and assist in developmental screening and assessment;

(5) Assist in providing special help for children with a typical behavior or development, including speech;

(6) Advise in the utilization of other community resources and referrals;

(7) Orient parents and work with them to achieve the objectives of the mental health program; and

(8) Take appropriate steps in conjunction with health and education services to refer children for diagnostic examination if their emotional or behavior problems are suspected to have a physical basis.

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(b) The plan shall also provide for:
(1) special attention for the child whose medical and family history suggests a potential for emotional or behavioral problems;
(2) use of existing community mental health resources;
(3) coordination with the education services component to provide a program keyed to individual developmental levels;
(4) confidentiality of records;
(5) regular group meetings of parents and program staff;
(6) parental consent for special mental health services;
(7) opportunity for parents to obtain individual assistance; and,
(8) active involvement of parents in planning and implementing the individual mental health needs of their children.

§ 1304.3–9 Nutrition objectives.

The objectives of the nutrition part of the health services component of the Head Start program are to:
(a) Help provide food which will help meet the child's daily nutritional needs in the child's home or in another clean and pleasant environment, recognizing individual differences and cultural patterns, and thereby promote sound physical, social, and emotional growth and development.
(b) Provide an environment for nutritional srevices which will support and promote the use of the feeding situation as an opportunity for learning;
(c) Help staff, child and family to understand the relationship of nutrition to health, factors which influence food practices, variety of ways to provide for nutritional needs and to apply this knowledge in the development of sound food habits even after leaving the Head Start program;
(d) Demonstrate the interrelationships of nutrition to other activities of the Head Start program and its contribution to the overall child development goals; and
(e) Involve all staff, parents and other community agencies as appropriate in meeting the child's nutritional needs so that nutritional care provided by Head Start complements and supplements that of the home and community.

§ 1304.3–10 Nutrition services.

(a) The nutrition services part of the health services component of the performance standards plan must identify the nutritional needs and problems of the children in the Head Start program and their families. In so doing account must be taken of:
(1) The nutrition assessment data (height, weight, hemoglobin hematocrit) obtained for each child;
(2) Information about family eating habits and special dietary needs and feeding problems, especially of handicapped children; and,
(3) Information about major community nutrition problems.
(b) The plan, designed to assist in meeting the daily nutritional needs of the children, shall provide that:
(1) Every child in a part-day program will receive a quantity of food in lunch (preferably hot) and snacks which provides at least ⅓ of daily nutritional intake, with consideration for meeting any special needs of children, including the child with a handicapping condition;
(2) Every child in a full-day program will receive snack(s), lunch, and other meals as appropriate which will provide ½ to ⅔ of daily nutritional intake depending on the length of the program;
(3) All children in morning programs who have not received breakfast at the time they arrive at the Head Start program will be served a nourishing breakfast;
(4) The kinds of food served conform to minimum standards for meal patterns;
(5) The quantities of food served conform to recommended amounts indicated in OCD Head Start guidance materials; and,
(6) Meal and snack periods are scheduled appropriately to meet children's needs and are posted along with menus; e.g., breakfast must be served at least 2½ hours before lunch, and snacks must be served at least 1½ hours before lunch or supper.
(c) The plan shall undertake to assure that the nutrition services contribute to the development and socialization of the children by providing that:
(1) A variety of foods which broaden the child's food experience in addition to those that consider cultural and ethnic preferences is served;
(2) Food is not used as punishment or reward, and that children are encouraged but not forced to eat or taste;
(3) The size and number of servings of food reflect consideration of individual children's needs;
(4) Sufficient time is allowed for children to eat;
(5) Chairs, tables, and eating utensils are suitable for the size and developmental level of the children with special consideration for meeting the needs of children with handicapping conditions;
(6) Children and staff, including volunteers, eat together sharing the same menu and a socializing experience in a relaxed atmosphere; and
(7) Opportunity is provided for the involvement of children in activities related to meal service.
(d) The plan shall set forth an organized program for staff, parents and children of nutrition education as part of the education services component. This program shall assure that:
(1) Meal periods and food are planned to be used as an integral part of the total education program;
(2) Children participate in learning activities planned to effect the selection and enjoyment of a wide variety of nutritious foods;
(3) Families receive education in the selection and preparation of foods to meet family needs, guidance in home and money management and help in consumer education so that they can fulfill their major role and responsibility for the nutritional health of the family;
(4) All staff, including administrative, receive education in principles of nutrition and their application to child development and family health, and ways to create a good physical, social and emotional environment which supports and promotes development of sound food habits and their role in helping the child and family to achieve adequate nutrition.
(e) The plan shall make special provision for the involvement of parents and appropriate community agencies in planning, implementing, and evaluating the nutrition services. It shall provide that:
(1) The Policy Council or Committee and the Health Services Advisory Committee have opportunity to review and comment on the nutrition services;
(2) The nutritional status of the children will be discussed with their parents;
(3) Information about menus and nutrition activities will be shared regularly with parents;
(4) Parents are informed of the benefits of food assistance programs; and
(5) Community agencies are enlisted to assist eligible families participate in food assistance programs.
(f) The plan shall provide for compliance with applicable local, State, and Federal sanitation laws and regulations for food service operations including standards for storage, preparation and service of food, and health of food handlers, and for posting of evidence of such compliance. The plan shall provide, also, that vendors and caterers supplying food and beverages comply with similar applicable laws and regulations.
(g) The plan shall provide for direction of the nutrition services by a qualified full-time staff nutritionist or for periodic and regularly scheduled supervision by a nutritionist or dietitian. Also, the plan shall provide that all nutrition services staff will receive preservice and in-service training as necessary to demonstrate and maintain proficiency in menu planning, food purchasing, food preparation and storage, and sanitation and personal hygiene.
(h) The plan shall provide for the establishment and maintenance of records covering the nutrition services budget, expenditures for food, menus utilized, numbers and types of meals served daily with separate recordings for children and adults, inspection reports made by health authorities, recipes including quantities used, and any other information deemed necessary for efficient operation.

Subpart D—Social Services Objectives and Performance Standards

§ 1304.4–1 Social services objectives.

The objectives of the social services component of the performance standards plan are to:
(a) Establish and maintain an outreach and recruitment process which systematically insures enrollment of eligible children.
(b) Provide enrollment of eligible children regardless of race, sex, creed, color, national origin, or handicapping condition.

(c) Achieve parent participation in the center and home program and related activities.
(d) Assist the family in its own efforts to improve the condition and quality of family life.
(e) Make parents aware of community services and resources and facilitate their use.

§ 1304.4–2 Social services plan content.

(a) The social services plan shall provide procedures for:
(1) Recruitment of children, taking into account the demographic make-up of the community and the needs of the children and families;
(2) Recruitment of handicapped children;
(3) Providing or referral for appropriate counseling;
(4) Emergency assistance or crisis intervention;
(5) Furnishing information about available community services and how to use them;
(6) Follow-up to assure delivery of needed assistance;
(7) Establishing a role of advocacy and spokesman for Head Start families;
(8) Visitation with respect to an enrolled child whose participation in the Head Start program is irregular or who has been absent four consecutive days; and
(9) Identification of the social service needs of Head Start families and working with other community agencies to develop programs to meet those needs.
(b) The plan shall provide for close cooperation with existing community resources including:
(1) Helping Head Start parent groups work with other neighborhood and community groups with similar concerns;
(2) Communicating to other community agencies the needs of Head Start families and ways of meeting these needs;
(3) Helping to assure better coordination, cooperation, and information sharing with community agencies;
(4) Calling attention to the inadequacies of existing community services, or to the need for additional services, and assisting in improving available services, or bringing in new services; and
(5) Preparing and making available a community resource list to Head Start staff and families.
(c) The plan shall provide for the establishment, maintenance, and confidentiality of records of up-to-date, pertinent family data, including completed enrollment forms, referral and follow-up reports, reports of contacts with other agencies, and reports of contacts with families.

Subpart E—Part Involvement Objectives and Performance Standards

§ 1304.5–1 Parent involvement objectives.

The objectives of the parent involvement component of the performance standards plan are to:
(a) Provide a planned program of experiences and activities which support and enhance the parental role as the principal influence in their child's education and development.
(b) Provide a program that recognizes the parent as:
(1) Responsible guardians of their children's well being.
(2) Prime educators of their children.
(3) Contributors to the Head Start program and to their communities.
(c) Provide the following kinds of opportunities for parent participation:
(1) Direct involvement in decision making in program planning and operations.
(2) Participation in classroom and other program activities as paid employees, volunteers or observors.
(3) Activities for parents which they have helped to develop.
(4) Working with their own children in cooperation with Head Start staff.

§ 1304.5–2 Parent involvement plan content: parent participation.

(a) The basic parent participation policy of the Head Start program, with which all Head Start programs must comply as a condition of being granted financial assistance, is contained in Head Start Policy Manual, Instruction I–31—Section B2, The Parents (OCD Transmittal Notice 70.2, dated August 10, 1970). This policy manual instruction is set forth in Appendix B to this part.
(b) The plan shall describe in detail the implementation of Head Start Policy Manual Instruction I–31—section B2, The Parents (Appendix B). The plan shall assure that participation of Head Start parents is voluntary and shall not be required as a condition of the child's enrollment.

§ 1304.5–3 Parent Involvement Plan content: enhancing development of parenting skills.

The plan shall provide methods and opportunities for involving parents in:
(a) Experiences and activities which lead to enhancing the development of their skills, self-confidence, and sense of independence in fostering an environment in which their children can develop to their full potential.
(b) Experiences in child growth and development which will strengthen their role as the primary influence in their children's lives.
(c) Ways of providing educational and developmental activities for children in the home and community.
(d) Health, mental health, dental and nutrition education.
(e) Identification of and management of family and community resources to meet the basic life support needs of the family.
(f) Identification of opportunities for continuing education which may lead towards self-enrichment and employment.
(g) Meeting with the Head Start teachers and other appropriate staff for discussion and assessment of their children's individual needs and progress.

§ 1304.5–4 Parent Involvement Plan content: communications among program management, program staff, and parents.

(a) The plan shall provide for two-way communication between staff and parents carried out on a regular basis throughout the program year which provides information about the program and its services; program activities for the children; the policy groups; and resources within the program and the community.
Communication must be designed and carried out in a way which reaches parents and staff effectively. Policy Groups, staff and parents must participate in the planning and development of the communication system used.
(b) The plan shall provide a system for the regular provision of information to members of Policy Groups. The purpose of such communication is to enable the Policy Group to make informed decisions in a timely and effective manner, to share professional expertise and generally to be provided with staff support. At a minimum, information provided will include:
(1) Timetable for planning, development, and submission of proposals;
(2) Head Start policies, guidelines, and other communications from the Office of Child Development;
(3) Financial reports and statements of funds expended in the Head Start account; and
(4) Work plans, grant applications, and personnnel policies for Head Start.

APPENDIX A—PROGRAM OPTIONS FOR PROJECT HEAD START

This appendix sets forth policy governing the development and implementation of variations in program design by local Head Start programs.

N–30–334–1–00 Purpose

This chapter sets forth the policy governing the development and implementation of variations in program design by local Head Start programs.

N–30–334–1–10 Scope

This policy applies to all Head Start grantees and delegate agencies that operate or propose to operate a full year program which provides a set of services to the same child or the same group of children for less than six hours a day. The policy will be applied to all applications submitted by such grantees or delegate agencies on or after April 1, 1973.

N–30–334–1–20 Policy

A. GENERAL PROVISION

Beginning in the fourth quarter of FY 1973 (April 1973), Head Start programs will be permitted and encouraged to consider several program models in addition to the standard Head Start model and select the program option best suited to the needs of the children served and the capabilities and resources of the program staff. The program options that are to be available for local selection are as follows:

The standard Head Start model.
Variations in center attendance.
Double sessions.
Home-based models.
Locally designed variations.

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In principle, the Office of Child Development will support any option or design model provided a community can demonstrate in an acceptable proposal that it will result in a quality child development program at reasonable cost and meet Head Start guidelines. Any program option proposed must demonstrate that it meets each of the following conditions:

1. All policies stated in the Head Start Manual for Head Start components must be adhered to, with the exception of those points detailed in the descriptions of each of the options under Special Provisions. This policy is not to be interpreted in any way which would lessen the force of the present Head Start policy which states that, "Programs in which enrollment does not reflect the racial or ethnic composition of disadvantaged families in the area may not be funded . . ." (Head Start Manual 6108-1, page 8).

2. The design and selection of program options is to be based on an assessment of the child development needs and resources of the broader community as well as the needs of the current enrollees and their families.

3. The assignment of children to programs is to be determined by assessing such factors as age or developmental level, family situation, handicaps, health or learning problems, and previous school experience. Discussion with all parents about specific needs of their children and how best to meet those needs must be a priority in such an assessment.

4. Proposed options must be justified as consistent with good developmental practices.

5. All parents whose children participate in any option must be represented in their parent-group organizations in accordance with the revised parent involvement guidelines of the Head Start Policy Manual of August 10, 1970.

6. Program options must receive the approval of the Head Start Policy Council prior to submission to OCD.

7. There must be a specific training plan for staff and volunteers for any option chosen. It should address itself to the requirements and goals of the specific program variations being implemented.

8. The number of hours spent in the Head Start center will vary depending on the option chosen. In all cases, the center activities are to maximize opportunities for meeting the child's developmental needs.

9. The application must demonstrate the ability to conduct the program option within the limits of the current funding level unless funds are added to the program from other sources. However, some options may enable programs to serve more children within the same funding level. Careful planning and analysis will be necessary to determine the total cost associated with serving additional children. In such planning, the following areas should be considered:

a. Additional medical-dental costs;
b. Increased costs due to separate scheduling and operating practices in the area of pupil and staff transportation;
c. Additional staff for home visits and similar supportive activities;
d. Need for additional recruitment effort;
e. Increased insurance costs;
f. Additions to parent activity funds.

B. SPECIAL PROVISIONS

1. The Standard Head Start Model

Continuation of the present five-day-per-week, center-based classroom format will be optional. Communities electing to continue this format are free to do so provided that they demonstrate through a careful assessment of their needs and capabilities that continuing the present program is in the best interests of the individual children and families served. If this assessment indicates that the present format is not adequately meeting local needs, the program is to consider whether these needs could be met more effectively by one or more of the other options.

2. Variations in Center Attendance

a. Head Start programs may elect to serve some or all children on a less than five-day-per-week basis. All children who attend Head Start on a partial basis must receive the same comprehensive developmental services as children attending the 5-day session, except as otherwise indicated. Shortened hours in the classroom may be supplemented by a parent education program or another option which would assist parents in developing their role as the first and most influential educators of their own children.

In planning for less than a five-day-week classroom schedule, careful consideration must be given to the underlying reasons for the attendance variations. Program planning must specifically address the following questions:

(1) What are the developmental needs of the child? Can they be met as effectively or more effectively by less than a five-day schedule?

(2) What are the needs and desires of the family? Would adjustment factors dictate consecutive-days attendance as opposed to, say, an every-other-day schedule?

(3) How does the curriculum plan fit the age and developmental needs of the children? Does the plan take into account differing needs of children of different ages, and varying needs of the same child over time?

(4) What kind of staffing pattern is required to obtain the program objectives?

b. In all situations where the children are in the center less than five days a week, the program must specify how they will receive comprehensive services. The following examples are illustrative of what this requires.

(1) One-third to one-half of the child's daily nutritional needs must be met each day he attends the center. Parents must, on request, be provided with simple, economical weekly menus and counseling on budgeting, food preparation and sanitation, as well as on how to involve children in food-related activities in the home.

(2) Provisions for complete medical and dental services must be made for all children in accordance with Head Start policies.

(3) Staff-family interaction, as central to the Head Start concept, must be included in any variation plan. Varied scheduling is to provide staff with new and additional opportunities for such interaction.

c. Staff utilization should contribute noticeably to program quality by maximizing staff talent, potential and expertise. Staff training goals must be identified and a training plan devised which will facilitate the implementation of the option. Such training should enable the staff to incorporate curriculum modifications necessary to accommodate the shorter week and to allow for the developmental differences between three-year-olds and five-year-olds.

d. Several attendance variation models are possible in planning the delivery of Head Start services. Attendance schedules must be devised for the children in accordance with their assessed needs. Proposals must describe the methods by which children are assigned to their schedules. The following examples indicate possible scheduling variations. The list is not meant to be exhaustive.

(1) The four-day-week schedule provides four days for center-based activities plus an additional day for center staff to perform special activities, such as:

In-service training for staff, parents and volunteers.
Special experiences for children.
Home visits.
Two days in small groups in homes with parent training by the staff.

(2) Split-session schedules: Two regularly enrolled groups, each meeting two days per week, with the fifth day set aside for such things as in-service training or working with small groups of parents or children with special needs.

3. Double Sessions

Head Start programs are permitted to operate double sessions as an option. In no case shall the addition of other children result in fewer services for children currently in the program. A program shall not be required, nor shall it be permitted, to conduct double sessions solely as a cost-saving device. In addition to the policies which apply to full-year, part-day program, the following conditions must be met when the double sessions option is utilized:

a. Provisions must be made for a one-hour break between doube-session classes when a single teaching staff conducts both halves of a double session. In addition, at least thirty minutes must be allotted prior to *each* session—whether or not a different teaching staff is used—to prepare for the session and set up the classroom environment, as well as to give individual attention to children entering and leaving the center. In some instances where schools serve as center sites, variations in scheduling double sessions may have to be considered.

b. The scheduling of children to attend morning or afternoon sessions must attempt to meet individual children's needs such as receptivity, necessity for naps, and other factors that might prevent full program benefit to some children.

c. Adequate time for staff consultation, planning (staff must plan for each session to meet the needs of particular children enrolled), in-service training and career development must be provided during the working schedule. In some cases, this can only be achieved by a variation in center attendance (e.g., a four-day-week for children).

d. Staff teaching both halves of a double session are not to have the primary responsibility for home visits unless some provision is made for substitute staff. In such cases, special provisions must be made for home visits.

e. Provisions must be made for an increase in supportive personnel and services in relation to the anticipated requirements of additional children and their families.

f. Provisions must be made for custodial services between sessions, including the cleaning of indoor and outdoor spaces.

g. Provisions must be made to maintain high food quality for both sessions. All children should have an opportunity to join in cooking and other food-related activities, preferably with the participation of the cook-manager.

4. Home-Based Models

Head Start grantees may elect to develop and incorporate a home-based model into their current program. Such models would focus on the parent as the primary factor in the child's development and the home as the central facility. These models may be designed along the lines of the Home Start demonstration programs initiated in fifteen communities in FY 1972 or on a model developed by the local community. The following conditions must be met by these grantees in implementing their programs:

a. Comprehensive Services

The same kinds of services which are available to children served in a center-based Head Start program will be available to children served by a home-based program. As in center-based programs, the home-based program must make every possible effort to identify, coordinate, integrate and utilize existing community resources and services (public, reduced-fee, or no-fee) in providing nutritional, health, social and psychological services for its children and their families.

(1) *Nutrition.*—In home-based programs, whenever feasible children should receive the same nutrition services as in center-based programs with priority emphasis on nutrition education aimed at helping parents learn to make the best use of existing food resources through food planning, buying and cooking. If periodic, regular or incidental group sessions for children are held, every effort should be made to prepare and serve a nutritious snack or meal. When food is not available to a family, the home-based program must make every effort to put the family in touch with whatever community organization can help supply food. In addition, parents should be informed of all available family assistance programs and should be encouraged to participate in them.

Nutrition education must recognize cultural variations in food preferences and supplement and build upon these preferences rather than attempt to replace them. Thus, food items that are a regular part of a family's diet will be a major focal point of nutrition education.

(2) *Health.*—Every effort must be made to provide health services through existing resources. Children in home-based programs are to receive the same health services as children in center-based programs.

As with the standard Head Start program, home-based programs shall provide linkages with existing health services for the entire family unit on an as-needed basis. However, Head Start funds may be used to provide health services only for the pre-school members of the family.

(3) *Psychological and Social Services.*—Home-based programs shall provide needed services through existing community resources or within the sponsoring Head Start program in accordance with existing Head Start policies.

b. Curriculum for Children

A major emphasis of the program must be to help parents enhance the total development (including cognitive, language, social, emotional and physical) of all their children.

Whatever the educational program or philosophy of a home-based program, it must have a plan or system for developing "individualized" or "personalized" education programs for its children.

In addition, programs must provide material, supplies and equipment (such as tricycles, wagons, blocks, manipulative toys and books) to foster the children's development in their homes as needed. Provision for such materials may be made through lending, cooperative or purchase systems.

Group socialization experiences must be provided on a periodic basis for all children in home-based programs. The proposal must specify what kind of developmental activities will take place in the group setting.

Furthermore, the education component—as well as all program components—must meet the needs of the locale by taking into account appropriate local, ethnic, cultural and language characteristics.

c. Parent Program

Home-based programs reflect the concept that the parent is the first and most influential "educator" and "enabler" of his or her own children. Thus, home-based programs are to place emphasis on developing and expanding the "parenting" role of Head Start parents.

Home-based programs must give both parents (or parent substitutes and other appropriate family members) an opportunity to learn about such things as various approaches to child rearing, ways to stimulate and enhance their children's total development, ways to turn everyday experiences into constructive learning experiences for children, and specific information about health, nutrition and community resources.

d. Evening and Weekend Services

It is suggested that the program make provision for evening and weekend services to families when needed.

e. Career Development

Programs must provide career development opportunities for staff. For example, training of staff should qualify for academic credit or other appropriate credentials whenever possible.

f. Service Delivery System

In their proposals, grantees must describe their system for delivering health, nutrition, psychological and other services that are not provided primarily by the in-home caregiver.

g. Staff Selection

Proposals must describe the program's system for selecting staff in accord with the responsibilities assigned by the program to the staff member. For example, the staff visiting homes must be:

(1) Fluent in the language used by the families they serve;
(2) Responsive listeners;
(3) Knowledgeable about human development, family dynamics, and needs of children;
(4) Knowledgeable about all program components;
(5) Knowledgeable about community resources.

h. Staff Development

Programs must submit a staff and volunteer recruitment plan and a training plan, including content of proposed pre- and in-service training programs, teaching method, descriptions of training staff or consultants, and provisions for continued in-service training. The career development plan must be designed to develop or increase staff member's knowledge about:

(1) Approaches to and techniques of working with parents;
(2) Other home-based or Home Start-like programs;
(3) All Head Start component areas.

i. Volunteers

As in all other Head Start programs, the home-based programs must encourage and provide opportunity for the use of volunteers.

5. Locally Designed Options

In addition to the above models, local programs may elect to design and propose other program options which they find well suited to meet the needs of individual children and the families in their communities. Proposals for local program options must adhere to the following guidelines:

a. They must be derived from an analysis of the present standard Head Start model and must represent a more effective approach to meeting the needs of children in the community.

b. They must be consistent with good developmental practices.

c. They must be consistent with Head Start performance standards and must ensure that all components of Head Start are effectively delivered, unless they are operated as an adjunct to a program which delivers the full range of Head Start services, or unless they represent a special program thrust or circumscribed effort such as:

(1) Health Start-type program or other services such as sickle cell or lead paint screening.
(2) Summer follow-on services for handicapped high risk or other children with special needs.

APPENDIX B—HEAD START POLICY MANUAL: THE PARENTS

This appendix sets forth policy governing the involvement of parents of Head Start children ". . . in the development, conduct, and overall program direction at the local level."

I–30–2 The Parents

A. INTRODUCTION

Head Start believes that the gains made by the child in Head Start must be understood and built upon by the family and the community. To achieve this goal, Head Start provides for the involvement of the child's parents and other members of the family in the experiences he receives in the child development center by giving them many opportunities for a richer appreciation of the young child's needs and how to satisfy them.

Many of the benefits of Head Start are rooted in "change". These changes must take place in the family itself, in the community, and in the attitudes of people and institutions that have an impact on both.

It is clear that the success of Head Start in bringing about substantial changes demands the fullest involvement of the parents, parental-substitutes, and families of children enrolled in its programs. This involvement begins when a Head Start program begins and should gain vigor and vitality as planning and activities go forward.

Successful parental involvement enters into every part of Head Start, influences other anti-poverty programs, helps bring about changes in institutions in the community, and works toward altering the social conditions that have formed the systems that surround the economically disadvantaged child and his family.

Project Head Start must continue to discover new ways for parents to become deeply involved in decision-making about the program and in the development of activities that they deem helpful and important in meeting their particular needs and conditions. For some parents, participation may begin on a simple level and move to more complex levels. For other parents the movement will be immediate, because of past experiences, into complex levels of sharing and giving. Every Head Start program is obligated to provide the channels through which such participation and involvement can be provided for and enriched.

Unless this happens, the goals of Head Start will not be achieved and the program itself will remain a creative experience for the preschool child in a setting that is not reinforced by needed changes in social systems into which the child will move after his Head Start experience.

This sharing in decisions for the future is one of the primary aims of parent participation and involvement in Project Head Start.

B. THE ROLE OF THE PARENTS

Every Head Start Program Must Have Effective Parent Participation. There are at least four major kinds of parent participation in local Head Start programs.

1. PARTICIPATION IN THE PROCESS OF MAKING DECISIONS ABOUT THE NATURE AND OPERATION OF THE PROGRAM.

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2. PARTICIPATION IN THE CLASSROOM AS PAID EMPLOYEES, VOLUNTEERS OR OBSERVERS.
3. ACTIVITIES FOR THE PARENTS WHICH THEY HAVE HELPED TO DEVELOP.
4. WORKING WITH THEIR CHILDREN IN COOPERATION WITH THE STAFF OF THE CENTER.

Each of these is essential to an effective Head Start program both at the grantee level and the delegate agency level. Every Head Start program must hire/designate a Coordinator of Parent Activities to help bring about appropriate parent participation. This staff member may be a volunteer in smaller communities.

1. Parent Participation in the Process of Making Decisions About the Nature and Operation of the Program

Head Start Policy Groups

a. *Structure.*—The formal structure by which parents can participate in policy making and operation of the program will vary with the local administrative structure of the program.

Normally, however, the Head Start policy groups will consist of the following:

Chart A

Organization:	*Composition*
1. Head Start Center Committee	1. Parents whose children are enrolled in that center.
2. Head Start Policy Committee (delegate agency).	2. At least 50% parents of Head Start children presently enrolled in that delegate agency program plus representatives of the community.*
3. Head Start Policy Council (grantee)	3. At least 50% parents of Head Start children presently enrolled in that grantee's program plus representatives of the community.**

number of organizations which should appropriately be represented. The Delegate Agency determines the composition of their committee (within the above guidelines) and methods to be used in selecting representatives of the community. Parents of former Head Start children may serve as representatives of the community on delegate agency policy groups. All representatives of the community selected by the agency must be approved by elected parent members of the committee. In no case, however, should representatives of the community exceed 50% of the total committee.

Representatives of the Community (Grantee Agency level): A representative of major agencies (public and private) and major community civic or professional organizations which have a concern for children of low income families and can contribute to the program. The number of such representatives will vary, depending on the number of organizations which should appropriately be represented. The applicant agency determines the composition of the council (within the above guidelines) and the methods to be used in selecting representatives of the community. Parents of former Head Start children may serve as representatives of the community on grantee agency policy groups. All representatives of the community selected by the agency must be approved by elected parent members of the committee. In no case, however, should representatives of the community exceed 50% of the total committee or council.

Special Notes

1. All parents serving on policy groups must be elected by parents of Head Start children currently enrolled in the program.

2. It is strongly recommended that the community action agency board have representation from the Head Start Policy Council to assure coordination of Head Start activities with other CAA programs. Conversely, community action agency board representation on the Policy Council is also recommended.

3. It is important that the membership of policy groups be rotated to assure a regular influx of new ideas into the program. For this purpose, terms of membership must be limited to no more than three years.

4. No staff member (nor members of their families as defined in CAP Memo 23A) of the applicant or delegate agencies shall serve on the council or committee in a voting capacity. Staff members may attend the meetings of councils or committees in a consultative non-voting capacity upon request of the council or committee.

5. Every corporate board operating a Head Start program must have a Policy Committee or Council as defined by HEW. The corporate body and the Policy Committee or Council must not be one and the same.

6. Policy groups for summer programs present a special problem because of the difficulty of electing parent representatives in advance. Therefore, the policy group for one summer program must remain in office until its successors have been elected and taken office. The group from the former program should meet frequently between the end of the program and the election of new members to assure some measure of program continuity. These meetings should be for the purpose of (a) assuring appropriate follow up of the children (b) aiding the development of the upcoming summer Head Start program, (c) writing of the application, (d) hiring of the director and establishment of criteria for hiring staff and, when necessary (e) orientation of the new members. In short, the policy group from a former program must not be dissolved until a new group is elected. The expertise of those parents who have previously served should be used whenever possible.

c. Functions.—The following paragraphs and charts describe the minimum functions and degrees of responsibility for the various policy groups involved in administration of local Head Start programs. *Local groups may negotiate for additional functions and a greater share of responsibility if all parties agree.* All such agreements are subject to such limitations as may be called for by OEO or HEW policy. Questions about this should be referred to your HEW regional office.

(1) The Head Start Center Committee shall carry out at least the following minimum responsibilities:

(a) Assists teacher, center director, and all other persons responsible for the development and operation of every component including curriculum in the Head Start program.

(b) Works closely with classroom teachers and all other component staff to carry out the daily activities program.

(c) Plans, conducts, and participates in informal as well as formal programs and activities for center parents and staff.

(d) Participates in recruiting and screening of center employees within guidelines established by OEO/HEW, the Grantee Council and Board, and Delegate Agency Committee and Board.

(2) *The Head Start Policy Committee.* Chart B outlines the major management functions connected with local Head Start program administered by delegate agencies and the degree of responsibility assigned to each participating group.

In addition to those listed functions, the committee shall:

(a) Serve as a link between public and private organizations, the grantee Policy Council, the Delegate Agency Board of Directors, and the community it serves.

(b) Have the opportunity to initiate suggestions and ideas for program improvements and to receive a report on action taken by the administering agency with regard to its recommendations.

(c) Plan, coordinate and organize agency-wide activities for parents with the assistance of staff.

(d) Assist in communicating with parents and encouraging their participation in the program.

(e) Aid in recruiting volunteer services from parents, community residents and community organizations, and assist in the mobilization of community resources to meet identified needs.

(f) Administer the Parent Activity funds.

(3) *The Head Start Policy Council.* Chart C outlines the major management functions connected with the Head Start program at the grantee level, whether it be a community action or limited purpose agency, and the degree of responsibility assigned to each participating group.

In addition to those listed functions, the Council shall:

(a) Serve as a link between public and private organizations, the Delegate Agency Policy Committees, Neighborhood Councils, the Grantee Board of Directors and the community it serves.

(b) Have the opportunity to initiate suggestions and ideas for program improvements and to receive a report on action taken by the administering agency with regard to its recommendations.

(c) Plan, coordinate and organize agency-wide activities for parents with the assistance of staff.

(d) Approve the selection of Delegate Agencies.

(e) Recruit volunteer services from parents, community residents and community organizations, and mobilizes community resources to meet identified needs.

(f) Distribute Parent Activity funds to Policy Committees.

It may not be easy for Head Start directors and professional staff to share responsibility when decisions must be made. Even

when they are committed to involving parents, the Head Start staff must take care to avoid dominating meetings by force of their greater training and experience in the process of decisionmaking. At these meetings, professionals may be tempted to do most of the talking. They must learn to ask parents for their ideas, and listen with attention, patience and understanding. Self-confidence and self-respect are powerful motivating forces. Activities which bring out these qualities in parents can prove invaluable in improving family life of young children from low income homes.

Members of Head Start Policy Groups whose family income falls below the "poverty line index" may receive meeting allowances or be reimbursed for travel, per diem, meal and baby sitting expenses incurred because of Policy Group meetings. The procedures necessary to secure reimbursement funds and their regulations are detailed in OEO Instruction #6803–1.

2. Participation in the Classroom as Paid Employees, Volunteers or Observers

Head Start classes must be open to parents at times reasonable and convenient to them. There are very few occasions when the presence of a limited number of parents would present any problem in operation of the program.

Having parents in the classroom has three advantages. It:

a. Gives the parents a better understanding of what the center is doing for the children and the kinds of home assistance they may require.

b. Shows the child the depth of his parents concern.

c. Gives the staff an opportunity to know the parents better and to learn from them.

There are, of course, many center activities outside the classroom (e.g., field trips, clinic visits, social occasions) in which the presence of parents is equally desirable.

Parents are one of the categories of persons who must receive preference for employment as non-professionals. Participation as volunteers may also be possible for many parents. Experience obtained as a volunteer may be helpful in qualifying for non-professional employment. At a minimum parents should be encouraged to observe classes several times. In order to permit fathers to observe it might be a good idea to have some parts of the program in the evening or on weekends.

Head Start Centers are encouraged to set aside space within the Center which can be used by parents for meetings and staff conferences.

3. Activities for Parents Which They Have Helped To Develop

Head Start programs must develop a plan for parent education programs which are responsive to needs expressed by the parents themselves. Other community agencies should be encouraged to assist in the planning and implementation of these programs.

Parents may also wish to work together on community problems of common concern such as health, housing, education and welfare and to sponsor activities and programs around interests expressed by the group. Policy Committees must anticipate such needs when developing program proposals and include parent activity funds to cover the cost of parent sponsored activities.

4. Working With Their Children in Their Own Home in Connection with the Staff of the Center

HEW requires that each grantee make home visits a part of its program when parents permit such visits. Teachers should visit parents of summer children a minimum of once; in full year programs there should be at least three visits, if the parents have consented to such home visits. In those rare cases where a double shift has been approved for teachers it may be necessary to use other types of personnel to make home visits. Personnel such as teacher aides, health aides and social workers may also make home visits with, or independently of, the teaching staff but coordinated through the parent program staff in order to eliminate uncoordinated visits.

Head Start staff should develop activities to be used at home by other family members that will reinforce and support the child's total Head Start experience.

Staff, parents and children will all benefit from home visits and activities. Grantees shall not require that parents permit home visits as a condition of the child's participation in Head Start. However, every effort must be made to explain the advantages of visits to parents.

Definitions as used on charts B and C

A. General Responsibility.—The individual or group with legal and fiscal responsibility guides and directs the carrying out of the function described through the person or group given operating responsibility.

B. Operating Responsibility.—The individual or group that is directly responsible for carrying out or performing the function, consistent with the general guidance and direction of the individual or group holding general responsibility.

C. Must Approve or Disapprove.—The individual or group (other than persons or groups holding general and operating responsibility, A and B above) must approve before the decision is finalized or action taken. The individual or group must also have been consulted in the decision making process prior to the point of seeking approval.

If they do not approve, the proposal cannot be adopted, or the proposed action taken, until agreement is reached between the disagreeing groups or individuals.

D. Must be Consulted.—The individual or group must be called upon before any decision is made or approval is granted to give advice or information but not to make the decision or grant approval.

E. May be Consulted.—The individual or group may be called upon for information, advice or recommendations by those individuals or groups having general responsibility or operating responsibility.

A=General responsibility
B=Operating responsibility
C=Must approve or disapprove
D=Must be consulted
E=May be consulted

Function	Chart B: Delegate agency				Chart C: Grantee agency			
	Board	Executive director	Head Start policy committee	Head Start director	Board	Executive director	Head Start policy council	Head Start director
I. Planning:								
(a) Identify child development needs in the area to be served (by CAA if not delegated).	A	B	D	D	A	B	D	D
(b) Establish goals of Head Start program and develop ways to meet them within HEW guidelines.	A	C	C	B	A	C	C	B
(c) Determine delegate agencies and areas in the community in which Head Start programs will operate.					A	D	C	B
(d) Determine location of centers or classes	A	D	C	B				
(e) Develop plans to use all available community resources in Head Start.	A	D	C	B	A	D	C	B
(f) Establish criteria for selection of children within applicable laws and HEW guidelines.					A	C	C	B
(g) Develop plan for recruitment of children	A	C	C	B				
II. General Administration:								
(a) Determine the composition of the appropriate policy group and the method for setting it up (within HEW guidelines).	A	B	C	D	A	B	C	D
(b) Determine what services should be provided to Head Start from the CAA central office and the neighborhood centers.					A	B	C	D
(c) Determine what services should be provided to Head Start from delegate agency.	A	B	C	D				
(d) Establish a method of hearing and resolving community complaints about the Head Start program.	D	C	A	B	D	C	A	B
(e) Direct the CAA Head Start staff in day-to-day operations.					E	A	E	B
(f) Direct the delegate agency Head Start staff in day-to-day operations.	E	A	E	B				
(g) Insure that standards for acquiring space, equipment, and supplies are met.	A	D	D	B	A	D	D	B
III. Personnel administration:								
(a) Determine Head Start personnel policies (including establishment of hiring and firing criteria for Head Start staff, career development plans, and employee grievance procedures).								
Grantee agency					A	C	C	B
Delegate agency	A	C	C	B				
(b) Hire and fire Head Start Director of grantee agency.					A	B	C	
(c) Hire and fire Head Start staff of grantee agency					E	A	C	B
(d) Hire and fire Head Start Director of delegate agency.	A	B	C					
(e) Hire and fire Head Start staff of delegate agency.	E	A	C	B				
IV. Grant application process:								
(a) Prepare request for funds and proposed work program.								
Prior to sending to CAA	A	C	C	B				
Prior to sending to HEW					A	C	C	B
(b) Make major changes in budget and work program while program is in operation.	A	C	C	B	A	C	C	B
(c) Provide information needed for prereview to policy council.	A	D	C	B				
(d) Provide information needed for prereview to HEW.					A	D	C	B
V. Evaluation: Conduct self-evaluation of agency's Head Start program.	A	D	B	D	A	D	B	D

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PART III

FEDERAL ENERGY ADMINISTRATION

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■

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Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Temporary Adjustments and Assignments Occasioned by Certain Energy Curtailments

The Federal Energy Administration hereby amends, effective immediately, Part 205, Chapter II of Title 10, Code of Federal Regulations, by adding a new § 205.29 and by revising § 205.39, concerning temporary adjustments and assignments issued in response to applications pursuant to § 211.12(h), occasioned by curtailments of certain energy sources by Federal or state rules or orders.

This amendment provides, in § 205.29 (a), that the FEA may issue a one-time only temporary adjustment order to wholesale purchaser-consumers and end-users which file an application for adjustment to base period use pursuant to the provisions of § 211.12(h). Temporary adjustment orders may be issued in response to such applications only when it is not feasible to issue an order that conforms to the notice requirements of § 205.23. A temporary adjustment order for § 211.12(h) applications may be issued for a period of not more than ninety days, and must terminate at the end of a period corresponding to a base period. FEA may subsequently issue a permanent adjustment order on the basis of the original application. Section 205.29(b) provides that FEA shall give affected suppliers notice of the temporary adjustment order at least twenty-four hours in advance of its issuance. Section 205.29 (c) specifies that a temporary adjustment order is appealable in accordance with § 205.28.

Temporary assignment orders in response to § 211.12(h) applications are provided in § 205.39(a), as amended. Such temporary assignments may be made for up to ninety days on a one-time only basis, and must terminate at the end of a period corresponding to a base period.

The purpose of these amendments is to provide a procedure by which FEA may rapidly respond to applications in those situations where time does not permit processing of the applications according to normal procedures and where the applicant's source of energy has been or may at any time be curtailed as a consequence of curtailment under a plan filed in compliance with a rule or order of a Federal or State agency or which is or may become unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency.

Section 7(1)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275) (FEAA) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare.

At the present time a large number of § 211.12(h) applications are pending, and the filing of more applications is anticipated. In most cases curtailment is imminent or has already occurred. Since curtailment of energy sources can seriously disrupt industry and other segments of the economy, adversely affecting employment and services, and since the normal procedures for processing applications for adjustment and assignment would necessarily cause serious delays in providing alternate sources of energy, FEA finds that this amendment must be issued on an emergency basis, and has concluded that strict compliance with requirements of section 7(1)(1)(B) of the FEAA would cause serious harm and injury to the public health, safety and welfare. Accordingly, these requirements must be waived and these amendments are made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c)(2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of this emergency amendment concurrently with its issuance to the Administrator of the Environmental Protection Agency for his review.

Because these amendments are being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m., on Wednesday, February 19, 1975, at the Federal Building, Room 3000, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., Tuesday, February 11, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Thursday, February 13, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., Thursday, February 13, 1975, and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3315, Federal Building, Washington, D.C. 20461, before 9 a.m., e.s.t., Tuesday, February 18, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Tuesday, February 18, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the emergency amendment to Executive Communications, Box BX, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment—Temporary Adjustments and Assignments." Fifteen copies should be submitted. All comments received by Friday, February 14, 1975, and all relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., January 25, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Subpart B of Part 205 is amended by adding a new § 205.29 to read as follows:

§ 205.29 Temporary adjustment.

(a) In certain circumstances and upon application pursuant to the provisions of § 211.12(h), the FEA may issue an appropriate temporary adjustment order to wholesale purchaser-consumers and end-users which apply for adjustments pursuant to § 211.12(h). A temporary adjustment order may be issued only when it is not feasible to issue an adjustment order that conforms to the notice requirements of § 205.23 of this subpart. A temporary adjustment order shall have a duration of no longer than ninety (90) days and shall terminate at the end of a period corresponding to a base period. Such an order shall be a one-time order, and it may not be extended by issuance of another temporary adjustment order. A permanent adjustment order may subsequently be granted on the basis of the original application in accordance with the provisions of this subpart.

(b) A temporary adjustment order shall conform to the requirements of § 205.25 of this subpart and shall be issued only upon a finding that circumstances do not permit issuance of an adjustment order in accordance with the provisions of § 205.23 of this subpart, which finding shall be stated in the order.

(c) The supplier or suppliers affected by a temporary adjustment order shall be given notice of the temporary adjustment order at least 24 hours in advance of its issuance.

(d) A temporary adjustment order shall be appealable in accordance with § 205.28 of this subpart.

2. Section 205.39 is revised in paragraph (a) to read as follows:

§ 205.39 Temporary assignment.

(a) In certain circumstances and upon application, the FEA may issue a temporary assignment order to certain wholesale purchaser-resellers and to wholesale purchaser-consumers or end-users with a requirement for an allocated product for which there is not a state set-aside, or who, in accordance with Part 211 of this chapter, must submit applications for assignment to the National FEA, or who file an application for assignment of supplier pursuant to § 211.12(h). Those end-users, wholesale purchaser-consumers and wholesale purchaser-resellers requesting an assignment to meet the needs of end-users and wholesale purchaser-consumers experiencing hardship or emergency requirements with respect to products for which there is a state set-aside (products in the state set-aside are identified in § 211.17(a)) shall apply to the appropriate State Office for an assignment from the state set-aside system, in accordance with Subpart Q of this part.

The ordering of a temporary assignment shall occur only in dire circumstances and when it is not feasible to issue an assignment order that conforms to the FEA guidelines, including, but not limited to, the requirement that assignment orders for a month be issued, to the maximum extent possible, by the 15th of the preceding month. Temporary assignments are intended to be issued when circumstances do not permit the issuance of an assignment order in the normal time period, i.e., prior to the 15th day of the month preceding the month for which there is the requirement for the assignment. Thus, a temporary assignment is an "off-phase" order. The "Application for Temporary Assignment" or "Application for Assignment" pursuant to § 211.12(h) is to conform to the requirements of § 205.34, except that such requirements may be waived in whole or in part by the FEA for good cause shown. The application shall fully describe why the assignment must be made out of phase with the normal issuance of assignment orders. A temporary assignment order shall have a duration of not longer than 60 days, except that a temporary assignment order issued upon an application pursuant to § 211.12(h) may have a duration of up to 90 days and shall terminate at the end of a period corresponding to base period. It is intended that a temporary assignment order shall be a one-time order that pertains to a specific situation, and it may not be extended by issuance of another temporary assignment order. If an applicant other than an applicant for assignment pursuant to § 211.12(h) anticipates the requirement for an assignment of longer than 60 days duration, he shall submit contemporaneously with the application for a temporary assignment, or as soon thereafter as feasible, an "Application for Assignment."

* * * * *

[FR Doc.75-2867 Filed 1-30-75;8:45 am]

PART 206—ADMINISTRATIVE PROCEDURES FOR OIL IMPORTS

PART 213—OIL IMPORT REGULATIONS

Amendments To Conform Import Regulations to Presidential Proclamation No. 4341

On January 23, 1975, the President issued Proclamation No. 4341 (40 FR 3965), amending Proclamation No. 3279, as amended, which establishes the Mandatory Oil Import Program. The purpose of the new Proclamation is, in the interest of national security, to discourage further importation into the United States of petroleum, petroleum products, and related products through the imposition of greater import license fees, and thereby to create conditions favorable to the development of domestic petroleum resources needed for projected national security requirements. In view of this amendment to Proclamation No. 3279, which is effective February 1, 1975, the Federal Energy Administration (FEA), which administers the Mandatory Oil Import Program, hereby amends its oil import regulations, effective immediately, in Parts 206 and 213 of Chapter II, Title 10 of the Code of Federal Regulations, in order to conform to Proclamation No. 4341 and to implement the modifications in the Oil Import Program as of February 1, 1975.

Under the amended Proclamation, existing import license fees are revised upwards to their maximum levels, and new supplemental fees are imposed on all covered imports. Imports not currently subject to fees, including long-term allocations of imports into Puerto Rico and allocations made by the Oil Import Appeals Board, will retain their exemption from the revised existing fees, but will be subject to the supplemental fee. The supplemental fee on crude oil will be $1.00 in February, rising to $2.00 in March, and $3.00 in April and thereafter. Fees on products will be computed on the same basis, less certain adjustments for the purpose of alleviating the burden on regions particularly dependent on imported products. Under the adjusted fee schedule for products, no fee will be incurred in February, $0.60 in March and $1.20 in April. In conjunction with adoption of this system of fee adjustments for products, FEA has recently proposed rulemaking to eliminate product imports from receipt of entitlement benefits under the Old Oil Allocation Program (10 CFR 211.67, 40 FR 3467).

Refunds of both the revised old fees and the supplemental fee are also authorized under the amended program with respect to imports of crude oil refined into products for export or incorporated into petrochemicals for export; with respect to unfinished oils incorporated into petrochemicals exported from the United States, and with respect to crude oil manufactured into asphalt, the Administrator is given discretionary authority to make such refunds. Furthermore, the tariff on petroleum, suspended when the quota system was replaced by fees, is reinstated, subject to refunds of equivalent sums from the total fees paid.

To implement the foregoing changes to the Mandatory Oil Import Program, FEA is revising § 213.35 of its regulations dealing with allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products. Portions of other regulations are also amended accordingly.

In view of the fact that Proclamation No. 4341 will, on February 1, eliminate the phase-in of existing fees at six-month intervals by revising such fees upwards to their maximum levels, § 213.35 pro-

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vides that allocations and licenses issued on or after that date will be valid for one year, rather than for six months as presently provided in § 213.32(f). However, § 213.7 is amended to permit incremental issuance of licenses against allocations, so that allocation holders will not be required to pay in advance supplemental fees covering the entire amount of their allocations. To conform with Proclamation No. 4341, § 213.35 also provides for payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties found payable upon liquidation, less any applicable drawbacks. Refunds of fees and supplemental fees are also provided to the extent that imports of crude oil have been incorporated into petrochemicals, as defined in § 213.10, which are subsequently exported. Finally, to deter speculation and facilitate FEA's transition to the system of fees established by Proclamation No. 4341, § 213.35 provides that licenses issued pursuant to applications postmarked prior to January 28, 1975, the effective date of this amendment, will be subject to the fees in effect under § 213.35 prior to that date, but that licenses issued on or after February 1, 1975 pursuant to applications postmarked between January 28, 1975, and January 31, 1975 will be subject to the fee applicable on February 1, 1975, under Proclamation No. 4341.

In accordance with Proclamation No. 4341, § 213.35 sets forth the schedule of revised existing fees, applicable over and above the levels of fee-free imports established in Section 2 of that Proclamation. Under the new schedule, crude oil and natural gas products are subject to a fee of $0.21 per barrel. All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt) are subject to a fee of $0.63 per barrel. In view of the elimination of fee phase-ins, the separate schedule for Canadian imports in the present § 213.35 will no longer be necessary. Section 213.35 also continues to provide that the Director, Oil Imports, may reduce or refund such fees to the extent that imports of unfinished oils have been incorporated into petrochemicals as defined in § 213.10 which are subsequently exported, or into finished products subsequently exported. The Director, Oil Imports, may also reduce or refund such fees on crude oil to the extent that crude oil has been manufactured into asphalt. Under § 213.35 any such reductions or refunds apply only to the revised existing fees and not to the supplemental fees.

Section 213.35 further provides, in accordance with Proclamation No. 4341, that imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after March 1, 1975, and to $3.00 on imports entered on or after April 1, 1975. However, imports other than (1) ethane, propane, butanes, and asphalt, (2) crude oil, as defined for purposes of the Old Oil Allocation Program, which is imported for refining, and (3) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, shall be subject to a supplemental license fee as follows:

(a) For imports entered into the United States customs territory during the month of February, 1975, $0.00/bbl.;

(b) For imports entered during the month of March, 1975, $0.60/bbl.;

(c) For imports entered during the month of April, 1975, and thereafter, $1.20/bbl.

All licenses issued prior to February 1, 1975, shall be subject to these fees, regardless of whether such licenses were issued as a result of payment of fees or an allocation not subject to fee. However, holders of outstanding licenses issued pursuant to surety bonds, need not increase the amount of such bonds to cover the increased fee liability. In addition, holders of outstanding fee-exempt licenses not issued against a surety bond are not required to obtain such bonds to cover payment of the supplemental fee for imports made pursuant to such licenses. As provided in § 213.35, payment of the supplemental fees will be due the last day of the month following the month of importation.

Under amended § 213.35, payments of supplemental fees for licenses issued upon prepayment by the applicant shall also be at the rate applicable April 1, 1975 ($3.00 and $1.20 per barrel, respectively) provided that imports entered into United States customs territory against such licenses during the period February 1, 1975, through March 31, 1975, shall be subject to refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

Other sections are amended for consistency with § 213.35, and to clarify the difference in treatment of the original, revised fees and the new supplemental fee.

In addition, to facilitate Customs Service administration of the modified Mandatory Oil Import Program, § 213.7 is amended to require that licenses be presented to the Customs Service at a port chosen by the licensee, and that they remain in customs custody until fully utilized or expired. Certain other amendments of a technical nature are also made for the purpose of conformity to Proclamation No. 4341.

FEA has concluded that since an emergency exists, the foregoing revisions and amendments must be made effective immediately. In his State of the Union Message, January 15, 1975, President Ford set forth the program contained in Proclamation No. 4341, which these regulations implement. He stated then that "Voluntary conservation continues to be essential, but tougher programs are also needed—and now." He noted that the United States "has been put under serious pressure," and that the proposed program would "begin to restore our country's surplus capacity in total energy." In view of these statements, and the national security objectives of the Proclamation based on a finding by the Secretary of the Treasury that crude oil, the principal crude oil derivatives and products, and related products were being imported under circumstances threatening the national security, FEA finds that any delay in implementing the President's program would cause serious injury to the public health, safety, and welfare. As the Secretary stated in his finding:

> Petroleum is a unique commodity: it is essential to almost every sector of our economy, either as a raw material component or as the fuel for processing or transporting goods. It is thus essential to the maintenance of our gross national product and overall economic health. Only a small percentage of present U.S. petroleum imports could be deemed to be secure from interruption in the event of a major world crisis. The quantity of petroleum imports, moreover, is now such a high percentage of total U.S. consumption that an interruption larger than one million barrels per day at the present time would adversely affect our economy. If our imports not presently deemed to be secure from interruption were in fact kept from our shores, the effect on the U.S. economy would be staggering and would clearly reach beyond a matter of inconvenience, or loss of raw materials and fuel for industries not essential to our national security. The outflow in payments for petroleum also poses a clear threat not only to our wellbeing, but to the welfare of our allies. As the State Department has concluded, the massive transfer of wealth greatly enhances the economic and political power of oil rich states who do not necessarily share our foreign policy objectives, and correspondingly tends to erode the political power of the United States and its allies.

The provisions of Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), with respect to notice and opportunity to comment are hereby waived upon a finding that strict compliance would seriously injure the public health, safety, and welfare. However, FEA will receive public comments on the revision and amendments issued today. Public hearings with respect to these changes will be held beginning at 9:30 a.m., e.s.t., on February 27, 1975, and will be continued, if necessary, on February 28, 1975, in room 2105, 2000 M Street NW., Washington, D.C. Avenue, NW., Washington, D.C.

Public hearings prior to the issuance of these changes are not practicable because they must be issued on an emergency basis in order to implement the amended oil import program on February 1, 1975. Interested persons are invited to submit written data, views, or arguments with respect to the revision and amendments to Executive Communications, Room 3309, Federal Energy Administration, Box CA, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Conforming Regulations to Presidential Proclamation No. 4341." Fifteen (15) copies should be submitted. All comments

received by 4:30 p.m., February 24, 1975, will be considered by the Federal Energy Administration in evaluating the revision and amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Any person who has an interest in these changes, or who is a representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., February 21, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through February 26, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., February 25, 1975, and must submit 100 copies of his statements to Executive Communications, FEA Room 3309, The Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.s.t., February 26, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.s.t., February 25, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection in the Administrator's Reception Area, Room 3400, FEA; Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

The review provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974 which provide for submission of proposed rules for comment by the Administrator of the Environmental Protection Agency are also hereby waived for a period of 14 days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. The basis of this finding is set forth above.

FEA, after consultation with the Council on Environmental Quality, has prepared a brief statement of the environmental impacts of the foregoing amendments and revisions. The report is available for review in FEA's Public Reading Room, Room 206, Old Post Office Building, 11th and Pennsylvania Avenue NW., Washington, D.C. A complete draft Environmental Impact Statement covering the Mandatory Oil Import Program has been in preparation and will be published on or before May 15, 1975.

The inflationary impact of the revision and amendments published today has been evaluated by FEA, consistent with Executive Order 11821 (November 27, 1974).

Finally, FEA hereby republishes portions of certain sections in order to correct typographical errors, and publishes certain technical amendments to §§ 213.11 and 213.33, which were inadvertently omitted from the revision of its regulations published December 31, 1974 (39 FR 45268).

(Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87–794, as amended; Proclamation No. 3279, 24 FR 1781 as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 39 FR 35108, and Proclamation No. 4341, 40 FR 3965)

In consideration of the foregoing, Parts 206 and 213 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below, effective immediately.

Issued in Washington, D.C., January 28, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 206.33 is amended in paragraph (c) to read as follows:

§ 206.33 Authority of the Board.

• • • • • •

(c) Except with respect to its function to review applications for allocations of imports to which fees and supplemental fees are applicable, licenses issued pursuant to Board allocations shall be fee exempt; *Provided, That* any allocations granted by the Board pursuant to paragraph (a) of this section shall be subject to payment of supplemental fees as prescribed in paragraph (d) of § 213.35 of this chapter.

• • • • • •

2. The heading in § 206.46 is revised to read as follows:

§ 206.46 Participation by the Office of Oil Imports.

§ 213.5 [Amended]

3. Section 213.5 is amended in paragraph (a) by deleting the term "Section 9A" and by inserting in lieu thereof the term "§ 213.10".

4. Section 213.7 is amended by adding paragraphs (c) and (d) to read as follows:

§ 213.7 Licenses.

• • • • • •

(c) Licenses for allocations not subject to license fee under paragraph (c) of § 213.35 shall be issued in increments as requested by the allocation holder. At the time the allocation holder requests a license against an allocation not subject to license fee, he shall file an application in accordance with paragraph (a) of § 213.35 with respect to the supplemental license fee prescribed in paragraph (d) of § 213.35.

(d) Licenses shall be presented to the District Director of Customs at a point of entry to be selected by the licensee. Such licenses will remain in customs custody until fully utilized or expired, whereupon they shall be returned by the Customs Service to the Director, Oil Imports.

5. Section 213.11 is amended by adding paragraphs (1) (4) and (5) to read as follows:

§ 213.11 Allocations of imports of crude oil and unfinished oils for conversion of heavy liquid feedstocks to petrochemicals—Districts I–IV and District V.

• • • • • •

(1) • • •

(4) In the event that allocations are to be made for the last 6 months of a calendar year pursuant to paragraph (1)(2) or (3) of this section, the Director shall so announce in a statement published in the FEDERAL REGISTER and shall fix a time within which applications must be filed. The provisions of paragraphs (c) (2) and (3) of this section shall be applicable to such applications. The provisions of paragraphs (e) and (f) of this section shall be applicable with respect to eligibility for, and computation of,

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such allocations, except that the base period shall be the period of 6 months ending March 31 of the calendar year in which the allocations are to be made.

(5) In the event that allocations are to be made for the last 6 months of a calendar year pursuant to paragraph (1) (2) or (3) of this section, applicants who file applications within the time fixed by the Director shall be entitled to an allocation for the period of 6 months with respect to a heavy liquid plant which is scheduled to go on stream within that period or which came on stream before July 1. An allocation shall be computed as provided in paragraph (g) of this section, except that the estimated data on operations referred to in paragraph (g)(1) of this section shall pertain to the last 6 months of the calendar year and the actual and estimated data on operations referred to in paragraph (g)(2) of this section shall pertain to a period of 6 months beginning on the date on which the plant commenced operations. The provisions of paragraphs (g)(3), (4), and (5) of this section shall be applicable to allocations made under this paragraph (l)(5) of this section.

§ 213.12 [Amended]

6. Section 213.12 is amended in subparagraph (1) of paragraph (f) by deleting the term "unfinished products" and by substituting therefor the term "finished products".

§ 213.14 [Deleted]

7. Section 213.14 is deleted.

8. Paragraphs (b)(1) and (c) of § 213.22 are revised to read as follows:

§ 213.22 Use of imported crude oil and unfinished oils.

* * * * *

(b)(1) Subject to the provisions of this paragraph (b), a person who imports crude oil or unfinished oils under an allocation made under §§ 213.9, 213.12, 213.13, 213.29, 213.30, or paragraph (a) of § 213.20 may exchange his imported crude oil either for domestic crude oil or domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under §§ 213.9 or 213.30 may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of § 213.9 and paragraph (j) of § 213.30.

* * * * *

(c) Imported crude oil or unfinished oils which are sold to meet the requirements of other Regulations published by FEA shall not be subject to the provisions of paragraph (a) of this section.

9. Section 213.23 is amended in paragraphs (a) and (b) by deleting the word "regulation" and inserting in lieu thereof the word "Part," and by adding a new paragraph (e) to read as follows:

§ 213.23 Reports.

* * * * *

(e) Each importer importing crude oil, unfinished oils, or finished products must enter upon the customs entry form 7501 or 7505, as the case may be, the number of the oil import license against which such entry is being made.

10. Section 213.25 is revised to read as follows:

§ 213.25 Revocation or suspension of allocations or licenses.

The Director may, after a hearing, revoke or suspend any allocation or license issued under this Part:

(a) On grounds relating to a violation of the terms of Proclamation No. 3279, as amended, of the provisions of this Part, or of licenses issued pursuant thereto, or

(b) If the Administrator of FEA, after consultation with the Secretaries of State, Treasury and Defense, as appropriate, finds that any license or allocation should be revoked or suspended, on grounds relating to the national security.

§ 213.26 [Amended]

11. Section 213.26 is amended in subparagraphs (3), (4), and (5) of paragraph (b) by inserting the phrase "not subject to license fee but subject to supplemental fee" immediately after the phrase "grant allocations of imports".

12. Section 213.26 is amended in subparagraphs (7) and (8) of paragraph (b) by inserting the phrase "but not supplemental fees" immediately after the phrase "of license fees".

13. Section 213.26 is amended by revising paragraph (c) to read as follows:

* * * * *

(c) Except with respect to its function to review applications for allocations of imports to which fees and supplemental fees are applicable, licenses issued pursuant to Board allocations shall be fee exempt; *Provided*, That any allocations granted by the Board pursuant to paragraph (b) of this section shall be subject to payment of supplemental fees as prescribed in paragraph (d) of § 213.35.

14. Section 213.27 is amended in subparagraph (1) of paragraph (h) by deleting the word "district" and by inserting in lieu thereof the word "distinct," and by adding paragraphs (s), (t), and (u) to read as follows:

§ 213.27 Definitions.

* * * * *

(s) "Fee means the fees imposed by section 3(a)(1)(i)–(ii) of Proclamation No. 4341, amending Proclamation No. 3279, as amended. Allocations of imports issued pursuant to §§ 213.9, 213.10, 213.11, 213.12, 213.13, 213.15, 213.16, 213.20, 213.21, 213.26, 213.28, 213.29, 213.30, 213.32, 213.33, 213.34, 213.36, 213.37, 213.38, or long term allocations as defined in Presidential Proclamation 3279, as amended, are not subject to this fee.

(t) "License fee" means "fee" as defined in paragraph (s) of this section.

(u) "Supplemental fee" means the fee imposed by Section 3(a)(1)(iii) of Proclamation No. 4341, amending Proclamation No. 3279, as amended. All imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) are subject to this supplemental fee.

§ 213.28 [Amended]

15. Section 213.28 is amended by deleting paragraph (k), by deleting the term "(l)" in subparagraph (3) of paragraph (m), and by redesignating paragraphs (l), (m), and (n) as paragraphs (k), (l) and (m) respectively.

§ 213.29 [Amended]

16. Section 213.29 is amended in paragraph (e)(3) by inserting the word "capacity" after the word "refinery" whenever it appears.

§ 213.30 [Amended]

17. Section 213.30 is amended in subparagraph (2) of paragraph (g) by deleting the word "regulation" and by inserting in lieu thereof the word "Part."

18. Section 213.33 is amended by revising subparagraph (3) of paragraph (j), and by adding paragraph (k) to read as follows:

§ 213.33 Canadian Imports—Districts I–IV.

* * * * *

(j) * * *

(3) The total barrels of Canadian imports and other qualified imports processed in each such facility during the calendar year ending December 31, 1973. An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will process all such imports (and all oil exchanged for such imports) in such facilities before July 1, 1975.

(k) Licenses issued pursuant to this section shall permit the entry or withdrawal from warehouse for consumption of Canadian imports only into Districts I–IV. Except for licenses issued pursuant to this § 213.33, § 213.28, § 213.35, and § 213.26 when Canadian imports into Districts I–IV are specifically granted by the Oil Import Appeals Board no other licenses issued pursuant to this Part shall permit the importation of Canadian imports into Districts I–IV.

19. Section 213.35 is revised as follows:

§ 213.35 Allocations and Fee-Paid Licenses for Imports of Crude Oil, Unfinished Oils, and Finished Products.

(a)(1) Effective February 1, 1975, any person wishing to import crude oil, unfinished oils, or finished products into the customs territory of the United States, may do so by filing an application with the Director in such form as the Director may prescribe.

(2) Allocations and licenses under this section shall, to the fullest practicable extent, be made and issued by the Director within ten (10) days after his receipt of application therefor.

(3) Allocations and licenses under this section shall be subject to the fee and supplemental fee, as applicable, prescribed in paragraphs (c) and (d) respectively of this section.

(4) Applications for allocations and licenses under this section shall be accompanied by the applicant's certified check or a cashier's check payable to the order of the Treasurer of the United States in the amount chargeable pursuant to paragraphs (c) and (d) of this section, as applicable, or by a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury, in the sum not less than the amount chargeable pursuant to paragraphs (c) and (d) of this section, as applicable, conditioned upon payment of such amount to the Treasurer of the United States, by the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse, whichever occurs first, or within such other period as the Director shall specify. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Director shall immediately revoke all licenses issued pursuant to the bond. Except as to a department, establishment or agency of the United States, applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Payment of fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency, to the suspense account established by FEA for that purpose.

(5) Separate licenses shall be issued for crude oil, natural gas products, and for all finished products and other unfinished oils.

(6) Allocations made and licenses issued on or after February 1, 1975 for imports of crude oil, unfinished oils or finished products under this section shall be valid for one (1) year following the date of their issuance. A license shall be considered to be issued for purposes of this Part on the date the license is signed by the Director.

(7) License fees payable for imports of finished products or unfinished oils, manufactured in American Samoa, Guam or the Virgin Islands or in a foreign trade zone and transported to the customs territory of the United States by overland means or by vessel or vessels under United States registry, shall be at the rate applicable to the feedstock from which such finished product or unfinished oil was manufactured: *Provided*, That, such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Director that he made a good faith attempt to arrange shipment by vessel under United States registry and that no other vessel was available at reasonable rates for the purpose at the time this shipment was made.

(8) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate Customs Office at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture; *Provided*, That the importer certifies as to the volume of natural gas products contained.

(b)(1) In the event it is determined after entry that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which a fee or supplemental fee has been paid should in fact have been assessed a higher license fee, the importer must within thirty (30) days after notification by the District Director of Customs that a higher license fee is applicable remit the proper payment to the Director, Oil Imports, by certified check or a cashier's check payable to the Treasurer of the United States in the sum of the additional amount due.

(2) In the event an importer fails to comply with the terms set forth in this section for the payment of fees and supplemental fees, the Director shall not entertain any further applications from said importer for additional licenses until the amounts due are collected.

(3) In the event the volume of a particular shipment of crude oil, unfinished oils, or finished products being imported pursuant to a license to which a fee or supplemental fee is applicable exceeds the volume stated on the license against which the material is being imported by five (5) percent or less the District Director of Customs may permit the entry of the excess without license. The importer, however, must within ten (10) days of such entry remit payment to the Director by certified check or a cashier's check payable to the order of the Treasurer of the United States for the fee or supplemental fee due pursuant to this section on the excess entered without license at the rate in effect at the time of import.

(c)(1) Except as provided in subparagraph (2) of this paragraph, licenses issued on or after February 1, 1975 under allocations of crude oil, unfinished oils, and finished products pursuant to Section 3(a)(1)(i)–(ii) of Proclamation No. 4341, amending Proclamation No. 3279, as amended, shall be in accordance with the following schedule:

	Fee (dollars per barrel)
Crude oil	0.21
Natural gas products	.21
All other finished products and unfinished oils including crude oil to be burned directly as fuel (except ethane, propane, butanes, and asphalt)	.63

(2) Notwithstanding any other provision of this section, licenses issued pursuant to applications postmarked prior to January 28, 1975, shall be subject to the fees prescribed in this § 213.35, as in effect prior to that date.

(d)(1)(i) Except as provided in paragraph (d)(1)(ii) of this section, imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered for consumption or withdrawn from warehouse for consumption into United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered for consumption or withdrawn from warehouse for consumption on or after March 1, 1975, and to $3.00 on imports entered for consumption or withdrawn from warehouse for consumption on or after April 1, 1975, in accordance with section 3(a)(1)(iii) of Proclamation No. 4341, amending Proclamation No. 3279, as amended.

(ii) Imports other than (*a*) ethane, propane, butanes, and asphalt, (*b*) crude oil as defined for purposes of the Old Oil Allocation Program set forth in § 211.67 of this chapter, which is imported for refining and (*c*) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, shall be subject to a supplemental fee as follows:

(*1*) for imports entered into the United States customs territory during the month of February, 1975, $0.00/bbl.;

(2) for imports entered into United States customs territory during the month of March, 1975, $0.60/bbl.;

(3) for imports entered into United States customs territory during the month of April, 1975, and thereafter, $1.20/bbl.

(2) All licenses shall be subject to the fees prescribed in this paragraph (d) regardless of whether such licenses were issued prior to February 1, 1975 as a result of payment of fees or an allocation not subject to fee.

(3) With respect to licenses issued prior to February 1, 1975, not subject to the license fees prescribed in paragraph (c) of this section or licenses issued by prepayment of such fees, payment of the fees prescribed in this paragraph (d) shall be made no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first. With respect to licenses subject to the fees prescribed in paragraph (c) of this section but issued against a surety bond, payment of the fees prescribed in this paragraph (d) shall be made simultaneously with payment of the fees prescribed in paragraph (c) of this section. Notwithstanding the provisions of paragraph (a)(4) of this section, surety bonds need not be increased to cover the additional fee liability on licenses issued prior to February 1, 1975 or issued pursuant to applications postmarked prior to January 28, 1975. Holders of fee-exempt licenses issued prior to February 1, 1975, or pursuant to applications postmarked prior to January 28, 1975, but not issued against a surety bond, need not obtain bonds in the amount of the supplemental fees for imports made pursuant to such licenses.

(4) Payments made pursuant to paragraph (d)(1)(i) of this section for licenses issued upon prepayment by the applicant shall be at the rate of $3.00 per barrel. Payments made pursuant to

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paragraph (d)(1)(ii) of this section for licenses issued upon prepayment by the applicant shall be at the rate of $1.20 per barrel. Imports entered into United States custom territory against such licenses during the period February 1, 1975, through March 31, 1975, shall be subject to refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

(e)(1) Applications for refund under this paragraph shall be filed in such form as the Director may prescribe.

(2) Upon application by the importer of record, the Director may reduce or refund fees and supplemental fees prescribed pursuant to paragraphs (c) and (d) of this section, respectively:

(i) For payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties found payable upon liquidation, by the United States Customs Service, less any applicable drawback, *Provided*, That said importer certifies the amount of drawback received during that period, *And provided further*, That in the event the duty drawback exceeds the duty paid during that period, the net difference shall be applied to subsequent periods;

(ii) Where the licensee failed to use, wholly or in part, the license issued to him;

(iii) To the extent that they reflect volume adjustments made subsequent to entries made against the license at the time of importation, e.g., corrections made by the Customs Service of contained basic sediment and water, corrections of mistakes made in calculating tank volumes, or corrections of mistakes made in calculating volumes to standard temperature;

(iv) Where the District Director of Customs determines, after entry, that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which fees or supplemental fees have been paid, should have been assessed at a lower fee or supplemental fee; and

(v) To the extent that imports of crude oil have been incorporated into petrochemicals as defined in § 213.10 which are subsequently exported, or refined into finished products subsequently exported.

(3) In addition to the refunds applicable pursuant to paragraph (e)(2) of this section, upon application of the importer of record, the Director may reduce or refund license fees prescribed in paragraph (c) of this section:

(i) To the extent that imports of unfinished oils have been incorporated into petrochemicals as defined in § 213.10 which are subsequently exported, or refined into finished products subsequently exported. No petrochemical exports earning a refund of license fee may earn an allocation pursuant to § 213.10;

(ii) Where refunds of license fees, whether wholly or in part, are ordered by the Oil Import Appeals Board;

(iii) Where crude oil imported by virtue of a license for which a fee was paid has been manufactured into asphalt.

(4) In addition to the refunds applicable pursuant to paragraph (e)(2) of this section, upon application by the importer of record, the Director shall make adjustments of supplemental license fees prescribed in paragraph (d) of this section, in whole or in part, to adjust for imports entered into the customs territory of the United States during the period February 1, 1975, to March 31, 1975, for which the supplemental fee effective April 1, 1975, has been previously paid.

(5) Applications for refund under this paragraph shall, insofar as practicable, be processed by the Director and presented to the Treasury for payment, within ten (10) days of their receipt.

(6) No refunds under this paragraph to an allocation holder shall exceed the fees and supplemental fees paid by such allocation holder.

§§ 213.9, 213.12, 213.13, 213.15, 213.16, 213.20, 213.21, 213.29, 213.30, 213.32, 213.33, 213.36 and 213.38 [Amended]

20. Sections 213.9(a), 213.9(b), 213.12(a), 213.12(b), 213.13(b), 213.15(a), 213.15(b), 213.16(a), 213.20(a)(1), 213.20(a)(2), 213.21(a)(1), 213.21(a)(2), 213.21(b)(1), 213.21(b)(2), 213.29(a)(1), 213.30(a)(1), 213.32(a), 213.32(b), 213.32(c), 213.32(d), 213.33(d)(1), 213.36(c)(1) and 213.38(c) are amended by inserting the phrase "but subject to supplemental fee" immediately after the phrase "not subject to license fee" wherever it appears.

§§ 213.10, 213.11 and 213.34 [Amended]

21. Sections 213.10(b), 213.11(f)(1), 213.11(f)(2) and 213.34(e) are amended by inserting the phrase "not subject to license fee but subject to supplemental fee" immediately after the phrase "allocation of imports" wherever it appears.

§ 213.37 [Amended]

22. Section 213.37 is amended in paragraph (c) by inserting the phrase "not subject to license fee but subject to supplemental fee" immediately after the phrase "shall make allocations".

[FR Doc.75-2967 Filed 1-28-75;5:23 pm]

FEDERAL ENERGY ADMINISTRATION

COAL CONVERSION PROGRAM

Draft Environmental Impact Statement and Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), the Federal Energy Administration (FEA) has prepared a draft environmental impact statement relating to FEA's proposed coal conversion program, which implements section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA). That program would prohibit certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source, and require certain powerplants to be designed and constructed to be capable of using coal as their primary energy source, by the issuance of prohibition orders or construction orders, respectively.

Single copies of the draft environmental statement may be obtained from the FEA, Office of Communications and Public Affairs, Room 220, Old Post Office Building, 12th and Pennsylvania Avenue, NW, Washington, D.C. 20461, and from the FEA Regional Offices listed below:

Region I—150 Causeway Street, Room 700, Boston, Massachusetts 02114.

Region II—26 Federal Plaza, Room 3206, New York, New York 10007.

Region III—1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102.

Region IV—1655 Peachtree Street, NE., 8th Floor, Atlanta, Georgia 30309.

Region V—Federal Office Building, 175 West Jackson Boulevard, Room A-333, Chicago, Illinois 60604.

Region VI—Corrigan Towers, 212 North St. Paul Street, Room 1720, Dallas, Texas 75201.

Region VII—Federal Office Building, Post Office Box 15000, 112 East 12th Street, Kansas City, Missouri 64106.

Region VIII—Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226.

Region IX—Barclay Bank Boulevard, 111 Pine Street, San Francisco, California 94111.

Region X—Federal Office Building, 909 First Avenue, Room 1151, Seattle, Washington 98174.

Copies of the draft environmental statement also will be available for public review in the FEA Information Access Reading Room, Room 206, Old Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

A public hearing on the draft impact statement will be held beginning at 9:00 a.m., on February 26, 1975, in Room 3000A, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., to receive oral presentations from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. That request should be directed to Executive Communications, FEA, Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., February 12, 1975. The request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through February 25, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., February 19, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.s.t., February 24, 1975.

The FEA reserves the right to limit the number of representatives of a particular group or class of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. It is expected that each oral presentation will be limited to 10 minutes.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit comments with respect to the draft environmental impact statement to Executive Communications, FEA, Box BZ, Washington, D.C. 20461. Comments should be identified on the outside of the envelope in which the comments are transmitted and on any documents submitted to Executive Communications, with the designation "Comments on DES 75-1." Fifteen copies should be submitted. All comments and relevant information received by March 17, 1975 will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

After all testimony and comments have been received and analyzed, a final environmental impact statement will be prepared and issued.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

JANUARY 24, 1975.

[FR Doc.75-2747 Filed 1-27-75;11:13 am]

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federal register

FRIDAY, JANUARY 31, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 22
PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5:

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Pennsylvania	PA75-3011
South Carolina	SC75-1017

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AR–4067	Dec. 20, 1974
Alaska:	
AK75–5001	Jan. 10, 1975
Arkansas:	
AR–4057	Nov. 22, 1974
Iowa:	
AR–73	Nov. 1, 1974
Kentucky:	
AR–4056	Nov. 8, 1974
Mississippi:	
AR–4057	Nov. 22, 1974
New Mexico:	
NM75–4002	Jan. 10, 1975
New York:	
AR–2067	Oct. 11, 1974
Ohio:	
AR–3048	Aug. 2, 1974
Pennsylvania:	
AQ–2070	Mar. 15, 1974
AQ–2081	Mar. 29, 1974
AQ–2080	Apr. 5, 1974
AR–2009	July 19, 1974
AR–2030; AR–2037; AR–2038.	Aug. 30, 1974
AR–2034; AR–2039	Sept. 27, 1974
South Carolina:	
AR–4045	Oct. 18, 1974
Tennessee:	
AR–4057	Nov. 22, 1974
Texas:	
TX75–4001	Jan. 10, 1975
TX75–4009	Jan. 17, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Colorado:	
AR–1032(CO75–5007); AR–1034(CO75–5008).	Sept. 27, 1974
Florida:	
AQ–4107(FL75–1012)	May 3, 1974
AR–4027(FL75–1016)	Aug. 30, 1974
Indiana:	
AR–3081(IN75–2018); AR–3083(IN75–2020); AR–3088(IN75–2025); AR–3089(IN75–2026); AR–3092(IN75–2029).	Aug. 23, 1974
Iowa:	
AR–19(IA75–4043); AR–26(IA75–4046); AR–27(IA75–4039).	Sept. 20, 1974
AR–57(IA75–4040); AR–58(IA75–4037); AR–60(IA75–4045); AR–61(IA75–4041); AR–62(IA75–4038); AR–63(IA75–4044); AR–64(IA75–4036); AR–65(IA75–4034); AR–66(IA75–4035); AR–67(IA75–4042).	Oct. 11, 1974
Mississippi:	
AR–4041(MS75–1013)	Sept. 27, 1974
North Carolina:	
NC75–1001(NC75–1015)	Jan. 3, 1975
South Dakota:	
AR–1049(SC75–5013)	Nov. 22, 1974
Washington:	
AR–1051(WA75–5006)	Dec. 6, 1974
Wyoming:	
AQ–1076(WY75–5011)	Feb. 8, 1974
West Virginia:	
AQ–2086(WV75–3009)	Mar. 29, 1974

Signed at Washington, D.C., this 24th day of January 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd) Starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pa. Railroad bridge to Route 09113, north 09113 to Route 152, north along Route 152 to the Hulmeville Road, east on Hulmeville Road to Route 344, north on Route 344 to the junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 113, north on TR 113 to TR 232 at Anchor Inn, northeast on TR 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough line at the southwest corner of the Borough of New Hope. The Borough of New Hope is excluded. Said proceeding southeast along the Plumstead-Solebury and the Plumstead-Buckingham Township lines to Route 09061, northwest on 09061 to U.S. Highway 611, south on 611 to the spur of Route 270, northwest along the spur to Route 397, southwest on 397 to Route 350, southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041, southwest on 09041 to the Montgomery County line	$10.82	5%	7%+4%	2%

NEW DECISION

STATE: Pennsylvania
DECISION NO. PA-75-3011
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)
COUNTY: Bucks
DATE: Date of publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS: Bridgeton, Durham, Lower Makefield, Middletown Falls, Morrisstown, New Hope, Newton Norkamixon, Plumstead, Riegelsville, Solebury, Tinicum, Tullytown, Upper Makefield and Yardley	$ 9.85	.50	.50		.025
Remainder of County	10.52	.50	.50		
BOILERMAKERS	10.20	.65	1.00		.01
BRICKLAYERS	9.50	.80	.68		.01
CARPENTERS	9.27	1.28	.90		.07
CEMENT MASONS	8.83	.91	1.00	.85	.03
INSTALL FINISHERS	8.54	.85	.25		
ELECTRICIANS: That portion east of a line starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pa., Railroad Bridge to Route 09113, north along 09113 to Route 152, north along Route 152, east on the Hulmeville Rd., east on the junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 532, north on TR 532 to TR 113, north, TR 113 to TR 232 at Anchor Inn, northeast on TR 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough line at the southwest corner of the Borough of New Hope. The Borough of New Hope is excluded	11.35	.43	14+.40		.10

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd) East Rick Hill, West Rock Hill, Milford and Richland Townships in their entirety and that portion of Haycock and Springfield Townships west of a line following State Highway 212 from Northampton County south to route 09071 along 09071 to State Highway 212, along Highway 212 to route 09068 and along 09068 to State Highway 313	$ 9.125	.25	1%		.01
ELEVATOR CONSTRUCTORS:					
~~Elevator Constructors~~	~~10.83~~	~~.44~~	~~.29~~	~~2%+b+c~~	~~.02~~
Elevator Constructors Helpers	7.16	.44	.29	2%+b+c	.02
Elevator Constructors Helpers (prob.)	5.115				
GLAZIERS:					
Milford, West Rockville, Rickland, E. Rockville, Haycock, Durham, Springfield, Ricklandtown, Sqoherton, Nockamixon, Twps.	8.14	.35	.10		.01
Remainder of County	8.38	.35	.30		.01
IRONWORKERS	9.74	.64	1.06	10%	.05
LABORERS: Stripping & dismantling conorete form work, loading, unloading, carrying & handling of all reinforosd steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pheumatio tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & conorete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of laborers	7.35	.55	.30		
Mason Tenders, Power Buggies, Burners or Demolition	7.45	.55	.30		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'D)					
Wagon drill operator (single)	$ 7.50	.55	.30		
Powdermen, wagon drill operator (multiple)	7.65	.55	.30		
Circular Caissons Excavation:					
Caisson groundmen	7.65	.55	.30		
Caisson bottom man	7.75	.55	.30		
Underpinning Excavation:					
Laborers, working at depth of 8 feet or under	7.65	.55	.30		
Yard workers	7.29	.55	.30		
LATHERS:					
Milford, Trumbersville, Richland, Quakertown, Springfield, Durham, Riegelsville, Bridgetown, Nockamixon, Tinicum, Plumstead, Dublin, Bedminster, Haycock, East Rookhill, Perkasie, Sellersville, West Rockhill	7.69	.40	.25		
Solebury, New Hope, Upper Makefield, Wrightstown, Newton, Yardley, Lower Makefield, Morrisville, Falls, Tullytown Twps	7.75	.25	.25		.02
Remainder of County	8.61	.225	.10		
LEAD BURNERS	9.25	.35		n	.01
LINE CONSTRUCTION:					
Lineman	11.57	.20	7%		7%
Groundman	6.94	.20	7%		7%
Winch Truck Operator	8.10	.20	7%		7%
MARBLE SETTERS	8.56	.67	.65		
PAINTERS:					
Brush & Roller	8.325	.375	.30	.30	.02
Spray, Steel & Swing	8.505	.375	.30	.30	.02
PILEDRIVERMEN	9.92	1.28	.90		.07
PLASTERERS	9.47	.53			.01
PAINTERS, CAULKERS & CLEANERS	8.25	.35	.50		
MILLWRIGHTS	9.97	1.28	.90		.07

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Milford, Trumbaversville, West Rookhill, Sellerville, Perkasie, East Rockhill, Richland, Quackertown, Haycock, Nockamixon, Bridgeton, Durham, Riegelsville	$ 7.95	.30	.30	50	.01
Remainder of County	10.42	.57	.92		.08
POWER EQUIPMENT OPERATORS					
CLASS 1	10.50	4.6%	9.5%	d	1.2%
CLASS 2	10.24	4.6%	9.5%	d	1.2%
CLASS 3	9.37	4.6%	9.5%	d	1.2%
CLASS 4	9.15	4.6%	9.5%	d	1.2%
CLASS 5	8.85	4.6%	9.5%	d	1.2%
CLASS 6	8.67	4.6%	9.5%	d	1.2%
CLASS 7	8.15	4.6%	9.5%	d	1.2%
CLASS 8	7.41	4.6%	9.5%	d	1.2%

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION 75-PA-3011 P. 6

CLASS I: Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machines; Helicopters; Machines similar to the above

CLASS II: Engineers working with Dock Builders and Pile Drivers; All types of cranes
All types of backhoes; Cableways: Draglines; Keystones: All types of shovels: Derricks: Trench shovels: Trenching machines; Pippin type backhoes: Hoist with two towers; Pavers 21E and over: All types overhead cranes; Building Hoists - double drum (unless used as single drum): Mucking Machines in tunnel; Gradalls: Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers: Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above

CLASS III: Convevors (Except Building Convevors), Building Hoists (single drum), Scrapers and Tournaoulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above

CLASS IV: Concrete breaking machines
Rollers
Machines similar to the above

CLASS V: All bulldozers under D-7; Tractors including rubber-tired type with front and overhead loaders under 2 c.v.; Seaman pulverizing mixer; Welders and Maintenance Engineers: Fireman on Power Equipment; Maintenance Engineer (Power Boat); Machines similar to the above

CLASS VI: Convevors (Building); Welding Machines; Heaters; Wellpoints; Compressors; Farm Tractors; Form line graders; Road finishing machines; Pumps; Power Broom (Self contained); Seed Spreader; Machines similar to the above

CLASS VII: Firman

CLASS VIII: Oilers and Deck Hand (Personnel Boats)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Milford, Trumbbaversville, Richland, Quakertown, Springfield, Durham, Reigllville					
Composition and Slate	$8.35	.25	.25		
Helpers	4.63	.25	.25		
Solesbury, New Hope, Upper Makefield, Wrightstown, Newtown, Yardley, Lower Makefield Morrisville, Falls, Tullytown and Bistol					
Composition, Roofers	9.70	.40	.50		
Remainder of County					
Composition Roofers	9.97	1.15	.75	e	
Slate, Tile & Ashestos roofers	9.40	1.00	.50		
Asphalt shingle	7.94	1.00	.50		
Slate, tile, asbestos and asphalt shingle helpers	5.83	1.00	.50		
Sheet metal workers	10.69	.52	.50		.01
Soft floor layers	8.03	.98	.90		.07
Sprinkler fitters	9.60	.50	.70		.08
Steamfitters	10.42	.57	.92		.08
Stonemasons:					
Bristol	7.35	.57	.55	.50	
Remainder of County	8.15	.67	.65		
Terrezzo workers	7.49	.67	.65		
Tile setters	8.445	.80	.40		
Tile setters helpers	6.255	.60	.60	.55	
Truck Drivers:					
Class I	6.12	.3675	.35	f&g	
Class II	6.22	.3675	.35	f&g	
Class III	6.42	3675	.35	f&g	

75-PA-3011 P. 8

TRUCK DRIVERS CLASSIFICATION DEFINITION

CLASS I: Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1½ ton and under vehicles

CLASS II: Truck Driver over 1½ tons, Dump Trucks, Tandem and Batch Trucks, Semi-trailers, Agitator Mixer Trucks, and Dumpcrete type vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)

CLASS III: Euclid type, Off-highway Equipment-back or Belly Dump Trucks and Double-hitched equipment Straddle (Ross) Carrier, Low-bed Trailers

FOOTNOTES:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. 9 paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 full days for the employer during the 120 days prior to the holidays and is available for work the day preceding and following the holiday.

b. Employer contributes 4% of basic hourly rate for men over 5 years, 2% for men under 5 years' plus 2½% supplemental vacation pay on al actual hours regardless of length of service as vacation pay credit.

c. Paid Holidays: A through F.

d. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

e. Holiday: Election Day

f. Employee who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be leigible for one (1) week's vacation.

g. Paid Holidays: Memorial Day; Independence Day; and Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

NEW DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: SC75-1017 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Cherokee, Spartanburg, and Union

42-SC-4-B

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	$4.25				
Asbestos workers	3.41				
Bricklayers	5.35				
Carpenters	4.00				
Cement masons	3.98				
Dry wall finishers	4.00				
Dry wall hangers	4.35				
Electricians	4.50				
Ironworkers:					
Structural & Ornamental	3.70				
Laborers:					
Laborers	2.66				
Asphalt Raker	3.00				
Mason tenders	2.75				
Painters, brush	3.50				
Plumbers & pipefitters	4.16				
Roofers	3.80				
Sheet metal workers	4.00				
Tile setters	4.42				
Truck drivers	2.98				
Welders - rate for craft					
Power Equipment Operators:					
Asphalt distributor operator	3.70				
Asphalt finisher operator	3.73				
Asphalt swesppr	3.00				
Backhoe	3.50				
Bulldozer	4.75				
Grader	3.40				
Loader operator	3.25				
Pan operator	3.70				
Roller	2.97				
Tractor	3.00				
Trenching machine	3.75				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4067 - Mod. #2 (39 FR 44151 - December 20, 1974) Madison County, Alabama					
Add: Ironworkers:					
Reinforcing	$7.605	.40	.25		.03
Structural	7.605	.40	.25		.03
DECISION #AK75-5001 - Mod. #1 (39 FR 2382 - January 10, 1975) Statewide Alaska					
Change: Power Equipment Operators - Dredging					
Group 1	$ 10.08	.70	2.00		
Group 2	10.21	.70	2.00		
Group 3	11.14	.70	2.00		
Group 4	11.20	.70	2.00		
Group 5	11.26	.70	2.00		
Group 6	11.77	.70	2.00		
Group 7		.70	2.00		
a	12.55	.70	2.00		
b	13.30	.70	2.00		
DECISION #AR-73--MOD. #1 (39-FR-38797--November 1, 1974) Appanoose, Davis, Jefferson, Van Buren, & Wapello Counties, Iowa					
CHANGES:					
Highway Construction:					
Raker	$3.25				

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO.-AR-4056 - Mod.#2 (39 FR-39703 - November 8, 1974) Counties: Boone, Campbell, Kenton and Pendleton, Kentucky					
Change: Under modification No. 1 Counties and State to Read: Boone, Cambell, Kenton and Pendleton, Kentucky					
DECISION NO. NM75-4002 - Mod. #2 (40 FR 2391 - January 10, 1975) Statewide, New Mexico					
Change: Asbestos workers (Statewide, except Union, Harding, Lea, Roosevelt, Curry, and Quay Counties)	$9.28	.50	.82a		.03
Asbestos workers (Union, Lea, Harding, Roosevelt, Curry, and Quay Counties.	8.45	.35	.30		.02
ELEVATOR CONSTRUCTORS: Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties					
Elevator Constructors	8.655	.445	.29	3%+a+b	.02
Elevator constructors Helper	70%JR	.445	.29	3%+a+b	.02
Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator Constructors	6.72	.445	.29	3%+a+b	.02
Elevator Constructors helper	70%JR	.445	.29	3%+a+b	.02
GLAZIERS: Zone II	6.49	.40			.02

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3048 - Mod. #5 (39 FR 27992 - August 2, 1974) Statewide, Ohio					
Change: Heavy and Highway Construction Cement Masons					
Zone 1 - Cuyahoga, Geauga, Lake and Lorain Counties	$ 9.14	.49			.02
Zone 2 - Allen, Ashtabula, Columbiana, Defiance, Erie, Fulton, Hardin, Hancock, Henry, Huron, Lucas, Mahoning, Medina, Ottawa, Paulding, Portage, Putnam, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Williams and Wood Counties	8.69	.49			.02
Zone 3 - Remainder of Counties	8.34	.49			.02

MODIFICATIONS P. 4

DECISION #AR-3048 - Mod. #5 Cont'd

Change: Heavy and Highway Construction

LABORERS	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates
GROUP I	$ 7.81	7.13	6.70
GROUP II	7.935	7.255	6.825
GROUP III	8.01	7.33	6.90
GROUP IV	8.16	7.48	7.05
GROUP V	8.46	7.78	7.35

FRINGE BENEFITS FOR ALL ZONES AND ALL CLASSIFICATIONS

$.50 - Health & Welfare
.30 - Pension
.02 - Apprentice Training

CLASSIFICATION DEFINITIONS

LABORERS

GROUP I - Laborers(construction), plant laborers or yardmen, right-of-way laborers, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector.

GROUP II - Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools, mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow.

GROUP III- Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipelayer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill.

GROUP IV - Blaster, powder man, muckers, wrenchar (mechanical joints and utility pipeline), yarner, top lander.

GROUP V - Curb setter and cutter, miner without air, concrete crew in tunnels, utility pipeline tapper, gunnite nozzle man, waterline caulker.

ZONE DEFINITIONS

Zone 1 - Cuyahoga, Geauga and Lake Counties
Zone 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull and Wood Counties.
Zone 3 - Remainder of Counties

DECISION #AR-3048 - Mod. #5 Cont'd
(39 FR 27992 - August 2, 1974)
Statewide, Ohio

MODIFICATIONS P. 5

Change:

POWER EQUIPMENT OPERATORS ZONE 1 - Columbiana, Mahoning and Trumbull Counties	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.87	.50	.50		.12
CLASS II	9.18	.50	.50		.12
CLASS III	8.82	.50	.50		.12
CLASS IV	8.41	.50	.50		.12
CLASS V	8.31	.50	.50		.12
CLASS VI	10.14	.50	.50		.12

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS I - Asphalt planer heater, Austin western & similar type, Back hoe, Batch plant-portable concrete, Berm builder-automatic, Backfiller w/drag attachment, Boat derrick, Boat-tug, Boring mach. attached to tractor, Bullclam, Bulldozer, G.M.I. road builder & similar types, Cable placer & layer, Carrier-straddle, Carryall - scraper or scoop, Chicago boom, Compactor w/blade attached, Concrete spreader finisher comb., Crane, Crane-stationary or climbing, Crane-electric overhead, Crane-side boom, Crane-truck, Crane-tower, Derrick-boom, Derrick-car, Diggers-wheel (not trencher or road widner), Double drum, Drag line, Dredge, Drill-Kenny or similar type, Electromatic, Fork lift, Frankie pile, Gradall, Grader-power, Gunny, Gunny-self propelled, High lift, Hoist-monorail, Hoist-stationary & mobile tractor, Hoist-2 or 3 drum, Jackall, Jumbo mach., Koal or Kuhlman, Land-seagoing vehicle, Loader- Elevating, Loader-front end, Locomoti Mechanic as welder, Metro clip harvester w/boom, Mucking mach., Paver-asphalt finishing mach., Paver-road concrete, Paver-slip form, Place crete mach, Post driver, Power driven hydraulic pumps and jacks-drilling, Shovel, Spikemaster, Stonecrusher, Tie puller & loader, Tie tamper, Tractor-double boom, Tractor w/attachments, Trucks-boom, Truck-tire-assigned to job, Trench mach., Tunnel machine (Mark 21 Java or similar), Whiley

CLASS II - Asphalt plant, Bending machine, Boring mach., Chip harvester w/o boom, oleaning Mach.-pipeline type, Coating Mach.-pipeline type, Concrete belt placer, oonorete finisher, Concrete planer or asphalt, Concrete spreader, Elevator, Fork lift walk behind, Form line mach., Grease truck op., Grout pump, Gunnite mach., Huck bolting Mach., Hydraulic scaffold, Paving breaker, Pipe dream, Pot fireman Power broom, Refrigeration plant, Sasgen derrick, Seeding Mach., Self-propelled mobile vibrator compactor or roller, Hoist-single drum, Soil stabilizer (pump type), Spray cure Mach.-Self propelled, Straw blower mach., Sub-grader, Tube finisher or broom C.M. or similar type of Tugger Hoist

CLASS III - Batch plant-job related, Boiler op., Compressor (125 CFM or over), Curb builder (self propelled), Generator-steam, Jack-hydraulic-power driven, Mixer-concrete, Mulching Mach., Pin puller, Pulverizer, Pump, Road finishing mach. (pull type), Roller,Saw-concrete-self propelled, Signal man, spray cure Mach.-motar powered,Spreader (side driver shoulder attachment), Tractor, Trencher-form, Water blaster

CLASS IV - Brake man, Compressor under 125CFM, Conveyor, Conveyor 12 feet or under other than servicing brick layers, Deck hand, Drill wagon, fireman, Generator sets, Heaters-portable power (2 to 5), Helper-mechanic, Jacks Hydraulic (railroad), Lidavator, Roller (walk behind 1 ton or over), Steam jenny, Syphons, Vibrator-gasoline, Welding machines (2) (fuel burning)

CLASS V - Oiler

CLASS VI - Rigs-pile driving or cassion type

DECISION #AR-3048 - Mod. #5 Cont'd

MODIFICATIONS P. 6

Change:

Heavy and Highway Power Equipment Operators

ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties
ZONE 3 - Remainder of State.

	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 9.78	9.04	.46	.80		.11
CLASS B	9.68	8.92	.46	.80		.11
CLASS C	8.64	7.88	.46	.80		.11
CLASS D	8.17	7.45	.46	.80		.11
CLASS E	7.43	6.45	.46	.80		.11

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS A - Air compressor on steel erection, Asphalt plant engineer (Cleveland District only), Boiler Op., compressor or generator when mounted on rig, Cableways, combination concrete mixer and tower, Concrete plants (over 4 yds. cap.), Concrete pumps, Cranes (all types inc. A frames, Boom trucks, cherry pickers), Derricks, Draglines, Dredge (dipper clam or suction), Elevation grader or euclid loader, Floating equipment (all types), Helicopter crew (hoist ot winch), Hoes (all types), Hoisting engines (including shaft & tunnel work), Industrial type tractor, Jet engiaer dryer (D8 or D9) diesel tractor, Locomotives (standard guage), Maintenance Op. Class A, Mixer (paving single or double drum), Mucking mach., Multiple scraper, piledriving mach. (all types), Power shovel, Quad 9 (double pusher), Refrigerating mach. (freezer operation), Rotary drill on caisson work, slip form paver, Tower derricks, Tree shredder, Trench mach. (over 24" wide), Truck mounted concrete pump, Tug boat, Tunnel mach., Mining mach., Wheel excavator.

CLASS B - Asphalt paver, Automatic subgrade mach. self propelled (CMI type), Boring mach. Op. (more than 48"), Bulldozers, Endloader, Kolman Loader (production type-dirt), Lead grease man, Maintenance Op. Class B (in Zone 2 Portage & Summit Cos. only), Power grader, Power scraper, Push cat, Trench mach.(24" wide & under)

CLASS C - Air compressor on tunnel work (low-pressure), Asphalt plant engineer, Locomotive (narrow guage), Concrete mixers (more than 1 bag cap.), Mixers (1 bag cap. - side loader), Power boiler over 15 lb. pressure, Pump Op. installing and operating well points, Pumps (4" & over discharge), Rollers (asphalt), Utility Op. (small equipment), Welding mach. & generators.

CLASS D - Back fillers, Bar (joint & mesh installing mach.), Batch plant, Boring mach. Op. (48" or less), Bull floats, Burlap & curing mach., Compressors (portable, sewer, hwy, & hwy.), Concrete plant (4 yd. & under cap.), concrete saw (multiple), Conveyors (Hwy.), Crusher, Deckhand, Drill highway (w/integral power), Farm type tractors w/att. Finishing mach., Firemen (floating equipment, all types), Fork lift (hwy.), Form trenchers, Hydro hammer, Hydro seeder, Pavement breaker, Plant mixers, Post driver, Post hole digger (power auger), Power brush burner, Power form handling Equip., Road widening trencher, Rollers (brick, grade, macadam), self propelled power spreader, self-propelled power subgrader, Steam firemen, Tractor (pulling sheepfoot roller or grader), Vibratory compactor (w/integral power).

CLASS E - Drum firemen (asphalt plant), Helpers, Inboard-outboard motor boat-launch, Oil heaters (asphalt plant), Oilers, Power driven heaters, Pumps (under 4" discharge), Signalmen, Tire repairmen.

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2009 - Mod. #3 (39 FR 26619 - July 19, 1974) Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania					
Change:					
Asbestos Workers	$ 8.73	.30	.30		.01
Plumbers & Steamfitters	9.30	.30	.50		.12
Sprinkler Fitters	9.60	.50	.70		.08
Footnotes					
d. $45.03 per month to a Health and Welfare Fund.					
e. $29.33 per month to a Pension Fund.					
DECISION #AR-2030 - Mod. #3 (39 FR 31851 - August 30, 1974) Lancaster County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	8.45	.35	.45		
Glaziers:					
Elizabeth, Cloy, Brecknock, W. Calico, Ephrata, Warwick, Earl, Manheim, Caernarvon Twps.	8.14	.35	.10		.01
Plumbers & Steamfitters	9.30	.30	.50		.12
DECISION #AR-2037 - Mod. #2 (39 FR 31859 - August 30, 1974) Indiana County, Pennsylvania					
Change:					
Sheet Metal Workers	9.18	.70	.90		.03
Painters:					
Commercial Brush	7.59	.60	.40		.12
Industrial Brush	8.44	.60	.40		.12

MODIFICATIONS P.8

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2034 - Mod. #2 (39 FR 35051 - September 27, 1974) Armstrong County, Pennsylvania					
Change:					
Sheet Metal Workers	$ 9.18	.70	.90		.03
Painters:					
Commercial, Brush	7.59	.60	.40		.12
Industrial, Brush	8.44	.60	.40		.12
Commercial, Spray	8.09	.60	.40		.12
Industrial, Spray	9.65	.60	.40		.12
DECISION #AQ-2070 - Mod. #3 (39 FR 10070 - March 15, 1974) Sullivan County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	8.25	.30	.50		
Roofers	8.25	.50	.40		
Painters:					
Eastern part of County:					
Brush	7.25	.30	.30		.05
Tapers	7.51	.30	.30		.05
Hazardous	8.51	.30	.30		.05
DECISION #AQ-2080 - Mod. #5 (39 FR 12571 - April 5, 1974) Lebanon County, Pennsylvania					
Change:					
Asbestos Workers	8.73	.30	.30		.01
Plumbers & Steamfitters:					
West of Route 501	9.30	.30	.50		.01
Sprinkler Fitters	9.60	.50	.70		.08
Truck Drivers:					
Pick-ups, dump, flat trucks to & including 2 highway license plates	6.71	d	e		
Transit-mix, Winch, trucks, tractor trailers, all types					
Euclids, Ross lumber carriers & trucks over 2 plates	6.95	d	e		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2038 - Mod. #2 (39 FR 31862 - August 30, 1974) Westmoreland County, Pennsylvania					
Change:					
Painters:					
Brush	$ 7.59	.60	.40		.12
Spray	8.09	.60	.40		.12
Sheet Metal Workers	9.18	.70	.90		.03
DECISION #AR-2039 - Mod. #2 (39 FR 35054 - September 27, 1974) Washington County, Pennsylvania					
Change:					
Bricklayers & Stonemasons:					
Remainder of County	9.60	.45	.67		
Painters:					
Remainder of County					
Brush	7.40	.45	.20		
Spray	8.525	.45	.20		
Sheet Metal Workers	9.18	.70	.90		.03
DECISION #AR-2099 - Mod. #1 (39 FR 44931 - December 27, 1974) Adams and York Counties, Pennsylvania					
Change:					
Bricklayers & Stonemasons	8.45	.35	.45		
Plumbers & Steamfitters	9.30	.30	.50		.12

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2081 - Mod. #3 (39 FR 11805 - March 29, 1974) Cambria County, Pennsylvania					
Change:					
Cement Masons	$ 8.15	1.00			
Painters:					
Commercial	7.59	.60	.40		.12
Industrial	8.44	.60	.40		.12
Sheet Metal Workers	9.18	.70	.90		.03
DECISION # AR-4045 - Mod. #3 (39 FR 37327 - October 18, 1974) Berkeley and Charleston Counties, South Carolina					
Change: Decision No. AR-4025 - Mod. #2 published in 40 FR 3087 dated January 17, 1975 to read Decision No. AR-4045.					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4001 - Mod. #2 (40 FR 2402 - January 10, 1975) Statewide (excluding Dallas-Fort Worth Regional Airport), Texas					
Change:					
Asphalt heaterman: Zone 2	$2.85				
Asphalt raker: Zone 2	3.00				
Asphalt shoveler: Zone 2	2.35				
Batching plant scaleman: Zone 2	3.25				
Omit:					
Air tool man: Zone 2	2.85				
DECISION #TX75-4009 - Mod. #1 (40 FR 3168 - January 17, 1975) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Electricians:					
Zone 3:					
Area A:					
Electricians	8.53	4%	5%		7/10%
Cable splicers	9.38	4%	5%		7/10%
Area B:					
Electricians	8.78	4%	5%		7/10%
Cable splicers	9.65	4%	5%		7/10%
Area C:					
Electricians	9.03	4%	5%		7/10%
Cable splicers	9.93	4%	5%		7/10%

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION NO. #AR-4057 - Mod. #1 (39 FR 41113 - November 22, 1974) States: Arkansas Mississippi, Louisiana and Tennessee					
Add: TO DESCRIPTION OF WORK: and excluding the metropolitan area of Memphis, Tennessee.					
DECISION NO AR-2067 - Mod. #1 (39 FR 36814 - October 11, 1974) Onondaga County, New York					
Change:					
Asbestos workers	$10.18	.47	.21		.02
Bricklayers and stone masons	9.10	.61	.70		.03
Carpenters (Building)	9.07	.55	.60		.05
Elevator constructors	9.63	.445	.29	3%+a+b	.02
Elevator constructors' helpers	6.74	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	4.815				
Line Construction:					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicers	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.654	1%+.60	d	3/8%
Marble setters	7.915	.61	.70		
Millwrights	9.225	.55	.60		.05
Terrazzo workers	7.915	.61	.70		
Tile setters	7.915	.61	.70		

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO75-5007

DATE: Date of Publication

Supersedes Decision No. AR-1032 dated September 27, 1974, in 39 FR 34957

DESCRIPTION OF WORK:: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons					
Eagle County	7.45	.45	.60	.25	.05
Boulder and Grand Counties	8.35	.45	.50		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.10	.50	.45	.25	.05
Remaining Counties	8.25	.45	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing points					
Zone I (0 to 20 miles)	7.465	.45	.45	.30	.04
Zone II (20 to 50 miles)	8.29	.45	.45	.30	.04
Zone III (50 miles and over)	9.11	.45	.45	.30	.04
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	7.42	.45	.45	.30	.04
Zone II (20 to 50 miles)	8.22	.45	.45	.30	.04
Zone III (50 miles and over)	9.03	.45	.45	.30	.04
Larimer County (S.E. portion within Loveland basing point, Zone I)	7.465	.45	.45	.30	.04
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P.O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from P.O. in Leadville or Fort Collins)	7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P.O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Eagle and Summit Counties:					
Cement Masons	$6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.00	.44	1.10	.60	.07
Remaining Counties (including Elbert County, except S.E. corner and N½ of Park County)					
Cement Masons	7.00	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.25	.44	1.10	.60	.07
ELECTRICIANS:					
ELECTRICIANS (Elbert and Park Counties)	9.07	.42	1%+.25		.01
Electricians (Remaining Counties)	9.04	.65	1%+.25		
Cable Splicers (Remaining Cos.)	9.29	.65	1%+.25		
ELEVATOR CONSTRUCTORS	8.12	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	8.40	.55	.80		.06
MARBLE MASONS	7.60	.53	.40	.25	
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	8.51	.50	.45		.04
Drywall finisher; Paperhanger	8.71	.50	.45		.04
Spray; Swing stage	8.99	.50	.45		.04

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$8.69				.01
PLUMBERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See ** below)	8.18	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Larimer County	8.05	.50	.45	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	8.60	.55	.65	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties (See**below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	8.85	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.60	.53	.40	.25	
TILE LAYERS:					
Elbert, Lake, and Park Counties	7.41	.45	.50		
Remaining Counties	7.60	.53	.40	.25	
TILE, MARBLE, & TERRAZZO HELPERS	6.22	.56	.50	.40	

*Park County dividing line: A line from the S.W. corner of Jefferson County to the S.E. corner of Lake County

**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (BUILDING CONSTRUCTION)

AREA A	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.50	5.95	6.40	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07
AREA B							
Group 1	4.80	5.25	5.70	.42	.45		.07
Group 2:							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities

AREA B
Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden, Grandby, Greeley and Vail.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

ZONE 3: That area encompassed by 70 driving miles and over from that main Post Office in above named Cities.

GROUP DESCRIPTION FOR AREAS A and B

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air, gas, and electrical tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working sruface; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters	$ 6.99	.48	.60	.40	.05
Underground Carpenters	7.14	.48	.60	.40	.05
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswain's chair; Piledriving; Sawmen continuously assigned to 1-1/2 HP saws at jobsite	7.29	.48	.60	.40	.05
Cement Masons: Construction (outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
Cement Masons: Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07
LINE CONSTRUCTION - COLORADO					
Cable Splicer	8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngsuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

LABORERS: (Heavy Constr.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipe-line; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with high-way construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters, Reming machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timber-men (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timber-men (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)**

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt acreed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas and Pueblo
DECISION NUMBER: C075-5008 DATE: Date of Publication
Supersedes Decision No. AR-1034 dated September 27, 1974, in 39 FR 34970
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.50		.04
CARPENTERS	7.54	.48	.60	.40	.05
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone II (12-20 miles from P. O.)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone III (20-40 miles from P. O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
Zone IV (Over 40 miles from P. O.)					
Electricians	10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.91	.42	1%+.25		1/10%
ELEVATOR CONSTRUCTORS	8.12	.395	.25	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.25	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE AND TILE SETTERS, Terrazzo Workers	7.60	.53	.40	.25	
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Brush	5.53	.30			.02
Structural Steel; Spray	6.03	.30			.02
Spray Steel	6.53	.30			.02
PLASTERERS	8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	9.40	.55	.65		.05
Zone II (15-20 miles from P. O.)	9.97	.55	.65		.05
Zone III (20-40 miles from P. O.)	10.15	.55	.65		.05
Zone IV (Over 40 miles from P. O.)	10.775	.55	.65		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	6.40	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION - COLORADO

Cable Splicers	8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

LABORERS (Building Construction)

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

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ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Pueblo and Trinidad.
ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named cities.
ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named cities.

LABORERS (Building Construction)

GROUP DESCRIPTION

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air gas, and electrical tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tilt-up panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working surface; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.14	.48	.60	.40	.05
CEMENT MASONS	7.29	.48	.60	.40	.05
	6.22	.42	1.10	.30	.07

C075-5008 P. 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Constr.)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

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LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

C075-5008 P. 6

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)**	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Hole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi - or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Bay
DECISION NUMBER: FL75-1012 DATE: Date of Publication
Supersedes Decision No. AQ-4107 dated May 3, 1974 in 39 FR-15638
DESCRIPTION OF WORK: Building Construction. (exoluding single family homes and garden type apartment up to and inoluding 4 stories).

3-Florida-1-L

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.70	.395	.75	a	.02
Boilermakers	7.13	.40	.70		.01
Carpenters	7.15	.40			.01
Electricians (commerical)	5.16				
Electricians & Linemen (Industrial)	8.02		7%		
Cable splicer (Industrial)	8.37		7%		
Elevators constructors	7.56	.395	.26	2 3/4% b&c	.02
Elevators constructors' helpers	70%JR	395	26	2 3/4% b&c	.02
Elevators constructors' helpers (prob)	50%JR				
Glaziers	6.00				
Ironworkers:					
Structural & Ornamental	7.13	.30	.30		
Reinforcing	7.13	.30	.30		
Millwrights	7.28	.24	.25		
Painters:					
Brush & Roller	5.40				
Spray & sandblasting	5.90				
Piledrivermen	7.40	.40			.01
Plumbers & pipefitters:					
Tydall AFB	4.80	.15	.15		
Remainder of Bay County	5.25				
Roofers	3.50				
Sheet metal workers	5.00				
Soft floor layers	4.00				
Sprinkler fitters	8.71	.40	.60	d	.01
Stonemasons	5.00				
Riggers - receive rate prescribed for craft performing operation to which rigging is inoidential					
Welders - receive rate prescribed for craft performing operation to which welding is inoidential.					
Riveters - receive rate prescribed for craft performing operation to which riveting is inoidential					

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3-Florida-1-L (2-2)

FOOTNOTES:

a. Two paid holidays: Labor Day and Mardi Gras Day, provided the employee works at least one day out of the three work days prior to the paid holidays, and the first work day after the paid holidays.

b. Six paid holidays: A through F

c. Employer contributes 1% of regular rate to Vacation Pay Credit for employees who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate for Vacation Pay Credit for employees who has worked in business less than 5 years.

d. 4 paid holidays: Labor Day, Christmas Day, Christmas Eve, & Thanksgiving Day

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

3-Fla -Lab-1-H

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	3.25	.10			
GROUP II	3.50	.10			
GROUP III	3.75	.10			
GROUP IV	4.25	.10			
GROUP V	3.35	.10			

GROUP I: Construction laborers. carpenters' tenders building wreckers

GROUP II: Ninety lb. hammer, gunnite, pressure conc. worker nozzlemen, gunmen, acid or creosote workers, (work performed over 100' high (except on inside wall to wall scaffolding)

GROUP III: Form setter on streets, roads, & highways, burners for demolition of concrete, runways and courts

GROUP IV: Blasting & powermen. cofferdam and tunnel workers underground: caissons

GROUP V: Air tool operators, asphalt raker & tamper conc. or clay pipe layers wipers, mason tenders plasterer tenders conc. worker, track laborers, (including preparation of track bed), roofer's helpers, single conveyors, kettlemen, well point workers, power buggy operator, building of scaffolding and staging for masons and plasterers

Florida 3-PEO-1 (1-1)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	7.16	.28	.25		
GROUP II	6.90	.28	.25		
GROUP III	6.41	.28	.25		
GROUP IV	5.76	.28	.25		
GROUP V	5.50	28	.25		

GROUP I: Heavy duty mechanic, crane shovel, derrick operator (2 or more drums), dragline pile driver operator, hoist operator (2 or more drums), trenching machines cableways, excavators, front end loader, backhoe, rubber-tired backhoe, dredges, leverman, Welders, mounted rotary drill machines cherry pickers, side boom tractors paving machines, moter patrol, pumporete machine, gradalls, Johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready mix), hydro hammers on demolition work, conorete plants, asphalt plants, helicopter pilot and conorete paving trains

GROUP II: Dozer scraper,Turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, tug boats, mixers, asphlat spreaders, drilling machines, form graders,asphalt distributors, forklift, well-point systems, sub-graders, finishing machines, motorized compactors, wagmobiles and push carts.

GROUP III: Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors and pile driver hammers (diesel, gas, air or Electric)

GROUP IV: Fuel truck oilers, Firemen brakeman, outboard motor boats, truck crane oiler and mechanic helpers

GROUP V: oilers (crawler), deck hand and olier cherry picker

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Duval
DECISION NUMBER: FL75-1016 DATE: Date of Publication
Supersedes Decision No.: AR-4027 dated August 30, 1974 in 39 FR 31793
DESCRIPTION OF WORK: Building Construction, (exoluding single family homes and garden type apartments up to and inoluding 4 stories).

16-Florida-1-V (1-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.88	.30	.30		.02
Boilermakers - Blacksmiths	7.50	.40	.90		.02
Brioklayers:					
Bricklayers	7.66	.30	.30		.02
Stonemasons	7.66	.30	.30		.02
Tile setters	6.59	.25	.30	.53	.02
Marble masons	6.59	.25	.30	.53	.02
Terrazzo workers	6.59	.25	.30	.53	.02
Carpentere:					
Carpenters	7.42	.39	.20	.15	.03
Millwrights	8.10	39	.20		.03
Piledrivermen	7.42	.39	.20	.15	.03
Soft floor layers	7.42	.39	.20	.15	.03
Acoustical workers	7.42	.39	.20	.15	.03
Cement masons	6.03	.25	.10		.01
Electricians	8.50	.30	.43	.43	
Elevator Constructors	8.16	.445	.29	3%+a&b	.02
Elevator Constructors' helpers	70%JR	.445	.29	3%+a&b	.02
Elevator Constructors' helpers (Prob)	50%JR				
Glaziers	8.00		.20		.01
Linemen:					
Linemen	7.88	.40	5%		‡ of 1%
Cable splicers	8.08	.40	5%		‡ of 1%
Heavy equipment operators	7.63	.40	5%		‡ of 1%
Winch truck operators	6.12	.40	5%		‡ of 1%
Groundmen 1st class	4.25	40	5%		‡ of 1%
Groundmen 2nd class	3.90	40	5%		‡ of 1%
Ironworkers:					
Structural	7.75	.47	.60		
Ornamental	7.75	.47	.60		
Reinforcing	7.75	.47	.60		
Laborers:					
Laborers	4.50	.20			.02
Mechanic tool, power buggy, pipelayers & gunnite workers	4.70	.20			.02
Mason tenders mortar mixers & grouters	4.80	.20			.02
Gunnite nozzlemen	4 95	.20			.02
Lathers	7.60	.25	.10		.025
Leadburners	6.35	.25		o	.01
Painters:					
Painters brush	5.70	.15	.15		
Spray	6.225	.15	.15		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
Swing stage	6.225	.15	.15		
Structural steel erected	6.225	.15	.15		
Smoke, stacks steeples flag pole tank on legs above 15 ft. radio towers & lighthouses	6.985	.15	.15		
Sandblasters:	6 225	.15	.15		
Bridge	6.985	.15	.15		
Plasterers	7.41	.25	.30		.02
Plumbers:					
Plumbers	9.15	.40	.45		06
Steamfitters	9.15	40	.45		.06
Air conditioning & speculative housing & refrigeration service	6.40	.30	.35		.06
Roofers	6.99	.30			.05
Roofers' helpers & kettlemen	3.83	.30			.05
Sheet metal workers	7.78	.50	.40	.70	.085
Sprinkler fitters	8.71	.40	.60		.10
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular schedule work days immediately and following the holidays.

PAID HOLIDAYS:

A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.03	.40	.35		.05
GROUP II	6.96	.40	.35		.05
GROUP III	6.12	.40	.35		.05
GROUP IV	5.04	.40	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, screet sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), fireman, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine, conveyor (motor operated) welding machine op. 3 or more combustion type pulner mixer, compressor 1 to & including 3 compressors within 300 ft. radius.

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: Bartholomew
DECISION NUMBER: IN75-2018 DATE: DATE OF PUBLICATION
Supersedes decision No. AR-3081 dated August 23, 1974 in 39 FR 30701
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.00	.30	.20		.02
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	8.50	.30			.02
Marble, Tile & Terrazzo Workers	8.50	.30			.02
Carpenters:					
Camp Atterbury:					
Carpenters	9.15	.47	.40		.06
Millwrights & Piledrivermen	9.15	.47	.40		.06
Soft Floor Layers	7.15	.35			.06
Remainder of County:					
Carpenters & Soft Floor Layers	7.92	.30	.35		.03
Millwrights & Piledrivermen	8.17	.30	.35		.03
Cement Masons	8.30				
Electricians	9.35	3%	5%		.5%
Glaziers	9.89				
Ironworkers	9.65	.55	.80		.05
Lathers	8.60	.40			.03
Leadburners	9.25	.35		a	.01
Painters:					
Brush & Roller	5.45				
Structural Steel	5.45				
Spray	5.70				
Plasterers	9.10				
Plumbers & Steamfitters:					
Camp Atterbury	9.10	.25	.15		.04
Remainder of County	9.30	.40	.30		.05
Roofers:					
Composition	9.00	.30	.30		
Slate, Tile, Asbestos, Precast slab	9.25	.30	.30		
Helpers	7.65	.30	.30		
Sheet Metal Workers	8.53	.40	.40		.02
Sprinkler Fitters	9.40	.50	.70		.08
Welders- receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES: a-Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regularly scheduled work days immediately preceding and following the holiday.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.13	.30	.30		
GROUP B	8.21	.30	.30		
GROUP C	7.57	.30	.30		

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor, cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

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INDIANA-16-LAB AREA 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.10	.35	.30		.07
GROUP B	6.30	.35	.30		.07
GROUP C	6.40	.35	.30		.07
GROUP D	7.10	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders

GROUP D: Dynamite Men

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IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 3 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

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IND-7-TD-1

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.20	a10.50	a10.00	b	
GROUP 2	6.25	a10.50	a10.00	b	
GROUP 3	6.30	a10.50	a10.00	b	
GROUP 4	6.35	a10.50	a10.00		
GROUP 5	6.40	a10.50	a10.00	b	
GROUP 6	6.45	a10.50	a10.00	b	
GROUP 7	6.55	a10.50	a10.00	b	
GROUP 8	6.60	a10.50	a10.00	b	
GROUP 9	6.65	a10.50	a10.00		
GROUP 10	6.70	a10.50	a10.00	b	
GROUP 11	6.85	a10.50	a10.00	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pullad by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTONTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: Dearborn
DECISION NUMBER: IN75-2020 DATE: Date of Publication
Supersedes Decision No. AR-3083, dated August 23, 1974 in 39 FR 30706.
DESCRIPTION OF WORK: Building Construction (exluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.21	.30	.85		.02
Boilermakers	8.30	.30	.70	.75	.01
Brioklayers & Stonemasons	8.00				
Carpenters:					
Carpenters & Soft Floor Layers	7.60	.30	.35		.03
Millwrights & Piledrivermen	6.50				
Cement Masons	10.00	.60	[illegible].30		.5%
Electricians	9.20		.35		.005
Glaziers					
Ironworkers:					
Structural & Ornamental	[illegible]	.55	.55		.03
Reinforcing	8.895	.55	.85		.02
Lathers	9.845				.015
Leadburners	9.25	.35		a	.01
Painters:					
Commercial					
Brush & Roller	6.90				
Spray	7.40				
Industrial					
Brush	7.25				
Spray	7.50				
Pipefitters	9.00	.60	.975		.04
Plasterers	6.50				
Plumbers	9.445	.38	.65		.05
Roofers	9.945		.85		
Sheet Metal Workers	8.995	.40	.70		.02
Sprinkler Fitters	9.40	.50	.70		.08
Welders - receive rate for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 9 paid holidays, A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

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INDIANA-16-LAB AREA 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.10	.35	.30		.07
GROUP B	6.30	.35	.30		.07
GROUP C	6.40	.35	.30		.07
GROUP D	7.10	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and conorete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders

GROUP D: Dynamite Men

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IND - 2 - PEO

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.13	.30	.30		
GROUP B	8.21	.30	.30		
GROUP C	7.57	.30	.30		

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

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IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

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IND-7-TD-1

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.20	a10.50	a10.00	b	
GROUP 2	6.25	a10.50	a10.00	b	
GROUP 3	6.30	a10.50	a10.00	b	
GROUP 4	6.35	a10.50	a10.00		
GROUP 5	6.40	a10.50	a10.00	b	
GROUP 6	6.45	a10.50	a10.00	b	
GROUP 7	6.55	a10.50	a10.00	b	
GROUP 8	6.60	a10.50	a10.00	b	
GROUP 9	6.65	a10.50	a10.00		
GROUP 10	6.70	a10.50	a10.00	b	
GROUP 11	6.85	a10.50	a10.00	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTONTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: Marion
DECISION NUMBER: IN75-2025 DATE: Date of Publication
Supersedes Decision No. AR-3088, dated August 23, 1974 in 39 FR 30721
DESCRIPTION OF WORK: Building Construction (exoluding single family homes and garden type apartments up to and including 4 stories).

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 9.00	.30	.20		.02
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	9.45	.30	.20		.04
Marble & Tile Setters	8.96	.30	.20		.04
Terrazzo Workers	8.40	.30	.20		.04
Carpenters:					
Carpenters; Millwrights & Pile-drivermen	9.45	.47	.50		.06
Soft Floor Layers	7.55	.47			.06
Cement Masons	7.76				.04
Electricians	9.35	3%	5%		.5%
Elevator Constructors	9.095	.445	.29	3%+b&c	.02
Helpers	6.37	.445	.29	3%+b&c	.02
Helpers (Prob.)	4.55				
Glaziers	9.89				
Ironworkers	9.50	.55	.80		.05
Laborers (Wrecking)					
Wrecking Laborers & Mason Tenders	6.20	.35	.35		.07
Jackhammer, drill & compactor operators	6.40	.35	.35		.07
Cutting Torch or burner	6.75	.35	.35		.07
Lathers	8.60	.40			.03
Leadburners	9.25	.35		d	.01
Painters:					
Brush & Roller	8.10	.20	.20		
Spray & Sandblasting	8.90	.20	.20		
Plasterers	9.60	.40			.01
Plumbers	9.10	.25	.15		.04
Pipefitters & Steamfitters	9.40	.40	.70		
Roofers:					
Composition & Waterproof	9.00	.30	.30		
Slate, tile, asbestos, precast slab	9.25	.30	.30		
Helpers	7.65	.30	.30		
Sheet Metal Workers	8.53	.40	.40		.02
Sprinkler Fitters	9.40	.50	.70		.08
Truck Drivers:					
Up to & incl. 3 tons & helpers	5.875	a	e	f	
Over 3 tons; semi-trailers; tandem (double bottom), winch trucks when used with winch	6.025	a	e	f	
Truck Mechanics	5.95	a	e	f	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. $7.00 per week for employee.

b. Holiday: A through F

c. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rat to vacation pay credit for employee who has worked in business less than 5 years.

d. Holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $9.00 per week for each employee.

f. 1 week vacation for 1 year of employement and 1000 hours with pay of 40 hours straight time. 2 weeks vacation for 3 years employment and 1000 hours with pay of 80 hours straight time.

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

INDIANA-16-LAB AREA 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.10	.35	.30		.07
GROUP B	6.30	.35	.30		.07
GROUP C	6.40	.35	.30		.07
GROUP D	7.10	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders

GROUP D: Dynamite Men

INDIANA-11-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.15	.40	.40		.05
GROUP 2	8.30	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.75	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Koss type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ¼ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: Monroe
DECISION NO. IN75-2026 DATE: Date of Publication
Supersedes Decision No AR-3089, dated August 23, 1974 in 39 FR 30723.
DESCRIPTION OF WORK: Building Construction (excluding single family homes garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.00	.30	.20		.02
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	8.50	.30			.02
Marble, Tile & Terrazzo Workers	8.50	.30			.02
Carpenters:					
Carpenters & Soft Floor Layers	8.20	.35	.25		.01
Millwrights & Piledrivermen	8.45	.35	.25		.01
Cement Masons	7.80				
Electricians	8.25	.25	1%		.1%
Elevator Constructors:					
Elevator Constructors	9.095	.445	.29	3%+a&b	.02
Helpers	6.37	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.55				
Glaziers	9.89				
Ironworkers	8.75	.55	.55		.05
Lathers	8.60	.40			.03
Leadburners	9.25	.35		o	.01
Painters:					
Brush & Roller	7.15			.20	
Structural Steel	7.90			.20	
Spray & Sandblasting	8.15			.20	
Plumbers & Steamfitters	9.50	.40	.55		.10
Roofers:					
Composition & Waterproof	9.00	.30	.30		
Slate & Tile - Precast Slab Asbestos	9.25	.30	.30		
Helpers	7.65	.30	.30		
Sheet Metal Workers	8.53	.40	.40		.02
Sprinkler Fitters	9.40	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays, A through F plus Washington's Birthday, Christmas Eve, Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

INDIANA-16-LAB AREA 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.10	.35	.30		.07
GROUP B	6.30	.35	.30		.07
GROUP C	6.40	.35	.30		.07
GROUP D	7.10	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and conorete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck,engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders

GROUP D: Dynamite Men

POWER EQUIPMENT OPERATORS

GROUP A
GROUP B
GROUP C
GROUP D

IND-9-PEO-1 S&T

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP A	$8.59	.30	.50		.05	
GROUP B	8.48	.30	.50		.05	
GROUP C	8.30	.30	.50		.05	
GROUP D	6.55	.30	.50		.05	

CLASSIFICATIONS

GROUP A: Master Mechanic
GROUP B: Utility Operator
GROUP C: Power Cranes, Draglines, Derricks, Electric Overhead cranes, Shovels, Gradall, Mechanics, Repair & Maintenance of all Equipment, Tractor Highlift, Forklifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, 2-Drum Machine or 2-Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam & Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, 2-Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and/or Backhoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Air Compressors 300 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Backfiller, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machine Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors (without Winch) Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra-Ax, Rasco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Trea Mover, Helicopter Crew (3), Piledriver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerator Machine Freezing Operator, Chair Cart - Self Propelled, Hydra-Seeder, Straw Blower, Concrete Mixers with Skip, All 1-Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, HydraCrane, Caissons, Shaft or any similar type Drilling Machine Concrete Curb Machine (Self Propelled) Winch or Hydraulic Boom Truck.
GROUP D: Mixers 14S capacity or less, Trench Machine cutting 24" & under, Farm Tractor w/less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, 1-Drum Machine, Air Compressor less than 300 cu. ft. capacity, Concrete Pump, Gunnite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, 2 or 4 Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Grosser, Track Jack, Mud Jack, Operators to do Winter Repair work in Shop between November 1st & March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, 1 Welding Machine or 1 Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blackcop Curb Machine, Deck Hands.

IND-7-TD-1

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.20	a10.50	a10.00	b	
GROUP 2	6.25	a10.50	a10.00	b	
GROUP 3	6.30	a10.50	a10.00	b	
GROUP 4	6.35	a10.50	a10.00		
GROUP 5	6.40	a10.50	a10.00	b	
GROUP 6	6.45	a10.50	a10.00	b	
GROUP 7	6.55	a10.50	a10.00	b	
GROUP 8	6.60	a10.50	a10.00	b	
GROUP 9	6.65	a10.50	a10.00		
GROUP 10	6.70	a10.50	a10.00	b	
GROUP 11	6.85	a10.50	a10.00	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTONTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NUMBER: IN75-2029
COUNTY: Vanderburgh
DATE: Date of Publication
Supersedes Decision No. AR-3092, dated August 23, 1974 in 39 FR 30734.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	9.35	.35	.30		
Boilermakers	9.05	.50	.80		.01
Bricklayers & Stonemasons	8.70	.40	.30		
Marble, Tile & Terrazzo Workers	8.24		.30		
Carpenters:					
Carpenters & Soft Floor Layers	8.16	.40	.35		.03
Millwrights & Piledrivermen	8.37	.40	.35		.03
Cement Masons	8.12	.40	.20		
Electricians	9.25	.30	7%		.125%
Elevator Constructors:					
Elevator Constructors	9.16	.445	.29	3%+a&b	.02
Helpers	[illegible]	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.58				
Glaziers	7.565	.26	.20		.01
Ironworkers	8.15	.25	.25		
Lathers	9.07				.01
Leadburners	9.25	.35		o	.01
Painters:					
Brush & Roller	6.85	.45	.20		
Spray & Sandblasting	7.60	.45	.20		
Plasterers	9.64				
Plumbers & Steamfitters	9.83	.40	.60	10%	.04
Roofers:					
Composition	7.43	.30	.15		
Slate & Tile	7.68	.30	.15		
Slab & Gypsum Plank	7.68	.30	.15		
Helpers	5.10	.30	.15		
Sheet Metal Workers	8.80	.35	.35		.02
Sprinkler Fitters	9.40	.50	.70		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C- Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays; A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve; providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

IN75-2029 P. 2

INDIANA-16-LAB AREA 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.10	.35	.30		.07
GROUP B	6.30	.35	.30		.07
GROUP C	6.40	.35	.30		.07
GROUP D	7.10	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders

GROUP D: Dynamite Men

IN75-2029 P. 3

IND - 2 - PEO

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.13	.30	.30		
GROUP B	8.21	.30	.30		
GROUP C	7.57	.30	.30		

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similer type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor, cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, hester, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

IN75-2029 P. 4

IND-5-TD-1

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.345	.325	a12.00		
GROUP 2	7.455	.325	a12.00		
GROUP 3	7.565	.325	a12.00		
GROUP 4	7.635	.325	a12.00		
GROUP 5	7.675	.325	a12.00		
GROUP 6	7.405	.325	a12.00		
GROUP 7	7.515	.325	a12.00		
GROUP 8	7.175	.325	a12.00		
GROUP 9	7.245	.325	a12.00		

CLASSIFICATIONS

GROUP 1
Single axle straight trucks, batch truck, wet or dry, over 3(3/4E) batches
GROUP 2
Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3/4E) batches, farm tractors pulling trailers
GROUP 3
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds. & under; Low-Boys, Tandem axle (4 axle unit), drivers on pavement breakers
GROUP 4
Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)
GROUP 5
Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Toutnatrailers, Tounarockers or similar equipment over 12. cu. yds. Truck Mechanic Drivers on mixer trucks all types
GROUP 6
Drivers on bituminous distributors two-man
GROUP 7
Drivers on bituminous distributors one-man
GROUP 8
Drivers of pickup trucks when hauling equip. supplies & materials to & from & on the job site.
GROUP 9
Helpers, Greasers, Tire Men & Members tenders batch boards

FOOTNOTES:
a. Per Week Per Employee

IA75-2029 P. 5

IND-LC-AREA III

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
LINEMEN & CABLE SPLICER	$ 9.25	.30	1%		
	9.25	.30	1%		
DIGGING MACHINE OPERATOR	7.89	.30	1%		
GROUNDMAN	8.60	.30	1%		
	8.20	.30	1%		
TRUCK DRIVERS:					
WITH WINCH					
WITHOUT WINCH					

Page 2

DECISION NO. IA75-4034

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush, roller	$6.15		.20		.03
Spray	6.25		.20		.03
PLASTERERS	6.65	.25			.03
PLUMBERS; STEAMFITTERS	6.74	.42	.50		.08
ROOFERS	9.29				
SHEET METAL WORKERS	6.92	.35	.10		
SOFT FLOOR LAYERS	7.10	.31	.73		.01
SPRINKLER FITTERS	6.97	.50	.70		.08
TILE SETTERS	9.40	.31		.25	
TRUCK DRIVERS:	7.01				
Up to 6 tons	5.14	.25	.30		
Helpers	4.97	.25	.30		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story);Concrete pump; Dewatering pumps, Temporary hoist cage operated; Second man on locomotive.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Black Hawk (City of Waterloo & abutting municipalities)

DECISION NO.: IA75-4034 Supersedeas Decision No. AR-65, dated October 11, 1974, in 39-FR-36745
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	$9.00	.30	.25		.10
BOILERMAKERS	8.35	.40	1.00		.02
BRICKLAYERS; STONEMASONS	7.88	.31	.50		
CARPENTERS:					
Carpenters; Piledrivermen	6.97	.31	.73		.01
Millwrights	7.32	.31	.73		.01
CEMENT MASONS	6.90	.31	.55		
ELECTRICIANS:					
Electricians	8.65	.30	1%		1%
Cable Splicers	9.15	.30	1%		1%
ELEVATOR CONSTRUCTORS	8.41	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS	50%JR				

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

IRONWORKERS:					
Ornamental; Reinforcing;					
Structural	8.22				
LABORERS:					
Common laborers; Carpenters' helpers; Mowing; Wrecking & demolition	5.96	.31			
Mason tenders; Hod carriers; Machine and air tool operators	6.06	.31			
Powderman	6.21	.31			
LATHERS	6.54	.25			

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DECISION NO. IA75-4034

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air Compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump Chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.35	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.

DECISION NO. IA75-4034

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundsman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

DECISION NO. IA75-4034

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leveror; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 60 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

NOTICES

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Cerro Gordo
(City of Mason City)

DECISION NO.: IA75-4035 DATE: Date of Publication

Supersedeas Decision No. AR-66, dated October 11, 1974, in 39-FR-36748

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		.02
BOILERMAKERS	8.35	.60	1.00		
BRICKLAYERS - STONEMASONS	7.45		.35		
CARPENTERS:					
Carpenters	7.07				.01
Millwrights; Piledrivemen	7.32				.01
CEMENT MASONS	7.07				
ELECTRICIANS:					
Electricians	8.65	.30	12%		12%
Cable splicers	9.15	.30	12%		12%
GLAZIERS	5.78	.30	.25		
IRONWORKERS:					
Fence erector; Ornamental; Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
Common laborers; Power tools; Barco operator; Mortar mixers; Concrete saw; Sand point setter	5.79	.30	.20		
Tenders to the crafts; Caissons (after 6' depth); Dynamite men; Sumiling-nozzlemen; Backup man; Swinging stage work, wood hoist tower, scaffold over ladders at a height of 35' or over	5.04	.30	.20		
All underground labor (other than compressed air); Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 75' or over	6.29	.30	.20		
PAINTERS:					
Brush	6.37		.20		
Tapers	6.47		.20		
Spray	6.87		.20		
PLASTERERS	7.12				.80p/w
PLUMBERS-STEAMFITTERS	8.62				
ROOFERS	5.85				.02
SHEET METAL WORKERS	7.18	.35	.20		.01
SOFT FLOOR LAYERS	7.07				.08
SPRINKLER FITTERS	9.40	.50	.70		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (Leverman).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economiles; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (towpull, self-propelled); End-loaders; Dredge (engineer); Side boom and winch truck other than Group 4; Motor patrol; Bulldozers; Push cats; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck crane drivers; Permanent elevators.

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DECISION NO. IA75-4035

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erector); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Placer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Wall Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

Page 3

DECISION NO. IA-75-4035

HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS; PILEDRIVERMEN	$6.25	.31			
CEMENT MASONS	6.00				
LABORERS:					
GROUP 1	5.15	.30	.10		
GROUP 2	4.90	.30	.10		
GROUP 3	4.65	.30	.10		
GROUP 4	4.50	.30	.10		
GROUP 5	4.40	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, lag line or block & tackle; Drill op. of air tracs, wagon drills & similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete & paving sawman; Form liner expansion joint machine; Bottom man, Caulker & jointer & painter; Timber & chain-saw men; Mechanical grout pump & concrete mixing machines; Automatic concrete power curbing machines; Streetscape worker; Workmen on post-tension or prestressed concrete (on or off the job); Powdermen helper.

GROUP 4 - Form tamper; Air, gas & electric tool op., vibrator, barco hammer, paving breaker, spader, tamper, electric drills hammer & jack hammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers. reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

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SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Clinton (City of Clinton & abutting municipalities)

DECISION NO. IA-75-4036
Supersedeas Decision No. AR-64 dated October 11, 1974 in 39-FR-36742
DESCRIPTION OF WORK: Building Construction,(Excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway constructio

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.30	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.60		.40		
CARPENTERS:					
Carpenters; Soft floor layers	7.74	.35	.35		
Piledrivermen	8.14	.35	.35		
Millwrights	8.45	6%	7%		6%
CEMENT MASONS	7.10		.40		
ELECTRICIANS:					
Electricians	8.30	.32	5.5%		.03
Cable splicers	8.55	.32	5.5%		.03
GLAZIERS	7.3848	.40	.82		
IRONWORKERS	8.75	.40	.375		.07
LABORERS:					
Common laborers	6.62	.30	.15		
Operator on air or power tools; mortar mixer man; any work thirty-five feet high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work eight feet below ground level; any man working with creosote materials	6.87	.30	.15		
Cutting torch burner; caisson and cofferdam workers	6.92	.30	.15		
PAINTERS:					
Brush	7.22	.40	.40		.09
Spray; Structural steel	7.47	.40	.40		.09
PLASTERERS	7.60		.40		
PLUMBERS - STEAMFITTERS	8.25	.40	.35		.10
ROOFERS	8.80		.20		
SHEET METAL WORKERS	8.95	.25	.20		.04
SPRINKLER FITTERS	9.40	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IA-75-4036

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.10	.40	.50		.08
GROUP 2	9.00	.40	.50		.08
GROUP 3	8.90	.40	.50		.08
GROUP 4	7.75	.40	.50		.08
GROUP 5	7.50	.40	.50		.08
GROUP 6	6.65	.40	.40		.08

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment.
GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.
GROUP 3 - Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver); Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupuli and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blaathoier Self-propelled Rotary Drill or similar Machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors.

DECISION NO. IA-75-4036

GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work; Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller-Kenyon Cement Pump or similar machines.
GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled Curing Machine.
GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.35	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

DECISION NO. IA-75-4036

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills.
GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt Curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.
GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete on or off the job; Powderman helpers.
GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.
GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$6.95	.40	.40		.03
GROUP 2	6.55	.40	.40		.03
GROUP 3	6.15	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

DECISION NO. IA-75-4036

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant; Dredge Engineer; Dredge Leverer; Paver or Spreader; Hoising Engineer (Steel Erection; Motor Patrol; Piledriver Machine;Concrete Mixer; Tow or Push Boat; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Ashphalt Plant Operator; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sidsboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics--Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper; Tractor Pulling Disc,Sheepsfoot, or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader;

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Fara-type Tractor (pulling disc,Harrow or roller); Welding Machine; Pump (othsr than Dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Des Moines (city of Burlington & abutting municipalities and Burlington Ordnance Plant)

DECISION NO.: IA75-4037

DATE: Date of Publication

Supersedeas Decision No. AR-58, dated October 11, 1974, in 39-FR-36727

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.30	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	8.62		.20		
CARPENTERS:					
Carpenters & soft floor layers	7.44	.45	.40		.01
Millwrights	8.12	.45	.40		.01
Piledrivermen	7.97	.45	.40		.01
CEMENT MASONS	8.05				
ELECTRICIANS	9.15	.28	1%		1%
GLAZIERS	7.3848	.40	.82		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.54	.40	.30		
LABORERS:					
Common laborers; Signal man; Wrecking, deck hand	5.76	.30			
Plaster tender; Mortar Mixer; Mason tender; Stone & marble setter tender; Drill op.; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & all mechanical operated tools; Excavation work over 6' deep below ground level or basement level	5.91	.30			
Tile layers (sewers)	6.01	.30			
Gunniting & sandblasting	6.11	.30			
Tunnel & sewer mucker & miner over 6' deep; Caisson worker & drill op. in tunnel & caisson; Powdermen	6.21	.30			
PAINTERS:					
Brush	6.05				
Rollers	6.15				
Sign	6.55				
Spray; Structural steel; Swing stage	$6.50				
Painting of structural steel over 25' from the ground or floor, bridges, water towers and stage work; spray gun & sandblasting	7.05				
PLASTERERS	7.70				
PLUMBERS-STEAMFITTERS	8.25	.30	.60		.05
ROOFERS	6.35			.25	
SHEET METAL WORKERS	8.70	.25	.20		.025
SPRINKLER FITTERS	9.40	.30	.70		.08
TRUCK DRIVERS:					
Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-34E; Batches or less Chip Spreader;	5.95	11.50p/w			
Chester axle; Pandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-34E	6.15	11.50p/w			
Track trucks; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	6.45	11.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING POWER EQUIPMENT OPERATORS:					
GROUP 1	9.10	.40	.50		.08
GROUP 2	9.00	.40	.50		.08
GROUP 3	8.90	.40	.50		.08
GROUP 4	7.75	.40	.50		.08
GROUP 5	7.50	.40	.50		.08
GROUP 6	6.65	.40	.50		.08

DECISION NO. IA75-4037

DECISION NO. IA75-4037

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment.
GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.
GROUP 3 - Athey, Barber-Green, Euclid or Hales Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screen Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors.
GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines.

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GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine.
GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steamboiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.35	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills.
GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.
GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expension joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-streased concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.
GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.
GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.
GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Dubuque (City of Dubuque & abutting municipalities)

DECISION NO.: IA75-4038

DATE: Date of Publication

Supersedeas Decision No. AR-62, dated October 11, 1974, in 39-FR-36736.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.30	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.82	.31			
CARPENTERS:					
Carpenters	7.55		.37		
Piledrivermen	7.95		.37		
Millwrights	8.05		.37		
CEMENT MASONS	7.85				
ELECTRICIANS	8.37	.30	1%		1%
ELEVATOR CONSTRUCTORS	8.41	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	7.3848	.40	.82		
IRONWORKERS (SE Portion)	8.75	.40	.375		.07
IRONWORKERS (Remainder of County)	9.10				.02
LABORERS:					
Common laborers; Gas distributors	5.97	.30	.10		
All air operated tools; Bricklayers helpers & tenders; Caisson workers Carpenters helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers Plasterers' helpers & tenders; Tile setters (4"-6"-8")	6.07	.30	.10		
Tile Setters (10" & up)	6.22	.30	.10		
LATHERS	7.10				
MARBLE SETTERS; TERRAZZO WORKERS; TILE SETTERS	7.57	.31			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush or roller epoxy; Paperhanging; Tapes	$6.75		.30		
High work and steel; spraying	7.10		.30		
PLASTERERS	7.95				
PLUMBERS - STEAMFITTERS	9.61	.36	.30		.08
ROOFERS	7.35				
SHEET METAL WORKERS	8.80	.25	.20		.03
SPRINKLER FITTERS	9.40	.50	.70		.08
TRUCK DRIVERS:					
Single axle	5.24	9.50p/w			
Tandem axle; Tractor trailers; Winches	5.39	9.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS AND PILEDRIVERMEN	$7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.35	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leveror; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Johnson (City of Iowa City and abutting municipalities)

DECISION NO.: IA75-4039

DATE: Date of Publication

Supersedeas Decision No. AR-27, dated September 20, 1974, in 39-FR-33950.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.30	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	7.885		.55		
CARPENTERS:					
Carpenters; Soft floor layers	7.23	.35	.30		.03
Piledrivermen	7.48	.35	.30		.03
Millwrights	8.45	6%	7%		6%
CEMENT MASONS	7.23	.25			
ELECTRICIANS	9.10	.33	1%		1%
ELEVATOR CONSTRUCTORS	8.41	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a - Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	7.3848	.40	.82		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.22				
LABORERS:					
Common laborers	5.72	.30	.25		
Mason mortar mixers	5.92	.30	.25		
All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work	6.02	.30	.25		
LATHERS	8.50				
PAINTERS:					
Brush	6.93				
Paperhangers; Structural steel; Swing stage to 55 ft.	7.18				
Spray	7.58				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$8.50				
PLUMBERS-STEAMFITTERS	8.90	.30	.30		.10
ROOFERS	6.50		.20		
SPRINKLER FITTERS	9.40	.50	.70		.08
TRUCK DRIVERS	4.63				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING & CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.335	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors, caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

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HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

GROUP 4 - Form tamper; Air, gas and elecctric tool operators, vibrators, barco hammer, paving breakers, spaders, tempers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Pence erectors; Handling and placing of metal mesh; dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

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GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.

GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

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CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck-drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem: Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:					
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

SUPERSEDEAS DECISION

STATE: Iowa
COUNTY: Linn
DECISION NO: IA75-4040
DATE: Date of Publication
Supersedeas Decision No. AR-57, dated October 11, 1974 in 39-FR-36724
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.30	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	7.885		.55		
CARPENTERS:					
Carpenters	7.23	.30			.02
Millwrights; Piledrivermen	7.60	.30			.02
CEMENT MASONS	7.23	.25			
ELECTRICIANS	9.10	.33	1%		1%
ELEVATOR CONSTRUCTORS	8.41	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a - Employer contributed 4% of basic hourly rate for over 5 years service; 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	7.3848	.40	.82		
IRONWORKERS: Ornamental; Reinforcing; Structural	9.10				.02
LABORERS:					
Common laborers	6.34	.30	.30		
All water service, Mortar mixers; Sewer tile layers	6.465	.30	.30		
Air, electric or gasoline powered jackhammers, chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators:					
Well point work	6.54	.30	.30		
LATHERS	8.50				

DECISION NO. IA75-4040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$6.93				
Paperhangers; Structural steel; Swing stage to 55 feet	7.18				
Spray	7.58				
PLASTERERS	8.50				
PLUMBERS-STEAMFITTERS	8.90	.30	.30		.10
ROOFERS	6.50		.20		
SOFT FLOOR LAYERS	7.23	.30			.02
SPRINKLER FITTERS	9.40	.50	.70		.08
TRUCK DRIVERS	5.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower Cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loader's, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kw and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.75	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters, Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers, Water boy; Common laborers; Rodmen Tending to carpenters; Hot asphalt labor; Stringman on paving work.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine Conveyor; Finishing Machine (on concrete); Flexplane; Ball Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa
COUNTY: Polk
DECISION NO: IA75-4041
DATE: Date of Publication
Supersedeas Decision No. AR-61 date October 11, 1974 in 39-FR-36733.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; STONEMASONS	8.915	.35	.30		.01
CARPENTERS:					
Carpenters	8.10	.30	.25		.04
Millwrights; Piledrivermen	8.45	.30	.25		.04
CEMENT MASONS	8.48				
ELECTRICIANS	9.33	.35	17+.35		1%
ELEVATOR CONSTRUCTORS	8.46	.445	.29	3% / a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% / a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES:					
a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	6.895	.30	.25	2 weeks	
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
General laborers	6.335	.325	.325		
Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete vibrator, gunnite nozzlemen, electric drills & hammers)	6.435	.325	.325		
Plasterers' tenders	6.46	.325	.325		
Powdermen	6.485	.325	.325		
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	6.535	.325	.325		
All tunnel work	6.585	.325	.325		
Paving breakers weighing 50 lbs. and over	6.635	.325	.325		

DECISION NO. IA75-4041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	7.10				
PAINTERS:					
Brush, roller, drywall finisher	8.14				.03
Paperhangers	8.39				.03
Spray; structural steel; sandblasting	8.64				.03
Stack; tower work over 100'	9.24				.03
PLASTERERS	8.50				
PLUMBERS; STEAMFITTERS	9.05	.30	.50		.10
ROOFERS	7.82		.10		
SHEET METAL WORKERS	8.98	.35	.20		.05
SOFT FLOOR LAYERS	7.85	.30	.25		.04
SPRINKLER FITTERS	9.40	.50	.70		.08
TRUCK DRIVERS	5.91				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loaders, backhoes, attachments, etc.); Scrapers (townspull, etc., Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist; cage operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kw and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILED RIVERMEN	$7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.35	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checkers and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Hales Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Pottawattamie (City of Council Bluffs & the area within 3 miles from the city limits)

DECISION NO.:IA75-4042

DATE: Date of Publication

Supersedeas Decision No. AR-67, dated October 11, 1974, in 39-FR-36751.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BOILERMAKERS	$8.35	.30	1.00		.02
BRICKLAYERS; Stonemasons	8.375	.35	.30	.60	
CARPENTERS:					
Carpenters	7.85	.40	.20	.40	.03
Piledrivermen	7.975	.40	.20	.40	.03
Millwrights	8.10	.40	.20	.40	.03
CEMENT MASONS	7.54	.25	.25		
DRYWALL TAPERS & FINISHERS	7.34	.35		.40	
ELECTRICIANS	10.08	.48	17+.50		4%
ELEVATOR CONSTRUCTORS	9.18	.445	.29	3% / a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% / a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE:					
a - Employer contributes 4% basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	6.75	.35	.20		.01
IRONWORKERS:					
Ornamental; Reinforcing; Structural	7.35	.25	.25	.30	
LABORERS:					
Common laborers	5.62	.25	.25		
Mason tenders; Mortar mixers	5.765	.25	.25		
Pipelayers	5.90	.25	.25		
Plasterers' tenders	5.935	.25	.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Paperhangers	$6.30		.20		
Highwork; Spray; Stage; Structural steel	6.80		.20		
PLASTERERS	7.55	.25	.25		
PLUMBERS; Steamfitters	9.76	.35	.50	.10	
ROOFERS:					
Slate; Tile	6.88	.15	.20	.20	.01
Composition	6.58	.15	.20	.20	.01
SHEET METAL WORKERS	8.86	.35	.20		.02
SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS; TILE SETTERS; MARBLE SETTERS	7.30	.20	.25		
TERRAZZO, TILE AND MARBLE SETTERS HELPERS	5.20				
TRUCK DRIVERS:					
Single axle	6.145	.25	.25		
Tandem axle	6.22	.25	.25		
Trailer; Lowboys	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and wench truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

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GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story);Concrete pump; Dewatering pumps; Temporary hoist cage operated; second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 K.W. and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY AND HIGHWAY CONSTRUCTION (City of Council Bluffs & the area within 3 miles from the city limits)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$7.01	.25	.25	.20	.02
Piledrivermen	7.135	.25	.25	.20	.02
CEMENT FINISHERS	7.03	.25	.25		
LABORERS:					
Common Laborer	5.25	.25	.25	.10	.03
Towboat & Dredge Deckhands	5.35	.25	.25	.10	.03
Form Setters' Helpers	5.45	.25	.25	.10	.03
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	5.43	.25	.25	.10	.03
Pipelayers; Concrete Saw Operator	5.50	.25	.25	.10	.03
Form Setters & Precast Manhole Setters, Inlet Builders & Manhole Setters	5.88	.25	.25	.10	.03

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Rolle (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO.: IA75-4043 DATE: Date of Publication
Supersedeas Decision No. AR-19, dated September 20, 1974 in 39-FR-33926.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.30	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	8.85	.35	.30		.02
CARPENTERS:					
Carpenters	8.31	.35	.50		.02
Piledrivermen	8.56	.35	.50		.02
Millwrights	8.45	6%	7%		6%
CEMENT MASONS	8.27	.40	.35		
ELECTRICIANS:					
Electricians	9.25	.32	5.5%		.03
Cable splicers	9.50	.32	5.5%		.03
ELEVATOR CONSTRUCTORS	8.885	.445	.25	3% of a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.25	3% of a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE:					
a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	7.3848	.40	.82		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.75	.40	.375		.07

DECISION NO. IA75-4043

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush, Rollers	7.22	.40	.40		.09
Spray; Structural steel	7.47	.40	.40		.09
PLASTERERS	8.18				
PLUMBERS-STEAMFITTERS	9.00	.40	.35		.10
ROOFERS	9.75		.20		
SHEET METAL WORKERS	8.95	.25	.20		.04
SOFT FLOOR LAYERS	7.46	.35	.35		.02
SPRINKLER FITTERS	9.40	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	9.10	.40	.50		.08
GROUP 2	9.00	.40	.50		.08
GROUP 3	8.90	.40	.50		.08
GROUP 4	7.75	.40	.50		.08
GROUP 5	7.50	.40	.50		.08
GROUP 6	6.65	.40	.50		.08

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment.

GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver,

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Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.

GROUP 3 - Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors.

GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines.

GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine.

GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP 1	$6.35	.35	10.00p/w		
GROUP 2	6.55	.35	10.00p/w		
GROUP 3	6.75	.35	10.00p/w		
GROUP 4	6.95	.35	10.00p/w		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, truck drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rates 2 cu. yds. or less, and small pallet type fork lift operator & driver on pilot trucks.

GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4 - 34E batches.

GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks euclids, hug-bottom dumps, tournatrilers, tournarockers, tractor-trailers, tandem A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors.

GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapulls, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics.

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.95	.35	.30		.02
CEMENT MASONS	7.72	.40			
LABORERS:					
GROUP 1	7.12	.30	.50		.035
GROUP 2	7.37	.30	.50		.035
GROUP 3	7.62	.30	.50		.035

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Common Laborers; Carpenter tenders; Rod and Chain Man; Flagman; Gravel Box Men, Dumpmen and spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber Material Checkers, Dispatchers; Unloading explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets, Scalemen, Permanent Portable or Temporary Plant; Deck Hand.

GROUP 2 - Laying and jointing of telephone conduit; Barco and Jackhammer operator; Mechanical tamper and air spade; Wagon and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Dumpers; Puddler; Form setter helper; Power and Hand Saw (when cleaning timber); Center strip; reinforcing in concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime mover or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2 men); Back-up Man or Joint Man with Pipelayer, Laborers in ditch or tunnel on sewer and water main and telephone conduit; Gas Distribution Men; Pipe setter on Laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Line. Handling of materials treated with oil, creosote asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; the unloading and Laborers with steel workers and rebars; Tunnel Helpers in free air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant.

GROUP 3 - String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on sewer and water main; Gunnite Nozzleman; Welders, Cutters, Burners and Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coving Machine Operator; Head Grade Man.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Story (City of Ames & abutting municipalities)

DECISION NO.: IA75-4044

DATE: Date of Publication

Supersedeas Decision No. AR-63, dated October 11, 1974, in 39-FR-36739.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.645		.20		
CARPENTERS:					
Carpenters; Piledrivermen	7.90		.15		
Millwrights	8.15		.15		
CEMENT MASONS	7.435				
ELECTRICIANS	9.33	.35	17+.35		17
ELEVATOR CONSTRUCTORS	8.46	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a - Employer contributes 4% of the basic hourly rate for 5 years of service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	6.895	.30	.25	2 weeks	
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
Common laborers	5.715	.30	.05		
Mortar, plaster, & grout mixers; Jackhammer; Paving breaker; Rock drill; Vibrator operator; Motor buggy operators while pouring concrete	5.865	.30	.05		
Plasterers' tenders	5.915	.30	.05		
Concrete saw man	5.965	.30	.05		
Sandblaster	6.065	.30	.05		
Digging of or work within a shaft entering into natural underground cavities or caverns & work within the said shaft or caverns	6.215	.30	.05		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS	$7.10				
PAINTERS:					
Brush; Roller; Drywall finisher	7.55				.03
Paperhangers	7.80				.03
Spray; Structural steel; Sandblasting	8.05				.03
PLASTERERS	8.50				
PLUMBERS; Steamfitters	9.05	.30	.50		.10
ROOFERS	7.82		.10		
SHEET METAL WORKERS	8.235	.35	.20		.05
SOFT FLOOR LAYERS	7.85	.30	.25		.04
SPRINKLER FITTERS	9.40	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loaders, backhoes attachments, etc.); Scrapers (townspull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kw and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.35	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Box tenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Webster (City of Fort Dodge)

DECISION NO.: IA75-4045

DATE: Date of Publication

Supersedeas Decision No. AR-60, dated October 11, 1974, in 39-FR-36730.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy and Highway Construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.24		.40		
CARPENTERS:					
Carpenters; Piledrivermen	7.20				
Millwrights	6.75				
CEMENT MASONS	6.50				
ELECTRICIANS	8.28	.35	1%		1%
ELEVATOR CONSTRUCTORS	8.40	.445	.29	3% / a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% / a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE:					
a - Employer contributed 4% of the basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
Common laborers	4.25				
Machine & air tool operators; Mortar mixers	4.45				
LATHERS	7.10				
PAINTERS:					
Brush; Drywall finishers; Rollers	5.45				
Paperhangers	5.70				
Spray	5.95				
PLASTERERS	4.425				
PLUMBERS-STEAMFITTERS	9.05	.30	.50		.10
ROOFERS	5.50				
SPRINKLER FITTERS	9.40	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type Tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloader (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

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HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS; PILEDRIVERMEN	$6.25	.31			
CEMENT MASONS	6.00				
LABORERS:					
GROUP 1	5.15	.30	.10		
GROUP 2	4.90	.30	.10		
GROUP 3	4.65	.30	.10		
GROUP 4	4.50	.30	.10		
GROUP 5	4.40	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air tracs, wagon drills & similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12') Grade checker & cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouter; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete (on or off the job); Powdermen helpers.

GROUP 4 - Form tamper; Air, gas & electric tool op.; vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer & jack hammer; Tree groundmen; Chuck tender; Drill helpers tool room men & checker; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloador; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haise Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Rolle (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Woodbury (City of Sioux City & abutting municipalities)

DECISION NO.: IA75-4046

DATE: Date of Publication

Supersedes Decision No. AR-26, dated September 20, 1974, in 39-FR-33948.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.53	.35	.40		.03
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	8.56		.20		.01
CARPENTERS:					
Carpenters; Piledrivermen	7.00	.30	.25		.01
Millwrights	7.30	.30	.25		.01
CEMENT MASONS	8.255				
ELECTRICIANS	8.98	.27	1%	6%	1%
ELEVATOR CONSTRUCTORS	7.64	.395	.26	2½% a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½% a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES:					
a - Employer contributes 5% of basic hourly rate for over 5 years; service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	6.95				
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.205	.30	.14		.01
LABORERS:					
Common laborers	5.39	.37	.20		.02
Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concret saw; Cunite nozzle; Chain saw; Wrecking torch; San pot & blasting	5.49	.37	.20		.02
LATHERS	7.20				.01
MARBLE SETTERS	7.71		.20		.01

DECISION NO. IA75-4046

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	6.10	.30	.20		
Spray	6.60	.30	.20		
All swing work	6.60	.30	.20		
All work higher than 40 ft. - scaffolds, jacks, ladders, etc.	6.60	.30	.20		
Pressure roller, sandblasting	6.60	.30	.20		
Structural steel over 25 ft.	6.60	.30	.20		
PLASTERERS	7.30				
PLUMBERS-STEAMFITTERS	8.34	.30	.45		.10
ROOFERS:					
Roofers	6.75				
Kettlemen	6.35				
SHEET METAL WORKERS	8.14	.35	.25		
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.71		.20		.01
TILE SETTERS	7.20				
TRUCK DRIVERS	5.49	.37	.20		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.65	.40	.40		.03
GROUP 2	7.54	.40	.40		.03
GROUP 3	6.825	.40	.40		.03
GROUP 4	6.55	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixer; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (townapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor

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patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8'and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air Compressors (over 125 c.f.m.); Pumps 3"or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kw and over); Fork lifts (other than above Group #2); Cunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTIES: Harrison, Hancock, Jackson, & Pearl River

DECISION NO.: MS75-1013 MS75-1013 P.2

Supersedes Decision No. AR-4041 in 39 FR 34996 dated September 27. 1974

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). heavy. sewer. water & highway construction.

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	
Asbestos Workers (Pearl River and Hancock)	7.25	.40	.90			
Asbestos Workers (Jackson and Harrison)	8.60	.395	.75	o	.02	
Boilermakers	7.50	.40	.90		.02	
Bricklayers:						
Bricklayers	7.30		.15			
Stonemasons	7.30		.15			
Marble Masons	7.30		.15			
Terrazzo Workers	7.20		.15			
Tile Setters	7.20		.15			
Plasterers	7.30		.15			
Blockmasons	7.30		.15			
Caulkers & Pointers	7.30		.15			
Cement Masons	6.68		.15			
Carpenters:						
Carpenters	7.00					
Soft Floor Layers	7.00					
Millwrights	7.32					
Electricians:						
Electricians	8.05	.25	9%+.20			1/8%
Cable Splicers	8.30	.25	9%+.20			1/8%
Elevator Constructors:						
Elevator Constructors	6.89	.445	.29	2%+a+b	.015	
Helpers	4.82	.445	29	2%+a+b	.015	
Helpers (probationary)	3.445					
Glaziers	5 00					
Ironworkers:						
Structural Ornamental & Reinforcing	8.77	.30	.35			
Laborers:						
Laborers	4.35	10	.10			
Asphalt Rakers, Mason Tenders, Mortar Mixers, Masonry Cleaners, Pipelayers (sewer, Power Saw Oper.) Pipe Wrapping, Power Post Hole Drillers Railroad Men, Sand Blasting, and Vibrator-Jackhamer	4 50	10	.10			.01
Lathers	6.00		10			
Line Construction:						
Linemen	8.05	25	9%+.20			1/8%
Cable Splicers	8.30	25	9%+.20			1/8%

PAID HOLIDAYS:
A-New Year's Day B-Memorial Day C-Independence Day
D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: Labor Day, Mardi Gras Day, provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

MS75-1013 P.4

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.75	.25	.25		
GROUP 2	6.80	.25	.25		
GROUP 3	6.55	.25	.25		
GROUP 4	6.00	.25	.25		
GROUP 5	5.45	.25	.25		
GROUP 6	5.45	.25	.25		

GROUP 1: Engineer - operating under air pressure

GROUP 2: Mechanic

GROUP 3: Air tugger (2 drum), asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car dragline, dredge, elevating grader, excavator (over belt), fork lift, hoist (2 drum) locomotive engineer, marine engineer (chief), marine pilot, mixermobile, motor patrol & similar type equipment, paver (2 cu yd), pile driver, recharger, roaming greaser (1st), scoop (diesel) & similar pulltype scrapers, trenchmachine (over 15" bucket line width), tournapull 21-C & similar pullype

MS75-1013 P.5

Highway, Sewer and Water Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air tool operator	3.00				
Asphalt raker	2.75				
Bricklayers	4.25				
Carpenters	3.75				
Cement masons (Finisher)	3.50				
Concrete saw operator	4.00				
Electricians	5.40				
Form setter	2.80				
Grade checker	2.25				
Ironworker, reinforcing	4.00				
Ironworker structural	3.30				
Laborer, unskilled	2.90				
Mason tender (Cement mason helper)	2.90				
Painter (Structural steel)	3.00				
Piledriverman	2.40				
Truck driver	2.75				
Welder	3.70				
POWER EQUIPMENT OPERATORS:					
"A" frame truck (winch)	2.40				
Aggregate spreader operator	3.00				
Air compressor operator	2.60				
Asphalt distributor-spreader operator	3.00				
Asphalt plant	3.50				
Backhoe shovel operator	3.50				
Bulldozer operator	3.25				
Concrete batch plant operator	3.25				
Concrete Spreader machine operator	3.00				
Concrete finishing machine op.	3.50				
Concrete paving machine op.	3.30				
Crane, dragline operator	4.00				
Crusher feeder operator	3.00				
Curing machine operator	3.00				
Earth auger	2.75				
Fireman	3.00				
Guard rail post driver	2.75				
Joint filler	3.00				
Loader operator (all types)	3.50				
Mechanic	3.75				
Mixer operator (all types)	3.00				

MS75-1015 P. 2

1-NC-3-a (2-2)

Power Equipment Operators (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Loader operator	$3.48				
Machine - concrete curing	3.25				
Motor grader:					
Fine	4.07				
Rough	3.83				
Power tool operator	3.41				
Rollers:					
Rough	2.84				
Finish	3.22				
Scrapers	3.60				
Screed, asphalt	3.48				
Stone spreader	3.24				
Subgrader machines	3.75				
Sweeper	2.71				
Tractor, crawler	3.60				
Tractor, utility	3.00				
Weighman (truck scale)	2.71				
Truck Drivers:					
Single axle (rear)	2.73				
Multi rear axle	2.87				
Concrete	3.26				
Heavy duty	3.00				
Welder	3.50				

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NUMBER: NC75-1015
Supersedes Decision No. NC75-1001 dated January 3, 1975 in 40 FR 939.
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: Statewide
DATE: Date of Publication

1-NC-3-a (1-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asphalt laydown man	$2.71				
Asphalt raker	3.13				
Builder - curb & gutter	2.71				
Carpenters	3.88				
Carpenters' helper	3.18				
Concrete finishers	3.76				
Concrete rubber	2.75				
Electricians	4.93				
Form setters (road)	3.36				
Ironworkers, reinforcing	3.00				
Laborers	2.71				
Luteman	2.71				
Masons	3.73				
Mechanics	4.04				
Mechanics' helpers	3.63				
Oilers	3.28				
Painters, bridge	4.00				
Piledriver leadsman	3.00				
Pipelayers	3.09				
Plumbers	4.96				
Powderman	3.25				
Power Equipment Operators:					
Asphalt distributors	3.51				
Asphalt pavers	3.62				
Bulldozers	3.74				
Bulldozers (utility)	2.98				
Concrete finishing machine	3.70				
Concrete paver	4.72				
Concrete plant	3.75				
Concrete saw	3.00				
Concrete spreader	3.85				
Cranes, backhoes, draglines & shovels:					
1 yd. & under	3.64				
Over 1 yd.	4.06				
Crusher feeder	2.91				
Curb machine	3.65				
Drill operator	3.00				
Form grader	4.00				
Greaseman	3.33				
Hydro seeder	2.89				

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SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Statewide
DECISION NUMBER: SD75-5013 DATE: Date of Publication
Supersedes Decisions Nos. AR-1049 in 39 FR 41163 dated November 22, 1974, and AR-1050 in 39 FR 41164 dated November 22, 1974.
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Finisher	$ 4.66				
Form Builder	4.66				
Form Setter	4.66				
Painter	3.86				
LABORERS:					
Air tool operator	3.46				
Common laborer	3.46				
Landscape workers	3.46				
Form builder helpers (bridge and culvert)	3.86				
Manhole builder	4.40				
Piledriver (leadsman)	4.30				
Pipelayer (other than culvert)	4.30				
Powderman (blaster)	5.10				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.60				
Asphalt distributor helper	3.86				
Asphalt paving machine	4.70				
Asphalt paving machine helper	3.46				
Asphalt plant helper	3.46				
Asphalt plant, stationary and traveling	4.70				
Auger operator (truck type)	3.86				
Automatic fine grader operator	4.80				
Beginner Operator (1 year or less experience as Power Equipment Op.)	4.00				
Broom, self-propelled	3.86				
Bulldozer, 80 h.p. or less	4.20				
Bulldozer, over 80 h.p.	4.70				
Bullfloat machine	4.50				
Concrete batch plant	4.70				
Concrete mixer	4.00				
Concrete paver	5.10				
Concrete paving cure machine	4.10				
Concrete paving finishing machine	4.80				
Concrete paving form grader	4.80				
Concrete paving joint machine	4.60				
Concrete paving joint sealer	4.10				
Concrete paving saw	4.50				
Concrete paving spreader	4.80				
Concrete paving subgrader	4.70				
Conveyor	3.46				
Cranes, Derricks, Drglines, Pile-drivers, Backhoes and Shovels, 1 1/4 cu. yds. or less	4.70				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, over 1 1/4 cu. yds.	5.10				

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Crusher (incl. those with integral screening plant)	$ 4.70				
Curb machine	4.10				
Fireman (boiler and retort)	3.90				
Front End Loader, 1 1/4 cu. yds. or less	4.00				
Front End Loader, 1 1/4 cu. yds. to 3 1/4 cu. yds.	4.50				
Front End Loader, over 3 1/4 cu. yds.	4.70				
Mechanic, heavy duty	5.00				
Mechanic, helper	4.00				
Mechanic, maintenance	4.50				
Motor grader, (finish)	5.10				
Motor grader, (rough)	4.60				
Oiler and greaser	4.50				
Roller, self-propelled (hot mix)	4.20				
Roller, self-propelled (other)	3.86				
Roller, sheepsfoot or 50 ton pneumatic	4.20				
Scrapers	5.30				
Spreader (materials)	4.50				
Stationary plant	4.10				
Tractor (crawler or pneumatic)	4.10				
Tractor, farm type w/attachments (including loader)	3.46				
Tractor - push	4.90				
Traveling plant (stabilization)	4.70				
Traveling plant, helper	3.46				
Trenching machine	4.50				
Wagon drill (including airtrac-trac-drill, etc.)	4.50				
TRUCK DRIVERS:					
Euclid or dumptor	3.82				
Truck crane	3.72				
Truck driver, single axle	3.46				
Truck driver, tandem or semi-trailer	3.62				
WELDER:					
Welder, certified	4.80				
Welder, general	4.50				

SOUTH DAKOTA - LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$ 8.30	.35	1%		1/2%
GROUP II Groundman - operating specisl equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; all Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixtures erection	6.69	.35	1%		1/2%
GROUP III Groundman-Truck or tractor driver (with winch); Operators of trucks up to and including 2 1/2 tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	5.58	.35	1%		1/2%
GROUP IV Groundmen-Truck or tractor driver (without winch); Operators of trucks up to and including 2 1/2 tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	5.13	.35	1%		1/2%

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA75-5006
COUNTIES: Statewide
DATE: Date of Publication
Supersedeas Decision No. AR-1051 dated December 6, 1974, in 39 FR 42832
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$8.88	.51	.65		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.85	.35	.60		.06
Remaining Counties	8.445	.44	.72		
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	8.66	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.79	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	9.00	.45	.45		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	7.25	.50	.50		.02
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	9.10	.45	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	$7.89	.50	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	8.04	.50	.55		.045
Shingler (wood or composition)	8.09	.50	.55		.045
Boom Men; Carpenters (creosoted material)	8.14	.50	.55		.045
Piledriver (creosoted material)	8.29	.50	.55		.045
Millwright and Machine Erector	8.39	.50	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters	8.15	.50	.60	.20	.02
Carpenters on creosoted material	8.25	.50	.60	.20	.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	8.28	.50	.60	.20	.02
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	8.65	.50	.60	.20	.02
Acoustical Workers	8.31	.50	.60	.20	.02
Boommen	8.35	.50	.60	.20	.02
Drywall Applicators	8.15	.50	.60	.20	.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Manhole builders; Acoustical applicators	7.79	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.89	.55	.65	.35	.03
Floor layers; Floor finishers; Stationary power saw operator	7.94	.55	.65	.35	.03
Boomman	7.99	.55	.65	.35	.03
Millwrights; Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicator	7.24	.55	.40	.35	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$7.83	.45	.60		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion) San Juan, Skagit, Snohomish, and Whatcom Counties	8.18	.50	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	7.20	.40	.50		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.55	.35	1%+.40		.02
Cable Splicers	9.41	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	9.45	.25	1%+.40		.03
Cable Splicers	10.395	.25	1%+.40		.03
Clark, Klickitat and Skamania Cos.					
Electricians	9.60	.45	1%+.40		.02
Cable Splicers	10.35	.45	1%+.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Cowlitz and Wahkiakum Counties					
Electricians	$8.86	.25	1%	5%	.02
Cable Splicers	9.75	.25	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Cos					
Electricians	8.92	.45	1%+.45	.36	.04
Cable Splicers	9.81	.45	1%+.45	.36	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.93	.45	1%+.40		.01
Cable Splicers	9.82	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Farfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Elevator Constructors	8.975	.445	.29	3%+a	
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Wakima Cos.					
Elevator Constructors	9.275	.445	.29	3%+a	
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS: Adams (except that portion incl. The City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	$8.66	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam	7.79	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit Counties					
(South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	9.00	.45	.45		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		.02
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.10	.45	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion)	7.17	.55			
Skamania, and Wahkiakum Counties					
Clark, Cowlitz, Klickitat, Southern portion of Pacific, Skamania and Wahkiakum Counties	6.85	.60	.80		.07

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GLAZIERS: Adams (Northern Eastern half), Lincoln (Eastern half), Pend Oreille, Spokane, and Stevens Counties	$6.345	.25		.28	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	6.51	.25	.35	.40	.04
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (Western half) and Okanogan Cos.	6.57	.21	.15	.36	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		
IRONWORKERS: Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	9.15	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	8.90	.48	.80		.05
LATHERS: Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			.01
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd) Kittitas and Yakima Counties	$7.95	.31	.45		.02
Brush					
Spray; Steel; Roller 9" or 10' Handles; Drywall Tape; Steam Cleaning	8.20	.31	.45		.02
Swing Stage over 30' high	8.30	.31	.45		.02
Bituminastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	8.35	.31	.45		.02
PLASTERERS: Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.48	.40			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	6.80	.40			
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	8.41	.45	.70		.04
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.30	.50	.60		.01
Grays Harbor, King (City of Kent) Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
PLASTERERS' TENDERS: All Counties and portions of Counties East of the 120th Meridian	7.35	.45	.65		.02

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MASON TENDERS: Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers bricklayers, tile setters, marble setters, and terrazzo workers; topping out cement finishers and mortar mixers)	$6.85	.60	.80		.07
PAINTERS: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Brush	8.06	.25	.45		.01
Steel: Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	8.31	.25	.45		.01
Swing Stage work or high rate (over 30')	8.41	.25	.45		.01
Bituminastic; Sandblasting; Bridges; Tanks on legs; Tower; Stacks; Steeples	8.46	.25	.45		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Brush	7.77	.35	.45	.30	.03
Spray; High towers, ground to 100'	8.02	.35	.45	.30	.03
High work over 100'; High towers, ground to 300'	8.27	.35	.45	.30	.03
High towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Tapers	7.81	.40	.40	.50	.06
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.75	.40	.49		.02
Spray; Structural Steel; Bridge; Swing Stage; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	8.00	.40	.49		.02

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	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	$6.60	.30	.15		
Asotin, and Garfield Counties	7.45				.06
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties					
Roofers; Kettlemen; Water-proofers; Shinglers; Spraying	7.35	.20	.30		
Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties					
Roofers; Waterproofers	8.45	.30	.20		
Slate and Tile Roofers	8.70	.30	.20		
Clark and Skamania Counties					
Roofers	7.80	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		.10
Handling of irritating material (coal, tar or epoxy) in confined area	8.55	.45	.75		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.05	.32	.78	.50	
Clallam, Jefferson, Kitsap and Mason Counties	8.16	.37	.785	.47	.02
Cowlitz and Skamania Counties	7.73	.48	.34	.31	.02
Island, Lewis, Pacific, Grays Harbor, Thurston and Wahkiakum Counties					
King County	9.20	.37	.765	.47	.02
Island and Snohomish Counties	9.53	.47	.50		.02
Whatcom, Skagit and San Juan Cos.	7.90	.22	.40		.03
	8.56	.42	.785		.02

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	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Chellan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and south of 48°30' N. Lat.) Counties	$9.61	.58	.95	.75	.06
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Kittitas, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County Northward to the Canadian Border), Kittitas (south of 47° 15' N. Lat.), Lincoln (west of a line drawn from Schreg in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' N. Lat.) Counties	10.11	.33	.85	.62	.10
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schreg in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Cos.	9.60	.33	.85	.60	.10
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line.	9.37	.70	1.00		.08

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	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	$7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		.05
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	7.95	.35	.40		.05
Benton, Franklin, and Walla Walla Counties	7.53	.40	.50		.05
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	.07
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.75	.55	.35		.04
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	7.84	.35	.35	.25	
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			.25
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.	7.25	.50	.30		
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$6.68	.25	.25		
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	
Clallam, Island, Jefferson, Lewis San Juan, Skagit, and Whatcom Counties	7.62	.36	.60		.05
Clark, Cwotlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.485	.45	.45	c	.05
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Yakima and Kittitas Counties	7.02	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Cos	10.13	.50	.70		.07
Remaining Counties	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	7.95	.35	.40		
Benton, Franklin, and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40		.25
Clallam, Island, Jefferson, King, Kitsap, Skagit, (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.75	.55	.35		
Grant County and that portion of Adams County including the City of Othello	7.35	.40			

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*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1-year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%

LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.55	.40	.55		.02
Group 2	6.70	.40	.55		.02
Group 3	6.80	.40	.55		.02
Group 4	6.85	.40	.55		.02
Group 5	6.90	.40	.55		.02
Group 6	6.95	.40	.55		.02
Group 7	7.00	.40	.55		.02
Group 8	7.20	.40	.55		.02
Group 9:					
Class A	6.60	.40	.55		.02
Class B	6.65	.40	.55		.02
Class C	7.05	.40	.55		.02
Class D	7.10	.40	.55		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County)					
Group 1	6.85	.55	.65		.03
Group 2	6.95	.55	.65		.03
Group 3	7.00	.55	.65		.03
Group 4	7.05	.55	.65		.03
Group 5	7.10	.55	.65		.03
Group 6	7.15	.55	.65		.03
Group 7	7.20	.55	.65		.03
Group 8	6.90	.55	.65		.03
Group 9	6.95	.55	.65		.03
Group 10	7.05	.55	.65		.03
Group 11	7.15	.55	.65		.03
Group 12	7.20	.55	.65		.03
Group 13	7.30	.55	.65		.03
LABORERS (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)					
Group 1	6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07

LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.60	.55	.65		.03
Group 2	6.70	.55	.65		.03
Group 3	6.75	.55	.65		.03
Group 4	6.80	.55	.65		.03
Group 5	6.85	.55	.65		.03
Group 6	6.90	.55	.65		.03
Group 7	6.95	.55	.65		.03
Group 8:					
Class A	6.65	.55	.65		.03
Class B	6.70	.55	.65		.03
Class C	6.80	.55	.65		.03
Class D	6.90	.55	.65		.03
Class E	6.95	.55	.65		.03
Class F	7.05	.55	.65		.03

POWER EQUIPMENT OPERATORS (AREA 1) (All counties & portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	ZONE 1	ZONE 2	ZONE 3	H & W	Pensions	Vacation	App. Tr.
Group 1	$7.50	$8.00	$8.45	.65	.75		.03
Group 2	7.80	8.30	8.75	.65	.75		.03
Group 3	8.35	8.85	9.30	.65	.75		.03
Group 4	8.50	9.00	9.45	.65	.75		.03
Group 5	8.65	9.15	9.60	.65	.75		.03
Group 6	8.90	9.40	9.85	.65	.75		.03
Group 7	9.15	9.65	10.00	.65	.75		.03

*ZONE 1: Within a 15 mile radius from the City center of the following cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named cities.
*ZONE 3: Over a 45 mile radius from the center of the above named cities.

POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$8.32	.60	.65		.08
Group 2	8.42	.60	.65		.08
Group 3	8.53	.60	.65		.08
Group 4	8.58	.60	.65		.08
Group 5	8.60	.60	.65		.08
Group 6	8.65	.60	.65		.08
Group 7	8.66	.60	.65		.08
Group 8	8.70	.60	.65		.08
Group 9	8.72	.60	.65		.08
Group 10	8.85	.60	.65		.08
Group 11	8.88	.60	.65		.08
Group 12	8.91	.60	.65		.08
Group 13	8.96	.60	.65		.08
Group 14	8.98	.60	.65		.08
Group 15	9.00	.60	.65		.08
Group 16	9.03	.60	.65		.08
Group 17	9.06	.60	.65		.08
Group 18	9.10	.60	.65		.08
Group 19	9.17	.60	.65		.08
Group 20	9.18	.60	.65		.08
Group 21	9.23	.60	.65		.08
Group 22	9.28	.60	.65		.08
Group 23	9.50	.60	.65		.08
Group 24	9.54	.60	.65		.08
Group 25	9.59	.60	.65		.08
Group 26	9.67	.60	.65		.08
Group 27	9.89	.60	.65		.08
Group 28	10.09	.60	.65		.08
Group 29	10.20	.60	.65		.08
Group 30	10.22	.60	.65		.08
Group 31	10.50	.60	.65		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DREDGING (AREA 2) (Cont'd)					
(All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern Portion of Pacific County) and all of Kittitas and Yakima Counties					
Group 4	$8.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 3)					
(Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	8.40	.55	.85	.35	.05
Group 1A	9.06	.55	.85	.35	.05
Group 2	8.04	.55	.85	.35	.05
Group 3	7.80	.55	.85	.35	.05
Group 4	7.54	.55	.85	.35	.05
TRUCK DRIVERS (AREA 1)					
(All Counties and portions of Counties East of the 120th Meridian)					
Group 1	7.35	.72	.65		
Group 2	7.40	.72	.65		
Group 3	7.45	.72	.65		
Group 4	7.55	.72	.65		
Group 5	7.65	.72	.65		
Group 6	7.70	.72	.65		
Group 7	7.75	.72	.65		
Group 8	7.80	.72	.65		
Group 9	7.90	.72	.65		
Group 10	7.95	.72	.65		
Group 11	8.15	.72	.65		
Group 12	8.30	.72	.65		
Group 13	8.45	.72	.65		
Group 14	8.60	.72	.65		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (AREA 3)					
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	$7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING)					
(All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07
Group 4	7.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 2)					
(All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07

NOTICES

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (AREA 2)					
(All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	$7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.54	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
TRUCK DRIVERS (AREA 3)					
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

WA75-5006 P. 20

LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include cleap-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of wag markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Snake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher; Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

NOTICES

LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3" inch piston or larger and out-of-the-hole drills with 4! inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman, Faller and Bucker; hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vib-

Vibrators, Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shot-crete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brusher Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Change-house man or Dry Shack Man; Choker Setters; Clean Up Laborers; Concrete Laborers; Crusher Feeders; Culvert, hand labor; Curing, concrete; Demolition, Wrecking, and Moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading Spotters; Material yard man (including electrical); Pittsburgh Chipper Operator or similar types; Powderman Helper; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Skipmen; Signalmen; Slopers, Spraymen; Stake Chaser-Stake Setter-Grade Checker; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman-Crusher (aggregate when used)

LABORERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same); applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker Splicer; Clery Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete rock, etc.): Concrete Power Buggy-man; Demolition and wrecking cherred materials; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or mixers of all materials of an irritating nature (including cement and lime); Manhole Builders; Power Tool Operator, includes but not limited to: Chipping Guns, Dry Pack Machine, Jackhammer, Paving Breakers, Post Hole Digger, (air, gas, or electric); Tampers, Vibrating Screed, Vibrators (less than 4" in diameter); Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Sewer Timbermen; Timber Buckers and Fallers, Brush Cutters (power saw); Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (under - ground)

Group 3: Asphalt Rakers; Bit Grinder ; Concrete Saw Operator; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Gunite Nozzleman; High Scalers, Strippers and Drills (covers work in swinging stages, chairs, or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping), Powdermen; Power Saw Operators (bucking and falling merchantable logs); Pumpcrete Nozzlemen; Sandblasting (dry); Sewer Pipe Layers; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator, Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster, Welder; Laser Beam (pipe Laying)

Group 4: Tunnel Miners; Tunnel Powderman; Laser Beam (Tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, Faller and Bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Faller and Bucker (hand); Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Power Buggy Tampers (multiple and self-propelled)

LABORERS (AREA 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more-gas, deisel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-porpelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Elevating Belt-type Loader (Euclid, Barber Green, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollermen (finishing Pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead end front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (Heavy Duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, and Concrete and pump crete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarpids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case, and similar type 60 h.p. and under)

Group 18: Dull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while cleering and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons end under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead end front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpiller, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scarpers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmermen, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 30: Cranes (Crawler, Truck type, Floating, Locomotive, Whirley, either 5 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant Conveyor Operator; Crusher Feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts Man (tool room); Pump (under 4 inches); Railroad Equipment (Brakeman and Switch Man); Self-propelled Scaffolding Operator (on job site)

Group 2: Auger Oiler; Blade Operator (pulled type); Combination Guardrail Machines Oiler; Crane (Truck crane oiler - driver 25 ton capacity or over; and Fireman, all equipment; and A-Frame Truck, single drum; and Tugger or Coffin type Hoist); Drill Helper; Floating Equipment Boatman; Fork Lift or Lumber Stacker Operator (on construction job site); Grade Checker; Grade Oiler (required to check grade); Helicopter Radioman (ground); Repairman Helper (H.D.); Roller Operator (grading of base rock - not asphalt); Shovel Fireman; Tar Pot Fireman (including power agitated); Temporary Heating Plant Operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom Operator (self-propelled - on construction job site); Compressor Operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor Operator, Mixer Box - CTB, Dry Batch, etc., Cement Hog, Concrete Saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork Lift (Ross Carrier, on construction job site); Hydraulic Pipe Press Operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad Equipment (Motorman and Ballast Jack Tamper); Seeder Machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping Machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Asphalt Screed Operator; Compactor (self-propelled - including Vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete Screed Operator; Concrete Mixer (single drum under five bag capacity); Floating Equipment Fireman; Fork Lift (over 5 tons); Helicopter Hoist Operator; Hydra Hammer or similar; Locomotive (under 40 tons); Lull Hi-lift Operator; Oiler (service, greaser); Pavement Breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt Extrusion Machine; Chip Spreading Machine; Compactor (Wagner Pactor or similar type - without blade); Concrete Batch Plant quality control; Concrete (Power Jumbo Operator - Setting Slip Forms etc., in tunnels); Concrete (Slip Form Pumps - power driven Hydraulic Lifting Device for concrete forms); Crane (Hoist - single drum and Elevator Operator); Lime Spreading Machine; Pulva Mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor Operator (Rubber-tired 50 h.p. flywheel and under); Trenching Machine (maximum digging capacity 3 feet depth)

Group 6: Asphalt Paver; Asphalt Burner and Reconditioner (any type); Concrete Pavement Grinder and/or Grooving Machine Operator (riding type); Concrete (Cast-in-place Pipe Laying Machine and Maginnis Internal Full Slab Vibrator Operator); Concrete Finishing Machine (Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type); Concrete Curb Machine (mechanical berm, curb and/or gutter); Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Finishing Machine; Concrete Spreader; Loaders (rubber-tired, 2½ cu. yards and under); Rock Spreaders, self-propelled

Group 7: Asphalt Plant Operator (any type); Asphalt Roller Operator (any mix); Beltcrete Operator; Concrete, Cement Pump (Fuller-Kenyon and similar); Concrete Grouting Machine; Concrete Mixer (single drum, five bag capacity and over); Crane (A-frame Truck double drum, and Boom Truck); Drill (Churn drill and Earth boring machine); Hydraulic Backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating Grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad Equipment (Ballast regulator, Ballast Tamper multi-purpose, Track Liner, Tie Spacer, Shuttle Car, Locomotive - 40 ton and over)

Group 8: Concrete Batch Plant and/or Wet Mix Operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment generator, shovel, dragline, clamshell, backhoe, skooper, etc.); Generator Operator; Loader (belt loaders, Kolman and Ko Cal types)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 9: Boring Machine; Bulldozer; Clearing Equipment (including Log Skidders, Chippers, Incinerators, and Stump Splitters); Compactor, with blade; Concrete Cooling Machine; Cranes (Chicago Boom and similar types, Lift Slab Machine, Boom type Lifting Device - 5 ton capacity or less, and Cherry Picker or similar type crane - Hoist - 5 ton capacity or less); Crusher Plant Operator; Drill Cat; Drill Doctor (including Bit Grinder); Grizzley Operator; Guardrail Punch Operator; Guardrail Auger Operator; Hammer Operator; Heater and Planer Operator (surface); Hydraulic Backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine Tool; Mechanic (H.D.); Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Side-boom Cats; Stationary Drag Scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching Machine (maximum digging capacity over 3 feet depth)

Group 10: Barge Operator (self-unloading); Bulldozer (twin engine-TC 12 and similar); Cable-plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired-Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack Operator (elevating barges)

Group 11: Concrete Mixer Mobile Operator; Concrete Breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail Machine Combination (i.e., Puncher, Auger, etc.); Mucking Machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade Operator; Concrete Batch Plant and/or Wet Mix (3 or more units); Hoist Operator (two or more drums); Loader (elevating - Athey and similar type); Piledriver Operator (not crane type); Reinforced Tank Banding Machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper; and Self-loading, Paddle wheel, Auger type; and Twin engine; and Scraper with push-pull attachments); Shield Operator (tunnel)

Group 13: Backfilling Machine; Blade Operator, finish; Blade Operator (externally controlled by electronic, mechanical hydraulic means); Blade Operator (multi-engine); Cableway (up to 25 tons); Concrete Paving Road Mixer; Crane (over 25 ton to and including 40 ton); Derrick (under 100 tons); Floating Equipment Piledriver; Floating Clamshell (under 3 cu. yds.); Floating Crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (Stiffleg, Guy Derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock Hound Operator

Group 16: Auto Grader or "Trimmer" Operator; Bulldozer (Tandem, Quad-nine and similar type); Cableway (25 tons and over); Concrete Slip Form Paver (automatic); Concrete Canal Line Operator; Crane (over 40 tons and including 100 tons); Floating Clamshell (3 cu. yds. and over); Floating Crane (Derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with Tandem Scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator (under 750 cu. yds. per hour); Whirley (80 tons and under)

Group 17: Canal Trimmer; Crane (over 100 tons to and including, 200 tons); Floating Crane (Derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

Group 18: Band Wagons (in conjunction with wheel excavator; Crane (over 200 tons); Floating Crane (150 tons but less than 250 tons); Wheel Excavator (over 705 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating Crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1 and 2)
(DREDGING)

Group Descriptions for Areas 1 and 2 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS(AREA 3)
(DREDGING)

Group Descriptions for Area 3 Covering Statewide Washington

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate.

Group 3: Tenderman (Boatman, attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit Mixers and trucks hauling concrete (over 3 yds. to 6 yds.); Water tank truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material; Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water Wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittites and Yakima Counties

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Loubed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tiremen (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle carrier (used in loading, unloading and transporting or materials on job site); Oil Distributor Driver or Leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

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TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: Over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

WY75-5011 P. 2

SUPERSEDEAS DECISION

STATE: Wyoming
DECISION NUMBER: WY75-5011
Supersedes Decision No. AQ-1078 dated February 8, 1974, 39 FR 5163
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters	$ 6.08				
Cement Masons	6.04				
Ironworkers, structural	5.25				
Ironworkers, reinforcing	4.18				
Painters, brush and spray	5.18				
LINE CONSTRUCTION:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic control- ling, street and highway lighting					
Cable Splicer	7.55	.25	1%		
Linemen	6.86	.25	1%		
Equipment Operator	6.28	.25	1%		
Groundmen	5.18	.25	1%		
All work 34.5 KV and under					
Lineman	6.63	.25	1%		
Line Equipment Operator	5.76	.25	1%		
Grnundman	5.12	.25	1%		

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1					
Airman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer (incl. the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right of way marker; Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe layers helper (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irriga- tion (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor- man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$ 4.09	3/4%	3/4%	3/4%	
GROUP 2					
Asphalt raker and tamper; Bin wall installer; Bituminous curb builder	4.19	3/4%	3/4%	3/4%	
Cement mason or finisher, helper and tender, Chuck tender; Form setter (paving); Hand operated vibrator operator; Handgunite; Mor- tar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type con- crete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete					

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LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 3					
Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker, Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker	$ 4.34				
GROUP 4					
Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting	4.59				
GROUP 5 - TUNNEL & UNDERGROUND WORK					
Brakeman; Swamper; Vibrator man	4.57				
Bull gang, Dumpman; Mucker; Trackman	4.41				
Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers	4.84				
Nipper; Chucktender, Topman; Toplander	4.68				

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.51	.19	.30		.01
Group 2	5.56	.19	.30		.01
Group 3	5.61	.19	.30		.01
Group 4	5.65	.19	.30		.01
Group 5	5.68	.19	.30		.01
Group 6	5.73	.19	.30		.01
Group 7	5.77	.19	.30		.01
Group 8	5.79	.19	.30		.01
Group 9	5.90	.19	.30		.01
Group 10	5.96	.19	.30		.01
Group 11	5.98	.19	.30		.01
Group 12	6.16	.19	.30		.01
Group 13	6.25	.19	.30		.01
Group 14	6.27	.19	.30		.01
Group 15	6.33	.19	.30		.01
Group 16	6.50	.19	.30		.01
Group 17	6.84	.19	.30		.01

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helpers; Crusher Oiler; Oiler, Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (Welder or Heavy Duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (Farm, Crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1-1/2 cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, Well Points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or plant operator, Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1-1/2 cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operatur (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3-1/2 yards, all attachments;

POWER EQUIPMENT OPERATORS

Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachment shall not include disking, pulling or rollers, and similar unskilled actions), Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman, Mechanics, Machine Doctors, Welders and Helpers; Heavy duty mechanic machine doctor

Group 15: Cableway Operators; Mixer Dual Drum, Cranes, (Whirley, Gantry, Stiffleg, overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, All Truck Mounted Cranes, (manufacturer's rating) 3-1/2 yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

WV75-5011 F.R.

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd)					
GROUP 10 OVER 3600 gals. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	$ 4.74				
GROUP 11 OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 15 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.64				
GROUP 12 DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.54				
GROUP 13 DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Oang; Single axle type truck, Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Firemen, Servicemen and helpers	4.39				
GROUP 14 PILOT CAR DRIVERS; Pick-up	4.34				

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DECISION NO. WV75-3009

	HEAVY		HIGHWAY			
	Basic Hourly Rates	Fringe Benefits Payments	Basic Hourly Rates	Fringe Benefits Payments		
		H & W		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS	$ 7.96	.25	7.79	.25			
ZONE 1	7.48		7.29				
ZONE 2							

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wint & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
ZONE 1					
Wiremen	$ 9.55	.30	1$+.07	.27	.04
Cable splicers	10.51	.30	1$+.07	.27	.04
ZONE 2					
Contracts $15,000 or less:					
Wiremen	5.95	.30	1$+.12	.52	.04
Cable splicers	6.25	.30	1$+.12	.52	.04
Contracts over $15,000:					
Wiremen	8.85	.30	1$+.12	.52	.04
Cable splicers	9.45	.30	1$+.12	.52	.04
ZONE 3					
Wiremen	8.25	.30	1$	1.02	.03
Cable splicers	9.075	.30	1$	1.02	.03
ZONE 4					
Wiremen	8.80	.30	1$+.17	.69+a	.04
Cable splicers	9.05	.30	1$+.17	.69+a	.04
ZONE 5					
Wiremen	10.00	5%	6%	8%	1/5of1%
Cable splicers	10.40	5%	6%	8%	1/5of1%
ZONE 6					
Contracts under $9,000:					
Wiremen	4.90	.30	1$+.37	1.02	.02
Contracts $9,000 or more:					
Wiremen	8.25	.30	1$+.37	1.02	.02
Cable splicers	8.40	.30	1$+.37	1.02	.02

SUPERSEDEAS DECISION

STATE: West Virginia
DECISION NO.: WV75-3009
Supersedes Decision No. AQ-2086, dated March 29, 1974, in 39 FR 11838.
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTY: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS & STONEMASONS:					
ZONE 1	$ 8.50	.50	.75		
ZONE 2	8.25	.30	.30	.30	
ZONE 3	8.55	.50	4%	6%	.02
ZONE 4	9.03	.35			
ZONE 5	8.65	.35	.25		
ZONE 6	9.15	.40			
ZONE 7	9.83		.20		
ZONE 8	8.30	.45			
ZONE 9	8.24	.40			

AREAS COVERED BY BRICKLAYERS ZONE

ZONE 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Putnam, Raleigh & Summers Counties.
ZONE 2 - Doddridge, Gilmer, Harrien, Lewis, Taylor & Upshur Counties.
ZONE 3 - Marshall, Ohio, Tyler & Wetzel Counties.
ZONE 4 - Brooke, Hancock Counties.
ZONE 5 - Monongalia & Preston Counties.
ZONE 6 - Marion County.
ZONE 7 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
ZONE 8 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
ZONE 9 - Hampshire & Mineral Counties.

	HEAVY		HIGHWAY			
	Basic Hourly Rates	Fringe Benefits Payments	Basic Hourly Rates	Fringe Benefits Payments		
		H & W		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:	$ 7.72	.25	7.56	.25			
ZONE 1	6.97	.25	6.80	.25			
ZONE 2							

AREA COVERED BY CARPENTERS ZONE

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
ZONE 1	$ 9.35	.55	.55	5%	.05
ZONE 2	8.95	.60	.50		.03
ZONE 3	8.89	.55	.85		.01
ZONE 4					
AREA 1 - 10 mile from Union Hall	9.66	.55	.55		.01
AREA 2 - 10-15 mile from Union Hall	9.81	.55	.55		.01
AREA 3 - 15-20 mile from Union Hall	9.91	.55	.55		.01
AREA 4 - 20-25 mile from Union Hall	10.01	.55	.55		.01
ZONE 5	8.67	.50	.50		
ZONE 6	8.15	.50	.55		.03

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
ZONE 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties.
ZONE 4 - Cabell, Mingo & Wayne Counties.
ZONE 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties.
ZONE 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

	HEAVY Basic Hourly Rates	HEAVY Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	HIGHWAY Basic Hourly Rates	HIGHWAY Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:										
ZONE 1										
GROUP 1	$ 7.18	.25	.25		.03	7.01	.25	.25		.03
GROUP 2	6.77	.25	.25		.03	6.60	.25	.25		.03
GROUP 3	6.45	.25	.25		.03	6.29	.25	.25		.03
GROUP 4	6.14	.25	.25		.03	5.96	.25	.25		.03
GROUP 5	5.89	.25	.25		.03	5.72	.25	.25		.03
GROUP 6	5.39	.25	.25		.03	5.28	.25	.25		.03

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 7					
Wiremen	$ 8.40	.30	1$+.77	1.02	.04
Cable splicers	8.65	.30	1$+.77	1.02	.04
ZONE 8	8.89				
Wiremen	8.90	.30	1$+.32	1.02	.04
Cable splicers	9.79	.30	1$+.32	1.02	.04
ZONE 9					
Wiremen	9.35	.30	1$+.32	1.02	.04
Cable splicers	10.28	.30	1$+.32	1.02	.04
ZONE 10					
Wiremen	9.10	.30	1$+.32	1.02	.04
Cable splicers	10.01	.30	1$+.32	1.02	.04
ZONE 11					
Wiremen	8.85	.30	1$		1$
Cable splicers	9.10	.30	1$		1$
ZONE 12					
Wiremen	9.00	.30	1$		1$
Cable splicers	9.30	.30	1$		1$
ZONE 13					
Wiremen	9.25	.30	1$		1$
Cable splicers	9.50	.30	1$		1$
ZONE 14					
Wiremen	7.19	.30	1$		½ of 1$
Cable splicers	7.59	.30	1$		½ of 1$

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Boone, Braxton, Calhoun, Clay, Fayette (Falls & Kanawha Townships only), Gilmer, Kanawha, Nicholas, Putnam, Raleigh (Clear Fork & Marsh Fork Townships only), Roane & Webster Counties.
ZONE 2 - Barbour, Berkeley, Boone (remainder of county), Raleigh (remainder of county), Summers & Wyoming Counties.
ZONE 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshure Counties.
ZONE 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.
ZONE 5 - Brooke (except Buffalo Twp) & Hancock Counties.
ZONE 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
ZONE 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 8 - Cabell & Wayne Counties.
ZONE 9 - Logan, Mason & Mingo Counties.
ZONE 10 - Lincoln County.
ZONE 11 - Mineral County.
ZONE 12 - Berkeley, Hampshire & Morgan Counties.
ZONE 13 - Grant County.
ZONE 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Linemen & Operators (all mechanized equipment)	$ 9.06	.30	1$+.17	1.02	
Cable Splicers	9.37	.30	1$+.17	1.02	
Groundmen	7.25	.30	1$+.17	1.02	
ZONE 2					
Linemen & Operators (all mechanized equipment)	8.85	.30	1$+.12	.52	
Cable Splicers	9.45	.30	1$+.12	.52	
Groundmen	7.08	.30	1$+.12	.52	
ZONE 3					
Linemen & Operators (all mechanized equipment)	8.40	.30	1$+.77	1.02	
Cable Splicers	9.24	.30	1$+.77	1.02	
Groundmen	6.72	.30	1$+.77	1.02	
ZONE 4					
Linemen & Operators (all mechanized equipment)	8.25	.30	1$	1.02	
Cable Splicers	9.075	.30	1$	1.02	
Groundmen	6.60	.30	1$	1.02	
ZONE 5					
Linemen & Operators (all mechanized equipment	8.80	.30	1$+.17	.69+a	
Cable Splicers	9.05	.30	1$+.17	.69+a	
Groundmen	7.04	.30	1$+.17	.69+a	
ZONE 6					
Linemen & Operators (all mechanized equipment)	10.00	5%	6%	6%	1/of1%
Cable Splicers	10.40	5%	6%	6%	1/of1%
Groundmen	6.50	5%	6%	6%	1/of1%
ZONE 7					
Linemen & Operators (all mechanized equipment)	8.25	.30	1$+.37	1.02	
Cable Splicers	9.075	.30	1$+.37	1.02	
Groundmen	6.60	.30	1$+.37	1.02	

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DECISION NO. W75-3009

	HEAVY Basic Hourly Rates	HEAVY Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	HIGHWAY Basic Hourly Rates	HIGHWAY Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 2										
GROUP 1	$ 7.08	.25	.25		.03	6.93	.25	.25		.03
GROUP 2	6.66	.25	.25		.03	6.53	.25	.25		.03
GROUP 3	6.36	.25	.25		.03	6.18	.25	.25		.03
GROUP 4	6.03	.25	.25		.03	5.88	.25	.25		.03
GROUP 5	5.79	.25	.25		.03	5.53	.25	.25		.03
GROUP 6	5.29	.25	.25		.03	5.04	.25	.25		.03

CLASSIFICATION DEFINITIONS
LABORERS ZONES 1 & 2

GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner.
GROUP 2 - Powderman, Mucker-Chucker.
GROUP 3 - Caisson bottom man, Pipe Layer (including Inner Beam Set-up), Form setter (road), Drill Operator and Inside Laborer.
GROUP 4 - Airtool Operator, Vibrator Man, Whacker, Chainsaw Operator, Mortarman, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Helper, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Ballfloat Man, Pavement Reinforcing Placer, Handyman, Signal Man, Asphalt Raker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Blower Man.
GROUP 5 - Laborer, Deckhand Mulcher and Seeder (hand or machine), Trees Trimmer, Flagman.
GROUP 6 - Watchman

AREA COVERED BY LABORERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wint & Wyoming Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 8					
Linemen	$ 8.85	.30	1%		1%
Equipment Operator	8.45	.30	1%		1%
Truck Driver, Groundman	5.83	.30	1%		1%
ZONE 9					
Linemen	9.05	.30	1%		1%
Equipment Operator	8.65	.30	1%		1%
Truck Driver, Groundman	6.03	.30	1%		1%
ZONE 10					
Linemen	9.25	.30	1%		1%
Equipment Operator	8.85	.30	1%		1%
Truck Driver, Groundman	6.23	.30	1%		1%
ZONE 11					
Linemen, Cable Splicers, Equipment Operators	10.21	.25	1%		½ of 1%
Truck with winch, pole or steel hauling	7.46	.25	1%		½ of 1%
Groundman	7.20	.25	1%		½ of 1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Boone, Braxton, Cabell, Calhoun, Clay, Gilmer, Kanawha, Lincoln Logan, Mason, Mingo, Nicholas, Putnam, Roane, Wayne & Webster Counties.
ZONE 2 - Fayette, Raleigh, Summers & Wyoming Counties.
ZONE 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
ZONE 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties.
ZONE 6 - Brooke (except Buffalo Twp.) & Hancock Counties.
ZONE 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
ZONE 8 - Mineral County.
ZONE 9 - Berkeley, Hampshire & Morgan Counties.
ZONE 10 - Grant County.
ZONE 11 - Pendleton County.

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	NEW	REPAINT	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
PAINTERS:						
ZONE 1						
Brush	$ 6.78	6.175				
Air Compressor Operator	6.785	6.16				
Roller, Spray, Dipping & Mitten Work	7.075	6.46				
Water blasters, Steam jenny nozzle men, swinging scaffold & Boatswain chair, window belt & window jack work	7.56	7.10				
Brush painters on bridges needle beam, cable work power tool work, brush & flame cleaning	7.92	7.46				
Sand blaster	8.225	7.74				
All stacks, vent pipes, flag poles, in excess of 30' high, all towers, water towers, elevated tanks, electrical switch yards, transformer banks, television towers	9.10	8.63				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2					
Brush-Roller	$ 7.25				
Power cleaning tools, banging & preparing scaffolding	7.75				
Spray, sandblasting, Mittens, structural steel, materials emitting toxic vapors	8.75				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
Painters	$ 7.40				
Structural steel after erection, swing work	7.75				
Bridge painting	8.15				
Spray painters, sand blasters	8.40				
Towers, tanks & stacks	8.65				
ZONE 4					
New Construction:					
Brush	7.27		.20		.01
Roller	7.53		.20		.01
Spray & Blast, Pot-Men	8.29		.20		.01
Repaint Work					
Brush	5.85		.20		.01
Roller	6.13		.20		.01
Spray-Pot-Men	8.29		.20		.01
Bridge					
Brush	7.97		.20		.01
Roller	8.22		.20		.01
Spray, Blast, Glove	8.97		.20		.01
Open structural steel	7.62		.20		.01
Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high	8.22		.20		.01
ZONE 5					
Painters	6.27	.20	.25		.02
Painters on towers, smoke stacks, flagpoles, bridges & tanks	7.95	.20	.25		.02
ZONE 6					
Brush	5.92	.30			.01
Spray	6.92	.30			.01
Structural steel	7.00	.30			.01
Towers & tanks over 35'	8.24	.30			.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 7					
Brush	$ 5.20	.30	.20		
Roller	5.45	.30	.20		
Spray	5.90	.30	.20		
ZONE 8					
Light Work:					
Brush, rollers, sign painting	8.10		.25		
Brush & rollers (toxic materials)	8.60		.25		
Spray, sand blasting and use of flame burning & power tools	9.10		.25		
Spray (toxic materials)	9.60		.25		
Heavy & Hazardous Work:					
Brush & sign painting	9.10		.25		
Brush (toxic materials)	9.60		.25		
Spray, rollers, sand blasting & use of flame burning and power tools	10.10		.25		
Spray & roller (toxic materials)	10.60		.25		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.
ZONE 2 - Monongalia & Preston Counties.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
ZONE 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
ZONE 5 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
ZONE 6 - Brooke, (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 7 - Brooke (remainder of county) & Hancock Counties.
ZONE 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
AREA 3 - 15 to 25 mi from the Courthouse	$ 9.82	.40	.60		.02
AREA 4 - Over 25 mi from the Courthouse	10.07	.40	.60		.02
ZONE 8					
Contracts $75,000 or less	5.28	.15	.30	.25	.04
Contracts over $75,000	7.35	.15	.30	.25	.04
ZONE 9					
Contracts under $25,000	7.32	.40	.50	a	
Contracts $25,000 or more	8.42	.40	.50	a	

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 2 - Braxton (remainder of county) & Lincoln Counties.
ZONE 3 - Barbour, Braxton (northeast portion including the Town of Sutton), Doddridge, Gilmer, Hardy, Harrison, Lewis, Marion, Pendleton, Randolph, Upshur, Webster (northeast portion including the Town of Volga) & Wyoming Counties.
ZONE 4 - Grant, Hampshire, Mineral, Monongalia, Preston & Tucker Counties.
ZONE 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Ritchie, Roane (northern portion to but not including the Town of Spencer), Tyler, Wirt & Wood Counties.
ZONE 6 - Boone (northeast portion including the Towns of Madison & Whitesville), Braxton (remainder of county), Clay, Fayette, Greenbrier, Jackson (remainder of county), Kanawha, Nicholas, Pocahontas, Putnam, Roane (remainder of county), Summers & Webster (remainder of county) Counties.
ZONE 7 - Boone (remainder of county), Cabell, Lincoln, Logan, McDowell, Mason, Mingo, Wayne & Wyoming Counties.
ZONE 8 - Mercer, Monroe & Raleigh Counties.
ZONE 9 - Berkeley Counties.

	HEAVY	HIGHWAY
	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS:		
GROUP 1	$ 8.48	8.34
GROUP 2	7.68	7.51
GROUP 3	6.94	6.77
GROUP 4	6.70	6.53
GROUP 5	6.37	6.88
GROUP 7	7.26	7.10

Fringe Benefits Payments: H & W .25; Pensions .35; Vacation -; App. Tr. .04

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	HEAVY Basic Hourly Rates	HIGHWAY Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PILEDRIVERS:						
ZONE 1	$ 8.05	7.88	.25	.25		.02
ZONE 2	7.30	7.14	.25	.25		.02

AREA COVERED BY PILEDRIVERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1	$ 8.55	.35	5%	10%	.04
ZONE 2	9.51	.40	6%	9%	.05
ZONE 3	8.13	.25	.30	10%	.04
ZONE 4	8.38	.35	.50	10%	.04
ZONE 5*	8.90	.35	3%		
ZONE 6					
Plumbers	9.02	.15	.30		.05
Steamfitters	9.32	.30	.15		.05
ZONE 7					
AREA 1 - within 8 mi radius of Cabell Co. Courthouse	9.42	.40	.60		.02
AREA 2 - 8 to 15 mi from the Courthouse	9.62	.40	.60		.02

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CLASSIFICATION DEFINITIONS TRUCK DRIVERS ZONES - 1 & 2

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up.
GROUP 2 - Single axle trucks used as dump, supply, fuel, water, van, flatbody, monorail, distributor, (other than bituminous distributors), and including towed single units-material checkers, material receivers, Team 4-Up, greasers, tiremen and mechanic helpers (trucks).
GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van flatbody, monorail and including towed single units, truck tractors used in combination with flatbody, van, pole, pipe, logging and similar trailers, mixer trucks (up to and including 5 c.y.).
GROUP 4 - Rubber tired tractors (towing or pushing).
GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.), off highway near dump - 23 tons to 40 tons - mucker trucker.
GROUP 6 - Agitator or mixer trucks (over 20 c.y.), off highway near dump 40 tons to 75 tons.
GROUP 7 - "A" frame operator.
GROUP 8 - Mechanics (truck), off highway near dump - over 75 tons.

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.
b. Employers contribute $41.16 per month per employee employed 30 days or more.
c. Employers contribute $34.67 per month per employee employed 30 days or more.

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DECISION NO WV75-3009

CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

GROUP 1 - Equipment with booms of 150 and/or capacity of 3 yards and over, or 50 tons or over, front end loader with capacity of 4 yards and over, capacities to be based on manufacturer's specifications, transloader.
GROUP 2 - Cable way, crane, derrick (2 drums or more), mechanic (heavy), finer line, (grade, grade), hoist (2 drums or more), mucker (heavy), piler (2 or more drums), pile driver, shovel, side boom tractor, cone drill operator trencher, (20" or over), truck crane, back hoe, hi-lift (1½ cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard gauge locomotive, tug boat, concrete pump, controlled fine grade machine.
GROUP 3 - bulldozer, derrick (single drum), hi-lift (under 1½ cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier, "A" frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, and horizontal road boring machine.
GROUP 4 - Concrete mixer (single drum), one cubic yard or over, fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self-propelled power concrete spreader, sub-grader, power form handling equipment, burlap and curing machine, concrete finishing machine, form grader, power installed joint machine.
GROUP 5 - High pressure fireman and tireman.
GROUP 6 - Air compressor, concrete mixer (under 1 cubic yard), conveyor, belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor, joint sealer and pump.
GROUP 7 - Group 6 operators operating up to 5 pieces of utility equipment.

	HEAVY Basic Hourly Rates	HIGHWAY Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:						
ZONE 1						
GROUP 1	$ 6.19	5.95	b	c		
GROUP 2	6.34	6.11	b	c		
GROUP 3	6.60	6.34	b	c		
GROUP 4	6.95	6.71	b	c		
GROUP 5	7.02	6.77	b	c		
GROUP 6	7.19	6.96	b	c		
GROUP 7	7.36	7.02	b	c		
GROUP 8	7.42	7.19	b	c		
ZONE 2						
GROUP 1	5.94	5.77	b	c		
GROUP 2	6.11	5.94	b	c		
GROUP 3	6.34	6.18	b	c		
GROUP 4	6.68	6.52	b	c		
GROUP 5	6.75	6.66	b	c		
GROUP 6	6.95	6.76	b	c		
GROUP 7	7.19	7.00	b	c		
GROUP 8	7.19	7.00	b	c		

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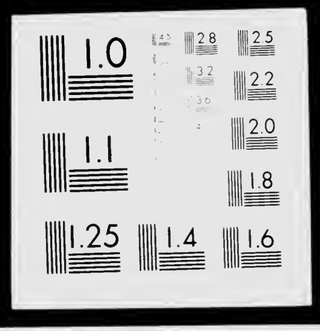
(Revised as of October 1, 1974)

Title 46—Shipping (Parts 150–165)	$3.70
Title 49—Transportation (Parts 100–199)	7.20
Title 50—Wildlife and Fisheries	3.80

[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.